



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 15, 2018

WILLIAM R SMITH
6898 SE VALLEY VIEW
MOUNTAIN HOME ID 83647

Re: Transfer No: 82575
Water Right No(s): 61-12119 (Split into 61-12333)
& 61-12182 (Split into 61-12332)

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,



Pamela S. Skaggs, Manager
Water Rights Section

Enclosure

C:

KENNETH L YOUNG
AMANDA S YOUNG
2595 SE WARM CREEK DR
MT HOME ID 83647-5643

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 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.: 82575
Water Right No(s): 61-12119, 61-12182**

**WILLIAM R SMITH
6898 SE VALLEY VIEW
MOUNTAIN HOME ID 83647**

**KENNETH L YOUNG
2595 SE WARM CREEK DR
MT HOME ID 83647-5643**

**AMANDA S YOUNG
2595 SE WARM CREEK DR
MT HOME ID 83647-5643**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82575

This is to certify that: WILLIAM R SMITH
6898 SE VALLEY VIEW
MOUNTAIN HOME, ID 83647

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>
61-12119	WR/DECREED	4/23/1964	0.020 cfs	6.9 af	1.5	2.0	GROUND WATER
61-12182	WR/DECREED	3/15/1977	0.010 cfs	N/A	0.5	2.0	GROUND WATER
COMBINED TOTALS			0.020 cfs	6.9 af	2.0	2.0	

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>
61-12119	YES	YES	YES	NO	NO	NO
61-12182	YES	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>
61-12119	61-12333	0.010 cfs	3.2 af	0.7	1.0	61-12119	0.010 cfs	3.7 af	0.8	1.0
61-12182	61-12332	0.010 cfs	N/A	0.3	1.0	61-12182	0.010 cfs	N/A	0.2	1.0
COMBINED TOTALS		0.010 cfs	3.2 af	1.0	1.0		0.01 cfs	3.7 af	1.0	1.0

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 15th day of October, 2018.



PAMELA S. SKAGGS, Water Rights Section Mgr.

WATER RIGHT NO. 61-12182

As Modified by Transfer No. 82575

In accordance with the approval of Transfer No. 82575, Water Right No. 61-12182 is now described as follows:

Right Holder: WILLIAM R SMITH
6898 SE VALLEY VIEW
MOUNTAIN HOME, ID 83647

Priority Date: 3/15/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.010 cfs 0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 17 Twp 04S Rge 07E ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	17											1.0						1.0

Right Acre Limit: 0.2

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.2 acres within the authorized place of use in a single irrigation season.
2. This right is based upon an enlargement of Right No. 61-12119 pursuant to Idaho Code § 42-1426.
3. Rights 61-12119 and 61-12182 when combined shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 3.7 af at the field headgate, and the irrigation of 1 acre.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. The following right is also diverted through point of diversion described above: 61-12119.
6. The right holder shall accomplish the change authorized by transfer 73887 within one year of the date of the approval.

Transfer No. 82575

WATER RIGHT NO. 61-12182
As Modified by Transfer No. 82575

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of transfer 73887 is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 61-12332

As Modified by Transfer No. 82575

In accordance with the approval of Transfer No. 82575, Water Right No. 61-12332 is now described as follows:

Right Holder: WILLIAM R SMITH
6898 SE VALLEY VIEW
MOUNTAIN HOME, ID 83647

Priority Date: 3/15/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.010 cfs
			0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 20 Twp 04S Rge 07E ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	20						1.0											1.0

Right Acre Limit: 0.3

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 0.3 acres within the authorized place of use in a single irrigation season.
3. Rights 61-12332 and 61-12333 when combined shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 3.2 af at the field headgate, and the irrigation of 1 acre.
4. This right is based upon an enlargement of Right No. 61-12333 pursuant to Idaho Code § 42-1426.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Place of use is located within Lot 6, Blk. 1 Valley View #1 Subdivision.
7. Point of diversion is located within Lot 6, Blk. 1, Valley View #1 Subdivision.

Transfer No. 82575

WATER RIGHT NO. 61-12332
As Modified by Transfer No. 82575

CONDITIONS OF APPROVAL

8. The following right is also diverted through point of diversion described above: 61-12333.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 61-12119
As Modified by Transfer No. 82575

In accordance with the approval of Transfer No. 82575, Water Right No. 61-12119 is now described as follows:

Right Holder: WILLIAM R SMITH
 6898 SE VALLEY VIEW
 MOUNTAIN HOME, ID 83647

Priority Date: 4/23/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.010 cfs	3.7 af
			0.010 cfs	3.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 17 Twp 04S Rge 07E ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	17											1.0						1.0

Right Acre Limit: 0.8

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.8 acres within the place of use described above in a single irrigation season.
2. Rights 61-12119 and 61-12182 when combined shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 3.7 af at the field headgate, and the irrigation of 1 acre.
3. Right No. 61-12182 is an enlargement of this right pursuant to Idaho Code § 42-1426.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
5. The following right is also diverted through point of diversion described above: 61-12182.

WATER RIGHT NO. 61-12119
As Modified by Transfer No. 82575

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by transfer 73887 within one year of the date of the approval.
7. Failure of the right holder to comply with the conditions of transfer 73887 is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 61-12333**As Modified by Transfer No. 82575**

In accordance with the approval of Transfer No. 82575, Water Right No. 61-12333 is now described as follows:

Right Holder: WILLIAM R SMITH
6898 SE VALLEY VIEW
MOUNTAIN HOME, ID 83647

Priority Date: 4/23/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.010 cfs	3.2 af
			0.030 cfs	4.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 20 Twp 04S Rge 07E ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	20						1.0											1.0

Right Acre Limit: 0.7

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 0.7 acres within the place of use described above in a single irrigation season.
3. Rights 61-12332 and 61-12333 when combined shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 3.2 af at the field headgate, and the irrigation of 1 acre.
4. Right No.61-12332 is an enlargement of this right pursuant to Idaho Code § 42-1426.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000

WATER RIGHT NO. 61-12333
As Modified by Transfer No. 82575

CONDITIONS OF APPROVAL

6. Place of use is located within Lot 6, Blk. 1 Valley View #1 Subdivision.
7. Point of diversion is located within Lot 6, Blk. 1, Valley View #1 Subdivision.
8. The following right is also diverted through point of diversion described above: 61-12332.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 Transfer 82575
61-12119 & 61-12182

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.

07E



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

0 0.015 0.03 0.06 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 82575
61-12333 & 123322

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.

07E



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

0 0.0075 0.015 0.03 Miles



RECEIVED

SEP 28 2018

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT

TRANSFER NO. 82575

WILLIAM R SMITH, 6898 SE VALLEY VIEW, MOUNTAIN HOME, ID 83647; has filed Application No. 82575 for changes to the following water rights within ELMORE County(s): Right No(s). 61-12119, 61-12182. The purpose of the transfer is to change a portion of the above rights as follows: change place of use of 1 acre of irrigation & new point of diversion at 2595 SE Warm Creek Rd. located southwest of the intersection of SE Warm Creek Dr. & SE Valley Ave. in Mountain Home ID.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 10/9/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

First Publication: September 19, 2018

Second Publication: September 26, 2018

Q
John
10-2-18

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Joy Martinez**, do solemnly swear that I am the Legal Clerk of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 19 day of Sept, 2018, and the last publication having been made on the 26 day of Sept, 2018; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Joy Martinez

Legal Clerk

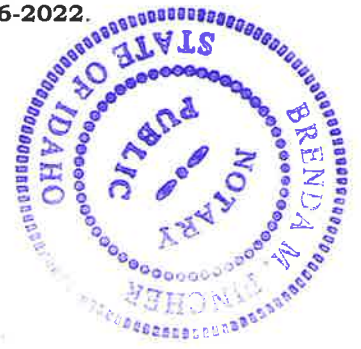
Subscribed and sworn to me this 26th day of Sept, 2018.

Brenda M. Fincher

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-16-2022**.



RECEIVED

SEP 28 2018

FISCAL

RECEIVED

SEP 28 2018

ACCTS. PAYABLE