

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81523**

This is to certify that: **LAURA A TURNER**
4030 SEQUOYAH RD
OAKLAND, CA 94605-4538

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>
65-6802	WR/DECREED	10/1/1969	0.040 cfs	N/A	N/A	N/A	GROUND WATER
65-6803	WR/DECREED	4/1/1966	0.020 cfs	1.2 af	N/A	N/A	GRIEB CREEK

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>
65-6802	NO	YES	YES	NO	NO	NO
65-6803	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>
65-6802	65-6802	0.040 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-6803	65-6803	0.020 cfs	1.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	1.2 af	N/A	N/A		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 11th day of December, 2018.



Chief, Water Allocation Bureau

SUPPORT DATA

ON FILE # 65-6802

Transfer No. 81523

WATER RIGHT NO. 65-6802

As Modified by Transfer No. 81523

In accordance with the approval of Transfer No. 81523, Water Right No. 65-6802 is now described as follows:

Right Holder: LAURA A TURNER
4030 SEQUOYAH RD
OAKLAND, CA 94605-4538

Priority Date: 10/1/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/01	to 12/31	0.040 cfs 0.040 cfs	1.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 10 Twp 13N Rge 03E VALLEY County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	03E	10	X																

CONDITIONS OF APPROVAL

1. Rights 65-6802, and 65-6803 when combined shall not exceed a total diversion rate of 0.04 cfs, and a total annual maximum diversion volume of 1.2 af at the field headgate.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
6. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Transfer No. 81523

WATER RIGHT NO. 65-6802
As Modified by Transfer No. 81523

CONDITIONS OF APPROVAL

7. PARCEL NO. RP 000990030050A PARCEL NO. RP 000990030060A PROPERTY ALSO KNOWN AS LOTS 5 & 6, BLOCK 3, GRATTON-BARNARD SUBDIVISION #2.



WATER RIGHT NO. 65-6803**As Modified by Transfer No. 81523**

In accordance with the approval of Transfer No. 81523, Water Right No. 65-6803 is now described as follows:

Right Holder: LAURA A TURNER
4030 SEQUOYAH RD
OAKLAND, CA 94605-4538

Priority Date: 4/1/1966

Source: GRIEB CREEK

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE

DOMESTIC

From

1/01

to

To

12/31

Diversion Rate

0.020 cfs

0.020 cfs

Diversion Volume

1.2 af

1.2 af

LOCATION OF POINT(S) OF DIVERSION

GRIEB CREEK

NENE

Sec 10 Twp 13N Rge 03E VALLEY County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	03E	10	X																

CONDITIONS OF APPROVAL

1. Rights 65-6802, and 65-6803 when combined shall not exceed a total diversion rate of 0.04 cfs, and a total annual maximum diversion volume of 1.2 af at the field headgate.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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. 81523

WATER RIGHT NO. 65-6803

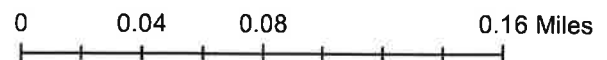
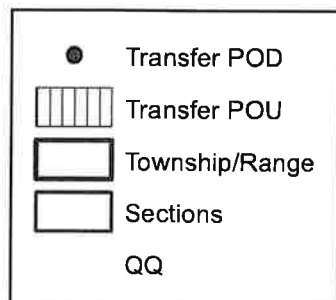
As Modified by Transfer No. 81523

CONDITIONS OF APPROVAL

6. 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.
7. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
8. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
9. PARCEL NO. RP 000990030050A PARCEL NO. RP 000990030060A PROPERTY ALSO KNOWN AS LOTS 5 & 6, BLOCK 3, GRATTON-BARNARD SUBDIVISION #2.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 81523
Water Right(s): 65-6802, 65-6803

This map depicts the DOMESTIC 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.



RECEIVED

MAR 21 2017

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81523MINIMUM 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 www.idwr.idaho.gov.

Name of Applicant(s) Thomas S. Doerr and Lorraine DoerrCheck 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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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**

RECEIVED
MAR 21 2017
WATER RESOURCES
WESTERN REGION

Name of Applicant(s) THOMAS S. DOERR AND LORRAINE DOERR Phone 208-630-3654
Mailing address 5470 LOVETT DR., MERRITT ISLAND, FL 32953 Email TSDOERR@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 FIRST AMERICAN TITLE COMPANY / KAREN THURSTON Phone 208-382-1334
Mailing address 616 N. 3RD ST. SUITE 101, MCCALL, ID 83638 Email KTHURSTON@GOFIRSTAM.C

- ☒ 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.

<u>Thomas S. Doerr</u> Signature of Applicant or Authorized Representative	<u>THOMAS S. DOERR</u> Print Name and Title if applicable	<u>3/17/17</u> Date
<u>Lorraine Doerr</u> Signature of Applicant or Authorized Representative	<u>LORRAINE DOERR</u> Print Name and Title if applicable	<u>3/17/17</u> Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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.2**.
- WHEN THE ORIGINAL RIGHTS WERE DECREED THE FORM HAD THE WRONG LEGAL DESCRIPTION ON IT. IT
SAYS IT IS LOCATED IN SENE S3,T13NR3E AND IT SHOULD REALLY SAY NENE S10,T13NR3E, AKA LOTS 5&6,
BLOCK3, GRATTON-BARNARD SUBDIVISION #2

RECEIVED

NOV 27 2017

WATER RESOURCES
WESTERN REGION

ID
RE

☐	☐	_____	_____	_____	_____	_____	_____
☐	☐	_____	_____	_____	_____	to	_____
☐	☐	_____	_____	_____	_____	to	_____
☐	☐	_____	_____	_____	_____	to	_____
☐	☐	_____	_____	_____	_____	to	_____
☐	☐	_____	_____	_____	_____	to	_____
☐	☐	_____	_____	_____	_____	to	_____

Total authorized under rights 0.060 cfs and/or 2.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.060 cubic feet per second and/or 2.4 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 #
		NE	NE		10	13N	3E	VALLEY	GROUND WATER	65-6802
		NE	NE		10	13N	3E	VALLEY	GRIEB CREEK	65-6803

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	
13M	3E	10	X																
13N	3E	10	x																
Total Acres (for irrigation use)																			

AMENDED

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 ☒ ☐	65-6802	0.040 / 1.2	DOMESTIC	01/01 to 12/31	GROUND WATER
☒ ☐	65-6803	0.020 / 1.2	DOMESTIC	01/01/ to 12/31	GRIEB CRK/N. FORK PYT
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.060 cfs and/or 2.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.060 cubic feet per second and/or 2.4 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 #
		NE	NE		10	13	3	VALLEY	GROUND WATER	65-6802
		NE	NE		10	13	3	VALLEY	GRIEB CREEK	65-6803

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	
13	3	10	X																
13	3	10	x																
Total Acres (for irrigation use)																			

Superseded by Amended Pg. 3 RCVD 11/27/17

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:

There is a steal box sunk in the creek bed approximately 3 feet deep, with a pump that pumps water out for watering the lawn and also pumps into a 250 gallon holding tank under the house for household use of the water.

- b. Who owns the property at the point(s) of diversion? THOMAS & LORRAINE DOERR

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:

NONE

- 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 65-6802

Current Owner: LORRAINE DOERR
THOMAS S DOERR

Priority Date: 10/1/1969

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AF
	<u>Total Diversion</u>	0.04 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4 Sec. 3, Twp 13N, Rge 03E B.M.
VALLEY County

Place of Use

DOMESTIC Within VALLEY County

T13N R03E S3 SENE

Conditions of Approval:

1. PARCEL NO. RP 000990030050A PARCEL NO. RP 000990030060A
PROPERTY ALSO KNOWN AS LOTS 5 & 6, BLOCK 3, GRATTON-
BARNARD SUBDIVISION #2.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

Decreed Date: 9/25/1998

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 65-6803

Current Owner: LORRAINE DOERR
THOMAS S DOERR

Priority Date: 4/1/1966

Origin: Water Right

Status: Active

Basis: Decreed

Source

GRIEB CREEK

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

DOMESTIC

From To

1/01 to 12/31

Diversion Rate

0.02 CFS

Annual Volume

1.2 AF

Total Diversion

0.02 CFS

1.2 AF

Location of Point(s) of Diversion

GRIEB CREEK

SE1/4NE1/4

Sec. 3, Twp 13N, Rge 03E B.M.

VALLEY County

Place of Use

DOMESTIC Within VALLEY County

T13N R03E S3

SENE

Conditions of Approval:

1. PARCEL NO. RP 000990030050 A PARCEL NO. RP 000990030060 A
PROPERTY ALSO KNOWN AS LOTS 5 & 6, BLOCK 3, GRATTON-
BARNARD SUBDIVISION #2.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

Decreed Date: 9/25/1998

[illegible]

7A

Section 10, T13N, R3E

PLAT

0176

Survey 5-363

NE

Tax Code Area 20

Tax Code Area 58

Survey 2-155

7710

Tx. 9

Tax No. 1

1.000 ac

Tx 3 & 4

909 ac

2326

458 ac

7205

7438 ac

Survey 12-33

SUBD. NO. 5

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

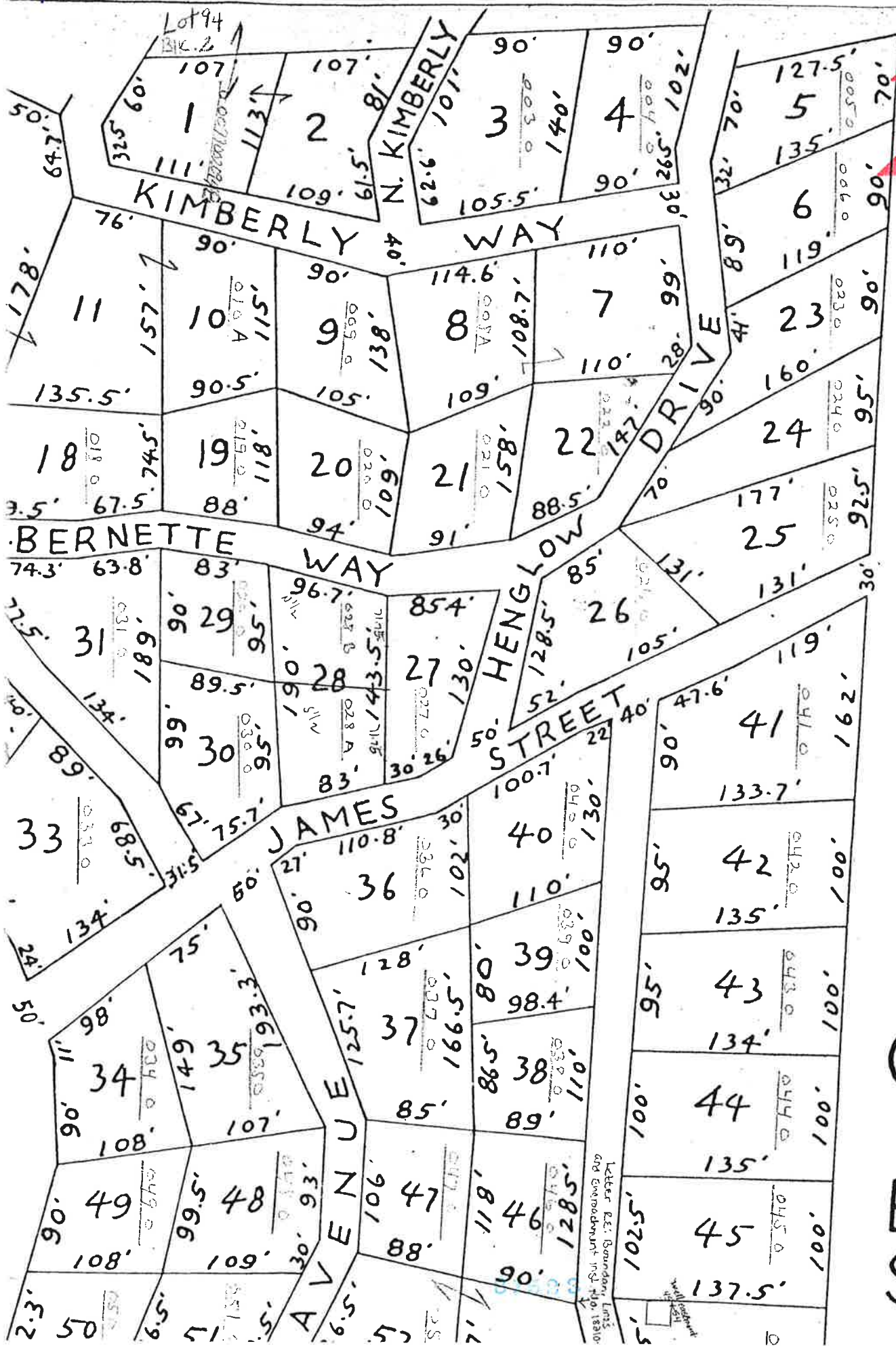
176

177

178

81533

S16E



BL
N

GRAT
BARN
SUB-
NIC



Google

Map data ©2017 Google Imagery ©2017, DigitalGlobe Map data ©2017 Google Imagery ©2017, DigitalGlobe

81583



1B

RECEIVED

NOV 27 2017

WATER RESOURCES
DIVISION



POU
65-6802
65-6803
POD
65-6802
65-6803

Handwritten symbols: a circle with a dot, a triangle, a square, and a diamond.

Handwritten symbols: a circle with a dot, a plus sign, and a minus sign.

2017

North Digital

ml

17

State of Idaho
Department of Water Resources

Water Right
65-17090

RECEIVED

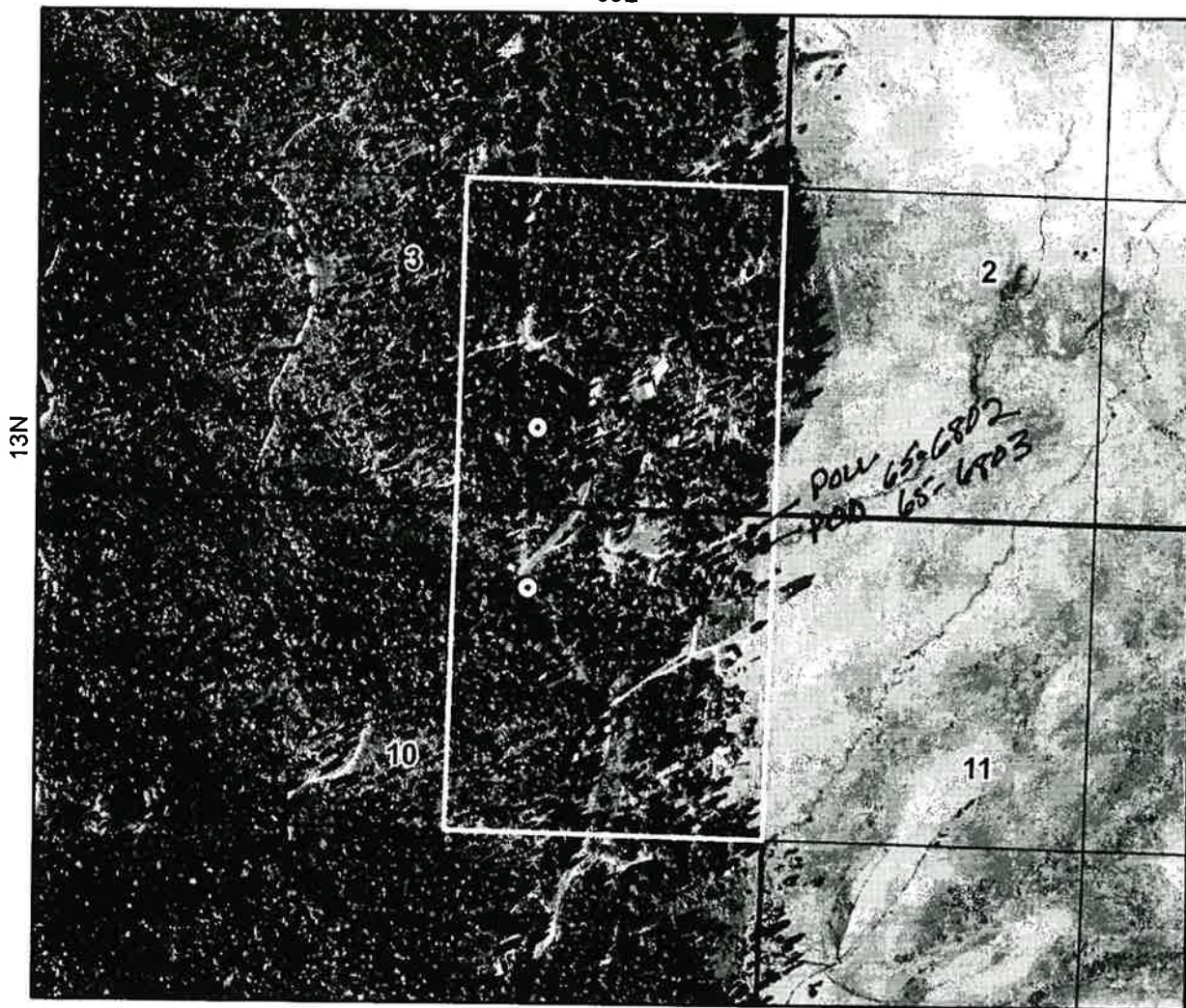
NOV 27 2017

WATER RESOURCES
WESTERN REGION

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03E



- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters

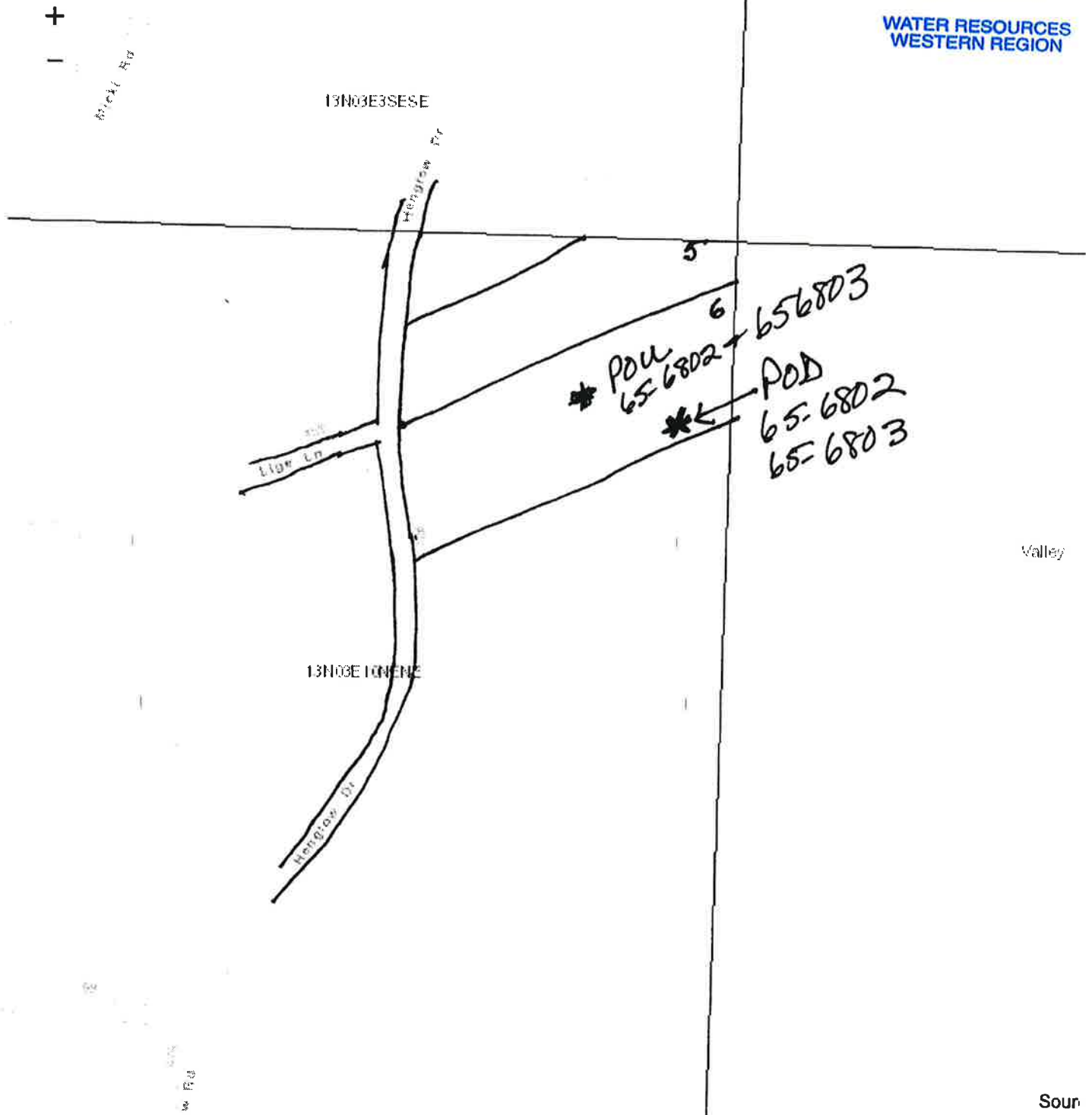
0 0.075 0.15 0.3 Miles



RECEIVED

NOV 27 2017

WATER RESOURCES
WESTERN REGION



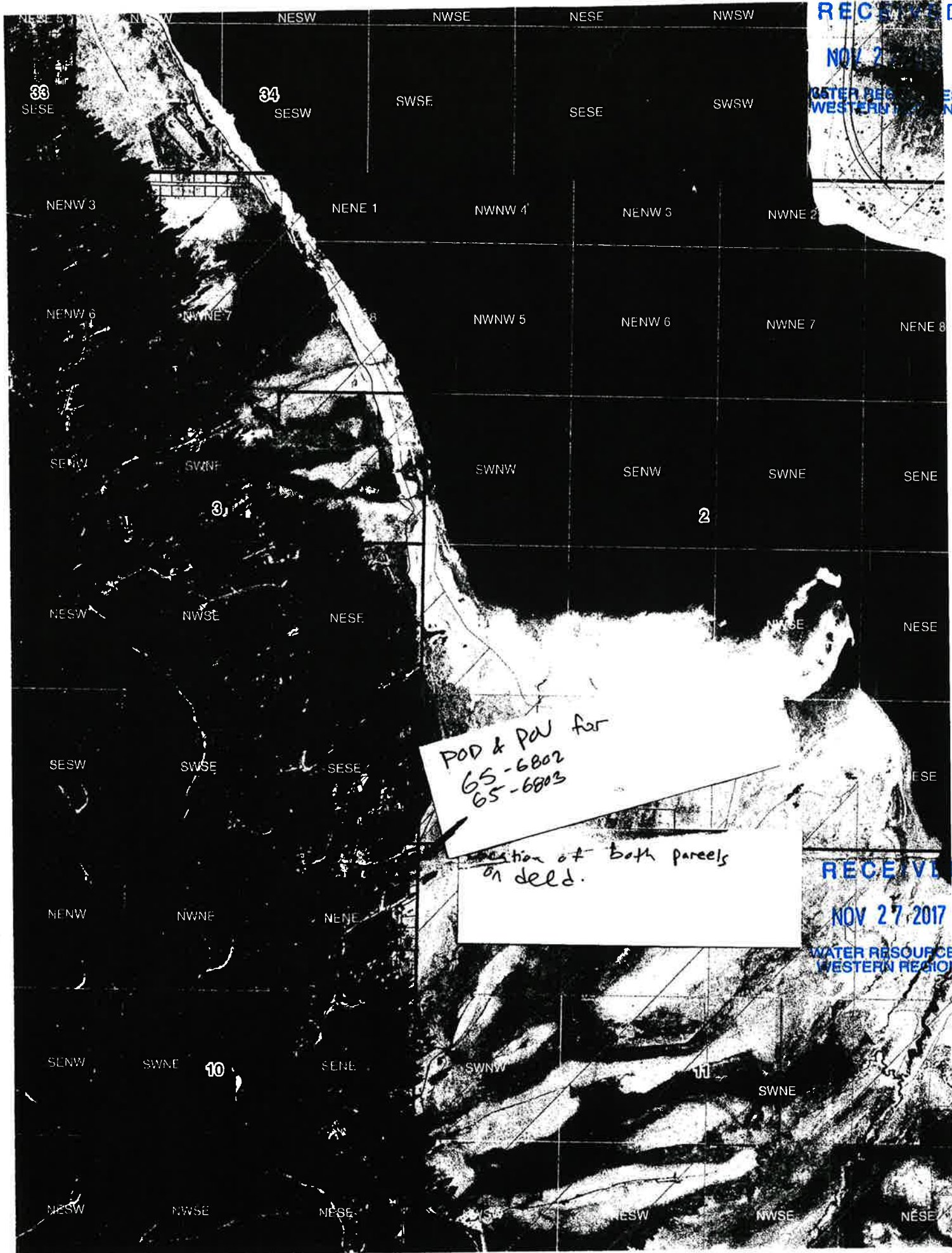
0 25.3 meters



RECEIVED

NOV 2

WATER RESOURCES
WESTERN REGION



POD & PAU for
65-6802
65-6803

Location of both parcels
on deed.

RECEIVED

NOV 27 2017

WATER RESOURCES
WESTERN REGION



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

December 11, 2018

LAURA A TURNER
4030 SEQUOYAH RD
OAKLAND CA 94605-4538

Re: Application for Transfer No: 81523
Water Right Nos: 65-6802 & 65-6803

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.

The Transfer of Water Rights 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) 334-2190

Sincerely,

Anna Kaiser

Anna Kaiser

for

Nick Miller
Regional Manager

Enclosure

CC:

FIRST AMERICAN TITLE CO
ATTN KAREN THURSTON
616 N 3RD ST SUITE 101
MC CALL ID 83638

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 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: 81523
Water Right Nos: 65-6802 & 65-6803

LAURA A TURNER
4030 SEQUOYAH RD
OAKLAND CA 94605-4538

FIRST AMERICAN TITLE CO
ATTN KAREN THURSTON
616 N 3RD ST SUITE 101
MC CALL ID 83638

A handwritten signature in cursive script, 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.

MEMORANDUM

TO: Transfer No. 81523 File

FROM: Justin Shearer

DATE: 12/7/2018

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the places of use and points of diversion to accurately reflect the legal description of the property where the use and diversion is taking place.

The site is directly east from the intersection of Lige LN and Henglow Dr. in the Gratton-Barnard Subdivision #2 on the South-East corner of Cascade Reservoir in Valley County, Idaho.

Summary of Information Submitted

Authority to File: The transfer was originally filed by the Doerr's who then sold the property around the time of filing transfer. The transfer has since been assigned to Laura Turner, the current property owner and owner of WR's 65-6802 & 65-6803. Assignment of Application for Transfer and copies of deeds are included in transfer that show authority to file.

Water Right Validity:

According to department records, the rights included in this transfer are valid and have not been lost by forfeiture. There is evidence of domestic structures on the property, and Mrs. Turner is utilizing the water rights on the property currently. Thus, water right validity is not of concern for this transfer.

Overlap Analysis:

Overlap analysis determined that there is no POD overlap. The proposed POD's are close in proximity, but one is groundwater sourced while the other is surface water sourced. However, the two water rights do share POU and overlap as they are for the same POU for domestic purposes.

Injury to Other Water Rights:

This transfer does not pose concern of a reduction in quantity of water available to other water rights because the historical amount beneficially used by the right holder is not changing, the places of use, and points of diversion will continue to be used as they historically have, and there is no change of source proposed. No change on ground, small WR's in non-confrontational area, no other surface water rights on Grieb Creek that would be subject to potential injury.

Enlargement of Use:

The proposed transfer will not change the total diversion rate, annual diversion volume, or extent of beneficial use authorized under the included rights prior to the proposed transfer. This transfer proposes no changes to the nature of use for the water rights. Enlargement to the historic extent of beneficial use is not likely as a result of this transfer. No changes, or increases to the period use are possible. Because of these reasons, it is not anticipated that any enlargement of use will result from the approval of this transfer.

Local Public Interest:

Because there are no real hydraulic changes that would result from this transfer and the applicant owns the entirety of the water rights being transferred, there was no need to advertise this transfer. The transfer complies with applicable water and hazardous substance standards designed to protect the public water resource. The proposed transfer would comply with local and state government regulations, zoning ordinances, and policies. This transfer is compatible with the objectives and policies of the State Water plan. For these reasons, this transfer should be considered in favor of local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Neither of the rights were in the WSB. Assignment of Application for Transfer was sought since ownership of water rights changed after the transfer was filed to allow for the new water right owner to submit additional information, provide clarification, and answer respective questions to the Department throughout the transfer process. Change of ownership was processed within the transfer. Quitclaim deeds specific to the water rights were obtained to confirm water right ownership by Laura Turner because the legal description of the rights did not match with the parcels of land purchased from the Doerr's. Because 65-6802 and 65-6803 share the same place of use for domestic purposes, combined use limit condition WB7 was added to the rights.



Karen Thurston <kthurston@gofirstam.com>

Doerr Water Right Transfer 81523

Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
To: Karen Thurston <kthurston@gofirstam.com>

Thu, Nov 30, 2017 at 1:16 PM

Good Afternoon Karen,

As we discussed on the phone, I think it is best moving forward if we do an Assignment of Transfer for Doerr Water Right Transfer so that the new owners can help describe the current system and get their name on the rights. Additionally, this will retain the Doerr's filing fee and the new owners will not have to pay for the transfer.

Because you are listed as the representative for the Doerr's I have attached the Assignment of Transfer for you to get filled out, signed, notarized, and sent back to me.

Please assist the Doerr's in completing the Assignment of Transfer and return to me at your earliest convenience.

Feel free to let me know if you have any questions or concerns in regards to this matter.

Thanks and regards,

Justin Shearer

Idaho Department of Water Resources

Water Resource Agent

(208) 334-2190

justin.shearer@idwr.idaho.gov

From: Karen Thurston [mailto:kthurston@gofirstam.com]

Sent: Wednesday, November 22, 2017 3:47 PM

To: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>

Subject: Re: Doerr Water Right Transfer 81523

Justin,

I have corrected page 3 of the application and added the N and E to the Township and Range. I have attached several maps showing the POU & POD for the 2 water rights in question.

Please let me know if you need anything else.

Thank you.

On Thu, Nov 16, 2017 at 3:42 PM, Shearer, Justin <Justin.Shearer@idwr.idaho.gov> wrote:

Good Afternoon,

I recently began working on a Transfer Application for your client Doerr. While beginning the review process I noticed that the legal description on page 3 of the application is incomplete and does not specify North/South or East/West for range and township for the Place of Use (POU) and Points of Diversion (POD). Additionally, the maps submitted do not clearly identify the POD's for the ground water and Grieb Creek source. Please clearly mark the POD's with labeled dots on the map.

I have attached page 3 of the application and the maps submitted for you. Please make the necessary revisions and send them back to me at your earliest convenience in order to expedite the processing of your application.

Feel free to let me know if you have any questions or concerns.

Thanks and regards,

Justin Shearer

Idaho Department of Water Resources

Water Resource Agent

(208) 334-2190

justin.shearer@idwr.idaho.gov

Our offices will be closed November 23 and 24 in observance of Thanksgiving.