

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82760**

This is to certify that: **DEVON MCDONALD**
5700 WILLOW CREEK RD
EAGLE, ID 83616-2024

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>
63-32685	WR/DECREED	4/17/1961	0.170 cfs	39.0 af	8.7	26.0	GROUND WATER
63-32687	WR/DECREED	10/31/1966	0.250 cfs	57.0 af	12.7	38.0	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>
2-10387	WR/DECREED	1/11/1963	0.314 cfs	N/A		22.0	SNAKE RIVER

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>
63-32685	NO	YES	YES	NO	NO	NO
63-32687	NO	YES	YES	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>
63-32685	63-32685	0.170 cfs	39.0 af	8.7	21.4	N/A	N/A	N/A	N/A	N/A
63-32687	63-32687	0.250 cfs	57.0 af	12.7	21.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.420 cfs	96.0 af	21.4	21.4		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 27th day of December, 2018.



PAMELA S. SKAGGS, Water Rights Section Mgr.

Transfer No. 82760

WATER RIGHT NO. 63-32685
As Modified by Transfer No. 82760

In accordance with the approval of Transfer No. 82760, Water Right No. 63-32685 is now described as follows:

Right Holder: DEVON MCDONALD
5700 WILLOW CREEK RD
EAGLE, ID 83616-2024

Priority Date: 4/17/1961

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	0.170 cfs	39.0 af
			0.170 cfs	39.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec 2 Twp 01N 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	
01N	03W	2													21.4				21.4

Right Acre Limit: 8.7
POU Total Acres: 21.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.7 acres within the place of use described above in a single irrigation season.
2. Rights 63-32685, 63-32687 and 2-10387 when combined shall not exceed a total irrigation of 26.0 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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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.

Transfer No. 82760

WATER RIGHT NO. 63-32685
As Modified by Transfer No. 82760

CONDITIONS OF APPROVAL

7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 63-32687

As Modified by Transfer No. 82760

In accordance with the approval of Transfer No. 82760, Water Right No. 63-32687 is now described as follows:

Right Holder: DEVON MCDONALD
5700 WILLOW CREEK RD
EAGLE, ID 83616-2024

Priority Date: 10/31/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.250 cfs	57.0 af
			0.250 cfs	57.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec 2 Twp 01N 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	
01N	03W	2													21.4				21.4

Right Acre Limit: 12.7

POU Total Acres: 21.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.7 acres within the place of use described above in a single irrigation season.
2. Rights 63-32685, 63-32687 and 2-10387 when combined shall not exceed the irrigation of 26 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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

WATER RIGHT NO. 63-32687
As Modified by Transfer No. 82760

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 2-10387 **As Modified by Transfer No. 82760**

In accordance with the approval of Transfer No. 82760, Water Right No. 2-10387 is now described as follows:

Right Holder: DEVON MCDONALD
 JAMIE MCDONALD
 5700 WILLOW CREEK RD
 EAGLE, ID 83616-2024

Priority Date: 1/11/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
 0.314 cfs
 0.314 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (SWSWNE) Sec 36 Twp 01N 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	
01N	03W	2													22.0				22.0

POU Total Acres: 22.0

CONDITIONS OF APPROVAL

1. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. This right is a split from former right 2-2191B.
4. Rights 2-2191A, 2-2192, 2-2193, 2-2194A, 2-10220, 2-10221, 2-10490, 2-10492, 2-10508, 2-10361, 2-10363, 2-10364, 2-10365, 2-10366, 2-10367, 2-10368, 2-10369, 2-10370, 2-10371, 2-10372, 2-10373, 2-10374, 2-10375, 2-10376, 2-10377, 2-10378, 2-10379, 2-10380, 2-10381, 2-10382, 2-10383, 2-10384, 2-10385, 2-10386, 2-10387, 2-10388, 2-10389, 2-10390, 2-10391, 2-10392, 2-10393 and 2-10394 when combined shall not exceed a total diversion rate of 74.30 cfs.

WATER RIGHT NO. 2-10387
As Modified by Transfer No. 82760

CONDITIONS OF APPROVAL

5. Rights 2-2191A, 2-2192, 2-2193, 2-2194A, 2-10220, 2-10221, 2-10490, 2-10492, 2-10508, 2-10361, 2-10363, 2-10364, 2-10365, 2-10366, 2-10367, 2-10368, 2-10369, 2-10370, 2-10371, 2-10372, 2-10373, 2-10374, 2-10375, 2-10376, 2-10377, 2-10378, 2-10379, 2-10380, 2-10381, 2-10382, 2-10383, 2-10384, 2-10385, 2-10386, 2-10387, 2-10388, 2-10389, 2-10390, 2-10391, 2-10392, 2-10393 and 2-10394 are diverted from the point of diversion described above.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 82760
63-32685 & 63-32687

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.



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

0 0.045 0.09 0.18 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 28, 2018

DEVON MCDONALD
5700 WILLOW CREEK RD
EAGLE ID 83616-2024

Re: Transfer No: 82760
Water Right No(s): 2-10387, 63-32685, 63-32687

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,



Pamela S. Skaggs, Manager
Water Rights Section

Enclosure

CC:

JAMIE MCDONALD
5700 WILLOW CREEK RD
EAGLE ID 83616-2024

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2018 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.: 82760
Water Right No(s): 2-10387, 63-32685, 63-32687

DEVON MCDONALD
5700 WILLOW CREEK RD
EAGLE ID 83616-2024

JAMIE MCDONALD
5700 WILLOW CREEK RD
EAGLE ID 83616-2024



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.

RECEIVED

DEC 19 2018

WATER RESOURCES
WESTERN REGION

29512 1842525

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

RECEIVED

DEC 21 2018

DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
12/06/2018 12/13/2018

STATE OF IDAHO

County of Canyon

On this 13th day of December in the year of 2018 before me a Notary Public, personally appeared Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 82760

DEVON MCDONALD, 5700 WILLOW CREEK RD, EAGLE, ID 83616-2024; has filed Application No. 82760 for changes to the following water rights within CANYON County(s): Right No(s). 63-32685, 63-32687; The purpose of the transfer is to change a portion of the above rights as follows:

move point of diversion & place of use about 4 miles south to property about 1/2 mile north of the intersection of Stage Coach Rd & Sky Ranch Rd in Canyon County.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see:

<http://www.idwr.idaho.gov/water-rights/transfers/search.html>

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 12/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

December 6, 13, 2018
1842525

FISCAL

DEC 21 2018

RECEIVED