

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80400**

This is to certify that: **BRENDA FULFER
KELLY FULFER
PO BOX 455
MERIDIAN, ID 83680**

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>
63-31631	WR/LICENSE	1/23/2003	0.040 cfs	N/A	N/A	N/A	GROUND WATER
63-31724	WR/DECREED	5/9/1977	0.060 cfs	11.3 af	N/A	N/A	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>
63-31631	NO	NO	NO	YES	NO	NO
63-31724	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>
63-31631	63-31631	0.040 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-31724	63-31724	0.060 cfs	11.3 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.100 cfs	N/A	N/A	N/A		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 12th day of August, 2016.



for Chief, Water Allocation Bureau

Transfer No. 80400

SUPPORT DATA
IN FILE # 63-31631

WATER RIGHT NO. 63-31631

As Modified by Transfer No. 80400

In accordance with the approval of Transfer No. 80400, Water Right No. 63-31631 is now described as follows:

Right Holder: FULFER PROPERTIES LLC
2350 W MC MILLAN RD
MERIDIAN, ID 83646

Priority Date: 1/23/2003

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL

From

01/01

to 12/31

To

Diversion Rate

0.040 cfs

0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENW

Sec 24 Twp 02N Rge 01E ADA County

GROUND WATER

NENW

Sec 24 Twp 02N Rge 01E ADA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	24					X	X											

CONDITIONS OF APPROVAL

1. The commercial use authorized under this right shall not exceed 2500 gallons per day.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
4. Commercial use is for an office and dust abatement.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80400

WATER RIGHT NO. 63-31631

As Modified by Transfer No. 80400

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.



WATER RIGHT NO. 63-31724

As Modified by Transfer No. 80400

In accordance with the approval of Transfer No. 80400, Water Right No. 63-31724 is now described as follows:

Right Holder: BRENDA FULFER
KELLY FULFER
PO BOX 455
MERIDIAN, ID 83680

Priority Date: 5/9/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	0.060 cfs	11.3 af
			0.060 cfs	11.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 24 Twp 02N Rge 01E ADA County
GROUND WATER	NENW	Sec 24 Twp 02N Rge 01E ADA County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	24					X	X											

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Industrial use is for dust abatement for a gravel pit.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

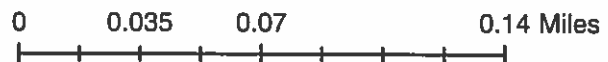
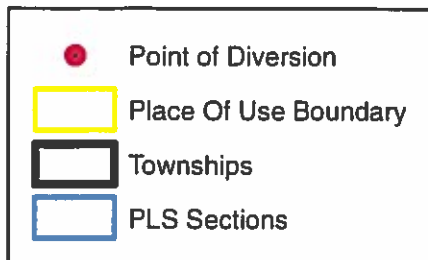
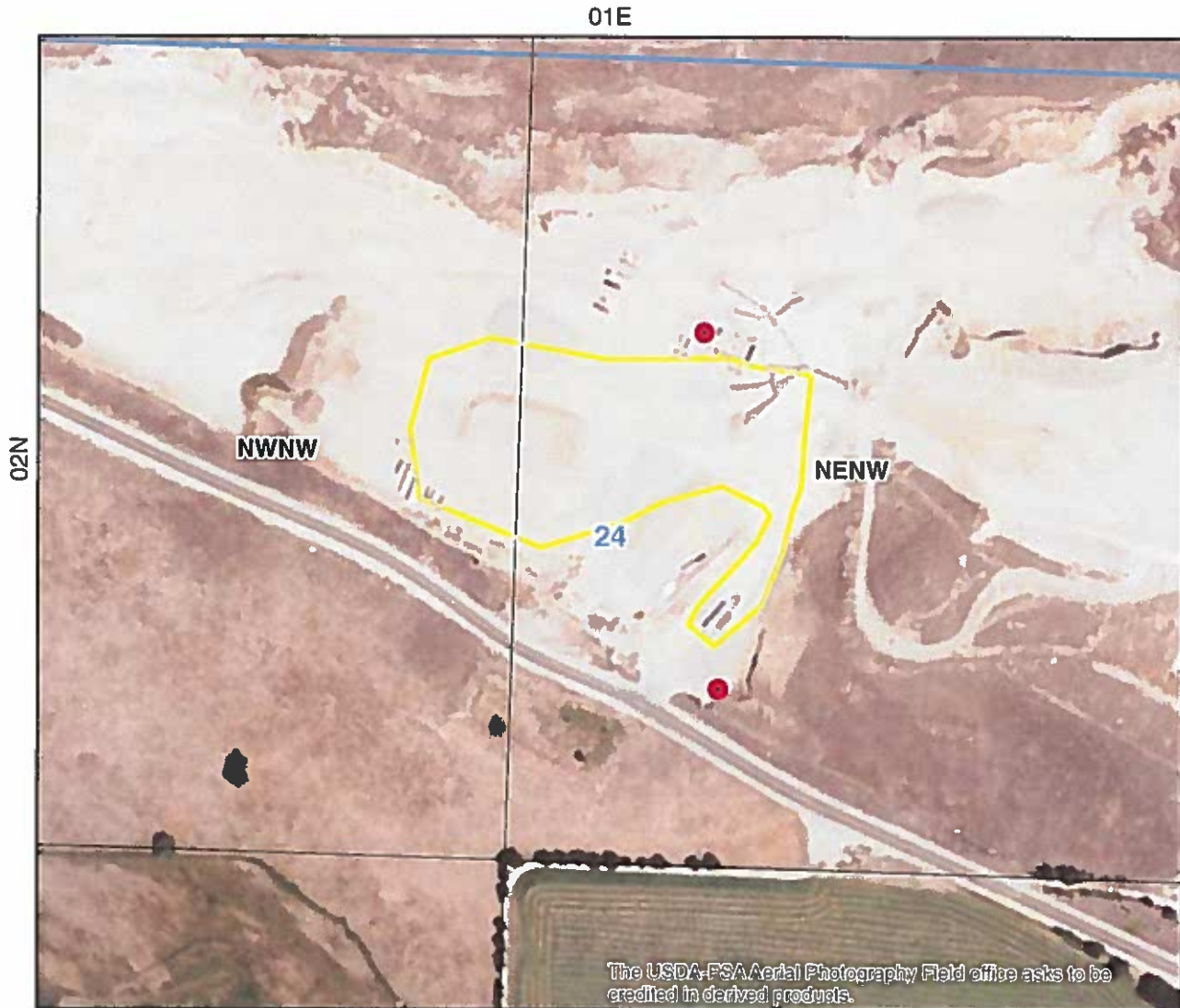
Transfer No. 80400

State of Idaho
Department of Water Resources

Attachment to Application for Transfer No. 80400

Water Right No. 63-31631

This map depicts the COMMERCIAL 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.

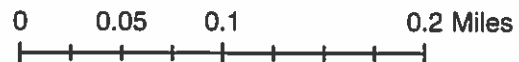
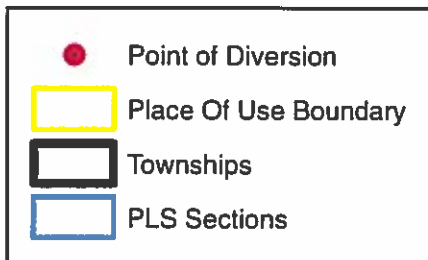
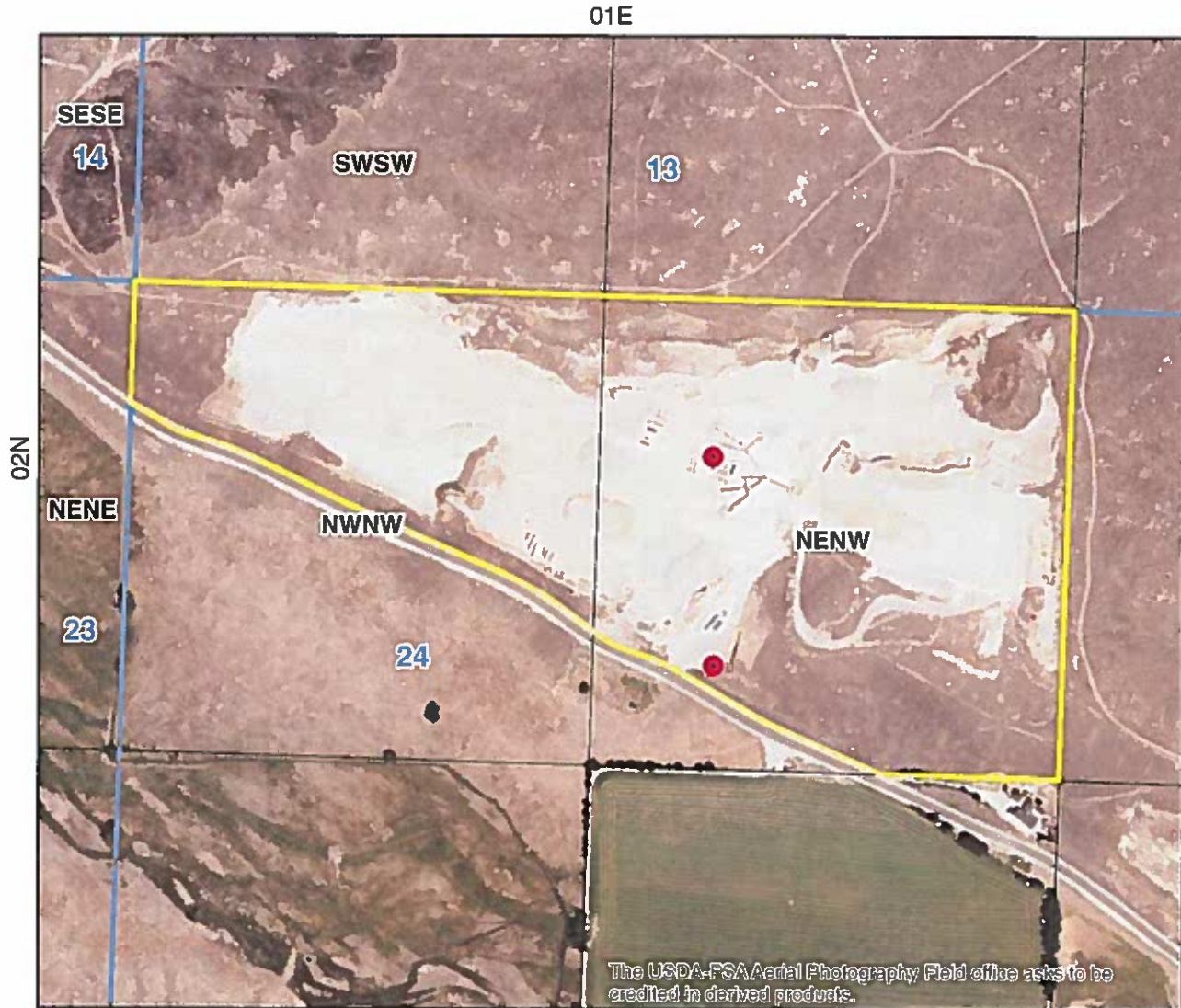


State of Idaho
Department of Water Resources

Attachment to Application for Transfer No. 80400

Water Right No. 63-31724

This map depicts the INDUSTRIAL 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.



RECEIVED

APR 04 2016

42-222 POD - 09:14

STATE OF IDAHO

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

COPY

RECEIVED

SEP 16 2015

WATER RESOURCES
WESTERN REGION

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

Amended Application

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) Kelly and/or Brenda Fulfer Phone 208-888-9819

2. MAILING ADDRESS PO Box 455 City Meridian

State ID Zip 83680 Email kelly@superiorconstruction.cc

☐ 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) 63-31631, 63-31724

☒ 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 0.10 cubic feet per second and/or _____ 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 #
No			NE	NW	24	2N	1E	Ada	Ground Water	D0030955
Yes			NE	NW	24	2N	1E	Ada	Ground Water	D0070139

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:

Wells, pumps, pressurized system.

Measuring devices & lockable controlling works will be accommodated upon Department's request.

- b. Who owns the property at the point(s) of diversion? Applicants FULFER PROPERTIES, LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

SEE ATTACHED EMAIL FROM KELLY FULFER

- 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/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.

Kelly Fulfer
Signature of applicant or authorized agent

Kelly Fulfer
Print name and title if applicable

9-8-15
Date

Brenda Fulfer
Signature of applicant or authorized agent

Brenda Fulfer
Print name and title if applicable

9-8-15
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 4 pages of attachments.

Received by [Signature]

Date 9/16/15

Fee paid \$225.00 Date 9/16/15

Received by [Signature]

Receipt # W043493

Preliminary review by [Signature]

Date 9/16/15

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.: 63-31631

Current Owner: FULFER PROPERTIES LLC

Priority Date: 1/23/2003

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

COMMERCIAL

01/01 to 12/31

0.04 CFS

Total Diversion

0.04 CFS

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4

Sec. 24, Twp 02N, Rge 01E B.M.

ADA County

Place of Use

COMMERCIAL Within ADA County

T02N R01E S24

NENW

T02N R01E S24

NWNW

Conditions of Approval:

1. F06 The following rights are diverted through point of diversion described above:
63-31724 & 63-31631.
2. 071 The commercial use authorized under this right shall not exceed 2500
gallons per day.
3. 103 When ordered by the Director, the right holder shall provide mitigation
acceptable to the Director to offset depletion of lower Snake River flows
needed for migrating anadromous fish. The amount of water required for
mitigation, which is to be released into the Snake River or a tributary for this
purpose, will be determined by the Director based upon the reduction in flow
caused by the use of water pursuant to this right. Any order of the Director
issued in accordance with this paragraph shall be in conformance with
applicable rules allowing the right holder due process as the need for
mitigation and the amount of mitigation are determined.
4. Commercial use is for an office and dust abatement.

Licensed Date: 12/27/2012

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

Current Water Right No.: 63-31724

Current Owner: BRENDA FULFER
KELLY FULFER

Priority Date: 5/9/1977

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.06 CFS	11.3 AF
	<u>Total Diversion</u>	0.06 CFS	11.3 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4 Sec. 24, Twp 02N, Rge 01E B.M.
ADA County

Place of Use

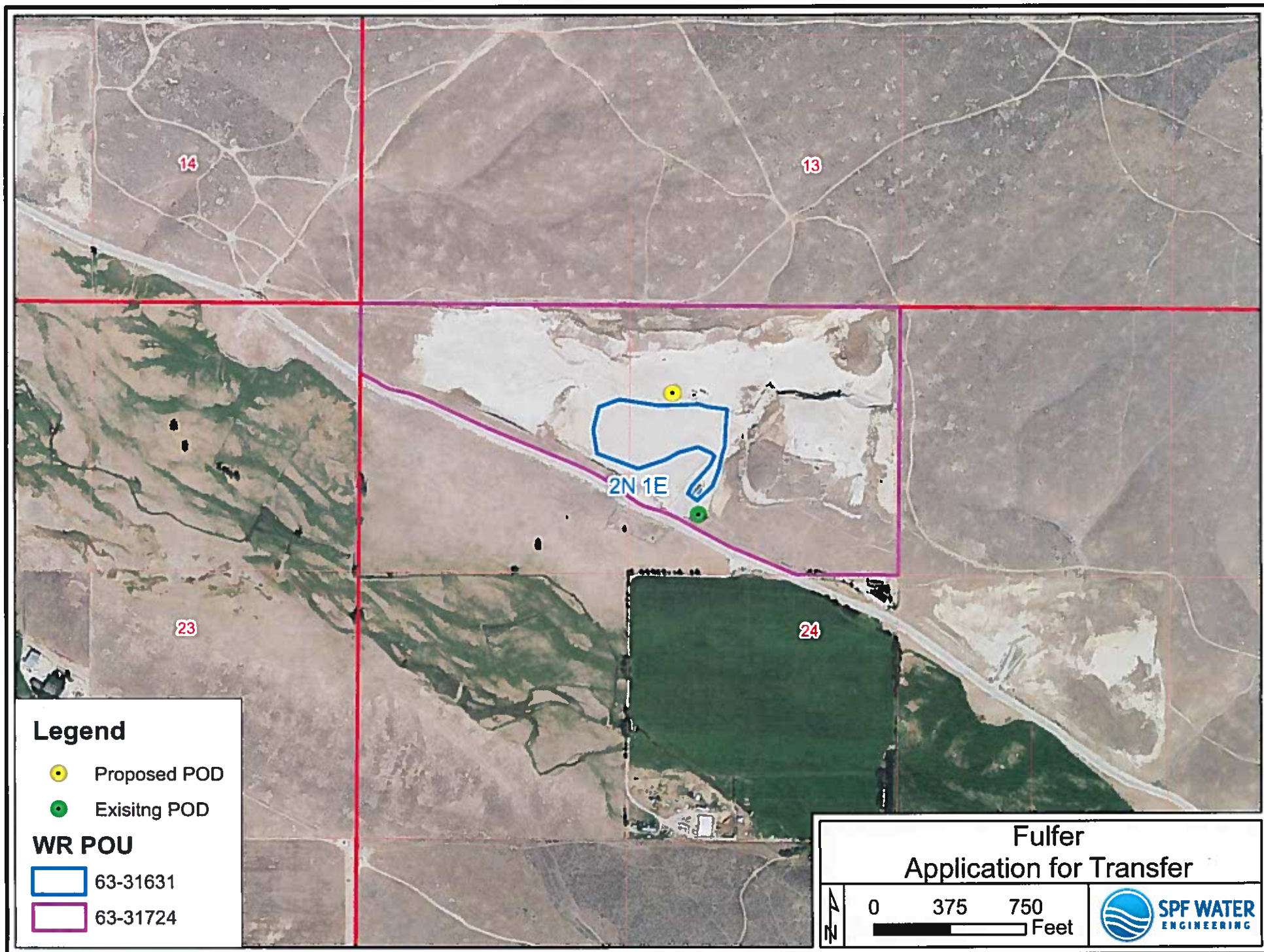
INDUSTRIAL Within ADA County

T02N R01E S24 NENW T02N R01E S24 NWNW

Conditions of Approval:

1. X36 Right 63-31631 is also diverted through the point of diversion described above.
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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. T07 The right holder shall accomplish the change authorized by Transfer No. 70628 within one (1) year of the date of approval.
5. Industrial use is for dust abatement for a gravel pit.
6. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-8796.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 2/16/2007



Attachments P13- Map transfer no 80450

From: Kelly Fulfer [<mailto:Kelly@superiorconstruction.cc>]

Sent: Monday, March 28, 2016 3:12 PM

To: Lori Graves <LGraves@spfwater.com>

Subject: Water Rights

I Kelly Fulfer, member of Fulfer Properties, LLC, authorize use of wells located on property owned by Fulfer Properties, LLC, to water right 63-31724, in the name of Kelly and/or Brenda Fulfer, and water right 63-31631, in the name of Fulfer Properties, LLC, as proposed on Transfer Application No. 80400. Ownerships of the subject water rights are to remain as currently listed and are not subject to change.

submitted w/ Amended App

Attachments pg 4 - Easement Statement Transfer 80400

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 16 2015
Original
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)** Kelly and/or Brenda Fulfer Phone 208-888-9819
2. **MAILING ADDRESS** PO Box 455 City Meridian
State ID Zip 83680 Email kelly@superiorconstruction.cc

- ☐ 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)** 63-31631, 63-31724

- ☒ 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 0.10 cubic feet per second and/or _____ 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 #
No			NE	NW		2N	1E	Ada	Ground Water	D0030955
Yes			NE	NW		2N	1E	Ada	Ground Water	D0070139

Superseded by Amended Application Received 9/4/2016

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:

Wells, pumps, pressurized system.

Measuring devices & lockable controlling works will be accommodated upon Department's request.

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

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/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

Kelly Fuller
Print name and title if applicable

9-8-15
Date


Signature of applicant or authorized agent

Brenda Fuller
Print name and title if applicable

9-8-15
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 3 pages of attachments.

Received by 

Date 9/16/15

Fee paid \$225.00 Date 9/16/15

Received by 

Receipt # W043493

Preliminary review by PS

Date 8/22/16

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)



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

August 12, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KELLY FULFER
BRENDA FULFER
PO BOX 455
MERIDIAN ID 83680

Re: Transfer No: 80400
Water Right No(s): 63-31631, 63-31724

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,

 Rachel Neely For!

Nick Miller

Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80400
Water Right No(s): 63-31631, 63-31724

KELLY FULFER
BRENDA FULFER
PO BOX 455
MERIDIAN ID 83680

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706



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.

MEMORANDUM

TO: Sascha Marston
FROM: Phill Hummer
DATE: 08/10/2016
RE : Refund

Superior Construction & Excavating Inc paid \$225.00 for an application to transfer a water right on 09/16/15. The application included an ownership change that was later withdrawn on 04/04/2016 with the submission of an amended application for transfer. A partial refund should be issued.

Please issue a \$25.00 refund to the **payer** as follows:

TO

Superior Construction & Excavating Inc
C/O Kelly Fulfer
PO BOX 455
MERIDIAN ID 83680

TEL. 208-888-9819

RECEIPT

W043493 copy attached

Copy: Copy to transfer file # 80400

MEMORANDUM

TO: Transfer No. 80400

FROM: Phill Hummer

DATE: 4/6/2016

RE: Evaluation of Application

This transfer proposes to add a point of diversion to water right no. 63-31631 and no. 63-31724 enabling the owner to use either well for their commercial and industrial water use. Originally, the applicant proposed to change the ownership of water right 63-31631 so that all water rights and permits held by the applicants are in their name and have the same address, for consistency. The ownership change was withdrawn per the amended application received 4/6/2016.

The site is approximately 8.5 kilometers south west of the boise airport on Tenmile Creek Road in the NE and NW ¼ of the NW ¼ of section 24, T02N, R01E, B.M.

The contact person for the applicant is Lori Graves, water rights specialist with SPF Water Engineering.

Summary of Information Submitted

Authority to File:

The current owner of water right no. 63-31724 is Brenda Fulfer and Kelly Fulfer and as the current owners the applicants have the authority to file a transfer for this water right. The current owner of water right no. 63-31631 is Fulfer Properties LLC. The secretary of state annual reports show that Kelly Fulfer is a member and Brenda Fulfer signed the report as office manager. The applicants also have the authority to file a transfer for this water right. A statement issued by Fulfer Properties LLC authorizes the use of wells located on their property for water right no 63-31724.

Water Right Validity:

Water right no. 63-31724 is presumed to be valid since the right was decreed on 2/16/2007 and beneficial use has occurred within the five year period prior filing of this application for transfer. 2015 aerial imagery confirms beneficial use at the place of use.

Water right no. 63-31631 is presumed to be valid. The license was issued on 12/27/2012 which is within the last five years. SRBA is not applicable to this right developed after 1987.

Injury to Other Water Rights:

No injury to existing water right holders is anticipated. The well with tag D0030955 has a water bearing zone of approximately 260 to 340 feet and well D0070139 has a water bearing zone of 195 to 440 feet. Since the two wells are only 0.2 kilometers apart it is likely that both wells draw from the same aquifer. This transfer would allow the company to use either well for any of their authorized uses. As water is already being appropriated for these uses this transfer will not result in more water withdrawn annually than which has occurred historically.

Enlargement of Use:

The application does not propose a change that would create an enlargement of use.

Local Public Interest:

The application proposes beneficial use consistent with 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.

Additional Information/Analysis

The original application was incomplete and a letter was sent on 3/22/2016 requesting a conveyance document authorizes a change of ownership, the section number for the location of the existing and proposed new point of diversion, and a statement of easement from Fulfer Properties LLC. On 4/4/2016 an amended application was submitted that provided the section numbers of the points of diversion. The amended application canceled the change of ownership to water right no 63-31631 so a conveyance document was no longer needed.

Discussion

The purpose of this transfer is to create a POD overlap at both well sites so that the applicants have the option to divert water for beneficial use allowed under water rights no. 63-31724, no. 63-31631 and permit no. 63-34104 from either well. Also permit no. 63-34104 and water right no. 63-31721 are both for industrial use (dust abatement) at the same gravel pit so a POU overlap also exists.

Data entry affected the correct record.

Summary**Recommended Condition Changes**

- T07 and T08 should be added, application is a transfer
- 046 added to 63-31631, application proposes to add a new point of diversion from a well
- F06 removed from 63-31631 per current region manager/SO guidance
- C28 updated to condition T19 on 63-31724
- P21 removed from 63-31724, informational and doesn't add value to the right

Drilling fee upgrade not required, well was drilled for industrial use.

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.



SPF WATER
ENGINEERING

March 31, 2016

RECEIVED

APR 04 2016

WATER RESOURCES
WESTERN REGION

Phill Hummer
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer No. 80400 (Kelly and/or Brenda Fulfer)

Dear Phill,

In response to your information request letter dated 3/22/2016, enclosed on behalf of Kelly and Brenda Fulfer, is an amended application for transfer with the changes requested in your letter. Attached to the amended application is a copy of an email from Kelly Fulfer, member of Fulfer Properties, LLC, authorizing the transfer application.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Kelly Fulfer

Enclosures

SPF file number: 1194.0010



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

3/22/2016

KELLY FULFER
BRENDA FULFER
PO BOX 455
MERIDIAN ID 83680

Re: Application for Transfer No. 80400 Additional Information Required

Dear Applicant:

Your recent application for transfer proposing to add a point of diversion to water rights no. 63-31724 and no. 63-31631 is being processed. The application cannot be fully processed without some additional information.

- **2 - Mailing Address and Ownership**

The form indicates that this transfer includes a change of ownership so the proper box needs to be checked and the corresponding documents must be provided. In order to change the ownership of the water right a conveyance document is needed showing that the current water right owner, Fulfer Properties LLC, no longer has an interest in the water right.

- **5 - Point of Diversion**

The location of the point of diversion must include the section number.

- **6 - General Information**

Department records (current as of 1/11/2016) indicate that you are not the owners of the property at the current and proposed points of diversion. Please provide verification that you are the property owners or provide the arrangement that enables you to access the property for the diversion system. Part d is incomplete. IDWR records indicate that neither water right nor any portion of either is currently leased into the Water Supply Bank, please complete this part of the application.

A copy of the original application is enclosed with this letter, please make the necessary changes to the form and re-submit it along with the requested additional information within thirty (30) days for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt application processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

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

Enclosure: Copy of Transfer Application No. 80400



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

3/22/2016

KELLY AND/OR BRENDA FULFER
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

Re: Application for Transfer No. 80400 Additional Information Required

Dear Applicant:

Your recent application for transfer proposing to add a point of diversion to water rights no. 63-31724 and no. 63-31631 is being processed. The application cannot be fully processed without some additional information.

- **2 - Mailing Address and Ownership**

The form indicates that this transfer includes a change of ownership so the proper box needs to be checked and the corresponding documents must be provided. In order to change the ownership of the water right a conveyance document is needed showing that the current water right owner, Fulfer Properties LLC, no longer has an interest in the water right.

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Sincerely,

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

Enclosure: Copy of Transfer Application No. 80400



September 14, 2015

RECEIVED

SEP 16 2015

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Angie,

Per Rachel Sommer's request, enclosed on behalf of Kelly and Brenda Fulfer, is an *Application for Transfer* proposing an additional well to water rights 63-31631 and 63-31724 and for water right 63-31631 be listed in the names of Kelly and Brenda Fulfer, consistent with water right 63-31724. The property is owned by Fulfer Properties, LLC., which is a company owned by Kelly. Please note that Kelly and Brenda are now using a PO Box rather than their home address at 2350 McMillan Road for mail delivery as reflected on the application.

Check No. 8666 for \$225 is enclosed for the filing fees; \$200 for the transfer application and \$25 for changing the current owner listed for water right 63-31631. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Kelly Fulfer

Enclosures

SPF file number: 1194.0010