

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82211**

This is to certify that: **THOMAS H CARSON**
1004 7TH ST S
NAMPA, ID 83651-4124

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-2733C	WR/DECREED	11/3/1948	0.400 cfs	90.0 af	N/A	20.0	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>
63-2733C	NO	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>
63-2733C	63-2733C	0.400 cfs	90.0 af	N/A	20.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.400 cfs	90.0 af	N/A	20.0		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 23rd day of July, 2018.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-2733C
As Modified by Transfer No. 82211

In accordance with the approval of Transfer No. 82211, Water Right No. 63-2733C is now described as follows:

Right Holder: THOMAS H CARSON
 1004 7TH ST S
 NAMPA, ID 83651-4124

Priority Date: 11/3/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.400 cfs	90.0 af
			0.400 cfs	90.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 17 Twp 02N Rge 02W CANYON 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	
02N	02W	17									10.0	10.0							20.0

POU Total Acres: 20.0

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 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

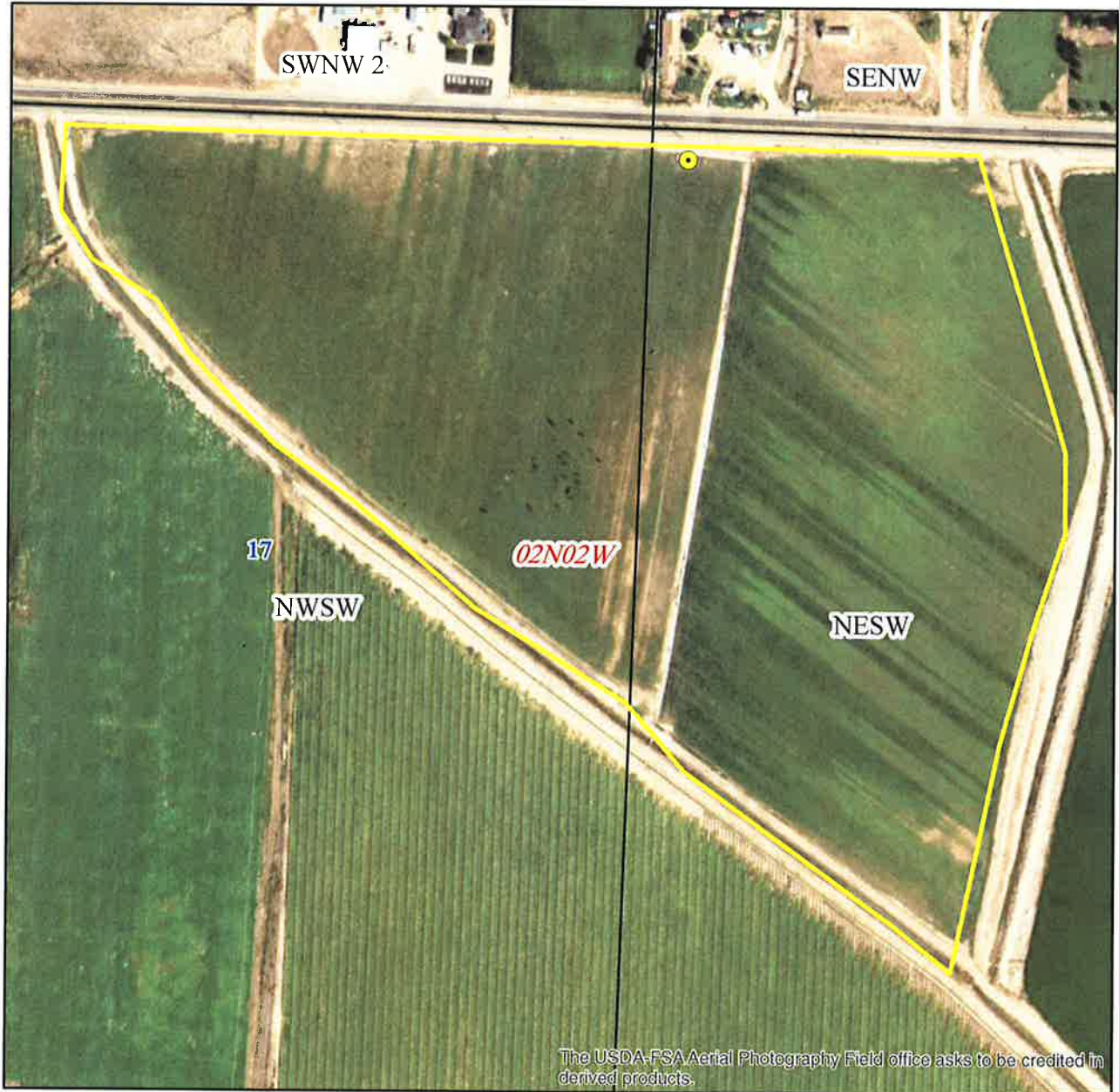
Transfer No. 82211

State of Idaho
Department of Water Resources

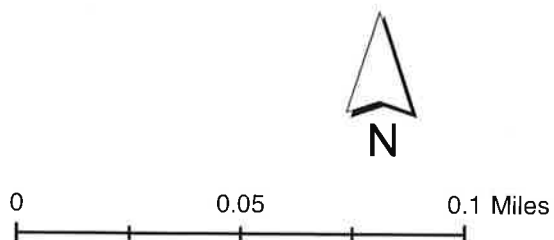
Attachment to Transfer No. 82211

Water Rights: 63-2733C

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.



-  Point of Diversion
-  Place of Use
-  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

THOMAS H CARSON
1004 7TH ST S
NAMPA ID 83651-4124

Re: Transfer No: 82211
Water Right No(s): 63-2733C

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,

 Rachel Naeby fol.

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.: 82211
Water Right No(s): 63-2733C

THOMAS H CARSON
1004 7TH ST S
NAMPA ID 83651-4124



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. 82211 File
FROM: Cody Parker
RE: Evaluation of the sufficiency of information submitted
DATE: May 17, 2018

The purpose of this transfer is to change the point of diversion to a well located in the NESW of Section 17, Township 02 North, Range 02 West, Boise Meridian. According to the applicant, the proposed point of diversion has been used for this right since 1977. Water will continue to be used at the current place of use located approximately 3 miles southwest of Nampa, Idaho.

Summary of Information Submitted

Authority to File: An ownership change was submitted with this application and was processed prior to transfer processing. The new owner of record is Thomas H. Carson. Current tax parcel information shows that the current owner of the irrigated land and the well is the same Thomas H. Carson. The applicant has authority to file the transfer application.

Water Right Validity: Right 63-2733C was decreed in 2009. It authorizes the diversion of 0.40 cfs and 90 afa to irrigate 20 acres. The right is not conditioned to require supplemental use of groundwater. Aerial imagery from 2013 and 2015 shows that the full 20 acres have been irrigated. The right is presumed valid.

Injury to Other Water Rights: The right proposes to change the point of diversion to a well located approximately 500 feet southeast of the original. Neither point of diversion is located in any areas of concern, though they are located east of the Mora Canal just outside of the South Canyon Groundwater Area where there are concerns about groundwater availability.

The well proposed for use (new well) was cased to 18.5 ft and is open in solid rock from 18.5 ft to 153 ft. The static water level is at 50 ft, the same depth that water was first encountered. The backfile has limited information on the original POD, though it does suggest that the well is 6 inches in diameter and ~180 ft deep. The claim file for 63-2733B suggests that the POD overlaps for both rights (probably as the result of being split from the same parent right). The 1950 Report of Engineer for 63-2733B says the well is 8 inches in diameter, 100 ft deep, and cased 18' down to solid rock. Either way, it is unlikely that the change proposed by the application would change the effect on hydraulically connected sources as both the original well and the new well were constructed similarly. However, due to uncertainty regarding the original well the application will be advertised to ensure that there is no change in the effect of the diversion on hydraulically connected sources, in particular Lake Lowell.

Applicant remarks on Page 4 of the application indicate that the new POD has been in use for this purpose since 1977. Records from a field exam in the backfile for the right shows that the well has been used for this purpose since at least 2008 (and possibly since before 1995 according

to a Memo in the backfile for right no. 63-2733B). Since that time, there have been no claims of alleged injury resulting from the change in POD. Therefore, none is anticipated moving forward.

Enlargement of Use: None anticipated. The application does not propose any change to the diversion rate, diversion volume, or irrigated acreage. This use of groundwater is not known to be supplemental. No portion of the right is at risk of forfeiture, so changing the POD will not encourage the owner to irrigate more than they have historically done. The season of use does not need to be updated. Based on the information from a field exam in 2008, a rough estimate of the diversion capacity of the original well is 1.03 cfs. The total rate authorized from that well is 0.64 cfs. Therefore, the well could divert water for all three overlapping water rights at one time (63-2733C, 63-2733B, 63-31123). There are no combined use limits on any of the three rights. Because diversion capacity of the well is not limiting, changing the POD for this right will not cause there to be a higher instantaneous diversion rate when the three rights are used at the same time.

Local Public Interest: The application proposes a change consistent with the local public interest. The application will be advertised to allow the opportunity for public protest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

Overlap: There is no indication that the groundwater use is supplemental on this land or that surface water was ever used for irrigation here.

The original POD is also used by rights 63-2733B and 63-31123, though the shapefiles don't match up. None of the rights have combined use limits, indicating that all three rights could be diverted from the well at one time.

RECEIVED
APR 30 2018
WATER RESOURCES
WESTERN REGION

29512 1752098

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon

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 Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, 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.

That said notice was published the following:
04/19/2018 04/26/2018

STATE OF IDAHO

County of Canyon)

On this 26th day of April 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.

Notary Public for Idaho

Residing at Canyon County

My Commission expires 06/28/2023



LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82210

THOMAS H CARSON, 1004 7TH ST S, NAMPA, ID 83651-4124; has filed Application No. 82210 for changes to the following water rights within CANYON County(s): Right No(s). 63-2732. The purpose of this transfer is to change the place of use for 7 irrigated acres of water right 63-2732. 5 acres in the SESW will be irrigated by piping water from the well in the NESW across a waste ditch to be gravity fed through furrows running north-south. Water will be used south of Lakeshore Drive between Dearborne Road and Lynwood Drive, approximately 3 miles southwest of Nampa, Idaho.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82211

THOMAS H CARSON, 1004 7TH ST S, NAMPA, ID 83651-4124; has filed Application No. 82211 for changes to the following water rights within CANYON County(s): Right No(s). 63-2733C. The purpose of this transfer is to change the point of diversion to a well located 500 ft southeast of the original in the NESW of Section 17, Township 02 North, Range 02 West, Boise Meridian. According to the applicant, the proposed point of diversion has been used for this right since 1977. Water will continue to be used at the current place of use located east of the intersection of Lakeshore Drive and Dearborne Road, approximately 3 miles southwest of Nampa, Idaho.

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 5/7/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

April 19, 26, 2018

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