

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 80818**

This is to certify that: **ROY E CRAWFORD**  
165 PHILLIP RD  
WOODSIDE, CA 94062

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-1067A           | WR/DECREED          | 4/1/1890             | 0.400 cfs             | N/A                     | 40.0              | 197.0              | SILVER CREEK  |
| 37-1213            | WR/DECREED          | 11/7/1918            | 0.500 cfs             | N/A                     | 25.0              | 197.0              | SILVER CREEK  |
| 37-2321            | WR/DECREED          | 8/4/1936             | 0.500 cfs             | N/A                     | 25.0              | 197.0              | SILVER CREEK  |
| 37-511             | WR/DECREED          | 11/1/1885            | 0.100 cfs             | N/A                     | 98.5              | 197.0              | SILVER CREEK  |
| 37-512             | WR/DECREED          | 9/1/1887             | 0.200 cfs             | N/A                     | 98.5              | 197.0              | SILVER CREEK  |
| 37-513             | WR/DECREED          | 4/1/1888             | 0.200 cfs             | N/A                     | 98.5              | 197.0              | SILVER 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-1067A              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 37-1213               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 37-2321               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 37-511                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 37-512                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 37-513                | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-1067A               | 37-1067A                         | 0.400 cfs            | N/A                    | 40.0              | 98.5               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-1213                | 37-1213                          | 0.500 cfs            | N/A                    | 25.0              | 98.5               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-2321                | 37-2321                          | 0.500 cfs            | N/A                    | 25.0              | 98.5               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-511                 | 37-511                           | 0.100 cfs            | N/A                    | N/A               | 98.5               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-512                 | 37-512                           | 0.200 cfs            | N/A                    | N/A               | 98.5               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-513                 | 37-513                           | 0.200 cfs            | N/A                    | N/A               | 98.5               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | 1.900 cfs            | N/A                    | 0.0               | 98.5               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

**SUPPORT DATA**

Transfer No. 80818

IN FILE # 37-511

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 80818

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 11<sup>th</sup> day of August, 2016.

  
Southern Region Manager



# **WATER RIGHT NO. 37-511**

## **As Modified by Transfer No. 80818**

In accordance with the approval of Transfer No. 80818, Water Right No. 37-511 is now described as follows:

**Right Holder:** ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE, CA 94062

**Priority Date:** 11/1/1885

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/15

to

### **To**

10/31

### **Diversion Rate**

0.100 cfs

0.100 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

SILVER CREEK

SWNNWN

Sec 36 Twp 01S Rge 20E BLAINE County

### **PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |      |    |     | NW |    |    |    | SW |    |     |    | SE   |    |      |      | Totals |
|-----|-----|-----|----|------|----|-----|----|----|----|----|----|----|-----|----|------|----|------|------|--------|
|     |     |     | NE | NW   | SW | SE  | NE | NW | SW | SE | NE | NW | SW  | SE | NE   | NW | SW   | SE   |        |
| 01S | 20E | 35  |    | 15.0 |    | 2.8 |    |    |    |    |    |    |     |    | 23.0 |    | 28.0 | 25.2 | 94.0   |
| 01S | 20E | 36  |    |      |    |     |    |    |    |    |    |    | 4.5 |    |      |    |      |      | 4.5    |

POU Total Acres: 98.5

### **CONDITIONS OF APPROVAL**

1. Rights 37-511, 37-512, 37-513, 37-1067A, 37-1213 and 37-2321 when combined shall not exceed the irrigation of 98.5 acres.
2. 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. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80818

**WATER RIGHT NO. 37-511**  
**As Modified by Transfer No. 80818**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



## WATER RIGHT NO. 37-512

### As Modified by Transfer No. 80818

In accordance with the approval of Transfer No. 80818, Water Right No. 37-512 is now described as follows:

**Right Holder:** ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE, CA 94062

**Priority Date:** 9/1/1887

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15

to

**To**

10/31

**Diversion Rate**

0.200 cfs

0.200 cfs

**LOCATION OF POINT(S) OF DIVERSION**

SILVER CREEK

SWNWNW

Sec 36 Twp 01S Rge 20E BLAINE 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   |        |
| 01S | 20E | 35  |    | 15.0 |    | 2.8 |    |    |    |    |    |    |     |    | 23.0 |    | 28.0 | 25.2 | 94.0   |
| 01S | 20E | 36  |    |      |    |     |    |    |    |    |    |    | 4.5 |    |      |    |      |      | 4.5    |

POU Total Acres: 98.5

**CONDITIONS OF APPROVAL**

1. Rights 37-511, 37-512, 37-513, 37-1067A, 37-1213 and 37-2321 when combined shall not exceed the irrigation of 98.5 acres.
2. 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. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80818

**WATER RIGHT NO. 37-512**  
**As Modified by Transfer No. 80818**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



# **WATER RIGHT NO. 37-513**

## **As Modified by Transfer No. 80818**

In accordance with the approval of Transfer No. 80818, Water Right No. 37-513 is now described as follows:

**Right Holder:** ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE, CA 94062

**Priority Date:** 4/1/1888

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/15

to

### **To**

10/31

### **Diversion Rate**

0.200 cfs

0.200 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

SILVER CREEK

SWNWNW

Sec 36 Twp 01S Rge 20E BLAINE County

### **PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |      |    |     | NW |    |    |    | SW |    |     |    | SE   |    |      |      | Totals |
|-----|-----|-----|----|------|----|-----|----|----|----|----|----|----|-----|----|------|----|------|------|--------|
|     |     |     | NE | NW   | SW | SE  | NE | NW | SW | SE | NE | NW | SW  | SE | NE   | NW | SW   | SE   |        |
| 01S | 20E | 35  |    | 15.0 |    | 2.8 |    |    |    |    |    |    |     |    | 23.0 |    | 28.0 | 25.2 | 94.0   |
| 01S | 20E | 36  |    |      |    |     |    |    |    |    |    |    | 4.5 |    |      |    |      |      | 4.5    |

POU Total Acres: 98.5

### **CONDITIONS OF APPROVAL**

1. Rights 37-511, 37-512, 37-513, 37-1067A, 37-1213 and 37-2321 when combined shall not exceed the irrigation of 98.5 acres.
2. 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. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80818

**WATER RIGHT NO. 37-513**  
**As Modified by Transfer No. 80818**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 37-1213****As Modified by Transfer No. 80818**

In accordance with the approval of Transfer No. 80818, Water Right No. 37-1213 is now described as follows:

**Right Holder:** ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE, CA 94062

**Priority Date:** 11/7/1918

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**

|            | <u>From</u> |    | <u>To</u> | <u>Diversion Rate</u> |
|------------|-------------|----|-----------|-----------------------|
| DOMESTIC   | 01/01       | to | 12/31     | 0.040 cfs             |
| IRRIGATION | 04/15       | to | 10/31     | 0.500 cfs             |
| STOCKWATER | 01/01       | to | 12/31     | 0.040 cfs             |
|            |             |    |           | 0.500 cfs             |

**LOCATION OF POINT(S) OF DIVERSION**

SILVER CREEK SWNWNW Sec 36 Twp 01S Rge 20E BLAINE County

**PLACE OF USE: DOMESTIC**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01S | 20E | 35  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  |        |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |      |    |     | NW |    |    |    | SW |    |     |    | SE   |    |      |      | Totals |
|-----|-----|-----|----|------|----|-----|----|----|----|----|----|----|-----|----|------|----|------|------|--------|
|     |     |     | NE | NW   | SW | SE  | NE | NW | SW | SE | NE | NW | SW  | SE | NE   | NW | SW   | SE   |        |
| 01S | 20E | 35  |    | 15.0 |    | 2.8 |    |    |    |    |    |    |     |    | 23.0 |    | 28.0 | 25.2 | 94.0   |
| 01S | 20E | 36  |    |      |    |     |    |    |    |    |    |    | 4.5 |    |      |    |      |      | 4.5    |

Right Acre Limit: 25.0

POU Total Acres: 98.5

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01S | 20E | 35  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  |        |

Transfer No. 80818

**WATER RIGHT NO. 37-1213**  
**As Modified by Transfer No. 80818**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season.
2. Rights 37-511, 37-512, 37-513, 37-1067A, 37-1213 and 37-2321 when combined shall not exceed the irrigation of 98.5 acres.
3. 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. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Saved or developed right independent of priority date.
7. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
8. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 37-1067A**

## **As Modified by Transfer No. 80818**

In accordance with the approval of Transfer No. 80818, Water Right No. 37-1067A is now described as follows:

**Right Holder:** ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE, CA 94062

**Priority Date:** 4/1/1890

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/15

to

### **To**

10/31

### **Diversion Rate**

0.400 cfs

0.400 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

SILVER CREEK

SWNWNW

Sec 36 Twp 01S Rge 20E BLAINE 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   |        |
| 01S | 20E | 35  |    | 15.0 |    | 2.8 |    |    |    |    |    |    |     |    | 23.0 |    | 28.0 | 25.2 | 94.0   |
| 01S | 20E | 36  |    |      |    |     |    |    |    |    |    |    | 4.5 |    |      |    |      |      | 4.5    |

Right Acre Limit: 40.0

POU Total Acres: 98.5

### **CONDITIONS OF APPROVAL**

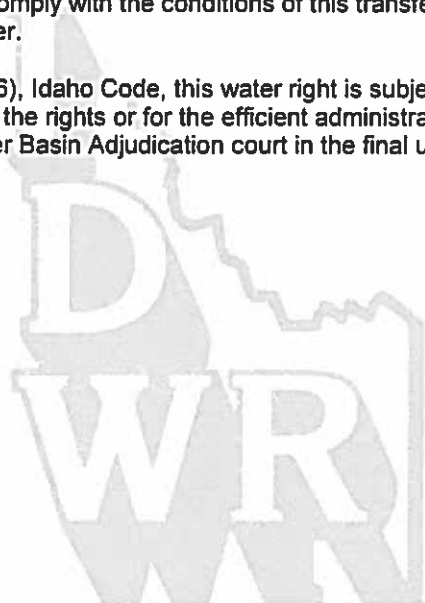
1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 37-511, 37-512, 37-513, 37-1067A, 37-1213 and 37-2321 when combined shall not exceed the irrigation of 98.5 acres.
3. Use of water under this right will be regulated by a 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. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80818

**WATER RIGHT NO. 37-1067A**  
**As Modified by Transfer No. 80818**

**CONDITIONS OF APPROVAL**

6. This right does not grant any right-of-way or easement across the land of another.
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. 37-2321

## As Modified by Transfer No. 80818

In accordance with the approval of Transfer No. 80818, Water Right No. 37-2321 is now described as follows:

**Right Holder:** ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE, CA 94062

**Priority Date:** 8/4/1936

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/15 **To** 10/31

**Diversion Rate**  
0.500 cfs  
0.500 cfs

### LOCATION OF POINT(S) OF DIVERSION

SILVER CREEK SWNWNW Sec 36 Twp 01S Rge 20E BLAINE County

### PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE |      |    |     | NW |    |    |    | SW |    |     |    | SE   |    |      |      | Totals |
|-----|-----|-----|----|------|----|-----|----|----|----|----|----|----|-----|----|------|----|------|------|--------|
|     |     |     | NE | NW   | SW | SE  | NE | NW | SW | SE | NE | NW | SW  | SE | NE   | NW | SW   | SE   |        |
| 01S | 20E | 35  |    | 15.0 |    | 2.8 |    |    |    |    |    |    |     |    | 23.0 |    | 28.0 | 25.2 | 94.0   |
| 01S | 20E | 36  |    |      |    |     |    |    |    |    |    |    | 4.5 |    |      |    |      |      | 4.5    |

Right Acre Limit: 25.0

POU Total Acres: 98.5

### CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season.
2. Rights 37-511, 37-512, 37-513, 37-1067A, 37-1213 and 37-2321 when combined shall not exceed the irrigation of 98.5 acres.
3. 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. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80818

**WATER RIGHT NO. 37-2321**  
**As Modified by Transfer No. 80818**

**CONDITIONS OF APPROVAL**

6. This right does not grant any right-of-way or easement across the land of another.
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.

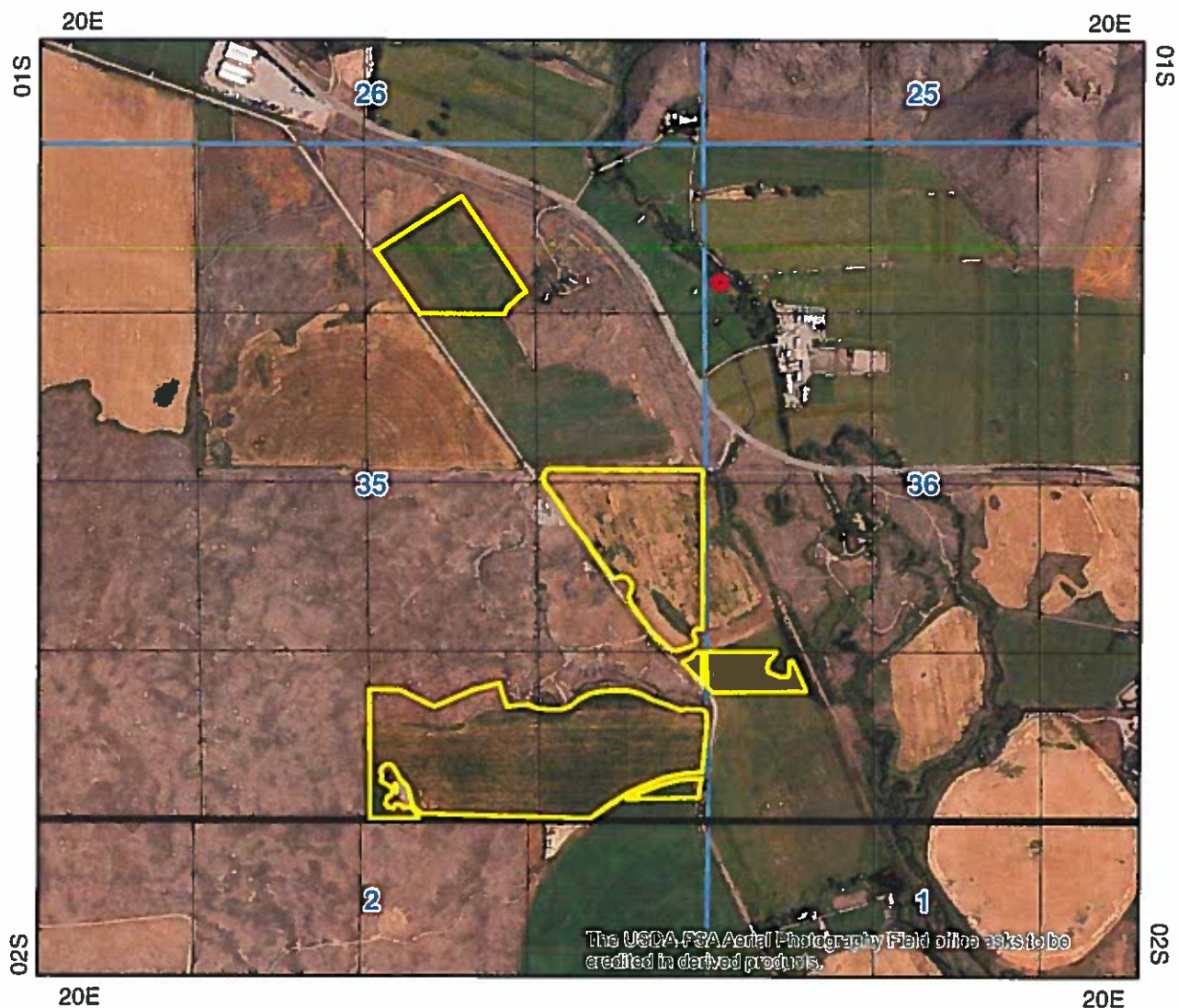


State of Idaho  
Department of Water Resources

## Attachment to Transfer # 80818

Rights 37-511, 37-512, 37-513, 37-1067A, 37-1213 and 37-2321

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



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



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 12, 2016

ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE CA 94062

Re: Transfer No: 80818  
Water Right No(s): 37-511, 37-512, 37-513, 37-1067A, 37-1213, 37-2321

**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) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner  
Southern Regional Manager

Enclosure

cc:

KEVIN LAKEY WATER MASTER  
WATER DISTRICT 37  
107 W 1ST ST  
SHOSHONE ID 83352

JAMES P SPECK  
SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340

## **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.: 80818**

**Water Right No(s): 37-511, 37-512, 37-513, 37-1067A, 37-1213, 37-2321**

**ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE CA 94062**

**KEVIN LAKEY WATER MASTER      *(via e-mail)*  
WATER DISTRICT 37  
107 W 1ST ST  
SHOSHONE ID 83352**

**JAMES P SPECK      *(courtesy copy)*  
SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline  
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.

Updated  
**MEMORANDUM**

**Date:** May 25, 2016  
**To:** Transfer 80818 File  
**From:** Bill Mills  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application for transfer proposes consolidating the current place of use (POU) for six Silver Creek irrigation water rights that allow a total combined diversion of 1.9 cfs from 197 acres down to a 98.5 acre place of use (POU). The water rights are as follows: 37-511 (0.10 cfs); 37-512 (0.20 cfs); 37-513 (0.20 cfs); 37-1067A (0.40 cfs); 37-1213 (0.50 cfs) and 37-2321 (0.50 cfs). Only 4.5 acres of the proposed POU will be on new ground. Current and proposed POU and point of diversion (POD) are located approximately 4.4 to 5.5 miles west and 0.1 to 1.0 miles south of the intersection of Hwy 20 & 93 in Carey.

There are two companion transfer applications (#80802 and #80819) that accompany this transfer application. The McGrath 1998 Trust and Mr. Roy E. Crawford jointly owned six Silver Creek water rights that are appurtenant to property that Mr. Crawford owns. Those rights were recently split in an ownership change assigning half of each right to Mr. Crawford (1.9 cfs and 98.5 acres total) and the other half assigned to the McGrath 1998 Trust (1.9 cfs and 98.5 acres total). Transfer application #80819 is seeking to move the six rights owned by McGrath 1998 Trust to the McGrath property located on adjacent properties and also proposes changing the point of diversion (POD) to an existing diversion at the McGrath property. Additionally, the McGrath properties have been leasing a 177.5 acre portion of right 37-22586 from SCI Properties LLC. That lease expired at the end of the 2015 irrigation season and a new lease has been drafted that reduces the number of acres leased to the McGrath properties from 177.5 down to 88.8 acres. This opens enough acreage on the McGrath property to transfer (#80819) his Silver Creek rights to his property to cover portions of the farm that were using the leased water right. Transfer #80802 moves 88.7 acres of the leased portion of the SCI Properties LLC ground water right from the McGrath property to the Crawford property to cover ground formerly irrigated by the portion of the Silver Creek water rights now owned by McGrath. Transfer #80802 also seeks to add a point of rediversion for the leased ground water at the existing POD for Mr. Crawford's Silver Creek water rights to provide delivery of the leased water. This transfer application (#80818) is consolidating the POU on the Crawford property for the six remaining Silver Creek water rights he owns from a 197 acre POU down to a 98.5 acre POU. If all the three transfers are approved, approximately half of the McGrath and Crawford properties will utilize their own privately held Silver Creek water rights and the other half of their properties will be irrigated using the ground water leased from the right owned by SCI Properties LLC (37-22586). The Silver Creek water rights POUs will not overlap with the SCI ground water right POUs on the Crawford and the McGrath farms. No changes are proposed for the remaining 222.5 acre portion of this right appurtenant to the SCI Properties LLC POU. See included Map1: Current POUs and MAP 2: Post Transfers POUs for reference.

POD and POU are located in Water District 37 and Watermaster comments were solicited. Since this transfer application (#80818) only changes the place of use and there is no hydrologic change, the transfer can be processed and approved without advertising.

- **Authority to File:** IDWR records indicate that the applicant owns the water rights and the majority of the properties involved in this transfer. However, 4.5 acres of the water rights owned by Mr. Crawford will be appurtenant to ground owned by the McGrath 1998 Trust (SWSW of Sec. 36, Twp 01S, Rge 20E). An additional 15 acres that will be irrigated in the NWNE of Sec. 35, Twp 01S, Rge 20E, are on ground that is jointly owned by Mr. Crawford and the McGrath 1998 Trust. Copies of ownership documentation and a water use agreement were provided. The water use agreement indicates consent to use the Crawford water rights on both the McGrath property and the jointly owned property. The agreement also indicates that Mr. Crawford will retain ownership of the water rights used at those locations. Copies of deeds for McGrath and Crawford properties have also been provided.
- **Water Right Validity:** All Water rights in this transfer were decreed in the SRBA on 9/29/2006. Recent aerial and satellite imagery indicates the properties involved with this transfer appear irrigated.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**  
None Anticipated.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing**

State of Idaho  
Department of Water Resources  
Transfer of Water Right(s)  
**RECOMMENDATION FORM**

*via e-mail*  
**RECEIVED**

**MAY 05 2016**

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**Transfer Application No.:** 80818

**Water Right No(s):** 37-511, 37-512, 37-513, 37-1067A,  
37-1213, 37-2321

**Transfer Applicant's Name:** ROY E CRAWFORD  
165 PHILLIP RD  
WOODSIDE, CA 94062

**Recommendation:**

- a)   ✓   I do not oppose approval of this application.
- b)            I do not oppose approval of this application if it is conditioned as follows:
- c)            I oppose approval of this application for the following reasons:
- d)            Additional comments:

Dated this   29<sup>th</sup>   day of   April  , 2016

**Water District No. 37**

Kevin Lakey

Water Master's Signature

Kevin Lakey

Printed Name