

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 83119**

This is to certify that: **KENNETH EDWARDS AND  
NOLA EDWARDS  
12584 DEER RIDGE TRL  
NAMPA, ID 83686-7807**

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>
63-34698	WR/DECREED	2/25/1963	0.060 cfs	22.5 af	N/A	5.0	GROUND WATER
63-34699	WR/DECREED	3/11/1968	0.040 cfs	17.2 af	N/A	5.0	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>
63-34698	NO	YES	NO	NO	NO	NO
63-34699	NO	YES	NO	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>
63-34698	63-34698	0.060 cfs	22.5 af	N/A	5.0	N/A	N/A	N/A	N/A	N/A
63-34699	63-34699	0.040 cfs	17.2 af	N/A	5.0	N/A	N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>		<b>0.060 cfs</b>	<b>22.5 af</b>	<b>N/A</b>	<b>5.0</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

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 15<sup>th</sup> day of April, 2019.

**SUPPORT DATA**

**IN FILE # 63-34698**

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-34698**  
**As Modified by Transfer No. 83119**

In accordance with the approval of Transfer No. 83119, Water Right No. 63-34698 is now described as follows:

**Right Holder:** KENNETH EDWARDS AND  
 NOLA EDWARDS  
 12584 DEER RIDGE TRL  
 NAMPA, ID 83686-7807

**Priority Date:** 2/25/1963

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.060 cfs	22.5 af
			0.060 cfs	22.5 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NESW                      Sec 24 Twp 02N Rge 03W CANYON 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		
02N	03W	24																		5.0

POU Total Acres:                      5.0

**CONDITIONS OF APPROVAL**

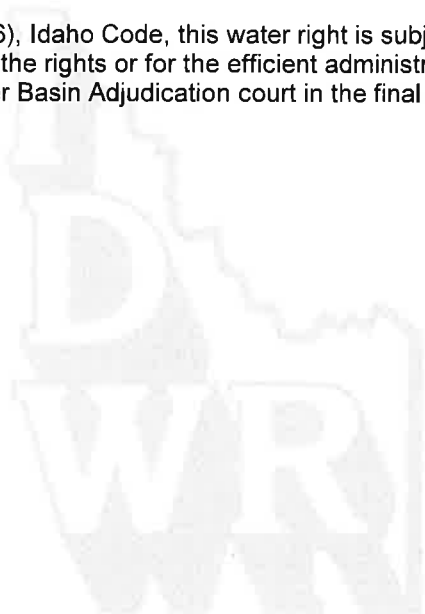
1. Rights 63-34698 and 63-34699 when combined shall not exceed a total diversion rate of 0.06 cfs, a total annual maximum diversion volume of 22.5 af at the field headgate, and the irrigation of 5 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Point of diversion and place of use are located within Lot 16, Blk. 1, Deersky Ranch Subdivision.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No.      83119

**WATER RIGHT NO. 63-34698**  
**As Modified by Transfer No. 83119**

**CONDITIONS OF APPROVAL**

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, 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. 63-34699**  
**As Modified by Transfer No. 83119**

In accordance with the approval of Transfer No. 83119, Water Right No. 63-34699 is now described as follows:

**Right Holder:** KENNETH EDWARDS AND  
 NOLA EDWARDS  
 12584 DEER RIDGE TRL  
 NAMPA, ID 83686-7807

**Priority Date:** 3/11/1968

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/15	0.040 cfs	17.2 af
			0.040 cfs	17.2 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NESW                      Sec 24 Twp 02N Rge 03W CANYON 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		
02N	03W	24																		5.0

POU Total Acres:                      5.0

**CONDITIONS OF APPROVAL**

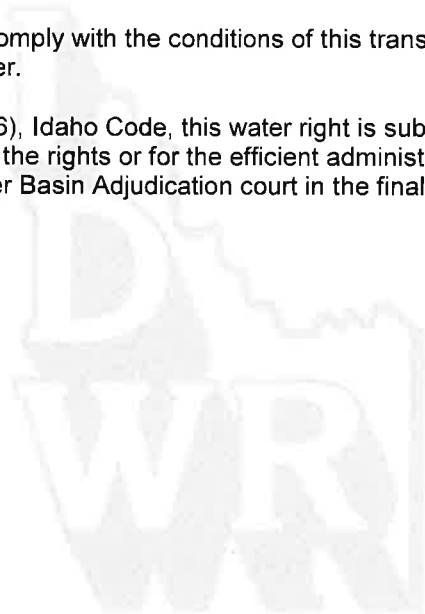
1. Rights 63-34698 and 63-34699 when combined shall not exceed a total diversion rate of 0.06 cfs, a total annual maximum diversion volume of 22.5 af at the field headgate, and the irrigation of 5.0 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Point of diversion and place of use are located within Lot 16, Blk. 1, Deersky Ranch Subdivision.

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**WATER RIGHT NO. 63-34699**  
**As Modified by Transfer No. 83119**

**CONDITIONS OF APPROVAL**






6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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.

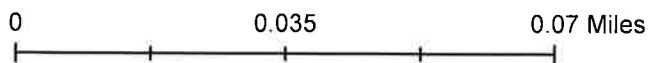


State of Idaho  
Department of Water Resources  
**Attachment to Transfer No. 83119**  
Water Rights: 63-34698 and 34699

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



-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections
-  QQ



RECEIVED

MAR 19 2019

WATER RESOURCES WESTERN REGION

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Transfer No. 83119

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 idwr.idaho.gov.

Name of Applicant(s) Kenneth J. and Nola J. Edwards

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.
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 #1-10.

- #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.
#2a Water Right ownership documentation if Dept. records do not show the 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.
#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.
#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.
#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.
#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.
#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.
#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.
#9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank.
#10 Other. Please describe:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant(s) Kenneth J. and Nola J. Edwards Phone 208-899-3534  
Mailing address 12584 Deer Ridge Trail, Nampa, ID 83686 Email nolaidaho@yahoo.com

- 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**.

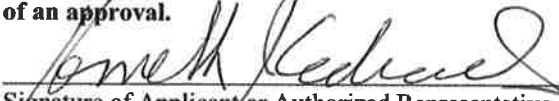
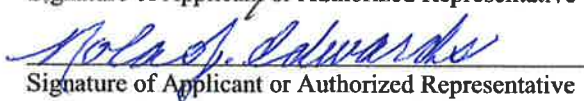
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140  
Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email lgraves@spfwater.com

- 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.

	<u>KENNETH J. EDWARDS</u>	<u>3/11/19</u>
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	<u>NOLA J. EDWARDS</u>	<u>3/11/19</u>
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

**A. PURPOSE OF TRANSFER**

1.  Change point of diversion       Add diversion point(s)       Change place of use  
 Change nature of use       Change period of use       Other split rights
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?  
If yes,  attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. 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.3**.  
1) Split water rights to reflect portion appurtenant to applicants' property aka Lot 16, Block 1, Deersky Ranch  
Subdivision, (2) include applicant's private existing well as the authorized point of diversion

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part <input type="checkbox"/> <input checked="" type="checkbox"/>	63-32968	0.06/22.5	Irrigation	3/1 to 11/15	Ground Water
<input type="checkbox"/> <input checked="" type="checkbox"/>	63-32970	0.04/17.2	Irrigation	4/1 to 10/15	Ground Water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.10 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.10 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SW	24	2N	3W	Canyon	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) Applicants' Portion

- No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	24																	4.99
<b>Total Acres (for irrigation use)</b>																			<b>4.99</b>

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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:  
Proposed private well, pump and pressurized irrigation system. Measuring device and lockable controlling works will be accommodated upon Department's request.

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? 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:

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? If yes,  complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
n/a

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:  
none

g. 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:

3.74 acres are currently leased to the water supply bank until 12/31/2020. See Attachment #9.

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

**Current Water Right No.: 63-32968**

Current Owner: DEERSKY RANCH HOMEOWNERS ASSOC  
 Priority Date: 2/25/1963  
 Origin: Water Right  
 Status: Water Supply Bank Active  
 Basis: Decreed

**Source**

**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.56 CFS	222.1 AF
	<u>Total Diversion</u>	0.56 CFS	222.1 AF

**Location of Point(s) of Diversion**

GROUND WATER CANYON County	SE1/4NW1/4NW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
GROUND WATER CANYON County	SW1/4NE1/4SW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.

**Place of Use**

**IRRIGATION Within CANYON County**

T02N R03W S24	SE1/4	21.70	T02N R03W S24	NESW	27.60
Total Acres: 49.3					

**Conditions of Approval:**

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.
3. X35 Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.00 cfs, a total annual maximum diversion volume of 393.1 af at the field headgate, and the irrigation of 90.1 acres.

Decreed Date: 3/24/2009

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

**Current Water Right No.: 63-32970**

Current Owner: DEERSKY RANCH HOMEOWNERS ASSOC  
 Priority Date: 3/11/1968  
 Origin: Water Right  
 Status: Water Supply Bank Active  
 Basis: Decreed

**Source**

**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/15	0.46 CFS	179.1 AF
	<u>Total Diversion</u>	0.46 CFS	179.1 AF

**Location of Point(s) of Diversion**

GROUND WATER CANYON County	SW1/4NE1/4SW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
GROUND WATER CANYON County	SE1/4NW1/4NW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.

**Place of Use**

**IRRIGATION Within CANYON County**

T02N R03W S24	SENW	23.50	T02N R03W S24	NESW	28.60
Total Acres: 52.1					

**Conditions of Approval:**

1. X35 Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.00 cfs, a total annual maximum diversion volume of 393.1 af at the field headgate, and the irrigation of 90.1 acres.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.





STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- 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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- 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.**

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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:

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FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 2 attachments.  
 Received by CS Date 03/19/19 Preliminary check by CP Date 4/3/19  
 Fee paid \$200<sup>00</sup> Date 03/19/19 Received by CS Receipt # W047218  
 Add'l fee paid \$325<sup>00</sup> Date 03/19/19 Received by CS Receipt # W047219





Check all that apply: Attachment WSB  (copy sent to state office) Lessor Designation form  &/or W-9  (originals to state office)

83119

Part: S:\PROJECTS\THRU H\Projects\Edwards\_Nois\_1474\PROJECT\GIS\Map\Map.mxd



### Legend

-  Point of Diversion (well)
-  Lot 16, Block 1 (4.99 acres)
-  63-32968, 63-32970 pou
-  63-32968, 63-32970 pods



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

### Attachment 7A & 7B

Lot 16, Block 1, Deersky Ranch

DATE: 3/5/2019
CREATOR: LGraves
PROJECT: 1474.0010



Absolute Scale: 1:4,197  
0 112.5 225 450 Feet

83119

**APPLICATION FOR TRANSFER OF WATER RIGHT  
ATTACHMENT WSB:  
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at [www.idwr.idaho.gov](http://www.idwr.idaho.gov) or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
63-32968	indefinitely	*	*	*	Attached? <input type="checkbox"/> or No Change <input checked="" type="checkbox"/>
63-32970	indefinitely	*	*	*	Attached? <input type="checkbox"/> or No Change <input checked="" type="checkbox"/>
					Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>
					Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>
					Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>
					Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>
					Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>

- Is the ownership of the water right(s) leased to the Bank being changed?  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](#). (not applicable until 12/31/2020)

Additional Information:  
Applicant owns 4.99 acres of which 3.74 are currently leased in the NESW, S24 under 63-32968 and 63-32970. Applicants' 4.99-acre parcel is aka Lot 16, Blk 1, Deersky Ranch Subdivision. When the HOA lease expires 12/31/2020, applicants will submit a lease in their names for their unused water right portions (per Clay Webster, IDWR)

**Agency Use Only:** Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



March 18, 2019

RECEIVED  
MAR 19 2019  
WATER RESOURCES  
WESTERN REGION

Nick Miller  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Subject: *Application for Transfer***

Dear Nick,

Enclosed on behalf of Nola and Ken Edwards, is an *Application for Transfer* involving portions of water rights 63-32968 and 63-32970 appurtenant to their property. The water rights are currently in the name of Deersky Ranch Subdivision HOA.

Check no. 9975 for \$200 and check no. 9980 for \$325 is enclosed for the filing fees including: \$200 for the transfer application, \$200 to split the water rights, and \$125 to upgrade applicants' existing domestic well to an irrigation well.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lori Graves".

Lori Graves  
Water Rights Specialist

Cc: Nola and Ken Edwards

Enclosures

SPF file number: 1474.0010



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](http://www.idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 15, 2019

KENNETH EDWARDS  
NOLA EDWARDS  
12584 DEER RIDGE TRL  
NAMPA ID 83686-7807

Re: Transfer No.: 83119  
Water Right Nos: 63-34698, 63-34699

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Rights 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) 334-2190

Sincerely,

*Anna Kaid*

Anna Kaid ✓

Nick Miller

Regional Manager

FW

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

**Re: Transfer No.: 83119**  
**Water Right No.: 63-34698, 63-34699**

KENNETH EDWARDS  
NOLA EDWARDS  
12584 DEER RIDGE TRL  
NAMPA ID 83686-7807

A handwritten signature in blue ink, appearing to read "Anna Kaiser", is written over a horizontal line.

Anna Kaiser  
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

**TO:** Transfer application 83119 file  
**FROM:** Cody Parker  
**RE:** Evaluation of the Sufficiency of Information  
**DATE:** April 4, 2019

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The purpose of this transfer is to change the point of diversion for the split portions of 63-32968 and 63-32970 to a well located on the applicants' property. The changes will be applied to the split portions of the above rights, now numbered 63-34698 and 63-34699. The applicant was not required to amend the application.

The transfer application shows that the applicant intended to get a combined 0.10 cfs for the 5 acres of irrigation they are claiming. However, the parent rights had combined use limits which restricted them to less than 0.02 cfs per acre. Once the new rights were split they were granted only 0.06 cfs combined for the 5 acres irrigation, which maintains the parent rate per acre.

### Summary of Submitted Information

#### **Authority to File:**

The transfer applicants are listed as Kenneth and Nola Edwards. The same two people signed the application. The transfer proposes to change the point of diversion for the portions of rights 63-32968 and 63-32970 appurtenant to the applicants' property. Those portions were split and put in the applicants' name through the ownership change process prior to transfer processing. The applicants submitted a warranty deed as evidence of their ownership of the property. Therefore, the applicants have the authority to file the transfer application.

#### **Water Right Validity:**

Rights 63-32968 and 63-32970 were decreed in 2009 and 2008 respectively. Portions were placed in the Water Supply Bank in 2012 including this lot. Forfeiture is not an issue at this time.

#### **Injury to Other Water Rights:**

This application does not propose any additional diversion of water nor increased beneficial use. The proposed POD is less than a quarter mile from one of the original points. Diversion from the new well would be accompanied by an equal reduction in diversion from the other two wells. The proposal should have minimal impact on surrounding wells. No injury is anticipated.

#### **Enlargement of Use:**

This transfer will not authorize any additional diversion of water nor increased irrigation. Combined-use limits were added through the ownership change process to ensure that the rate, annual volume, and irrigated acres remained the same after the water rights were split.

#### **Local Public Interest:**

Evaluation of the Sufficiency of Information

April 4, 2019

Page 2 of 2

None of the available information suggests conflict with the local public interest. Similar split/transfer packages have been approved for other lots within the same subdivision.

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

The application proposes beneficial use consistent with the conservation of water resources in Idaho.

**The application is consistent with criteria of I.C. § 42-222 and should be processed.**