

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82914

This is to certify that: EDWARD H SLOAN
4243 N BROOKSIDE LN
GARDEN CITY, ID 83714-9706
AND/OR
SUSAN A SLOAN
4243 N BROOKSIDE LN
BOISE, ID 83714-9706

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>
63-34664	WR/DECREED	6/8/1982	0.030 cfs	13.5 af	N/A	3.0	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>
63-34664	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>
63-34664	63-34664	0.030 cfs	13.5 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.030 cfs	13.5 af	N/A	3.0		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 March, 2019.



for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34664

As Modified by Transfer No. 82914

In accordance with the approval of Transfer No. 82914, Water Right No. 63-34664 is now described as follows:

Right Holder: SUSAN SLOAN
4243 N BROOKSIDE LN
GARDEN CITY, ID 83714
AND/OR
EDWARD H SLOAN
4243 N BROOKSIDE LN
GARDEN CITY, ID 83714-9706

Priority Date: 6/8/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.030 cfs	13.5 af
			0.030 cfs	13.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 34 Twp 05N Rge 01E ADA 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	
05N	01E	34				3.0													3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 13.5 af at the field headgate for the place of use.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 63-34664

As Modified by Transfer No. 82914

CONDITIONS OF APPROVAL

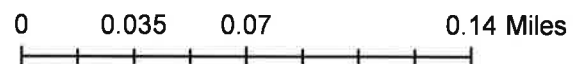
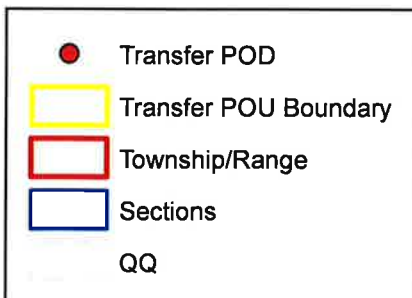
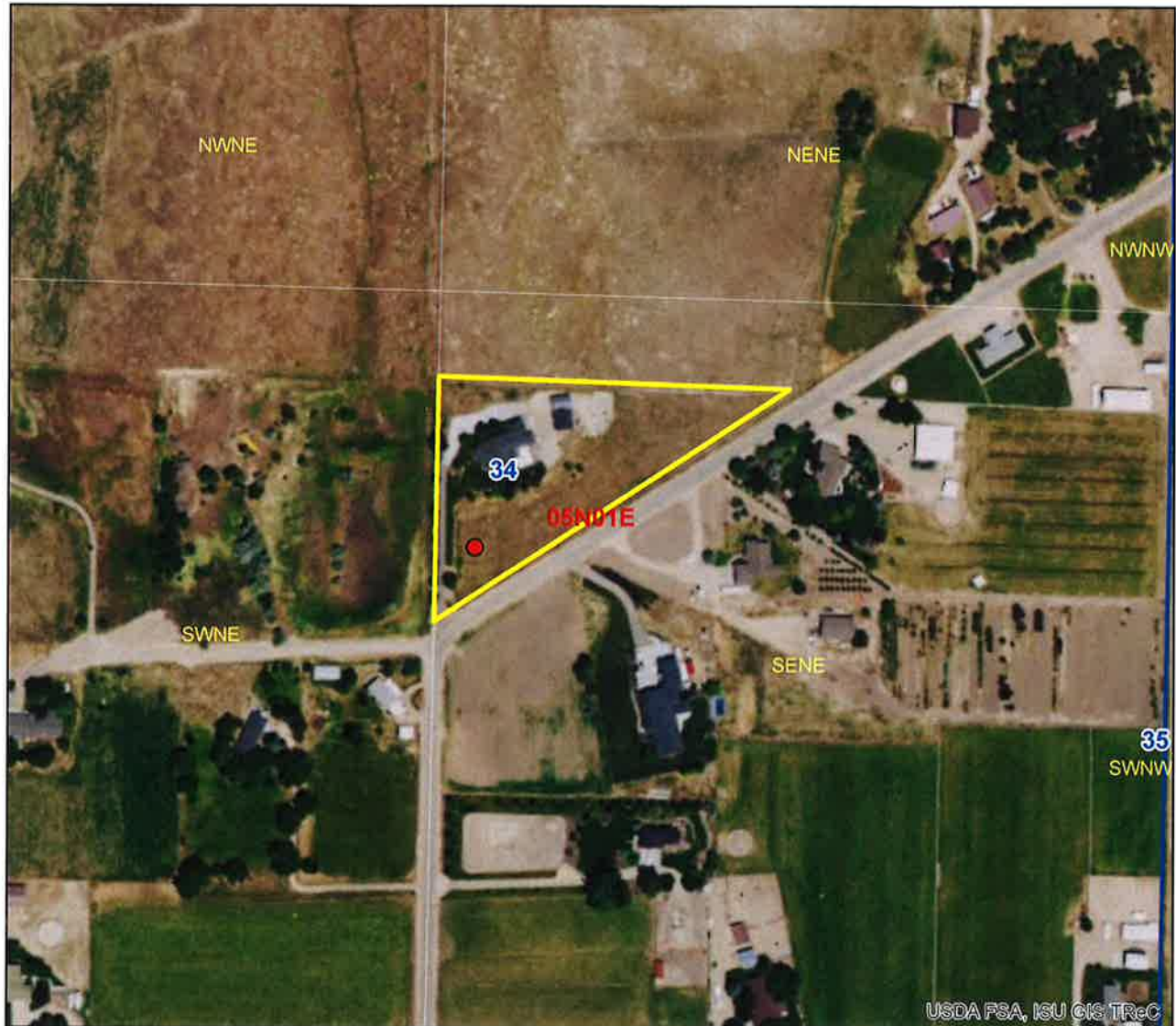
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
4. Use of this right is combined with water from Capital View Irrigation Inc.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.
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 Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 82914

Water Right(s): 63-34664

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.



OWNERSHIP CHANGE (O/C) SPLIT – IN TRANSFERTransfer # 82914 WR #(s) 63-9918 Reviewer PH Date 01/15/19**PRE-PROCESS ITEMS – REVIEWER CONFIRM COMPLETED & ACCURATE**

- X **Receipt Correct** – PCA O/C used for O/C portion of fee received.
 ~~If No~~ – Email to Fiscal Request Correction Sent 01/23/19 (Date)
- J **O/C Tracking Record** – Add if no entry found via Ownership Change Tracking Search workflow. If multiple uncompleted O/C records in tracking, need to coordinate processing with O/C processing staff. See N:WRPROCESSING/Transfers/OwnershipChangePreTransfer/OCTrackingWorkflow–Western Region doc.

O/C PROCESS ITEMS – REVIEWER COMPLETE

- J **WR Status in Info Search** – Only Active record is WR with Basis is Licensed or Decreed.
- J **WR WSB Status/Lease** – Review docs via Info Search to see if WSB Lease associated with WR(s). If WSB Lease, review agreement doc for expiration date. If current, send email to WSB State Office staff informing them we are processing O/C with Transfer. not leased
- J **Check the SRBA** (srba.idaho.gov) to confirm the decree hasn't been rescinded or amended.
 If decreed per court's Summary Sheet/Report but still Active Adjudication Recommendation record in Information Search, compare everything on decree to adjudication recommendation proof report. Once your comparison is complete, make note of the decree date at the top of the adjudication recommendation proof report and give to the person authorized to push it over to the WR side (WR Supervisor).
- J **Print Proof Report BEFORE Split** – compare current owner name(s) to new owner(s) on O/C form. If same, O/C process already complete – confirm – note memo/file, request refund, remove from O/C tracking. Write "BEFORE SPLIT" at top of proof report(s). Proof report(s) will be scanned and profiled by admin. staff.
- J **Print POD & POU Map BEFORE Split** – Use WR/Layouts tool to print map(s) of all WR & use shapes BEFORE Split. Write "BEFORE SPLIT" at top of map(s). Map(s) will be scanned and profiled by admin. staff.
- J **Review Conveyance Documentation and Signatures** – Confirm type of deed/document(s) submitted and signature(s) acceptable per Admin Memo Records Memo No. 9. Request any necessary additional information.
- J **Compare legal property description on deed/document(s) to WR POU legal to ArcMap WR POU shape** - Request admin. staff use Deed Plotter to map property descriptions as needed (if need confirmation of legal description). Verify portion of WR new owner should receive.
- J **Complete POU comparison for other possible WRs** – Confirm no other WR(s) subject to ownership change. If find other WR(s) that match deed, request admin. staff inform new owner in the o/c acknowledgment letter(s).
- N/A **Create Memo to Document O.C. Process Prior to Transfer** – Use template
 N:WRPROCESSING/Transfers/OwnershipChangePreTransfer/OCInxFerMemo. Memo will serve as O/C Notice form. Will be scanned and support data stamped by admin. staff. separate of form submitted
- J **Complete O/C In Workflow** – See Workflow Split Water Rights Process – Western Region guidance
- J **Print Proof Report(s) AFTER Split** – Write "AFTER SPLIT" at top of parent/remainder WR proof report. Proof report(s) will be scanned and profiled by admin. staff.
- J **Print POD & POU Map(s) AFTER Split** – Write "AFTER SPLIT" at top of parent/remainder WR map(s). Maps(s) will be scanned and profiled by admin. staff.
- J **Organize Paperwork** – Top to Bottom: Checklist, Memo, BEFORE Split Proof Report(s) + Map(s), AFTER Split Proof Report(s) + Map(s), any correspondence regarding O/C in chronological order. per form
- J **Give Paperwork to Nick Miller to request Admin. Staff for Acknowledgement Letter, Scanning, Profiling & O/C Tracking to Completed** – Nick Miller will request admin. staff generate/send Acknowledgement Ltr to Parent/Remainder WR owner only, scan/profile docs, enter O/C as completed in O/C Tracking Workflow, & place in 30 day hold drawer.

CHANGE OF OWNERSHIP SPLIT
FOR transfer/oc 82914

#	<u>63- 9918</u>		
Name	<u>W E Cameron, Lucile Cameron</u>		
Irrigation:			
<u>22</u> acres	<u>0.21</u> cfs	<u>99.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	<u>0.21</u> cfs	<u>99.0</u> AF	

#	<u>63-9918</u>		
Name	<u>Lucile Cameron, W E Cameron</u>		
Irrigation:			
<u>19</u> acres	<u>0.18</u> cfs	<u>85.5</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

#	<u>63- 34664</u>		
Name	<u>Edward Sloan and/or Susan Sloan</u>		
Irrigation:			
<u>3</u> acres	<u>0.03</u> cfs	<u>13.5</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

$$\frac{.21 \text{ cfs}}{22 \text{ acres}} = 0.00954 \text{ cfs/acre}$$

$$\frac{99.0 \text{ af}}{22 \text{ acres}} = 4.5 \text{ af/acre}$$

$$3 \text{ acres} \cdot 0.00954 \text{ cfs/acre} = 0.0286 \text{ } \approx 0.03 \text{ cfs}$$

$$19 \text{ acres} \cdot 0.00954 \text{ cfs/acre} = 0.1813$$

$$\begin{array}{r} 0.18 \\ + \\ \hline 0.21 \checkmark \end{array}$$

$$3 \text{ acres} \cdot 4.5 \text{ af/acre} = 13.5 \text{ af}$$

$$19 \text{ acres} \cdot 4.5 = 85.5$$

$$\begin{array}{r} 85.5 \\ + \\ \hline 99.0 \checkmark \end{array}$$

DEC 13 2018

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

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

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.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Edward And/Or Susan Sloan Phone 208-830-5327
2. **MAILING ADDRESS** 4243 N. Brookside Ln City Garden City
State Id Zip 83714 Email esloan50@outlook.com

☐ 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)** 63-9918

☒ 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 0.03 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 #
Yes			SE	NE	34	05N	01E	Ada	Ground Water	

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:

Pump from well to 11 electric valves that drive solid-set heads.

- 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. 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.


Signature of applicant or authorized agent

Print name and title if applicable

Date 12/13/18


Signature of applicant or authorized agent

Print name and title if applicable

Date 12/13/18

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 3 pages of attachments.

Received by CS

Date 12/13/18

Fee paid \$200⁰⁰ Date 12/13/18

Received by CS

Receipt # W047004

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)

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

Current Water Right No.: 63-9918

Current Owner: W E CAMERON
LUCILE CAMERON

Priority Date: 6/8/1982

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.21 CFS	99 AF
	<u>Total Diversion</u>	0.21 CFS	99 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County

SE1/4NE1/4 Sec. 34, Twp 05N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T05N R01E S34 SENE 22.00

Total Acres: 22

Conditions of Approval:

1. W41 Use of this right is combined with water from Capital View Irrigation Inc.
2. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
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.

Decreed Date: 2/16/2007

Edward & Susan Sloan Transfer

NWNE

NENE

NWNW

SWNE

SENE

SWNW

34

05N01E

35

NWSE

NESE

NWSW

 Claimed portion of right (3 acres)

 Proposed new POD (associated transfer)



0 0.05 0.1 0.2 Miles

SWSE

SESE

SWSW

32914

USDA FSA, ISU GIS TR&C



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

March 19, 2019

EDWARD H SLOAN
SUSAN A SLOAN
4243 N BROOKSIDE LN
BOISE ID 83714-9706

Re: Transfer No: 8914

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 Kaiser

 Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 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.: 82914

EDWARD H SLOAN
SUSAN A SLOAN
4243 N BROOKSIDE LN
BOISE ID 83714-9706



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 No. 82914

FROM: Phill Hummer

DATE: 02/28/2019

RE: Evaluation of Application

The transfer proposes to change the point of diversion for a portion of water right no. 63-9918. The applicants submitted a separate notice of change in water right ownership form to claim their 3 acre portion. The purpose of this transfer is to make it so the applicants can divert their portion of the right from a well on their property. The well has already been constructed, tag number D0029156.

The well site is north of Highway 55 near the intersection of Highway 55 and Beacon Light RD. The property address is 4243 N Brookside Ln parcel no. S023414920.

Summary

Authority to File:

The applicants submitted a notice of change in water right ownership form for their portion of water right no. 63-9918. The notice includes a chain of ownership deed showing the sale of the property from the current owners of the right (W E Cameron and Lucile Cameron) to the individuals the applicants bought the property from. The notice also included the deed that shows they are the owners of the property. Neither deed indicates the rights was conveyed separate from the property. The ownership change was completed prior to processing the transfer application per current policy. Water right no. 63-9918 was split into right no. 63-34664 and a remaining portion. The applicants are the owners of right no, 63-34664 which was added to the transfer data entry tool, data entry affected the correct record.

Water Right Validity:

The partial decree for water right no. 63-9918 was issued on 02/16/2007. Little evidence exists from aerial imagery that shows irrigation at the applicant's property of more than about 1/3 acre along the driveway and next to the house. However there are some Landsat images showing irrigation may have occurred on the rest of the property early in the irrigation season. An example is an image from April 14, 2014 (attached). Since evidence exists that shows irrigation occurring on the applicant's property within the last five years, the water right is presumed to be valid at the time of this application.

Injury to Other Water Rights:

The proposed point of diversion is to an existing domestic well within the Basin 63 Ground Water Restricted Area. The well was completed on 03/13/03 to a depth of 620 feet and was sealed with bentonite from 0 to 20 feet. The water bearing zone in this well is 37 to 620 feet, which is shallower than 200 ft. Normally irrigation and other types of consumptive uses could not be diverted from less than 200 feet within the restricted area. However, the well historically used under water right no. 63-9918 is a well that was completed on 04/05/1982 to a depth of 41 feet. According to the driller's report, this well was sealed with pudding clay to a depth of 20 feet and the water bearing zone is 20 to 41 feet. Water diverted from this well under water right no. 63-9918 was diverted within the restricted area from a depth shallower than 200 feet. Since water diverted under the applicant's portion following the ownership split and proposed transfer would be diverted within the same QQ and restricted by conditions to

the same rate and total annual volume per acre than there should be no injury to existing water users following approval.

Enlargement of Use:

Right no. 63-9918 was split based on the proportion of the place of used owned by the applicant. The right before the split authorized 0.21 cfs for the irrigation of 22 acres. This is a rate of 0.0095 cfs per acre or 0.01 cfs/acre rounded up. This is less than the standard rate but was determined from the system capacity during the field examination.

Documents in the water right record indicate the right is used in combination with surface water delivered by Capitol View Irrigation Inc. Information submitted by the applicants via letter received 02/05/2018 indicate they have purchased shares from Capitol View Irrigation District. Although the letter states the company is not letting them divert delivered water to their property at this time, they are working with the company to establish a system that works. Possible solutions include an upgraded pump or the addition of another pump and pipe system. The applicant is aware the right being transferred is a supplemental right and will remain supplemental following the transfer. They have submitted information that shows they have been pursuing the use of surface water and indicated they will be able to use CVID water this season. If this application was not approved the applicant could continue to use their portion of the right from the currently authorized well as a supplemental source. Since it is likely the applicants will be able use surface water as the primary source for irrigation in the near future and the proposed new point of diversion is a shallow well, than the proposed change would not constitute an enlargement and should be approved. The amount to be changed is the applicant's portion split by proportion of the property. The rate and volume of the portion is the same per acre as the parent right. The updated supplemental conditions were added during the transfer process to restrict the use of groundwater to supplemental use.

The standard season of use at the place of use is 03/1 – 11/15. Condition S39 was added to right no. 63-9918 when the partial decree was issued to allow irrigation before March 1. This condition was carried over to the applicant's portion and updated to the current version (x61), the date the partial decree was issued was added.

Local Public Interest:

This application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Water Right Overlap

The applicants propose to use an existing domestic well (tag no. 29155), there are no other water rights diverted from this well. There are some domestic, stockwater and irrigation water right place of use shapes that overlap the applicant's property. The privately owned rights (not City of Eagle municipal rights or SW delivery entities) have generic shapes set to the entire quarter-quarter but review of the records shows the actual place of use for these rights are different properties so they are not actually overlapping. I was unable to determine the actual place of use for domestic water right no. 63-15548 because the documents in the records are unclear and I could not find the parcel number listed on the right in the Department's parcel layer in ArcMap. Since the deeds submitted with the ownership change form do not include the name of the owner of water right no. 63-15548 it is likely this domestic right is not associated with the applicant's property.

Discussion

Conditions

If approved the following changes should be made to the conditions of water right no. 63-34664:

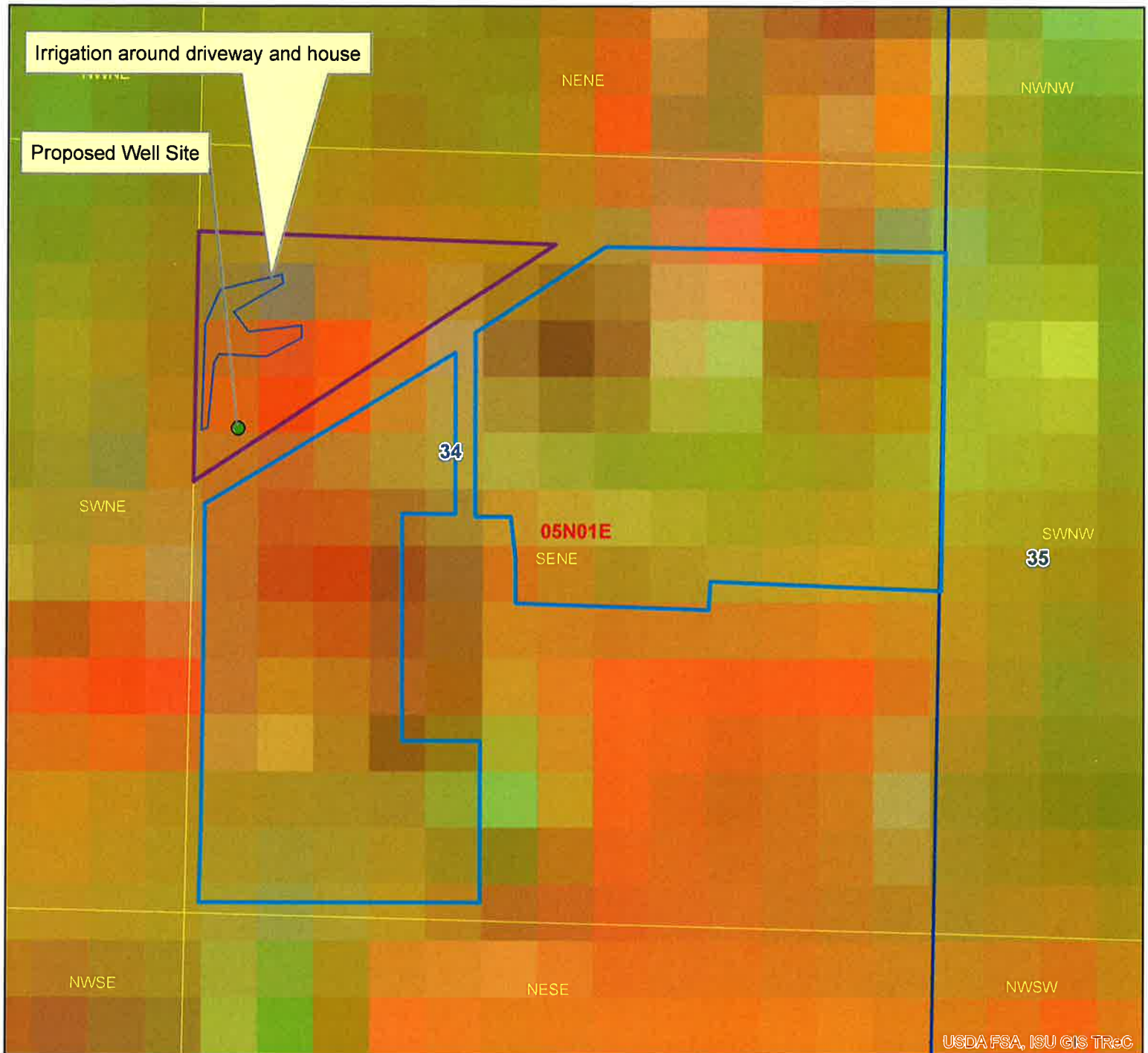
- Add condition 046 because the proposed new POD is a groundwater well.
- Update condition S39 to X61, add date of partial decree.
- Add current supplemental conditions WB7 and 943.
- Added condition R61.
- Update condition C18 to T19.
- Add standard transfer conditions T07 and T08.

Drilling fee upgrade from domestic to non-domestic is required. The upgrade was requested via letter on 02/28/2019.

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

Landsat Image Showing Possible Irrigation at the Applicant's Property

Image: p41r30_l8 04/14/2014



Legend

-  63-34664
-  63-9918 After Split
-  Township/Range
-  Sections
- QQ

0 0.0275 0.055 0.11 Miles



Hummer, Phill

From: Edward Sloan <esloan50@outlook.com>
Sent: Tuesday, March 05, 2019 6:28 PM
To: Hummer, Phill
Cc: Edward Sloan
Subject: Your letter of 2/28/2019

Mr. Phill Hummer,

We discussed the letter today that was sent to me with William Lawton's name on it.

The two invoices that I paid were:

1. W047004, for \$200, transfer application
2. C105883, well upgrade fee

Let me know if you need anything else.

Thanks

Ed Sloan

Cell: 208-830-5327
4243 N Brookside Lane
Boise, Idaho, 83714

RECEIVED
FEB 05 2019
WATER RESOURCES
WESTERN REGION

MEMORANDUM

RE: Water Right 63-9918
To: Mr. Phil Hummer
Idaho Department of Water Resources
From: Edward Sloan
4243 N Brookside Lane
Garden City, 83714

Date: February 5, 2019

Dear Phil.

As we discussed last Thursday, March 31, we have applied for a transfer of our water right to our well. You indicated that this was a supplemental right to a surface water right.

This last year we have been hard at work on obtaining surface water from the CVID and have successfully purchased one share of CVID stock to provide surface water to our property. The CVID board approved the transfer of this stock share to me at the board meeting on October 6, 2018.

We are currently connected to the CVID water delivery system by a pressurized pipeline which has historically serviced our property. But currently, the pump servicing our line is at maximum capacity so they will not approve turning on the valve that feeds our property. I am working with the system operations manager and have volunteered to pay for upgrades to the system or to put in pipe from a different diversion box to bring surface water to my property. The best way to obtain the surface water delivery to my property has not been determined yet.

I anticipate that in the next year I will have figured out what is the best way to deliver surface water to my property.

We hereby request approval of the transfer of a portion of water right 63-9918.

Best Regards



Ed Sloan

Hummer, Phill

From: Edward Sloan <esloan50@outlook.com>
Sent: Monday, January 21, 2019 9:33 AM
To: Hummer, Phill
Cc: Edward Sloan
Subject: change of water right ownership 63-9918
Attachments: 20190121_091806.PDF

Hello Phil,

I receive your letter on Thursday last week in regard to needing the deed from Cameron to Sevig. I have attached it and I tried to include it in my file when I was preparing it in your office with Cody, but he did not think it was needed.

Tim Sevig was my builder, so he took ownership of the property we were going to buy from Cameron's for a short time as security for the building loan. Cameron's deed is the same as our deed w/ time Sevig.

Thanks for your help.

Regards

Ed

Ed Sloan

Cell: 208-830-5327
4243 N Brookside Lane
Boise, Idaho, 83714



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

01/05/2019

EDWARD SLOAN
SUSAN SLOAN
4243 N BROOKSIDE LN
GARDEN CITY 83714

Re: Notice of Change in Water Right Ownership – More Information Required

Dear Applicant(s):

IDWR received your notice of change in water right ownership form (notice) on December 13, 2018. The noticed indicated water right no. 63-9918 should be divided proportionally based on the portion of the place of used that you acquired. The warranty deed submitted with the notice shows you purchased the property from Tim and Linda Sevig. According to our current records the owners of the water right no. 63-9918 are W.E. Cameron and Lucile Cameron. Since the current owner of the water right is different from the current owner of the water right additional information is required before the ownership change can be completed. You need to submit copies of the deeds or other purchase documents that shows the chain of ownership between Tim and Linda Sevig and W.E. Cameron and Lucile Cameron. These documents are necessary to insure the water right was still associated with the property you purchased and has not been sold or conveyed separately.

Please submit the required information within thirty (30) days. If the information described above is not received within thirty (30) days the notice of change in water right ownership will be considered incomplete and will be returned. Contact me at 208-334-2190 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Hummer', is written above the typed name.

Phill Hummer
Senior Water Resource Agent
Idaho Department of Water Resources
Email: phill.hummer@idwr.idaho.gov