

RECEIVED

NOV 02 2018

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82823

RECEIVED

NOV 06 2018

DEPARTMENT OF
WATER RESOURCES

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) Ronald and/or Ruth Knittel**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes** **N/A** * Means the item is always required and must be included with the application.

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #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. (See Part 1.)
- ☒ ☐ #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. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Department's evaluation memo for recently approved transfer no. 82348

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Ronald and/or Ruth Knittel Phone 925-250-4049
Mailing address 14146 Corona Dr., Caldwell, ID 83607 Email ronknittel@gmail.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**.

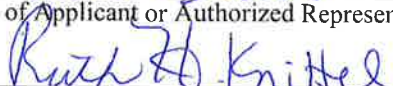
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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></u> Signature of Applicant or Authorized Representative	<u>RON KNITTEL</u> Print Name and Title if applicable	<u>10-31-18</u> Date
<u></u> Signature of Applicant or Authorized Representative	<u>Ruth H. Knittel</u> Print Name and Title if applicable	<u>10-31-18</u> 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 right per ownership
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.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 right to reflect portion appurtenant to applicants' property aka Lots 17 & 18, High Vista Estates
Subdivision; (2) include applicants' proposed private 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 ☐ ☒	63-33517	0.15/40.5	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.15 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.15 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	SE	36	6N	3W	Gem	Ground Water	Proposed Well

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) **Applicants' water right 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	
6N	3W	36													9				9
Total Acres (for irrigation use)																			9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

Well, pump, pressurized 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? Ron Knittel

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:

Right 63-33517 was decreed in 2009 and leased to the Bank through 2015. Pacific Intermountain Mortgage Co. acquired the property in lieu of foreclosure in 2014 and was not aware 63-33517 was subject to release from the bank since they were not sent a lease expiration notice. The Department confirmed right 63-33517 was not subject to forfeiture until 2021 as described in the application evaluation memo dated 9/19/2018 for transfer no. 82348 recently approved for adjacent Lot 20. Page 4

(see attachment 10 for copy of the memo)



82823

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

Current Water Right No.: 63-33517

Current Owner: CARLOS L POST
Priority Date: 9/29/1978
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	1.64 CFS	454.4 AF
STOCKWATER	01/01 to 12/31	0.1 CFS	5.2 AF
	<u>Total Diversion</u>	1.64 CFS	454.4 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4NE1/4 Sec. 36, Twp 06N, Rge 03W B.M.
GEM County

Place of Use

IRRIGATION Within GEM County

Section	Direction	Acres	Section	Direction	Acres
T06N R03W S36	NENE	15.00	T06N R03W S36	NWNE	3.60
T06N R03W S36	SWNE	22.50	T06N R03W S36	SENE	40.00
T06N R03W S36	NESE	19.90			
Total Acres: 101					

STOCKWATER Within GEM County

Section	Direction	Section	Direction
T06N R03W S36	NENE	T06N R03W S36	NWNE
T06N R03W S36	SWNE	T06N R03W S36	SENE
T06N R03W S36	NESE		

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 04/29/2009.
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.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

82823



PioneerTitleCo.
GOING BEYOND

610 S. Kimball Avenue
Caldwell, ID 83605

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 663188 KM/JW

Instrument # 318464

EMMETT, GEM, IDAHO
2018-10-19 01:30:47 PM No. of Pages: 2
Recorded for: PIONEER TITLE COMPANY OF GEM C
SHELLY TILTON Fee: \$15.00
Ex-Officio Recorder Deputy SStewart
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

WARRANTY DEED

For Value Received Pacific Intermountain Mortgage Company
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Ronald Knittel, a married man as his sole and separate property

hereinafter referred to as Grantee, whose current address is 14146 Corona Drive Caldwell, ID 83607

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: October 15, 2018

Pacific Intermountain Mortgage Company

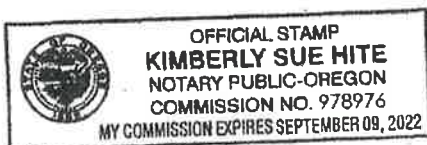
By: Ken Errand
Signature

Printed name and title: Ken Errand, owner

State of Oregon, County of Baker

This record was acknowledged before me on October 16, 2018 by
Ken Errand, as owner of Pacific Intermountain
Mortgage Company

Kim S. Hite
Signature of notary public
Commission Expires:



318464

EXHIBIT A

Lot 17, High Vista Estates Subdivision, according to the plat thereof, filed in Book 4 of Plats at page(s) 32, records of Gem County, Idaho.



Pioneer Title Co.
GOING BEYOND

610 S. Kimball Avenue
Caldwell, ID 83605

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PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 663188 KM/JW

Instrument # 318465

EMMETT, GEM, IDAHO
2018-10-19 01:30:47 PM No. of Pages: 1
Recorded for: PIONEER TITLE COMPANY OF GEM C
SHELLY TILTON Fee: \$15.00
Ex-Officio Recorder Deputy SStewart
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

QUITCLAIM DEED

For Value Received

Ruth Knittel, spouse of Grantee

do hereby convey, release, remise and forever quit claim unto

Ronald Knittel, a married man as his sole and separate property
whose address is 14146 Corona Drive, Caldwell, ID 83607

the following described premises, to-wit:

Lot 17, High Vista Estates Subdivision, according to the plat thereof, filed in Book 4 of Plats at
page(s) 32, records of Gem County, Idaho.

together with their appurtenances.

Dated: October 15, 2018

Ruth Knittel

Ruth Knittel

State of Idaho, County of Canyon

This record was acknowledged before me on October 19, 2018 by Ruth Knittel

Kathy McDonald

Signature of notary public

Commission Expires: 5/27/2023



318465

82823



Pioneer Title Co.
GOING BEYOND

610 S. Kimball Avenue
Caldwell, ID 83605

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page(s) 32, records of Gem County, Idaho.

together with their appurtenances.

Dated: October 15, 2018

Ruth Knittel

State of Idaho, County of Canyon

This record was acknowledged before me on October 19, 2018 by Ruth Knittel

Signature of notary public

Commission Expires: 5/27/2023



Instrument # 317102

EMMETT, GEM, IDAHO
2018-07-23 09:38:00 AM No. of Pages: 2
Recorded for: PIONEER TITLE COMPANY OF GEM C
SHELLY TILTON Fee: \$15.00
Ex-Officio Recorder Deputy CMecham
Index To: DEED
Electronically Recorded by Simplifile



Pioneer Title Co.
GOING BEYOND

610 S. Kimball Avenue
Caldwell, ID 83605

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PART OF THE ORIGINAL DOCUMENT

File No, 655343 KM/JO

****BE RECORDED TO ADD GRANTEE ADDRESS****

Instrument # 317087

EMMETT, GEM, IDAHO
2018-07-20 10:36:31 AM No. of Pages: 1
Recorded for: PIONEER TITLE COMPANY OF GEM C
SHELLY TILTON Fee: \$15.00
Ex-Officio Recorder Deputy CMecham
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Pacific Intermountain Mortgage Company, an Oregon Corporation

a corporation duly organized and existing under the laws of the State of Oregon, Grantor, does hereby
Grant, Bargain, Sell and Convey unto

Ron Knittel and Ruth Knittel, husband and wife

Grantee, whose address is: the following described real estate, to-wit:

14146 Corona Dr. Caldwell ID 83607
Lot 18 of High Vista Estates Subdivision, according to the official plat thereof, filed in Book 4 of
Plats at Page(s) 32, Records of Gem County, Idaho.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements,
subdivision, restrictions, U.S. patent reservations, easements of record and easements visible upon the
said premises.

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

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused
its corporate name to be hereunto subscribed by its officers this July 10, 2018.

Pacific Intermountain Mortgage Company, an Oregon Corporation

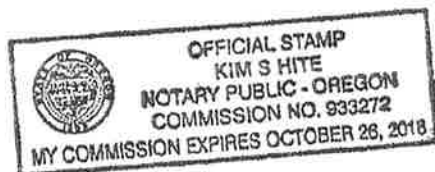
By:

Billy L. Clonts
By *Billy L. Clonts*, Vice President *Billy L. Clonts*
State of Oregon, County of *Baker*

This record was acknowledged before me on July 11, 2018 by *Billy L. Clonts*, as Vice President of
Pacific Intermountain Mortgage Company, an Oregon Corporation.

Kim S. Hite

Signature of notary public
Commission Expires:





Pioneer Title Co.
GOING BEYOND

610 S. Kimball Avenue
Caldwell, ID 83605

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PART OF THE ORIGINAL DOCUMENT

File No. 655343 KM/JO

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Pacific Intermountain Mortgage Company, an Oregon Corporation

a corporation duly organized and existing under the laws of the State of Oregon, Grantor, does hereby
Grant, Bargain, Sell and Convey unto

Ron Knittel and Ruth Knittel, husband and wife

Grantee, whose address is: , the following described real estate, to-wit:

4146 Corona Dr Caldwell ID 83607

Lot 18 of High Vista Estates Subdivision, according to the official plat thereof, filed in Book 4 of
Plats at Page(s) 32, Records of Gem County, Idaho.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements,
subdivision, restrictions, U.S. patent reservations, easements of record and easements visible upon the
said premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his
heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it
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Pacific Intermountain Mortgage Company, an Oregon Corporation

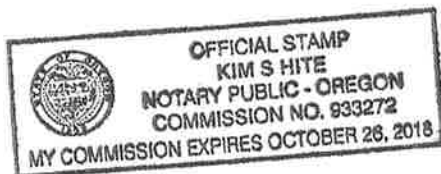
By: Billy L. Clonts

By Billy L. Clonts, Vice President Billy L. Clonts
State of Oregon, County of Baker

This record was acknowledged before me on July 11, 2018 by Billy L. Clonts, as Vice President of
Pacific Intermountain Mortgage Company, an Oregon Corporation.

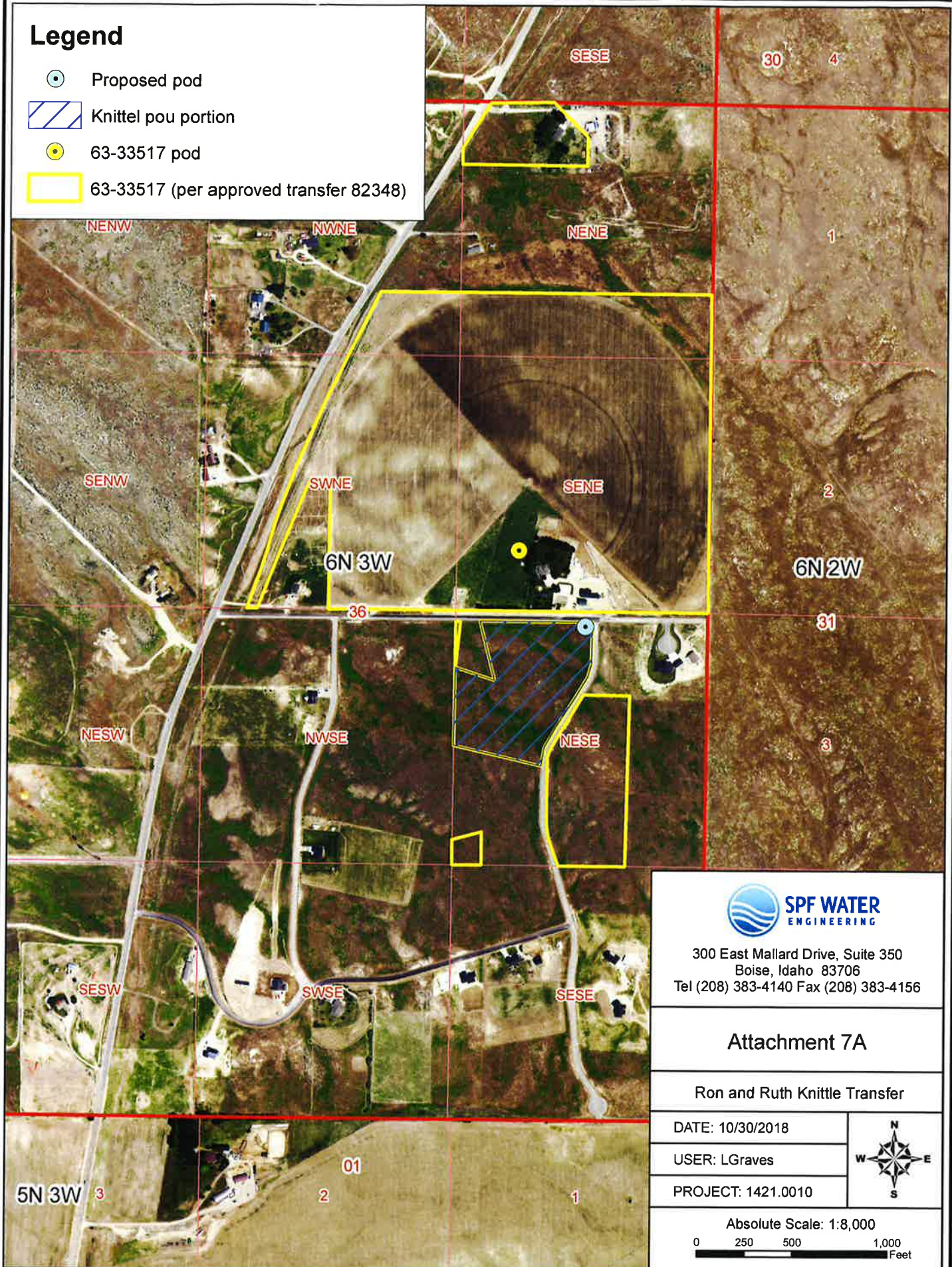
Kim S. Hite

Signature of notary public
Commission Expires:



Legend

-  Proposed pod
-  Knittel pou portion
-  63-33517 pod
-  63-33517 (per approved transfer 82348)



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

Attachment 7A

Ron and Ruth Knittle Transfer

DATE: 10/30/2018

USER: LGraves

PROJECT: 1421.0010



Absolute Scale: 1:8,000

0 250 500 1,000 Feet

MEMORANDUM

TO: Transfer No. 82348
 FROM: Rachel Sommer
 DATE: September 19, 2018
 RE: Evaluation of Application

Summary of Application Proposal

On April 30, 2018 Transfer No. 82348 was submitted in the names of Ryan L Stoldt, Karrie L Stoldt, and Kenneth Alan Bailey. The applicants recently acquired a portion of right 63-33517 and were assigned right 63-34570 to represent their portion of the right. This transfer proposes to change the place of use to describe property owned by the applicant, create a 4.6 acre permissible place of use (PPU), and construct a new well on the property and have it described as the only point of diversion on right 63-34570. The change would affect the entire irrigation right; 0.04 cfs, 11.7 af, and 2.6 acres.

Location of Application Proposal

The proposed place of use and point of diversion are located north of Emmett Rd, south of Black Canyon Canal Rd, and east of Little Freeze Out Rd in Lot 20 of High Vista Estates Subdivision in Caldwell Id.

Summary of Information Submitted

Authority to File:

Ryan L Stoldt, Karrie L Stoldt, and Kenneth Alan Bailey are the current owners of record for right 63-34570. The transfer application was filed in the above referenced names and signatures from each person is present on the application.

Water Right Validity/ Historical Beneficial Use:

63-34570: Priority Date 9/29/1978, Decreed 4/29/2009 (decreed as 63-32445). Right 63-34570 authorizes 0.04 cfs and 1.7 af for the irrigation of 2.6 acres.

I was unable to confirm 2.6 were fully irrigated on the property within the previous, consecutive, five-year period. I expressed to the applicants the validity of the right was in question and requested they provide written documentation demonstrating the right had been used within the last five years, a defense to forfeiture, or a withdrawal of application for transfer. A defense to forfeiture was submitted on June 14, 2018. The applicants purchased a portion of right 63-33517 in August of 2017 and were unaware the right has not been used and may potentially not be valid. Right 63-33517 is authorized to divert from one well which is not located on the applicant's property. The applicants did not have access to the well and irrigation had not occurred. Because there was a concern of forfeiture, the Department advertised the application. The Department received no protests to the application.

After further review of the application it was determined forfeiture of the right was not a concern. Parent right 63-31845 was leased to the water supply bank in 2005 indefinitely and then decreed in 2009. Right 63-31845 was split several times creating right 63-32445 which was later split creating right 63-33517 to represent a portion of the right. Under a new lease agreement right 63-33517 remained leased to the water supply bank indefinitely. The lease for right 63-33517 expired December 31, 2015 and was not accepted back into the bank because the applicant was not the land owner. Because the parent right was decreed in 2009 it is assumed the right was valid in that year and prior. The right was then protected from forfeiture from 2010 through 2015 as it was leased to the water supply bank. Concerns of any potential forfeiture should not have been reviewed until year 2021 if beneficial use had not occurred during year 2016 through year 2020.

Water Supply Bank:

The water right within this transfer is not leased into the Water Supply Bank.

Overlapping POU/POD:

POU/POD overlap: None.

Associated Rights:

None.

Injury to Other Water Rights:

There should be no injury to other water rights under this transfer as long as the right holder abides by the amount of water that is appurtenant to this property.

Enlargement of Use:

No enlargement should occur under the proposed transfer application. The proposal is to change the point of diversion from one existing well to a new well within the same subdivision on the applicant's property. No new irrigation water is sought under this proposal.

Local Public Interest:

It is within the local public interest to allow property owners to develop their property as long as the application is processed without issues.

Beneficial Use/Conservation of Water Resources:

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

Legal Notice:

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Forfeiture of the right within this transfer was questioned requiring public notice. Possible forfeiture of the right was later dismissed.

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Protests were not filed and other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

MEMORANDUM

Date: March 1, 2019
To: Transfer 82823
From: Scott Storms
Re: Legal Notice Not Required

Legal Notice Not Required
3/1/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: December 31, 2018
To: Transfer 82823
From: Scott Storms
Re: Review & Evaluation of Sufficiency of Information

The department received this Application for Transfer from Ronald and Ruth Knittel on November 02, 2018. The application proposes to split water right 63-33517 to reflect portion appurtenant to applicants' property located in NESE OF Sec 36, T06N, R03W lots 17 and 18 in the High Vista Estates subdivision in Gem County and to include applicants' proposed private well as the authorized point of diversion on the newly split portion.

Authority to File:

Current parcel data shows Pacific Intermountain Mortgage Company as the owner of lots 17 and 18. The applicants provided copies of the Warranty Deed granting lots 17 and 18 from Pacific Intermountain Mortgage Company to the applicants, including all appurtenances.

Water Right Validity:

The parent Water Right of 63-33517 was 63-32445 and was leased to the Water Supply Bank (The Bank) indefinitely on March 30, 2005. Right 63-32445 was decreed in the SRBA on April 29, 2009. The Department approved a transfer on September 2, 2011, which split 63-32445 and created water right 63-33517. At the time of the split, Right 63-32445 was leased into the water supply bank and as such, after the split, a portion of 63-33517 was considered leased to The Bank. On August 7, 2012, the Department sent a letter to Carlos Post notifying him of this status. On September 8, 2015, notice was sent to Mr. Post that alerting him that Right 63-33517 will be released from The Bank on December 31, 2015 and that the 5-year period of non-use would begin on that date. This would put the end of that period on December 31, 2020 and therefore 63-33517 remains a valid right at this time.

Injury to Other Water Rights: There is no change in the place of use and although there is a new point of diversion (POD) well to be drilled, as long as the right holder abides by the amount of water appurtenant to this property, there should be no injury to other water rights.

Enlargement of Use: Through this transfer, the newly proposed POD is only authorized for the amount of water appurtenant to the purchased property and the newly authorized amount for the original POD is reduced by this amount. The place of use (POU) for the newly created right (#63-34650) remains the same as it was for 63-33517 and is simply split off from that right. As such, there are no enlargement concerns in this transfer.

Local Public interest: There are no apparent issues identified. This application will be advertised to allow local concerns to be addressed.

Beneficial Use/Conservation of Water Resources: This application proposes beneficial use consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No effect anticipated

Effect on Agricultural Base of the Local Area: No effect anticipated.

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



SPF WATER
ENGINEERING

November 1, 2018

RECEIVED
NOV 02 2018
WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: *Application for Transfer*

Dear Angie,

Enclosed on behalf of the Ron and Ruth Knittel, is an *Application for Transfer* involving a portion of water right 63-33517 appurtenant to their property. The water right is currently in the name of Carlos Post.

Check No. 1333 for \$300 is enclosed for the filing fees including: \$200 for the transfer application and \$100 to split the water right.

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

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Ron Knittel

Enclosures

SPF file number: 1421.0010