

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80776**

This is to certify that: LINDA M IHLI AND
MICHAEL B IHLI
625 S SCHOOL AVE
KUNA, ID 83634

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>
2-10420	WR/DECREED	7/30/1969	1.240 cfs	N/A	N/A	49.0	SNAKE RIVER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
57-11710	WR/LICENSE	12/29/1970	1.160 cfs	N/A		60.0	CASTLE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>FOU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10420	NO	YES	YES	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>
2-10420	2-10420	1.240 cfs	N/A	49.0	208.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.240 cfs	N/A	49.0	208.0		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 5th day of June, 2017.


Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 80776

IN FILE # 2-10420

WATER RIGHT NO. 2-10420
As Modified by Transfer No. 80776

In accordance with the approval of Transfer No. 80776, Water Right No. 2-10420 is now described as follows:

Right Holder: MICHAEL B IHLE OR
 LINDA M IHLE
 625 S SCHOOL AVE
 KUNA, ID 83634

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From
 03/01

To
 to 10/31

Diversion Rate
 1.240 cfs
 1.240 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (NESE) Sec 35 Twp 03S Rge 01E 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	
04S	01E	1			21.0											6.0			27.0
04S	01E	12	24.0		18.0	26.0										4.0	18.0	12.0	102.0
04S	01E	13	4.0	8.0															12.0
04S	02E	7											19.0						19.0
04S	02E	18						18.0	30.0				1.4						48.0
							L1	L2											

Right Acre Limit: 49.0

POU Total Acres: 208.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 49 acres within the 208 acre place of use authorized by this right in a single irrigation season. The specific 49 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 49 acres to be irrigated within the 208 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Rights 2-10420 and 57-11710 when combined shall not exceed the irrigation of 84 acres.
3. 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.

Transfer No. 80776

WATER RIGHT NO. 2-10420
As Modified by Transfer No. 80776

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 6/8/2009.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 NO. 57-11710

As Modified by Transfer No. 80776

In accordance with the approval of Transfer No. 80776, Water Right No. 57-11710 is now described as follows:

Right Holder: MICHAEL B IHLI And
LINDA M IHLI
625 S SCHOOL AVE
KUNA, ID 83634

Priority Date: 12/29/1970

Source: CASTLE CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
1.160 cfs
1.160 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK NWNESE Sec 13 Twp 04S Rge 01E 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	
04S	01E	1			10.0														10.0
04S	01E	12	13.0			15.0												11.0	39.0
04S	01E	13	11.0																11.0

POU Total Acres: 60.0

CONDITIONS OF APPROVAL

1. Rights 2-10420 and 57-11710 when combined shall not exceed the irrigation of 84 acres.
2. Rights 57-00235, 57-11708, 57-11709 and 57-11710 when combined shall not exceed the irrigation of 1716 acres.
3. 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 lands above.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57-C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 80776

WATER RIGHT NO. 57-11710
As Modified by Transfer No. 80776

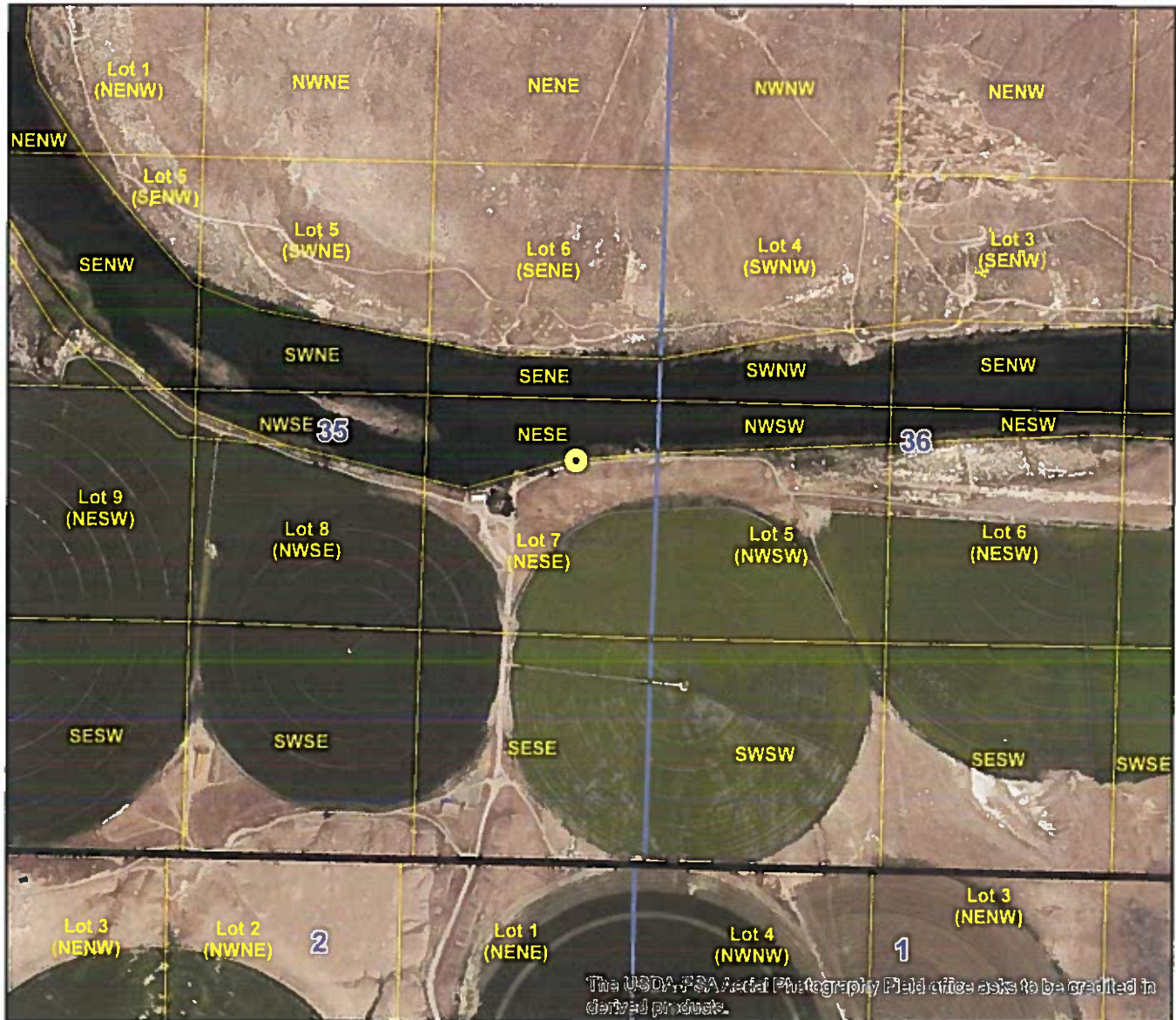
CONDITIONS OF APPROVAL

6. 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 7720.0 af at the field headgate for the lands above.



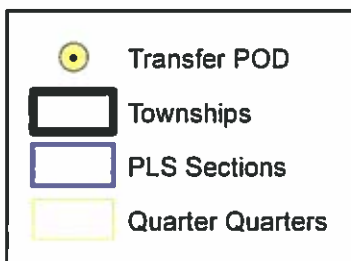
State of Idaho
Department of Water Resources
Attachment to Transfer No. 80776
Water Right: 2-10420

This map depicts the IRRIGATION point of diversion boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



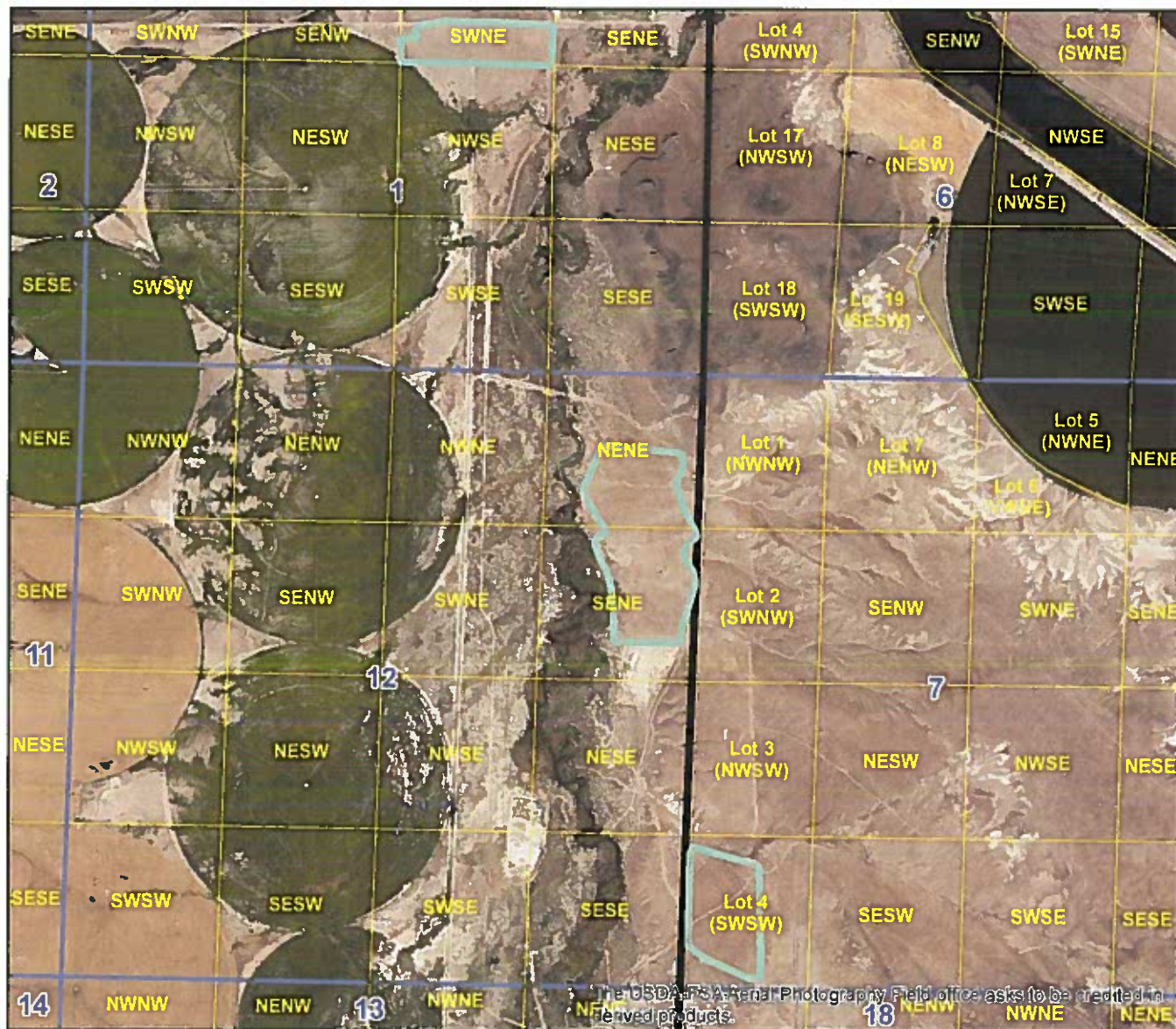
The USDA, FSA Aerial Photography Field office asks to be credited in derived products.

0 0.1 0.2 0.4 Miles

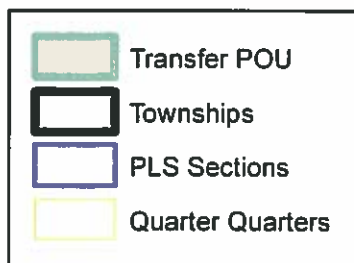


State of Idaho
Department of Water Resources
Attachment to Transfer No. 80776
Water Right: 2-10420

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.



0 0.175 0.35 0.7 Miles





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

June 5, 2017

MICHAEL B IHLI
LINDA M IHLI
625 S SCHOOL AVE
KUNA ID 83634

Re: Transfer No: 80776
Water Right No(s): 2-10420, 57-11710
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

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 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.: 80776
Water Right No(s): 2-10420, 57-11710

MICHAEL B IHLI
LINDA M IHLI
625 S SCHOOL AVE
KUNA ID 83634

ROB WHITNEY
IDWR STATE OFFICE
WATERMASTER OF DISTRICT 2



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

Date: May 8, 2017
To: Transfer 80776
From: Rachel Sommer
Re: Legal Notice Remarks

The transfer was advertised stating the proposal is located south of the Snake River and north of Murphy Grandview Rd; between Weese Rd and Robinson Rd in Bellevue Idaho. Bruneau Idaho is the correct city the proposal is located in. This error is not cause for re-advertisement.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

RECEIVED

APR 18 2017

WATER RESOURCES
WESTERN REGION

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

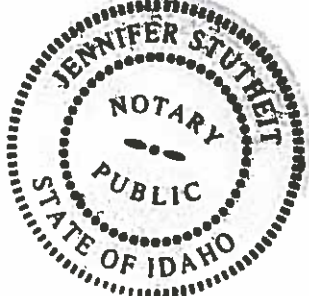
APRIL 5, 12, 2017

SIGNED: Robert E. Aman

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 14 day of April in the year of 2017 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2021

THE FOLLOWING APPLICATIONS HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO:

51-7368, ACE BLACK RANCHES, 28892 HOT SPRINGS RD, BRUNEAU ID 83604

Point of Diversion L3(NWSW) S30 T06S R06E OWYHEE County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.08 CFS

Use: STOCKWATER 01/01 to 12/31 0.12 CFS

Total Diversion: 0.2 CFS

Date Filed: 8/23/1999

Places of Use: STOCKWATER, DOMESTIC

T06S R06E S30 L3(NWSW) L4(SWSW)

51-13118, US DEPT OF INTERIOR, BUREAU OF LAND MANAGEMENT, 3948 DEVELOPMENT AVE BOISE, ID 83705

Point of Diversion SWNESE S32 T14S R04E OWYHEE County Source OTTER CREEK Tributary MARYS CREEK

Use: WILDLIFE STORAGE 01/01 to 12/31 18.2 AF

Total Diversion: 18.2 AF

Date Filed: 5/4/2016

Place of Use: WILDLIFE STORAGE

T14S R04E S32 NESE SESE

This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use

proposed in this application will benefit from the subordination provision because it is for de minimis stockwater and wildlife purposes.

GARY SPACKMAN, Director

4/18/2017

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

TRANSFER NO. 80776
MICHAEL B IHLI and
LINDA MIHLI, 625 S SCHOOL
AVE, KUNA, ID 83634; has
filed Application No. 80776
for changes to the following
water rights within OWYHEE
County(s): Right No(s). 2-10420.
The purpose of this transfer is to
change the point of diversion by
constructing a new system and
placing it at a new location. The
applicant also proposes to create
a 208 acre permissible place of
use to rotate 49 acres of irrigation.
The changes will be made to
Snake River surface water right
2-10420 and will affect 1.24 cfs.
The proposal is located south
of the Snake River and north of
Murphy Grandview Rd; between
Weese Rd and Robinson Rd in
Bellevue Idaho.

GARY SPACKMAN, Director
4/5.12/2017

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

TRANSFER NO. 81499
MURPHY LAND CO, PO
BOX 3110, PASCO, WA 99302;
has filed Application No. 81499
for changes to the following
water rights within OWYHEE
County(s): Right No(s). 2-2129,
2-2130, 2-2406, 2-7020, 2-7021,
2-7025, 2-7033, 2-7034, 2-7036,
2-7037, 2-7038, 2-7127, 2-7350.
The transfer proposes to create a
3,335 acre POU within a 3,668
acre PPU for 13 Snake River
water rights within the trust
water boundary. Changes to
diversions or delivery methods
are not proposed. The farm is
located on the inside banks of C.
J. Strike Reservoir, approximately
7 miles south of the Mountain
Home Air Force Base.

Permits will be subject to all
prior water rights. For additional
information concerning the
property location, contact Western
Region office at 208-334-2190;
or for a full description of the
right(s) or proposed transfer (s)
please see www.idwr.idaho.gov.
Protests may be submitted based
on the criteria of Idaho Code
§§ 42-203A and 42-222. Any
protest against the approval of
the application(s) must be filed
with the Director, Dept. of Water
Resources, Western Region, 2735
Airport Way, Boise, ID 83705
together with a protest fee of
\$25.00 for each application on or
before 4/24/2017. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director