

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81664**

This is to certify that: **BEVERLY WHITE AND
WILLIAM WHITE
18138 OREANA LOOP RD
MURPHY, ID 83650**

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>
57-2181	WR/DECREED	3/15/1946	2.320 cfs	N/A	N/A	116.0	GROUND WATER
57-7043	WR/DECREED	10/30/1970	3.470 cfs	N/A	N/A	178.0	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>
57-2181	NO	YES	YES	YES	NO	NO
57-7043	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

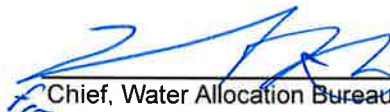
<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
57-2181	57-2181	2.320 cfs	N/A	116.0	329.0	N/A	N/A	N/A	N/A	N/A
57-7043	57-7043	3.470 cfs	N/A	178.0	329.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.720 cfs	1287.0 af	286.0	329.0		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 3rd day of January, 2019.

SUPPORT DATA

IN FILE # 57-2181


Chief, Water Allocation Bureau

Transfer No. 81664

WATER RIGHT NO. 57-2181**As Modified by Transfer No. 81664**

In accordance with the approval of Transfer No. 81664, Water Right No. 57-2181 is now described as follows:

Right Holder: WILLIAM WHITE
BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY, ID 83650

Priority Date: 3/15/1946

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/01

To

to 11/15

Diversion Rate

2.320 cfs

2.320 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER
GROUND WATER

SENE
NESE
L4 (SWSW)

Sec 30 Twp 04S Rge 01E OWYHEE County
Sec 30 Twp 04S Rge 01E OWYHEE County
Sec 30 Twp 04S Rge 01E OWYHEE 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	
04S	01E	30	8.0	7.0	38.0	39.0	27.0			31.0	19.0	25.0	26.0	24.0	26.0	14.0	21.0	25.0	330.0
											L 3	L 4							

Right Acre Limit: 116.0

POU Total Acres: 330.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 116 acres within the authorized place of use in a single irrigation season.
2. Rights 57-38, 57-39, 57-60, 57-2181 and 57-7043 when combined shall not exceed a total diversion rate of 5.72 cfs, and the irrigation of 286 acres.
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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

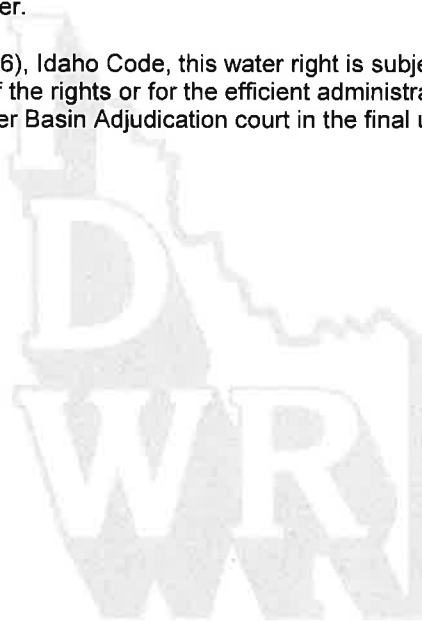
Transfer No. 81664

WATER RIGHT NO. 57-2181

As Modified by Transfer No. 81664

CONDITIONS OF APPROVAL

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.
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. 57-7043**As Modified by Transfer No. 81664**

In accordance with the approval of Transfer No. 81664, Water Right No. 57-7043 is now described as follows:

Right Holder: BEVERLY WHITE
WILLIAM WHITE
18138 OREANA LOOP RD
MURPHY, ID 83650

Priority Date: 10/30/1970

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

3.470 cfs

3.470 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENW	Sec 30 Twp 04S Rge 01E	OWYHEE County
GROUND WATER	NESE	Sec 30 Twp 04S Rge 01E	OWYHEE County
GROUND WATER	L4 (SWSW)	Sec 30 Twp 04S Rge 01E	OWYHEE 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	
04S	01E	30	8.0	7.0	38.0	39.0	27.0			31.0	18.0	25.0	26.0	24.0	26.0	14.0	21.0	25.0	329.0
												L 3	L 4						

Right Acre Limit: 178.0

POU Total Acres: 329.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 178 acres within the authorized place of use in a single irrigation season.
2. Rights 57-38, 57-39, 57-60, 57-2181 and 57-7043 when combined shall not exceed a total diversion rate of 5.72 cfs, and the irrigation of 286 acres.
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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

Transfer No. 81664

WATER RIGHT NO. 57-7043

As Modified by Transfer No. 81664

CONDITIONS OF APPROVAL

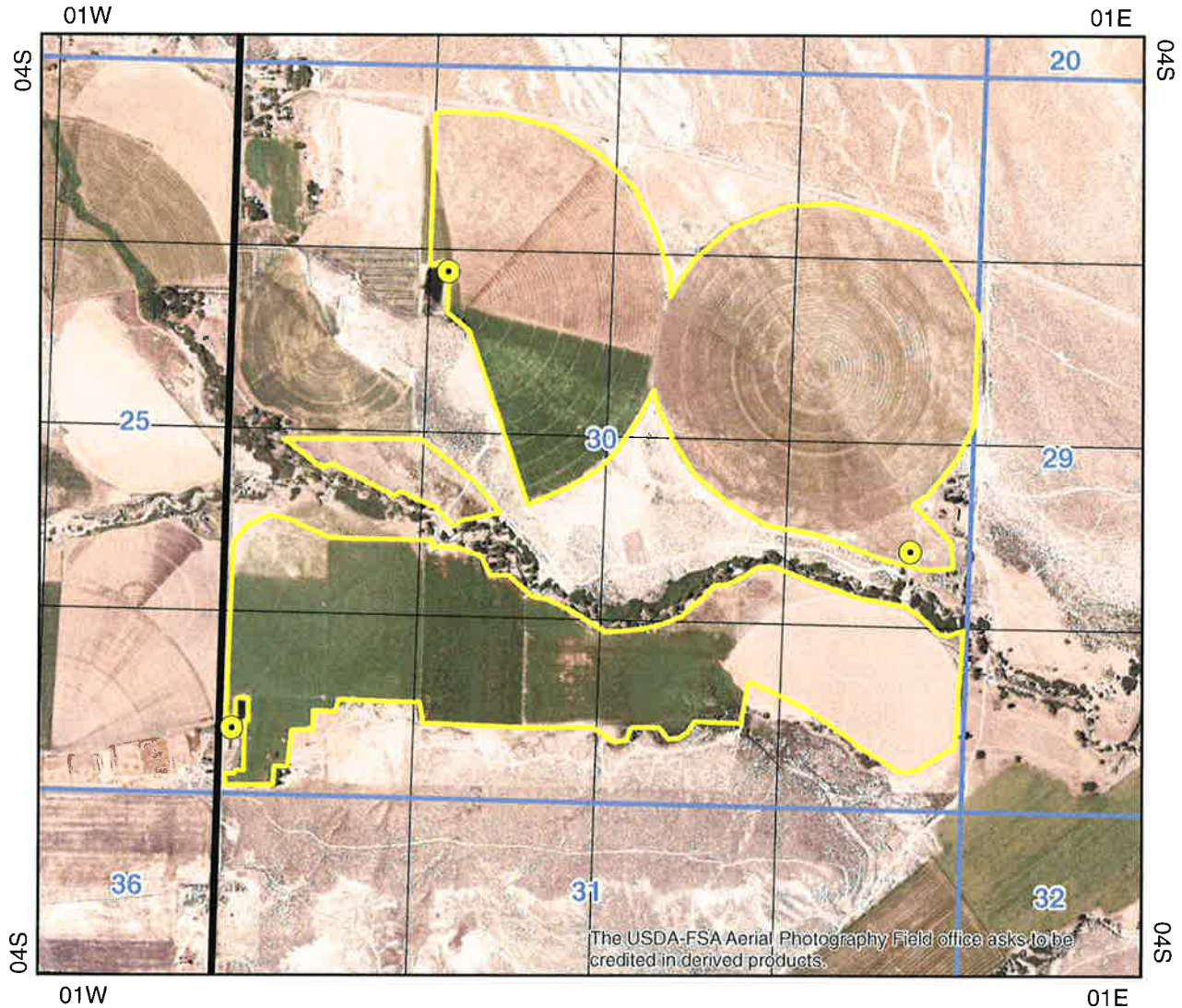
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/17/2003.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 81664

57-2181 and 57-7043

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.



- Points of Diversion
- Place of Use
- Townships
- PLS Sections

0 0.15 0.3 0.6 Miles





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2019

WILLIAM WHITE
BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83650

Re: Transfer Nos.: 81664, 81665, 81666
Water Right Nos: 57-38, 57-39, 57-41B , 57-60, 57-2181, 57-7043

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.

Each Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. Each 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.

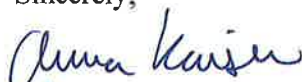
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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

For Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer Nos.: 81664, 81665, 81666

Water Right Nos.: 57-38, 57-39, 57-41B , 57-60, 57-2181, 57-7043

WILLIAM WHITE
BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83650

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

Anna Kaiser
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 20, 2018

WILLIAM AND BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83651

RECEIVED
APR 04 2018
WATER RESOURCES
WESTERN REGION

RE: Amendment Required for Applications

Dear Applicant,

In spring of 2017, you began to file applications for permits to add acres to your farm in Section 30, Township 4 South, Range 1 East. Transfers were also filed on your existing water right to correct the POU and POD legal descriptions. After review of the document an amendment is required to complete the application processes.

The permit applications and transfer applications propose acres that overlap, or acres that serve the same ground. Acres within the legal descriptions should match across all applications. After drafting approval documents for your water rights, it was brought to my attention that the places of use between the applications do not match. Small discrepancies between acre descriptions need correction.

Attached to this letter is a map that was made showing the Place of Use boundary and acres labeled within each quarter-quarter. I have created a table below which describes all of the acres on the farm described above.

Place Of Use

IRRIGATION within OWYHEE 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	
04S	01E	30	8.0	7.0	38.0	39.0	27.0			31.0	18.0	25.0 L3	26.0 L4	24.0	26.0	14.0	21.0	25.0	329.0

POU Total Acres: 329.0

Please take a moment to compare the Place of Use description with the map that I have provided. If you concur with the description above, please respond in writing within the next 30 days. Contact me at 208-334-2190 if more information is needed. Thank you for your attention to these matters.

Sincerely,

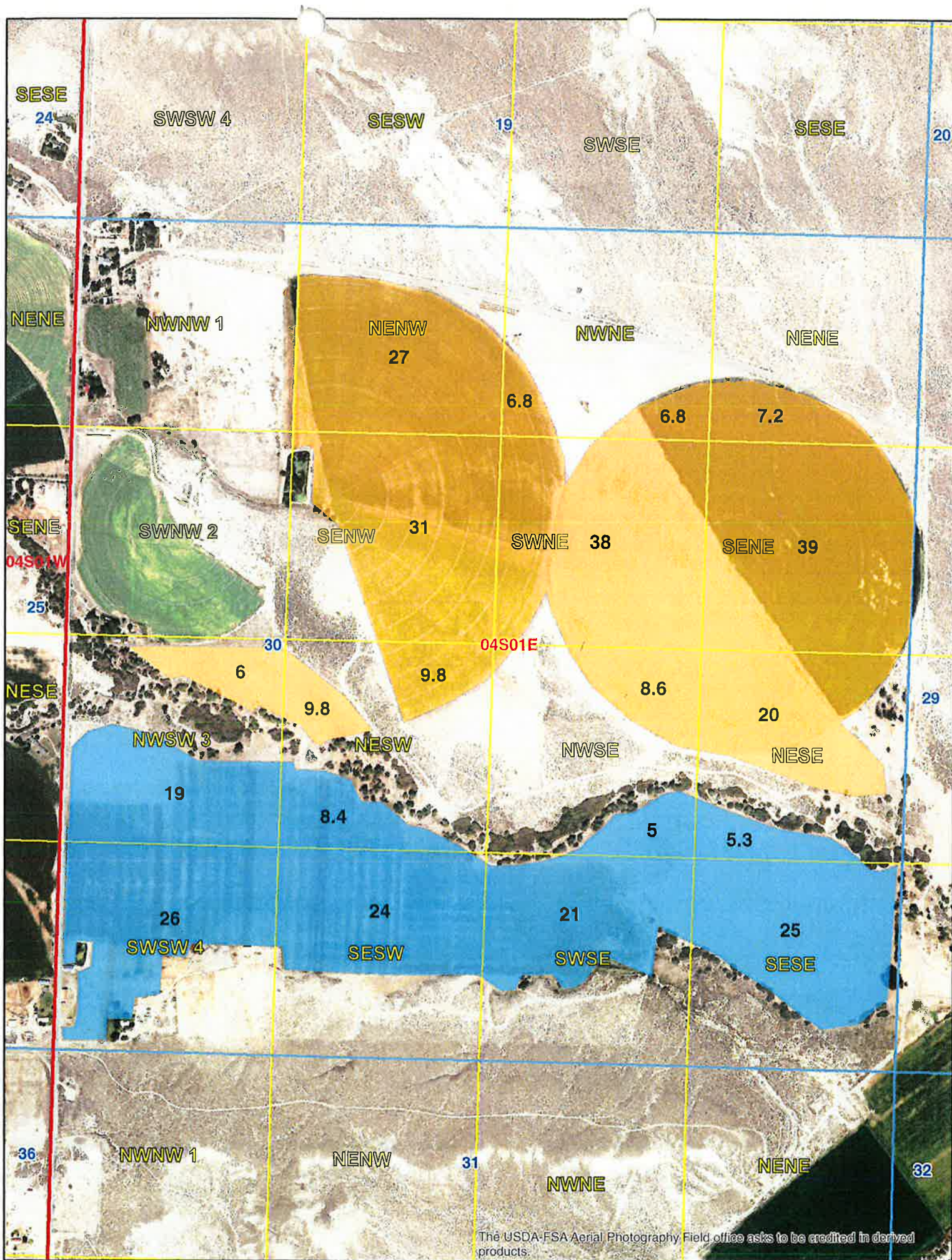
Patrick Kelly

Patrick Kelly
Water Resource Agent, Sr.

Patrick Kelly:

I look over the map, it looks OK with the acres you have listed. It is OK with me the way it is.

*Thank you.
William L. White*





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 20, 2018

COPY

WILLIAM AND BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83651

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IRRIGATION within OWYHEE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	30	8.0	7.0	38.0	39.0	27.0			31.0	18.0	25.0	26.0	24.0	26.0	14.0	21.0	25.0	329.0
												L3	L4						

POU Total Acres: 329.0

Please take a moment to compare the Place of Use description with the map that I have provided. If you concur with the description above, please respond in writing within the next 30 days. Contact me at 208-334-2190 if more information is needed. Thank you for your attention to these matters.

Sincerely,

Patrick Kelly
Water Resource Agent, Sr.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

OCT 16 2017

WATER RESOURCES
WESTERN REGION

Vok RD
10/24/17

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

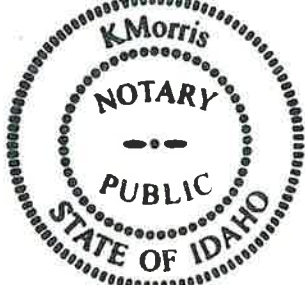
OCTOBER 4, 11, 2017

SIGNED: 

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 11/14 day of October in the year of 2017 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Notary Public of Idaho

Residing at WILDER, IDAHO

My commission expires: August 18, 2023

THE FOLLOWING
APPLICATIONS HAVE
BEEN FILED TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81798
LANCE D GENNETTE
and ALICE GENNETTE,
29685 HOT SPRINGS RD,
BRUNEAU, ID 83604; has
filed Application No. 81798
for changes to the following
water rights within OWYHEE
County(s): Right No(s). 51-24A,
51-25A, 51-26A. The transfer
proposes to add a second point of
diversion to the three water rights.
The proposed diversion will be
a shallow sump approximately
85 feet from the Bruneau
River allowing the diversion
of both shallow groundwater
and hydraulically connected
Bruneau River water. The site is
within the Grand View - Bruneau
Groundwater Management Area
about 3.7 kilometers southeast of
Bruneau Idaho along Hot Springs
Rd and located between the
Bruneau River and the Buckaroo
Ditch.

PROPOSED EXCHANGE OF WATER RIGHT(S)

WILLIAM WHITE and
BEVERLY WHITE, 18138
OREANA LOOP RD,
MURPHY, ID 83650; has
filed Application No. 81715
for changes to the following
water rights within OWYHEE
County(s): Right No(s). 57-39.
William and Beverly White of
18138 Oreana Loop Rd, Oreana,
ID 83650 filed an application on
May 17, 2017 to exchange Water

Right(s) No. 57-39 with an 1868
priority date from Catherine
Creek totaling 0.61 cfs. The
right(s) is diverted and used
for irrigation from 3/1 to 11/15
off Morrow Res Road, north of
Glenns Ferry. The purpose of the
exchange is to move the current
point of diversion from Catherine
Creek approximately 1.2 miles
west upstream onto Hart Creek.
This is a permanent exchange
proposal.

41B and 57-60. The 2 rights are part of a 5 water right combined use limit of 5.72 cfs on 286 acres. The farm is located along Catherine Creek, directly south east of Oreana, ID.

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

TRANSFER NO. 81666

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANALOOP RD, MURPHY, ID 83650; has filed Application No. 81666 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-38, 57-39. This transfer proposes to create a 150 acre permissible place of use to rights 57-38 and 57-39. The 2 rights are part of a 5 water right combined use limit of 5.72 cfs on 286 acres. The farm is located along Catherine Creek, directly south east of Oreana, ID.

✓ OK RN
10/24/17

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

TRANSFER NO. 81664

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83650; has filed Application No. 81664 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-2181, 57-7043. The purpose of the transfer is to create a 333 acre PPU with a total of 289 acres authorized in a single season. The transfer also will correct the existing POD's while adding a single ground water POD. Water will be used at the current place of use along Catherine Creek, south east of Oreana, ID.

✓ OK RN
10/24/17

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

TRANSFER NO. 81665

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83650; has filed Application No. 81665 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-41B, 57-60. This transfer proposes to create a 195 acre PPU to rights 57-

✓ OK RN
10/24/17

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s) or exchange(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 10/23/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

10/4.11/2017