

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 22 2016
WATER RESOURCES
WESTERN REGION

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

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) Winda Holstein Phone 208-584-3182
2. MAILING ADDRESS 11685 N. Highway 52 City Horseshoe Bend
State Idaho Zip 83629 Email 1holstein700@gmail.com

- ☐ 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) 65-22553

- ☒ 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 .06cfs cubic feet per second and/or 10.5 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes	2		NW	SE	24	01N	01E	Gern	Payette River	

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:

Pump with Sprinkler system w/timer control

- b. Who owns the property at the point(s) of diversion? Linda Holstein
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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ 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.

Linda Holstein
Signature of applicant or authorized agent

Linda Holstein
Print name and title if applicable

4-22-16
Date

Signature of applicant or authorized agent

Print name and title if applicable

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 2 pages of attachments. Received by _____ Date _____
Fee paid \$200⁰⁰ Date 4/22/16 Received by AS Receipt # W044100
Preliminary review by DM Date 5-5-16 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 65-22553

Current Owner: WILLIAM A HOLSTEIN
LINDA J HOLSTEIN

Priority Date: 12/13/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAYETTE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

0.06 CFS

Annual Volume

10.5 AF

Total Diversion

0.06 CFS

10.5 AF

Location of Point(s) of Diversion

PAYETTE RIVER

SE1/4NW1/4SE1/4

Sec. 24, Twp 07N, Rge 01E B.M.

GEM County

Place of Use

IRRIGATION Within GEM County

T07N R01E S24 Lot 2 NESE 3.00

Total Acres: 3

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977. This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. C18 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. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .03 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3.5 AF PER ACRE AT FIELD HEADGATE. COMBINED RIGHT NOS. 65-11272A AND 65-12423.

Decreed Date: 7/26/2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 29, 2016

LINDA J HOLSTEIN
11685 N HWY 52
HORSESHOE BEND, ID 83629

RE: Transfer No. 80875
Water Right No(s). 65-22553

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the MESSENGER INDEX on 10/5/2016 and 10/12/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, September 29, 2016 12:02 PM
To: 'IDAHO PRESS TRIBUNE'
Subject: Gem Legal Ad
Attachments: Gem Cover Letter.docx; Gem Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 10/5/2016 & 10/12/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

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

September 29, 2016

LEGAL NOTICE DEPARTMENT
MESSENGER INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application for Transfer No. 80875,
Water Right No(s): 65-22553

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/24/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80875**

LINDA J HOLSTEIN, 11685 N HWY 52, HORSESHOE BEND, ID 83629; has filed Application No. 80875 for changes to the following water rights within GEM County(s): Right No(s) 65-22553; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Transfer No. 80875 proposed to change the POD of water right 65-22553 to a new location approximately 250 ft north on the Payette River. The new point of diversion is located 4.2 miles west of Horseshoe Bend.

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 10/24/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/5/2016 and 10/12/2016

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, September 29, 2016 12:16 PM
To: 'wd65@srvinet.com'
Subject: Applications for Permits, Application for Extension, & Application for Transfer
Attachments: Watermaster Recommendation For1.docx; Application for Permit 65-23656.pdf; Application for Permit 65-23639.pdf; Application for Permit 65-23640.pdf; Application for Permit 65-23641.pdf; Application for Permit 65-23642.pdf; Application for Permit 65-23646.pdf; Application for Permit 65-23647.pdf; Application for Permit 65-23650.pdf; Application for Permit 65-23651.pdf; Application for Permit 65-23652.pdf; Application for Permit 65-23648.pdf; Application for Permit 65-23649.pdf; Application for Permit 65-23671.pdf; Application for Permit 65-23638.pdf; Application for Extension of Time to Avoid Forfeiture of a Water Right 65-07206B.pdf; Application for Transfer 80875.pdf

September 29, 2016

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE, ID 83661

RE: Applications for Permit Nos. 65-23656, 65-23639, 65-23640, 65-23641, 65-23642, 65-23646, 65-23647, 65-23648, 65-23649, 65-23650, 65-23651, 65-23652, 65-23671, & 65-23638
Application for Extension of Time to Avoid Forfeiture of Water Right No. 65-07206B
Application for Transfer No. 80875

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by October 24, 2016.

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

Sincerely,

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

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, September 29, 2016 3:40 PM
To: 'Suzanne Remick'
Subject: RE: Gem Legal Ad

Hi Suzanne,
Let's hold off and run it on October 19 and 26.
I will resend it to you when it gets closer.
Thank you for letting me know!
Rachel

From: Suzanne Remick [<mailto:sremick@idahopress.com>]
Sent: Thursday, September 29, 2016 3:36 PM
To: Neely, Rachel
Subject: Re: Gem Legal Ad

Rachel,
I'm not sure what happened here, but we did not receive this email request until close to 12:30pm today. I see it's noted as 12:00pm. But, I checked the emails at close to 12:30 and nothing was there. The deadline for the Emmett Messenger-Index for October 5 has passed.
Can you run this notice on October 12 and 19?

From: Neely, Rachel <Rachel.Neely@idwr.idaho.gov>
Sent: Thursday, September 29, 2016 12:00 PM
To: IPT Legals
Subject: Gem Legal Ad

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 10/5/2016 & 10/12/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 13, 2016

LINDA J HOLSTEIN
11685 N HWY 52
HORSESHOE BEND, ID 83629

RE: Transfer No. 80875
Water Right No(s). 65-22553

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the MESSENGER INDEX on 10/19/2016 and 10/26/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, October 13, 2016 8:25 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Gem Legal Ad
Attachments: Gem Cover Letter.docx; Gem Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 10/19/2016 & 10/26/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

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

October 13, 2016

LEGAL NOTICE DEPARTMENT
MESSENGER INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application for Transfer No. 80875,
Water Right No(s): 65-22553

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/7/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80875**

LINDA J HOLSTEIN, 11685 N HWY 52, HORSESHOE BEND, ID 83629, has filed Application No. 80875 for changes to the following water rights within GEM County(s): Right No(s). 65-22553; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Transfer No. 80875 proposed to change the POD of water right 65-22553 to a new location approximately 250 ft north on the Payette River. The new point of diversion is located 4.2 miles west of Horseshoe Bend.

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 11/07/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/19/2016 and 10/26/2016

MEMORANDUM

TO: Transfer No. 80875
FROM: Patrick Kelly
DATE: 9/27/2016
RE: Evaluation of Application

Summary of Information Submitted

Narrative: The current diversion of 65-22553 pumps water for three rights (65-11272A, 65-12423 and 65-22553). Transfer No. 80875 proposed to change the POD of water right 65-22553 to a new location approximately 250 ft north on the Payette River. The transfer was completed on a POD 'short form' and does not propose to change or split beneficial use already described by the right.

Authority to File: The application was filed and signed by Linda Holstein. Mrs. Holstein is the current owner of water right 65-22553. Current Gem County taxlot data shows Mrs. Holstein owns the property pertinent to water right 65-22553.

Water Right Validity: 65-22553 was decreed in 2002. Review of historical aerial imagery shows lands totaling 3.0 acres have not been irrigated since at least 2004. ArcMap tools used to measure the beneficial use within the past 5 years show a total of 1.0 acres irrigated. Forfeiture concern of 2.0 acres was expressed to the applicant over the telephone on 9/27/2016. The water right owner decided to forfeit the 2 acres and proceed with the transfer and promised an application for permit would be made to account for lands forfeited.

Overlap Analysis: POU overlap analysis finds eight water rights within the NESE QQ totaling 33 acres. Only 65-22553 is in the name of the Holstein's. Other water rights owned by neighboring properties. No direct POU overlap is found.

POD overlap is limited to the conditions of approval which identify 3 water rights 65-11272A, 65-12423 and 65-22553.

Injury to Other Water Rights: None anticipated. The new POD proposed upstream is almost adjacent to the old POD with no water right diversions in between. The Payette River at this location is delivering an adequate amount of water to fill both rights at the same time, assuming they are not being curtailed. Local water users will get an opportunity to protest the transfer during the announcement period.

Enlargement of Use: None anticipated. The diversion will be limited to a total diversion of 0.02 cfs and annual volume of 3.5 af after forfeiture is considered.

Local Public Interest: At the time of review, water right staff has no information to suggest a conflict 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.

07N01E24

BasinSequence	Owner	Source
65-11272A	BROMGARD, JASON; BROMGARD, KATHY; SHOB	PAYETTE RIVER
65-11272C	DOHERTY, BENJAMIN; DOHERTY, KRYSTLE; GOSL	PAYETTE RIVER
65-11272D	GARRETT GROUP PROJECT 1 LLC; GOSLUN, AVIS V	PAYETTE RIVER
65-12423	SHOBEL, MERILYN R; SHOBEL, WILLIAM E	UNNAMED STREAM
65-22553	HOLSTEIN, UNDA J; HOLSTEIN, WILLIAM A; SHOB	PAYETTE RIVER
65-22885	DOHERTY, BENJAMIN; DOHERTY, KRYSTLE; SHEPI	GROUND WATER
65-22972	SHOBEL, MERILYN R; SHOBEL, WILLIAM E	PAYETTE RIVER
65-22973	INTERMOUNTAIN MANAGEMENT GROUP INC; SI	PAYETTE RIVER
65-22974	SHOBEL, MERILYN R; SHOBEL, WILLIAM E	PAYETTE RIVER
65-22975	INTERMOUNTAIN MANAGEMENT GROUP INC; SI	PAYETTE RIVER
65-23295	MONTGOMERY TRUST	PAYETTE RIVER
65-23297	GOSLUN, AVIS V; GOSLUN, BEN R; JENKINS, BOBBY	PAYETTE RIVER
65-23544	THORNTON, GINA; THORNTON, MICHAEL	GROUND WATER
65-23622	BROMGARD, JASON; BROMGARD, KATHY; SHOB	PAYETTE RIVER
65-23623	BROMGARD, JASON; BROMGARD, KATHY; SHOB	PAYETTE RIVER
65-23625	LONG, ANNE E; LONG, KENNETH J; MONTGOME	PAYETTE RIVER
65-23626	GOSLUN, AVIS V; GOSLUN, BEN R; JENKINS, BOBBY	PAYETTE RIVER
65-25908	GOSLUN, AVIS V; GOSLUN, BEN R; HERMAN, CLIFF	GROUND WATER
65-2590C	DOHERTY, BENJAMIN; DOHERTY, KRYSTLE; GOSL	PAYETTE RIVER
65-2590D	GARRETT GROUP PROJECT 1 LLC; GOSLUN, AVIS V	PAYETTE RIVER
65-2590E	GOSLUN, AVIS V; GOSLUN, BEN R; JENKINS, BOBBY	PAYETTE RIVER
65-2849	GATFIELD FAMILY 1997 REVOCABLE TRUST; GAT	PAYETTE RIVER

NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
												7				7
															1.6	1.6
															7.7	7.7
												1				1
												3				3
														0.6	3.4	4
			3	1								2	2.5			8.5
													1.5			1.5
												9.5				9.5
												1.5				1.5
															2	2
															2.2	2.2
														0.5	4.5	5
												7				7
												2				2
														0.3	1	1.3
														0.3	0.8	1.1
															4.2	4.2
															0.2	0.2
															3.8	3.8
														10		10
						38	14	36	40	31	17					176