

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 18 2017

DEPT OF WATER RESOURCES
SOUTHERN 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)** Jane K. Lodato, Trustee of the Jane Lodato Trust dated 10/21/2013 Phone (415) 987-9677

2. MAILING ADDRESS 106 Elderberry Lane City Bellevue

State Idaho Zip 83313 Email jane.lodato@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) 37-23060

- ☒ 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 0.04 cubic feet per second and/or 3.9 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*.

[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:

Well and pump with Watermaster approved flow meter and locking device; buried mainline to sprinkler irrigation system

- 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/ 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.

Jane K Lodato
Signature of applicant or authorized agent

Jane K. Lodato, Trustee
Print name and title if applicable

8/10/2017
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 _____ pages of attachments.

Received by TF/AM

Date 8-18-2017

Fee paid \$200- Date 8-18-2017

Received by AM

Receipt # SO36305

Preliminary review by _____

Date _____

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

8/9/2017

WATER RIGHT NO. 37-23060

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JANE LODATO TRUST C/O JANE K LODATO 106 ELDERBERRY LN BELLEVUE, ID 83313 (415) 987-9677
Trustee	JANE K LODATO 106 ELDERBERRY LN BELLEVUE, ID 83313 4159879677
Original Owner	BROADFORD POLO SUBDIVISION OWNERS ASSN LLOYD R BARNES 206 POLO CLUB LN BELLEVUE, ID 83313 2087884559

Priority Date: 07/25/1966

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	04/01	11/01	0.04 CFS	3.9 AFA
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 35|Township 02N|Range 18E|BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	18E	35		NENE	1.1									

Total Acres: 1.1

Conditions of Approval:

1. E55 Right Nos. 37-2639B, 37-21616 and 37-23060 are limited to the irrigation of a combined total of 12.8 acres in a single irrigation season.
2. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Dates:

Licensed Date:

Decreed Date: 09/24/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 1, 2017

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

via e-mail

RE: Transfer No. 81877
Water Right No(s): 37-23060

Dear Kevin:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 31, 2017

JANE LODATO TRUST
C/O JANE K LODATO
106 ELDERBERRY LN
BELLEVUE, ID 83313

RE: Transfer No. 81877
Water Right No(s). 37-23060

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 MOUNTAIN EXPRESS** on **9/6/2017 and 9/13/2017**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 25, 2017**.

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,

Denise Maline
Administrative Assistant

cc: JAMES P SPECK, ATTORNEY

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 31, 2017 12:14 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.doc

Attached please find (1) legal notice being submitted for publication on September 6th & 13th, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 31, 2017

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 81877
Water Right No(s): 37-23060

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 September 25, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81877**

JANE LODATO TRUST, C/O JANE K LODATO, 106 ELDERBERRY LN, BELLEVUE, ID 83313; has filed Application No. 81877 for changes to the following water rights within BLAINE County(s): Right No(s). 37-23060; to see a full description of these rights and the proposed transfer, please see 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 changing the point of diversion (POD) for a 0.04 cfs ground water irrigation right to an existing well located approximately 0.4 miles west and 0.1 mile north of the Broadford Road and Highway 75 in Bellevue. Current POD is located approximately 0.1 mile northwest of the proposed POD (existing well).

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 **September 25, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 6th & 13th, 2017

MEMORANDUM

Date: August 22, 2017
To: Transfer 81877 File
From: Bill Mills
Re: Transfer Proposal

Application for transfer proposes changing the point of diversion (POD) for a 0.04 cfs ground water irrigation right to an existing well located approximately 0.4 miles west and 0.1 mile north of the Broadford Road and Highway 75 in Bellevue. Current POD is located approximately 0.1 mile northwest of the proposed POD.

Water right place of use (POU) overlaps with Big Wood River right 37-22124. Combined limits limiting both rights when combined to the irrigation of 1.5 acres and 3.5 afa per acre will be added to the water right in the transfer process.

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

MEMORANDUM

Date: August 22, 2017
To: Transfer 81877
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81877 were based on the on the current transfer fee schedule and included \$200.00 for the 0.04 cfs being transferred in the application. (Receipt No.S036305).

Mills, William

From: James Speck <jim@speckandaanestad.com>
Sent: Tuesday, August 22, 2017 4:31 PM
To: Mills, William
Cc: Jane Lodato (jane.lodato@gmail.com)
Subject: RE: Jane K. Lodato Trust Ground Water Transfer Application

Bill,

It's an existing domestic well.

Jim

-----Original Message-----

From: Mills, William
Sent: Tuesday, August 22, 2017 1:41 PM
To: James Speck

Hi Jim,

I've been assigned the transfer application for water right 37-23060, and for processing purposes I have one minor question. While this is a point of diversion for the water right, is it a new well to be drilled or an existing domestic well?

Thanks,

Bill

RECEIVED

AUG 18 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

August 16, 2017

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W, Suite 500
Twin Falls, ID 83301

Re: Water Right 37-23060 - Application for Transfer of Water Right - Points of Diversion

Dear Corey:

Enclosed you will find the original and a copy of the above-referenced Application for Transfer of Water Right - Points of Diversion for Water Right 37-23060. I represent the new owner, Jane K. Lodato, trustee of the Jane Lodato Trust dated 10/21/2013. Also enclosed is my firm's check payable to the Department for the \$200 filing fee.

✓ *DM* Please receipt date-stamp the copy of the Notice and return it to me in the postage prepaid, self-addressed envelope included for that purpose. Call me right away if you have any questions. About this filing.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures
cc: Client w/encl.