

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83094**

This is to certify that: **NANCY L MILLER**
3620 29TH ST
SAN DIEGO, CA 92104

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>
37-21830	WR/DECREED	5/1/1888	4.670 cfs	N/A	N/A	129.0	WILLOW CREEK
37-21832	WR/DECREED	6/10/1900	1.500 cfs	N/A	N/A	129.0	WILLOW CREEK

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>
37-21830	NO	NO	YES	NO	NO	NO
37-21832	NO	NO	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>
37-21830	37-21830	4.670 cfs	N/A	N/A	129.0	N/A	N/A	N/A	N/A	N/A
37-21832	37-21832	1.500 cfs	N/A	N/A	129.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.170 cfs	N/A	N/A	129.0		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 19th day of June, 2019.



Southern Region Manager

SUPPORT DATA
IN FILE # 37-21830

Transfer No. 83094

WATER RIGHT NO. 37-21830

As Modified by Transfer No. 83094

In accordance with the approval of Transfer No. 83094, Water Right No. 37-21830 is now described as follows:

Right Holder: NANCY L MILLER
3620 29TH ST
SAN DIEGO, CA 92104

Priority Date: 5/1/1888

Source: WILLOW CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
4.670 cfs
4.670 cfs

LOCATION OF POINT(S) OF DIVERSION

WILLOW CREEK SWSESW Sec 3 Twp 01S Rge 16E CAMAS 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	
01S	16E	10		17	37		32	5.3	8.7	29									129.0

POU Total Acres: 129.0

CONDITIONS OF APPROVAL

1. Rights 37-21830 and 37-21832 when combined shall not exceed the irrigation of 129 acres.
2. 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. 37B.
3. 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).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83094

WATER RIGHT NO. 37-21830
As Modified by Transfer No. 83094

CONDITIONS OF APPROVAL

7. 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.



WATER RIGHT NO. 37-21832

As Modified by Transfer No. 83094

In accordance with the approval of Transfer No. 83094, Water Right No. 37-21832 is now described as follows:

Right Holder: NANCY L MILLER
3620 29TH ST
SAN DIEGO, CA 92104

Priority Date: 6/10/1900

Source: WILLOW CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE
IRRIGATION

From 04/15 **to** 10/31

Diversion Rate
1.500 cfs
1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

WILLOW CREEK SWSESW Sec 3 Twp 01S Rge 16E CAMAS 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	
01S	16E	10		17	37		32	5.3	8.7	29									129.0

POU Total Acres: 129.0

CONDITIONS OF APPROVAL

1. Rights 37-21830 and 37-21832 when combined shall not exceed the irrigation of 129 acres.
2. 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. 37B.
3. 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).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83094

WATER RIGHT NO. 37-21832

As Modified by Transfer No. 83094

CONDITIONS OF APPROVAL

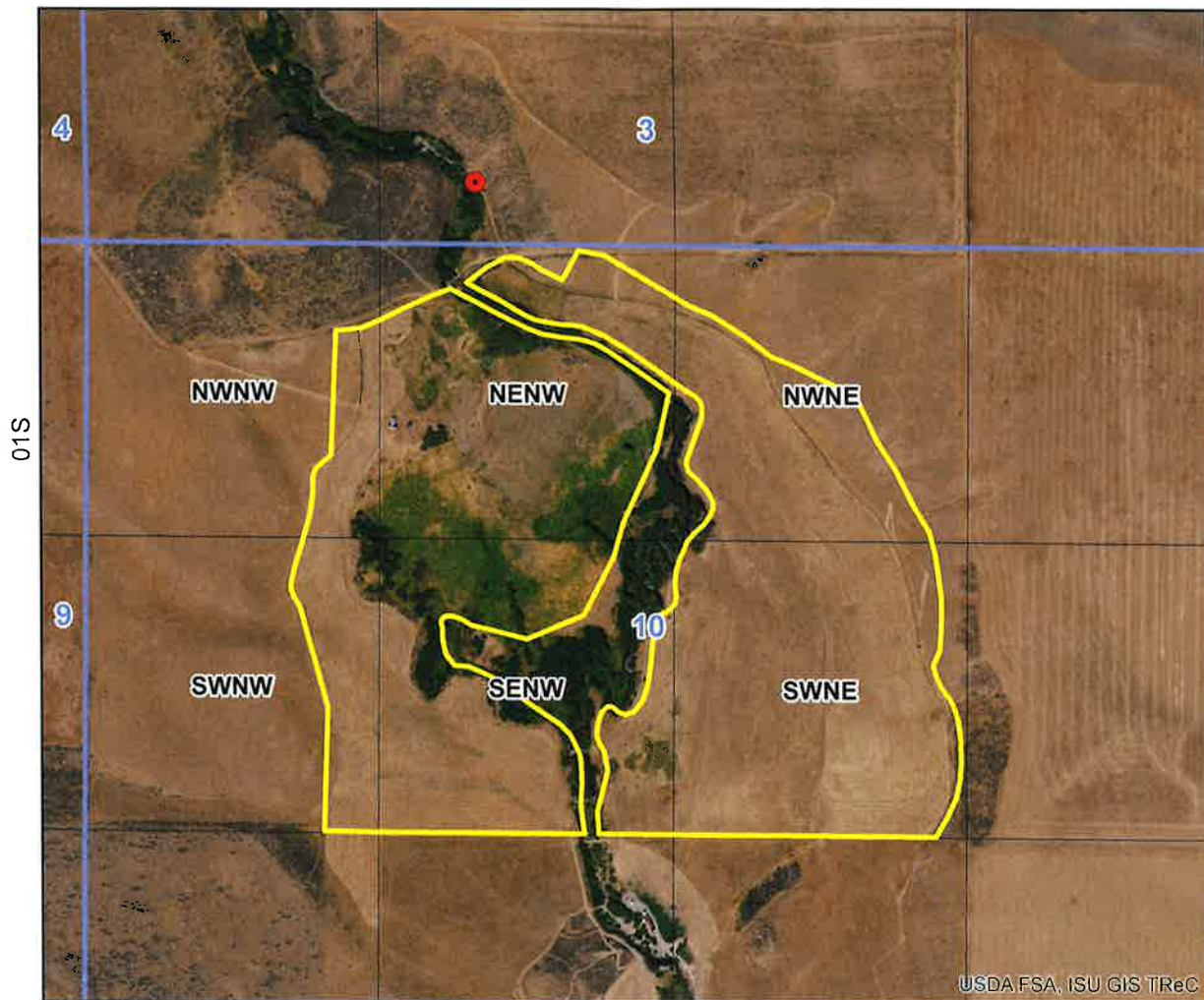
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Tranfer # 83094
37-21830 & 37-21832

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.

16E



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

0 0.1 0.2 0.4 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83094
RECEIVED
MAY 22 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) NANCY L MILLER

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: _____

MAY 22 2019

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant NANCY L MILLER Phone _____
 Mailing Address 3620 29TH ST, SAN DIEGO CA 92104 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.

 Nancy L. Miller 3/30/19
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

 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
37-21830	No	No	No	Yes	No	No	No
37-21832	No	No	No	Yes	No	No	No

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**

Application filed to change the place of use to reflect proposed system modifications.

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
37-21830	4.670 cfs	N/A	N/A	129.0		N/A	N/A	N/A	N/A
37-21832	1.500 cfs	N/A	N/A	129.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

6.170 cfs	N/A	N/A	129.0	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 6.17 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.

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

Proposed Water Right No. 37-21830

Current Water Right Owner
NANCY L MILLER
3620 29TH ST
SAN DIEGO, CA 92104

Priority Date: 5/1/1888

Origin: Water Right

Basis: Decreed

Status Active

Source: WILLOW CREEK **Tributary:** CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	4.670 CFS	
Total Diversion			4.670 CFS	

Source and Point(s) of Diversion:
WILLOW CREEK SWSESW Sec. 3 Twp 01S Rge 16E CAMAS 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	
01S	16E	10		17	37		32	5.3	8.7	29									129.0

POU Total Acres: 129.0

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

Proposed Water Right No. 37-21832

Current Water Right Owner
NANCY L MILLER
3620 29TH ST
SAN DIEGO, CA 92104

Priority Date: 6/10/1900

Origin: Water Right

Basis: Decreed

Status Active

Source: WILLOW CREEK **Tributary:** CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	1.500 CFS	
Total Diversion			1.500 CFS	

Source and Point(s) of Diversion:
WILLOW CREEK SWSESW Sec. 3 Twp 01S Rge 16E CAMAS 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	
01S	16E	10		17	37		32	5.3	8.7	29									129.0

POU Total Acres: 129.0

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
Diversion from Willow Creek and measuring device(s) to be installed per Water District 37B requirements.

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

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: Columbia Bank

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:
Land will no longer be irrigated.

- 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. 37-21830

Current Water Right Owner

NANCY L MILLER
3620 29TH ST
SAN DIEGO, CA 92104

Priority Date: 5/1/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: WILLOW CREEK **Tributary:** CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	4.670 CFS	
Total Diversion			4.670 CFS	

Source and Point(s) of Diversion:

WILLOW CREEK SWSESW Sec. 3 Twp 01S Rge 16E CAMAS 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	
01S	16E	10		14.0	36.0		32.0	4.0	9.0	34.0									129.0

POU Total Acres: 129.0

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.
3. The rights listed below are limited to the irrigation of a combined total of 129 acres in a single irrigation season. Combined Right Nos.: 37-21830 and 37-21832.

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

Current Water Right No. 37-21832

Current Water Right Owner
NANCY L MILLER
3620 29TH ST
SAN DIEGO, CA 92104

Priority Date: 6/10/1900

Origin: Water Right

Basis: Decreed

Status: Active

Source: WILLOW CREEK **Tributary:** CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	1.500 CFS	
Total Diversion			1.500 CFS	

Source and Point(s) of Diversion:
WILLOW CREEK SWSESW Sec. 3 Twp 01S Rge 16E CAMAS 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	
01S	16E	10		14.0	36.0		32.0	4.0	9.0	34.0									129.0

POU Total Acres: 129.0

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.
3. The rights listed below are limited to the irrigation of a combined total of 129 acres in a single irrigation season. Combined Right Nos.: 37-21830 and 37-21832.

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.:

Transfer Contains 9 pages and _____ attachments.
Received By DM Date 5-22-2019 Prelim. Check By _____ Date _____
Fee Paid \$500- Date 5-22-2019 Received By DM Receipt # 5037338
Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Transfer 83094

Attachment 7A Proposed Place of Use



Legend

- POD
- Proposed POU
- Township/Range
- Sections
- QQ



0 0.125 0.25 0.5 Miles



RECEIVED

MAY 22 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

April 19, 2019

Nancy L Miller
3620 29th St
San Diego, CA 92104

Re: Department of Water Resources Water Right Utilization Transfer

Dear Ms. Miller,

Columbia State Bank acknowledges your desire to move the usage of the agriculture water rights 37-21830 and 37-21832 used on your farm to a different location. As long as the water is being used for agricultural irrigation purposes and said use lies within Township 1 South, Range 16 East of the Boise Meridian, Camas County, Idaho in Section 10: NW ¼, and/or the W1/2NE1/4, Columbia State Bank approves your request.

We would like to thank you for allowing Columbia Bank to assist you with our financial products and services. If you have any questions, please do not hesitate to contact us.

Sincerely,

Richard Craddock
VP, Commercial Banking Officer

State of Idaho

County of Twin Falls

On this 19th day of April, 2019, before me, John A Albright a notary public for the State of Idaho, personally appeared Richard Craddock known or identified to me (or proved to me on the oath of _____) to be the person named in the foregoing instrument, and acknowledged to me that he/she executed the same as his/her free act and deed, for the uses and purposes therein mentioned.

TRANSFER 83094

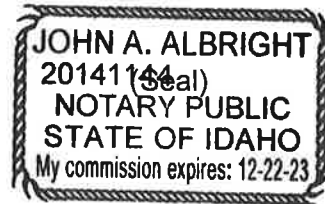
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in the certificate first above written.



Signature of Notary Public

John A Albright

Printed Name of Notary Public



Commission Expiration Date: 12/22/2023



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

NANCY L MILLER
3620 29TH ST
SAN DIEGO CA 92104

Re: Transfer No: 83094
Water Right No(s): 37-21830, 37-21832

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 37B
RUSTY KRAMER
246B S HWY 46
FAIRFIELD ID 83327

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.: 83094

Water Right No(s): 37-21830, 37-21832

NANCY L MILLER
3620 29TH ST
SAN DIEGO CA 92104

WATER DISTRICT 37B
RUSTY KRAMER
246B S HWY 46
FAIRFIELD ID 83327



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 83094
From: Allison Inouye
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to modify a 5.3 acre portion of the place of use (POU) of Willow Creek water rights 37-21830 and 37-21832 which authorize the diversion of 6.17 cfs for irrigation of 129 acres. The proposed change aims to align the water right POU with a proposed irrigation system change. The POD and POU are located approximately 12 – 12.5 miles east and 0.5 – 1 mile north of Fairfield. The POD and POU are located within Water District 37B. 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 Nancy Miller, the current owner of the water rights being transferred per IDWR records. A letter of authorization from Columbia Bank, who is a lien holder on the property, has also been included with the application.
- **Water Right Validity**
Water rights 37-21830 & 37-21832 were decreed in the SRBA in 2010. A review of watermaster records indicate water was delivered in 2016 and 2017.
- **Injury to Other Water Rights**
None anticipated. There is no proposed change to the POD and the POU change involves moving acreage onto contiguous lands, so no hydrologic change is expected that would affect other water rights.
- **Enlargement of Use**
None anticipated. The rights will remain limited to 129 acres when combined and will be subject to Water District 37B 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
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

JUN 06 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 83094

Water Right No(s): 37-21830, 37-21832

Transfer Applicant's Name: NANCY L MILLER
3620 29TH ST
SAN DIEGO CA 92104

Water master's Recommendation:

a) ☐ I do not oppose approval of this application.

b) ☒ I do not oppose approval of this application if it is conditioned as follows:

Workable measuring device needs installed. Current one is not working. already talked to manager (Steve Miller) about this.

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional comments:

Dated this 3rd day of June, 2019

Water District No. 37B

Rusty Kramer

Water master's Signature

Rusty Kramer

Printed Name



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

May 28, 2019

WATER DISTRICT #37B
RUSTY KRAMER
246B S HWY 46
FAIRFIELD ID 83327

RE: Transfer No. 83094
Water Right No(s). 37-21830, 37-21832

Dear Rusty:

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 28, 2019
To: Transfer 83094
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 move a portion of the POU to lands contiguous to the original POU. No changes are proposed for the POD. 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 28, 2019
To: Transfer 83094
From: Allison Inouye
Re: Filing Fee

The filing fee for this transfer is based on the proportional amount of water being transferred. The application proposes to modify 5.3 acres of the 129 acre place of use. Applying this same proportion (4.1%) to the total diversion rate for both rights results in 0.25 cfs being transferred ($5.3 / 129 * 6.17$ cfs). The transfer fee schedule indicates that the filing fee is \$500 for a transfer involving 0.21-1.00 cfs. (Receipt No. S037338)