

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82804**

This is to certify that: THE RANDY & LESLIE STEWART LIVING TRUST
2904 W NEWBURY CT
EAGLE, ID 83616

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>
63-32968	WR/DECREED	2/25/1963	0.610 cfs	241.7 af	N/A	53.7	GROUND WATER
63-32970	WR/DECREED	3/11/1968	0.500 cfs	194.9 af	N/A	56.7	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
63-32967	WR/DECREED	2/25/1963	0.440 cfs	171.0 af		38.0	GROUND WATER
63-32969	WR/DECREED	3/11/1968	0.340 cfs	130.6 af		38.0	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>
63-32968	YES	YES	NO	NO	NO	NO
63-32970	YES	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>
63-32968	63-34641	0.050 cfs	19.6 af	4.4	4.6	63-32968	0.560 cfs	222.1 af	N/A	49.3
63-32970	63-34642	0.040 cfs	15.8 af	N/A	4.6	63-32970	0.460 cfs	179.1 af	N/A	52.1
COMBINED TOTALS		0.050 cfs	20.1 af	N/A	4.6		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82804

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 27th day of December, 2018.



PAMELA S. SKAGGS, Water Rights Section Mgr.



WATER RIGHT NO. 63-32968**As Modified by Transfer No. 82804**

In accordance with the approval of Transfer No. 82804, Water Right No. 63-32968 is now described as follows:

Right Holder: DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA, ID 83686

Priority Date: 2/25/1963

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.560 cfs

0.560 cfs

Diversion Volume

222.1 af

222.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SENWNW
SWNESW

Sec 24 Twp 02N Rge 03W CANYON County
Sec 24 Twp 02N Rge 03W CANYON 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	
02N	03W	24								21.7	27.6								49.3

POU Total Acres: 49.3

CONDITIONS OF APPROVAL

1. 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. 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.
3. 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. 63-34641

As Modified by Transfer No. 82804

In accordance with the approval of Transfer No. 82804, Water Right No. 63-34641 is now described as follows:

Right Holder: THE RANDY & LESLIE STEWART LIVING TRUST
2904 W NEWBURY CT
EAGLE, ID 83616

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	0.050 cfs	19.6 af
			0.050 cfs	19.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 24 Twp 02N Rge 03W CANYON 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	
02N	03W	24								4.6									4.6

Right Acre Limit: 4.4

POU Total Acres: 4.6

CONDITIONS OF APPROVAL

1. Rights 63-34361 and 63-34642 when combined shall not exceed a total diversion rate of 0.05 cfs, a total annual maximum diversion volume of 20.1 af at the field headgate, and the irrigation of 4.6 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. Point of diversion is located within Lot 7, Blk. 2, Deersky Ranch Subdivision.
4. Place of use is located within Lot 7, Blk. 2, Deersky Ranch Subdivision.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-34641
As Modified by Transfer No. 82804

CONDITIONS OF APPROVAL

7. 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. 63-32970**As Modified by Transfer No. 82804**

In accordance with the approval of Transfer No. 82804, Water Right No. 63-32970 is now described as follows:

Right Holder: DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA, ID 83686

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	0.460 cfs	179.1 af
			0.460 cfs	179.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 24 Twp 02N Rge 03W CANYON County
GROUND WATER	SWNESW	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								23.5	28.6								52.1

POU Total Acres: 52.1

CONDITIONS OF APPROVAL

1. 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. 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.
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. 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.

Transfer No. 82804

WATER RIGHT NO. 63-34642

As Modified by Transfer No. 82804

In accordance with the approval of Transfer No. 82804, Water Right No. 63-34642 is now described as follows:

Right Holder: THE RANDY & LESLIE STEWART LIVING TRUST
2904 W NEWBURY CT
EAGLE, ID 83616

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	15.8 af
			0.040 cfs	15.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW 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								4.6									4.6

POU Total Acres: 4.6

CONDITIONS OF APPROVAL

1. Rights 63-34641 and 63-34642 when combined shall not exceed a total diversion rate of 0.05 cfs, a total annual maximum diversion volume of 20.1 af at the field headgate, and the irrigation of 4.6 acres.
2. 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.
3. 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.
4. Point of diversion is located within Lot 7, Blk. 2, Deersky Ranch Subdivision.
5. Place of use is located within Lot 7, Blk. 2, Deersky Ranch Subdivision.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82804

WATER RIGHT NO. 63-34642
As Modified by Transfer No. 82804

CONDITIONS OF 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. 63-32967
As Modified by Transfer No. 82804

In accordance with the approval of Transfer No. 82804, Water Right No. 63-32967 is now described as follows:

Right Holder: LARRY WILLIAMS
 MARIANNE WILLIAMS
 914 HOUSTON RD
 BOISE, ID 83706

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	0.440 cfs	171.0 af
			0.440 cfs	171.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 24 Twp 02N Rge 03W CANYON County
GROUND WATER	SWNESW	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					38.0												38.0

POU Total Acres: 38.0

CONDITIONS OF APPROVAL

1. 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. 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. 63-32969**As Modified by Transfer No. 82804**

In accordance with the approval of Transfer No. 82804, Water Right No. 63-32969 is now described as follows:

Right Holder: LARRY WILLIAMS OR
MARIANNE WILLIAMS
914 HOUSTON RD
BOISE, ID 83706

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	0.340 cfs	130.6 af
			0.340 cfs	130.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 24 Twp 02N Rge 03W CANYON County
GROUND WATER	SWNESW	Sec 24 Twp 02N Rge 03W CANYON 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	
02N	03W	24					38.0												38.0

POU Total Acres: 38.0

CONDITIONS OF APPROVAL

1. 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. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
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 5/2/2009.
4. 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.

Transfer No. 82804

State of Idaho
Department of Water Resources
Attachment to Transfer 82804
63-32968 & 63-32970

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.

03W



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

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 82804
63-34641 & 63-34642

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.

03W



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

0 0.0225 0.045 0.09 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 4, 2019

THE RANDY & LESLIE STEWART LIVING TRUST
2904 W NEWBURY CT
EAGLE ID 83616

Re: Transfer No: 82804

Water Right No(s): 63-32967, 63-32968, 63-32969, 63-32970

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,


For Clay Webster

Water Rights Supervisor

Enclosure

c:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

SCOTT L CAMPBELL
CAMPBELL LAW CHTD
PO BOX 170538
BOISE ID 83717

LARRY WILLIAMS
914 HOUSTON RD
BOISE ID 83706

MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706

DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA ID 83686

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 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.: 82804

Water Right No(s): 63-32967, 63-32968, 63-32969, 63-32970

**THE RANDY & LESLIE STEWART LIVING TRUST
2904 W NEWBURY CT
EAGLE ID 83616**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

**SCOTT L CAMPBELL
CAMPBELL LAW CHTD
PO BOX 170538
BOISE ID 83717**

**LARRY WILLIAMS
914 HOUSTON RD
BOISE ID 83706**

**MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706**

**DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA ID 83686**



**Darla Block
Technical Records Specialist**

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.