

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82039**

This is to certify that: JAMES P THOMPSON AND
VIRGINIA M THOMPSON
12625 DESERT LODGE TRAIL
NAMPA, ID 83686

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>
63-34481	WR/DECREED	2/25/1963	0.050 cfs	18.9 af	N/A	4.2	GROUND WATER
63-34483	WR/DECREED	3/11/1968	0.040 cfs	14.4 af	N/A	4.2	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
63-32967	WR/DECREED	2/25/1963	0.440 cfs	171.0 af		38.0	GROUND WATER
63-32968	WR/DECREED	2/25/1963	0.610 cfs	241.7 af		53.7	GROUND WATER
63-32969	WR/DECREED	3/11/1968	0.340 cfs	130.6 af		38.0	GROUND WATER
63-32970	WR/DECREED	3/11/1968	0.500 cfs	194.9 af		56.7	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>
63-34481	NO	YES	NO	NO	NO	NO
63-34483	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>
63-34481	63-34481	0.050 cfs	18.9 af	N/A	4.2	N/A	N/A	N/A	N/A	N/A
63-34483	63-34483	0.040 cfs	14.4 af	N/A	4.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.050 cfs	18.9 af	N/A	4.2		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 82039

IN FILE # 63-32967

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82039

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 26th day of February, 2018.



Manager, IDWR Western Region



WATER RIGHT NO. 63-34481

As Modified by Transfer No. 82039

In accordance with the approval of Transfer No. 82039, Water Right No. 63-34481 is now described as follows:

Right Holder: JAMES P THOMPSON
VIRGINIA M THOMPSON
12625 DESERT LODGE TRAIL
NAMPA, ID 83686

Priority Date: 2/25/1963

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	0.050 cfs	18.9 af
			0.050 cfs	18.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 24 Twp 02N Rge 03W 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	03W	24									4.2								4.2

POU Total Acres: 4.2

CONDITIONS OF APPROVAL

1. Rights 63-34481 and 63-34483 when combined shall not exceed a total diversion rate of 0.05 cfs, a total annual maximum diversion volume of 18.9 af at the field headgate, and the irrigation of 4.2 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. Point of diversion is located within Lot 13, Blk. 1, Deersky Ranch Subdivision.
4. Place of use is located within Lot 13, Blk. 1, Deersky Ranch Subdivision.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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. 82039

WATER RIGHT NO. 63-34481
As Modified by Transfer No. 82039

CONDITIONS OF APPROVAL

7. 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. 63-34483

As Modified by Transfer No. 82039

In accordance with the approval of Transfer No. 82039, Water Right No. 63-34483 is now described as follows:

Right Holder: JAMES P THOMPSON
VIRGINIA M THOMPSON
12625 DESERT LODGE TRAIL
NAMPA, ID 83686

Priority Date: 3/11/1968

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 10/15	0.040 cfs	14.4 af
			0.040 cfs	14.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 24 Twp 02N Rge 03W CANYON 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	
02N	03W	24									4.2								4.2

POU Total Acres: 4.2

CONDITIONS OF APPROVAL

1. Rights 63-34481 and 63-34483 when combined shall not exceed a total diversion rate of 0.05 cfs, a total annual maximum diversion volume of 18.9 af at the field headgate, and the irrigation of 4.2 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
4. Point of diversion is located within Lot 13, Blk. 1, Deersky Ranch Subdivision.
5. Place of use is located within Lot 13, Blk. 1, Deersky Ranch Subdivision.

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WATER RIGHT NO. 63-34483
As Modified by Transfer No. 82039

CONDITIONS OF 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.

WATER RIGHT NO. 63-32967

As Modified by Transfer No. 82039

In accordance with the approval of Transfer No. 82039, Water Right No. 63-32967 is now described as follows:

Right Holder: LARRY WILLIAMS
MARIANNE WILLIAMS
914 HOUSTON RD
BOISE, ID 83706

Priority Date: 2/25/1963

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	0.440 cfs	171.0 af
			0.440 cfs	171.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 24 Twp 02N Rge 03W CANYON County
GROUND WATER	SWNESW	Sec 24 Twp 02N Rge 03W CANYON 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	
02N	03W	24					38.0												38.0

POU Total Acres: 38.0

CONDITIONS OF APPROVAL

1. Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.05 cfs, a total annual maximum diversion volume of 413.2 af at the field headgate, and the irrigation of 94.7 acres.
2. 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. 63-32968

As Modified by Transfer No. 82039

In accordance with the approval of Transfer No. 82039, Water Right No. 63-32968 is now described as follows:

Right Holder: DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA, ID 83686

Priority Date: 2/25/1963

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/01

to 11/15

To

Diversion Rate

0.610 cfs

0.610 cfs

Diversion Volume

241.7 af

241.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SENWNW
SWNESW

Sec 24 Twp 02N Rge 03W CANYON County
Sec 24 Twp 02N Rge 03W 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	03W	24									26.1	27.6							53.7

POU Total Acres: 53.7

CONDITIONS OF APPROVAL

1. Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.05 cfs, a total annual maximum diversion volume of 413.2 af at the field headgate, and the irrigation of 94.7 acres.
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. 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. 63-32969**As Modified by Transfer No. 82039**

In accordance with the approval of Transfer No. 82039, Water Right No. 63-32969 is now described as follows:

Right Holder: LARRY WILLIAMS OR
MARIANNE WILLIAMS
914 HOUSTON RD
BOISE, ID 83706

Priority Date: 3/11/1968

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/15

Diversion Rate
0.340 cfs
0.340 cfs

Diversion Volume
130.6 af
130.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SENWNW
SWNESW

Sec 24 Twp 02N Rge 03W CANYON County
Sec 24 Twp 02N Rge 03W CANYON 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	
02N	03W	24					38.0												38.0

POU Total Acres: 38.0

CONDITIONS OF APPROVAL

1. Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.05 cfs, a total annual maximum diversion volume of 413.2 af at the field headgate, and the irrigation of 94.7 acres.
2. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2009.
4. 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.

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WATER RIGHT NO. 63-32970

As Modified by Transfer No. 82039

In accordance with the approval of Transfer No. 82039, Water Right No. 63-32970 is now described as follows:

Right Holder: DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA, ID 83686

Priority Date: 3/11/1968

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 10/15	0.500 cfs	194.9 af
			0.500 cfs	194.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 24 Twp 02N Rge 03W CANYON County
GROUND WATER	SWNESW	Sec 24 Twp 02N Rge 03W 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	03W	24									28.1	28.6							56.7

POU Total Acres: 56.7

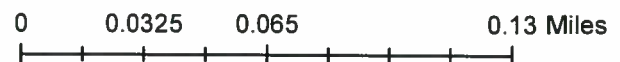
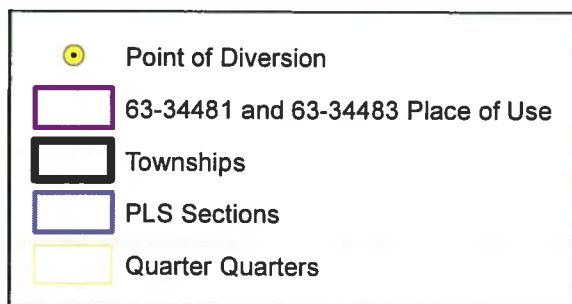
CONDITIONS OF APPROVAL

1. Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.05 cfs, a total annual maximum diversion volume of 413.2 af at the field headgate, and the irrigation of 94.7 acres.
2. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
4. 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. 82039

State of Idaho
Department of Water Resources

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.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82039

RECEIVED

NOV 20 2017

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 accepted 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) James and Virginia Thompson

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: Well report

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RECEIVED

NOV 20 2017

WATER RESOURCES
WESTERN REGION

Name of Applicant(s) James and Virginia Thompson Phone 208-800-0519
Mailing address 12625 Desert Lodge Trail, Nampa, ID 83686 Email jpt1901@gmail.com

- ☐ 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 SPF Water Engineering Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ 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.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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**.
(1) Split water rights to reflect portion appurtenant to applicants' property aka Lot 13, Block 1, Deersky Ranch
Subdivision, (2) include applicant's private existing well as the authorized point of diversion

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	63-32968	0.048/18.9	Irrigation	3/1 to 11/15	Ground Water
☐ ☒	63-32970	0.037/14.4	Irrigation	4/1 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.2 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.085 cubic feet per second and/or _____ 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 #
N			NE	SW	24	2N	3W	Canyon	Ground Water	D0047386

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

Applicants' Portion

☐ 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	
2N	3W	24									4.2								4.2
Total Acres (for irrigation use)																			4.2

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:

Existing well, pump and pressurized irrigation system. Measuring devices and lockable controlling works will be accommodated upon Department's request.

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

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

- 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: _____

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:

n/a

- 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:

- 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:

All 4.2 acres are currently leased to the water supply bank indefinitely. Upon transfer approval, applicants will request release of water associated with their proposed irrigation use.

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

Current Water Right No.: 63-32968

Current Owner: DEERSKY RANCH HOMEOWNERS ASSOC

Priority Date: 2/25/1963

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.66 CFS	260.6 AF
	<u>Total Diversion</u>	0.66 CFS	260.6 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4NW1/4 Sec. 24, Twp 02N, Rge 03W B.M.
CANYON County

GROUND WATER SW1/4NE1/4SW1/4 Sec. 24, Twp 02N, Rge 03W B.M.
CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S24	SE1/4	26.10	T02N R03W S24	NESW	31.80
Total Acres: 57.9					

Conditions of Approval:

1. T19 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.
2. 01M 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. X35 Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.1 cfs, a total annual maximum diversion volume of 432.1 af at the field headgate, and the irrigation of 98.9 acres.

Decreed Date: 3/24/2009

pg. 5

82039

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

Current Water Right No.: 63-32970

Current Owner: DEERSKY RANCH HOMEOWNERS ASSOC
Priority Date: 3/11/1968
Origin: Water Right
Status: Water Supply Bank 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 10/15	0.54 CFS	209.3 AF
	<u>Total Diversion</u>	0.54 CFS	209.3 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
CANYON County				
GROUND WATER	SE1/4NW1/4NW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T02N R03W S24	SE1/4	28.10	T02N R03W S24	NESW	32.80
Total Acres: 60.9					

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. X35 Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 1.1 cfs, a total annual maximum diversion volume of 432.1 af at the field headgate, and the irrigation of 98.9 acres.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
4. T19 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.

Decreed Date: 5/2/2008

11-4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: 63-32968

Applicants' Portion

1. amount 0.048/18.9 (cfs/ac-ft) for Irrigation purposes from 3/1 to 11/15
 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]

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Transfer contains 13 pages and X attachments.
 Received by CS Date 11/20/17 Preliminary check by PS Date 12-5-17
 Fee paid \$200 XFER Date 11/20/17 Received by CS Receipt # W045849
 Add'l fee paid \$200 ownership Date 11-20-17 Received by WESTERN Receipt # W045849
 Add'l fee paid \$125 well upgrade
 Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

4A



Order No.: C0926052 SW/EO'DELL

REQUEST
TYPE 001
FEE 30

TITLEONE

2009 JUN 10 PM 4:41
WILLIAM H. HURST
CANYON COUNTY RECORDER
BY *[Signature]*

RECORDED

2009029031

WARRANTY DEED

FOR VALUE RECEIVED,

Belair Land, LLC, a Nevada limited liability company

the Grantor, does hereby grant, bargain sell and convey unto

James P. Thompson and Virginia M. Thompson , husband and wife

whose current address is 12625 Desert Lodge Trail, Nampa, ID 83686

the Grantee, the following described premises, in Canyon County, Idaho, TO WIT:

Lot 13 in Block 1 of Deersky Ranch, according to the official plat thereof, filed in Book 30 of Plats at Page(s) 6, and as Amended by an Affidavit recorded April 29, 2004 as Instrument No. 200422992, official records of Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: 06/09/2009

Belair Land, LLC

BY *[Signature]*
Kem Marshall, Manager

State of Idaho
County of Canyon

89.10
82039

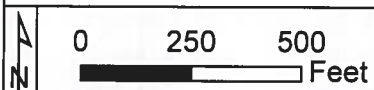
On this 9th day of June, in the year 2009, before me, the undersigned, personally



Legend

-  Proposed Well (existing)
-  Proposed Place of Use
-  63-32968 & 63-32970 POU

Attachment 7A & 7B



11-11
82039

APPLICATION FOR TRANSFER OF WATER RIGHT ATTACHMENT WSB: TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK

COPY

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
63-32968	indefinitely	*	*	*	Attached? ☐ or No Change ☒
63-32970	indefinitely	*	*	*	Attached? ☐ or No Change ☒
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☒ Yes ☐ No

☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.

☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#). (not applicable until 12/31/2020)

Additional Information:

Applicant owns 4.2 acres currently leased in the NESW, S24 under 63-32968 and 63-32970. Applicant's 4.2-acre parcel is aka Lot 13, Blk 1, Deersky Ranch Subdivision. Upon transfer approval, applicants will request release of water associated with their proposed irrigation use. When the HOA lease expires 12/31/2020, applicants will submit a lease application in their name for their unused water right portions. (per Clay Webster, IDWR)

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

Attachment #9 (WSB)

pg. 12

63

Form 238-7
11/07 JGEIDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

844920 Attachment 10

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
1/4 _____	1/4 _____	1/4 _____	
Lat: _____	Long: _____		

1. WELL TAG NO. D 0047386

DRILLING PERMIT NO. _____

Other IDWR No. _____

2. OWNER:

Name CHAD URWINAddress 12625 DESERT LODGE TRAILCity NAMPA State ID Zip 83686

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>2</u>		North ☒	or	South ☐
W		Rge. <u>3</u>		East ☐	or	West ☒
E		Sec. <u>24</u>		1/4 <u>NE</u> 1/4 <u>SW</u> 1/4		
S		Gov't Lot _____		County <u>CANYON</u>		
		Lat _____		Long _____		
		Address of Well Site <u>SAME</u>		City _____		

(Show at least name of road + distance to Road or Landmark)

L. 13 Blk. 1 Sub. Name DEER SKY RANCH

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK: check all that apply

(Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES:

Seal/Filter Pack			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
BENTONITE	0	18	700#		POUR

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 346Was drive shoe seal tested? ☒ Y ☐ N How? AIR

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+2	346	250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS:

☐ Perforations
☐ Screens

Method _____

Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

217 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
30		340	2 HR

Water Temp. _____ Bottom hole temp _____

Water Quality test or comments: _____

Depth first Water Encounter _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water
				Y N
10	0	6	TOP SOIL	
	6	11	SANDY CLAY	
	11	18	SAND/ GRAVEL	
8	18	21	SAND/ GRAVEL	
	21	28	GRAVEL/ CLAY	
	28	250	CLAY AND SAND LAYERS	
	250	255	BLUE CLAY	
	255	270	BROWN CLAY	
	270	298	BROWN SAND	X
	298	317	BLUE CLAY	
	317	328	BLACK SAND	X
	328	344	BLUE SHALE/ SAND	X
	344	350	BLUE CLAY	
	350	360	BLUE SHALE/ SAND	X

RECEIVED

JAN 22 2007

WATER RESOURCES
WESTERN REGIONCompleted Depth 360

(Measurable)

Date: Started 12/19/2006Completed 12/26/2006

13. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name DAVIS WELL & PUMPFirm No. 101

Firm Official

Date 12/28/2006

and

Driller or Operator

Date 12/28/2006

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

82039



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

February 26, 2018

JAMES P THOMPSON
VIRGINIA M THOMPSON
12625 DESERT LODGE TRAIL
NAMPA ID 83686

Re: Transfer No: 82039
Water Right No(s): 63-32967, 63-32968, 63-32969, 63-32970, 63-34481, 63-34483

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, the water rights listed above have been leased to the Water Supply Bank (Bank) since 2012. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until December 31, 2020. Please contact Clay Webster at (208) 287-4910 for questions regarding the Bank.

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 black ink, appearing to read "Rachel Neely" followed by a stylized flourish.

Nick Miller
Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

LARRY WILLIAMS
MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706

DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA ID 83686

BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 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.: 82039

Water Right No(s): 63-32967, 63-32968, 63-32969, 63-32970, 63-34481, 63-34483

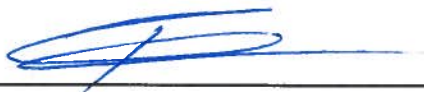
**JAMES P THOMPSON
VIRGINIA M THOMPSON
12625 DESERT LODGE TRAIL
NAMPA ID 83686**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

**LARRY WILLIAMS
MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706**

**DEERSKY RANCH HOMEOWNERS ASSOC
8679 DEERSKY RANCH TRAIL
NAMPA ID 83686**

**BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706**



**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: 63-34481 and 63-34483
FROM: Rachel Sommer
DATE: January 4, 2018
RE: Well Upgrade Fee for D0047386

On November 20, 2017 Transfer No. 82039 was submitted in the names of James and Virginia Thompson. The transfer proposed to change the points of diversion change to identify a private existing well (D0047386) located on the applicant's property as the only well to be described on their portion of water rights. The well was drilled under a \$75 domestic drilling permit, and now that irrigation is proposed, a \$125 well upgrade fee is required for the irrigation drilling permit.

The \$125 well upgrade was received on November 20, 2017.

Receipt ID: W045849

Well Tag ID: D0047386

Well ID: 415066

Well Permit ID: 844920

MEMORANDUM

TO: Transfer No. 82039
FROM: Rachel Sommer
DATE: December 21, 2017
RE: Evaluation of Application

Summary of Application Proposal

On November 12, 2017 Transfer No. 82039 was submitted in the names of James and Virginia Thompson. The transfer includes an ownership split for water rights 63-32968 and 63-32970. The transfer proposal also includes a point of diversion change to identify a private existing well (D0047386) located on the applicant's property as the only well to be described on their portion of water rights.

Location of Application Proposal

The proposal is located in Lot 13, Blk 1, Deersky Ranch subdivision off of Sky Ranch Rd and Deer Flat Rd in Nampa Id.

Summary of Information Submitted

Authority to File:

The ownership change submitted portion of the application was processed pre-transfer. The property was purchased from Belair Land LLC by James and Virginia Thompson as described in the Warranty Deed provided. The county's taxlot information also reflects this ownership. Right 63-34481 was created to represent the Thompson's portion of 63-32968 and 63-34483 was created to represent their portion of 68-32970.

Water Right Validity/ Historical Beneficial Use:

63-32968/63-34481: priority date 2/25/1963, decreed 3/24/2009.

63-32970/63-34483: priority date 3/11/1968, decreed 5/02/2008.

The entire rights are leased to the water supply bank, therefore the non-irrigated acres are protected from forfeiture. The rights are considered valid.

Water Supply Bank:

Portions of the rights within this transfer are leased to the Water Supply Bank with an expiration date of 12/31/2020. The applicants stated on their application they would cancel their lease agreement upon a transfer approval. Water supply bank staff was notified of this proposed transfer by email on 12/4/17.

Overlapping POU/POD:

POU overlap:

- 63-34481 and 63-34483 will have overlapping irrigation components. Combined use limitations will be added to address the overlap.
- Combined use limitations will be modified on rights 63-32967, 63-32968, 63-32969, and 63-32970 to account for Thompson's portions of the rights being removed and to ensure no enlargements will take place.

POD overlap:

- If this transfer is approved, the applicant's private domestic well D0047386, with no other water rights attached to it, will be used for the irrigation of rights 63-34481 and 63-34483. A well upgrade fee of \$125 (Receipt ID W044724) was submitted with this transfer as required through the Well Construction Standards Rules (IDAPA 37.03.09.045.05.b).

Associated Rights:

Rights 63-32967, 63-32968, 63-32969 and 63-32970 have combined use limitations and are included and/or associated with this transfer.

The rights above were also involved in transfer 80434 approved on October 5, 2016. IDWR requested written consent from the water right owners on record authorizing IDWR to modify conditions describing combined use limitations on their rights so that transfer 80434 could be processed. Written authorization was received from John E Holstein (President of Deersky Ranch HOA) approving the adjustments of combined use limitations on their rights 63-32968 and 63-32970. The HOA informed IDWR the system in place for their rights was failing and would not be replaced. They notified land owners within the subdivision that filings would need to be made with IDWR if they planned to irrigate their property from a private well(s). IDWR spoke with the Marianne and Larry Williams regarding the authorization needed from them for their rights 63-32967 and 63-32969. The Williams stated they no longer own the property or have any interest in the rights. It was determined the Bureau of Reclamation owned the land the rights are appurtenant to. Throughout discussions with the Bureau of Rec. it was agreed a draft transfer approval would be sent to them for comments regarding the combined use limitation modifications. A response was never received and transfer 80434 was approved.

Because IDWR received authorization from the HOA in 2016 and had discussed this issue with both the HOA and the Bureau of Rec., it is unnecessary to seek authorization from the parties again. If transfer 82039 is approved, IDWR will send both parties copies of the approval documents.

Injury to Other Water Rights:

There should be no injury to other water rights under this transfer as long as the new right holder abides by the amount of water that is appurtenant to this property.

Enlargement of Use:

No enlargement should occur under the proposed transfer application. The application proposes to change the points of diversion from two existing wells that will not likely be used in the future, to a nearby existing well on the applicant's property. No new irrigation water is sought under this proposal.

Local Public Interest:

It is within the local public interest to allow property owners to develop their property as long as the application is processed without issues.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Legal Notice:

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.

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, December 04, 2017 5:53 PM
To: Webster, Clay
Subject: 82039 - Application for Transfer

Hello Clay,

This email serves as notification that processing has begun on a transfer application containing a water right that is currently leased to the water supply bank. The purpose of the transfer is to split two rights and change the points of diversion to describe one existing well separate from the original rights.

The original WSB portion of the application was sent to the State Office this afternoon.

Please let me know if you have concerns with this proposal.

Sincerely,

Rachel Sommer | Water Resource Agent, Senior
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705



SPF WATER
ENGINEERING

November 16, 2017

RECEIVED

NOV 20 2017

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Angie,

Enclosed on behalf of James and Virginia Thompson, is an *Application for Transfer* involving portions of water rights 63-32968 and 63-32970 appurtenant to their property. The water rights are currently in the name of Deersky Ranch Subdivision HOA.

Check No. 1433 for \$525 is enclosed for the filing fees including: \$200 for the transfer application and \$200 to split the water rights and \$125 to upgrade the applicants' existing domestic well.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: James and Virginia Thompson

Enclosures

SPF file number: 1377.0010