

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81147

This is to certify that: **FRANKLIN FLETCHER AND
SHIRLEY FLETCHER
7682 RIVER FRONT DR
MARSING, ID 83639**

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>
2-10458	WR/DECREED	1/19/1949	1.690 cfs	380.3 af	84.5	120.4	SNAKE RIVER

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>
2-10458	YES	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>
2-10458	2-10534	0.060 cfs	13.5 af	N/A	3.0	2-10458	1.630 cfs	366.8 af	81.5	116.1
COMBINED TOTALS		0.060 cfs	13.5 af	0.0	3.0		1.630 cfs	366.8 af	81.5	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 7th day of JULY, 2017.



for Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 2-10458

Transfer No. 81147

WATER RIGHT NO. 2-10458
As Modified by Transfer No. 81147

In accordance with the approval of Transfer No. 81147, Water Right No. 2-10458 is now described as follows:

Right Holder: VANCE VAN HALL
 5552 WILLOW LN
 NAMPA, ID 83687-8424

Priority Date: 1/19/1949

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 1.630 cfs
 1.630 cfs

Diversion Volume
 366.8 af
 366.8 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (NESESW) Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	23									15.0	38.2	33.0	14.9					99.1
											L 4	L 3		L 4					
02N	04W	26					17.0												17.0
							L 1												

Right Acre Limit: 81.5
 POU Total Acres: 116.1

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. This right is limited to the irrigation of 81.5 acres within the place of use described above in a single irrigation season.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/23/2009.
4. 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.

Transfer No. 81147

WATER RIGHT NO. 2-10534**As Modified by Transfer No. 81147**

In accordance with the approval of Transfer No. 81147, Water Right No. 2-10534 is now described as follows:

Right Holder: FRANKLIN FLETCHER AND
SHIRLEY FLETCHER
7682 RIVER FRONT DR
MARSING, ID 83639

Priority Date: 1/19/1949

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.060 cfs
0.060 cfs

Diversion Volume
13.5 af
13.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (SESW) Sec 23 Twp 02N Rge 04W OWYHEE 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	
02N	04W	23												3.0					3.0
													L 4						

POU Total Acres: 3.0

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 period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/23/2009.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 81147

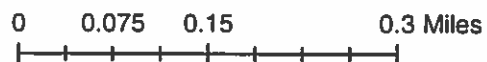
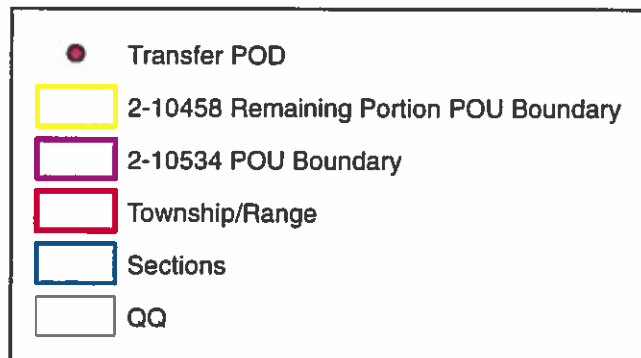
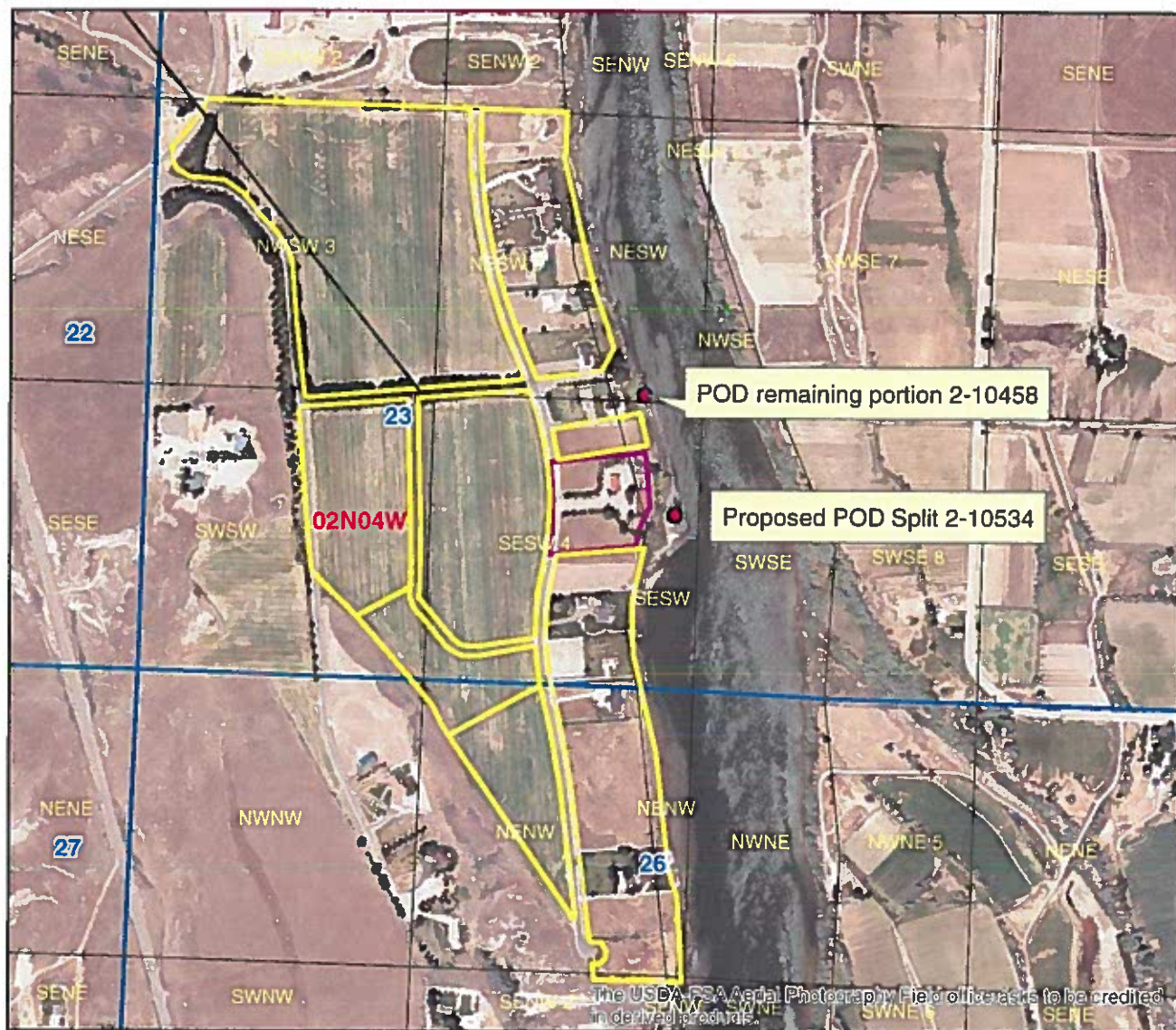
WATER RIGHT NO. 2-10534
As Modified by Transfer No. 81147

CONDITIONS OF APPROVAL

5. 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.

Water Right(s): 2-10458 and 2-10458

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.



DEPARTMENT OF
WATER RESOURCES

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:

USING A 3HP PUMP IN A SMALL PUMP HOUSE WITH AN A LOCKABLE DOOR. PVC
WILL BE CONNECTED TO IRRIGATE THE GROUNDS FOR DOMESTIC USE. AN IN-LINE METER CAN BE
PLACED AS APPROPRIATE.

- b. Who owns the property at the point(s) of diversion? FRANKLIN FLETCHER & SHIRLEY FLETCHER

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/Transfer/ApplicationLayouts/ 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.

Frank Fletcher
Signature of applicant or authorized agent

Frank Fletcher
Print name and title if applicable

8/8/16
Date

Shirley Fletcher
Signature of applicant or authorized agent

SHIRLEY FLETCHER
Print name and title if applicable

8/8/2016
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/WaterRightTransfers/Step4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 9 pages of attachments.

Received by AO

Date 8-19-16

Fee paid 125*

Date 8-19-16

Received by AO

Receipt # C102392

Preliminary review by 8/30/16 PH

Date 3/1/17

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)

8/10/2016

Proof Report

elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/23/2009.

4. R65 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.
5. P21 This right is a split from former right 2-10346.

Comments:

1. scurtis 4/26/2011 POD
Updated Shape
2. scurtis 4/26/2011 POU
Updated Shape
3. jhersley 8/29/2011 Transferred Right
This is now an approved transfer, transfer number = 77190

Dates and Other Information

Decreed Date: 6/23/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

ap Satellite

Township and Range Labels

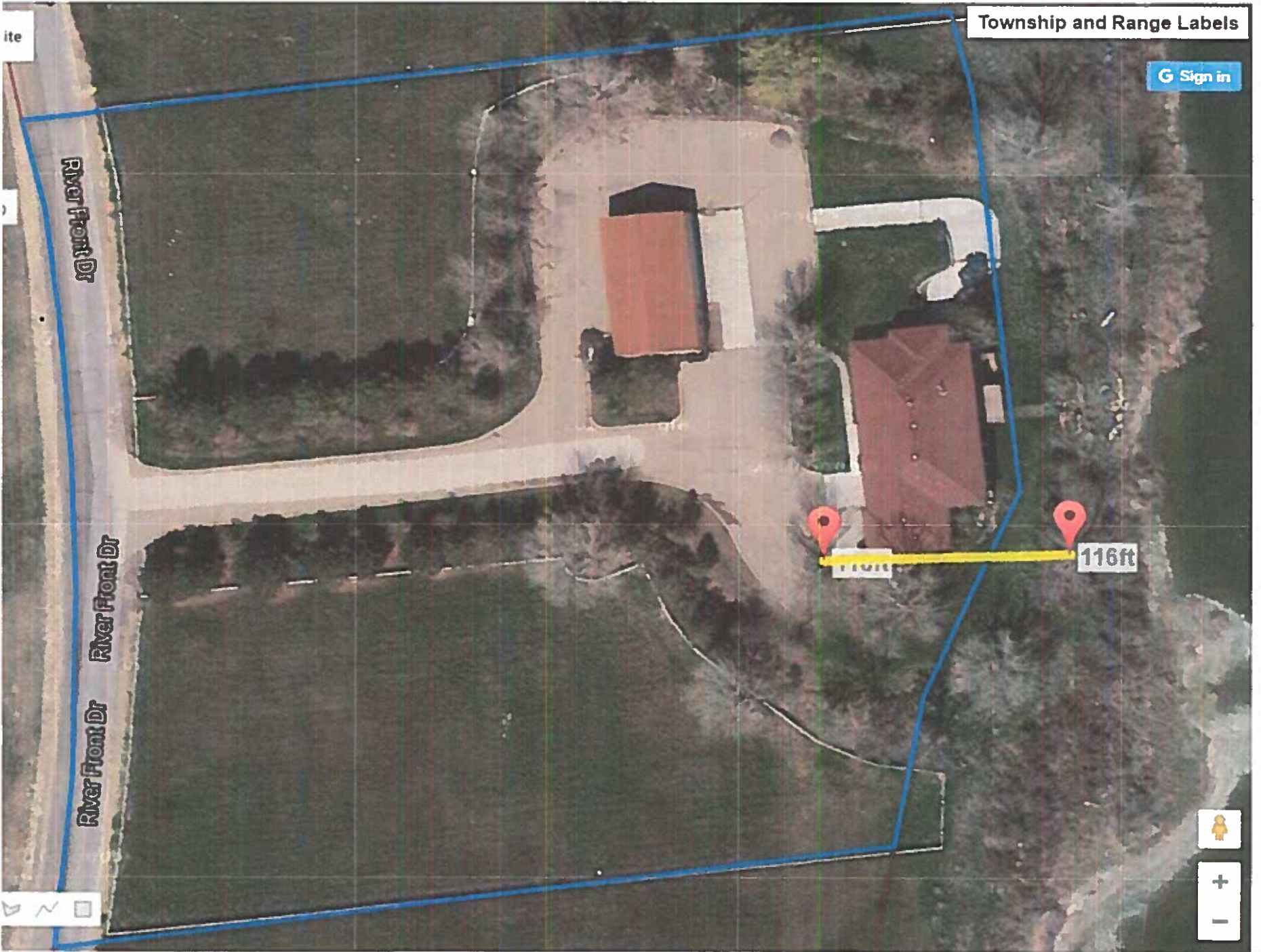


TO BE IRRIGATED -

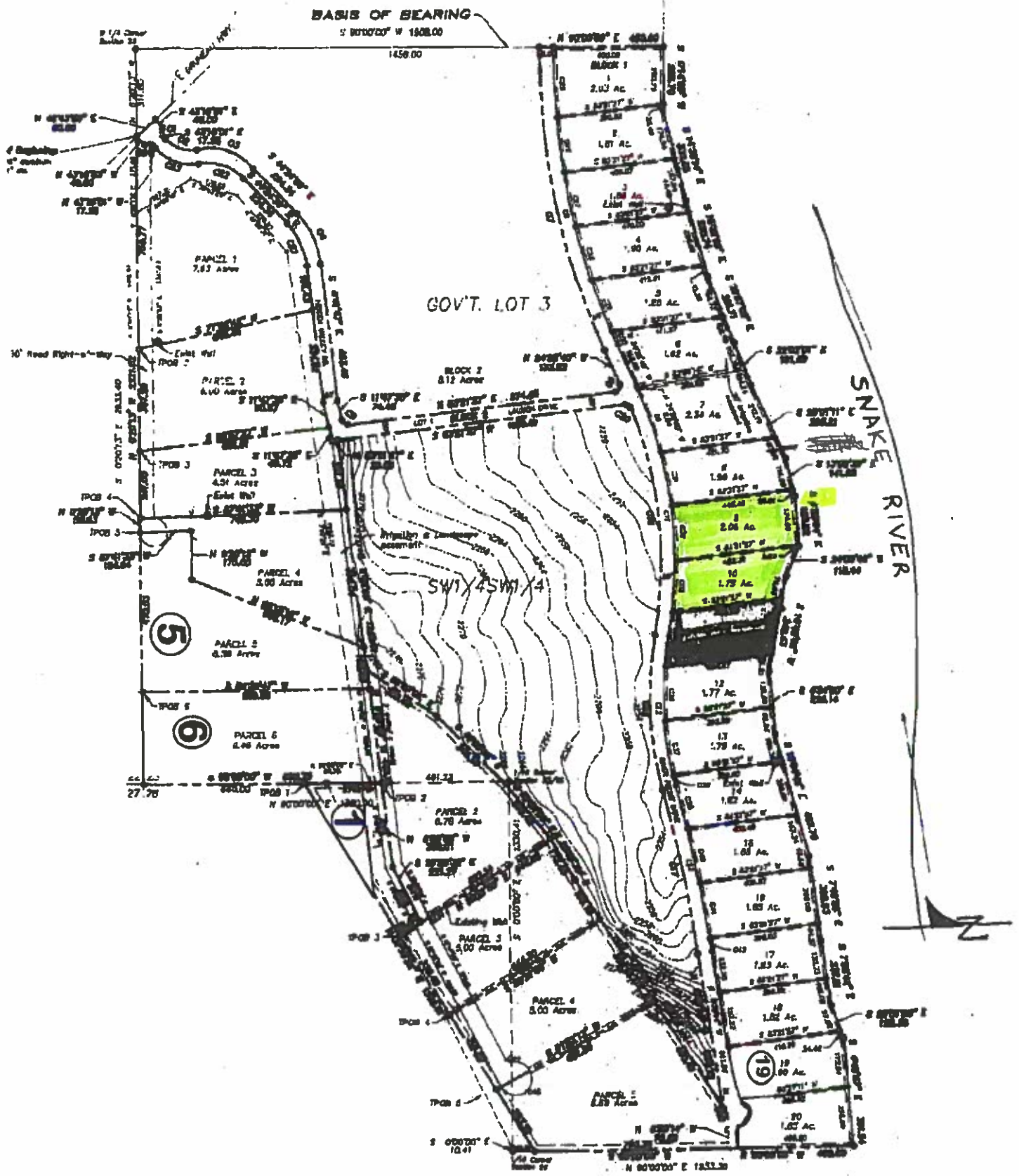


PARCEL# RP00840001008C

FRANKLIN AND SHIRLEY FLETCHER
7682 RIVER FRONT DRIVE
MARSING ID 83639



81147 Attachments Pg 4 - Map 2



State of Idaho
Department of Water Resources
Water Right License
2-10458



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

0 0.125 0.25 0.5 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED DE
AUG 19 2016
DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
PD 2-10458	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: VANCE VAN HALL
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): FRANKLIN FLETCHER AND SHIRLEY FLETCHER
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 7682 RIVER FRONT DRIVE MARSING ID 83639
Mailing address City State ZIP
(805) 503-8533 earlyshirl@yahoo.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
NA ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Frank Fletcher 8-8-16
Signature of new owner/claimant Title, if applicable Date
Signature: Shirley Fletcher 8/8/16
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by AO Date 8/19/16 Receipt No. C102392 Receipt Amt. \$75
Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒
Name on W-9 X Approved by _____ Processed by _____ Date _____

AFTER RECORDING MAIL TO:

Franklin P Fletcher, II and Shirley Fletcher
170 W. Chestnut St.
Nipomo, CA 93444

SPECIAL WARRANTY DEED

File No.: 552924-P (mr)

Date: February 08, 2016

For Value Received, LSF9 Master Participation Trust, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Franklin P Fletcher, II and Shirley Fletcher, husband and wife, hereinafter called the Grantee, whose current address is 170 W. Chestnut St., Nipomo, CA 93444, the following described premises, situated in Owyhee County, Idaho, to-wit:

Lots 9 and 10 and the South 45 feet of said Lot 8 (measured perpendicular to the South line of said Lot 8), all in Block 1, Hidden Valley Estates Subdivision, Owyhee County, Idaho, according to the plat thereof recorded February 16, 1995 as Instrument No. 214934, records of said County.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that they are the owners in fee simple of said premises. The Grantor(s) warrants that said premises are free and clear of all encumbrances suffered or created by the Grantor(s), except such warranty does not apply to all taxes, assessments, and charges to be paid by the Grantee(s) and any lien or encumbrance revived or placed on said premises by, through or under the Grantee(s), his heirs and assigns.

* Accepted & Approved
 

Date: 02/08/2016

Warranty Deed
- continued

File No.: 552924-P (mr)

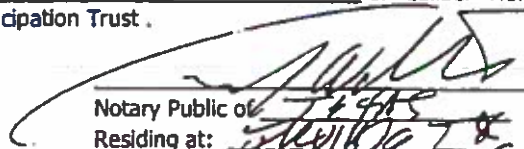
LSF9 Master Participation Trust

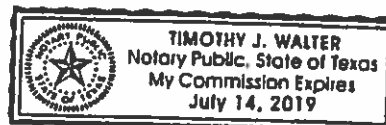
By: Caliber Home Loans, Inc., as attorney in fact

By: 
Name: Authorized Signor Justin Boyd
Title: Authorized Title

STATE OF Texas)
) ss.
COUNTY OF Dallas)

On this 10 day of February, 2016, before me, a Notary Public in and for said State, personally appeared Justin Boyd, known or identified to me to be the Authorized Signatory of Caliber Home Loans, Inc., the entity that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that such entity executed the same as the attorney-in-fact for LSF9 Master Participation Trust, and acknowledged to me that he/she subscribed the name of LSF9 Master Participation Trust thereto as principal and his/her name as Authorized Signatory of Caliber Home Loans, Inc. as attorney-in-fact of LSF9 Master Participation Trust.


Notary Public of Texas
Residing at: 2211111111
Commission Expires: 7-14-19





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

FRANKLIN FLETCHER
SHIRLEY FLETCHER
7682 RIVER FRONT DR
MARSING ID 83639

Re: Transfer No: 81147
Water Right No(s): 2-10458

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 Newby for:

Nick Miller
Regional Manager

Enclosure

CC:

VANCE VAN HALL
5552 WILLOW LN
NAMPA ID 83687-8424

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.: 81147
Water Right No(s): 2-10458**

**FRANKLIN FLETCHER
SHIRLEY FLETCHER
7682 RIVER FRONT DR
MARSING ID 83639**

**VANCE VAN HALL
5552 WILLOW LN
NAMPA ID 83687-8424**



**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. 81147

FROM: Phill Hummer

DATE: 06/14/2017

RE: Evaluation of Application

The applicant proposes to change the ownership of a portion of right no. 2-10458 proportional to their property and to change the point of diversion to a different pump located on the applicant's property.

The site is along the Snake River about 19 kilometers southeast of Melba Idaho, near the intersection of State Highway 78 and S Bruneau Highway.

Deviations from Transfer Policy Standards

Shirley Fletcher came into the office on 03/10/17 and amended the application to clarify the location of the point of diversion. Typically when applicants that use the "and" connector both/all of the applicants must sign the amendments. In this case the amendment made to the application was a clarification of the point of diversion, verifying the QQ is as indicated on the map. As the amendment did not change the initial application it did not require both applicant's signature. She also added a telephone number to the contact information.

Summary of the Application

Water right no. 2-10458 is currently owned by Vance VanHall and authorizes 1.69 cfs and 380.3 af from the Snake River for the irrigation of 84.5 acres within a 120.4 acre PPU. It was split from water right no. 2-10346 via transfer no. 77190 on 08/26/2011. A detailed split tree was found in the records of right no. 2-10331. An updated version will be scanned into the file for right no. 2-10458. In going through the records of the previous ownership splits and transfers a few errors were discovered related to the shape record of the some rights. I changed the POU boundary shape for water right nos. 2-10351, 2-10349 and 2-10347 from a general shape to the property boundary of the tax lots indicated by the documents in their respective records. Here are some other errors:

- Water right no. 2-10459 has an individual irrigation volume of 1.0 af but a total volume of 4.5 afa
- Water right nos. 2-10347, 2-10349, and 2-10351 all have greater acre limits than the total acres. These were probably data entered backwards and should be switched when possible.
- Water right no. 2-10352 was shown in the pedigree search as a child of right no. 2-10257. However there is no record of this right in any database, it was most likely created in error. Since there is no record of the right Nick Miller removed it from the pedigree record.

Authority to File:

The applicants have submitted a special warranty deed showing they have purchased lot 9, 10 and a portion of lot 8 within the Hidden Valley Estates Subdivision. This deed shows they own a portion of water right no. 2-10458 and are authorized to file this transfer application and notice of change in ownership.

Water Right Validity:

The partial decree for water right no. 2-10458 was issued on 06/23/09 for the irrigation of 84.5 acres within a 120.4 acre permissible place of use. A review of the department's aerial imagery shows only about 76 acres within the PPU have been irrigated in the last 5 years. The applicant's deed shows they purchased the property on 02/08/16. Shirley Fletcher told me on her office visit (03/10/17) that they are allowed access to water on Tuesdays and Thursday and the aerial photo (likely google earth image) submitted with the application shows the property has been irrigated since they have purchased the property. Any non-use of water right no. 2-10458 prior to when the applicant's purchased the property would have been beyond their control. The right is not leased to the water supply bank.

Injury to Other Water Rights:

The applicant proposes to split their properties portion of the water right, similar splits have been done with the other house lots along the river. The following is list of the water rights that have been split and their corresponding lots within Hidden Valley Estates. This list may not be 100 percent accurate as there were a number of errors in the way these rights were split and the files are missing information.

Lot 1: 2-10351
Lot 2: 2-10347
Lot 3: 2-10348
Lot 4: 2-10258
Lot 5: 2-2073D
Lot part 7 & 8: 2-10459*
Lot part 7 & 8: 2-10330*
Lot 8 (part): 2-10534, this application
Lot 9: 2-10534, this application
Lot 10: 2-10534, this application
Lot 11: 2-10349
Lot 12: 2-10259
Lot 13: 2-10260
Lot 14: 2-10246
Lot 15: 2-10532
Lot 18: 2-10264

*the deeds provided for these splits both show ownership of part of lot 7 and all of lot 8. I think that 2-10459 might be only lot 7 but I wasn't able to figure out which right goes where with certainty.

The applicant's portion of the water right is 0.06 cfs, 13.5 af for the irrigation of 3.0 acres. This amount of water is already being used at the proposed place of use. The addition of the application's own pump and diversion works as opposed to the system in place for irrigated the neighboring fields would not change the amount of water diverted from the source on an annual basis.

Enlargement of Use:

The applicant proposes to split water right no. 2-10458 proportionally based on property ownership. The original right authorizes 1.69 cfs for 84.5 acres within a 120.5 acre PPU or 0.019 cfs/acre (rounded to 0.02 cfs/acre). The total amount of water being transferred is 0.06 cfs or 3.6% of the water right. 3.6 % of 84.5 acres is 3.0 acres and 3.6% of 120.5 (the PPU) is 4.3 acres. Alternatively, at a rate of 0.02 cfs/acre, 0.06 cfs can irrigate at most 3.0 acres. Department tax lot data shows the applicant's lot is 4.3 acres in size but only about 3 acres of that property is irrigable, the rest being the house and concrete. Since their portion of the water right (3 acres) is about the size of the irrigable land on the property there would be no way to move the 3 acres of irrigation to different parts of the property. For this reason the transfer could be approved without the creation of a PPU on the applicant's portion without creating an enlargement of use. The overall rate of 0.02 cfs/acre, volume of 4.5 af/acre, and place of use will be the same as on the original right just owned by a different individual.

Water right no. 2-10458 is not primary or supplemental to any other rights water right.

Local Public Interest:

The addition of a 3 hp pump to the Snake River at the proposed location will most likely not impact the recreational use of the river. Additionally, the amount of water that will be diverted if the transfer is approved will be equal to the amount currently diverted so there should not be any adverse impacts to fish and wildlife species.

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.

Discussion

Data entry affected the correct record, rightid 640363

Conditions Notes**Split Portion**

- Remove K06 and P21, neither apply to the split portion
- Add standard conditions T07, T08
- Add R65
- Update T19

Remaining Portion

- Remove P21, it is no longer needed
- Update T19
- Update K06 to the reduce acre limit

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.

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.



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

03/06/17

FRANKLIN FLETCHER
SHIRLEY FLETCHER
7682 RIVER FRONT DRIVE
MARSING ID 83639

Re: Application for Transfer No. 81147 Additional Information Required

Dear Applicant:

Your recent application for permit proposing to split water right no. 2-10458 is being processed. Processing this application can not be finished without more information.

- **1 - Applicants(s) Information**
Please provide a phone number that can be used to contact the applicant(s).
- **5 - Point of Diversion(s)**
The application indicates the new point of diversion will be in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 23, township 02N, and range 04W. However the maps submitted with the application shows the proposed point of diversion will be located in gov. lot 4 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 23, township 02N, and range 04W. Either amend the application to match the maps or confirm the section 5 of the application on the enclosed map.
- **7 - The Map**
Show the correct location of the point of diversion on the enclosed map.
- **9 - The Fee**
Please check this box to indicate the appropriate fee has been submitted.

Please submit the requested information within thirty (30) days for application processing to continue. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. If the location can not be confirmed the application will be denied. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Enclosure: Copy of Application No. 81147
Place of Use Boundary Map



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 25, 2016

FRANKLIN AND SHIRLEY FLETCHER
7682 RIVER FRONT DR
MARSING ID 83639

Re: Application for Transfer of Water Right(s) and Notice of Change in Water Right Ownership -
Insufficient Filing Fees

Dear Applicant:

The Idaho Department of Water Resources (IDWR) received your Application for Transfer of Water Right (transfer application) proposing to change the point of diversion for a 0.06 cfs portion of water right 2-10458. The transfer application was submitted with a \$100 filing fee. This fee is insufficient for processing per Idaho Code § 42-221. The applicable filing fee is \$200 rather than \$100 received. Additionally, the transfer application was submitted with a Notice of Change in Ownership (ownership change) proposing to split right 2-10458 and place the applicants' portion in their name. The filing fee for an ownership change proposing a division in the ownership of the right is \$100 per Idaho Code § 42-248 rather than \$25 received. The difference in filing fees must be submitted before the filings can be processed. Please submit an additional \$175.00 (\$100 for transfer application filing + \$75 for ownership change split) to allow for further processing.

If IDWR does not receive the complete filing fees within the next thirty (30) days, a refund will be issued and the filings will be returned. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. If you have any questions, please feel free to contact me at (208) 334-2190 or via email at angie.grimm@idwr.idaho.gov.

Regards,

Angela M. Grimm, P.G.
Water Rights Supervisor