

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83149**

This is to certify that: EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343
AND
SHIRLEY HRUZA
PO BOX 66
MINIDOKA, ID 83343-0066

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-2270	WR/DECREED	10/7/1954	1.860 cfs	372.0 af	93.0	170.0	GROUND WATER
36-8290	WR/LICENSE	6/24/1985	1.880 cfs	428.0 af	107.0	277.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-2270	NO	YES	YES	NO	NO	NO
36-8290	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-2270	36-2270	1.860 cfs	372.0 af	93.0	200.0	N/A	N/A	N/A	N/A	N/A
36-8290	36-8290	1.880 cfs	428.0 af	107.0	200.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.340 cfs	800.0 af	200.0	200.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 18th day of June, 2019.


Southern Region Manager

SUPPORT DATA

Transfer No. 83149

IN FILE # 36-2270

WATER RIGHT NO. 36-8290

As Modified by Transfer No. 83149

In accordance with the approval of Transfer No. 83149, Water Right No. 36-8290 is now described as follows:

Right Holder: EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343
AND
SHIRLEY HRUZA
PO BOX 66
MINIDOKA, ID 83343-0066

Priority Date: 6/24/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.880 cfs	428.0 af
			1.880 cfs	428.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNESW Sec 5 Twp 08S Rge 26E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	26E	5			20					22	29	36	38	22		15			182
08S	26E	8					6.0	12.0											18.0

Right Acre Limit: 107.0

POU Total Acres: 200.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 107 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2270 and 36-8290 when combined shall not exceed a total diversion rate of 3.34 cfs, a total annual maximum diversion volume of 800 af at the field headgate, and the irrigation of 200 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 83149

WATER RIGHT NO. 36-8290

As Modified by Transfer No. 83149

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. Prior to the diversion and use of water under Transfer approval 83149, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, -02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018, and 36-02026.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-2270

As Modified by Transfer No. 83149

In accordance with the approval of Transfer No. 83149, Water Right No. 36-2270 is now described as follows:

Right Holder: EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343
AND
SHIRLEY HRUZA
PO BOX 66
MINIDOKA, ID 83343-0066

Priority Date: 10/7/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	1.860 cfs	372.0 af
			1.860 cfs	372.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNESW Sec 5 Twp 08S Rge 26E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	26E	5			20					22	29	36	38	22		15			182
08S	26E	8					6.0	12.0											18.0

Right Acre Limit: 93.0

POU Total Acres: 200.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 93 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2270 and 36-8290 when combined shall not exceed a total diversion rate of 3.34 cfs, a total annual maximum diversion volume of 800 af at the field headgate, and the irrigation of 200 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 83149

WATER RIGHT NO. 36-2270

As Modified by Transfer No. 83149

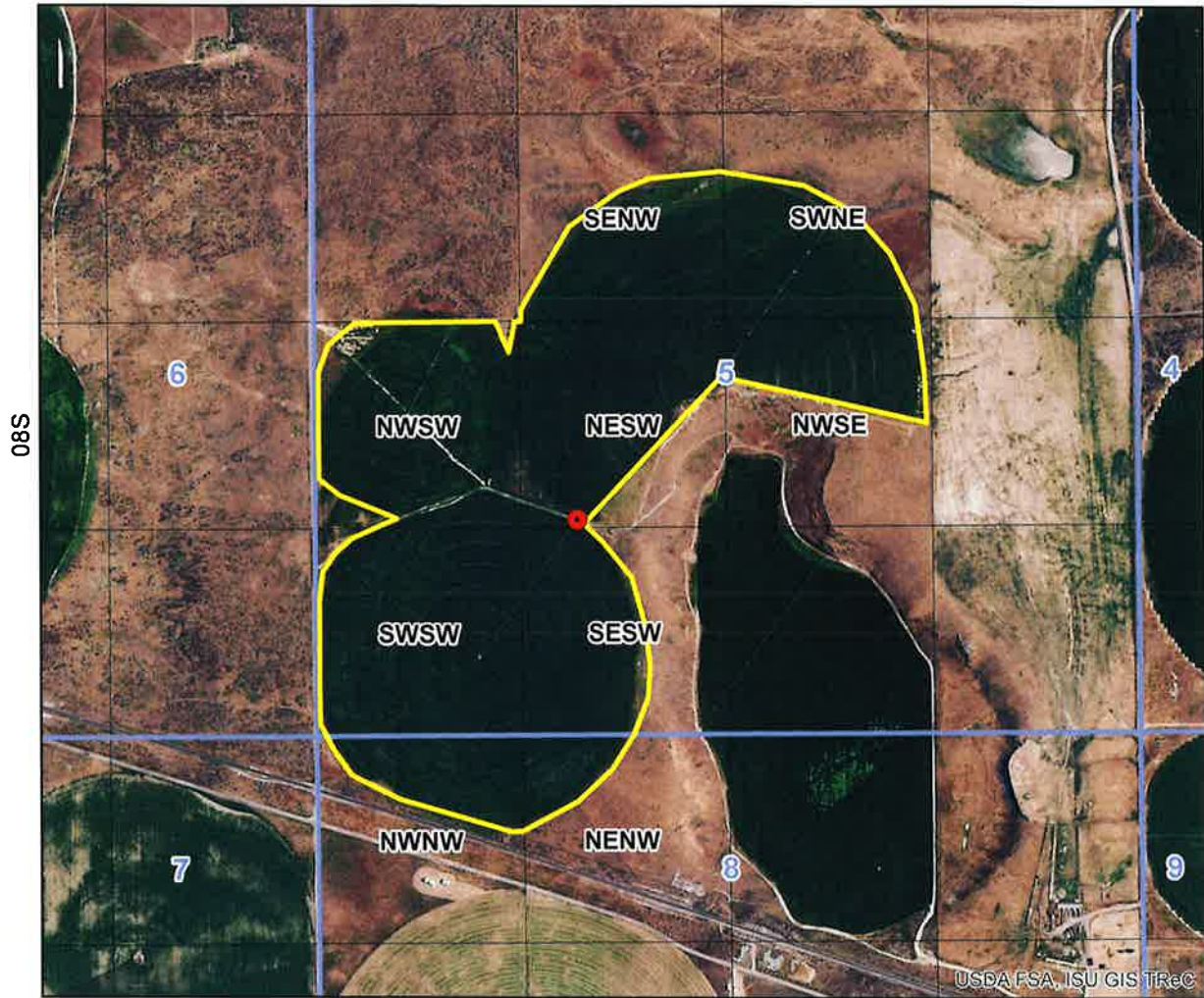
CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. Prior to the diversion and use of water under Transfer approval 83149, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 83149
36-2270 & 36-8290

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

26E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles



RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 83149**APR 22 2019****MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERDEPT OF WATER RESOURCES
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) EUGENE HRUZA AND SHIRLEY HRUZA**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant EUGENE HRUZA Phone (208) 431-4474

Mailing Address PO BOX 66, MINIDOKA ID 83343 Email _____

Name of Applicant SHIRLEY HRUZA Phone (208) 531-5543

Mailing Address PO BOX 66, MINIDOKA ID 83343-0066 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Eugene Hruza Eugene Hruza 4-19-19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Shirley Hruza Shirley Hruza 4-19-19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	36-2270	Yes	Yes	Yes	No	No	No
	36-8290	No	Yes	Yes	No	No	No

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APR 22 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Transfer proposes to update the point of diversion and place of use for right 36-8290 and the unchanged portion of right 36-2270 described in companion transfer 83148. The transfers aim to separate the farm into two systems. The rights in this transfer will be associated with the well in the SWNESW of Sec 5, Twp 8S, Rge 26E. A 200 acre permissible place of use is proposed for the two rights to reflect current farming practices. Lastly, transfer proposes to update the ownership of right 36-8290.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-8290	1.880 cfs	428.0 af	107.0	200.0		N/A	N/A	N/A	N/A
36-17157	1.860 cfs	372.0 af	93.0	200.0	36-2270	1.540 cfs	308.0 af	77.0	170.0
COMBINED TOTALS	3.340 cfs	800.0 af	200.0	200.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 3.34 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 36-8290

Current Water Right Owner

EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343

AND

SHIRLEY HRUZA
PO BOX 66
MINIDOKA, ID 83343-0066

Priority Date: 6/24/1985

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.880 CFS	428.0 AFA	
Total Diversion			1.880 CFS	428.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWNESW

Sec. 5 Twp 08S Rge 26E BLAINE County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	26E	5			20					22	29	36	38	22		15			182
08S	26E	8					6.0	12.0											18.0

Right Acre Limit: 107.0

POU Total Acres: 200.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes**

Original Water Right No. 36-2270

Current Water Right Owner

EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343

OR

SHIRLEY HRUZA
PO BOX 66
MINIDOKA, ID 83343-0066

Priority Date: 10/7/1954

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	1.540 CFS	308.0 AFA	
Total Diversion			1.540 CFS	308.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNESW	Sec. 5 Twp 08S Rge 26E BLAINE County
GROUND WATER	NESESW	Sec. 5 Twp 08S Rge 26E BLAINE County

Describe the proposed diversion system

TWO WELLS WITH TURBINE PUMPS

TWO WELLS WITH TURBINE PUMPS

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	26E	5			10.0						25.0	21.0	20.0	7.0		6.0	30.0		119.0
08S	26E	8		35.0			6.0	10.0											51.0

Right Acre Limit: 77.0

POU Total Acres: 170.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 36-17157

(Original Water Right No. 36-2270)

Current Water Right Owner

EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343

AND

SHIRLEY HRUZA
PO BOX 66
MINIDOKA, ID 83343-0066

Priority Date: 10/7/1954

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	1.860 CFS	372.0 AFA	
Total Diversion			1.860 CFS	372.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWNESW

Sec. 5 Twp 08S Rge 26E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	26E	5			20.0					22.0	29.0	36.0	38.0	22.0		15.0			182.0
08S	26E	8					6.0	12.0											18.0

Right Acre Limit: 93.0

POU Total Acres: 200.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
Well to irrigation system. Measuring device and lockable works installed.

- b. Who owns the property at the point(s) of diversion

Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: FHA - mortgage

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Place of use change reflects current irrigation practices.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

n/a

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently leased to the Water Supply Bank,

☐☒

currently used in a mitigation plan limiting the use of water under the right, or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 36-8290

Current Water Right Owner
EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343

Priority Date: 6/24/1985

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.880 CFS	428.0 AFA	
Total Diversion			1.880 CFS	428.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNESW	Sec. 5 Twp 08S Rge 26E	BLAINE County
GROUND WATER	NESESW	Sec. 5 Twp 08S Rge 26E	BLAINE County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	26E	5			19.0					20.0	33.0	36.0	39.0	28.0		19.0	31.0		225.0
08S	26E	8		35.0			6.0	11.0											52.0

Right Acre Limit: 107.0

POU Total Acres: 277.0

Conditions/Remarks:

1. This right is limited to the irrigation of 107 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2270 and 36-8290 when combined shall not exceed a total diversion rate of 4.88 cfs, a total annual maximum diversion volume of 1108 af at the field headgate, and the irrigation of 277 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, -02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018, and 36-02026.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 36-2270

Current Water Right Owner

EUGENE HRUZA
PO BOX 66
MINIDOKA, ID 83343

OR

SHIRLEY HRUZA
PO BOX 66
MINIDOKA, ID 83343-0066

Priority Date: 10/7/1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	3.400 CFS	
Total Diversion			3.400 CFS	680.0 AFA

Source and Point(s) of Diversion:

GROUND WATER	SWNESW	Sec. 5 Twp 08S Rge 26E	BLAINE County
GROUND WATER	NESESW	Sec. 5 Twp 08S Rge 26E	BLAINE County

Describe the proposed diversion system

TWO WELLS WITH TURBINE PUMPS
TWO WELLS WITH TURBINE PUMPS

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	26E	5			10.0						25.0	21.0	20.0	7.0		6.0	30.0		119.0
08S	26E	8		35.0			6.0	10.0											51.0

POU Total Acres: 170.0

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible][illegible]

Transfer No. 83149

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.;

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's part of a bound notebook.

Transfer Contains 11 pages and attachments.
 Received By Date 4-22-2019 Prelim. Check By Date
 Fee Paid \$605- Date 4-22-2019 Received By dm Receipt # S037282
 Add'l Fee Paid Date Received By Receipt #

WARRANTY DEED

For Value Received

MAX CASPERSON and CHARLENE CASPERSON, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

EUGENE HRUZA and SHIRLEY MAE HRUZA, husband and wife

whose address is: Box 95, Minidoka, Idaho

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho, to-wit:

Township 8 South, Range 26, East, B.M., Blaine County, Idaho.

Section 8: All that part of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ lying North of the Union Pacific Railroad.

Section 5: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

Together with all water, water rights, wells, pumps appurtenant thereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 28, 1973

Max Casperson
Max Casperson

Charlene Casperson
Charlene Casperson

STATE OF Idaho, COUNTY OF Blaine

On this 29th day of November, 1973, before me, a notary public in and for said State, personally appeared

Max Casperson and Charlene Casperson, husband and wife

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Lucian Mayford
Notary Public

Residing at Boise, Idaho
Comm. Expires 3-2-76

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at the request of Sawtooth Title Co.

at 10 minutes past 11 o'clock A. m.,
this 30 day of Nov.,
1973, in my office, and duly recorded in Book
of Deeds at page

Marie Sue
Ex-Officio Recorder

By Marilyn Lewis Deputy.
Fees \$ 10.00
Mail to: SAWTOOTH TITLE CO.

TRANSFER 83149



United States Department of Agriculture

Farm
Production
and
Conservation

Farm
Service
Agency

Minidoka County
98C S 200 W
Rupert, ID 83350
Ph: (208)436-4777
Fax: 855-504-7771

May 14, 2019

Idaho Department of Water Resources
650 Addison Ave W Ste. 500
Twin Falls, ID 83301

RECEIVED

MAY 14 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

To Whom It May Concern:

Eugene Hruza has informed us that he is requesting the transfer of water rights on ground that lists USDA Farm Service Agency as a lien holder.

It is our understanding that the transfer will not affect the number of irrigable acres on either piece. Therefore, we will allow the transfer of these shares as per the IDWR Application for Transfer of Water Right numbers 83148 and 83149.

Please let this letter stand as evidence of our concurrence.

Sincerely,


April Bryngelson
Farm Loan Manager

USDA is an equal opportunity provider and employer.

TRANSFER 83149

Application for Transfer 83149 - Attachment 7a



Legend

- Current POD
- 36-2270 Current POU
- 36-8290 Current POU
- Proposed POD
- Proposed POU
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 0.3 0.4 Miles

TRANSFER 83149



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 20, 2019

EUGENE HRUZA
SHIRLEY HRUZA
PO BOX 66
MINIDOKA ID 83343-0066

Re: Transfer No: 83148
Water Right No(s): 36-2270

Re: Transfer No: 83149
Water Right No(s): 36-2270, 36-8290

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83148

Water Right No(s): 36-2270

Re: Transfer No: 83149

Water Right No(s): 36-2270, 36-8290

EUGENE HRUZA
SHIRLEY HRUZA
PO BOX 66
MINIDOKA ID 83343-0066

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

A handwritten signature in blue ink, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: June 14, 2019
To: Transfer 83149
From: Allison Inouye
Re: Evaluation of Sufficiency of Information Submitted

Transfer 83149 is the second of two companion applications for transfer that were filed simultaneously. This application proposes to modify the 1.86 cfs / 93 acre portion of ground water right 36-2270 that was unchanged in Transfer 83148 as well as water right 36-8290. The owner of the rights wishes to separate the farm into two distinct systems. Both rights will retain one of the two current points of diversion (the portion of 36-2270 modified in Transfer 83148 will retain the other point of diversion). The application proposes to create a 200 acre PPU within which the rights can be used. The POD and POU are located approximately 2 – 2.5 miles east of Minidoka. The POD and POU are located within Water District 130. Watermaster comments were solicited and the watermaster did not oppose approval of the transfer.

- **Authority to File**

The application is filed in the name of Eugene & Shirley Hruza. Eugene & Shirley are identified as the current owners of water right 36-2270 per IDWR records. Eugene Hruza is listed as the current owner of right 36-8290. The applicants provided deeds indicating their joint ownership of the land at the proposed place of use and paid the ownership change fee to add Shirley Hruza as a current owner to right 36-8290. A letter of authorization from the USDA Farm Service Agency, who is a lienholder on the property, has also been included with the application.

- **Water Right Validity**

Water right 36-2270 was decreed in the SRBA in 1997. Right 36-8290 was licensed in 2012. A review of aerial imagery and WMIS records for the past 5 years indicate that the property involved with the transfer has been irrigated.

- **Injury to Other Water Rights**

None anticipated. The transfer proposes to drop one POD and the POU change involves creating a PPU on contiguous lands, so no hydrologic change is expected that would affect other water rights.

- **Enlargement of Use**

None anticipated. The water rights will remain subject to Water District 130 measurement requirements.

- **Local Public Interest**

No issues anticipated.

- **Beneficial Use/Conservation of Water Resources**

Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area**

None anticipated.

- **Effect on the Agricultural Base of the Local Area**

None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 83149
Water Right No: 36-2270, etc.
Applicant Name: EUGENE & SHIRLEY HRUZA

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: May 31, 2019

Water District 130



Nathan Erickson, Watermaster



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 28, 2019

WATER DISTRICT #130 *via hand delivery*
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

RE: Transfer No. 83148
Water Right No(s): 36-2270

RE: Transfer No. 83149
Water Right No(s): 36-2270, 36-8290

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: May 23, 2019
To: Transfer 83149
From: Allison Inouye
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. The transfer proposes to split off a portion of an irrigation water right and drop one point of diversion and modify a portion of the POU to lands contiguous to the original POU. In addition, the application proposes to drop a POD and create a PPU for another irrigation water right and this change would also involve lands contiguous to the original POU. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: May 23, 2019
To: Transfer 83149
From: Allison Inouye
Re: Filing Fee

The filing fee for this transfer is based on the total amount of water being transferred, 1.98 cfs, as well as an ownership change fee. The application proposes to drop one point of diversion from both rights, which does not require filing a transfer so there is no fee associated with that. The fee was calculated based on the proportion of the place of use that is proposed to change. For water right 36-2270, the transfer proposes to split off a 1.86 cfs / 93 acre portion and create a 200 acre ppu. For water right 36-8290, the application proposes to change 7 acres out of the 107 acre limit, which equates to a proportion of 6.5%. 6.5% of the diversion rate is 0.12 cfs. Thus, the total cfs proposed to be transferred is $1.86 + 0.12 = 1.98$ cfs. The transfer fee schedule indicates that the filing fee is \$580 for a transfer involving 1.00 – 2.00 cfs. In addition, the applicant submitted \$25 for the ownership change fee for a total of \$605. (Receipt No. S037282)

Inouye, Allison

From: Bryngelson, April - FSA, Rupert, ID <april.bryngelson@usda.gov>
Sent: Tuesday, May 14, 2019 4:32 PM
To: Inouye, Allison
Subject: E. Hruza Letter
Attachments: Scanned from a Xerox multifunction device.pdf

Allison,

Attached is a letter verifying FSA's concurrence with the water share transfers (83149 & 83148) submitted by Eugene Hruza.

Please contact me if you have any questions.

April Bryngelson
Farm Loan Manager
USDA Farm Service Agency
98C S 200 W
Rupert, ID 83350
Phone: 208 436-4777 x116
Fax: 855 504-7771

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 26, 2019

EUGENE & SHIRLEY HRUZA
PO BOX 66
MINIDOKA ID 83343

RE: Applications for transfer 83148 & 83149

Dear Mr. & Mrs. Hruza:

On April 22, 2019 our office received two Applications for Transfer of Water Right involving water rights 36-2270 and 36-8290. After a review of the applications, there is one item that needs to be addressed before we can process the applications:

- On both applications under Section 5 - General Information, part (c) asks if there are any liens, mortgages, etc. on the lands from which the water is proposed to be transferred. The answer provided indicates that there is a mortgage on the property through FHA, but the required statement from FHA agreeing to the proposed changes was not included with the transfer applications. This can be provided as a notarized statement or a statement on official letterhead signed by an authorized representative.

Processing of the applications will not proceed until we receive the requested consent letters. Please supply the above requested information by May 27, 2019, or the Department will return your Applications for Transfer and initiate a refund of the filing fees. If you have any questions, feel free to contact me.

Sincerely,

Allison Inouye
Water Resource Agent