

RECEIVED

MAY 17 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

X 1. INFORMATION ABOUT THE APPLICANT

Applicant William White & Beverly White Telephone No: 208-834-2505
(Name of Applicant)
18138 Oscara Loop Rd. Oscara Id. 83650 Email: bwhitehydco@aol.com
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged _____
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant _____ Telephone No: _____
(Name of Co-applicant)

(Mailing Address) (Zip Code) Email: _____

Co-applicant's Water Right(s) to be exchanged _____
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT — Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION — Complete Part A or Part B to explain how the proposed exchange will operate.

Part A -- For an exchange involving two or more water right holders. N/A

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____
In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. made available to the co-applicant for diversion at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____
Township _____ Range _____ B.M., _____ County.
Additional points of diversion, if any: _____

OR

2. released from storage by the co-applicant into _____ at _____ 1/4 of _____ 1/4,
Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B-- For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 0.61 cfs and/or _____ acre feet per year of water at NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____ Sec. 35 Township 4S Range 1W B.M., ONLYHEE County. Additional points of diversion, if any: N/A

In exchange for authorization to divert water as described above, 0.61 cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. LEFT UN-DIVERTED
diverted from CATHERINE CK at NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 3 Sec. 30
Township 4S Range 1E B.M., ONLYHEE County and injected into N/A at
_____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____
B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$,
Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

see attachment Catherine cr. P.d. transfr.

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. _____

5. **MAPS** -- Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 $\frac{1}{2}$ "x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 $\frac{1}{2}$ -minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

William White Jr
Applicant's Signature (and title if application is for an organization)
Brendy W White

5-11-17
Date

FOR DEPARTMENT USE ONLY

This exchange application contains 5 pages, including attachments.

Received by AG Date 5/17/17 Fee 500.00

Received by BS Date 5/17/17 Receipt No. W045289

Preliminary review by P. Kelly

Published in _____

Publication dates _____

Protests filed by _____

Copies of protests forwarded by _____

Watermaster recommendation requested on _____

Watermaster recommendation received on _____

Hearing held by _____ Date _____

Recommended for Approval _____ Denial _____ By _____

81715

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

Current Water Right No.: 57-39

Current Owner: BEVERLY WHITE
WILLIAM WHITE

Priority Date: 4/1/1868

Origin: Water Right

Status: Active

Basis: Decreed

Source

CATHERINE CREEK

Tributary

CASTLE CREEK

Beneficial Use

IRRIGATION

From To

3/01 to 11/15

Diversion Rate

0.61 CFS

Annual Volume

Total Diversion

0.61 CFS

Location of Point(s) of Diversion

CATHERINE CREEK

L3(NW1/4NW1/4SW1/4)

Sec. 30, Twp 04S, Rge 01E 8 M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S30

NESE

4.00

T04S R01E S30

SESE

20.00

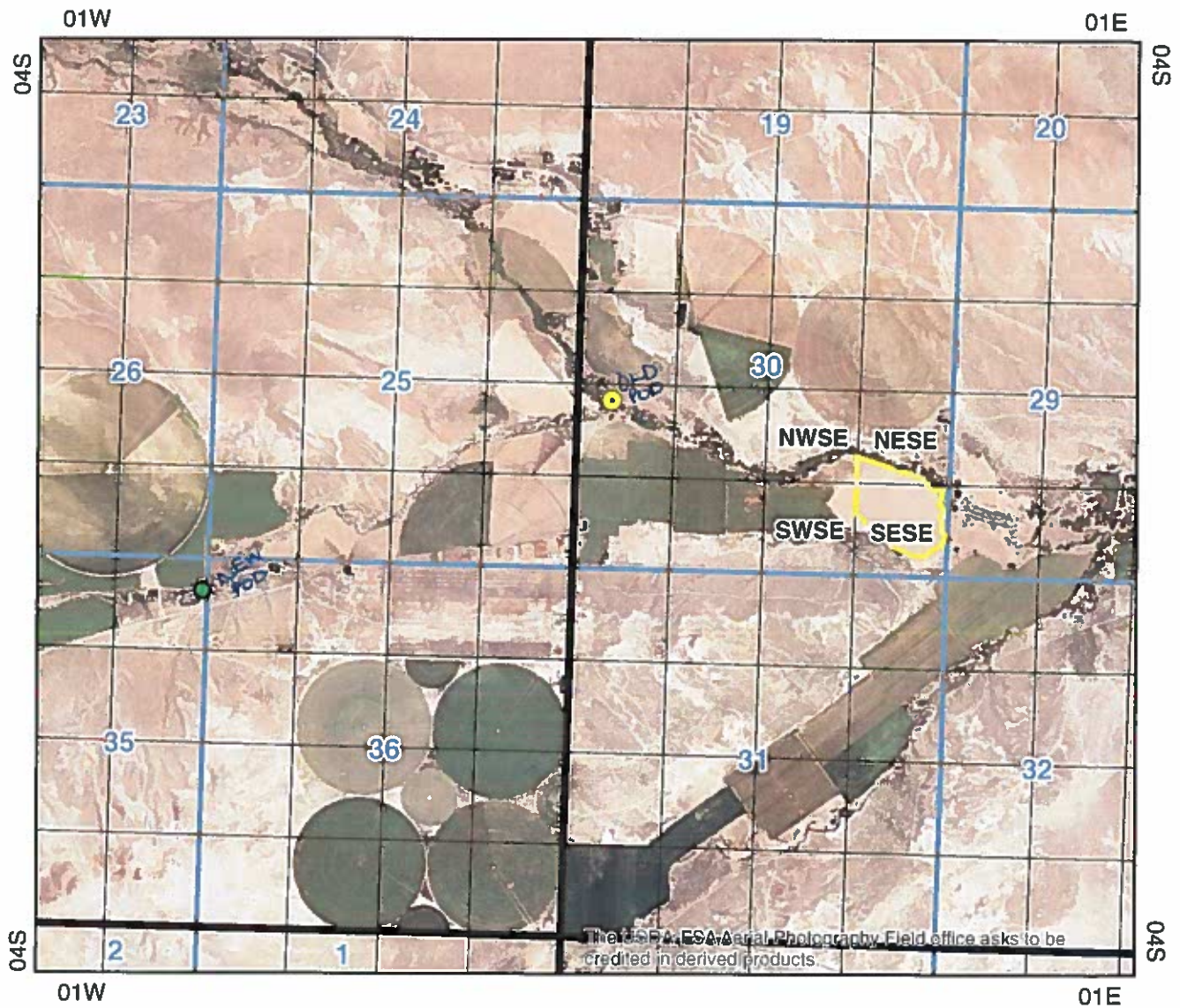
Total Acres: 24

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 57-00038 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 286.0 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 57-00038 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.72 CFS.

Decreed Date: 4/24/2003

State of Idaho
Department of Water Resources
Water Right License
57-39



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

Catherine Creek Point of Diversion Transfer

Catherine Creek is just sand and small gravel and the creek is approximately 40' wide. It was too hard to put a dam in to stop all the water, and then pipe the creek through the dam, and then pipe our water right into a ditch any time the creek would get high in the spring. We might have to do this several times. We had to raise the water approximately 5' to get the water into our ditch.

So we started taking the water out of our Harts creek head gate, where we had built a rock structure in the creek, so we could take our rights out without disturbing the creek bed and banks every year.



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

August 10, 2017

WILLIAM WHITE
BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY, ID 83651

RE: Application for Transfer Nos. 81664, 81665, & 81666
Application for Exchange of Water No. 81715

Dear Applicant(s):

The Department of Water Resources has received your water right transfer applications and application for exchange of water. Please refer to the transfer numbers and exchange number referenced above in all future correspondence regarding each application.

A legal notice of each application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 8/16/2017 and 8/23/2017. Protests to any of these applications may be submitted for a period ending ten (10) days after the second publication.

If any of applications are 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 any of applications are 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 applications.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, August 10, 2017 9:54 AM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 8/16/2017 & 8/23/2017.

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

August 10, 2017

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Transfer No. 81664
 Application for Transfer No. 81665
 Application for Transfer No. 81666
 Application for Exchange of Water No. 81715

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 9/5/2017. 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:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81664**

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81664 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-2181, 57-7043. The purpose of the transfer is to create a 333 acre PPU with a total of 289 acres authorized in a single season. The transfer also will correct the existing POD's while adding a single ground water POD. Water will be used at the current place of use along Catherine Creek, south east of Oreana, ID.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81665**

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81665 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-41B, 57-60. This transfer proposes to create a 195 acre PPU to rights 57-41B and 57-60. The 2 rights are part of a 5 water right combined use limit of 5.72 cfs on 286 acres. The farm is located along Catherine Creek, directly south east of Oreana, ID.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81666**

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81666 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-38, 57-39. This transfer proposes to create a 150 acre permissible place of use to rights 57-38 and 57-39. The 2 rights are part of a 5 water right combined use limit of 5.72 cfs on 286 acres. The farm is located along Catherine Creek, directly south east of Oreana, ID.

PROPOSED EXCHANGE OF WATER RIGHT(S)

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81715 on May 17, 2017 to exchange Water Right(s) No. 57-39 with an 1868 priority date from Catherine Creek totaling 0.61 cfs. The right(s) is diverted and used for irrigation from 3/1 to 11/15 off Morrow Res Road, north of Glenns Ferry. The purpose of the exchange is to move the current point of diversion from Catherine Creek approximately 1.2 miles west upstream onto Hart Creek. This is a permanent exchange proposal.

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) or exchange(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 9/5/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2017 and 8/23/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2017

ROHL HIPWELL
18125 OREANA LOOP RD
OREANA ID 83650

RE: Applications for Transfer Nos. 81665 & 81666
Application for Exchange of Water No. 81715

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this letter for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by **September 5, 2017**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely
Administrative Assistant



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2017

ROBERT THOMAS
KELLY THOMAS
17947 SHORT CUT RD
MURPHY ID 83650

Re: Application for Exchange of Water No. 81715

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Owyhee Avalanche* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **September 5, 2017**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

MEMORANDUM

TO: Exchange No. 81715
FROM: Patrick Kelly
DATE: 7/11/2017
RE: Evaluation of Application

Summary of Information Submitted Exchange 81715 proposes to move the Catherine Creek point of diversion further upstream to Hart Creek, a tributary to Catherine Creek. The farm is located along Catherine Creek, directly south east of Oreana, ID.

The application suggests that a diversion point is too difficult to maintain annually on Catherine Creek, which runs 40' wide. The users were able to create a rock/dam structure in Hart Creek so they are able to get the water into their ditch.

Water rights 57-10631, 57-10833, 57-44A and 57-44B are water rights out of Hart Creek that the Whites would be taking above stream. In other words, these are the rights in between where the current diversion is located, and where the exchange proposes to move the POD to. White's water right 57-39 carries an 1868 priority date; more senior than any of the rights mentioned above. Comment letters will be sent to current owners and watermaster 57B.

Authority to File The application was filed in the name of William and Beverly White. The Whites are current owners to the rights pertinent to this transfer. Owyhee County taxlot data suggest the Whites still own the property covered under the Place of Use.

Water Right Validity The right was decreed in 2003. Using 2013 – 2015 aerial imagery, irrigation practices measure between 280 up to 320 acres of developed land. Concerns over validity or forfeiture are not present at this time.

Injury to Other Water Rights None anticipated. The changes being proposed have already occurred on the ground according to the applicant. At the time of this review, department staff is unaware of any complaints that have been filed as a result to these changes. Objections to the changes proposed in this transfer can be made during the announcement period via protest.

Enlargement of Use A total combined use limit that includes surface and ground water rights of 5.72 cfs and 286 acres which will be maintained for all rights on Mr. White's farm.

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.