

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 10 2019

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

WATER RESOURCES
WESTERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.0.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Calvin Low and Susie Low Phone 208-834-23842. **MAILING ADDRESS** 21101 Oreana Loop Rd City MurphyState ID Zip 83650 Email callow@wildblue.net

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 57-104, 57-116, 57-120, 57-127, 57-149, 57-2104, 57-89, 57-95Note, right 57-89 lists an incorrect pod for the lower diversion, which is proposed for change to the correct location.

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 3.08 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		SE	NW	NE	3	5S	1E	Owyhee	Castle Creek	Lower Diversion
N		SE	SE	SW	3	5S	1E	Owyhee	Castle Creek	Upper Diversion
Y			SE	SE	34	4S	1E	Owyhee	Castle Creek	Proposed Diversion

6. 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:

Headgates for current pods, pump for proposed pod, pipeline, ditches, flood irrigation and sprinklers. Measuring devices and lockable controlling works will be accommodated upon Department request.

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

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

ALD Low
Signature of applicant or authorized agent

ALD Low OWNER 5/6/19
Print name and title if applicable Date

Susan Low
Signature of applicant or authorized agent

Susan Low OWNER 5-6-19
Print name and title if applicable Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by KT Date 5/10/19

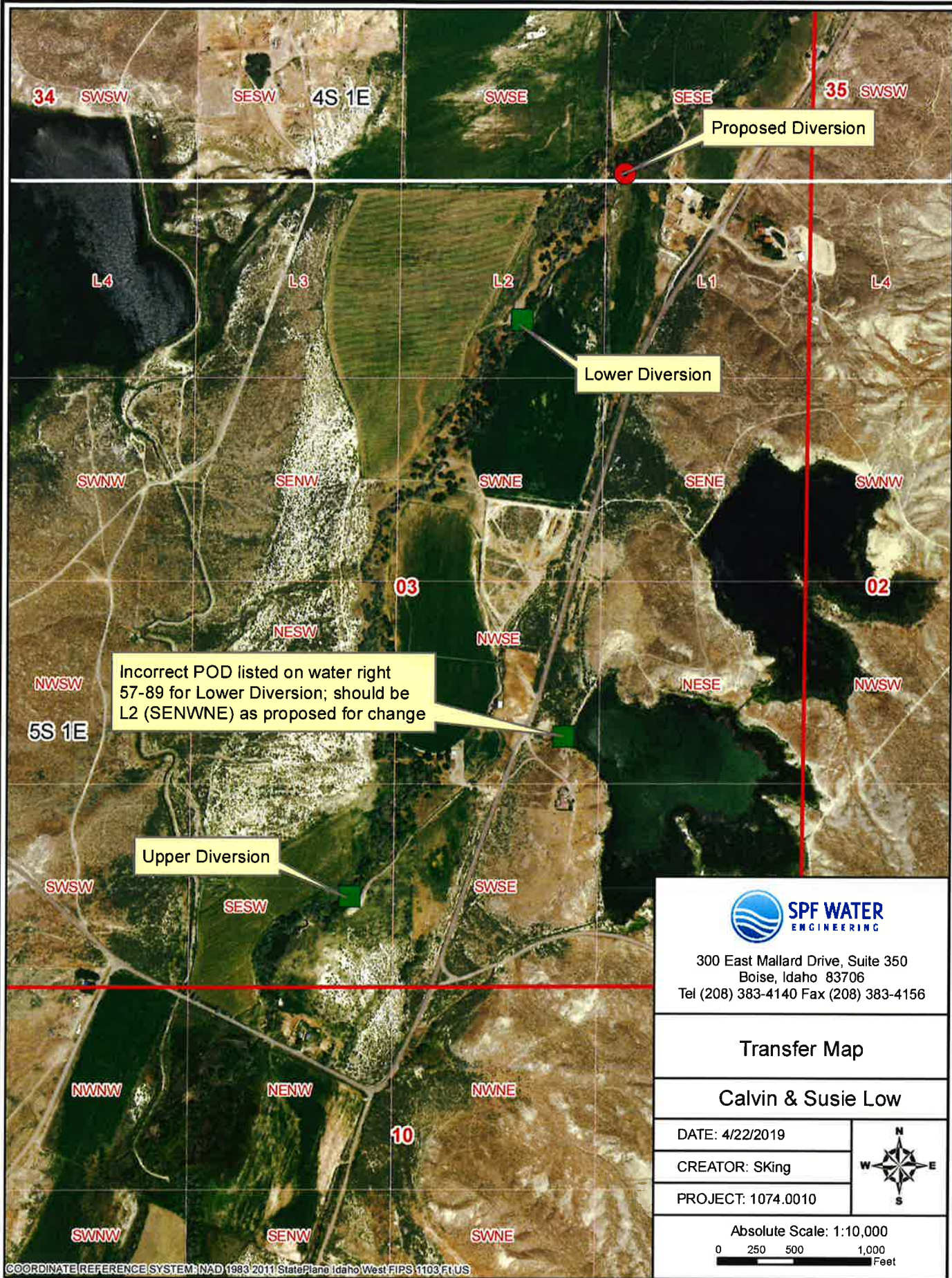
Fee paid 740⁰⁰ Date 5/10/19 Received by KT Receipt # W047393

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Path: S:\PROJECTS\Irru L Projects\L Projects\Low_10740010_Castle Creek\PROJECT\GIS\ArcMap_Projects\YFR Map.mxd



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Map

Calvin & Susie Low

DATE: 4/22/2019

CREATOR: SKing

PROJECT: 1074.0010



Absolute Scale: 1:10,000

0 250 500 1,000
Feet

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

Current Water Right No.: 57-89

Current Owner: SUSIE F LOW
CALVIN D LOW

Priority Date: 4/1/1874

Origin: Water Right

Status: Active

Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER

4/01 to 10/15

0.07 CFS

IRRIGATION

4/01 to 10/15

0.24 CFS

Total Diversion

0.24 CFS

Location of Point(s) of Diversion

CASTLE CREEK

L2(SE1/4NW1/4SE1/4)

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

CASTLE CREEK

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	Lot 1 NENE	12.00

Total Acres: 145

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. C18 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.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00095, 57-00104, 57-00116, 57-00120 57-00127, 57-00149 AND 57-02104.
STOCKWATER, 300 RANGE CATTLE
5. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00095, 57-00104, 57-00116, 57-00120, 57-00127, 57-00149 & 57-02104.
6. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Decreed Date: 10/25/2002

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

Current Water Right No.: 57-95

Current Owner: SUSIE F LOW
CALVIN D LOW
Priority Date: 4/1/1885
Origin: Water Right
Status: Active
Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/15

Diversion Rate

0.36 CFS

Annual Volume

Total Diversion

0.36 CFS

Location of Point(s) of Diversion

CASTLE CREEK

L2(SE1/4NW1/4NE1/4)

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

CASTLE CREEK

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	NENE	12.00

Total Acres: 145

Page _____ of _____

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00089, 57-00104, 57-00116, 57-00120 57-00127, 57-00149 AND 57-02104.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00089, 57-00104, 57-00116, 57-00120, 57-00127, 57-00149 & 57-02104.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4. C18 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.

Decreed Date: 10/25/2002

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

Current Water Right No.: 57-104

Current Owner: CALVIN D LOW
SUSIE F LOW

Priority Date: 4/1/1887

Origin: Water Right

Status: Active

Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/15

Diversion Rate

0.2 CFS

Annual Volume

Total Diversion

0.2 CFS

Location of Point(s) of Diversion

CASTLE CREEK

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

CASTLE CREEK

L2(SE1/4NW1/4NE1/4)

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	Lot 1 NENE	12.00

Total Acres: 145

Page _____ of _____

Conditions of Approval:

1. C18 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.
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4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00089, 57-00095, 57-00116, 57-00120, 57-00127, 57-00149 & 57-02104.

Decreed Date: 10/25/2002

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

Current Water Right No.: 57-116

Current Owner: SUSIE F LOW
CALVIN D LOW

Priority Date: 4/1/1895

Origin: Water Right

Status: Active

Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/15

Total Diversion

Diversion Rate

0.1 CFS

0.1 CFS

Annual Volume

Location of Point(s) of Diversion

CASTLE CREEK

OWYHEE County

L2(SE1/4NW1/4NE1/4)

Sec. 3, Twp 05S, Rge 01E B.M.

CASTLE CREEK

OWYHEE County

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	Lot 1 NENE	12.00
Total Acres: 145					

Page _____ of _____

Conditions of Approval:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00089, 57-00095, 57-00104, 57-00120, 57-00127, 57-00149 & 57-02104.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00089, 57-00095, 57-00104, 57-00120 57-00127, 57-00149 AND 57-02104.
3. C18 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.
4. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Decreed Date: 10/25/2002

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

Current Water Right No.: 57-120

Current Owner: CALVIN D LOW
SUSIE F LOW
Priority Date: 4/1/1896
Origin: Water Right
Status: Active
Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/15

Total Diversion

Diversion Rate

0.3 CFS

0.3 CFS

Annual Volume

Location of Point(s) of Diversion

CASTLE CREEK

OWYHEE County

L2(SE1/4NW1/4NE1/4)

Sec. 3, Twp 05S, Rge 01E B.M.

CASTLE CREEK

OWYHEE County

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	Lot 1 NENE	12.00

Total Acres: 145

Conditions of Approval:

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Decreed Date: 10/25/2002

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

Current Water Right No.: 57-127

Current Owner: CALVIN D LOW
SUSIE F LOW
Priority Date: 4/1/1899
Origin: Water Right
Status: Active
Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/15

Total Diversion

Diversion Rate

0.4 CFS

0.4 CFS

Annual Volume

Location of Point(s) of Diversion

CASTLE CREEK

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

CASTLE CREEK

L2(SE1/4NW1/4NE1/4)

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	Lot 1 NENE	12.00

Total Acres: 145

Page _____ of _____

Conditions of Approval:

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Decreed Date: 12/15/1997

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

Current Water Right No.: 57-149

Current Owner: SUSIE F LOW
CALVIN D LOW

Priority Date: 4/1/1906

Origin: Water Right

Status: Active

Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/15

Diversion Rate

0.2 CFS

Annual Volume

Total Diversion

0.2 CFS

Location of Point(s) of Diversion

CASTLE CREEK

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

CASTLE CREEK

L2(SE1/4NW1/4NE1/4)

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	Lot 1 NENE	12.00

Total Acres: 145

Page _____ of _____

Conditions of Approval:

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Decreed Date: 10/25/2002

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

Current Water Right No.: 57-2104

Current Owner: CALVIN D LOW
SUSIE F LOW
Priority Date: 10/5/1920
Origin: Water Right
Status: Active
Basis: Decreed

Source

CASTLE CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/01 to 11/15

Diversion Rate

1.28 CFS

Annual Volume

Total Diversion

1.28 CFS

Location of Point(s) of Diversion

CASTLE CREEK

SE1/4SE1/4SW1/4

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

CASTLE CREEK

SE1/4NW1/4NE1/4

Sec. 3, Twp 05S, Rge 01E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S34	SENE	30.00	T04S R01E S34	NESE	35.00
T04S R01E S34	SESE	30.00	T04S R01E S35	SWNW	30.00
T04S R01E S35	NWSW	8.00	T05S R01E S3	Lot 1 NENE	12.00

Total Acres: 145

Conditions of Approval:

1. C18 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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00095, 57-00104, 57-00116, 57-00120 57-00127, 57-00149 AND 57-00089.
5. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00089, 57-00095, 57-00104, 57-00116, 57-00120, 57-00127 & 57-00149.

Decreed Date: 10/25/2002

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, May 29, 2019 4:20 PM
To: 'mikeihli@gmail.com'
Subject: Applications for Permit No. 57-12004 & 57-12005 and Application for Transfer no. 83238
Attachments: 57-12004.pdf; 57-12005.pdf; 83238.pdf; Watermaster Recommendation Form.docx

May 29, 2019

MICHAEL IHLI
WATER DISTRICT 57C – CASTLE CREEK
625 S SCHOOL AVE
KUNA ID 83634

RE: Applications for Permit Nos 57-12004 & 57-12005 and Application for Transfer No. 83238

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **June 24, 2019**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 29, 2019

CALVIN D LOW
SUSIE F LOW
21101 OREANA LOOP RD
MURPHY, ID 83650-5125

Applications for Permit No. 57-12005 & Transfer No. 83238

Dear Applicants:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 6/5/2019 and 6/12/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Anna Kaiser
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE, ID 83706

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, May 29, 2019 1:49 PM
To: 'jennifer@owyheeavalanche.com'
Subject: OWYHEE Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 6/5/2019 & 6/12/2019.

Please confirm these are okay to publish as shown.

Thank You,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

May 29, 2019

LEGAL NOTICE DEPARTMENT

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application For Permit Nos: 57-12004 & 57-12005

RE: Transfer No. 83238

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/24/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

57-12004

GARY G KING

30103 HIGHWAY 78

OREANA, ID 83650-5045

Point of Diversion NWSW S25 T04S R01E OWYHEE County Source WASTE WATER Tributary CASTLE CREEK

Use: IRRIGATION 03/01 to 11/15 1.42 CFS

Total Diversion: 1.42 CFS

Date Filed: 4/29/2019

Place Of Use: IRRIGATION

T04S R01E S25 SWNW NWSW SWSW

T04S R01E S26 SESE

Total Acres: 71

57-12005

CALVIN D LOW

SUSIE F LOW

21101 OREANA LOOP RD

MURPHY, ID 83650-5125

Point of Diversion NWSW S35 T04S R01E OWYHEE County Source CASTLE CREEK Tributary SNAKE RIVER

Use: DIVERSION TO STORAGE 11/16 to 02/28 1.4 CFS

Use: IRRIGATION FROM STORAGE 03/01 to 11/15 65 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 65 AF

Total Diversion: 1.4 CFS 65 AF

Date Filed: 5/10/2019

Place Of Use: IRRIGATION FROM STORAGE

T04S R01E S35 NENE NWNE

Place Of Use: IRRIGATION STORAGE

T04S R01E S35 SWNE SENW

Total Acres: 79

This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83238

CALVIN D LOW and SUSIE F LOW, 21101 OREANA LOOP RD, MURPHY, ID 83650-5125; has filed Application No. 83238 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-104, 57-116, 57-120, 57-127, 57-149, 57-2104, 57-89, 57-95; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to add a point of diversion and pump station on Castle Creek. Water will be used at the current place of use located west of Castle Creek Rd approximately 12 miles west of Grandview

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 6/24/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/5/2019 and 6/12/2019

Kelly, Patrick

From: Scott King <SKing@spfwater.com>
Sent: Monday, May 20, 2019 10:34 AM
To: Kelly, Patrick
Subject: RE: Transfer 83238 - Low

Patrick,

I just spoke with Cal.

The swale area that used to not be purposely irrigated is now under the pivot and is irrigated.

Cal harvests asparagus from the area and it does get grazed when he turns the cattle in.

The areas in SWNW and NWSW Section 35 outlined in blue only are not irrigated.

Thank you,
Scott

From: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Sent: Friday, May 10, 2019 3:29 PM
To: Scott King <SKing@spfwater.com>
Subject: Transfer 83238 - Low

Scott,

Not sure if you are a representative for this transfer application, but your name is on the map. Please find the attached letter.

Regards,

Patrick Kelly

Water Rights Supervisor
Emergency Agency Coordinator
2735 Airport Way
Boise, Idaho 83705
o: 208.334.2190
patrick.kelly@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 10, 2019

COPY

CALVIN AND SUSIE LOW
21101 OREANA LOOP RD
MURPHY ID 83650

RE: Transfer Application #83238

Dear Applicant,

I am writing to you today in regards to your Application for Transfer of a Water Right no. 83238. The Idaho Department of Water Resources (Department) reviewed this application, including a review of your place of use (POU). As part of the water right validity review, the Department completed a forfeiture review of your water rights and find the following:

- Water rights 57-89, 57-95, 57-104, 57-116, 57-120, 57-127, 57-149, and 57-2104 authorizes 3.08 cfs for the irrigation of 145 acres (0.021 cfs/ac). Satellite imagery was used to measure an irrigation use of 138 acres. Significant areas in the NW corner of your land have not been irrigated within at least the last 5 years.

Idaho Code §42-222(2) states in part: *All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223.*

Circumstances outlined in §42-223 are attached to this letter. Please provide any defense to a partial forfeiture that would cause the Department not to reduce the diversion of your water rights in the amount of 0.15 cfs and 7 acres.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected or approved with partial forfeiture without a timely written reply within the next thirty (30) days. Thank you for your time and for your attention to these matters.

Respectfully,

Patrick Kelly
Water Rights Supervisor

Attachment: Idaho Code §42-223
Property Map

cc: Scott King, SPF Water Engineering via e-mail