

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 18 2017

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) LAURA ANN JOHNSTON Phone 208-343-1978 *Land line*
2. MAILING ADDRESS 1901 W BRUMBACK ST. City Boise
State ID Zip 83702 Email LAURAMJ3@MSN.COM

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-34425

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.10 cubic feet per second and/or 31.5 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
✓		SW	SW		4	04N	02E	ADA	Ground Water	

6. 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:

Drilling a well - water right was recently split and I am putting a well on my property - New Well

- b. Who owns the property at the point(s) of diversion? LAURA ANN JOHNSTON

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

This is a New Well. The property has been subdivided and the original well is on the present water right 63-10701

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ 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](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

LAURA ANN JOHNSTON
Print name and title if applicable

10/17/2017
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 3 pages of attachments.

Received by [Signature]

Date 10/18/17

Fee paid \$200.00 Date _____

Received by [Signature]

Receipt # W045763

Preliminary review by RS

Date 10-30-17

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9 X

W-9 forwarded to fiscal? Yes ☐ No ☒

(Do NOT scan the W-9 - confidential information is held by fiscal only)

Laura Ann Johnston
Application for Transfer Map
Point of Diversion
(2015 Aerial Imagery)

NWSW

04N02E 4

proposed
well Location
+

SWSW

81985

Legend



- 63-34425_POU
- Township/Range
- Sections
- QQ

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34425

8/14/2017

Owner Type **Name and Address**
Current Owner LAURA ANN JOHNSTON
 1901 W BRUMBACK ST
 BOISE, ID 83702
 (208) 343-1978

Original Owner KENNETH MURPHY
 15150 CARTWRIGHT RD
 BOISE, ID 83703
 (208) 939-2133

Original Owner MARIAN MURPHY
 15150 CARTWRIGHT RD
 BOISE, ID 83703
 (208) 939-2133

Priority Date: 9/14/1988

Basis: License

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.100 CFS	31.5 AF
	Total Diversion		0.100 CFS	31.5 AF

Source and Point(s) of Diversion

GROUND WATER SWSW Sec. 4, Twp 04N, Rge 02E, ADA County

Place Of Use

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	4											7.0						7.0

POU Total Acres: 7.0

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. X60 Place of use is located within Lot1, Block 1, Showy Phlox Estates Subdivision.

Comments:

1. jhersley 8/14/2017 split right
This water right is the result of split from 63-10701 due to change in ownership.

APR 29 1988

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

007 28 1988

FOR
IN

WELL
NO:
305860

Department of Water Resources

WELL OWNER

Name Kenneth Murphy
Address Rt 1 Cartwright RD Boise
Owner's Permit No. 63-88-W-174

2. NATURE OF WORK

63-10701
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
.250 inches 8 inches + 1 feet 40 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter Slot size Set from _____ feet to _____ feet
Diameter Slot size Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port Sand Seal

6. LOCATION OF WELL

Sketch map location must agree with written location.
N
W E
Subdivision Name _____
Lot No. _____ Block No. _____
County ADA
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T. 4 S., R. 20E

7. WATER LEVEL

Static water level 90 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 58 °F. Quality good
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Baller ☒ Air ☐ Other _____
Discharge G.P.M. Pumping Level Hours Pumped
130 200 3

9. LITHOLOGIC LOG

Bore Diam.	Depth From	To	Material	Water Yes	No
12	0	19	Brown silt		/
8	19	21	Brown sand		/
8	21	53	Clay - hard layers		/
8	53	54	gravel sand point		/
8	54	125	clay - sand layers		/
8	125	175	soft broken sand stone		/
8	175	178	Black basalt		/
8	178	200	Blue shale		/

200' at 6"
PUG liners
perforated from
200 to 120'

Department of Water Resources
Western Regional Office

10.

Work started Sept 16 88 finished Sept 26 88

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Frank Shelly Firm No. 3200
Address 960 NW 14TH AVE Date SEPT 26 88
Signed by (Firm Official) Frank Shelly
and
(Operator) [Signature]

81985



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

November 9, 2017

LAURA ANN JOHNSTON
1901 W BRUMBACK ST
BOISE, ID 83702

RE: Transfer No. 81985
Water Right No(s). 63-34425

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 11/16/2017 and 11/23/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, November 09, 2017 9:30 AM
To: 'BOI Legals'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 11/16/2017 & 11/23/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

November 9, 2017

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 81985

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/4/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81985**

LAURA ANN JOHNSTON, 1901 W BRUMBACK ST, BOISE, ID 83702, filed application No. 81985 to transfer Water Right 63-34425 affecting 0.1 cfs and 31.5 af. The right has a priority date of 9/14/1988 and a source of ground water. The purpose of this transfer is to change the diversion point by constructing a new well on the applicant's property and have it described as the only point of diversion on right. The proposed well will be located near the corner of Cartwright Rd and Scarlet Gilia Ln in Lot 1 Blk 1 of Showy Phlox Estates Sub, less than 1 mile south-east from Hidden Springs Sub in Ada County.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 12/4/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/16/2017 and 11/23/2017

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NOV 03 2017

WATER RESOURCES
WESTERN REGION

Hello Rachel,

I would like to explain what has happened since I have owned my land near Dry Creek and Cartwright Road.

I moved to Boise in 1989 for a job. I thought I would only live here for one year. I needed a place for my horses and asked a horse gal where I could board my horses. She told me to go up Bogus Basin Road and turn at the hairpin curve. I met a man there and we agreed that I could keep my horses where he lived. He also told me to ride over the hill and down into Dry Creek. It changed my life. I have been riding on this beautiful land ever since. Dry Creek is very precious to me.

Later, I moved my horses to the "Rush Ranch" near Dry Creek on Cartwright Road. I drove by the land I currently own every day on the way to feed my horses and I thought how nice it would be to own land on Dry Creek. Then I was given a gift by my father and used it to purchase my land on Dry Creek in the Showy Phlox development (Lot 1). I was the first buyer, new to buying land in a development and had never drilled a well.

When I was ready to set it up, the bottom fell out of the economy. I immediately changed how I did everything in life. I waited and hoped that I would not lose too much during the recession. This is why I could not drill a well and irrigate my property, the cost was too much. Another reason that I have not irrigated my property is that the neighbors who currently own the original well have not been helpful or friendly since I have owned my property.

The Rushes moved about a year ago to Oregon to be closer to family. They asked me to watch over the "Rush Ranch" until it sold. My older horse (30) had lived on the "Rush Ranch" most of his life and now needed more care and a quiet and safe environment. My younger horse, his nephew (8) was born on the "Rush Ranch." It seemed like the best decision at the time was to stay. Sadly, I lost my precious Wildfire this summer. I had him his whole life along with his sister (30) and mother (30). Even though it was a difficult time for many reasons I knew it was time to start setting up my property for my horse.

I am pleased to say that everyone who knows the value of land and has looked at my land remarks at how nice and rich the soil is and I agree. I would like to grow hay for my horse. I also hope to preserve it as natural as possible. I think it is important to keep some parts of Idaho natural and rural.

Let me know if you have any questions. I appreciate your consideration and help. I look forward to hearing from you soon.

Thank you,

Laura Johnston
c. 208-870-4721

63-34425 | 81985

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, October 31, 2017 9:45 AM
To: 'lauramj3@msn.com'
Subject: Transfer Application 81985

Dear Applicant,

This email is regarding the validity of Water Right No. 63-34425 within your Transfer Application 81985. Right 63-34425 authorizes irrigation of 7.0 acres and I'm having a difficult time irrigation has occurred within the last five (5) years. Please respond to this email confirming the greatest amount of acres you've irrigated in one season in the last five (5) years and the method of irrigation used. If the Department is unable to recognize irrigation has occurred, the right will be forfeited through the process of this transfer. If you have not irrigated 7.0 acres and are not wanting a portion of your right to be forfeited, you may withdraw your transfer.

Please note, below is the evaluation criteria used when processing transfers.

For any application for transfer, the department must determine the validity of the water right(s), or part thereof, proposed to be changed. The following factors must be considered when processing an application for transfer and may require additional information from the applicant.

(1) Department Records. For any application for transfer, the department must determine that a right, or part thereof, proposed to be transferred is valid and has not been lost by forfeiture or partial forfeiture. The department will presume, absent other information indicating forfeiture, that the right has not been forfeited if the department's water measurement records, aerial photography, remote sensing, or other information, shows use of water during the previous, consecutive, five-year period. The department will also presume that the right has not been forfeited when it is claimed in a pending adjudication or initially decreed in an adjudication within the previous five-year period. If staff makes a field inspection (all transfers seeking a change to a right evidenced only by a claim are to be field inspected or otherwise reviewed, see Transfer Processing Memorandum No. 1 as revised in Section 5b.(4) below), information must be gathered concerning the current status of diversion and delivery facilities and the apparent recent use of water.

(2) Other Acceptable Documentation. If the records available to the department do not establish that a right has been used within the previous, consecutive, five-year period (except as provided in (1) above or for a right held by a municipal provider for reasonably anticipated future needs pursuant to Section 42-223(2), Idaho Code), the applicant must be asked to provide written documentation demonstrating that the right has been used within that time period. Examples of appropriate documentation include power records for pumps used to divert water under the right, Farm Service Agency (FSA) crop production records, receipts or other evidence of expenditures or revenue from the use of water under the right, and adequate affidavits of objective persons having actual knowledge of the uses of water under the right. Alternatively, if the right has not been used within the previous, consecutive, five-year period, then the applicant must be asked to provide information showing that exceptions or defenses to forfeiture are applicable. Exceptions or defenses to forfeiture include those set forth in Section 42-223, Idaho Code; extensions provided for in Section 42-222, Idaho Code; and case law relating to factors such as resumption of use, unavailability of water when needed, or non-use when other water is available. Note that filing an application for transfer does not toll the statutory period for forfeiture of a water right due to non-use.

Please let me know if you have questions.

Sincerely,

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

10/18/17

TO: IDWR Western Region

Hello,

I would greatly appreciate it if
you would expedite my transfer
application so that I can drill
a well on my property for my
horse before winter.

Thank you very much

Laura Johnston
c 208-870-4721

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