

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82360**

This is to certify that: CHRISTA A JOHN AND
MARK D JOHN
PO BOX 53
SWEET, ID 83670-0053

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>
65-11267	WR/DECREED	7/1/1906	0.030 cfs	2.6 af	N/A	N/A	SPRING

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>
65-11267	YES	NO	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>
65-11267	65-23776	0.020 cfs	2.4 af	N/A	N/A	65-11267	0.010 cfs	0.2 af	N/A	N/A
COMBINED TOTALS		0.020 cfs	2.4 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 31ST day of August, 2018.



PAMELA S. SKAGGS Water Rights Section Mgr.

WATER RIGHT NO. 65-11267
As Modified by Transfer No. 82360

In accordance with the approval of Transfer No. 82360, Water Right No. 65-11267 is now described as follows:

Right Holder: MYRTLE E BUTLER
 BOYD M BUTLER
 8000 KIRKPATRICK RD
 SWEET, ID 83670-5027

Priority Date: 7/1/1906

Source: SPRING

Tributary: SQUAW CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	1/01	to 12/31	0.010 cfs	0.2 af
			0.010 cfs	0.2 af

LOCATION OF POINT(S) OF DIVERSION

SPRING L2 (NWNE) Sec 2 Twp 07N Rge 01E GEM County

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	3	X																
			L 1																

CONDITIONS OF APPROVAL

1. The quantity of water under rights 65-11267 and 65-23776 shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. 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. 65-23776
As Modified by Transfer No. 82360

In accordance with the approval of Transfer No. 82360, Water Right No. 65-23776 is now described as follows:

Right Holder: CHRISTA A JOHN
 MARK D JOHN
 PO BOX 53
 SWEET, ID 83670-0053

Priority Date: 7/1/1906

Source: SPRING

Tributary: SQUAW CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/01	to 12/31	0.020 cfs	1.2 af
STOCKWATER	1/01	to 12/31	0.020 cfs	1.2 af
			0.020 cfs	2.4 af

LOCATION OF POINT(S) OF DIVERSION

SPRING L2 (NWNE) Sec 2 Twp 07N Rge 01E GEM 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	
08N	01E	35											X						0.0

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	
07N	01E	2						X											0.0
								L 4											

CONDITIONS OF APPROVAL

- Domestic use is for 1 home.
- The quantity of water under rights 65-11267 and 65-23776 shall not exceed 13,000 gallons per day.
- The quantity of water decreed for this water right is not a determination of historical beneficial use.
- 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.

Transfer No. 82360

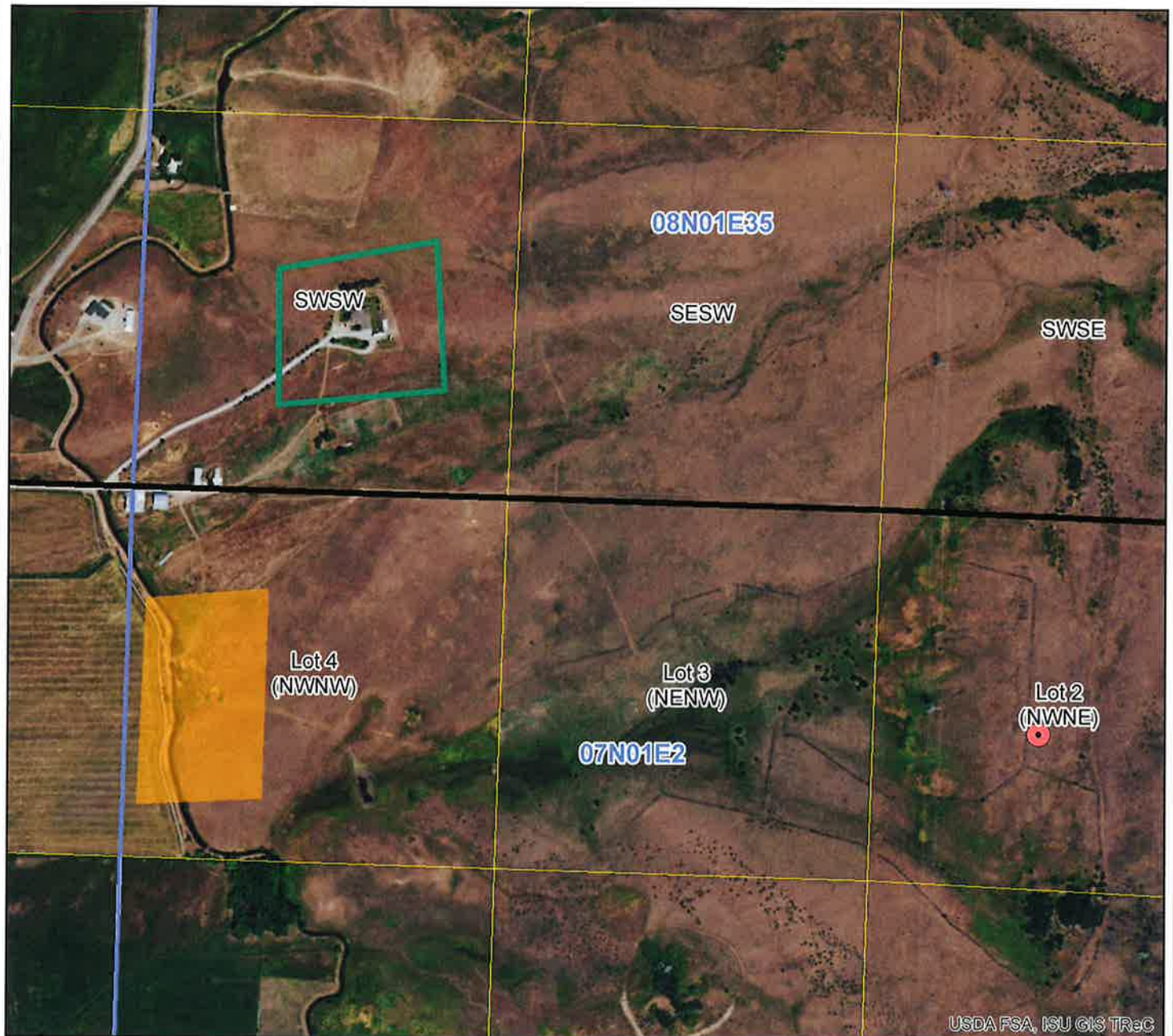
WATER RIGHT NO. 65-23776
As Modified by Transfer No. 82360

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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 No. 82360
Water Right No. 65-23776

This map depicts the DOMESTIC and 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 | Townships |
| Stockwater Place of Use | PLS Sections |
| Domestic Place of Use | Quarter Quarters |



0 500 1,000 1,500 Feet

State of Idaho
Department of Water Resources

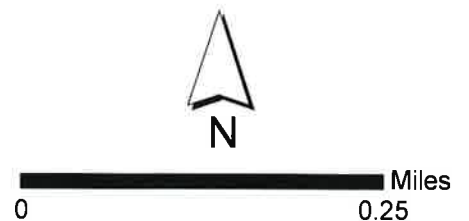
Attachment to Transfer No. 82360

Water Right No. 65-11267 - After Transfer

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 |  Townships |
|  Place of Use Boundary |  PLS Sections |
| |  Quarter Quarters |



RECEIVED

SEP 06 2018

DEPARTMENT OF
WATER RESOURCES

After Recording Return To:

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock Street
Boise, Idaho 83702

WATER RIGHTS QUITCLAIM DEED

FOR VALUE RECEIVED, Cynthia Hall, whose address is 7998 Kirkpatrick Rd., Sweet, Idaho 83670 ("Grantor"), does hereby convey, release, remise and forever quitclaim unto Mark D. John and Christa A. John, husband and wife, whose address is P.O. Box 53, Sweet, Idaho 83670 ("Grantees"), all of Grantor's right, title and interest in and to decreed Water Right No. 65-11267 as reflected in the records of the Idaho Department of Water Resources, together with all appurtenances thereto.

IN WITNESS WHEREOF, the undersigned has caused her name to be subscribed this 28th day of AUGUST, 2018.

CYNTHIA HALL



STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of August, 2018, before me, a Notary Public for said County and State, personally appeared CYNTHIA HALL, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC FOR IDAHO

Residing at: Owyhee County

My commission expires: 07/27/2022



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

September 10, 2018

CHRISTA A JOHN
MARK D JOHN
PO BOX 53
SWEET ID 83670-0053

Re: Transfer No: 82360
Water Right No(s): 65-11267

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) 287-4951.

Sincerely,



Pamela S. Skaggs, Manager
Water Rights Section

Enclosure(s)

C:

BOYD M BUTLER
MYRTLE E BUTLER
WATER DISTRICT #65

CERTIFICATE OF SERVICE

I hereby certify that on September 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.: 82360
Water Right No(s): 65-11267**

**CHRISTA A JOHN
PO BOX 53
SWEET ID 83670-0053**

**MARK D JOHN
PO BOX 53
SWEET ID 83670-0053**

**BOYD M BUTLER
8000 KIRKPATRICK RD
SWEET ID 83670-5027**

**MYRTLE E BUTLER
8000 KIRKPATRICK RD
SWEET ID 83670-5027**

**WATER DISTRICT #65
RON SHURTLEFF
102 N MAIN ST
PAYETTE ID 83661**



**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.

AUG 03 2018

DEPARTMENT OF
WATER RESOURCES

29512 1786847

1 IDWR - WESTERN REGION

2735 AIRPORT WAY

BOISE ID 83705

RECEIVED

AUG 01 2018

WATER RESOURCES
WESTERN REGIONAFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon

}SS.

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

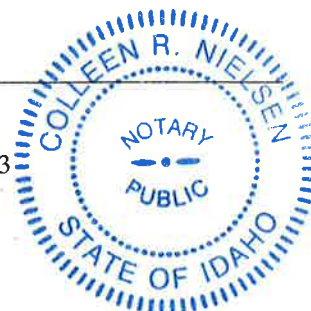
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Emmett Messenger-Index, a weekly newspaper published in the City of Emmett, in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:

07/18/2018 07/25/2018

Sharon Jessen
STATE OF IDAHO
County of Canyon)

On this 25th day of July in the year of 2018 before me a Notary Public, personally appeared. Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Colleen R. Nielsen
Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 82360

CHRISTA A JOHN, PO BOX 53, SWEET, ID 83670; MARK D JOHN, PO BOX 53, SWEET, ID 83670-0053; has filed Application No. 82360 for changes to the following water rights within GEM County(s): Right No(s). 65-11267; The purpose of the transfer is to change a portion of the above rights as follows: to change the place of use to SWSW of Sec 35 T8N, R1E and Lot 4(NWNW) of Section 2 T7N, R1E. 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 8/6/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

July 18, 25, 2018

1786847

OK
8-6-18