

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81364**

This is to certify that: **ASFAR A SHAKOORI
GREGORY DECRESCENZO
MIRAZIM SHAKOORI
SHADI SHAKOORI
4313 MANSFIELD DR
DANVILLE, CA 94506**

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>
61-7316	WR/LICENSE	5/9/1977	4.220 cfs	N/A	N/A	330.0	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>
61-7316	NO	NO	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>
61-7316	61-7316	4.220 cfs	N/A	330.0	383.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.220 cfs	N/A	330.0	383.0		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 1st day of May, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7316
As Modified by Transfer No. 81364

In accordance with the approval of Transfer No. 81364, Water Right No. 61-7316 is now described as follows:

Right Holder: MIRAZIM SHAKOORI AND/OR
 ASFAR A SHAKOORI AND/OR
 GREGORY DECRESCENZO AND/OR
 SHADI SHAKOORI
 4313 MANSFIELD DR
 DANVILLE, CA 94506

Priority Date: 5/9/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>		<u>To</u>		<u>Diversion Rate</u>
IRRIGATION	4/01		to	10/31	4 220 cfs
					4 220 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 8 Twp 04S Rge 07E ELMORE 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	07E	5											19.0						19.0
04S	07E	7			4.0	37.0									16.0			3.0	60.0
04S	07E	8					25.0	40.0	25.0	36.0	40.0	26.0	37.0	40.0			35.0		304.0

Right Acre Limit: 330.0

POU Total Acres: 383.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 330 acres within the authorized place of use in a single irrigation season.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and 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 before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
3. 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 1320 af at the field headgate for the place of use.

Transfer No. 81364

WATER RIGHT NO. 61-7316

As Modified by Transfer No. 81364

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. 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. 161.
8. Prior to the diversion and use of water under Transfer approval 81364, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
10. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
11. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. This right does not grant any right-of-way or easement across the land of another.

Water Right(s): 61-7316

This is an aerial photograph overlaid with a 10x10 grid. Each grid cell is labeled with a four-letter directional code (e.g., NENE, SWSW, NWSE). A specific area in the lower-left quadrant is highlighted with a red border and labeled '04S07E' in red text. A small blue circle with the number '1' is located within this highlighted area. The map shows various terrain features, including roads, fields, and some buildings. The grid lines are yellow, and the directional labels are in yellow text.

A horizontal number line representing distance in miles. It starts at 0 on the left and ends at 0.8 Miles on the right. There are major tick marks labeled 0, 0.2, 0.4, and 0.8 Miles. Between each of these major tick marks, there are four smaller, unlabeled tick marks, dividing each 0.2-mile segment into five 0.04-mile segments.

-  Point of Diversion
-  Permissible Place of Use
-  Township/Range
-  Sections
-  QQ



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81364

RECEIVED
DEC 22 2016
WATER RESOURCES
WESTERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Mirazim Shakoori, Asfar A. Shakoori, Shadi Shakoori, and Gregory Decrescenzo

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 22 2016
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Mirazim, Asfar A., and Shadi Shakoori; Gregory Decrescenzo Phone 510-432-5566

Mailing address 4313 Mansfield Dr., Danville, CA 94506 Email mirazimshakoori@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officer authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

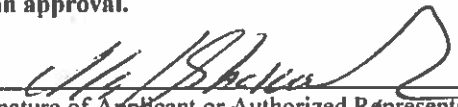
☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140

Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

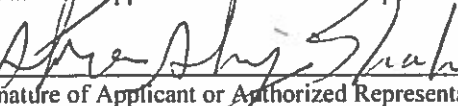
- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Mirazim Shakoori
Print Name and Title if applicable

12/14/2016
Date


Signature of Applicant or Authorized Representative

Asfar Aliasgari-Shakoori
Print Name and Title if applicable

12/14/16
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

The purpose of the transfer application is to allow a permissible place of use for irrigation flexibility. Also, the transfer application will allow the Department to correct it's GIS shape files to show all irrigation on the east side of Old Highway 30 and the actual well location as documented in the licensing exam.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Mirazim, Asfar A., and Shadi Shakoori; Gregory Decrescenzo Phone 510-432-5568
Mailing address 4313 Mansfield Dr., Danville, CA 94506 Email mirazimshakoori@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Shadi Shakoori
Signature of Applicant or Authorized Representative

Shadi Shakoori
Print Name and Title if applicable

12-9-16
Date

Gregory Decrescenzo
Signature of Applicant or Authorized Representative

Gregory Decrescenzo
Print Name and Title if applicable

12-9-16
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.

The purpose of the transfer application is to allow a permissible place of use for irrigation flexibility. Also, the transfer application will allow the Department to correct it's GIS shape files to show all irrigation on the east side of Old Highway 30 and the actual well location as documented in the licensing exam.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	61-7316	4.22 cfs	Irrigation	4/1 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.22 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 4.22 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
n			NE	SW	8	4S	7E	Elmore	Ground Water	61-91-Z-011

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	7E	5											19						19
		7			4	37								16			3		60
		8					25	40	25	36	40	26	37	40			35		304
Total Acres (for irrigation use)																			*383

*330 acres irrigation within a 383-acre permissible place of use (ppu)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well, pump, pressurized irrigation.

A measuring device and lockable controlling works will be installed as required by IDWR.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
n/a

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Surface water from Mountain Home Irrigation District

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 61-7316

Current Owner: MIRAZIM SHAKOORI
ASFAR A SHAKOORI
GREGORY DECRESCENZO
SHADI SHAKOORI

Priority Date: 5/9/1977

Origin: Water Right

Status: Active

Basis:	License
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Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

4/01 to 10/31

4.22 CFS

Total Diversion

4.22 CFS

Location of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4

Sec. 8, Twp 04S, Rge 07E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R07E S7	SWNE	5.00	T04S R07E S7	SENE	36.00
T04S R07E S7	NESE	22.00	T04S R07E S7	SESE	4.00
T04S R07E S8	NENW	24.00	T04S R07E S8	NWNW	39.00
T04S R07E S8	SWNW	26.00	T04S R07E S8	SENW	37.00
T04S R07E S8	NESW	40.00	T04S R07E S8	NWSW	23.00
T04S R07E S8	SWSW	35.00	T04S R07E S8	SESW	39.00

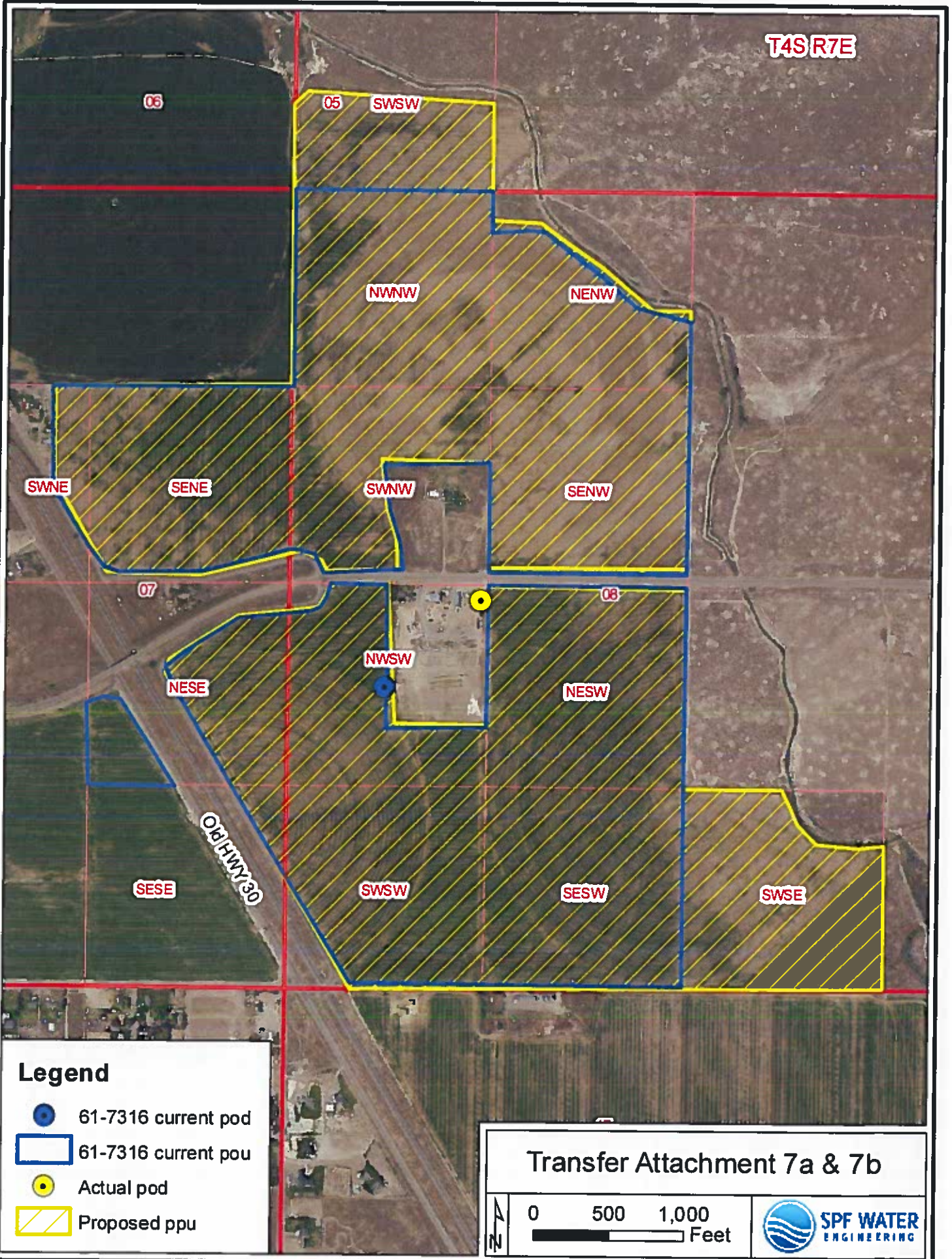
Total Acres: 330

Conditions of Approval:

1. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 1320 af for the lands above.
3. SF2 This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
4. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

Licensed Date: 7/31/1995

T4S R7E





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 1, 2017

MIRAZIM SHAKOORI
ASFAR A SHAKOORI
GREGORY DECRESCENZO
SHADI SHAKOORI
4313 MANSFIELD DR
DANVILLE CA 94506

Re: Transfer No. 81364
Water Right No. 61-7316

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink, appearing to be 'Nick Miller', with a stylized flourish at the end.

Nick Miller
Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
WATERMASTER OF DISTRICT 161

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 81364
Water Right No(s): 61-7316**

**MIRAZIM SHAKOORI
ASFAR A SHAKOORI
GREGORY DECRESCENZO
SHADI SHAKOORI
4313 MANSFIELD DR
DANVILLE CA 94506**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

**NICK MILLER
WATERMASTER OF DISTRICT 161**



**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. 81364 File
FROM: Cody Parker
DATE: February 9, 2017
RE: Evaluation of Sufficiency of Information

The purpose of this transfer is to define a 383-acre permissible place of use, of which, 330 acres will be irrigated. The application also indicates that this transfer will provide an opportunity for the Department to correct the POD shapefile associated with the water right (61-7316). There is no physical change to the point of diversion. Water will be used directly east of the Old U.S. 30 along the Old Oregon Trail Road, approximately 3.5 miles southeast of Mountain Home, Idaho.

Summary of Information Submitted

Authority to File: Right no. 61-7316 is a licensed right with a priority date of 05/09/1977. The right was granted to Vernal Hawkes, and was previously owned by Randall Durham. The application for transfer was submitted by Mirazim, Asfar, and Shadi Shakoori, and Gregory Decrescenzo. These four acquired ownership of 61-7316 through a change in ownership in 2004. The proposed permissible place of use is on land owned by Elmore Development LLC. Mirazim Shakoori is the current registered agent and manager for this entity which would authorize her to include this land within the permissible place of use.

Overlap Analysis: Right no. 61-7316 is a supplemental right to be used for irrigation of 330 acres within a 383-acre PPU. The primary water used for irrigation is surface water delivered by Mountain Home Irrigation District. There is no other overlap with the place of use. There are only three other points of diversion within Section 8. None of these three are groundwater diversions, so no POD overlap is found. There is a separate well under the same owner name within the QQ. This other well provides water for domestic and stockwater use according to the well driller's report. So the well used for irrigation under right 61-7316 does not provide water for any uses other than irrigation.

Water Right Validity: This application for transfer includes right no. 61-7316, a supplemental irrigation right for irrigation of 330 acres. The primary water source is surface water provided by the Mountain Home Irrigation District. Aerial imagery dating back to 2011 indicates that all 380 acres of the permissible place of use have been irrigated. The right in question is a supplemental right so it is not possible to tell if the supplemental groundwater has been used during the previous, consecutive 5-year period. However, because the land has been irrigated either 1) the right was used to supplement surface water for irrigation of these acres, or 2) the surface water was sufficient for irrigating, thus the supplemental right was not needed. Either way, the right has been used in compliance with the conditions listed on the license and no forfeiture risk is found.

Injury to Other Water Rights: none anticipated. The only proposed change to the right is to establish a permissible place of use for flexibility to allow the right owner to supplement surface water irrigation as needed. Changing which acres are irrigated under this right will not have any effect on other users.

Enlargement of Use: none anticipated. The right will retain a 330-acre limit, the original diversion rate, and conditions limiting this right to use only when surface water shares are not sufficient. Condition X61 will be added through this transfer to extend the irrigation season of this right (per Admin Transfer Memo no. 16), which would seem to constitute an enlargement, as the supplemental groundwater will likely be more heavily relied upon during the extended season. However, the extended part of the season is “subordinated to all water rights having no subordinated early or late irrigation use and a priority date earlier than [the date of this transfer approval].” Therefore, the enlarged portion of the right is guaranteed not to injure the existing water users. See the discussion below for more on this.

Local Public Interest: The proposed change to the water right simply allows the owner flexibility when deciding which acres to supplement with groundwater for irrigation when surface water is scarce. Changing the acres of application is not contrary to the local public interest. The public’s interest in allowing supplemental use of groundwater for irrigation, in general, is confirmed by the approval of the original right.

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

There is one small error on the application form concerning the location of the POD. The application lists the POD in the NESW QQ. However, the map submitted with the application, along with the water right license and the well log, shows the well location in the NWSW QQ. The applicant does not intend to change the POD in the transfer, they provided the location of the well on the map so the Department could update the shapefile in its database. I have made this correction without an amendment in the data entry in workflow. I have also correlated the well to the transfer POD location, and changed the location of the water right POD in AdHoc.

My initial thought concerning condition X61 was that, with no annual volume limit for this right, an extension of the season would enlarge the right. The subordination to other rights described in the condition’s wording, suggested to me that the extended part of the season was being treated as a new appropriation with a priority date corresponding to the date of transfer approval. However, for a new appropriation to be approved it should be available for public comment and protest, and should therefore be advertised. Shelly Keen clarified that the extended season should not necessarily be seen as a new appropriation, but instead an allowable enlargement which

increases the likelihood that the owner can make full beneficial use of the volume authorized on the license. This enlargement is allowable because the subordination ensures that there is no injury to existing water users. The only volume for the right in this transfer is the combined use volume limiting supplemental *and* primary water uses when used together. Regardless, the enlargement remains justified by Shelly's explanation. The transfer application does not necessarily need to be advertised.

I removed conditions R56 and R57. R56 is listed as inactive, and its suggested replacement 052, is also inactive and has been considered unnecessary, according to the Approval Condition Search description. R57 retains the Director's ability to change add or remove any requirement as determined appropriate, and is also inactive.

I have updated the existing supplemental use and combined use conditions with the more current conditions 065, WB7, and 105. These conditions continue to limit the right to supplemental use. When combined with the surface rights, the owner may not divert more than 0.02 cfs/acre or exceed 1320 afa.

I have added condition X27 to limit the use of this right to supplemental irrigation of 330 acres within the 383-acre PPU. This condition prevents enlargement of the right by establishing the acre limit from the original right. I have also added 214, in accordance with the watermaster recommendation, which requires the user to install a measuring device on the well before diverting water for irrigation use, and seems to be standard for transfers in water districts that regulate groundwater. When combined, these conditions restrict the user to the 330 acres of irrigation and ensure that they do not exceed this limit. Therefore, I have considered condition 206 unnecessary in this case.

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # 161 - Mtn Home Area

Application # 81364

Applicant Name Shakoori and Decrescenzo

Watermaster Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
Measuring devices on points of diversion.

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional comments:

Dated this 9th day of February, 2017



Watermaster Signature

Nick Miller

Printed Name

MEMORANDUM

Date: December 23, 2016
To: Transfer 81364
From: Angie Grimm
Re: Legal Notice Not Required

Legal Notice Not Required
12/23/2016

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.



SPF WATER
ENGINEERING

December 19, 2016

RECEIVED
DEC 22 2016
WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Angie,

Enclosed on behalf of the Mirazim Shakoori, Asfar A. Shakoori, Shadi Shakoori and Gregory Decrescenzo, is an *Application for Transfer* concerning supplemental ground water right 61-7316.

Check No. 1243 for \$820 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Mirazim Shakoori

Enclosures

SPF file number: 1318.0010