

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82107**

This is to certify that: DANIEL L WEST
KIMBERLEE JO WEST
10294 SW MINT FARM RD
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>
61-12148	WR/DECREED	2/21/1971	2.100 cfs	640.0 af	N/A	160.0	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>
61-12148	NO	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>
61-12148	61-12148	2.100 cfs	640.0 af	160.0	200.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.100 cfs	640.0 af	160.0	200.0		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 15 day of MARCH, 2018.


Water Rights Supervisor

WATER RIGHT NO. 61-12148

As Modified by Transfer No. 82107

In accordance with the approval of Transfer No. 82107, Water Right No. 61-12148 is now described as follows:

Right Holder: DANIEL L WEST Or
KIMBERLEE JO WEST
10294 SW MINT FARM RD
MOUNTAIN HOME, ID 83647

Priority Date: 2/21/1971

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	2.100 cfs	640.0 af
			2.100 cfs	640.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 25 Twp 04S Rge 05E ELMORE 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	05E	25					40.0	40.0	40.0	40.0									160.0
04S	05E	26				40.0													40.0

Right Acre Limit: 160.0

POU Total Acres: 200.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160.0 acres within the authorized place of use in a single irrigation season.
2. 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.
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. 161.
4. Prior to the diversion and use of water under Transfer approval 82107, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 82107

WATER RIGHT NO. 61-12148
As Modified by Transfer No. 82107

CONDITIONS OF APPROVAL

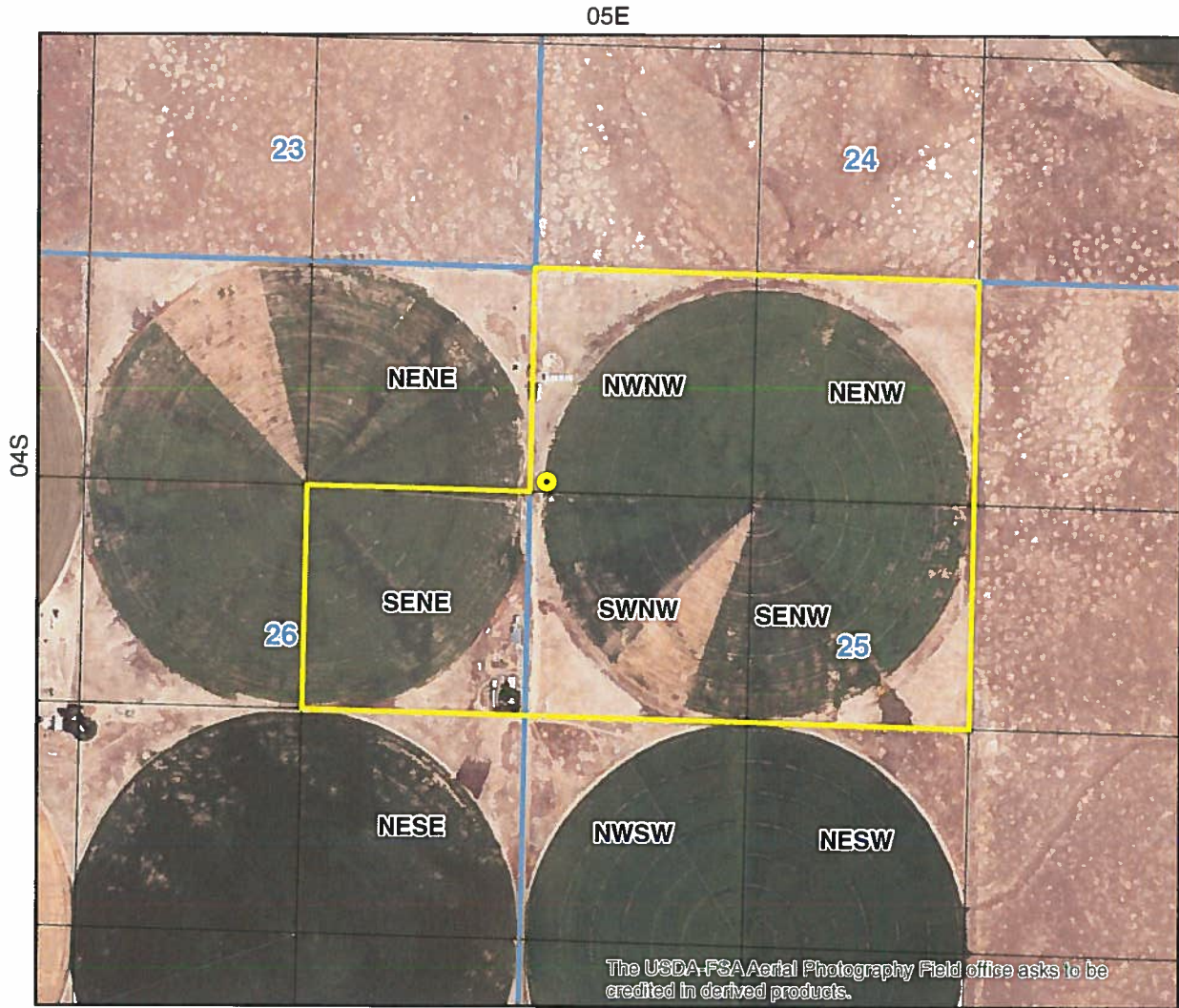
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 Water Right Transfer 82107

61-12148

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
- Permissible Place of Use
- Townships
- PLS Sections

0 0.125 0.25 0.5 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82107

RECEIVED

JAN 26 2018

WATER RESOURCES
WESTERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Daniel L West & Kimberlee Jo West

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

JAN 26 2018

WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Daniel L West & Kimberlee Jo West Phone (208) 590 - 2590
Mailing address 10294 SW Mint Farm Rd. Mountain Home, ID 83647 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Kevin G. Kohtz Phone (208) 559 0974
Mailing address 9587 W Jadewood. Boise, ID 83709 Email kevin@idahowatercompany

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

X Daniel L West
Signature of Applicant or Authorized Representative

Daniel L West
Print Name and Title if applicable

12-30-2017
Date

X Kimberlee Jo West
Signature of Applicant or Authorized Representative

Kimberlee Jo West
Print Name and Title if applicable

12-30-2017
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
The transfer proposes to change the permissible place of use on the same farm property. The point of diversion, period of use, nature of use, volume, and number of irrigated acres all remain unchanged. The transfer purpose is to allow for more efficient water application under the irrigated pivots, within the newly proposed PPU.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JAN 30 2018

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	61-12148	2.1/640	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.1 cfs and/or 640 acre-feet.

2. Total amount of water proposed to be transferred or changed .41 cubic feet per second and/or 126 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	5E	26				40													40
4S	5E	25					40	40	40	40									160
Total Acres (for irrigation use)																			200

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ ☐	61-12148	2.1/640	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.1 cfs and/or 640 acre-feet.

2. Total amount of water proposed to be transferred or changed 0 cubic feet per second and/or 0 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	5E	26				31.5													31.5
4S	5E	25					32.8	30.6	31.7	33.4									128.5
Total Acres (for irrigation use)																			160

THIS PAGE SUPERCEDED BY AMENDED PAGE 3
RECEIVED 1-30-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

No changes are proposed to the existing diversion system consisting of a groundwater well and turbine pump to existing booster pump and distribution piping.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
n/a

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: n/a

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The irrigated acres within the proposed PPU will remain 160. The corners will not be irrigated absent notification to the department and dry-up of equal acreage.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The remaining 94.5 acres under pivot in the NE1/4 of sec 26 will be irrigated from the POD as allowed from other water rights rented from the Water Supply Bank.

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-12148

Current Owner: KIMBERLEE JO WEST
DANIEL L WEST

Priority Date: 2/21/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.1 CFS	640 AF
	<u>Total Diversion</u>	2.1 CFS	640 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 25, Twp 04S, Rge 05E B.M.
ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R05E S25	NENW	40.00	T04S R05E S25	NWNW	40.00
T04S R05E S25	SWNW	40.00	T04S R05E S25	SENW	40.00

Total Acres: 160

Conditions of Approval:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

3. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Decreed Date: 10/26/2000

01/15
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 30 2018

**WATER RESOURCES
WESTERN REGION**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

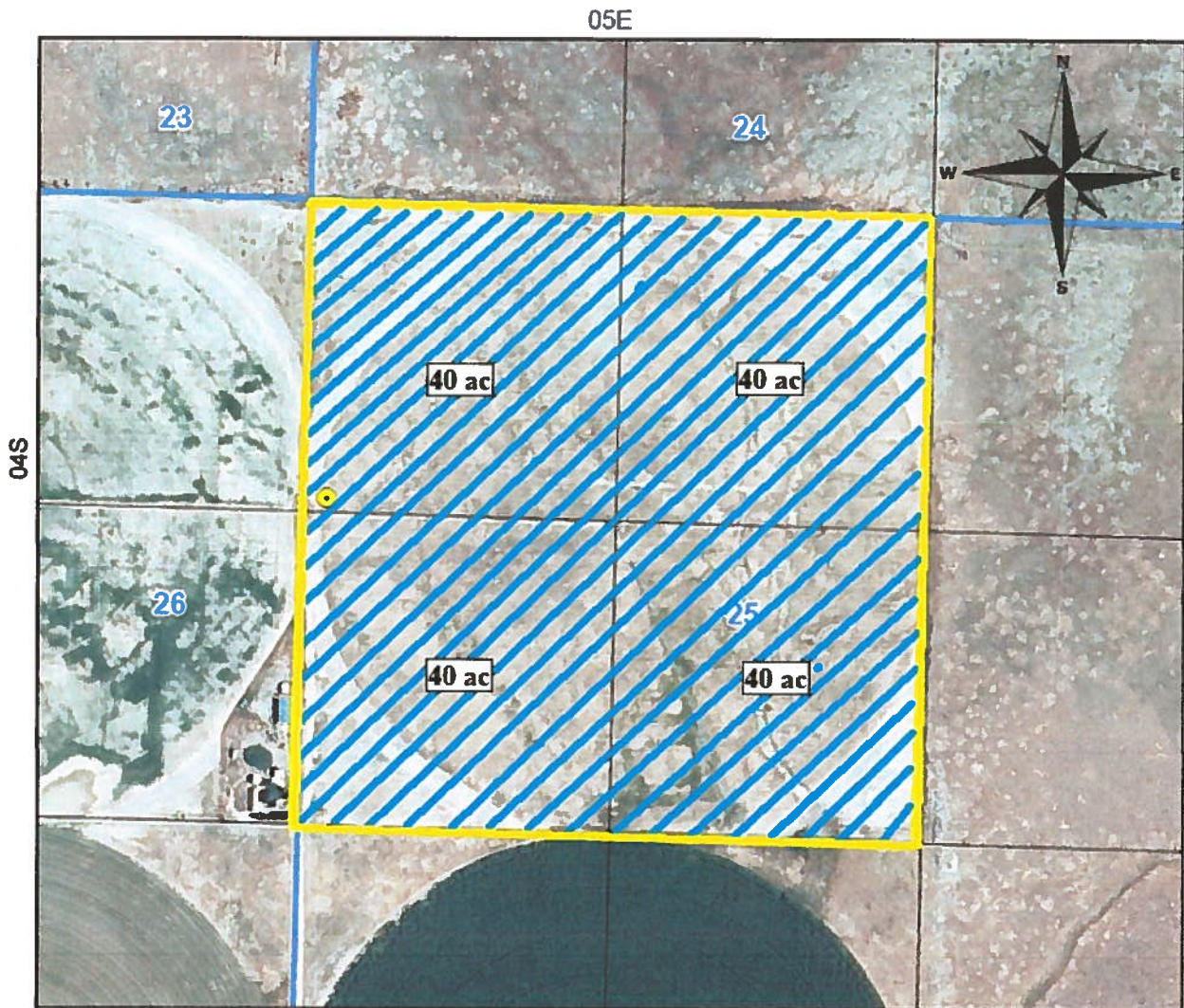
Right Number: 61-12148

1. amount .41 cfs/126AF (cfs/ac-ft) for Irrigation purposes from 04/01 to 10/31
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

82107

T4S R5E NW1/4 Sec. 25



Point of Diversion



Current Place of Use Boundary

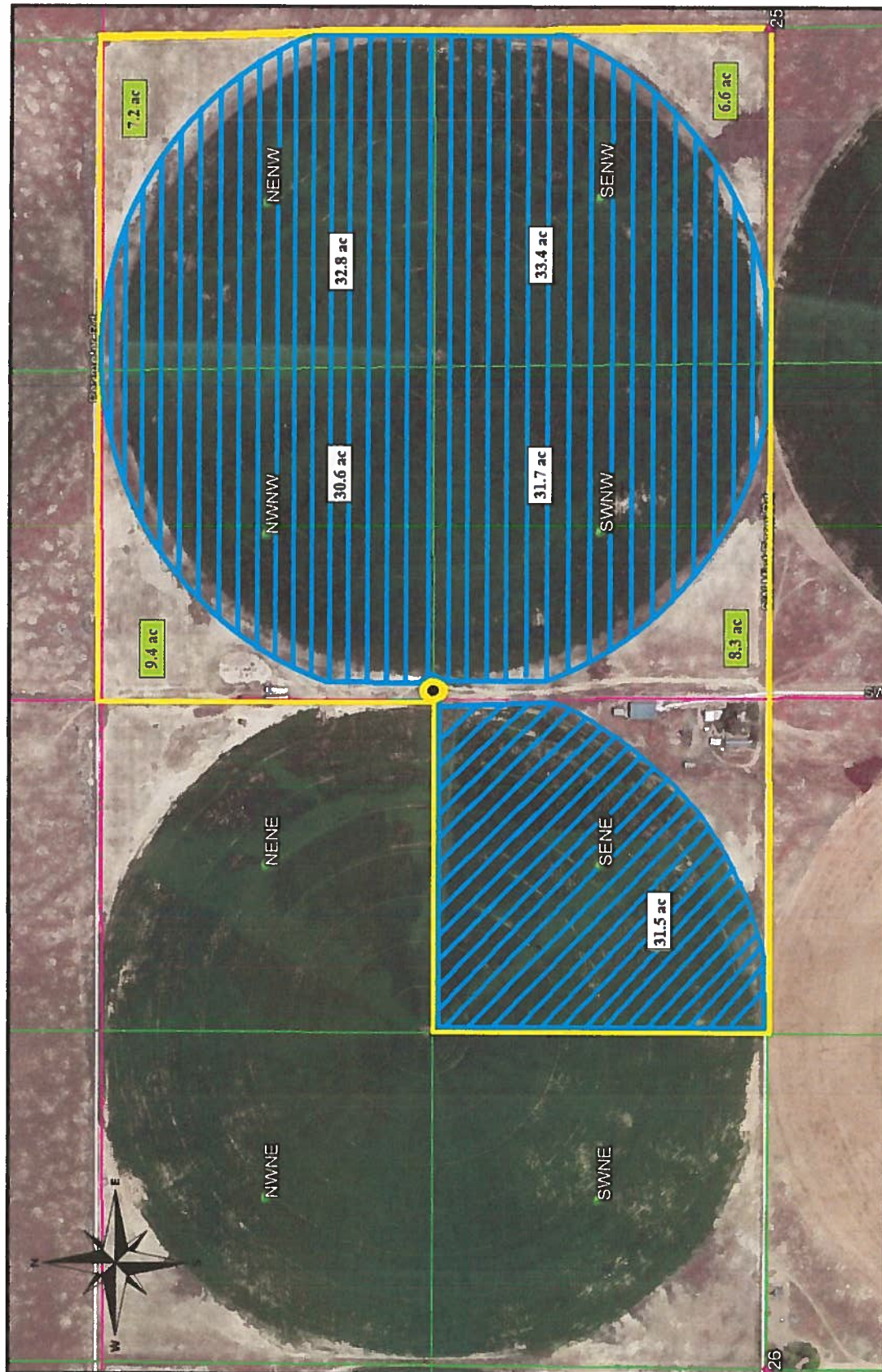


Current Irrigated Acres

Attachment #7a

0 0.075 0.15 0.3 Miles

SE1/4 of NE1/4 S26 T4S R5E, NW1/4 S25 T4S R5E



Proposed Place of Use

Irrigated Acres

Point of Diversion

This map depicts the Irrigation of 160 acres of farm ground within the proposed Place of Use. The number of irrigated acres remains unchanged. The Point of Diversion is unchanged. The Diversion Rate and Volume remain unchanged.

Attachment #7b.

0
660
1320
Ft.



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

March 15, 2018

DANIEL L WEST
KIMBERLEE JO WEST
10294 SW MINT FARM RD
MOUNTAIN HOME ID 83647

Re: Transfer No: 82107
Water Right No(s): 61-12148

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.

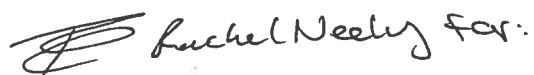
If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office 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) 334-2190.

Sincerely,

Handwritten signature of Rachel Neely in cursive script, followed by the text "for:".

Nick Miller
Regional Manager

Enclosure

CC:

KEVIN G KOHTZ
9587 W JADEWOOD
BOISE ID 83709

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 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.: 82107
Water Right No(s): 61-12148

DANIEL L WEST
KIMBERLEE JO WEST
10294 SW MINT FARM RD
MOUNTAIN HOME ID 83647

KEVIN G KOHTZ
9587 W JADEWOOD
BOISE ID 83709



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.

RECEIVED
FEB 16 2018
WATER RESOURCES
WESTERN REGION

State of Idaho
Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # 161 - Mtn Home Area

Application # 82107

Applicant Name Daniel and Kimberlee Jo West

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:
Measuring devices on points of diversion.
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 16th day of February, 2018



Watermaster Signature

Nick Miller

Printed Name

MEMORANDUM

TO: Transfer No. 82107
FROM: Patrick Kelly
DATE: 1/29/2018
RE: Evaluation of Application

Summary of Information Submitted

Transfer No, 82107 proposes to create a 200 acre PPU with a 160 acre limit for water right 61-12148. Changes to diversions or irrigation methods are not proposed. The farm is located directly 1.0 mile east of the Mtn Home Air Force Base.

Reasoning behind the transfer is to require less water needed via a rental agreement for the Sec 26 NE pivot. The transfer is being expedited at the applicants request and correspondence with Water Supply Bank staff will be made in an effort to reduce the 2018 rental application in a timely manner.

Kevin Kohtz of Idaho Water Company is the representative and can be reached at 208-559-0974 or kevin@idahowatercompany.com.

Page 3 of the transfer application requires amending since Part 1.B.2. describes that 0 water is being transferred or changed. The POU description on this same page describes the proposed irrigation use in terms of specific acres that total 160. This would mean that the transfer is changing the POU, rather than creating a PPU.

Authority to File: The application was filed in the name of Daniel and Kimberlee Jo West and was signed by the West's. Daniel West is the current owner to the water right and land owner according to current county taxlot data.

Water Right Validity: The right was decreed in 2000. Review of 2013 aerial imagery shows the Sec 25 NW pivot irrigated 125 acres. Further irrigation use on the Sec 26 NE pivot is evident with rental water. 61-12148 was released from the water supply bank in 2016; the right is valid.

Overlap Analysis: Place of use comparison tool finds that 61-12148 is the sole water right pertinent to the Wests' land. No other rights should be considered for transfer.

Injury to Other Water Rights: None anticipated. Changes to points of diversion are not proposed and acres to be irrigated are remaining on the farm. The POU is within the Mtn. Home GWMA/Trust Water boundaries. Since the purpose of the transfer is to require less water to be rented, a historical use of the water is not changing. The proposal does not seem to affect the local hydrology of the area. For this reason, the application will not be advertised.

Enlargement of Use: None anticipated. Diversion will continue to be limited to a total diversion of 2.10 cfs, 640 af with a 160 acre limit. An extended season condition was found on the right pre-transfer. However since the condition was not issued with the decree or a transfer approval that I could find, it is unclear where the condition originated. It is possible that it was added with claim remarks made during the adjudication process. Regardless, the condition will be added to reflect use outside the season of use but will remain subordinated to all rights with no such extension.

Local Public Interest: Review staff has no information that would compromise the 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.

Summary: Assuming other information not discovered at the time of this review does not contradict the above analysis, the application can be approved as reflected by the draft approval.

MEMORANDUM

Date: January 26, 2018
To: Transfer 82107
From: Angie Grimm
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.



1135 Valley Road South • Eden, ID 83325 • (208) 312-1135
www.IdahoWaterCompany.com

January 19th, 2018

Angela Grimm, Western Region Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JAN 26 2018

WATER RESOURCES
WESTERN REGION

RE: Transfer proposing change in PPU description

Dear Ms. Grimm:

Please find the enclosed Application for Transfer of Water Right for No. 61-12148. This transfer proposes to change the description of the Permissible Place of Use boundary on the applicant's property.

WR No. 61-12148 is owned by Daniel & Kimberly Jo West of Mountain Home (the "Applicants"), as indicated in the Idaho Department of Water Resources' Database. The right is and has been appurtenant to the 160 acres of real property in the NW1/4 of Sec. 25 T4S R5E, Boise Meridian. Between February of 2007 and March of 2016, the Applicants leased their right to the Idaho Water Supply Bank. They also own 40 acres immediately adjacent to the above-described property in the SENE of Sec. 26 T4s R5E.

The applicants propose to change the described Permissible Place of Use to reflect the irrigatable acres on their property accurately. The Water Right currently describes the irrigated acres as all of the lands in the NW1/4 of Sec. 26. Going forward, absent unanticipated changes, the Applicants aren't watering that portion of the section corners outside the reach of the pivot. Instead, the water will be applied to 31.5 acres under pivot in the adjacent quarter-quarter section, within the proposed PPU. Before 2016, the acreage for these corners was leased to the Water Supply bank, and the portion of irrigated acres in the SENE of Sec. 26 was watered from other rights rented from the Water Supply Bank.

The proposed transfer does not seek to change the rate of which the water is drawn from its source. Nor does it seek to change the volume utilized, the point of diversion, the number of acres watered, or any other element of the Water Right. It merely describes the particular 160 acres to be irrigated, within the newly proposed PPU, and eliminates the unnecessary need to lease and rent water from the bank. This transfer eases an annual administrative burden on IDWR while ensuring the right holder remains in compliance with regulation and statute.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin G. Kohtz", written over a light blue horizontal line.

Kevin G. Kohtz
Idaho Water Company, LLC.
(208) 559-0974 • kevin@idahowatercompany.com