

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80714**

This is to certify that: **KELLY A THOMAS**
17947 SHORTCUT RD
MURPHY, ID 83650-5089

ROBERT A THOMAS
17947 SHORTCUT RD
MURPHY, ID 83650

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
57-7267	WR/LICENSE	4/6/1981	3.920 cfs	N/A	N/A	210.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
57-7267	NO	YES	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>
57-7267	57-7267	3.920 cfs	N/A	N/A	210.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.920 cfs	N/A	N/A	210.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 19th day of November, 2018.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 57-7267

As Modified by Transfer No. 80714

In accordance with the approval of Transfer No. 80714, Water Right No. 57-7267 is now described as follows:

Right Holder: ROBERT A THOMAS
17947 SHORTCUT RD
MURPHY, ID 83650

Priority Date: 4/6/1981

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

3.920 cfs

3.920 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SESW
L3 (NWSW)

Sec 29 Twp 04S Rge 01E OWYHEE County
Sec 31 Twp 04S Rge 01E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	29											16.0	5.0					21.0
04S	01E	31	20.0		20.0	20.0				1.0	32.0	3.0	31.0	3.0	3.0	25.0			158.0
												L 3	L 4						
04S	01E	32					6.0	25.0											31.0

POU Total Acres: 210.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 945 af at the field headgate for the place of use.
2. Rights 57-49, 57-55, 57-56B, 57-72, 57-74, 57-79, 57-81 and 57-7267 when combined shall not exceed a total annual maximum diversion volume of 945 af at the field headgate.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 57-7267

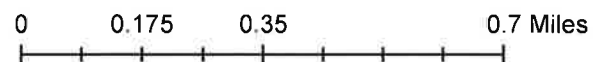
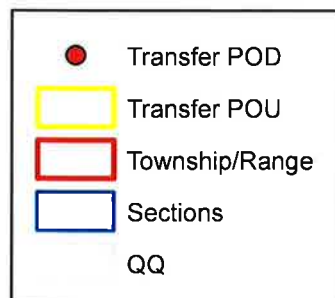
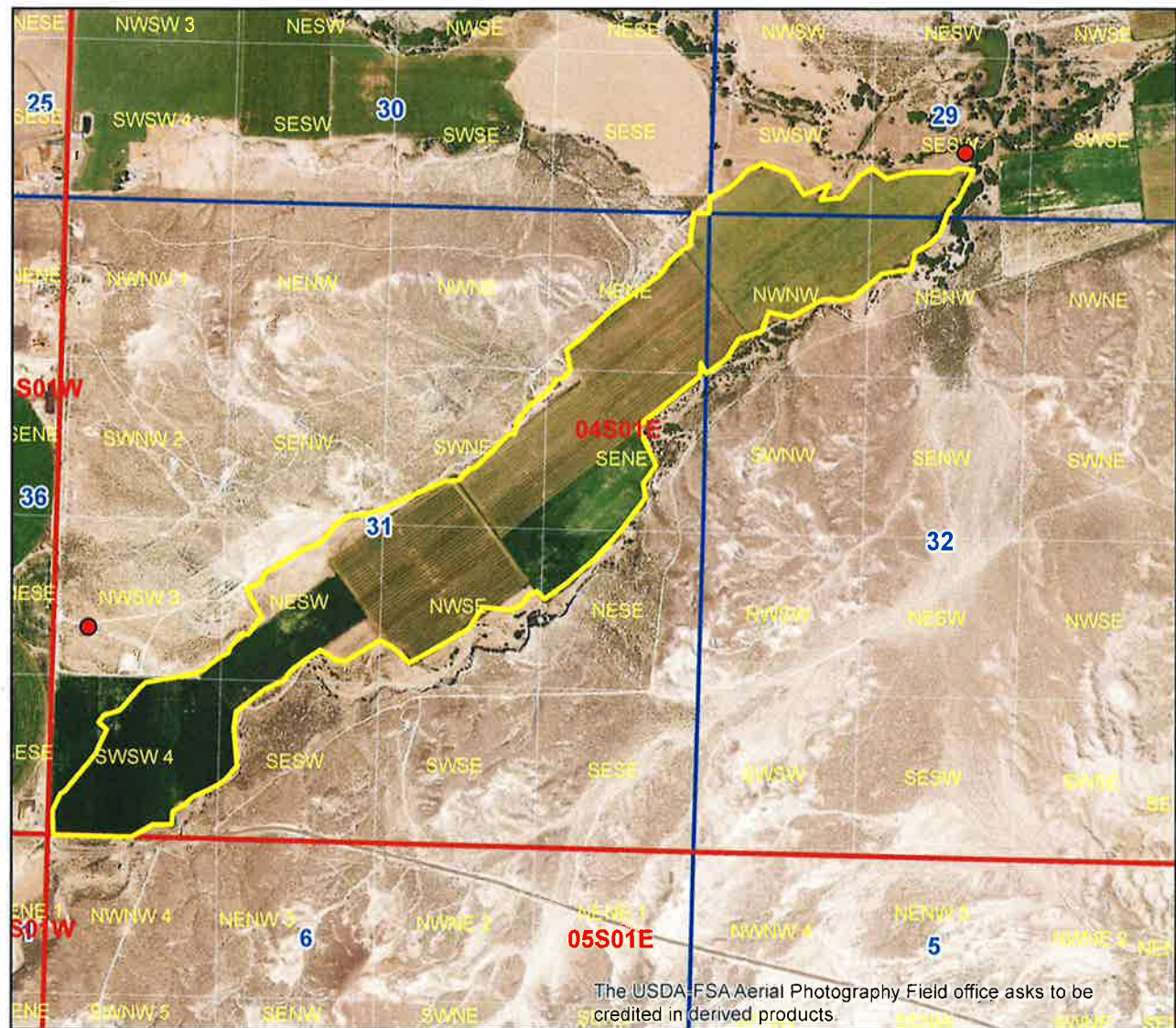
As Modified by Transfer No. 80714

CONDITIONS OF APPROVAL

4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
8. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
9. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

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.



SEP 20 2016

TRANSFER APPLICATION AMENDMENT

42-222 POD - 09/14

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT 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

1. **APPLICANT(S)** Robert A. and/or Kelly A. Thomas Phone 208-250-5674

2. MAILING ADDRESS 17947 Shortcut Rd City Murphy

State	ID	Zip	83650	Email	tbrranch208@gmail.com
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- ☐ 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) 57-7267

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

4. **TOTAL AMOUNT OF WATER** transferred is 3.92 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

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:

One existing well and one new well, pressurized irrigation system

Measuring devices and lockable controlling works will be installed upon Department's request.

- b. Who owns the property at the point(s) of diversion? Applicants

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. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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.

Robert A. Thomas

Signature of applicant or authorized agent

ROBERT A. THOMAS

Print name and title if applicable

9/20/16

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 AG

Date 9-20-16

* Fee paid \$740.00 Date 2-24-16

Receipted by CJ

Receipt # W043916

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)

FEB 24 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT 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

1. APPLICANT(S) Robert A. Thomas - Kelly Thomas Phone 208/834-2638
 2. MAILING ADDRESS 17947 Shortcut Rd. City ORPENA, Id. 83650
 State Id. Zip 83650 Email thbrand208@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) 57-7267

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

4. TOTAL AMOUNT OF WATER transferred is 3.92 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N	3		NW	SW	31	4S	1E	Owyhee	Groundwater	

Superseded by Amended Application

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:

- b. Who owns the property at the point(s) of diversion? Robert A. & Kelly A. Thomas
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. The *Map Tool*, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ provides a satisfactory template for creating the required map.

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.

Robert A. Thomas
Signature of applicant or authorized agent

ROBERT A. THOMAS
Print name and title if applicable

2/24/16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 CS

Date 2/24/16

Fee paid \$740.00 Date 2/24/16

Received by CS

Receipt # W043916

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

2/24/2016

Water Right 57-7267

Owner Type **Name and Address**
Current Owner ROBERT A THOMAS
17947 SHORTCUT RD
MURPHY, ID 83650
(208) 250-5674

Priority Date: 4/6/1981

Basis: License

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	3.920 CFS	
	<u>Total Diversion</u>		3.920 CFS	

Source and Point(s) of Diversion

GROUND WATER L4(SWSW) Sec. 31, Twp 04S, Rge 01E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

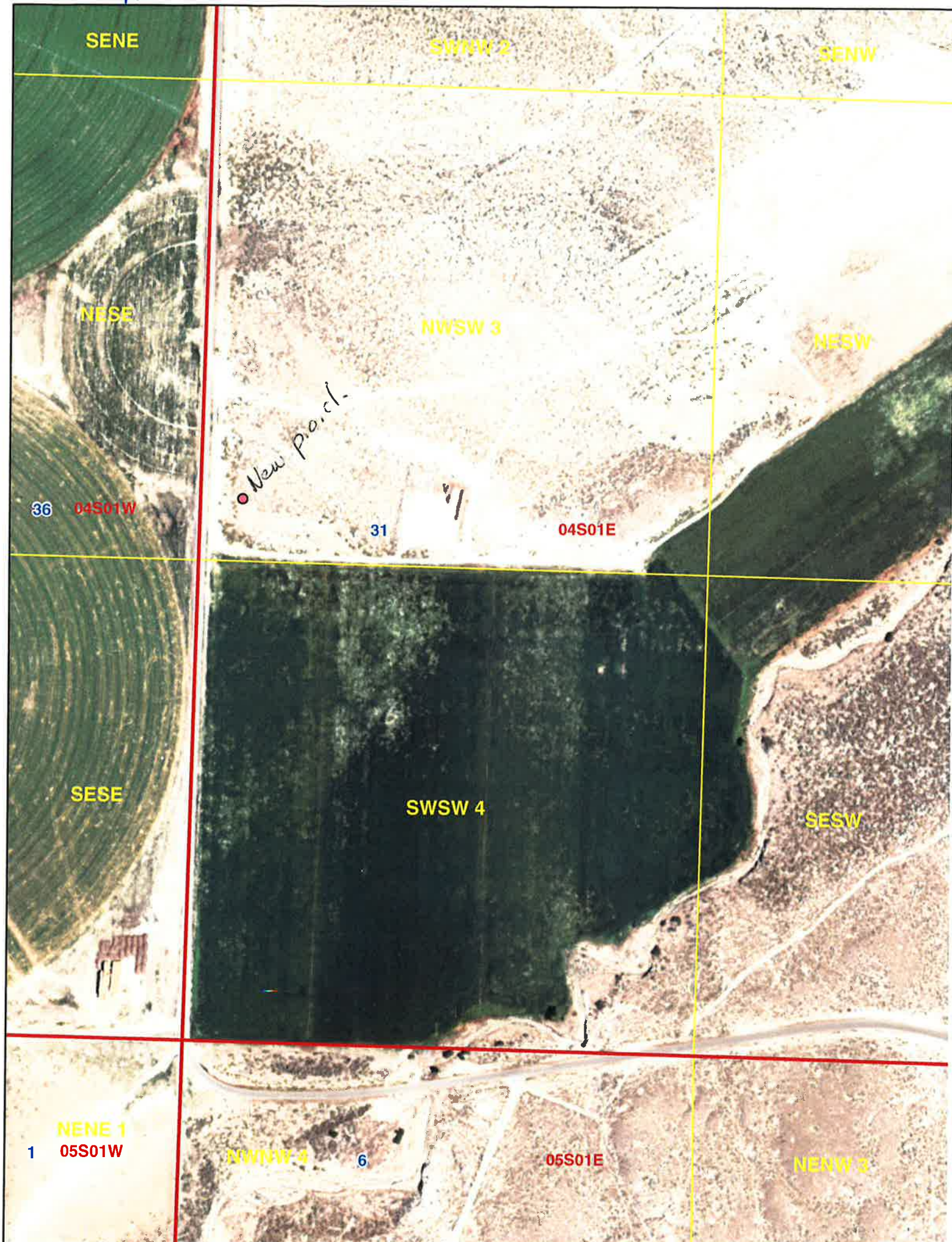
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	29											16.0	5.0					21.0
04S	01E	31	20.0		20.0	20.0				1.0	32.0	3.0	31.0	3.0	3.0	25.0			158.0
												L3	L4						
04S	01E	32					6.0	25.0											31.0

POU Total Acres: 210.0

Conditions of Approval:

1. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
2. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
This right when combined with the rights listed below and all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 945.0 af for the lands above. The combined rights include: 57-00049, 57-00055, 57-00056B, 57-00072, 57-00074, 57-00079 and 57-00081.

TRANSFER 80714





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

ROBERT A THOMAS
KELLY A THOMAS
17947 SHORTCUT RD
MURPHY ID 83650-5089

Re: Transfer No: 80714
Water Right No: 57-7267

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. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right 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 ink is dark and the signature is fluid.

Anna Kaiser
Office Specialist

Enclosure

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

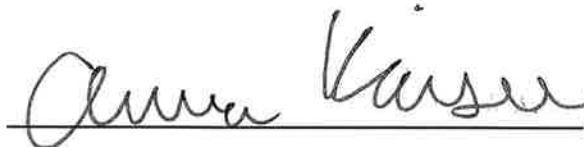
CERTIFICATE OF SERVICE

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 persons listed below:

Re: Transfer No.: 80714
Water Right No(s): 57-7267

ROBERT A THOMAS
KELLY A THOMAS
17947 SHORTCUT RD
MURPHY ID 83650-5089

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

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. 80714
FROM: Phill Hummer
DATE: 11/14/2018
RE: Evaluation of Application

This transfer application proposes to change the point of diversion of water right no. 57-7267 from an incorrect location to the correct QQ location of the currently used well. Additionally, the applicant wants to add a second POD for a new well.

The site is approximately 3 kilometers south of Oreana Idaho along Oreana Loop in the SW ¼ of section 31, township 04S, range 01E, B.M.

Contact person for the application is Lori Graves, SPF Water Engineering.

Deviations from Transfer Policy Standards

The application was submitted listing four locations for the new well. This was because the proposed new well for the second POD had not been drilled and the applicant did not know exactly where it was going to be. Since there is no follow up process following the approval of a transfer the transfer was held until the location of the well was known. A drilling permit was approved on 10/31/2018 authorizing the construction of an irrigation well for permit no. 57-11884. The well is being completed in the SESW of section 29, township 04S, and range 01E. More specifically at Latitude 43 02.457, Longitude -116 22.004. This is the well the applicant wants to add to water right no. 57-7267.

Summary of Information Submitted

Authority to File:

The application lists Robert Thomas and Kelly Thomas as the applicants. Department parcel data shows they are the property owners where the point of diversion is currently, at the actual site, and at location of the new well. Robert Thomas is listed as the owner of water right no. 57-7267. For these reasons the applicants have the authority to file this application.

Water Right Validity:

Right presumed to be valid. SRBA is not applicable to this right developed after 1987. Recent beneficial use confirmed via 2017 ArcView imagery.

Injury to Other Water Rights:

The change to the point diversion proposed should not cause injury to existing water rights since it is a correction to the water right and not a change to the irrigation practice that has occurred historically. Right no. 57-7267 is within the trust water boundary but it authorizes the diversion of groundwater for supplemental use. The Continuation Order issued on November 20, 1989 stated that the use of groundwater under this right would be trust water but it would be supplemental to surface water rights perfected prior to July 1, 1985. The order concluded the permit satisfied the

provisions of Sections 42-203C and 42-203D, Idaho Code. Since the transfer application proposes no significant changes the right and IDWR trust water processing has not changed since that order was issued the diversion of water under the right should still not cause a significant reduction of trust water.

Enlargement of Use:

Changing the point of diversion will not create an enlargement of use. Diverting the entirety of the right from a different well would not be an enlargement if the total amount diverted annually remains the same. Combined limit conditions restrict the volume of water annually diverted under the right to 945.0 af for 210 acres, which is 4.5 af per acre. The diversion volume is limited to the standard headgate volume at the place of use.

Local Public Interest:

The application proposes beneficial use consistent with 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

Data entry affected the correct record, water right no. 57-7267 right id 8229.

Water right nos. 57-49, 57-55, 57-56B, 57-72, 57-74, 57-79, and 57-81 authorize the use of surface water at the place of use. The applicants are also the owners of these water rights. The conditions of water right no. 57-7267 authorize use of ground water to supplement these surface water rights. Neither the conditions of water right no 57-7267 nor the database comments indicate that any other water rights are diverted from the well in Lot 3 NWSW of section 31, township 04S, range 01E. The new point of diversion will be a new irrigation well. Permit no. 57-11884 will also be diverted from this well.

Summary

Recommended Conditions:

- Update condition R55 (inactive) to 933 and add 934.
- Remove condition R56 because it is inactive.
- Replace supplemental, (included text conditions) conditions to 943.
- Replace text condition with X35 and WB7.
- Add condition R61.
- Add standard transfer conditions T07 and T08.

No information contradicts the above analysis, the application can be approved as reflected by the draft approval.



SPF WATER
ENGINEERING

September 20, 2016

RECEIVED
SEP 20 2016
WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Amended Transfer Application No. 80714; Application for Permit

Dear Angie,

Enclosed on behalf of Robert and Kelly Thomas, is *Amended Transfer Application No. 80714* and an *Application for Permit*.

Check No. 1160 for \$330 is enclosed for the permit application filing fee. The filing fee for the amended transfer application has been previously paid. Thank you very much for your consideration and assistance in this matter. Please let me know if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Robert Thomas

Enclosures

SPF file number: 1299.0010

Hummer, Phill

From: Hummer, Phill
Sent: Friday, April 15, 2016 2:29 PM
To: 'tbranch208@gmail.com'
Subject: Transfer Application 80714

Hi Robert,

I am processing your transfer application and was hoping you could supply some additional information:

- The application lists your address as 17947 Shortcut Rd Oreana ID 83650 but the water right has your address in Murphy ID. Which is the more accurate address?
- You indicated on the application that the new point of diversion is to be a well that already exists. Has the well already been drilled? Do you have a copy of the drilling permit or well drillers log?

Phill Hummer

Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov

no response