

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 26 2016

**WATER RESOURCES  
WESTERN REGION  
F DIVISION**

## 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) John M. Aguirre Phone 208 587-3168

2. MAILING ADDRESS PO Box 1345 City mtn. Home

State ID Zip 83647 Email aguirre7760@gmail.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) 61-7121, 61-11912

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

4. TOTAL AMOUNT OF WATER transferred is 1.54 cubic feet per second and/or \_\_\_\_\_ 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](http://www.idwr.idaho.gov), *Water Right Transfers, Online Resources*.

[illegible]

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:

Abandon Well in NESW Section 7 - Divert Both Rights from 2 existing wells and one new well in SWSE.

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

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

- 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:

- 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  $\frac{1}{4}$   $\frac{1}{4}$  of section information. The Map Tool, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](http://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.

John M. Aguirre  
Signature of applicant or authorized agent

John M Aguirre  
Print name and title if applicable

9/26/16  
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](http://www.idwr.idaho.gov), Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 7 pages of attachments.

Received by aj

Date 9/26/16

Fee paid \$580<sup>00</sup> Date 9/26/16

Received by aj

Receipt # W044659

Preliminary review by JB

Date 9/26/16

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☐

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

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

9/26/2016

WATER RIGHT NO. 61-11912

| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
|-------------------|-----------------------------------------------------------------------------|
| Current Owner     | JOHN M AGUIRRE<br>RT 1 BOX 838H<br>MOUNTAIN HOME, ID 83647<br>(208)587-3168 |

Priority Date: 04/01/1960  
Basis: Decreed  
Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 3/15        | 11/15     | 0.4 CFS               | 194.4 AFA     |
| STOCKWATER            | 1/01        | 12/31     | 0.03 CFS              | 1.3 AFA       |
| Total Diversion       |             |           | 0.4 CFS               |               |

Location of Point(s) of Diversion:

GROUND WATER|NESW|Sec. 07|Township 04S|Range 07E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

**81233**

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 04S             | 07E          | 7              |            | NESW         | 30           | 3          | NWSW         | 37           | 4          | SWSW         | 12           |            | SESW         | 20           |

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 99

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. USE OF THIS RIGHT WITH RIGHT NO. 61-07121 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 191.4 ACRES IN A SINGLE IRRIGATION SEASON.
4. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
5. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
6. W05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.
7. STOCKWATER, 100 RANGE CATTLE

Dates:

Licensed Date:

Decreed Date: 10/26/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

**81233**

Protest Deadline Date:  
Number of Protests: 0

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Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 161

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 191.4

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

9/26/2016

WATER RIGHT NO. 61-7121

| <u>Owner Type</u> | <u>Name and Address</u>                                                       |
|-------------------|-------------------------------------------------------------------------------|
| Current Owner     | JOHN M AGUIRRE<br>RT 1 BOX 838H<br>MOUNTAIN HOME, ID 83647<br>(208)587-3168   |
| Original Owner    | DIONISIO AGUIRRE<br>RT 1 BOX 838H<br>MOUNTAIN HOME, ID 83647<br>(208)587-3168 |

Priority Date: 11/23/1974

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/01        | 10/31     | 1.14 CFS              | 360 AFA       |
| Total Diversion       |             |           | 1.14 CFS              |               |

Location of Point(s) of Diversion:

|              |      |         |              |           |               |
|--------------|------|---------|--------------|-----------|---------------|
| GROUND WATER | NWSE | Sec. 07 | Township 04S | Range 07E | ELMORE County |
| GROUND WATER | SWSE | Sec. 07 | Township 04S | Range 07E | ELMORE County |

**81233**

IRRIGATION Use:  
Acre Limit: 90

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 04S      | 07E   | 7       |     | NESW  | 30    | 3   | NWSW  | 37    | 4   | SWSW  | 12    |     | SESW  | 20    |
|          |       |         |     | NESE  | 5.7   |     | NWSE  | 29.7  |     | SWSE  | 28    |     | SESE  | 29    |

Total Acres: 191.4

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
5. W05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.

Dates:

Licensed Date:

Decreed Date: 10/26/2000

**81233**

Permit Proof Due Date: 10/1/1977  
Permit Proof Made Date: 8/9/1975  
Permit Approved Date: 10/25/1972  
Permit Moratorium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Water Supply Bank Enrollment Date Accepted:  
Water Supply Bank Enrollment Date Removed:  
Application Received Date: 07/14/1972  
Protest Deadline Date:  
Number of Protests: 0

Other Information:

State or Federal: S  
Owner Name Connector:  
Water District Number: 161  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Combined Acres Limit: 191.4  
Combined Volume Limit:  
Combined Rate Limit:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

Close



NENE

SENE

12

NESE

04S05E

SESE

NENE

13

SENE

NWNW 1

SWNW 2

NWSW 3

SWSW 4

NWNW 1

SWNW 2

NENW

SENW

NESW

SESW

NENW

SENW

Abandon

7

NWSE

04S07E

SWSE

New Well #3

Well #2

Well #1

NWNE

18

SWNE

NWNE

SWNE

NENE

SENE

NESE

SESE

NENE

NWNW

SWNW

8

NWSW

SWSW

17

81233



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 27, 2017

JOHN M AGUIRRE  
PO BOX 1345  
MOUNTAIN HOME, ID 83647

RE: Transfer No. 81233  
Water Right No(s). 61-11912, 61-7121

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 MOUNTAIN HOME NEWS on 11/1/2017 and 11/8/2017. 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

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**From:** Neely, Rachel  
**Sent:** Friday, October 27, 2017 8:46 AM  
**To:** Swenson, Stacy  
**Subject:** Elmore Legal Ads  
**Attachments:** Elmore Cover Letter.docx; Elmore Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 11/1/2017 & 11/8/2017.

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](mailto:Rachel.Neely@idwr.idaho.gov)

October 27, 2017

LEGAL NOTICE DEPARTMENT  
MOUNTAIN HOME NEWS  
PO BOX 1330  
MOUNTAIN HOME, ID 83647-1330

RE: Application for Permit No. 61-12323  
Application for Transfer No. 81233

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 11/20/2017. Your cooperation is appreciated.

Sincerely,

---

Rachel Neely  
Administrative Assistant

Enclosure(s)

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

**61-12323**

KELLY RIGGS

PAULA RIGGS

5420 W DOUBLE ANCHOR DR

GLENNS FERRY, ID 83623

Point of Diversion SENW S33 T04S R09E ELMORE County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.14 CFS

Use: HEATING 01/01 to 12/31 0.14 CFS

Total Diversion: 0.14 CFS

Date Filed: 9/13/2017

Places of Use: HEATING, DOMESTIC

T04S R09E S33 SENW

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 81233**

**JOHN MAGUIRRE, PO BOX 1345, MOUNTAIN HOME, ID 83647;** has filed Application No. 81233 for changes to the following water rights within ELMORE County(s): Right No(s). 61-11912, 61-7121. The purpose of the transfer is to change points of diversion. The applicant proposes to abandon an old well and replace with a new well. Water will be used at the current place west of the Bennett Rd exit on I-84, approximately 2.5 miles south of Mountain Home.

Permits will be subject to all prior water rights. 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](http://www.idwr.idaho.gov). Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(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 11/20/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/1/2017 and 11/8/2017

## MEMORANDUM

TO: Transfer No. 81233  
FROM: Patrick Kelly  
DATE: 10/20/2017  
RE: Evaluation of Application

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### **Summary of Information Submitted**

Transfer # 81233 proposes to authorize diversion of both 61-7121 and 61-11912 from 3 wells; two existing and one new well. This transfer will move a point of diversion for 61-11912 from a well in the NESW of Section 7 to a well in the NWSE and add two points of diversion to wells in the SWSE Section 7 for that right. Right 61-7121 already diverts from the well in NWSE and the existing well in SWSE, so this transfer will add a point of diversion from the proposed new well in the SWSE. The applicant plans to abandon/decommission the well in the NESW. No other changes are proposed.

ArcMap tools were used to measure a 176.4 acre irrigation use on the land within the past 5 years. 61-11912 was decreed with a combined use limit of 191.4 acres (even though the rights carry an individual sum of 189 acres). A letter dated September 8, 2017 was sent to the applicant requesting a defense to partial forfeiture. I spoke with Mr. Aguirre over the phone a number of times since then. He did not object to the reduction of acres and had no problem with the change as long as the rate or volume of the water was not changing. He concurred with reducing the rights to the 176.4 acre description. 61-11912 fully overlaps 61-7121. The acres pertinent to partial forfeiture are located within the NWSE of Sec 7 on water right 61-7121.  $191.4 - 176.4 = 15$  acres. The 61-7121 POU will be reduced by 15 acres in the NWSE QQ. 61-7121 would then reflect a 75 acre limit within the POU. BUT since there was a 2.4 acre discrepancy between the sum of the rights pre transfer (189 acres) and the 191.4 acre decreed limit, the 2.4 acres will be added to the new acre limit of the right for a total of 77.4 acres. This will allow the two rights a sum to what is being irrigated, and fill the POU when the two rights are combined.

This is a POD transfer form, so changes to the POU are not being made other than the forfeited acres in the NWSE. But the opportunity was taken to update the POU shapes in our database.

### **Authority to File**

The application was filed in the name of John M Aguirre. Mr. Aguirre is the current water right owner. Current county taxlot data indicates the property is owned by Aguirre Properties LLC.

### **Water Right Validity**

The rights were decreed in 2000. 2011 – 2015 aerial imagery shows irrigation use on within the POU. Partial forfeiture is described in the narrative above. Other validity concerns are not found.

### **Overlap Analysis**

61-7121 and 61-11912 are the only ground water rights owned by Aguirre on the property. 61-7316 partially overlaps the NESE corner of the farm. It appears an ownership change could be completed to claim a portion of the right. But it should not be considered for purposes of this transfer. Mr. Aguirre clarified the locations of domestic and stockwater wells as separate from the wells involved with irrigation use.

### **Injury to Other Water Rights**

None anticipated. The applicant is proposing to develop a new well while abandoning an old one. The new well is proposed at a location closer to surrounding domestic properties. The announcement period will grant the opportunity for protest.

**Enlargement of Use**

The water rights are maintaining their pre transfer rate and volume limits. 15 acres are being reduced due to forfeiture review. The reduction of acres does not increase the rate or volume per acre above department standards. The POD change is not considered an improvement to the source.

**Local Public Interest**

No information has been made available to suggest a conflict with public interest.

**Beneficial Use/Conservation of Water Resources**

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

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

**Summary**

Assuming 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.

State of Idaho  
Department of Water Resources  
Transfer of Water Right(s)

RECEIVED  
OCT 07 2016  
WATER RESOURCES  
WESTERN REGION

**RECOMMENDATION OF WATERMASTER**

Transfer Application No: 81233

Water Right No(s) – 61-7121, 61-11912

Transfer Applicant's Name: John Aguirre

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.  
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 7<sup>th</sup> day of October, 2016.

Water District No: 161

  
\_\_\_\_\_  
Watermaster's Signature



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 8, 2017

COPY

JOHN M AGUIRRE  
PO BOX 1345  
MOUNTAIN HOME ID 83647

Dear Applicant,

On September 26, 2016, you filed a transfer application (#81233) to add a new groundwater point of diversion to water rights 61-7121 and 61-11912. Part of the transfer process is forfeiture review due to non-use within the past five year term. Idaho Statute 42222 states in part:

*2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.*

Review of historical imagery and LandSat data suggests a beneficial use of 173 acres of irrigation. Water rights 61-7121 and 61-11912 have a combined use limit of 191.4 acres. A proper defense to forfeiture should be received to complete the transfer process.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected without a timely written reply within the next thirty (30) days. Refunds are not issued for rejected applications.

Please contact me at 208-334-2190 or in writing for additional information. Thank you for your attention to this matter.

Respectfully,

Patrick Kelly  
Water Resource Agent, Sr.

Enclosure: Imagery maps



