

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82096**

This is to certify that: GLENN R FREDRICKSON
SHELLEY FREDRICKSON
3071 HWY 71
CAMBRIDGE, ID 83610

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>
67-15008	WR/DECREED	5/1/1890	0.400 cfs	90.8 af	N/A	22.7	PINE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-15008	YES	YES	NO	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>
67-15008	67-15008	0.26 cfs	59.6 af	N/A	14.9	67-15258	0.14 cfs	31.2 af	N/A	7.8
COMBINED TOTALS		0.26 cfs	59.6 af	N/A	14.9		0.14 cfs	31.2 af	N/A	7.8

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 23rd day of July, 2018.



Chief, Water Allocation Bureau

WATER RIGHT NO. 67-15008**As Modified by Transfer No. 82096**

In accordance with the approval of Transfer No. 82096, Water Right No. 67-15008 is now described as follows:

Right Holder: GLENN R FREDRICKSON AND/OR
SHELLEY FREDRICKSON
3071 HWY 71
CAMBRIDGE, ID 83610

Priority Date: 5/1/1890

Source: PINE CREEK

Tributary: WEISER RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 10/31	0.260 cfs	59.6 af
			0.260 cfs	59.6 af

LOCATION OF POINT(S) OF DIVERSION

PINE CREEK

SENW

Sec 31 Twp 15N Rge 03W WASHINGTON 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	
15N	03W	31			2.0		5.5	0.5		6.9									14.9
								L 1											

POU Total Acres: 14.9

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. 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. 67.
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. 82096

WATER RIGHT NO. 67-15008
As Modified by Transfer No. 82096

CONDITIONS OF APPROVAL

6. 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.

WATER RIGHT NO. 67-15258

As Modified by Transfer No. 82096

In accordance with the approval of Transfer No. 82096, Water Right No. 67-15258 is now described as follows:

Right Holder: GLENN R FREDRICKSON AND/OR
SHELLEY FREDRICKSON
3071 HWY 71
CAMBRIDGE, ID 83610

Priority Date: 5/1/1890

Source: PINE CREEK

Tributary: WEISER RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 10/31	0.140 cfs	31.2 af
			0.140 cfs	31.2 af

LOCATION OF POINT(S) OF DIVERSION

PINE CREEK	SWNE	Sec 31 Twp 15N Rge 03W WASHINGTON County
PINE CREEK	SWSW	Sec 30 Twp 15N Rge 03W WASHINGTON 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	
15N	03W	31					3.7	4.1											7.8
								L 1											

POU Total Acres: 7.8

CONDITIONS OF APPROVAL

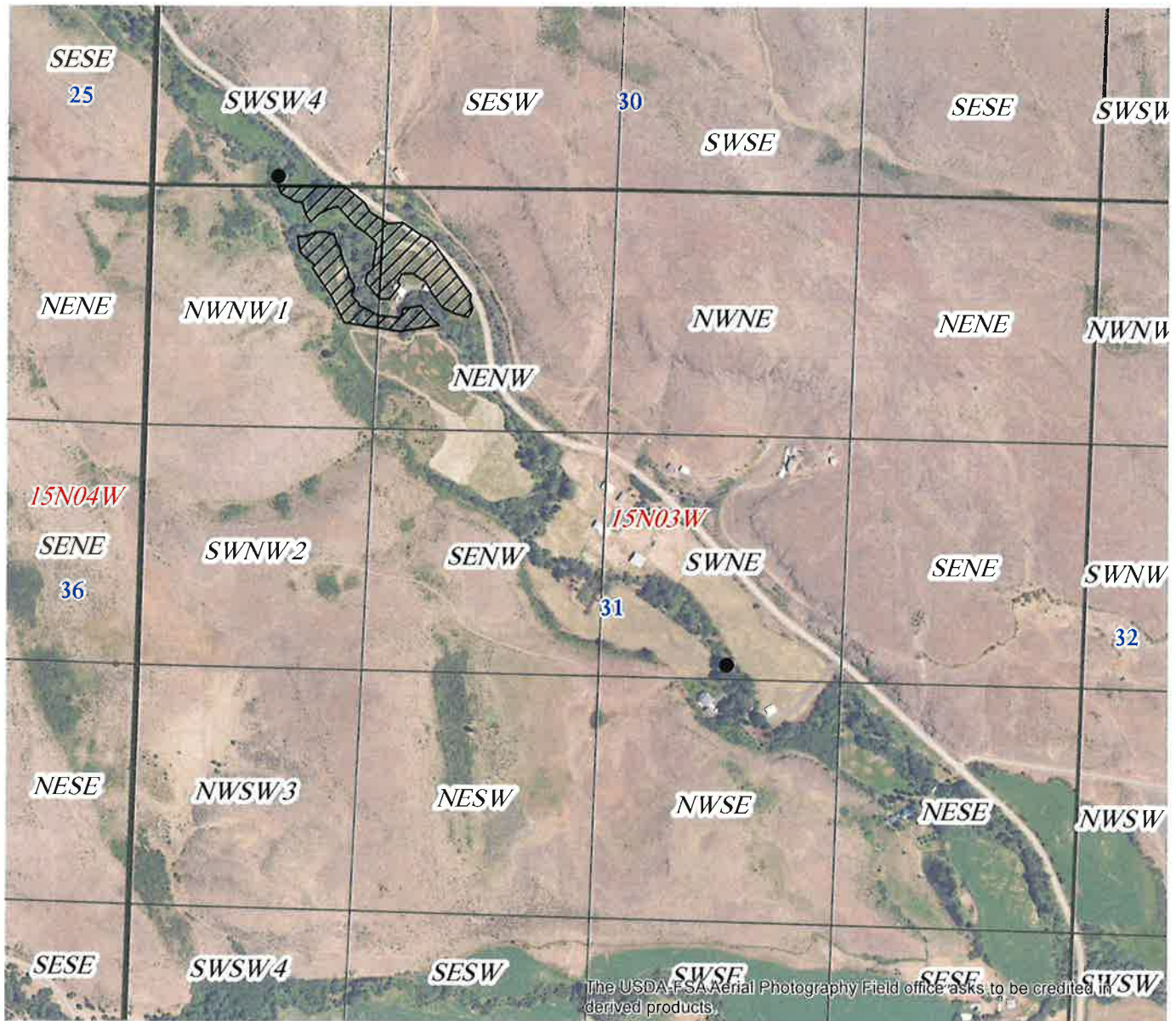
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 82096
Water Right(s): 67-15258

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.2 0.4 Miles

- Point of Diversion
- ▨ Place of Use Boundary
- ▭ Township/Range
- ▭ Sections
- ▭ QQ





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

July 23, 2018

GLENN R FREDRICKSON
SHELLEY FREDRICKSON
3071 HWY 71
CAMBRIDGE ID 83610

Re: Transfer No: 82096
Water Right No(s): 67-15008

Transfer Approval Notice

Dear Water Right Holder:

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) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Neely for:". The signature is written in dark ink and is positioned above the typed name of the person it represents.

Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 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.: 82096
Water Right No(s): 67-15008**

**GLENN R FREDRICKSON
SHELLEY FREDRICKSON
3071 HWY 71
CAMBRIDGE ID 83610**

**BRANDI S. HORTON-BONNER
WATERMASTER OF DISTRICT 67
2297 SNAPP LN
MIDVALE ID 83645**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer no. 82096 file
FROM: Cody Parker
RE: Evaluation of sufficiency of information submitted
DATE: June 11, 2018

This transfer application proposes to change the point of diversion for water right 67-15008 to a new location on Pine Creek. The proposed point of diversion is located in the SENW of Section 31, Township 15 North, Range 03 West, B.M. Water will continue to be used at the current place of use approximately 4 miles northwest of Cambridge, Idaho along Highway 71.

Authority to File: The transfer application was submitted and signed by Glenn and Shelley Fredrickson, the current owners of record for the water right. The Fredrickson's own the land at the proposed point of diversion. According to the current shapefiles, they own 14.9 acres of the irrigation authorized by this right. The right will be split so that the change in POD applies only to the portion the applicants are authorized to change. The remaining portion (now 67-15258) will keep the original points of diversion. These two owners have the authority to file the transfer application for the 14.9 acres of irrigation that they own.

Water Right Validity: Right 67-15008 was decreed in July of 2009 as part of right 67-200. I am able to identify 22.3 acres irrigation of the 22.7 authorized by this water right from historic aerial imagery from 2013 to present. The difference is within the margin of error of the measurement. The right is presumed valid.

Injury to Other Water Rights: None anticipated as long as no enlargement occurs. The application was advertised to address any specific injury concerns from other users. There were no protests.

Enlargement of Use: None anticipated. The validity of the right has been confirmed, so changing the point of diversion will not encourage further use of the right above the historical use. The transfer application does not propose any change to the diversion rate or annual volume or to the number of irrigated acres. There does not appear to be any overlapping irrigation rights.

Local Public Interest: As I discuss above, the application was advertised to address any concerns from nearby water users. Comment was solicited from the WD 67 watermaster, who did not oppose approval of this transfer.

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

The application shows that the intent is to change the point of diversion and the new POD is the only one listed in Item 5. It seems obvious the applicant's do not intend to keep the original PODs.

There is no POD or POU overlap for this water right.

Conditions: +R05 +R43 +R64 +T07 +T08 Replace C18 w/ T19

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JUN 01 2018

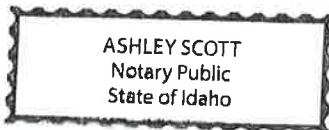
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF WASHINGTON)

Gamaliel L Gardner-Masters being duly sworn, deposes and says that he is the Principle Clerk of the Upper Country News-Reporter, a weekly newspaper printed and published at Cambridge, Washington County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said County for a period of seventy-eight (78) consecutive weeks prior to the first publication of the advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Upper Country News-Reporter for two (2) insertions beginning with the Issue of May 16, 2018 and ending with the Issue of May 23, 2018.

Gamaliel L Gardner-Masters

On this 29th day of may, 2018, before me, a Notary Public, personally appeared Gamaliel L Gardner-Masters, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.



Ashley Scott
Notary Public of Idaho

Residing at Council, ID

My Commission Expires 11/24/2020

To: IDAHO DEPARTMENT OF WATER RESOURCES

Subject: NOTICE OF PROPOSED CHANGE OF WATER RIGHT - APPLICATION NO 82096

LEGAL NOTICE

✓OK RN
6/7/18

The following application has been filed to appropriate the public waters of the State of Idaho:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82096

GLENN R FREDRICKSON and SHELLEY FREDRICKSON, 3071 HWY 71, CAMBRIDGE, ID 83610; has filed **Application No. 82096** for changes to the following water rights within WASHINGTON County(s): Right No(s). 67-15008. This transfer application proposes to change the point of diversion for water right 67-15008 to a new location on the applicant's property along Pine Creek. The proposed point of diversion is located in the SENW of Section 31, Township 15 North, Range 03 West, Boise Meridian. Water will continue to be used at the current place of use approximately 4 miles northwest of Cambridge, Idaho along Highway 71.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 6/4/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/16/2018 and 5/23/2018

Published in the Upper Country News-Reporter on May 16, 2018 • May 23, 2018

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MAY 21 2018

WATER RESOURCES
WESTERN REGION

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # 67 (Weiser River)

Application # 82096

Applicant Name Glenn R. & Shelly Fredrickson

Watermaster Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional comments:

Dated this 19 day of May, 2018

Watermaster Signature

Brandi S. Horton-Bonner

Printed Name