

RECEIVED

NOV 27 2018

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82873MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) American Homes LLCCheck 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 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) American Homes LLC Phone 208 550 0767
Mailing address 7800 W Alfalfa Rd. Melba, ID 83641 Email spencer.crosland@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 Spencer Crosland Phone 208 550 0767
Mailing address 7800 W Alfalfa Rd. Melba ID 83641 Email spencer.crosland@gmail.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.

Spencer Crosland
Signature of Applicant or Authorized Representative

Spencer Crosland - Managing Member
Print Name and Title if applicable

11/26/18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☒ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- 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**.
We would like to change use to add additional 1/4 1/4's.
And also add 5 points of diversion. Construct 5 new wells.

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 ☒ ☐	<u>63-10738</u>	<u>0.62 / 139.5</u> cfs AF	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>	<u>Groundwater</u>
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.62 cfs and/or 139.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.62 cubic feet per second and/or 139.5 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			SE	NE	36	01N	02W	Canyon	Groundwater	
Y			SE	NE	36	01N	02W	Canyon	Groundwater	
Y			SW	NE	36	01N	02W	Canyon	Groundwater	
Y			SW	NE	36	01N	02W	Canyon	Groundwater	
Y			SE	NW	36	01N	02W	Canyon	Groundwater	

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

- ☐ 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	
01N	02W	36			14	11				6									31
Total Acres (for irrigation use)																			31.0

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:

Construct five new wells.

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

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

- c. 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:

There will be no change to the number of acres irrigated.
They will continue to use surface water to irrigate.

- 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:

Attachment #1

254



**AMENDMENT TO
CERTIFICATE OF ORGANIZATION
LIMITED LIABILITY COMPANY**

Title 30, Chapters 21 and 25, Idaho Code

Base Filing fee: \$30.00.

Complete and submit the application in duplicate.

FILED EFFECTIVE

2016 OCT 11 AM 9:51

**SECRETARY OF STATE
STATE OF IDAHO**

1. The name of the limited liability company is:
American Homes LLC z1
2. The date the certificate of organization was originally filed: April 16, 2016
3. The name of the limited liability company is amended to:

4. The complete street and mailing addresses of the principal office is amended to:
3007 Can-Ada Rd. Melba, ID 83641

5. The mailing address for future correspondence (annual reports) is amended to:
3007 Can-Ada Rd. Melba, ID 83641

6. The name and address of the managers/members shall be amended as follows:
Add: ☒ Delete: ☐ Michael Christensen 8725 Bigfoot Rd. Melba, ID 83641
Add: ☐ Delete: ☐ _____
Add: ☐ Delete: ☐ _____
7. Signature of a manager, member, or authorized person.
Printed Name: Spencer Crosland
Signature: Spencer Crosland
Printed Name: _____
Signature: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
10/11/2016 05:00

CK:NO CK# CT:323693 BH:1550296
10 30.00 = 30.00 ORGAN AMEN #2

W1105839

Attachment #2a

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/9/2018

Water Right 63-10738

Owner Type **Name and Address**
Current Owner KENNETH HOAGLAND
748 SOUTHSIDE BLVD
MELBA, ID 83641
(208) 495-2533

Current Owner BLAINE HOAGLAND
748 SOUTHSIDE BLVD
MELBA, ID 83641
(208) 495-2533

Current Owner MARK W HOAGLAND
748 SOUTHSIDE BLVD
MELBA, ID 83641
(208) 495-2533

Priority Date: 12/2/1988

Basis: License

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.620 CFS	139.5 AF
	Total Diversion		0.620 CFS	139.5 AF

Source and Point(s) of Diversion

GROUND WATER SWSW Sec. 1, Twp 01S, Rge 02W, CANYON County

Place Of Use

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	2																31.0	31.0

POU Total Acres: 31.0

Conditions of Approval:

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
- R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Combined Use Limits: N/A

SubCase: N/A

Water Supply Bank: N/A

State of Idaho
Department of Water Resources

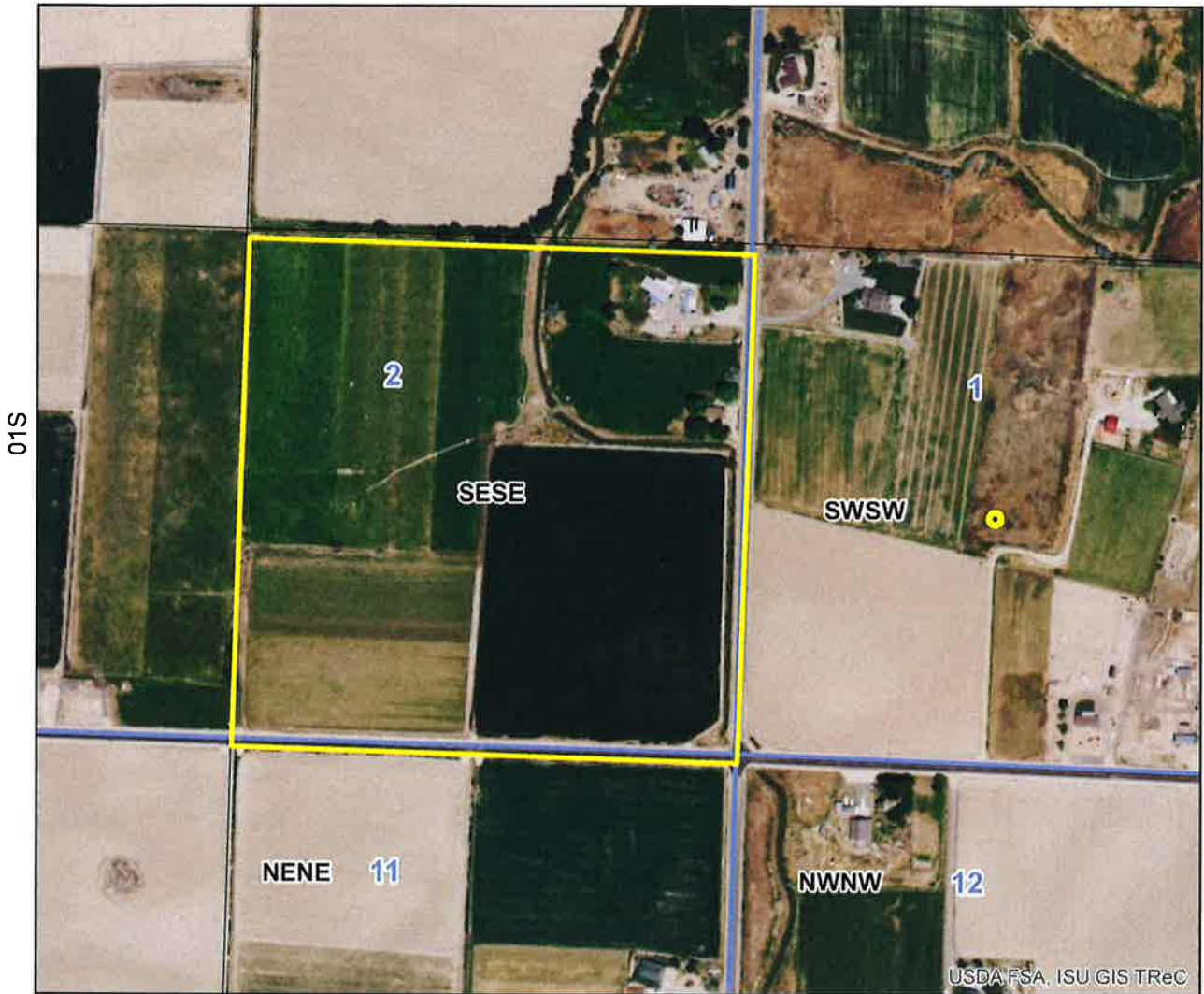
Attachment to Water Right License

63-10738

Attachment # 2a

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.

02W



0 0.05 0.1 0.2 Miles

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



2B

WATER RIGHTS PURCHASE AGREEMENT

This Agreement is dated the 16th day of November, 2018, by and between
Anneth Hoagland, Blaine Hoagland, and Mark Hoagland
successors and assigns ("Seller"), and
American Homes LLC
its successors and assigns ("Buyer").

RECITALS:

WHEREAS, Seller owns certain merchantable and valid ground water rights described as follows: Water Right 63-10738 with a priority date of 12/2/1988 for Irrigation purposes with a diversion rate of 0.620 CFS and a total volume of 139.5 AF within Canyon County, ID ("water rights"); and

WHEREAS, Buyer desires to purchase said water rights under the terms and conditions contained herein.

WITNESSETH:

1. Agreement to Sell and Purchase Water Rights. Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase and acquire from Seller all of Seller's right, title and interest in and to the water rights subject to the terms of this Agreement to the extent the water rights are accepted for transfer by the **Idaho Department of Water Resources, State of Idaho**.

2. Purchase Price and Terms. Buyer shall pay Seller at total of Fifteen Thousand Dollars (\$15,000) in the event that IDWR approves the transfer of said water rights to the location designated by the buyer for all water rights under water right #63-10738.

3. Once IDWR has approved the transfer of said water rights, buyers shall have 10 business days from approval date to provide to the seller a cashier's check for the agreed upon amount stated in Purchase price and Terms. At that point a bill of sale will be issued by the sellers to the buyers that will finalize transaction.

4. Buyers are responsible for all costs due to the transfer of water rights and the transfer of ownership of said water rights.

5. Warranties of Seller. Seller does hereby represent, covenant and warrant to Buyer that the following are true now and will be at closing.

6. Irrigation Panel and irrigation pump goes with the sale
of the water rights.
in well

off MW 14 21 22

(a) Authority. Seller has the full right and authority to enter into this Agreement and consummate the transactions intended in this Agreement, and no other consent to or so is required.

(b) Title to Water Rights. Seller now has, and at closing will have, good and merchantable, fee simple title to the water rights. The water rights are free and clear of all liens, security interests, mortgages, pledges, encumbrances, ditch fees, taxes and assessments, and charges or claims of whatever nature. The water rights are in good standing with the Idaho Department of Water Resources (IDWR), State of Idaho, and have not been forfeited or abandoned, and are not subject to judgment, suit, lien, receivership, or any other encumbrance whatsoever.

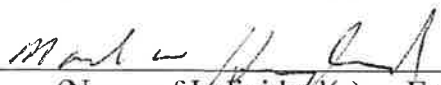
(c) Judgments or Litigation. Seller has no knowledge of any outstanding judgments against Seller that would in any manner affect the consummation of this transaction or constitute any cloud upon the title to the water rights- Seller has no knowledge of any pending litigation, proceedings, or investigations, or any threats of litigation, proceedings or investigations, which might result in any cloud upon the title to the water rights, or any other material change in the value of the water rights.

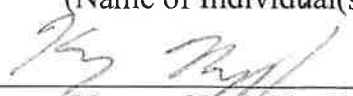
(d) Continued Cooperation. Seller shall, within reason, cooperate with Buyer before, during and after closing to effectuate the transactions contemplated in this Agreement including, without limitation, the execution of any documents or the taking of any action (or the restraining from taking of any action) necessary or desirable to achieve the intended results herein.

8. Representations. All statements contained in this Agreement or any other instrument delivered by or on behalf of Seller as provided in this Agreement, or in connection with this transaction, will be deemed representations and warranties by Seller as provided in this Agreement. All representations, warranties, indemnities, and agreements made by Seller or Buyer in this Agreement shall survive closing.

SELLER:


_____, A _____
(Name of Individual(s) or Entity) (Type of Entity)


_____, A _____
(Name of Individual(s) or Entity) (Type of Entity)


_____, A _____
(Name of Individual(s) or Entity) (Type of Entity)

BUYER

American Homes . A
(Name of Individual(s) or Entity) (Type of Entity)

By: Spencer Crossland - Managing Member 11/15/16
(Name & Title) Date

ACKNOWLEDGEMENT FOR INDIVIDUAL(S)

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed and sworn to before me by _____,
who appeared personally before me this ____ day of _____, and who did swear,
affirm, certify, depose, and warrant that he/she/they have signed the hereinabove
instrument as his/her/their sui juris act and who is/are legally authorized to sign the
hereinabove instrument and do hereby attach documentary evidence of his/her/their
authority if acting on behalf of any fictitious legal entity of public or private law.

My Commission Expires: _____ Notary

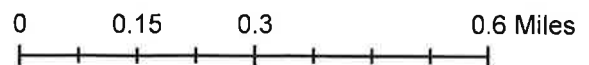
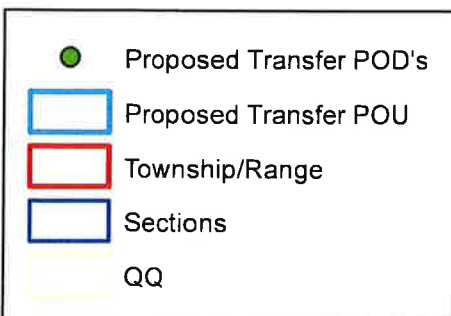
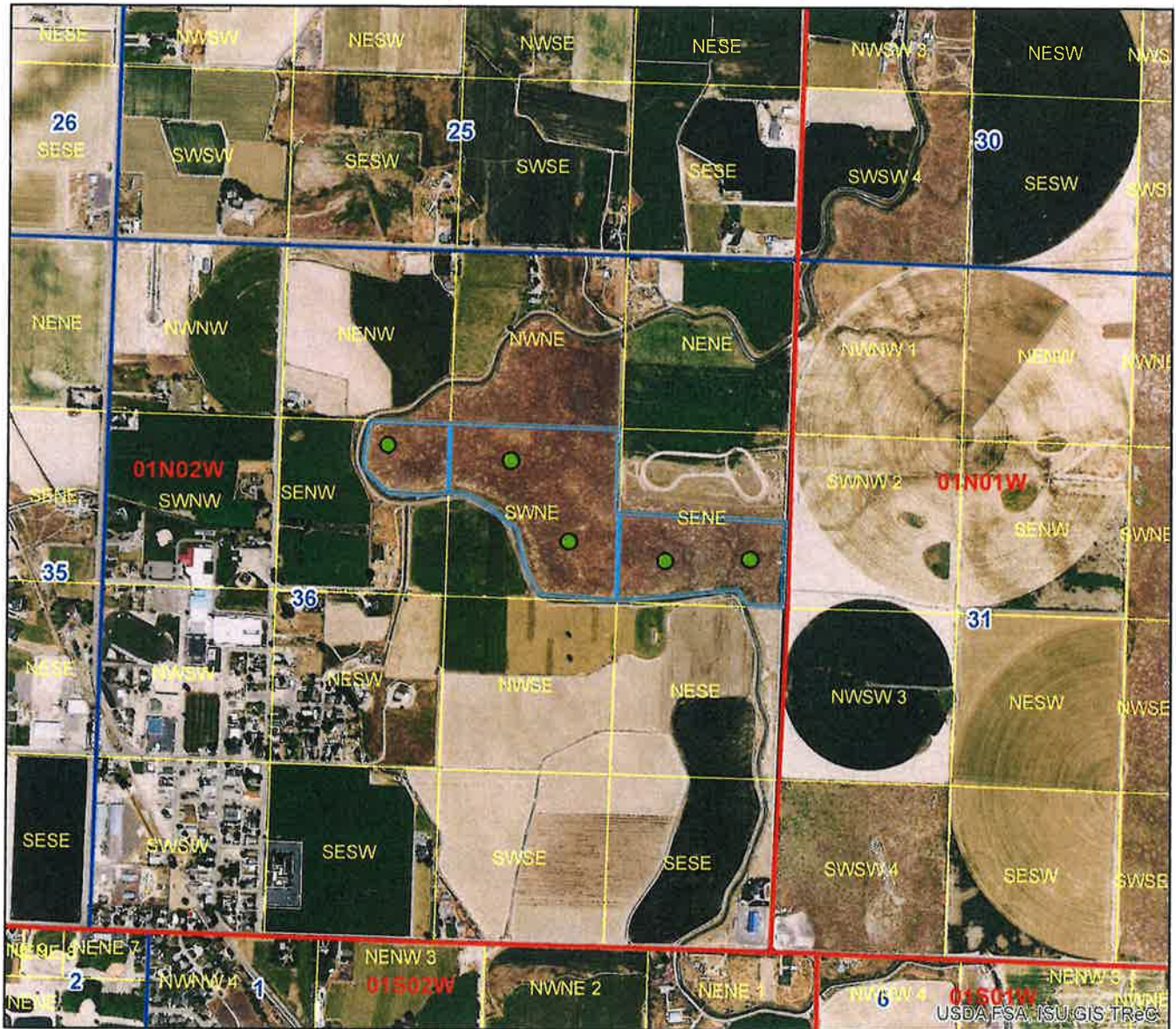
See Attached

State of Idaho
Department of Water Resources
Attachment to Transfer

Water Right(s): 63-10738

Attachment # 7a

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.



State of Idaho
Department of Water Resources

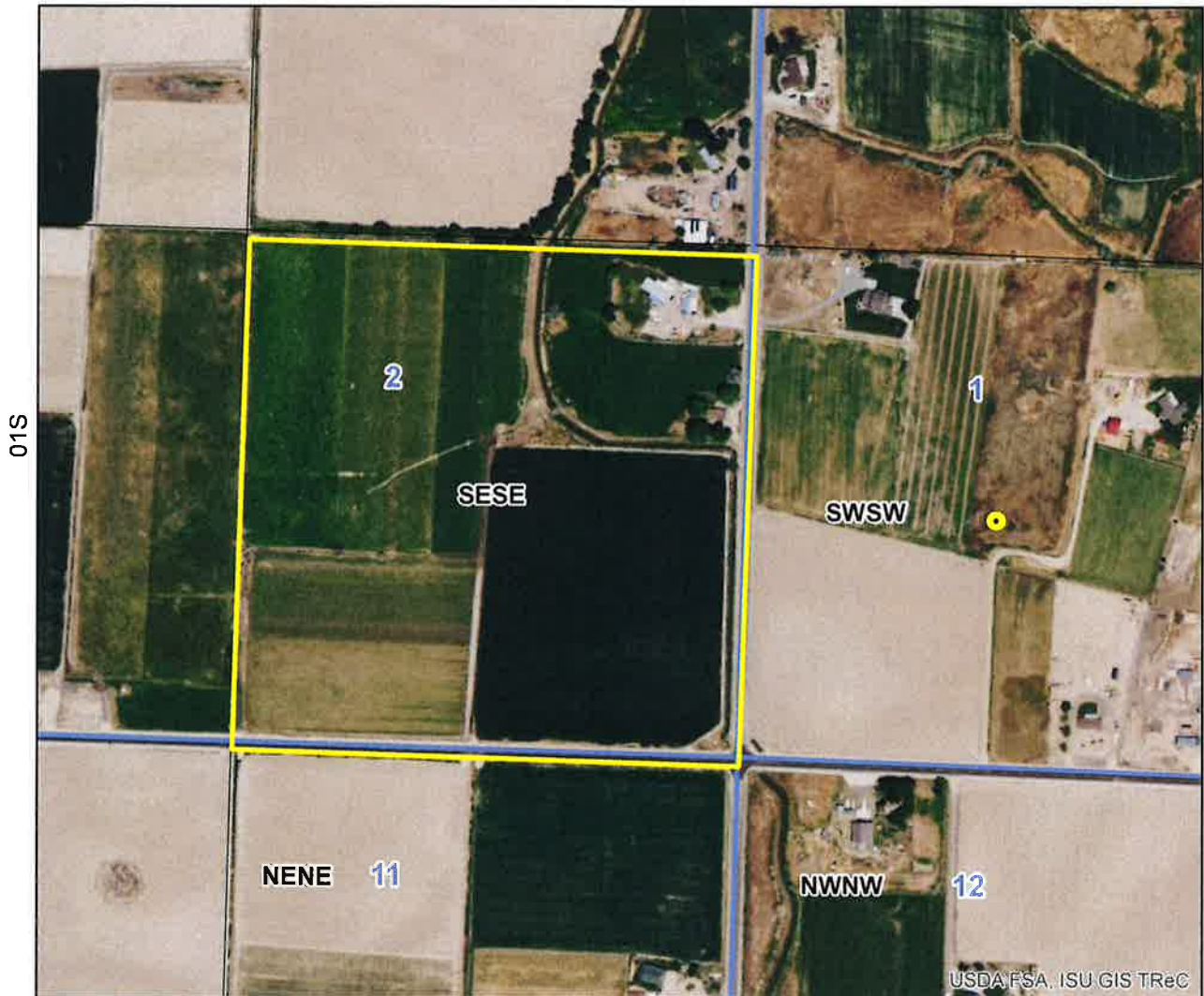
Attachment to Water Right License

63-10738

Attachment # 76

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.

02W



0 0.05 0.1 0.2 Miles

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



82873-14



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

January 10, 2019

REYNOLDS IRRIGATION DISTRICT
PO BOX 12
MELBA ID 83641

Re: Application for Transfer No. 82873

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Press Tribune* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **February 4, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Anna Kaiser".

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures



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

January 10, 2019

KENNETH HOAGLAND
BLAINE HOAGLAND
MARK W HOAGLAND
748 SOUTHSIDE BLVD MELBA ID 83641

Re: Application for Transfer No. 82873

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Press Tribune* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **February 4, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, January 10, 2019 10:23 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Canyon Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

My name is Anna. I will be sending you legal notices, please send confirmation to my email.

Please see the attached ad for publication on 1/17/2019 & 1/24/2019.

Please confirm these are okay to publish as shown.

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

January 10, 2019

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Transfer No. 82873,
Water Right No: 63-10738

RE: Application for Permit No: 63-34643

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/4/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

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

63-34643

DALE W PIERCY

RAMONA PLAZA

31367 HWY 95

PARMA, ID 83660

Point of Diversion NWSW S16 T05N R05W CANYON County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion NESW S16 T05N R05W CANYON County Source WASTE WATER Tributary BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 7.3 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 4.6 AF

Total Diversion: 1 CFS 7.3 AF

Date Filed: 11/28/2018

Place Of Use: WILDLIFE STORAGE, STOCKWATER STORAGE

T05N R05W S16 NWSW

Water bearing zone to be appropriated is from 0 to 8 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82873

AMERICAN HOMES LLC, 7800 W ALFALFA RD, MELBA, ID 83641-6036; has filed Application No. 82873 for changes to the following water rights within CANYON County(s): Right No(s). 63-10738; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to add 5 new wells as points of diversion and change the place of use to property near the intersection of S Can-Ada Rd and Melba Rd.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 2/4/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/17/2019 and 1/24/2019



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

January 10, 2019

AMERICAN HOMES LLC
7800 W ALFALFA RD
MELBA, ID 83641-6036

RE: Transfer No. 82873
Water Right No. 63-10738

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 1/17/2019 and 1/24/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Anna Kaiser
Administrative Assistant

CC:
SPENCER CROSLAND
7800 W ALFALFA RD
MELBA, ID 83641

Hummer, Phill

From: spencercrosland@gmail.com
Sent: Tuesday, January 08, 2019 3:01 PM
To: Hummer, Phill
Subject: Re: water rights transfer

Proceed at this point. I will have verification this week. Where would I go for finding other sources of water rights?

Thanks

Spencer

Sent from my iPhone

On Jan 8, 2019, at 12:10 PM, Hummer, Phill <Phill.Hummer@idwr.idaho.gov> wrote:

Spencer,

If you think that you can provide enough evidence to show that the right you were planning on buying and changing is valid then I can proceed processing the application. This involved publication of the application in the newspaper for 2 consecutive weeks. Following advertisement there is a 10 day protest period where anybody that might have an issue with the proposal may submit a protest. If there are no protests filed then the rest of the process is fairly straight forward. I will need to complete my analysis of the application, which includes an evaluation of the validity of the right. If the proposal is approval I will draft that document and work with my supervisors to get it signed. This process, including the advertisement process, can take anywhere for 2 to 6 months. If the transfer application is protested then the process is much more complicated and can take 6 months or longer, usually longer.

If you do not think that you can show the right is valid then I suggest withdrawing the application and getting a refund. As we discussed on the phone another option would be to pursue individual water rights for the lots or drill domestic wells under a domestic drilling permit (no irrigation but no water rights process).

Let me know what you want to do, proceed or withdraw. We can discuss further if you have any questions.

-Phill

From: Spencer Crosland [<mailto:spencercrosland@gmail.com>]
Sent: Monday, January 07, 2019 11:00 AM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Cc: Jon Stosich <stosj5@gmail.com>
Subject: Re: water rights transfer

Phill,

Thank you! It sounds like the only thing I need to get is a note/letter from the current owner stating the use and any documents/proof of use. Electrical bills, purchase receipts for pumping/watering equipment. Also, is there a time frame at this point with the application? Months, weeks? We hope to get you needed information this week.

Thanks

Spencer

On Mon, Jan 7, 2019 at 10:44 AM Hummer, Phill <Phill.Hummer@idwr.idaho.gov> wrote:

Hi Spencer,

Here is the link to the information on our website regarding transfer applications. The Transfer Processing Policies and Procedures memo provides some guidance on water right validity starting on page 22 of the pdf. It discusses some ways to determine if a right is valid like using pumping records like we discussed. It also provides the references to the Idaho Code that governs water right validity and defenses to forfeiture. Often applicants will hire a consultant to assist them with complicated transfer applications and transfers that deal with potential forfeiture can be complicated. I have attached a list of consultants in case you want to consider that option. Let me know if you have any questions about this issue.

<https://idwr.idaho.gov/water-rights/transfers/policies.html>

Phill Hummer

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Email: phill.hummer@idwr.idaho.gov