

RECEIVED

MAR 23 2016

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80776

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) MIKE AND LINDA EHLI

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 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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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) MIKE and LINDA IHLI Phone 208-867-5736
Mailing address 625 S. School Ave., Kuwa, Id. 83634 Email mikeihli@gmail.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 _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

Mike Ihli
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

03-08-2016
Date

Linda Ihli
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

3/8/16
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**.

SEE ATTACHED

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 ☒ ☐	2-10420	1.240 cfs	irrigation	03/01 to 10/31	Snake River/Columbia
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.240 cfs and/or 220.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.240 cubic feet per second and/or 220.5 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 #
X		NE	NE	SE	35	3S	1E	Owyhee	Snake River	

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	1E	1			21											6			27
4S	1E	12	24		18	26										4	18	12	102
4S	1E	13	4	8															12
4S	2E	7											19						19
4S	2E	18						18	30										48
Total Acres (for irrigation use)																			208

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:

will consist of a Turbine pump placed in a sump, drawing water from The Snake River and moving water through a 12" buried pipeline to point of use. Flow meter upstream from pump, and lockable switch

- b. Who owns the property at the point(s) of diversion? S-V Rancher, LLC

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

Written, contractual agreement permitting use

- 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: NA

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:

No change. Will continue to be irrigated under rotation system - but may only be irrigated every 2-3 years.

- 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:

CASTLE CREEK right 57-11710

- 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:

Final decree in 2009. Not used, Then placed in water bank in 2013

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

80776

Page _____ of _____

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

Current Water Right No.: 2-10420

Current Owner: MICHAEL B IHLI
LINDA M IHLI

Priority Date: 7/30/1969

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 10/31

Total Diversion

Diversion Rate

1.24 CFS

1.24 CFS

Annual Volume

Location of Point(s) of Diversion

SNAKE RIVER

OWYHEE County

L7(SW1/4SW1/4)

Sec. 26, Twp 03S, Rge 01E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S1	SWNE	12.00	T04S R01E S12	NENE	24.00
T04S R01E S12	SENE	2.00	T04S R01E S12	SESE	11.00

Total Acres: 49

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. X61 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 early or late irrigation use and a priority date earlier than 6/8/2009.
3. F06 Rights 2-10420, 2-10395 and 2-10398 are diverted through point of diversion described above.
4. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. R05 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.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. R43 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).
8. 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.

Decreed Date: 6/8/2009

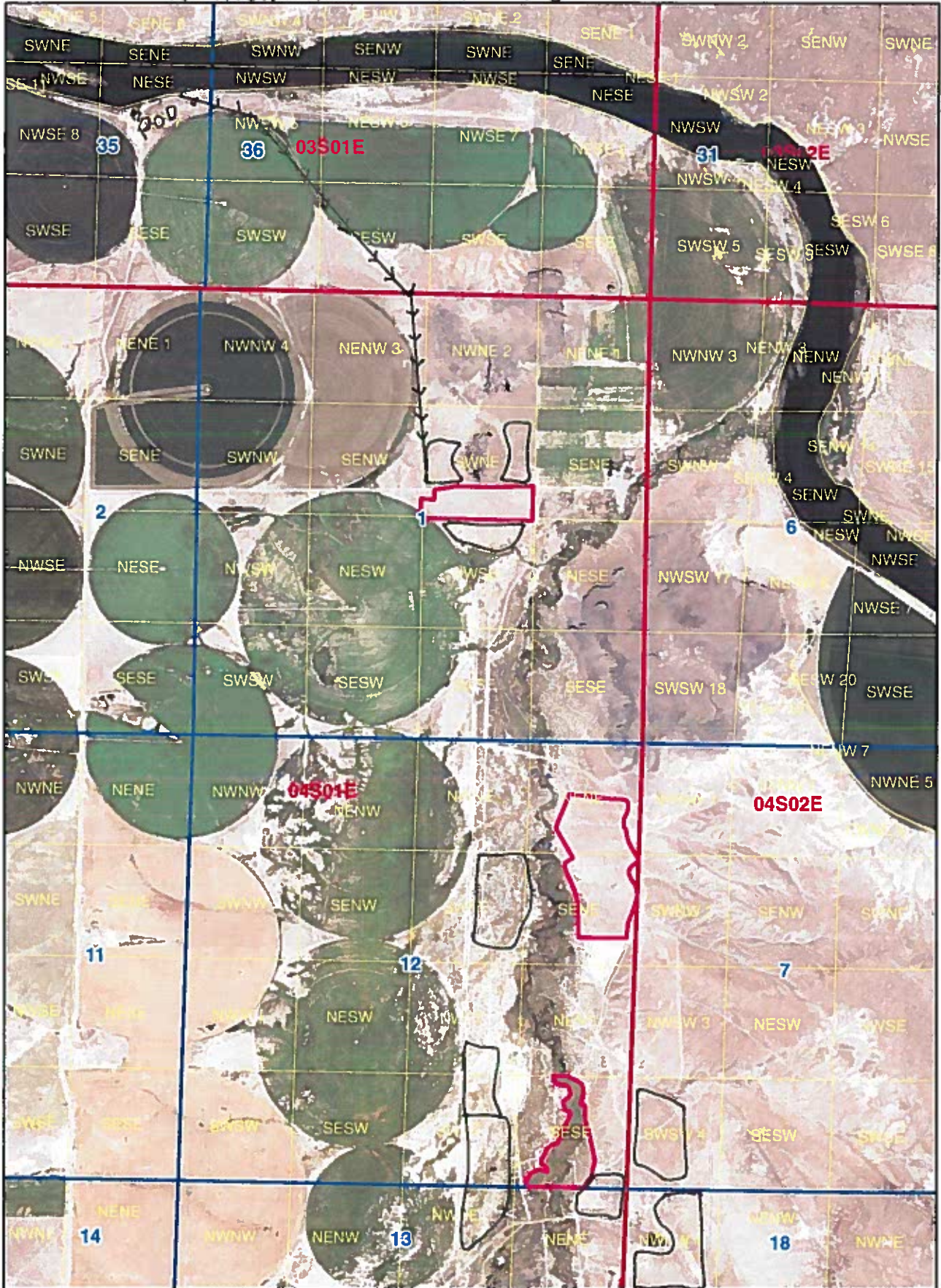
Attachment Part 1A.2.

I propose to move the Point of Diversion on the Snake River for my existing water right for two reasons: (1) The new point of diversion will be closer to the place where the water is to be used and will be a more direct and efficient way of transporting the water, as it will be through a pipeline, rather than through a series of canals and re-lift pump stations, and (2) the existing Point of Diversion is unusable, as most of the transmission canals and pipelines from the POD have been destroyed.

At one time, the existing POD was shared with the owners of other water rights. Those owners moved the POD for their water rights upstream to a new POD, and then destroyed much of the infrastructure associated with the existing POD, which left me with no way to use the existing POD. A negotiated settlement to mitigate their actions required them to construct a pipeline from the site of the POD proposed under this application to my property where the water is to be used. Their new POD is the only POD between my existing POD and my proposed POD, and they have contractually agreed not to protest this application.

In addition, I propose to create a permitted place of use for the existing water right. Due to the nature of the soils on my property, and the type of crops that I am able to grow, it will make a much more beneficial and economic unit to be able to rotate the irrigation through several different parcels of land that are not currently under this right, but that are under my ownership.

ATTACHMENT 7a-7b



RED = CURRENT POV

RED + BLACK = PROPOSED POV

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80776

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
2-10420	12-31-2016	1.24	220.5	49	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ 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](#).

Additional Information:

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

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~~X~~ = 49 1060 ACRES
for USB.

Q77710



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 30, 2017

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

RE: Transfer No. 80776
Water Right No(s). 2-10420

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 4/5/2017 and 4/12/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 30, 2017 1:13 PM
To: Whitney, Rob
Subject: Applications for Transfer Nos. 81499, 80776, Application of Extension of Time to Avoid Forfeiture of Water Right No. 2-10525
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer No. 80776.pdf; Application for Extension of Time to Avoid Forfeiture of a Water Right No. 2-10525.pdf; Application for Transfer No. 81499.pdf

March 30, 2017

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Applications for Transfer Nos. 81499, 80776, Application of Extension of Time to Avoid Forfeiture of Water Right No. 2-10525

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by April 24, 2017.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 30, 2017 9:46 AM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 4/5/2017 & 4/12/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

March 30, 2017

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Permit No. 51-7368
 Application for Permit No. 51-13118
 Application for Transfer No. 80776
 Application for Transfer No. 81499

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/24/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80776

MICHAEL B IHLE and LINDA M IHLE, 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.

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

Published on 4/5/2017 and 4/12/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 30, 2017 1:13 PM
To: Whitney, Rob
Subject: Applications for Transfer Nos. 81499, 80776, Application of Extension of Time to Avoid Forfeiture of Water Right No. 2-10525
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer No. 80776.pdf; Application for Extension of Time to Avoid Forfeiture of a Water Right No. 2-10525.pdf; Application for Transfer No. 81499.pdf

March 30, 2017

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Applications for Transfer Nos. 81499, 80776, Application of Extension of Time to Avoid Forfeiture of Water Right No. 2-10525

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by April 24, 2017.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 80776
FROM: Rachel Sommer
DATE: March 10, 2017
RE: Evaluation of Application

Summary of Application Proposal

The following proposal is to be met following a transfer approval in the name of Mike Ihli. 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.

Location of Application Proposal

The proposal is located south of the Snake River and north of Murphy Grandview Rd; between Weese Rd and Robinson Rd in Bellevue Idaho.

Summary of Information Submitted

Authority to File:

The property and water rights reflect ownership of Mike Ihli.

Water Right Validity:

The right(s) within this transfer were decreed in the SRBA as follows:

2-10420 was decreed on 6/8/2009.

Rights(s) presumed valid:

Right 2-10420 was decreed in 2009, it was then placed in the water supply bank in 2013 and released in 2016. The right holder has the year 2017 to resume beneficial use.

Injury to Other Water Rights:

No injury to other water rights should occur through this transfer as long as the right holder abides by the amount of water for the right in this transfer.

Enlargement of Use:

No enlargement should occur under the proposed transfer application. The applicant is proposing a new diversion works system within the same authorized quarter-quarter and will no longer use the original point of diversion for right 2-10420. The applicants request to irrigate 49 acres in a 208 permissible place of use will aid in maximizing the use of irrigation. Combined use limitations will be added to the associated right (57-11710) in this transfer to ensure no enlargements should occur.

Overlapping POU/POD:

POU overlap – Castle Creek irrigation right 57-11710 overlaps with the Snake River right in this transfer (2-10420); analysis attached. 57-11710 and 2-10420 have historically and individually irrigated 11 separate acres in the SESE of Sec 12, 4S, 1E. Combined use limitations will be added to address the overlap. There is no other POU overlap.

POD overlap – None.

Local Public Interest:

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

Beneficial Use/Conservation of Water Resources:

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

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

OVERLAP REVIEW FOR TRANSFER 80776

RIGHT	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	ACRES
04501E1																				
2-10235	AGRICAP FINANCIAL CORP; HULET, JAY H; SV RA SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-10244	AGRICAP FINANCIAL CORP; SV RANCH LLC; YANI SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-10396	AGRICAP FINANCIAL CORP; CONNECTICUT GENE SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-10420	CONNECTICUT GENERAL LIFE INSURANCE CO; IHSNAKE RIVER IRR					12														12
2-10469	AGRICAP FINANCIAL CORP; HULET, JAY H; SV RA SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-2100B	IDAHO SOIL & WATER CONSERVATION COMMS SNAKE RIVER IRR		9																	9
2-2173	AGRICAP FINANCIAL CORP; NANNEY JR, IVAN E; SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-2357A	AGRICAP FINANCIAL CORP; LEMON, DUANE; SV SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-2357B	MERRICK, ARTHUR J; SV RANCH LLC SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-7046E	AGRICAP FINANCIAL CORP; NANNEY JR, IVAN E; SNAKE RIVER IRR							40	40	40	40	40	40	40	40		19	19		358
2-7261	NETTLETON, NICK S SNAKE RIVER IRR		24																	53
57-11666	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR							40	40	40	40	40	40	40	40		19	19		358
57-11667	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR							40	40	40	40	40	40	40	40		19	19		358
57-11709	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR							40	40	40	40	40	40	40	40		19	19		358
57-11710	CASTLE BUTTE INC; HFM CASTLEVIEW LLC; IHLI, CASTLE CREE IRR					10														10
57-139	BROWN, GEORGE F; CLARK, HARMON; NETTLETON, CASTLE CREE IRR		33					29												62
57-142	BROWN, GEORGE F; NETTLETON, NICK CASTLE CREE IRR		33					29												62
57-144	BROWN, GEORGE F; NETTLETON, NICK CASTLE CREE IRR		33					29												62
57-150	MORGAN, J M; NETTLETON, NICK CASTLE CREE IRR		33					29												62
57-154	BROWN, GEORGE; CLARK, HARMON; NETTLETON, CASTLE CREE IRR		33					29												62
57-156	BROWN, GEORGE F; NETTLETON, NICK CASTLE CREE IRR		33					29												62
57-159	MORGAN, J M; NETTLETON, NICK CASTLE CREE IRR		33					29												62
57-164	BROWN, GEORGE F; NETTLETON, JAMES W; NET CASTLE CREE IRR		33					29												62
57-234	NETTLETON, NICK; WES JR, JAMES L CASTLE CREE IRR		33					29												62
57-235	SV RANCH LLC; TORRENCE, MINA B CASTLE CREE IRR							40	40	40	40	40	40	40	40		19	19		358
57-7034A	MC DOWELL, HARLEY M; SV RANCH LLC CASTLE CREE IRR							40	40	40	40	40	40	40	40		19	19		358
57-90	MORGAN, J M; NETTLETON, NICK CASTLE CREE IRR		33					29												62
TOTAL OVERLAP						12														17

RIGHT	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	ACRES	
2-10235	AGRICAP FINANCIAL CORP; HULET, JAY H; SV RA SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
2-10244	AGRICAP FINANCIAL CORP; SV RANCH LLC; YANI SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
2-10396	AGRICAP FINANCIAL CORP; CONNECTICUT GENE SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
2-10420	CONNECTICUT GENERAL LIFE INSURANCE CO; IHSNAKE RIVER IRR		24		19	19		2						40	40	40		20	20		398
2-10469	AGRICAP FINANCIAL CORP; HULET, JAY H; SV RA SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
2-2173	AGRICAP FINANCIAL CORP; NANNEY JR, IVAN E; SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
2-2357A	AGRICAP FINANCIAL CORP; LEMON, DUANE; SV SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
2-2357B	MERRICK, ARTHUR J; SV RANCH LLC SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
2-7046E	AGRICAP FINANCIAL CORP; NANNEY JR, IVAN E; SNAKE RIVER IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
57-11666	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
57-11667	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
57-11709	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
57-11710	CASTLE BUTTE INC; HFM CASTLEVIEW LLC; IHLI, CASTLE CREE IRR		13				15												11	39	
57-235	SV RANCH LLC; TORRENCE, MINA B CASTLE CREE IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
57-7034A	MC DOWELL, HARLEY M; SV RANCH LLC CASTLE CREE IRR				19	19		40	40	40	40	40	40	40	40		20	20		398	
TOTAL OVERLAP				24			15							40	40	40		20	20	22	61

RIGHT	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	ACRES
04501E3																				
2-10235	AGRICAP FINANCIAL CORP; HULET, JAY H; SV RA SNAKE RIVER IRR			21				40	40	40			40	40						221
2-10244	AGRICAP FINANCIAL CORP; SV RANCH LLC; YANI SNAKE RIVER IRR			21				40	40	40			40	40						221
2-10396	AGRICAP FINANCIAL CORP; CONNECTICUT GENE SNAKE RIVER IRR			21				40	40	40			40	40						221
2-10469	AGRICAP FINANCIAL CORP; HULET, JAY H; SV RA SNAKE RIVER IRR			21				40	40	40			40	40						221
2-2173	AGRICAP FINANCIAL CORP; NANNEY JR, IVAN E; SNAKE RIVER IRR			21				40	40	40			40	40						221
2-2357A	AGRICAP FINANCIAL CORP; LEMON, DUANE; SV SNAKE RIVER IRR			21				40	40	40			40	40						221
2-2357B	MERRICK, ARTHUR J; SV RANCH LLC SNAKE RIVER IRR			21				40	40	40			40	40						221
2-7046E	AGRICAP FINANCIAL CORP; NANNEY JR, IVAN E; SNAKE RIVER IRR			21				40	40	40			40	40						221
57-11666	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR			21				40	40	40			40	40						221
57-11667	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR			21				40	40	40			40	40						221
57-11709	CASTLE BUTTE INC; MC DOWELL, HARLEY M; SV CASTLE CREE IRR			21				40	40	40			40	40						221
57-11710	CASTLE BUTTE INC; HFM CASTLEVIEW LLC; IHLI, CASTLE CREE IRR		11																	11
57-235	SV RANCH LLC; TORRENCE, MINA B CASTLE CREE IRR			21				40	40	40			40	40						221
57-236	HENDERSON, THOMAS D; NICHOLSON, DIANA R CASTLE CREE IRR														11		4	11		26
57-7034A	MC DOWELL, HARLEY M; SV RANCH LLC CASTLE CREE IRR			21				40	40	40			40	40						221
TOTAL OVERLAP				11																11

ALL TOTAL OVERLAP			84
COMBINED USE LIMITS			
	CFS	AF	ACRES
2-10420	1.24	X	49
57-11710	1.16	X	60
	2.4	X	109
			84