

RECEIVED

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OCT 22 2018

42-222 10/17/18

OCT 17 2018

WATER RESOURCES
WESTERN DIVISIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.0.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Chad Hensley Phone (208) 583-22892. MAILING ADDRESS PO, Box 306 City MarsingState Id. Zip 83639 Email chad.hensley45@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 55-1

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 1.2 cfs cubic feet per second and/or N/A acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SE	NE	1	04S	6W	Owyhee	Jackson Creek	
N			NE	NW	6	04S	5W	Owyhee	Jackson Creek	

6. 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:

Concrete Dam with headgate for the pump.

- b. Who owns the property at the point(s) of diversion? Chad Hensley & Dannelle Hensley
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Chad Hensley
Signature of applicant or authorized agent

Chad Hensley
Print name and title if applicable

10-17-18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by AK Date 10/17/2018

Fee paid 580.00 Date 10/17/2018 Received by AK Receipt # W046869

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/17/2018

Water Right 55-1

Owner Type **Name and Address**
Current Owner CHAD HENSLEY
 PO BOX 102
 JORDAN VALLEY, OR 97910
 (208) 583-2289

Current Owner DANNELLE HENSLEY
 PO BOX 102
 JORDAN VALLEY, OR 97910
 (208) 583-2289

Priority Date: 1/1/1872

Basis: Decreed

Status: Active

Source
JACKSON CREEK

Tributary
COW CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.200 CFS	
	Total Diversion		1.200 CFS	

Source and Point(s) of Diversion

JACKSON CREEK L3(NENW) Sec. 6, Twp 04S, Rge 05W, OWYHEE County

Place Of Use

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	06W	1	32.0	28.0															60.0
			L1	L2															

POU Total Acres: 60.0

Conditions of Approval:

1. C18 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.

Comments:

1. RHOWERTO 3/13/1995 CHANGE
DECREE DIDN'T LIST POINTS OF DIVERSION.
2. JSHURTE 2/28/1998 CORRECTED NAME
CORRECTED NAME BY PUTTING IN MIDDLE INITIAL D FOR JERRY TO COINCIDE WITH

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/17/2018

OTHER RIGHTS.

3. AJU10-DS 3/4/1998 AJU10 CONDITION UPDATE
 CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART OF RECORD THRU
4. AJU21-JS 6/10/1998 AJU21 CONDITION UPDATE
 DELETED CONDITION CODE(S) H03 H04
5. AJU10-DS 6/25/1998 AJU10 CONDITION UPDATE
 CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU
6. AJU21-DS 11/19/1998 AJU21 CONDITION UPDATE
 DELETED CONDITION CODE(S) A07
7. AJU10-DS 11/19/1998 AJU10 CONDITION UPDATE
 CONDITION CODE(S) C17 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information

Decreed Date: 1/27/1999
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 55A
Mitigation Plan: False

Combined Use Limits

N/A

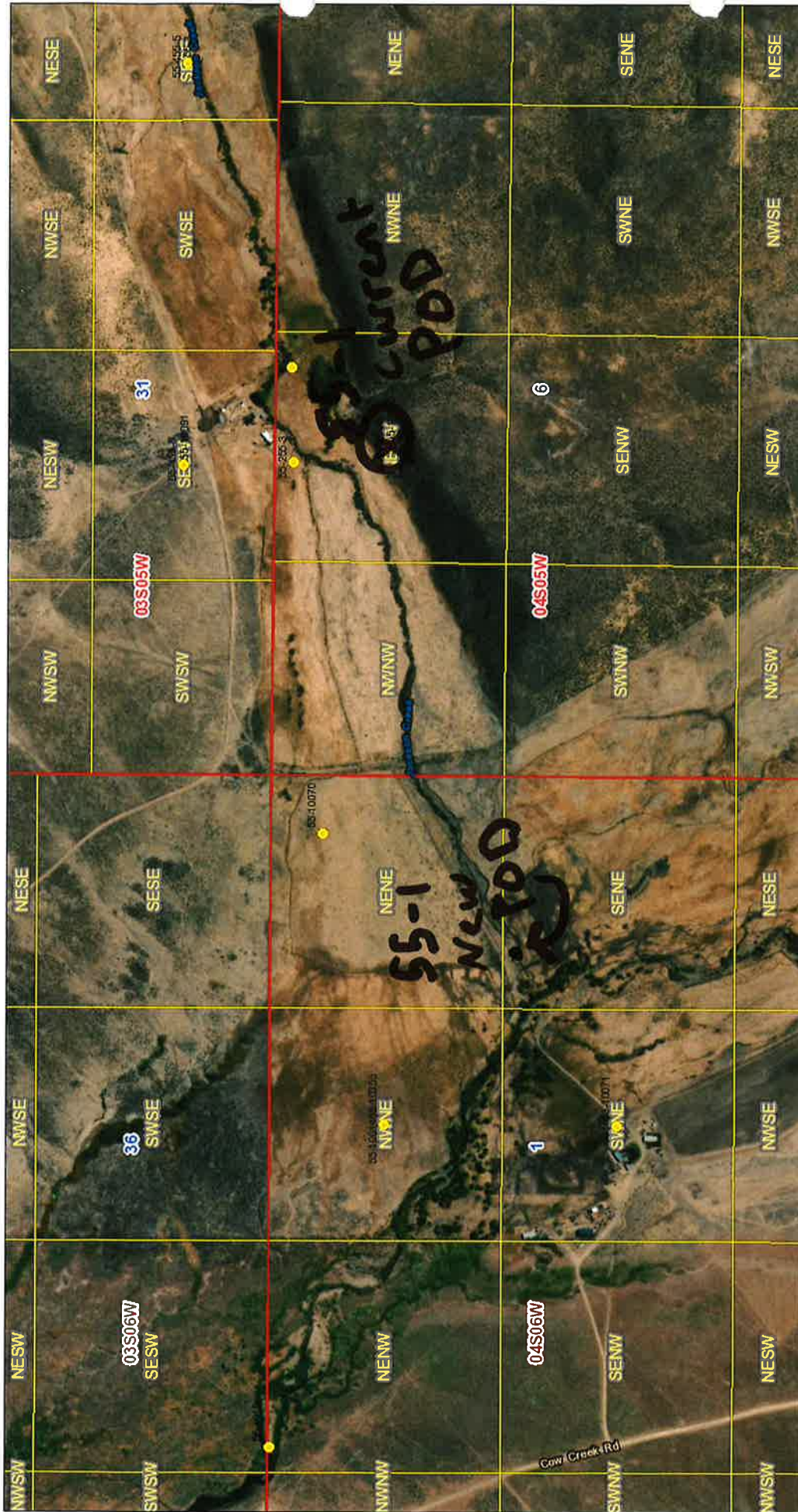
SubCase:

N/A

Water Supply Bank:

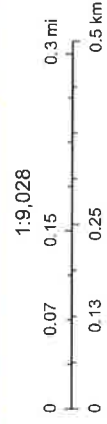
N/A

ArcGIS Web Map



10/17/2018, 11:43:12 AM

- POD - Water Rights
- Quarter Quarter
- Section
- Township/Range



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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82779

CHAD HENSLEY and DANNELLE HENSLEY, PO BOX 306, MARSING, ID 83639; has filed Application No. 82779 for changes to the following water rights within OWYHEE County(s): Right No(s). 55-1; The purpose of the transfer is to change a portion of the above rights as follows:

add an additional point of diversion to the water right from Jackson Creek, in SENE of Sec 1, Township 4S, Range 6W, just upstream of the confluence of Jackson Creek and Cow Creek.

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 1/22/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/2/2019 and 1/9/2019

Hersley, Jean

From: Kara Morris <kara@owyheeavalanche.com>
Sent: Friday, December 28, 2018 8:10 AM
To: Hersley, Jean
Subject: Re: Legal Notice

Hi Jean,

Pub Dates: 01/02, 01/09

Thank you, Kara Morris
Owyhee Avalanche Inc.
PO Box 97 • Homedale, ID 83628
208-337-4681 Fax 208-337-4867
kara@owyheeavalanche.com

On Dec 28, 2018, at 7:46 AM, Hersley, Jean wrote:

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before January 22, 2019. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

<LegalNoticeTransferMerged.doc>



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

CHAD HENSLEY
DANNELLE HENSLEY
PO BOX 306
MARSING, ID 83639

RE: Transfer No. 82779
Water Right No(s). 55-1

Dear Applicant(s):

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 OWYHEE AVALANCHE on 1/2/2019 and 1/9/2019. 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,

Jean Hersley
Technical Records Specialist

CC: D L EVANS BANK

Buyer, Remington

From: Chad Hensley <chadhensley45@gmail.com>
Sent: Thursday, December 27, 2018 6:17 PM
To: Buyer, Remington
Subject: Re: Water Right 55-1

Yes Remington that would be great if you could do that. Thank you.

On Thu, Dec 27, 2018, 3:55 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Hello Chad and Dannelle,

I am processing your transfer application for water right 55-1, in which you've requested to add a point of diversion. I am contacting you to inquire as to whether you would like IDWR to update the location of the already approved point of diversion (POD) for this water right.

Attached to this email is a PDF map in which the location of the already authorized POD is indicated in yellow, and appears to be on the southern slope of a hill, above Jackson Creek. I have also indicated on the map the location where I believe the POD should be, identified as a green triangle. Can you please review the map and advise whether you would like me to update the yellow POD to the location of the green triangle? If I don't hear from you within 30 days, I will process the transfer without updating the location of the already approved point of diversion.

Thank you,

Remington Buyer

Water Supply Bank Coordinator

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | **F:** (208) 287-6700

Memorandum

To: Water Rights 55-1

From: Remington Buyer

Date: December 27, 2018

Re: Review of Water Right Transfer 82779

Purpose/Narrative: Chad Hensley, owner of water right 55-1, submitted transfer application 82779 to IDWR on October 22, 2018. Water right 55-1 authorizes irrigation of 60 acres with surface water diverted from Jackson Creek. The purpose of the transfer is to add a point of diversion on Jackson Creek, downstream of the currently authorized point of diversion.

Authority to File: IDWR records list Chad and Dannelle Hensley as the owners of water right 55-1. The Hensleys also own the land authorized to be irrigated by water right 55-1. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: A review of 2018 Sentinel satellite imagery confirms full irrigation of the 60 acre place of use for water right 55-1. Applicant has also answered transfer application question 6c to state that no forfeiture or non-use has occurred under water right 55-1. No concerns about validity or forfeiture.

Injury Evaluation: The transfer proposes to move the point of diversion downstream approximately 0.5 miles along Jackson Creek. There are no other points of diversion between the presently authorized and the newly proposed points of diversion and only a single water right (55-4016) diverts water from Cow Creek, downstream of the proposed new point of diversion. No injury is apparent with the application.

Enlargement Evaluation: This transfer proposes only the addition of a new point of diversion. Provided the diversion rate at the field headgate remains at or below the presently authorized 1.2 cfs, no enlargement should occur under this transfer. A condition limiting this right to no more than 0.02 cfs and 3.5 acre feet per acre at the field headgate is proposed.

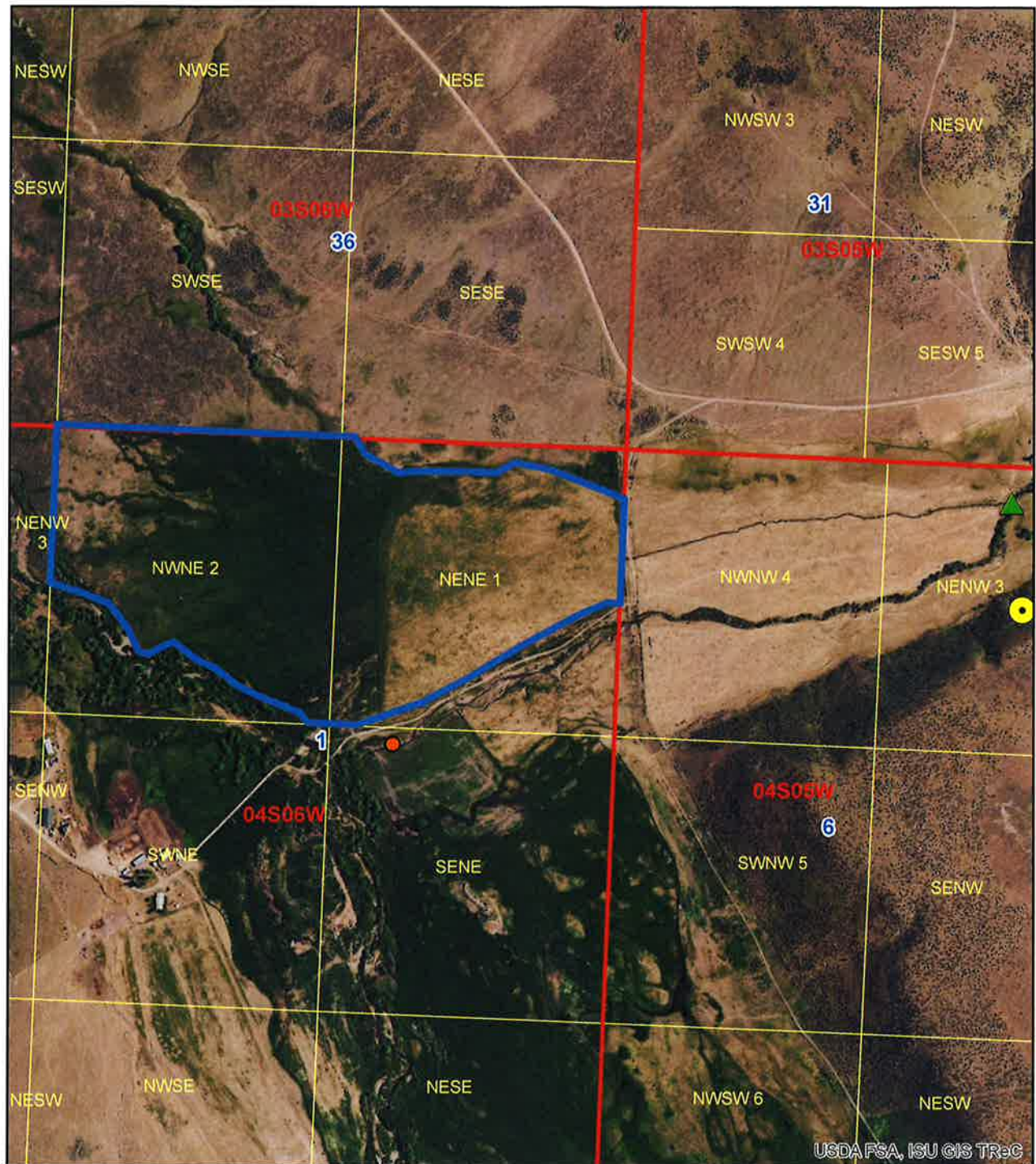
Local Public Interest: Staff are not aware of any local public interests that would be contrary to approval of this transfer.

Beneficial Use/Conservation of Water Resources: The intent of this transfer to authorize a decreed and recognized beneficial use of water and nothing suggests that approval of the transfer will negatively impact the conservation of water resources.

Department/Watermaster Comments: Water right 55-1 is not located within the boundaries of an active water district. Regional comments will be requested.

Transfer Evaluation: Subject to regional comments and a possible advertisement, it is recommended that this transfer be approved.

Transfer 82779



Legend

- New, proposed POD
- ▲ POD 55-1 (actual)
- POD 55-1 (recorded)
- POU 55-1
- Township/Range
- Sections
- QQ

0 0.075 0.15 0.3 Miles



Buyer, Remington

From: Buyer, Remington
Sent: Thursday, December 27, 2018 3:55 PM
To: 'chadhensley45@gmail.com'; 'dannelleh@gmail.com'
Subject: Water Right 55-1
Attachments: ReviewMap.pdf

Hello Chad and Dannelle,

I am processing your transfer application for water right 55-1, in which you've requested to add a point of diversion. I am contacting you to inquire as to whether you would like IDWR to update the location of the already approved point of diversion (POD) for this water right.

Attached to this email is a PDF map in which the location of the already authorized POD is indicated in yellow, and appears to be on the southern slope of a hill, above Jackson Creek. I have also indicated on the map the location where I believe the POD should be, identified as a green triangle. Can you please review the map and advise whether you would like me to update the yellow POD to the location of the green triangle? If I don't hear from you within 30 days, I will process the transfer without updating the location of the already approved point of diversion.

Thank you,

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700