

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82649**

This is to certify that: SARAH JANE SMITH
7511 WARREN SPUR RD
MELBA, ID 83641-5231

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>
63-7539	WR/DECREED	2/27/1972	0.400 cfs	40.0 af	N/A	N/A	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>
63-7539	NO	NO	NO	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>
63-7539	63-7539	0.400 cfs	40.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.400 cfs	40.0 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 19th day of November, 2018.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-7539
As Modified by Transfer No. 82649

In accordance with the approval of Transfer No. 82649, Water Right No. 63-7539 is now described as follows:

Right Holder: SARAH JANE SMITH
 7511 WARREN SPUR RD
 MELBA, ID 83641-5231

Priority Date: 2/27/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	1/01	to 12/31	0.400 cfs	40.0 af
			0.400 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 14 Twp 01S Rge 02W CANYON County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 02W CANYON County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 02W CANYON County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	14												X					
01S	02W	23					X	X		X									

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 82649

WATER RIGHT NO. 63-7539

As Modified by Transfer No. 82649

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.



State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 82649

63-7539

This map depicts the STOCKWATER 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

0 0.1 0.2 0.4 Miles



RECEIVED
42-222 POD - 07/18STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 17 2018
INCOMPLETE
WATER RESOURCES
REGION

AUG 22 2018

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

WATER RESOURCES
WESTERN REGION

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) Canyon Cattle Feeders, LLC Phone 208 495-23402. MAILING ADDRESS 2511 Warren Spur Rd City MerbaState Id Zip 83641 Email SCanyon@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) 63-7539 *

- ☐ 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 0.40 cubic feet per second and/or _____ 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 #
N			SW	SE	14	01S	02W	CANYON	GROUND WATER	
N			NE	NW	23	01S	02W	CANYON	GROUND WATER	
Y			NE	NW	23	01S	02W	CANYON	GROUND WATER	

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:

Water for Cattle Feedlot

- b. Who owns the property at the point(s) of diversion? Canyon Cattle Feeders, Sarah Jane Smith
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 ¼ ¼ 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.

Sarah Jane Smith
Signature of applicant or authorized agent

Sarah Jane Smith
Print name and title if applicable

8/17/18
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 4 pages of attachments. Received by AC Date 8-22-2018

Fee paid \$500.00 Date 8-22-2018 Received by AC Receipt # W046682

Preliminary review by P. Kelly Date 8-23-2018 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)



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

November 19, 2018

SARAH JANE SMITH
7511 WARREN SPUR RD
MELBA ID 83641-5231

Re: Transfer No: 82649
Water Right No.: 63-7539

Transfer Approval Notice

Dear Water Right Holder:

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,

A handwritten signature in cursive script that reads "Anna Kaiser". The signature is written in dark ink and is positioned above the printed name and title.

Anna Kaiser
Office Specialist

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person listed below:

Re: Transfer No: 82649
Water Right No: 63-7539

SARAH JANE SMITH
7511 WARREN SPUR RD
MELBA ID 83641-5231

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

Anna Kaiser
Office 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.

MEMORANDUM

TO: Transfer No. 82649
FROM: Patrick Kelly
DATE: 8/20/2018
RE: Evaluation of Application

Summary of Information Submitted

Canyon Cattle Feeders LLC filed transfer no. 82649 to add a third well or point of diversion to water right 63-7539. Monte Post of WaterPro Well Drilling has been in contact with department staff and stated that the applicant's existing well is not producing enough and that a new well is needed. Instead of abandoning the existing well(s), the applicant wishes to keep the existing wells as back-up.

The proposed point of diversion is located -116 32.623, 43 19.747; outside of any GWMA or water district. The drilling permit that was submitted has been reviewed and is acceptable pending authorization of a third POD.

The transfer application was received 8/17/2018 without a fee. The fee was received 8/22/2018.

Authority to File

The application was filed in the name of Canyon Cattle Feeders LLC and signed by Sarah Jane Smith. Current county taxlot data shows Canyon Cattle Feeders LLC owns the property pertinent to the water right. The water right is in the name of Sarah Jane Smith and ID SOS recognizes Ms. Smith as a registered Member and Agent of the company.

Water Right Validity

63-7539 was decreed in 2009. 2017 aerial imagery shows cattle fields are present within the place of use. Concerns over validity are not present at this time.

Overlap Analysis

63-7539 is the only water right owned by the applicant at the place of use. 63-28281 is a stock/domestic right in the name of David Vastine, and not associated with the cattle ranch. No other rights should be considered for this transfer.

Injury to Other Water Rights

None anticipated. Stockwater use has been occurring as far back as I can observe using available imagery. This application qualifies for approval without advertising since the change does not affect the original or hydraulically-connected source.

Enlargement of Use

The new point of diversion is proposed within 20 ft of the existing well that is to be used as back-up and not considered an improvement to the source. Changes to the limits already authorized by the water right are not occurring and diversion from all three wells will be restricted to 0.40 cfs.

Local Public Interest

No information has been made available to suggest a conflict with 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.

Summary

Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.

IDAHO DEPARTMENT OF WATER RESOURCES
Well Construction Field Inspection

Printed: 8/22/2018
Permit ID: 887235

Metal Tag No.: D0080034

Contact: Type: Owner/Operator Phone: (208) 495-2340
Name: CANYON CATTLE FEEDERS
Address: C/O SARAH JANE SMITH 7511 WARREN SPUR RD, MELBA, ID, 83641

Well PLSS Location: T: 01S, R: 02W, S: 23, QQQ: , QQ: NE, Q: NW
Lot: Block: Subdivision:
Street Address of Well Site: 7511 WARREN SPUR RD, MELBA
County: CANYON
Lat-Long: 43° 19.747" -116° 32.623"

Use of Well: Domestic-Single Residence Activity: New Well
Application Type: Drilling Permit
Date Approved: 8/22/2018 Region: Western

Well Drilling Company: WATER PRO WELL DRILLING INC (626)
Driller Name: ()
Construction Method:
Const. Start Date: 8/20/2018 Const. End Date:

Surface Diameter: 10 Inches Depth: 300 Feet

Inspector: _____ Date: _____

Inspection Type: ☐ Construction Activities ☐ Complaint ☐ Enforcement
☐ Seal Placement ☐ Seal Placement – Not Observed
☐ Verify Bottom Hole Temp. ☐ Post Construction

Driller: _____ Operator: _____

Seal Placement Inspected: Yes No Tagged Depth for Seal: _____
Seal Material: _____ Volume: _____

	Yes	No	N/A		Yes	No	N/A
Chemigation				Pressure Gauge			
Check Valve				Control Valve			
Nearby Contamination				Evidence of Annual Seal			
Water Tight Cap				Metal Tag Present			
Access Port				Driller Has Card			
Flowing Artesian				Rig Identified			
Casing Stickup >12 in				Copy of Permit			
Casing Condition							

Setback Distance (ft)		
Public Water System	Sewer Line	Above Ground Storage Tank
Existing Well	Effluent Pipe	Surface Water
Drain Field	Property Line	Canal
Septic Tank	Buildings	

No. W 162955	Due no later than Feb 28, 2018 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			SARAH JANE SMITH 7511 WARREN SPUR RD MELBA ID 83641 3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MEMBER	MARGARET REEVES	3730 SINKER RD	MELBA ID USA 83641
MEMBER	SARAH JANE SMITH	7511 WARREN SPUR RD	MELBA ID USA 83641
5. Organized Under the Laws of:	6. Annual Report must be signed.*		
ID W 162955	Signature: Sarah Jane Smith Name (type or print): Sarah Jane Smith		Date: 01/10/2018 Title: Registered Agent
Processed 01/10/2018	* Electronically provided signatures are accepted as original signatures.		

Idaho Department of Water Resources Receipt

Receipt ID: W046682

Payment Amount \$500.00 Date Received 8/22/2018 10:56 AM Region WESTERN
Payment Type Check Check Number 14632
Payer CANYON CATTLE FEEDERS, LLC
Comments WATER RIGHT TRANSFER FOR CANYON CATTLE FEEDERS, SARAH JANE SMITH
 WRNO: 63-7539

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$500.00	TRANSFERS	62105	0229	21		1155



Signature Line (Department Representative)