

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80338**

This is to certify that: LAURIE BIRCH AND/OR
PAUL R SCHAETZEL
4040 STETSON AVE
ROSAMOND, CA 93560

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>
78-12440	WR/DECREED	5/1/1900	0.050 cfs	N/A	3.2	9.9	SEAWELL CREEK
78-12441	WR/DECREED	5/1/1901	0.010 cfs	N/A	0.3	9.9	SEAWELL CREEK
78-12442	WR/DECREED	5/1/1914	0.050 cfs	N/A	3.0	9.9	SEAWELL CREEK
78-12443	WR/DECREED	9/26/1922	0.200 cfs	N/A	N/A	9.9	SEAWELL CREEK, THREEMILE CREEK

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
78-250	WR/DECREED	5/1/1900	0.910 cfs	N/A	56.8	174.1	SEAWELL CREEK
78-251	WR/DECREED	5/1/1901	0.090 cfs	N/A	5.7	174.1	SEAWELL CREEK
78-252	WR/DECREED	5/1/1914	0.840 cfs	N/A	52.5	174.1	SEAWELL CREEK
78-4130	WR/DECREED	9/26/1922	3.480 cfs	N/A		174.1	THREEMILE CREEK, SEAWELL CREEK

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>
78-12440	NO	NO	NO	YES	NO	NO
78-12441	NO	NO	NO	YES	NO	NO
78-12442	NO	NO	NO	YES	NO	NO
78-12443	NO	NO	NO	YES	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>
78-12440	78-12440	0.050 cfs	N/A	3.2	9.3	N/A	N/A	N/A	N/A	N/A
78-12441	78-12441	0.010 cfs	N/A	0.3	9.3	N/A	N/A	N/A	N/A	N/A
78-12442	78-12442	0.050 cfs	N/A	3.0	9.3	N/A	N/A	N/A	N/A	N/A
78-12443	78-12443	0.190 cfs	N/A	N/A	9.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.300 cfs	N/A	9.3	9.3		N/A	N/A	N/A	N/A

Transfer No. 80338

SUPPORT DATA

IN FILE #

78-12440

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80338

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 31st day of January, 2017.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 78-12440**As Modified by Transfer No. 80338**

In accordance with the approval of Transfer No. 80338, Water Right No. 78-12440 is now described as follows:

Right Holder: SCHAEZEL BIRCH TRUST
4040 STETSON AVE
ROSAMOND, CA 93560

Priority Date: 5/1/1900

Source: SEAWELL CREEK **Tributary:** GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.050 cfs
			0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8													6.8	2.4		0.1	9.3

Right Acre Limit: 3.2

POU Total Acres: 9.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.2 acres within the authorized place of use in a single irrigation season.
2. Rights 78-12440, 78-12441, 78-12442, and 78-12443 when combined shall not exceed the irrigation of 9.3 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 80338

WATER RIGHT NO. 78-12440
As Modified by Transfer No. 80338

CONDITIONS OF APPROVAL

5. 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. 78C.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Point of injection into and point(s) of diversion from Threemile Creek.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 78-12441**As Modified by Transfer No. 80338**

In accordance with the approval of Transfer No. 80338, Water Right No. 78-12441 is now described as follows:

Right Holder: SCHAETZEL BIRCH TRUST
4040 STETSON AVE
ROSAMOND, CA 93560

Priority Date: 5/1/1901

Source: SEAWELL CREEK

Tributary: GOOSE CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.010 cfs

0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
SEAWELL CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8													6.8	2.4		0.1	9.3

Right Acre Limit: 0.3

POU Total Acres: 9.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.3 acres within the authorized place of use in a single irrigation season.
2. Rights 78-12440, 78-12441, 78-12442, and 78-12443 when combined shall not exceed the irrigation of 9.3 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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WATER RIGHT NO. 78-12441
As Modified by Transfer No. 80338

CONDITIONS OF APPROVAL

5. 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. 78C.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Point of injection into and point(s) of redirection from Threemile Creek.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 78-12442**As Modified by Transfer No. 80338**

In accordance with the approval of Transfer No. 80338, Water Right No. 78-12442 is now described as follows:

Right Holder: SCHAETZEL BIRCH TRUST
4040 STETSON AVE
ROSAMOND, CA 93560

Priority Date: 5/1/1914

Source: SEAWELL CREEK

Tributary: GOOSE CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.050 cfs

0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8													6.8	2.4		0.1	9.3

Right Acre Limit: 3.0

POU Total Acres: 9.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.0 acres within the authorized place of use in a single irrigation season.
2. Rights 78-12440, 78-12441, 78-12442, and 78-12443 when combined shall not exceed the irrigation of 9.3 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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WATER RIGHT NO. 78-12442
As Modified by Transfer No. 80338

CONDITIONS OF APPROVAL

5. 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. 78C.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Point of injection into and point(s) of redirection from Threemile Creek.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 78-12443**As Modified by Transfer No. 80338**

In accordance with the approval of Transfer No. 80338, Water Right No. 78-12443 is now described as follows:

Right Holder: SCHAETZEL BIRCH TRUST
4040 STETSON AVE
ROSAMOND, CA 93560

Priority Date: 9/26/1922

Source: SEAWELL CREEK
Source: THREEMILE CREEK

Tributary: GOOSE CREEK
Tributary: LITTLE SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31 **Diversion Rate**
0.190 cfs
0.190 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NESE	Sec 8	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
SEAWELL CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
THREEMILE CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	
THREEMILE CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8													6.8	2.4		0.1	9.3

POU Total Acres: 9.3

CONDITIONS OF APPROVAL

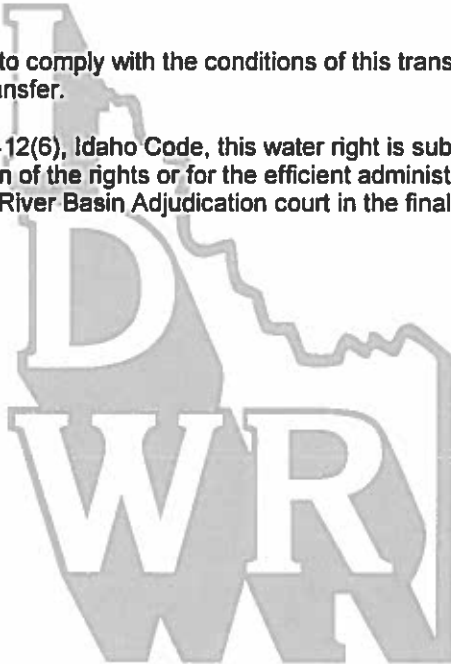
1. Rights 78-12440, 78-12441, 78-12442, and 78-12443 when combined shall not exceed the irrigation of 9.3 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 78C.

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WATER RIGHT NO. 78-12443
As Modified by Transfer No. 80338

CONDITIONS OF APPROVAL

5. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. Point of injection into and point(s) of diversion from Threemile Creek.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 78-250**As Modified by Transfer No. 80338**

In accordance with the approval of Transfer No. 80338, Water Right No. 78-250 is now described as follows:

Right Holder: LYNETTE WALTERS
PHIL WALTERS
PO BOX 397
NEW MEADOWS, ID 83654

Priority Date: 5/1/1900

Source: SEAWELL CREEK

Tributary: GOOSE CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.910 cfs

0.910 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8				18.0					32.0				27.7	32.6		36.8	147.1
19N	02E	9									20.0	7.0							27.0
											L3	L4							

Right Acre Limit: 56.8

POU Total Acres: 174.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 56.8 acres within the place of use described above in a single irrigation season.
2. Rights 78-250, 78-251, 78-252, and 78-4130 when combined shall not exceed the irrigation of 174.1 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Point of injection into and point(s) of rediversion from Threemile Creek.

Transfer No. 80338

WATER RIGHT NO. 78-250
As Modified by Transfer No. 80338

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 78-251

As Modified by Transfer No. 80338

In accordance with the approval of Transfer No. 80338, Water Right No. 78-251 is now described as follows:

Right Holder: PHIL WALTERS And
LYNETTE WALTERS
PO BOX 397
NEW MEADOWS, ID 83654

Priority Date: 5/1/1901

Source: SEAWELL CREEK **Tributary:** GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.090 cfs 0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENE	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8				18.0					32.0				27.7	32.6		36.8	147.1
19N	02E	9									20.0	7.0							27.0
											1.3	1.4							

Right Acre Limit: 5.7
POU Total Acres: 174.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.7 acres within the place of use described above in a single irrigation season.
2. Rights 78-250, 78-251, 78-252, and 78-4130 when combined shall not exceed the irrigation of 174.1 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Point of injection into and point(s) of redirection from Threemile Creek.

Transfer No. 80338

WATER RIGHT NO. 78-251
As Modified by Transfer No. 80338

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 78-252**As Modified by Transfer No. 80338**

In accordance with the approval of Transfer No. 80338, Water Right No. 78-252 is now described as follows:

Right Holder: PHIL WALTERS
LYNETTE WALTERS
PO BOX 397
NEW MEADOWS, ID 83654

Priority Date: 5/1/1914

Source: SEAWELL CREEK

Tributary: GOOSE CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.840 cfs
0.840 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
SEAWELL CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8				18.0					32.0				27.7	32.6		36.8	147.1
19N	02E	9										20.0	7.0						27.0
											L 3	L 4							

Right Acre Limit: 52.5

POU Total Acres: 174.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 52.5 acres within the place of use described above in a single irrigation season.
2. Rights 78-250, 78-251, 78-252, and 78-4130 when combined shall not exceed the irrigation of 174.1 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Point of injection into and point(s) of redirection from Threemile Creek.

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WATER RIGHT NO. 78-252
As Modified by Transfer No. 80338

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 78-4130**As Modified by Transfer No. 80338**

In accordance with the approval of Transfer No. 80338, Water Right No. 78-4130 is now described as follows:

Right Holder: LYNETTE WALTERS
PHIL WALTERS
PO BOX 397
NEW MEADOWS, ID 83654

Priority Date: 9/26/1922

Source: SEAWELL CREEK
Source: THREEMILE CREEK

Tributary: GOOSE CREEK
Tributary: LITTLE SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
3.480 cfs
3.480 cfs

LOCATION OF POINT(S) OF DIVERSION

SEAWELL CREEK	NWNE	Sec 9	Twp 19N Rge 02E	ADAMS County	(I)
THREEMILE CREEK	SENEW	Sec 9	Twp 19N Rge 02E	ADAMS County	
THREEMILE CREEK	SENEW	Sec 9	Twp 19N Rge 02E	ADAMS County	
SEAWELL CREEK	SENEW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	SENEW	Sec 9	Twp 19N Rge 02E	ADAMS County	(R)
SEAWELL CREEK	NWNE	Sec 35	Twp 20N Rge 02E	ADAMS 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	
19N	02E	8				18.0					32.0				27.7	32.6		36.8	147.1
19N	02E	9									20.0	7.0							27.0
											L 3	L 4							

POU Total Acres: 174.1

CONDITIONS OF APPROVAL

1. Rights 78-250, 78-251, 78-252, and 78-4130 when combined shall not exceed the irrigation of 174.1 acres.
2. Point of injection into and point(s) of redirection from Threemile Creek.
3. 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.

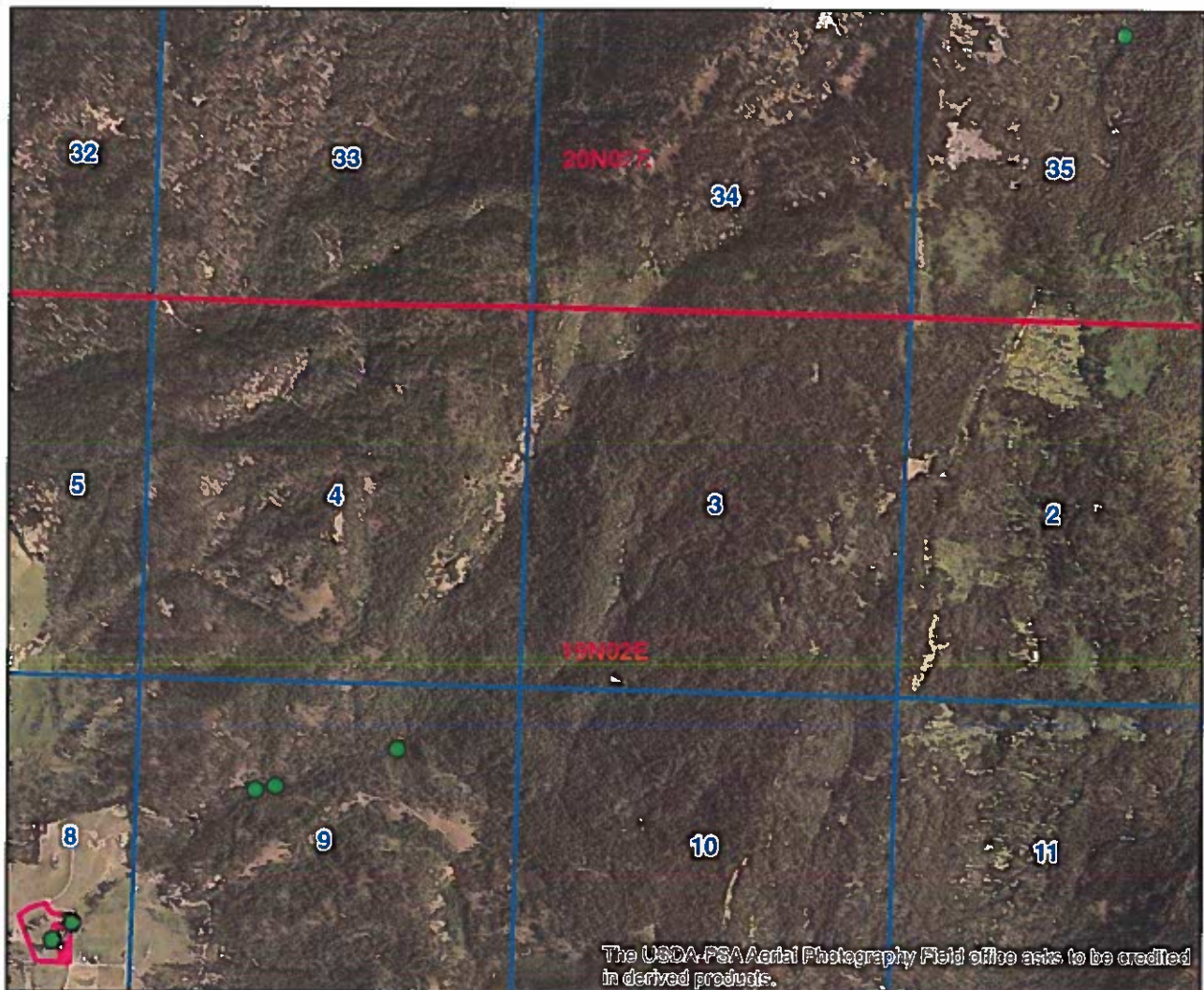
Transfer No. 80338

State of Idaho
Department of Water Resources

Attachment to Application for Transfer No 80338

Water Right No. 78-12440, 78-12441, 78-12442, and 78-12443

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

0 0.275 0.55 1.1 Miles



State of Idaho
Department of Water Resources

Attachment to Application for Transfer No 80338

Water Right No. 78-12440, 78-12441, 78-12442, and 78-12443

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

0 0.0225 0.045 0.09 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 31, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

PAUL R SCHAETZEL
LAURIE BIRCH
4040 STETSON AVE
ROSAMOND CA 93560

Re: Transfer No: 80338

Water Right No(s): 78-250 , 78-251 , 78-252 , 78-4130 , 78-12440, 78-12441, 78-12442, 78-12443

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Rachel Neely for". The signature is written in a cursive style, with the first name "Rachel" being more prominent and the last name "Neely" followed by "for".

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80338

Water Right No(s): 78-250 , 78-251 , 78-252 , 78-4130 , 78-12440, 78-12441, 78-12442, 78-12443

**PAUL R SCHAETZEL
LAURIE BIRCH
4040 STETSON AVE
ROSAMOND CA 93560**

**TIM FARRELL
WATERMASTER OF DISTRICT 78C
20115 MARSING RD
CALDWELL ID 83607**



**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.