

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 81932**

This is to certify that: STURDIVANT RESIDENCE JTS TRUST  
STURDIVANT RESIDENCE PS TRUST  
PO BOX 968  
HAILEY, ID 83333

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-8444            | WR/LICENSE          | 10/26/1988           | 0.120 cfs             | 9.4 af                  | N/A               | 2.5                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-8444               | NO           | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-8444                | 37-8444                          | 0.120 cfs            | 9.4 af                 | N/A               | 2.5                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | 0.120 cfs            | 9.4 af                 | N/A               | 2.5                |                                    | 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 19th day of December, 2017.

  
\_\_\_\_\_  
Southern Region Manager

Transfer No. 81932

**WATER RIGHT NO. 37-8444****As Modified by Transfer No. 81932**

In accordance with the approval of Transfer No. 81932, Water Right No. 37-8444 is now described as follows:

**Right Holder:** STURDIVANT RESIDENCE JTS TRUST  
STURDIVANT RESIDENCE PS TRUST  
PO BOX 968  
HAILEY, ID 83333

**Priority Date:** 10/26/1988

**Source:** GROUND WATER

**BENEFICIAL USE**

DOMESTIC  
IRRIGATION

**From**

01/01  
04/01

**To**

to 12/31  
to 11/01

**Diversion Rate**

0.040 cfs  
0.080 cfs  
0.120 cfs

**Diversion Volume**

0.6 af  
8.8 af  
9.4 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER      NWNSE      Sec 5 Twp 02N Rge 18E BLAINE County

**PLACE OF USE: DOMESTIC**

|     |     |     | 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 | 18E | 5   |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |        |

**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 | 18E | 5   |    |    |    | 0.5 |    |    |    |    |    |    |    |    | 2.0 |    |    |    | 2.5    |

POU Total Acres: 2.5

**CONDITIONS OF APPROVAL**

1. This right does not grant any right-of-way or easement across the land of another.
2. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
3. Use of water under this right will 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. 37.

Transfer No. 81932

**WATER RIGHT NO. 37-8444**

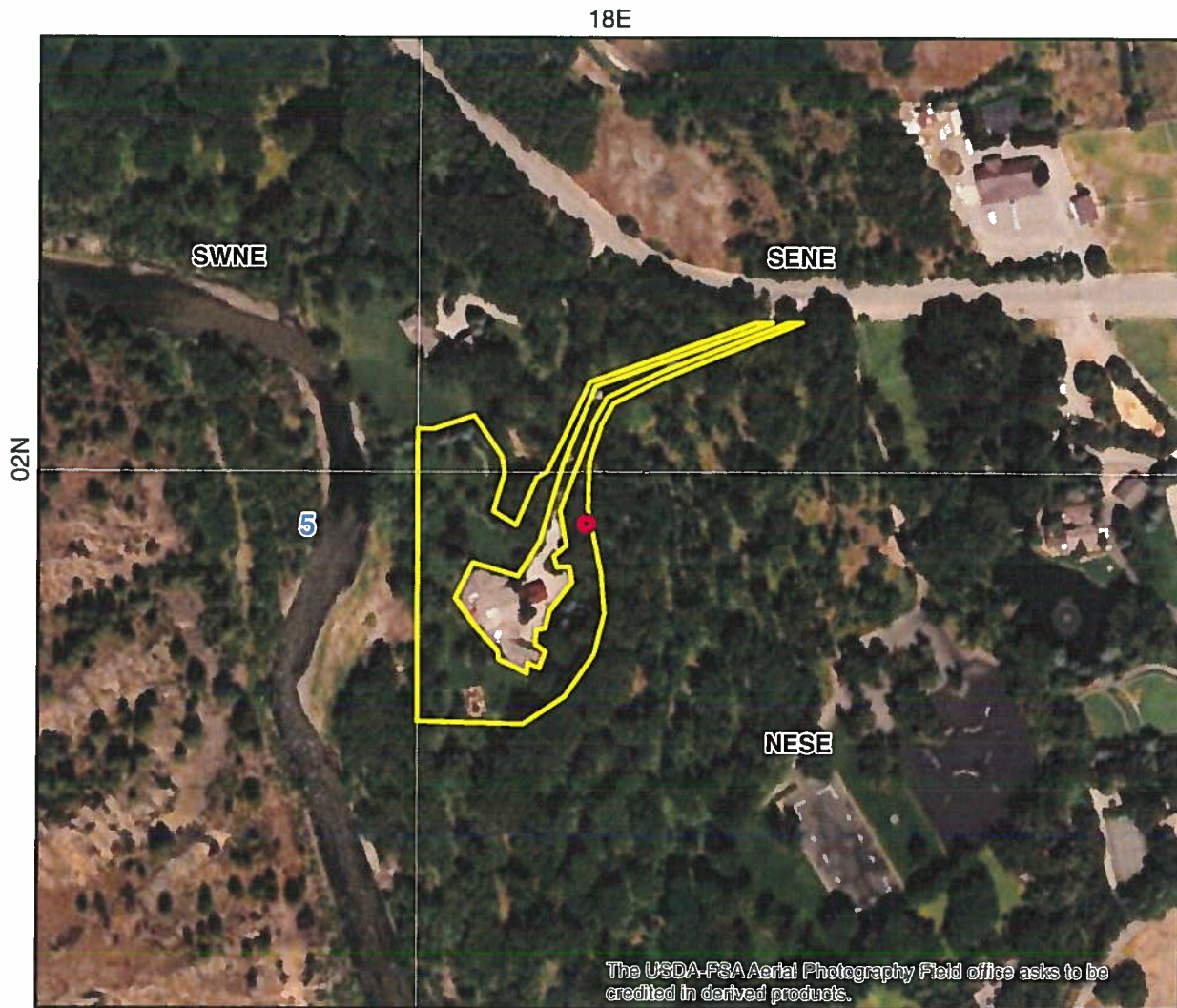
**As Modified by Transfer No. 81932**

**CONDITIONS OF APPROVAL**

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Irrigation use under this right is authorized only in connection with a domestic use.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
8. Place of use is currently located within 2 parcels:  
Lot 2, Flying Heart Ranch #1 Subdivision (RP001700000020) and Lot 1A, Blk 1, River Grove Ranch Subdivision (RP00495000001A).  
Point of diversion is located within Lot 1A, Blk 1, River Grove Ranch Subdivision (RP00495000001A).
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 81932**  
37-8444

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 21, 2017

STURDIVANT RESIDENCE JTS TRUST  
STURDIVANT RESIDENCE PS TRUST  
PO BOX 968  
HAILEY ID 83333

Re: Transfer No: 81932  
Water Right No(s): 37-8444

### 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) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner  
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC  
C/O ZACH LATHAM  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

WATER DISTRICT 37  
KEVIN LAKEY  
107 W 1ST ST  
SHOSHONE ID 83352

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2017 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.: 81932  
Water Right No(s): 37-8444**

**STURDIVANT RESIDENCE JTS TRUST  
STURDIVANT RESIDENCE PS TRUST  
PO BOX 968  
HAILEY ID 83333**

**BROCKWAY ENGINEERING PLLC  
C/O ZACH LATHAM  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301**

**WATER DISTRICT 37  
KEVIN LAKEY  
107 W 1ST ST  
SHOSHONE ID 83352**

*via e-mail*



**Denise Maline  
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

**Date:** November 8, 2017  
**To:** Transfer 81932 File  
**From:** Bill Mills  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application for transfer proposes moving the point of diversion (POD) for a 0.12 cfs domestic and irrigation ground water right from a well to an existing domestic well on an adjacent lot. Application also seeks to modify the place of use (POU) by slightly rearranging acres in the 2.5 acre irrigation POU. Current and proposed POD and POU are located approximately 0.8 to 1.1 miles north and 0.6 to 0.8 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

Water right irrigation place of use (POU) is contained within a larger 28.8 acre POU for Big Wood River right 37-22969. Condition R67 is on the water right limiting combined use of all water rights to 0.3 cfs and 3.5 af within the proposed POU.

Proposed POD, current POD and POU are located in Water District 37, and watermaster comments will be solicited.

- **Authority to File:** IDWR records indicate the applicant owns the property involved with this transfer. Conveyance documents were provided indicating ownership of the water right along with appropriate fees for a change of ownership.
- **Water Right Validity:** Water right 37-8444 was licensed on 4/21/2015. Recent aerial and satellite imagery indicate the property involved with this transfer appears irrigated.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**  
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**  
None Anticipated.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing**

RECEIVED

OCT 30 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGION

## AFFIDAVIT of PUBLICATION

## COPY OF NOTICE

State of Idaho  
County of Blaine

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 18<sup>th</sup> day of

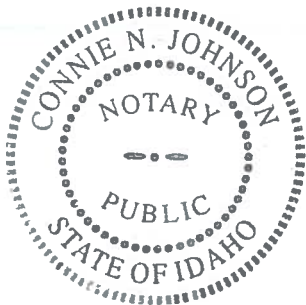
October, 20 17, and the date of the last publication was

on the 25<sup>th</sup> day of October, 20 17

Subscribed and sworn to before me this 25 day of

Oct., 20 17.

Connie N. Johnson  
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO  
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS  
P.O. Box 1013  
Ketchum, Idaho 83340  
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 50

Number of Insertions 2

Lines tabular at 9.0 cents/pica

50 Lines straight at \$46- 8.0 cents/pica

50 Subsequent lines at \$40.25 7.0 cents/pica

TOTAL COST \$86.25

Legal Notice  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR  
BILL TO

NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
TRANSFER NO. 81932

STURDIVANT RESIDENCE JTS TRUST and STURDIVANT RESIDENCE PS TRUST, PO BOX 968, HAILEY, ID 83333; has filed Application No. 81932 for changes to the following water rights within BLAINE County(s): Right No(s). 37-8444; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving the point of diversion (POD) for a 0.12 cfs domestic and irrigation ground water right from a well to an existing domestic well on an adjacent lot. Application also seeks to modify the place of use (POU) by slightly rearranging acres in the 2.5 acre irrigation POU. Current and proposed POD and POU are located approximately 0.8 to 1.1 miles north and 0.6 to 0.8 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 6, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH  
IDAHO MOUNTAIN EXPRESS  
OCT. 18 & 25, 2017

✓ OK  
DM  
11-6-2017