

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81743**

This is to certify that:

JEREL AND JOANN OPP CHARITABLE REMAINDER UNITRUST
C/O TRUSTEE JEREL S OPP 533 NORTH ST SEQUIM, WA 98382

AND

OPP ADVENTURES LLC
C/O TIMOTHY P OPP 11770 W GOLDENROD AVE BOISE, ID 83713

AND

OPP FAMILY 2012 TRUST
C/O TRUSTEES JEREL S & JOANN OPP 533 NORTH ST SEQUIM, WA 98382

AND

PAMELA OPP JONES FAMILY TRUST
C/O TRUSTEE PAMELA OPP JONES 1418 E GREEN HAVEN ST MERIDIAN, ID 83646

AND

PENE LEE OWENS CHARITABLE REMAINDER UNITRUST
C/O TRUSTEE PENE LEE OWENS 81125 AVENIDA LORENA INDIO, CA 92203

AND

ROBBIN R BOND
1008 W NEWFIELD DR EAGLE, ID 83616

AND

THE PCM FAMILY LIMITED PARTNERSHIP
C/O PAMELA G JONES 1418 E GREEN HAVEN ST MERIDIAN, ID 83646

AND

TIMOTHY P OPP
11770 W GOLDENROD AVE BOISE, ID 83713

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>
63-34405	WR/DECREED	9/14/1937	0.240 cfs	56.7 af	N/A	12.6	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>
63-34405	NO	YES	NO	NO	NO	NO

Transfer No. 81743

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81743

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-34405	63-34405	0.240 cfs	56.7 af	N/A	12.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.240 cfs	56.7 af	12.6	12.6		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 13th day of July, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34405

As Modified by Transfer No. 81743

In accordance with the approval of Transfer No. 81743, Water Right No. 63-34405 is now described as follows:

Right Holder:

JEREL AND JOANN OPP CHARITABLE REMAINDER UNITRUST
C/O TRUSTEE JEREL S OPP 533 NORTH ST SEQUIM, WA 98382

AND

OPP ADVENTURES LLC
C/O TIMOTHY P OPP 11770 W GOLDENROD AVE BOISE, ID 83713

AND

OPP FAMILY 2012 TRUST
C/O TRUSTEES JEREL S & JOANN OPP 533 NORTH ST SEQUIM, WA 98382

AND

PAMELA OPP JONES FAMILY TRUST
C/O TRUSTEE PAMELA OPP JONES 1418 E GREEN HAVEN ST MERIDIAN, ID 83646

AND

PENE LEE OWENS CHARITABLE REMAINDER UNITRUST
C/O TRUSTEE PENE LEE OWENS 81125 AVENIDA LORENA INDIO, CA 92203

AND

ROBBIN R BOND
1008 W NEWFIELD DR EAGLE, ID 83616

AND

THE PCM FAMILY LIMITED PARTNERSHIP
C/O PAMELA G JONES 1418 E GREEN HAVEN ST MERIDIAN, ID 83646

AND

TIMOTHY P OPP
11770 W GOLDENROD AVE BOISE, ID 83713

Priority Date: 9/14/1937

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
0.240 cfs
0.240 cfs

Diversion Volume
56.7 af
56.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENW

Sec 18 Twp 03N Rge 01W CANYON County

Transfer No. 81743

WATER RIGHT NO. 63-34405**As Modified by Transfer No. 81743****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	
03N	01W	18					12.6												12.6

POU Total Acres: 12.6

CONDITIONS OF APPROVAL

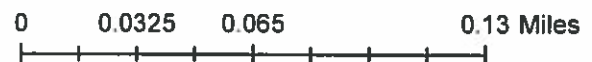
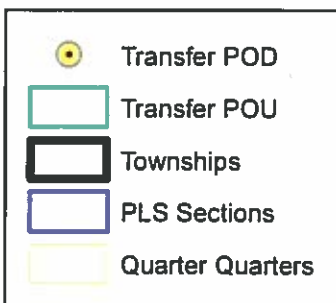
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 56.7 af at the field headgate for the place of use.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
5. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 8/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 81743

Water Right(s): 63-34405

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.



JUN 15 2017

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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) See attached list Phone _____

2. MAILING ADDRESS _____ City _____

State _____ Zip _____ Email _____

☐ 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) 63-34405

☒ 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 0.240 cubic feet per second and/or 56.7 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 #
Y		SE	NE	NW	18	03N	01W	Canyon	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:
Well as drilled in 1986 associated with 63-10731. Well serves property by flood irrigation.
- b. Who owns the property at the point(s) of diversion? The Applicants
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 ¼ ¼ 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.

See attached signatures		
Signature of applicant or authorized agent	Print name and title if applicable	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 10 pages of attachments. Received by [Signature] Date 6/15/17

Fee paid \$500⁰⁰ Date 6/15/17 Receipted by [Signature] Receipt # W045381

Preliminary review by RS Date 6-22-17 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)

State of Idaho
Department of Water Resources

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

I. APPLICANTS:

Name and address	Capacity	Interest
Pene Lee Owens 81125 Avenida Lorena Indio, California 92203 Telephone: (503) 680-8795 Email: owensp@comcast.net	As Trustee of the Pene Lee Owens Charitable Remainder Unitrust	As to an undivided 20% interest
Robbin R. Bond 1008 West Newfield Drive Eagle, Idaho 83616 Telephone: (208) 939-8854 Email: rrbond@cableone.net	Individually	As to an undivided 20% interest
Timothy P. Opp 11770 West Goldenrod Avenue Boise, Idaho 83713 Telephone: (208) 713-3422 Email: tpopp@home@aol.com and Opp Adventures, LLC c/o Timothy P. Opp 11770 West Goldenrod Avenue Boise, Idaho 83713 Telephone: (208) 713-3422 Email: tpopp@home@aol.com	Individually an Idaho limited liability company	As to an undivided 20% interest
The PCM Family Limited Partnership c/o Pamela G. Jones 1418 East Green Haven Street Meridian, Idaho 83646 Telephone: (208) 895-9886 Email: pamjones@cableone.net	An administratively terminated Idaho partnership	As to an undivided 16% interest
Jerel S. Opp 533 North Street Sequim, Washington 98382 Telephone: (503) 405-1594 Email: JerryOpp@aol.com	As Trustee of the Jerel and JoAnn Opp Charitable Remainder Unitrust	As to an undivided 12% interest
Jerel S. Opp JoAnn Opp 533 North Street Sequim, Washington 98382 Telephone: (503) 405-1594 Email: JerryOpp@aol.com	Trustees under a Declaration of Trust dated 6/27/12, and titled Opp Family 2012 Trust	As to an undivided 8% interest
Pamela Opp Jones 1418 East Green Haven Street Meridian, Idaho 83646 Telephone: (208) 895-9886 Email: pamjones@cableone.net	As Trustee of the Pamela Opp Jones Family Trust u/i/d 2/23/01, as amended 11/19/03	As to an undivided 4% interest

State of Idaho
Department of Water Resources

SIGNATURES

PENE LEE OWENS CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05

By: Pene Lee Owens, Trustee
Pene Lee Owens, Trustee

Robbin R. Bond

OPP ADVENTURES, LLC, an Idaho
limited liability company,

Timothy P. Opp

By: _____
Timothy P. Opp, Member

By: _____
Cheryl D. Opp, Member

THE PCM FAMILY LIMITED
PARTNERSHIP, an administratively
terminated Idaho partnership

JEREL AND JOANN OPP CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05

By: _____
Pamela G. Jones, General Partner

By: _____
Jerel S. Opp, Trustee

OPP FAMILY 2012 TRUST, a declaration
of trust dated 6-27-12

PAMELA OPP JONES FAMILY TRUST,
u/i/d 2-23-01

By: _____
Jerel S. Opp

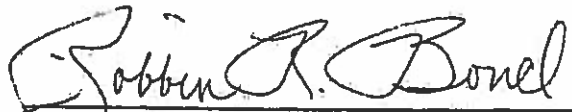
By: _____
Pamela Opp Jones, Trustee

By: _____
JoAnn Opp

State of Idaho
Department of Water Resources

SIGNATURES

PENE LEE OWENS CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05



Robbin R. Bond

By: _____
Pene Lee Owens, Trustee

OPP ADVENTURES, LLC, an Idaho
limited liability company,

Timothy P. Opp

By: _____
Timothy P. Opp, Member

By: _____
Cheryl D. Opp, Member

THE PCM FAMILY LIMITED
PARTNERSHIP, an administratively
terminated Idaho partnership

JEREL AND JOANN OPP CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05

By: _____
Pamela G. Jones, General Partner

By: _____
Jerel S. Opp, Trustee

OPP FAMILY 2012 TRUST, a declaration
of trust dated 6-27-12

PAMELA OPP JONES FAMILY TRUST,
u/i/d 2-23-01

By: _____
Jerel S. Opp

By: _____
Pamela Opp Jones, Trustee

By: _____
JoAnn Opp

State of Idaho
Department of Water Resources

SIGNATURES

PENELEE OWENS CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05

By: _____
Pene Lee Owens, Trustee

Timothy P. Opp
Timothy P. Opp

Robbin R. Bond

OPP ADVENTURES, LLC, an Idaho
limited liability company,

By: Timothy P. Opp
Timothy P. Opp, Member

By: Cheryl D. Opp
Cheryl D. Opp, Member

THE PCM FAMILY LIMITED
PARTNERSHIP, an administratively
terminated Idaho partnership

By: _____
Pamela G. Jones, General Partner

OPP FAMILY 2012 TRUST, a declaration
of trust dated 6-27-12

By: _____
Jerel S. Opp

By: _____
JoAnn Opp

JEREL AND JOANN OPP CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05

By: _____
Jerel S. Opp, Trustee

PAMELA OPP JONES FAMILY TRUST,
u/i/d 2-23-01

By: _____
Pamela Opp Jones, Trustee

State of Idaho
Department of Water Resources

SIGNATURES

PENE LEE OWENS CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05

By: _____
Pene Lee Owens, Trustee

Robbin R. Bond

OPP ADVENTURES, LLC, an Idaho
limited liability company,

Timothy P. Opp

By: _____
Timothy P. Opp, Member

By: _____
Cheryl D. Opp, Member

THE PCM FAMILY LIMITED
PARTNERSHIP, an administratively
terminated Idaho partnership

JEREL AND JOANN OPP CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05

By: _____
Pamela G. Jones, General Partner

By: Jerel S. Opp
Jerel S. Opp, Trustee

OPP FAMILY 2012 TRUST, a declaration
of trust dated 6-27-12

PAMELA OPP JONES FAMILY TRUST,
u/i/d 2-23-01

By: Jerel S. Opp
Jerel S. Opp

By: _____
Pamela Opp Jones, Trustee

By: JoAnn Opp
JoAnn Opp

State of Idaho
Department of Water Resources

SIGNATURES

**PENE LEE OWENS CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05**

By: _____
Pene Lee Owens, Trustee

Robbin R. Bond

**OPP ADVENTURES, LLC, an Idaho
limited liability company,**

Timothy P. Opp

By: _____
Timothy P. Opp, Member

By: _____
Cheryl D. Opp, Member

**THE PCM FAMILY LIMITED
PARTNERSHIP, an administratively
terminated Idaho partnership**

By: Pamela G. Jones
Pamela G. Jones, General Partner

**JEREL AND JOANN OPP CHARITABLE
REMAINDER UNITRUST, u/i/d 4-8-05**

By: _____
Jerel S. Opp, Trustee

**OPP FAMILY 2012 TRUST, a declaration
of trust dated 6-27-12**

By: _____
Jerel S. Opp

**PAMELA OPP JONES FAMILY TRUST,
u/i/d 2-23-01**

By: Pamela Opp Jones
Pamela Opp Jones, Trustee

By: _____
JoAnn Opp

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

6/13/2017

Priority Date: 9/14/1937

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

03/01

To

11/15

Diversion Rate

0.240 CFS

Volume

56.7 AF

Total Diversion

0.240 CFS

56.7 AF

Source and Point(s) of Diversion

GROUND WATER

SWNWNW

Sec. 18, Twp 03N, Rge 01W, CANYON County

Place Of Use

IRRIGATION within CANYON 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	
03N	01W	18					12.6												12.6

POU Total Acres: 12.6

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. W51 Use of this right is combined with water from Nampa Meridian Irrigation District.

Combined Use Limits: N/A

SubCase: N/A

Water Supply Bank: N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/13/2017

Water Right 63-34405

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBBIN R BOND 1008 W NEWFIELD DR EAGLE, ID 83616 (208) 939-8854
Current Owner	TIMOTHY P OPP 11770 W GOLDENROD AVE BOISE, ID 83616 (208) 713-3422
Current Owner	OPP ADVENTURES LLC C/O TIMOTHY P OPP 11770 W GOLDENROD AVE BOISE, ID 83713 (208) 713-3422
Current Owner	PENE LEE OWENS CHARITABLE REMAINDER UNITRUST C/O TRUSTEE PENE LEE OWENS 81125 AVENIDA LORENA INDIO, CA 92203 (503) 680-8795
Current Owner	JEREL AND JOANN OPP CHARITABLE REMAINDER UNITRUST C/O TRUSTEE JEREL S OPP 533 NORTH ST SEQUIM, WA 98382 (503) 405-1594
Current Owner	OPP FAMILY 2012 TRUST C/O TRUSTEES JEREL S & JOANN OPP 533 NORTH ST SEQUIM, WA 98382 jerryopp@aol.com
Current Owner	PAMELA OPP JONES FAMILY TRUST C/O TRUSTEE PAMELA OPP JONES 1418 E GREEN HAVEN ST MERIDIAN, ID 83646 (208) 895-9886
Current Owner	THE PCM FAMILY LIMITED PARTNERSHIP C/O PAMELA G JONES 1418 E GREEN HAVEN ST MERIDIAN, ID 83646 (208) 895-9886

**Place of Use
Legal Description**

A Portion of Lot 4, Block 2 of Eastgate Business Park Subdivision, in Book 28 at Page 35, Canyon County, Idaho Plat Records, within NW1/4, Section 18, Township 3 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho, as follows:

COMMENCING at a Brass Cap Monument marking the North 1/4 Corner of said Section 18, as shown on corner perpetuation record, Inst. No. 9814387, Canyon County Records;

thence along the East Line of said NW1/4, South $00^{\circ}33'27''$ West, 40.50 feet, to a found 5/8 inch rebar with a plastic cap marked "PLS7314" (hereinafter noted simply as a "found 5/8 inch rebar"), and the **POINT OF BEGINNING**;

thence continuing, South $00^{\circ}33'27''$ West, 1018.25 feet, to a set 5/8 inch rebar with a plastic cap marked "TVEI PLS 10782";

thence North $89^{\circ}26'33''$ West, 544.58 feet, to a set 5/8 inch rebar with a plastic cap marked "TVEI PLS 10782", and a non-tangent 80.00 foot radius curve to the left;

thence along said curve, an arc length of 26.65 feet, through a central angle of $19^{\circ}05'13''$, and having a chord which bears North $10^{\circ}10'04''$ East, 26.63 feet, to a found 5/8 inch rebar thence North $00^{\circ}37'28''$ East, 939.39 feet, to a found 5/8 inch rebar, and a 55.00 foot radius curve to the right;

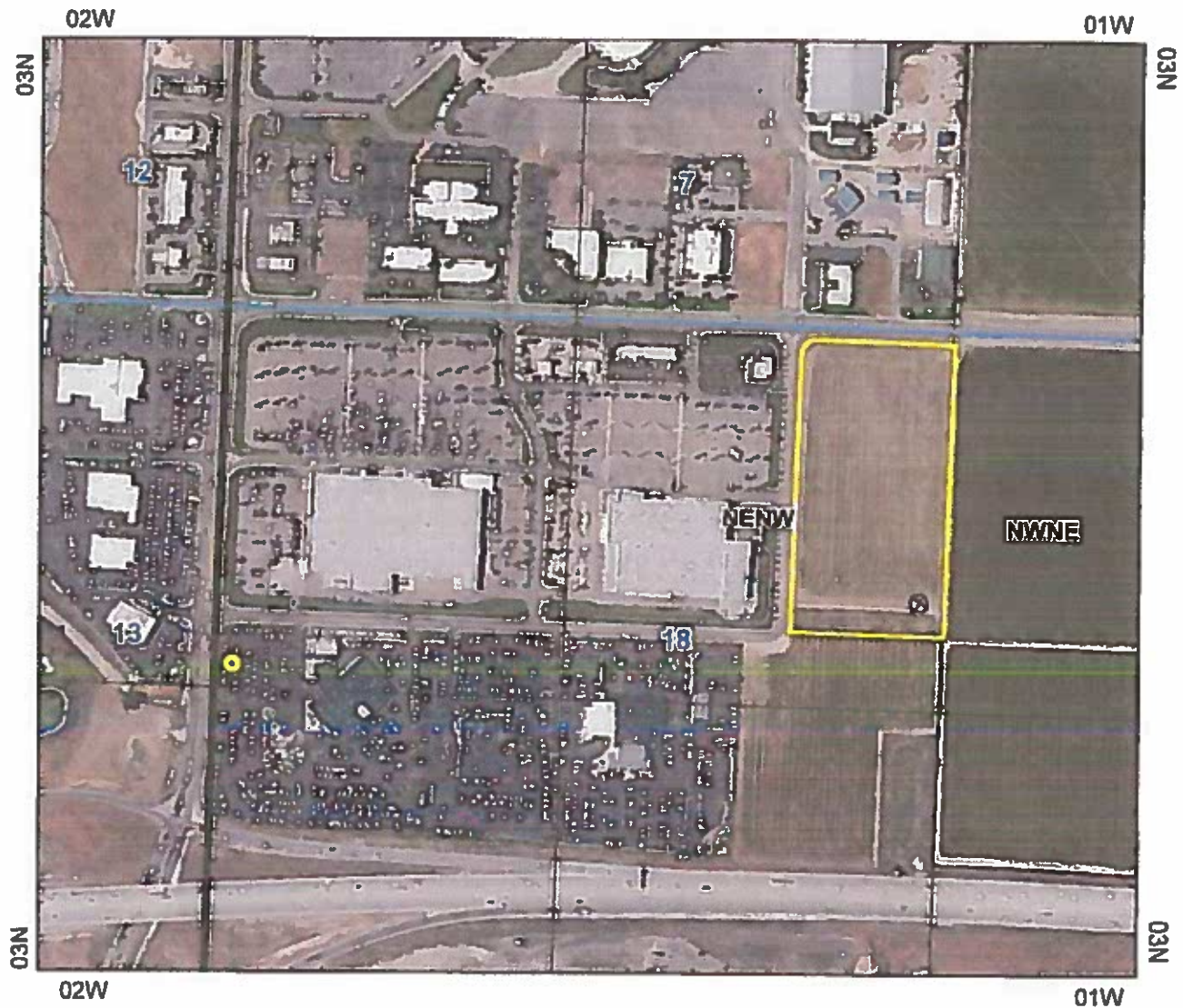
thence along said curve, an arc length of 86.58 feet, through a central angle of $90^{\circ}11'51''$, and having a chord which bears North $45^{\circ}43'23''$ East, 77.92 feet, to a found 5/8 inch rebar;

thence South $89^{\circ}10'41''$ East, 483.81 feet, to the **POINT OF BEGINNING**.

Containing 549490 square feet, or 12.61 acres, more or less.

Water Right License

63-34405



Point of Diversion - Abandoned

 Place Of Use Boundary

Townships

PLS Sections

⊗ New Point of Diversion



01743



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

July 13, 2017

ROBBIN R BOND
1008 W NEWFIELD DR
EAGLE ID 83616

PENE LEE OWENS CHARITABLE REMAINDER UNITRUST
C/O TRUSTEE PENE LEE OWENS
81125 AVENIDA LORENA
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OPP ADVENTURES LLC
C/O TIMOTHY P OPP
11770 W GOLDENROD AVE
BOISE ID 83713

OPP FAMILY 2012 TRUST
C/O TRUSTEES JEREL S & JOANN OPP
533 NORTH ST
SEQUIM WA 98382

PAMELA OPP JONES FAMILY TRUST
C/O TRUSTEE PAMELA OPP JONES
1418 E GREEN HAVEN ST
MERIDIAN ID 83646

Re: Transfer No: 81743
Water Right No(s): 63-34405

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) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Miller", followed by a stylized flourish.

Nick Miller
Regional Manager

Enclosure

CC:

RICHARD A CUMMINGS
RICHARD A CUMMINGS LAW OFFICES
PO BOX 1545
960 BROADWAY AVE STE 315
BOISE ID 83701

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 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.: 81743
Water Right No(s): 63-34405**

**ROBBIN R BOND
1008 W NEWFIELD DR
EAGLE ID 83616**

**PENE LEE OWENS CHARITABLE REMAINDER UNITRUST
C/O TRUSTEE PENE LEE OWENS
81125 AVENIDA LORENA
INDIO CA 92203**

**OPP ADVENTURES LLC
C/O TIMOTHY P OPP
11770 W GOLDENROD AVE
BOISE ID 83713**

**OPP FAMILY 2012 TRUST
C/O TRUSTEES JEREL S & JOANN OPP
533 NORTH ST
SEQUIM WA 98382**

**PAMELA OPP JONES FAMILY TRUST
C/O TRUSTEE PAMELA OPP JONES
1418 E GREEN HAVEN ST
MERIDIAN ID 83646**

**RICHARD A CUMMINGS
RICHARD A CUMMINGS LAW OFFICES
PO BOX 1545
960 BROADWAY AVE STE 315
BOISE ID 83701**



**Rachel Neely
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

TO: Transfer No. 81743
FROM: Rachel Sommer
DATE: June 27, 2017
RE: Evaluation of Application

Summary of Application Proposal

A transfer was submitted in the name of eight entities proposing to change/correct the point of diversion on water right 63-34405. Right 63-34405 was created from an ownership change split processed on right 63-2540 on June 12, 2017. The well recognized on the rights was appurtenant to land no longer owned by the applicants and covered/abandoned when a parking lot was constructed. The owners of right 63-34405 have historically irrigated from a well (305901, Well Driller's Report attached) located less than one-half mile away from the abandoned well. This transfer proposes to describe well 305901 as their only point of diversion.

Location of Application Proposal

The proposed change involves a 12.6 acre parcel of land located north of I-84, east of Idaho Center Blvd and the College of Western Idaho, in Nampa Id.

Summary of Information Submitted

Authority to File:

Richard A Cummings Law Office submitted the transfer with signatures from all eight entities listed as owners on the water right.

Water Right Validity/ Historical Beneficial Use:

Water Right 63-33405 has a priority date of 9/14/1937 and was decreed on 2/6/2009. 2015 aerial imagery verifies the place of use is irrigated. The right is considered valid.

Water Supply Bank:

No portions of the right within this transfer are leased to the Water Supply Bank.

Overlapping POU/POD:

No ground water overlap. Surface water rights from Nampa Meridian Irrigation District do exist. Conditions will be maintained on the water right describing the use of the right is combined with water from the irrigation district.

Associated Rights:

None.

Injury to Other Water Rights:

There should be no injury to other water rights under this transfer as long as the new right holder abides by the amount of water that is appurtenant to this property.

Enlargement of Use:

No enlargement should occur under the proposed transfer application. The application proposes to change the point of diversion to describe the historically used well located less than one-half mile away from the abandoned original well. No new irrigation water is sought under this proposal.

Local Public Interest:

It is within the local public interest to allow property owners to develop their property as long as the application is processed without issues.

Beneficial Use/Conservation of Water Resources:

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

Legal Notice:

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Summary of Application Approval / Denial

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

WELL 305901

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT



960 Broadway Avenue, Suite 315
P.O. Box 1545, Boise, Idaho 83701
Telephone: (208) 367-0722
Fax: (208) 367-0892

RICHARD A. CUMMINGS

Email: rcummings@cummingslawidaho.com

June 14, 2017

RECEIVED
JUN 15 2017
WATER RESOURCES
WESTERN REGION

Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Water Right 63-34405
Application to Transfer Point of Diversion

Dear Mr. Miller:

Enclosed is an application to transfer the Point of Diversion for Right No. 63-34405, together with a \$500.00 check to pay the filing fee.

If you have any questions or need any additional information to process the application, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Richard A. Cummings', with a large, stylized flourish at the end.

Richard A. Cummings

RAC/plc

Enclosures

[C:\061417\Client Files\643\Water Rights\miller01.ltr]