

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80896

This is to certify that: **IVAN L SHETLER AND**
JANIS SHETLER
6944 SW SHETLER DR
MOUNTAIN HOME, ID 83647

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>
2-10518	WR/DECREED	9/2/1956	1.62 cfs	N/A	N/A	80.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10518	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>
2-10518	2-10518	1.620 cfs	N/A	N/A	80.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.620 cfs	N/A	N/A	80.0		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 30th day of March, 2017.


Chief, Water Allocation Bureau

WATER RIGHT NO. 2-10518

As Modified by Transfer No. 80896

In accordance with the approval of Transfer No. 80896, Water Right No. 2-10518 is now described as follows:

Right Holder: IVAN L SHETLER
JANIS SHETLER
6944 SW SHETLER DR
MOUNTAIN HOME, ID 83647

Priority Date: 9/2/1956

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to 11/01

To

Diversion Rate

1.620 cfs

1.620 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENE

Sec 30 Twp 05S Rge 06E 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	
05S	06E	29											9.0						9.0
05S	06E	30				11.5									24.0			24.0	59.5
05S	06E	31	11.5																11.5

POU Total Acres: 80.0

CONDITIONS OF APPROVAL

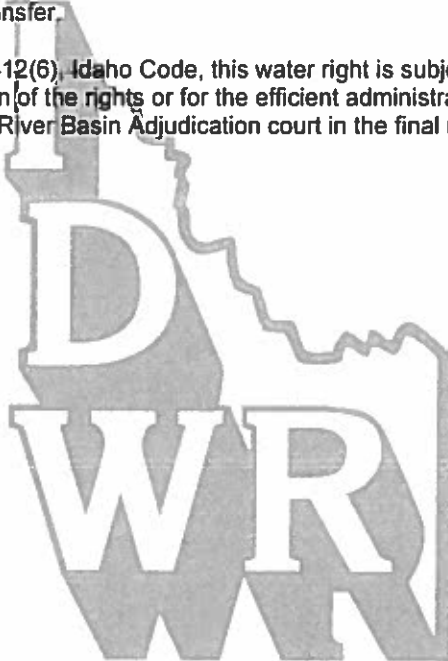
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2009.
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. 02.

Transfer No. 80896

WATER RIGHT NO. 2-10518
As Modified by Transfer No. 80896

CONDITIONS OF APPROVAL

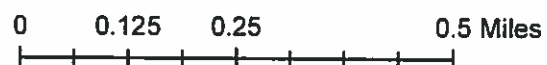
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



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.

Legend

-  Transfer POD
 2-10518 After Shetler Xfer
 Township/Range
 Sections
 QQ





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

March 30, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

IVAN L SHETLER
JANIS SHETLER
6944 SW SHETLER DR
MOUNTAIN HOME ID 83647

Re: Transfer No: 80896
Water Right No(s): 2-10518

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,

 *Nick Miller*

Nick Miller
Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
WATERMASTER OF DISTRICT 2

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80896
Water Right No(s): 2-10518**

**IVAN L SHETLER
JANIS SHETLER
6944 SW SHETLER DR
MOUNTAIN HOME ID 83647**

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

**ROB WHITNEY
WATERMASTER OF DISTRICT 2
IDWR STATE OFFICE**



**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.

The following applications have been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 80896**

IVAN L SHETLER and JANIS SHETLER, 6944 SW SHETLER DR, MOUNTAIN HOME, ID 83647; has filed Application No. 80896 for changes to the following water rights within ELMORE County(s): Right No(s). 2-10518; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The transfer proposes to change the location of 9 acres of water right no. 2-10518 from land owned by Idaho Power Company to land owned by the applicants. This action will make the acres and place of use described by the water right more accurately reflect the irrigation practices taking place on the property. The site is in Elmore county approximately 20 kilometers southwest from Mountain Home, Idaho on the north bank of the CJ Strike Reservoir.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 80893**

NEVA ANN HAMILTON, 51381 HWY 78, HAMMETT, ID 83627; has filed Application No. 80893 for changes to the following water rights within ELMORE County(s): Right No(s). 2-10518; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The transfer proposes to split that portion of water right no. 2-10518 that is appurtenant to land now owned by Neva Ann Hamilton (the applicant) and to move 11 acres from land owned by Idaho Power Company to increase the total acres and diversion rate at the proposed place of use. The proposed place of use is located in Elmore County approximately 20 kilometers southwest from Mountain Home, Idaho on the north bank of the CJ Strike Reservoir.

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/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(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 2/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
First Publication: January 18, 2017
Second Publication: January 25, 2017

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 18th day of Jan, 2017, and the last publication having been made on the 25th day of Jan, 2017; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M Fincher

Publisher

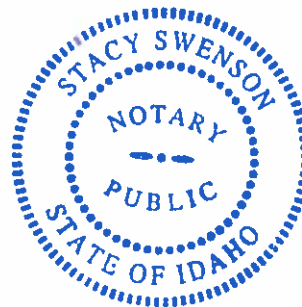
Subscribed and sworn to me this 27th day of Jan, 2017.

[Signature]

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.



RECEIVED
JAN 31 2017
WATER RESOURCES
WESTERN REGION

RECEIVED
JAN 17 2017
WATER RESOURCES
WESTERN REGION

State of Idaho
Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # WD02
Application # Transfer Application Nos. 80893 & 80896
Applicant Name Hamilton and Shetler via IPCO

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

Dated this 13th day of January, 2016

Watermaster Signature

RB Whitney

Printed Name

November 21, 2016

Phill Hummer
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JAN 09 2017

WATER RESOURCES
WESTERN REGION

Dear Mr. Hummer,

Please accept this letter as an acknowledgment that I approve of transfer application #80896 filed by Ivan and Janis Shetler.

Please add this correspondence to the transfer file.

Thank you,


Janis Shetler