

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81645

This is to certify that: CALLISTER LLC
2873 W WIND DR
EAGLE, ID 83616

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>
63-34383	WR/DECREED	8/24/1950	0.110 cfs	25.7 af	N/A	5.7	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>
63-34383	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-34383	63-34383	0.100 cfs	23.4 af	N/A	5.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.100 cfs	23.4 af	N/A	5.2		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 25th day of July, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34383
As Modified by Transfer No. 81645

In accordance with the approval of Transfer No. 81645, Water Right No. 63-34383 is now described as follows:

Right Holder: CALLISTER LLC
2873 W WIND DR
EAGLE, ID 83616

Priority Date: 8/24/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.100 cfs	23.4 af
			0.100 cfs	23.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NWNE) Sec 1 Twp 04N Rge 01W ADA County

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	
04N	01W	1		5.2															5.2
				L 2															

POU Total Acres: 5.2

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The place of use for this right has been irrigated with surface water from the Farmers Union Ditch Company Ltd. If irrigation from surface water resumes at the above described land, the right holder shall (a) 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, and (b) 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.
3. If use of the surface water right(s) appurtenant to the place of use resumes and the surface water right(s) 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.

Transfer No. 81645

WATER RIGHT NO. 63-34383
As Modified by Transfer No. 81645

CONDITIONS OF APPROVAL

4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 81645

Water Right: 63-34383

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.



- Township/Range
- Sections
- QQ
- Place of Use
- Point of Diversion (proposed well)

0 0.05 0.1 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 04 2017

WATER RESOURCES
WESTERN REGION

AMENDED 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.

RECEIVED

JUN 01 2017

WATER RESOURCES
WESTERN REGION

Check all that apply:

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

1. APPLICANT(S) Dave Callister- Callister LLC Phone _____
 2. MAILING ADDRESS 2873 W. Wind Dr City Eagle
 State ID Zip 83616 Email dave.hrc@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) 63-2828

- ☐ 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 0.11 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, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X		NW	NE		1	4N	1W	Ada	Groundwater Well	
	2				1	4N	1W	Ada	Exist. Groundwater Well	

JUN 01 2017

WATER RESOURCES
WESTERN REGION

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:

Diversion system will be a well equipped to provide pressurize irrigation to the See One Subdivision. The well will have lockable housing and will be maintained by the Homeowners' Association.

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

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 _____ pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Receipted by _____ Receipt # _____

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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 04 2017

**WATER RESOURCES
WESTERN REGION
OF 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

I. APPLICANT(S) Dave Callister- Callister LLC Phone _____

2. MAILING ADDRESS 2873 W. Wind Dr City Eagle

State ID Zip 83616 Email dave.hrc@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) 63-2828

- ☐ 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 0.11 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, *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:

Diversion system will be a well equipped to provide pressurize irrigation to the See One Subdivision. The well will have lockable housing and will be maintained by the Homeowners' Association.

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

[Signature] Callister LLC, DARR CALLISTER 5-1-17
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.

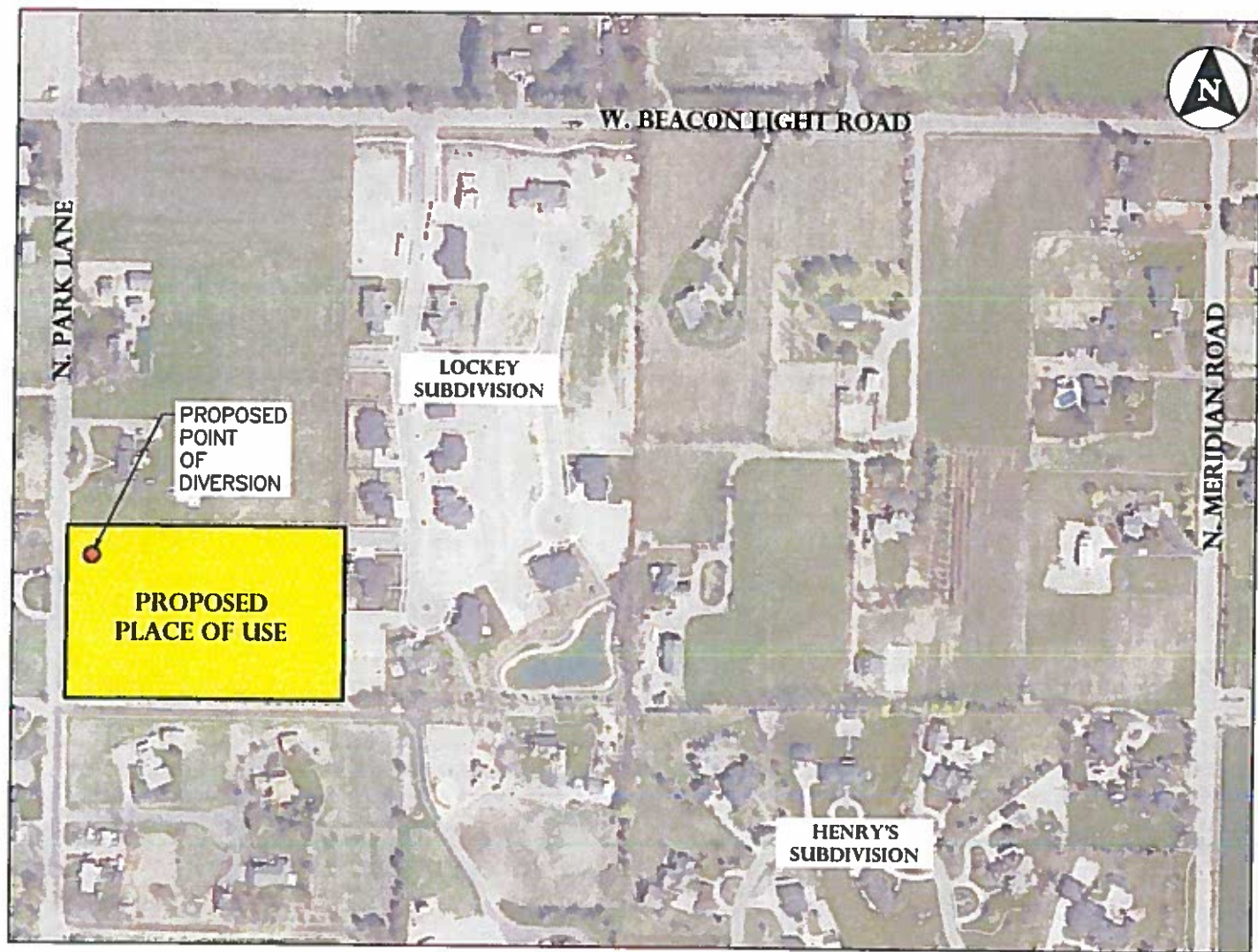
FOR DEPARTMENT USE ONLY

Transfer includes 3 pages of attachments. Received by CS Date 5/4/17
Fee paid \$200⁰⁰ Date 5/4/17 Received by CS Receipt # WD45243
Preliminary review by CP Date 5-22-17 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)

*** MAP OF PROPOSED
CALLISTER, LLC POINT OF DIVERSION/PLACE OF USE**

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 01
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN
ADA COUNTY, IDAHO
2016



COPY OF MAP ORIGINALLY
* RECEIVED WITH OWNERSHIP CHANGE
FILED 2/16/17.
-AR 5/9/17

81645



T-O ENGINEERS

332 N. BROADMORE WAY
NAMPA, IDAHO 83687-5123

PHONE: (208) 442-6300

FAX: (208) 466-0944

E-FILE: 160100-O-IRR POU.dwg

DATE: OCT 2016

JOB: 160100

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

Current Water Right No.: 63-2828

Current Owner: ORIE L DUDLEY JR
ELIZABETH M DUDLEY

Priority Date: 8/24/1950

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.4 CFS	90 AF
	<u>Total Diversion</u>	0.4 CFS	90 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County

L2(NW1/4NW1/4NE1/4) Sec. 1, Twp 04N, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01W S1 Lot 2 NWNE 20.00

Total Acres: 20

Conditions of Approval:

1. W49 Use of this right is combined with water from Farmers Union Ditch Company Ltd.
2. 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.

Decreed Date: 2/16/2007

★ ATTACHED TO TRANSFER APPLICATION BY IDWR STAFF
ON 5/9/17. -AR



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Filing fee: \$100 typed, \$120 not typed

Complete and submit the application in duplicate.

FILED EFFECTIVE

2016 JUN -7 PM 1:27

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Callister llc

(Remember to include the words "Limited Liability Company," "Limited Company," or the abbreviations L.L.C., LLC, or LC)

2. The complete street and mailing addresses of the principal office is:

2873 W. Wind Dr, Eagle ID 83616

(Street Address)

(Mailing Address, if different)

3. The name of the registered agent and street address of the registered agent:

David Callister

2873 W. Wind Dr, Eagle ID 83616

(Name)

(Address cannot be a post office box or postal mail box)

4. The name and address of at least one governor of the limited liability company:

David Callister

2873 W. Wind Dr, Eagle ID 83616

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

5. Mailing address for future correspondence (annual report notices):

2873 W. Wind Dr, Eagle ID 83616

(Address)

Signature of organizer(s).

Signature:

Printed Name:

DAVID CALLISTER

Signature:

Printed Name:

Secretary of State use only

IDAHO SECRETARY OF STATE

06/07/2016 05:00

CK:3924480 CT:172099 BH:1532080

10 100.00 = 100.00 ORGAN LLC #2

W167610

*ATTACHED TO TRANSFER APPLICATION BY
IDWR STAFF ON 5/9/17.
-AG-



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 7, 2017

CALLISTER LLC
2873 W WIND DR
EAGLE ID 83616

Re: Transfer No: 81645
Water Right No(s): 63-34383

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,

 Rachel Neely for:

Nick Miller
Regional Manager

Enclosure

CC:

TO ENGINEERS
332 N BROADMORE WAY
NAMPA ID 83687-5123

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 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.: 81645
Water Right No(s): 63-34383**

**CALLISTER LLC
2873 W WIND DR
EAGLE ID 83616**

**TO ENGINEERS
332 N BROADMORE WAY
NAMPA ID 83687-5123**



**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.

Parker, Cody

From: Stover, Abbey <astover@to-engineers.com>
Sent: Thursday, June 01, 2017 2:29 PM
To: Parker, Cody
Cc: Carpenter, John
Subject: RE: Callister Water Right
Attachments: 160100-IDWR Transfer App Resubmit.pdf

Cody-

Attached is the updated application with Dave Callister's initials.

In reviewing the schedule it seems we misspoke about the ratio of days. According to the property size, the groundwater is used for 16.5 days out of 18.

The project size of 5 acres (out of the total Klosterman 20 acres) equates to 20.6 AFA and 0.09 cfs for the Callister property.

Let me know if this seems right to you or if you have any other questions.

Thank you!

ABBEY STOVER, EI | *Staff Engineer*



T-O ENGINEERS

332 N. Broadmore Way | Nampa, Idaho 83687

☎ 208.442.6300

www.to-engineers.com



Existing Water Rights

April 3, 2001

It has come to our attention that the irrigation schedule that we generated for our lateral is incorrectly proportioned. We contacted the secretary of the Farmers Union Ditch Co and requested the exact number of shares of water for all of the people on our lateral. She reported the following shares and inch of water for the lateral users:

	Number of Shares	
June Loekey	1.000 + 4" development water	= 15.000 inches
Bob Klosterman	1.305	= 14.355 inches
Proctor/Greiner	0.660	= 7.260 inches
Night Hawk Lane	0.50	= 5.500 inches
Bruce A Haak	0.070	= 0.770 inches
		<u>42.885 inches</u>

9 Days

✓
18 Days Rotation

12 hrs Move to East Ditch to
Keep water shifting at 8 am.
Approx 4" Development H₂O due to
Dick Foster Digging the original
Ditch w/ Horse & Plow

1.305
1.000
2.305

Existing Irrigation Schedule

2013 Farmers Union Ditch Schedule - Gate #81

Ditch Rider 345-2510

March 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2013						
Sun	Mon	Tues	Weds	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- Tabasco Lane 908-0416 (Ellison)
- Lockey / Pfister
- Klosterman-Lauk / Frank Searle 939-0961
- Night Hawk Lane 802-8828 (Crowell)
939-8948 (Heter) / 938-0140 (Ryan)
- Ditch Cleaning Days

- Based on 18-day schedule.

Ver 1 (03/02/2013)



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

May 24, 2017

DAVID CALLISTER
2873 W WIND DR
EAGLE ID 83616

RE: Application for Transfer No. 81645

Dear Mr. Callister,

I am writing today in regard to the transfer application referenced above. The application proposes to change the point of diversion for the split portion of right No. 63-2828 (now referred to as 63-34383). Section 42-222 *Idaho Code* in part, outlines the responsibility of the Idaho Dept. of Water Resources (IDWR) to examine the evidence and all available information to determine if the change proposed in an application for transfer will enlarge the use of the original right. The original right in this case was decreed with a condition stating that "[u]se of this right is combined with water from Farmers Union Ditch Company Ltd." Therefore, to ensure that no enlargement will result from the change proposed in the transfer application, I need to confirm that water from the ditch company will be used to irrigate the place of use alongside the diversion from groundwater. If so, the resulting transferred right will carry a condition of approval that states that groundwater is only to be used when surface water is not available (a supplemental condition). If not, it is assumed that groundwater is to be relied on more heavily than it has been in the past, which would constitute an enlargement of the right. Approval of this transfer without a supplemental condition will require the applicant to provide information regarding the historical use of the right. Approval in such a case would be limited to the annual diversion volume historically diverted from groundwater.

In addition to the information requested above, I also require an amendment to this application. I have included a copy of the transfer application with this letter. Please complete item 6.c of the application and return to the same address along with your response to the questions outlined in the paragraph above.

Please send your response, in writing, to the address listed in the letterhead above. I look forward to your reply, which must be submitted within **thirty (30) days** of the date of this letter. The application will be rejected without a timely written reply. Refunds are not issued for rejected applications. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months.

IDWR forms and other information are available at www.idwr.idaho.gov. Please feel free to contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Cody Parker
Water Resource Agent
IDWR, Western Region

CC: Abbey Stover, TO Engineers

MEMORANDUM

TO: Transfer No. 81645 File
FROM: Cody Parker
RE: Evaluation of the Sufficiency of Information Submitted
DATE: May 22, 2017

Through an associated change in ownership, the applicant has claimed 5.7 acres of an existing 20 acre irrigation right (No. 63-2828). The transfer proposes to change the POD for the split portion (now right No. 63-34383) to a proposed well location on the applicant's property. The ownership change was completed prior to transfer processing, so the new water right number was used in transfer data entry. Water will be used at the current place of use, generally located northeast of the intersection of W Night Hawk Lane and N Park Lane, approximately 2.9 miles northwest of Eagle Idaho.

Though they did not submit a cover letter with the transfer application, the representative for the applicant is TO Engineers. The representative submitted the ownership change prior to submitting the transfer application. They called the office to check on the status of the ownership change. It was at my suggestion that they submit the transfer application to allow them to develop the new well. I worked directly with TO Engineers during the process, just as I had during the processing of a related application (now void) for the same applicant.

The representatives confirmed during our phone conversations that the intent of this application is to change the POD from the existing well to a proposed well located on the applicant's property. The new well will provide irrigation for a future subdivision after development. The applicant does not own the current POD, which lies on an adjacent property associated with the remaining unchanged portion of right No. 63-2828.

Authority to File:

A warrantee deed, complete with a surveyed legal description of the property bounds and the lot and block information for the property within the Whitehorse Subdivision, was provided with the ownership change submission and confirms David Callister's ownership of the land and his authority to file this transfer application. Furthermore, the current parcel information supports this conclusion. The place of use is the entire 5.7 acre taxlot, and the proposed location for the point of diversion lies within the property bounds.

Water Right Validity:

The parent right, No. 63-2828, was decreed in 2007. Historical imagery dating back to 2011 shows irrigation of the place of use during the full forfeiture review period. The right is presumed valid at this time.

Injury to Other Water Rights:

The proposed (new) POD location is approximately 0.20 miles southwest of the existing POD. An increase of groundwater diverted at the new site will be offset by an equivalent reduction in

diversion at the old POD location. The proposed POD site is closer in proximity to neighboring wells in the NENW, SENW, and SWNE of Section 1, Twp 04N, Rge 01W, Boise Meridian.

It is my understanding, from previous correspondence with the applicant and representative related to a separate water right application (voided), that the proposed well will divert water from zones less than 200 ft below the ground surface. I found the well log for what is likely the existing POD; the name for the owner of the well is the same name on the parent right. This irrigation well was completed to a total depth of 124 ft below ground surface after deepening. Therefore, the applicant's intent to draw water from zones shallower than 200 ft. is permissible.

It is unlikely that moving the POD will have any effect on the neighboring wells. Many of the neighboring wells in the adjacent QQ's are shown as centroids for those QQ's, thus their exact location is not known. From what I can tell from the available information, the closest neighboring well is approximately 0.14 miles south, was completed to a depth of 93 ft. below the ground surface, and had a reported static water level at 23 ft. below ground surface. There is no additional information regarding historic pumping levels that I could find. It is unlikely that the proposed relocation of 0.11 cfs of groundwater diversions would create significant enough drawdown in this neighboring well to constitute injury. Furthermore, because the groundwater in this area is considered tributary to the Boise River, it is possible that water from the Boise River (located 1.8 miles south of the proposed POD) recharges the shallow groundwater in this area when water is pumped, reducing the drawdown effect. The change is also not considered to be injuring the fully-appropriated Boise River system because the original POD diverted water considered tributary to the Boise River.

Enlargement of Use:

The applicant claimed 5.7 of the original 20 acres of irrigation in the associated change in ownership. The diversion rate and volume were assigned based on the proportion of the acreage claimed. Therefore, the split right is no larger than that portion of the original right *on paper*. However, a condition of the original decreed right states that "Use of this right is combined with water from Farmers Union Ditch Company Ltd." To prevent enlargement of the right either 1) groundwater use post-approval must be supplemental to surface water or 2) the groundwater may be transferred as the primary source but its acreage and rate and volume limits will be restricted to the historical groundwater use. The applicant does not intend to use surface water alongside groundwater for irrigation upon approval of the transfer. He *has* provided information concerning the rotation schedule and number of shares held by the previous owner. The information indicates that groundwater has been relied upon for irrigation for 16.5 days out of every 18 day period during the irrigation season.

To prevent enlargement, the transferred right will be restricted to 16.5/18 of the original value. The applicant has claimed 5.7 acres from an original 20-acre irrigation right for a diversion rate of 0.11 cfs and an annual volume of 25.7 afa. Multiplying these values by the determined historical use coefficient gives the transferred right as: 5.2 acres of irrigation, a diversion rate of 0.10 cfs, and an annual volume of 23.4 afa.

Local Public Interest:

No conflict with the local public interest has been identified. There is nothing in the backfile for the parent right that would suggest that approval of this transfer would be contentious. The application will not be advertised per 42-222 *Idaho Code* because the proposed change does not appear to change the effect on the water source or affect other water rights.

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

Overlap Analysis:

Of the other irrigation water rights within the same QQ, all are surface water rights owned by the Farmers Union Ditch Co Ltd, with the exception of the unchanged portion of right 63-2828. The applicant has confirmed that they do not use surface water shares for irrigation of the POU, thus there is no overlap. The POD for the right is being changed through the transfer and is a proposed well. Therefore there are no other uses for the well at this time and no POD overlap.