

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81015**

This is to certify that: **SHAWN TOMLINSON
SHEENA TOMLINSON
12335 S CARRIAGE HILL WAY
NAMPA, ID 83686-5764**

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>
63-34162	WR/DECREED	6/21/1966	0.090 cfs	30.9 af	N/A	6.8	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>
63-34162	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-34162	63-34162	0.090 cfs	30.6 af	N/A	6.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.090 cfs	30.6 af	N/A	6.8		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 24th day of March, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34162**As Modified by Transfer No. 81015**

In accordance with the approval of Transfer No. 81015, Water Right No. 63-34162 is now described as follows:

Right Holder: SHAWN TOMLINSON
SHEENA TOMLINSON
12335 S CARRIAGE HILL WAY
NAMPA, ID 83686-5764

Priority Date: 6/21/1966

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

0.090 cfs

0.090 cfs

Diversion Volume

30.6 af

30.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENE

Sec 7 Twp 03N Rge 03W CANYON 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	
03N	03W	7				6.8													6.8

POU Total Acres:

6.8

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/06/09.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 81015

WATER RIGHT NO. 63-34162
As Modified by Transfer No. 81015

CONDITIONS OF APPROVAL

6. 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. 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.



State of Idaho
Department of Water Resources

Attachment to Transfer No. 81015

Water Right No. 63-34162

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
-  Transfer POU
-  Township/Range
-  Sections
-  QQ

0 0.035 0.07 0.14 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

RECEIVED
JUN 23 2016
WATER RESOURCES
SOUTHERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Shawn and Sheena Tomlinson Phone 208-850-5363

2. **MAILING ADDRESS** 1218 Autumn Wind City Nampa

State ID Zip 83687 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-34162

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.09 cubic feet per second and/or 31.1 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
x		SE	NE		7	3N	3W	Canyon	Well	0007854

6. GENERAL INFORMATION

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

Water to be pumped from well and distributed via gated pipe system.

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

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

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

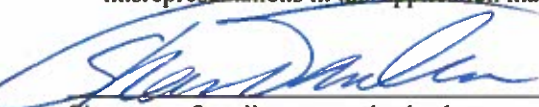
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Shawn Tomlinson
Print name and title if applicable

6/23/16
Date


Signature of applicant or authorized agent

Sheena Tomlinson
Print name and title if applicable

6/23/16
Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 25 pages of attachments.

Received by 

Date 6/23/16

Fee paid \$200.00 Date 6/23/16

Received by 

Receipt # W044337 & W044338

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/31/2016

WATER RIGHT NO. 63-34162

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES E BOWERS
Current Owner	KATHRYN BOWERS
	402 KING RD
	KELSO, WA 98626
	360-431-1499
Original Owner	CARL PAUL MUNSON
Original Owner	EDITH E MUNSON
	16658 SAGE ACRE LN
	CALDWELL, ID 83605
	(208)459-4085
Original Owner	D L HARRIS
Original Owner	MARIE O HARRIS
	RT 6
	CALDWELL, ID 83605

Priority Date: 06/21/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.09 CFS	31.1 AFA
Total Diversion			0.09 CFS	

Location of Point(s) of Diversion:

81015

GROUND WATER|NWSENE|Sec. 07|Township 03N|Range 03W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	03W	7		SENE	6.8									

Total Acres: 6.8

Conditions of Approval:

1. X01 Domestic use is for 1 home.
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. S39 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. C18

Dates:

Licensed Date:

Decreed Date: 02/06/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

81015

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

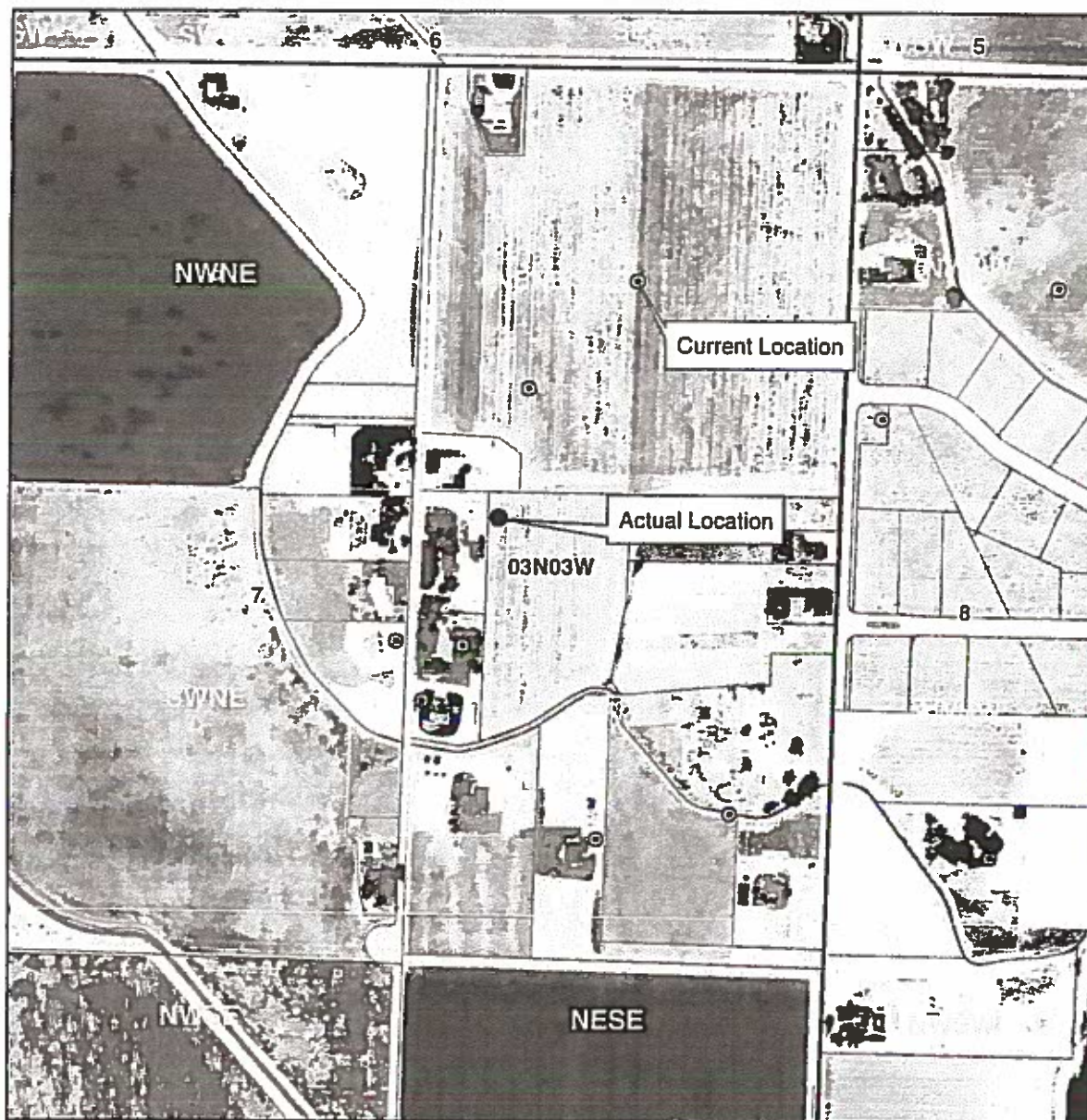
Close

81015

3/21/2016

63

Well Tag No 0007854
"Actual Location" by map marked by owner/applicant
submitted with transfer no 80510



JAMES F BOWERS *Form*

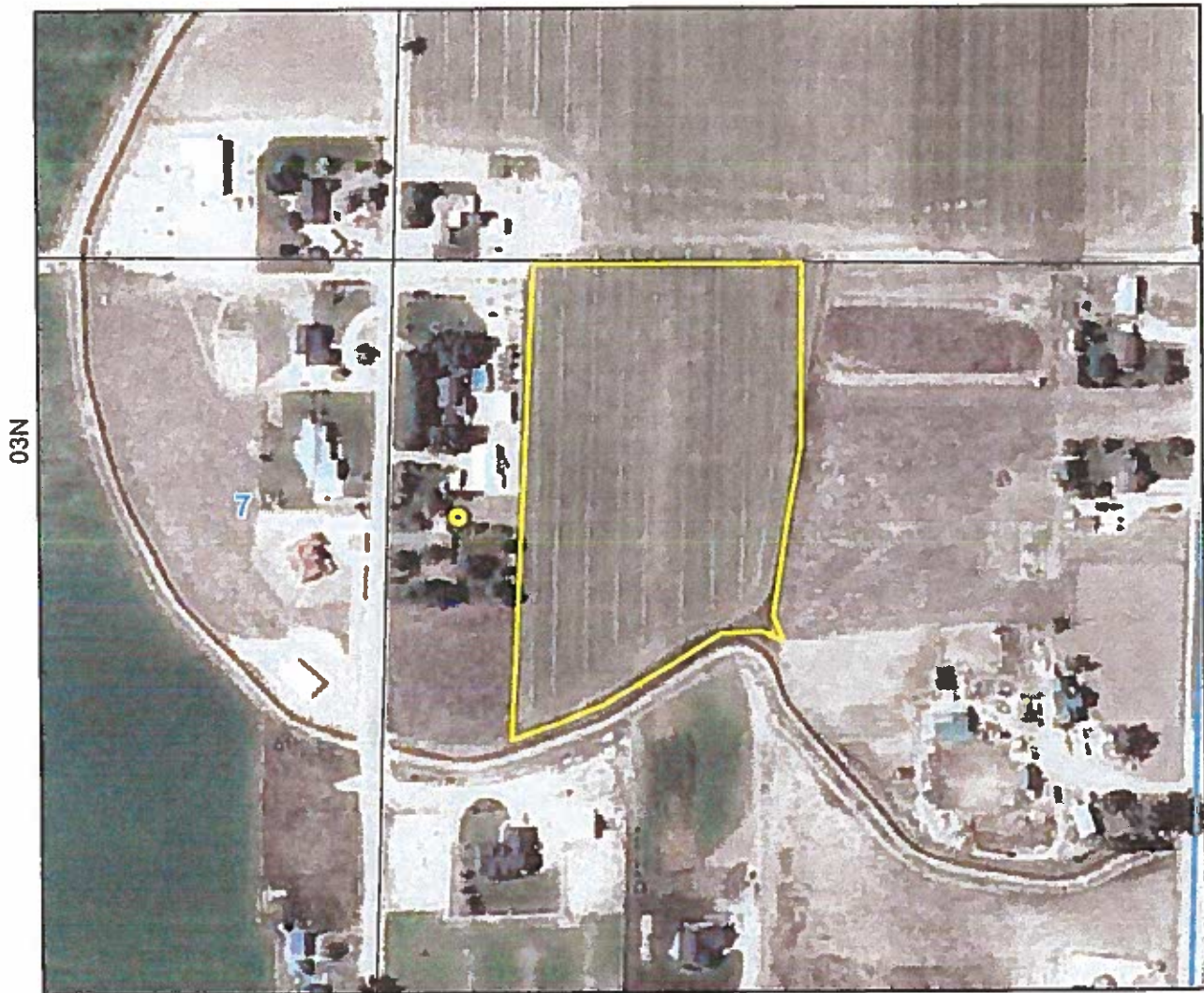
State of Idaho
Department of Water Resources

Water Right
63-34162

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



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

0 0.035 0.07 0.14 Miles



81015

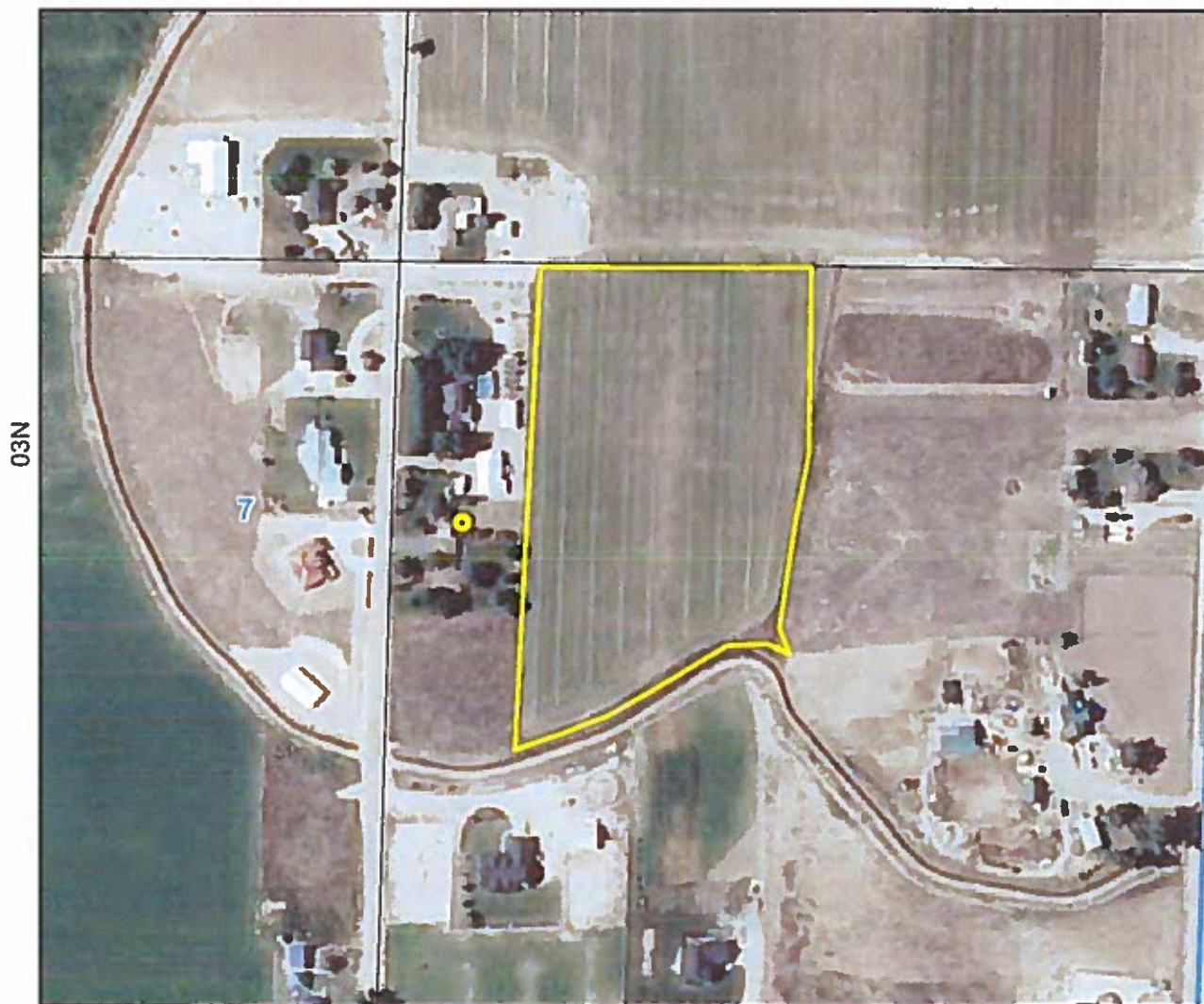
State of Idaho
Department of Water Resources

Water Right
63-34162

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



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

0 0.035 0.07 0.14 Miles



WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:311739

FOR VALUE RECEIVED

James E Bowers and Kathryn L Bowers, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Shawn Ross Tomlinson and Sheena Marie Tomlinson, husband and wife

whose current address is: **1218 N Autumn Wind Drive, Nampa, ID 83687**

the grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

See attached Legal Description Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 17, 2016


James E Bowers


Kathryn L Bowers

2016-019443	
RECORDED	
05/23/2016 10:48 AM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=6 RGRAY	\$25.00
TYPE: DEED	
ALLIANCE TITLE - BOISE PRODUCTION	
ELECTRONICALLY RECORDED	

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:311739

FOR VALUE RECEIVED

James E Bowers and Kathryn L Bowers, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Shawn Ross Tomlinson and Sheena Marie Tomlinson, husband and wife

whose current address is: **1218 N Autumn Wind Drive, Nampa, ID 83687**

the grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

See attached Legal Description Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 17, 2016

James E Bowers

Kathryn L Bowers

State of Idaho } ss
County of Canyon }

On this 20 day of May, 2016, before me, the undersigned, a Notary Public in and for said state, personally appeared **James E. Bowers**, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Cheree Bartram

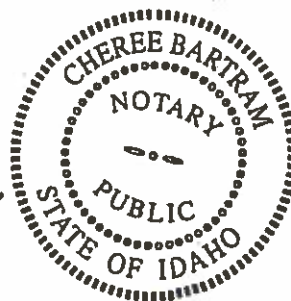
Notary Public for the State of:

Residing at:

Commission Expires:

RESIDING AT: BOISE, IDAHO

COMMISSION EXPIRES: 08/16/2017



State of _____ } ss
County of _____ }

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said state, personally appeared **Kathryn L. Bowers**, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of:

Residing at:

Commission Expires:

State of _____ } ss
County of _____ }

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said state, personally appeared **James E. Bowers**, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of:
Residing at:
Commission Expires:

State of Washington } ss
County of Cowlitz }

On this 20 day of May, 2016, before me, the undersigned, a Notary Public in and for said state, personally appeared **Kathryn L. Bowers**, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Rol-Lynn King
Notary Public for the State of:
Residing at: Longview WA
Commission Expires: 10-1-2016



EXHIBIT "A"

311739

Parcel 1:

A tract of land situated in a part of the Southeast Quarter of the Northeast Quarter, Section 7, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter of the Northeast Quarter (CN 1/16 corner), said corner monumented with a 1-inch diameter iron pipe; thence North 88° 46' 16" East a distance of 211.23 feet along the Northerly boundary of said Southeast Quarter of the Northeast Quarter to the POINT OF BEGINNING, said point monumented with a 1/2-inch diameter iron pin; thence continuing North 88° 46' 16" East a distance of 451.83 feet along the Northerly boundary of said Southeast Quarter of the Northeast Quarter to the Northeast corner of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (Northeast Quarter of the East 1/64 corner) to a 1/2-inch diameter iron pin; thence South 0° 02' 37" East a distance of 336.88 feet along the Easterly boundary of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter to a 1/2-inch diameter iron pin; thence South 8° 53' 14" West a distance of 248.72 feet to a 1/2-inch diameter iron pin; thence South 36° 00' 16" East a distance of 54 feet to a 1/2-inch diameter iron pin; thence North 64° 13' 29" West a distance of 37.09 feet to a 1/2-inch diameter iron pin; thence North 87° 55' 32" West a distance of 63.68 feet to a 1/2-inch diameter iron pin; thence South 64° 18' 35" West a distance of 60.11 feet to a 1/2-inch diameter iron pin; thence South 55° 19' 04" West a distance of 167.48 feet to a 1/2-inch diameter iron pin; thence South 67° 49' 22" West a distance of 161.27 feet to a 1/2-inch diameter iron pin; thence North 0° 14' 06" East a distance of 399.80 feet to a 1/2-inch diameter iron pin; thence South 88° 46' 16" West a distance of 5.11 feet parallel with the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a 1/2-inch diameter iron pin; thence North 0° 32' 13" West a distance of 380.74 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM

A tract of land situated in a part of the Southeast Quarter of the Northeast Quarter of Section 7, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter of the Northeast Quarter, said corner monumented with a 1/2-inch diameter iron pipe; thence North 88° 46' 16" East a distance of 211.23 feet along the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a 1/2-inch diameter iron pin, being the TRUE POINT OF BEGINNING; thence continuing North 88° 46' 16" East a distance of 5.11 feet along the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a point; thence South 0° 32' 13" East a distance of 380.74 feet to a 1/2-inch diameter iron pin; thence

South 88° 46' 16" West a distance of 5.11 feet parallel with the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a 1/2-inch diameter iron pin; thence North 0° 32' 13" West a distance of 380.74 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

An ingress-egress easement being the Northerly 30 feet of the following described parcel:

A tract of land situated in a part of the Southeast Quarter of the Northeast Quarter, Section 7, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter of the Northeast Quarter (CN 1/16 corner), said corner monumented with a 1-inch diameter iron pipe; thence North 88° 46' 16" East a distance of 211.23 feet along the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a 1/2- inch diameter iron pin; thence South 0° 32' 13" East a distance of 380.74 feet to a 1/2-inch diameter iron pin; thence South 88° 46' 16" West a distance of 214.53 feet parallel with the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a point on the Westerly boundary of said Southeast Quarter of the Northeast Quarter, said point monumented with a 1/2-inch diameter iron pin; thence North 0° 02' 27" West a distance of 380.79 feet along the Westerly boundary of said Southeast Quarter of the Northeast Quarter to the POINT OF BEGINNING.

ALSO an ingress-egress easement being the Northerly 30 feet of the following described parcel:

A tract of land situated in a part of the Southeast Quarter of the Northeast Quarter of Section 7, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter of the Northeast Quarter, said corner monumented with a 1-inch diameter iron pipe; thence North 88° 46' 16" East a distance of 211.23 feet along the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a 1/2- inch diameter iron pin, being the TRUE POINT OF BEGINNING; thence continuing North 88° 46' 16" East a distance of 5.11 feet along the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a point; thence South 0° 32' 13" East a distance of 380.74 feet to a 1/2-inch diameter iron pin; thence South 88° 46' 16" West a distance of 5.11 feet parallel with the Northerly boundary of said Southeast Quarter of the Northeast Quarter to a 1/2-inch diameter iron pin; thence North 0° 32' 13" West a distance of 380.74 feet to the TRUE POINT OF BEGINNING.



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 24, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SHAWN TOMLINSON
SHEENA TOMLINSON
12335 S CARRIAGE HILL WAY
NAMPA ID 83686-5764

Re: Transfer No: 81015
Water Right No(s): 63-34162

Transfer Approval Notice

Dear Water Right Holder:

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 that reads "Rachel Neely for." The signature is written in a cursive style, with the first name "Rachel" being more prominent and the "for." part being smaller and less distinct.

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 81015
Water Right No(s): 63-34162

SHAWN TOMLINSON
SHEENA TOMLINSON
12335 S CARRIAGE HILL WAY
NAMPA ID 83686-5764



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.



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

02/21/17

CARL MUNSON
EDITH MUNSON
16658 SAGE ACRE LN
CALDWELL ID 83605

Re: Water Right No. 63-3522 Error Corrections

Dear Water Right Owner,

Recently the Idaho Department of Water Resources (department) discovered errors with water right no. 63-3522. This error occurred during the processing of a *notice of change in water right ownership* form that claimed 6.8 acres of the right and split the right into two separate water rights (nos. 63-3522 and 63-34162). The remaining portion of water right no. 63-3522 should have been 5.2 acres. Additionally, the volume for irrigation was incorrectly reduced from 54.6 acre feet (af) to 23.5 af and the total volume was incorrectly reduced from 50.0 af to 23.3 af. The total volume should have been reduced to 23.4 af, which is calculated from the department standard volume per acre and the number of acres irrigated ($4.5 \text{ af} * 5.2 \text{ acres} = 23.4$). Since the total volume can not be less than the volume for an individual use the volume for irrigation should have also been reduced to 23.4 af. Enclosed with this letter is a copy of water right no. 63-3522 after these errors were fixed and a map that shows the place of use and point of diversion according to the department's current records. The error corrections will become final as described without written notice within 14 days. If you have any questions or concerns regarding these error corrections please contact this office.

Sincerely,

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

Enclosure:

Copy of Water Right No. 63-3522
Map Showing Water Right No. 63-3522



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

09/27/2016

SHAWN TOMLINSON
SHEENA TOMLINSON
12335 S CARRIAGE HILL WAY
NAMPA ID 83686

Correct Address
RECEIVED
OCT 06 2016
WATER RESOURCES
WESTERN REGION

Re: Transfer Application No. 81015 and Well Drilling Fee Upgrade

Dear Applicant:

Your recent application for transfer of water right no. 63-34162 proposes to divert ground water from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well.

According to the records of Idaho Department of Water Resources (IDWR), your well was drilled in 1998 likely under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well.

The proposed use (irrigation) from your well does require water right approval, and water right no. 63-34162 authorizes that use. The well drilling fee for a well requiring a water right is \$200 instead of \$75. Per Well Construction Standards Rules (IDAPA 37.03.09.045.05.b), IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please remit \$125 to upgrade your well drilling permit within the next thirty days to facilitate processing of your transfer application.

This letter was originally sent on 09/16/2016. If your contact information has changed since submitting the transfer application please use the enclosed change in address form to notify the department of the change. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

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



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

09/27/2016

SHAWN TOMLINSON
SHEENA TOMLINSON
12335 S CARRIAGE HILL WAY
NAMPA ID 83686

Re: Transfer Application No. 81015 and Well Drilling Fee Upgrade

Dear Applicant:

Your recent application for transfer of water right no. 63-34162 proposes to divert ground water from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well.

According to the records of Idaho Department of Water Resources (IDWR), your well was drilled in 1998 likely under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well.

The proposed use (irrigation) from your well does require water right approval, and water right no. 63-34162 authorizes that use. The well drilling fee for a well requiring a water right is \$200 instead of \$75. Per Well Construction Standards Rules (IDAPA 37.03.09.045.05.b), IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please remit \$125 to upgrade your well drilling permit within the next thirty days to facilitate processing of your transfer application.

This letter was originally sent on 09/16/2016. If your contact information has changed since submitting the transfer application please use the enclosed change in address form to notify the department of the change. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Hummer", with a wavy line extending from the end.

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



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

09/19/2016

CARL MUNSON
EDITH MUNSON
16658 SAGE ACRE LN
CALDWELL ID 83605

Re: Water Right No. 63-3522 Error Corrections

Dear Water Right Owner,

Recently the Idaho Department of Water Resources (department) discovered several errors in water right no. 63-3522. These errors occurred during the processing of a *notice of change in water right ownership* form that split water right no. 63-3522 into two separate water rights. The remaining portion of water right no. 63-3522 for irrigation should have been reduced from 12 acres to 5.2 acres. Additionally, the volume authorized for irrigation can not be greater than the total volume so the volume for irrigation use will be reduced to 23.3 acre feet. This reduction in volume will not decrease the total amount of water authorized by the right. Enclosed with this letter are a copy of water right no. 63-3522 after the errors are fixed and a map that shows the place of use and point of diversion according to our most current records. The error corrections will become final as described without written notice within 14 days. If you have any questions or concerns regarding these error corrections please contact this office.

Sincerely,

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

Enclosure:

Copy of Water Right No. 63-3522
Map Showing Water Right No. 63-3522



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

09/16/2016

Shawn Tomlinson
Sheena Tomlinson
1218 Autumn Wind RD
Nampa ID 83687

Re: Transfer Application No. 81015 and Well Drilling Fee Upgrade

Dear Applicant:

Your recent application for transfer of water right no. 63-34162 proposes to divert ground water from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well.

According to the records of Idaho Department of Water Resources (IDWR), your well was drilled in 1998 likely under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well.

The proposed use (irrigation) from your well does require water right approval, and water right no. 63-34162 authorizes that use. The well drilling fee for a well requiring a water right is \$200 instead of \$75. Per Well Construction Standards Rules (IDAPA 37.03.09.045.05.b), IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please remit \$125 to upgrade your well drilling permit within the next thirty days to facilitate processing of your transfer application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

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

MEMORANDUM

TO: Transfer No. 81015

FROM: Phill Hummer

DATE: 09/13/2016

RE: Evaluation of Application

The transfer application proposes to change the ownership of water right no. 63-34162 and change the point of diversion to an existing well located on the applicant's property. Water right no. 63-34162 was split from the water right no. 63-3522 through an ownership change. The application for transfer (no. 80510) to change the point of diversion was withdrawn, per department recommendation, because the applicants were not going to accomplish the transfer within one year of approval.

The site is located in Caldwell ID, on the north side of Lake Lowell approximately 1.2 kilometers north of the junction between Highway 55 and Wagner Road.

Deviations from Transfer Policy Standards

While processing this transfer application several errors in the way water rights no. 63-3522 and 63-34162 are described were uncovered. The recommendation to the adjudication court for water right no. 63-3522 contained an error so that the total volume authorized by the right is less than the volume for the individual use (it should have had 54.0 af for irrigation and 54.6 afa total). I did not detect that water right no. 63-3522 was decreed with that error, so the error was carried forward to water right no. 63-34162 during the processing of an ownership change (as part of transfer application no. 80510). I assigned a volume for irrigation to the changed portion based on 4.55 af per acre. The result of the ownership change was that both water rights no. 63-34162 and no. 63-3522 ended up with a volume for irrigation that is greater than the total volume authorized by the right. Additionally, the acres authorized for irrigation by water right no. 63-3522 was not reduce by the number of acres split into water right no. 63-34162.

The total volume authorized by water right no. 63-34162 will be reduce to 30.6 (4.5 af per acre) and the volume for irrigation will be reduce to equal the total volume. The errors on water right no. 63-3522 will be corrected outside the transfer process and the owners will be given 14 days to submit a petition for consideration. The irrigation volume authorized by water right no. 64-3522 will be reduce to 23.3 (to equal the total volume) and the acres will be reduce from 12 to 5.2 to represent the correct remaining acres.

Water right no. 63-34162 has condition X01 but does not authorize the use of water for domestic purposes. This condition should have been removed when the ownership split was processed.

The legal description for the point of diversion will change from including the 10 acre tract to just the 40 acre tract description. It is okay to remove the 10 acre description because the water right proposes to divert groundwater from an existing well. A database comment will be added to the file.

Summary of Information Submitted

Authority to File:

The applicants submitted a warranty deed with the transfer application that shows they are the owners of the property and have the authority to file the application.

Water Right Validity:

Right presumed to be valid since the right was decreed on 02/06/2009 and beneficial use has occurred within the last five years. Beneficial use confirmed by ArcView imagery.

Injury to Other Water Rights:

Application proposes to change the point of diversion to a different well in the same QQ. It is likely that there will be little to no change to the ground water levels in existing wells in the area.

Enlargement of Use:

This transfer will not create an enlargement of use. Changing the location of the POD within the same QQ will not result in any more water being withdrawn from the aquifer on an annual basis than that which was already occurring prior to the approval of this transfer.

Local Public Interest:

The application proposes beneficial use consistent with the local public interest.

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.

Summary

Overlap

The well was located by the applicant of transfer no. 80510 and the well point was moved based on this location. The transfer proposes to move the point of diversion of water right no. 63-34162 this this separate well than water right no. 63-3522 (parent). No other water rights are diverted from this well.

There are multiple water rights owned by ditch companies including the Boise Project Board of Control that overlap the place of use. These water rights authorize the diversion of surface water and are not related to the proposed transfer. Water right no. 63-32227 authorizes domestic use and the shapefile for the place of use is the entire QQ so it overlaps the place of use of water right no. 63-34162. However it is likely the actual place of use is the property in the northwest corner. The current property owner of that taxlot (R3265301000), William Hood, is the one of the current owners of that water right and the address of the property matches the owner's contact address. There are no other overlap issues at for the proposed point of diversion of the place of use.

Watermaster comments are not needed for this transfer application because the water right diverts groundwater. A copy of water right no. 63-3522 should be sent to the current owner after the errors are fixed along with a letter describing the changes made and why they were made.

Well upgrade fee is required since the proposed well was drilled for domestic use. The \$125.00 fee was paid on 10/06/16, receipt id W044697.

Data entry affected the correct record, water right no. 63-34162 RightID 675680.

Mitigation is not required for this transfer, the proposed point of diversion is not within a restricted area or groundwater management area and no injury to existing users is anticipated.

If approved the following changes should be made to the conditions of water right no. 63-34162:

- X01 should be removed, domestic use is not part of the split..
- 046 should be added, source is groundwater.
- Standard conditions T07, T08, and O1M should be added.
- Add condition R65.
- Update S39 to X61.
- Update C18 to T19.

The proposed point of diversion is a domestic well drilled in 1998. Wells used for domestic purposes as defined by Idaho Code § 42-111 require a \$75.00 well permit fee which was paid in 1998 when the well was constructed. Wells to be used for beneficial uses that require a water right require a \$200.00 well permit fee. The difference in fee must be paid per IDAPA 37.03.09.045.05.b. A fee of \$125.00 should be collected. A letter requesting this fee was sent on 09/16/2016.

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

Shawn Tomlinson
Sheena Tomlinson
1218 Autumn Wind RD
Nampa ID 83687

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES



ZIP 83702 \$ 000.37⁶
02 1W
0001393358 SEP 16 2016

RECEIVED

SEP 20 2016

WATER RESOURCES
WESTERN REGION

841 NFE 1300C1610009/17/16
RETURN TO SENDER
TOMLINSON
12335 S CARRIAGE HILL WAY
NAMPA ID 83687-3764

RETURN TO SENDER



H839859 0260

MEMORANDUM

Date: June 29, 2016
To: Transfer 81015
From: Angie Grimm
Re: Legal Notice Not Required

Legal Notice Not Required
6/29/2016

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.