

MAY 20 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) Middle Fork Land & Cattle LLC (Martine Ziniker & Robin Ziniker) Phone 541-480-6045
 2. MAILING ADDRESS 10220 NW 27th St. City Terrebonne
 State OR. Zip 97760 Email ziniker@msn.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) 67-85A AND 67-86

- ☒ 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 0.48 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 #
X		NW	SW	SW	4	15N	01W	Adams	Middle Fork Wier R.	

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:

New diversion will consist of AN Electrical or diesel operated Pump with direct intake from New Point of diversion. (Pump size & intake size according to NRCS Recommend) Elec or manual lock out.

- b. Who owns the property at the point(s) of diversion? Middle Fork Land & Cattle LLC (Robin Ziniker)
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:

In 2011 Middle Fork Flooding washed out the existing Diversion.

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

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

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

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

Robin L. Ziniker
Signature of applicant or authorized agent

Robin Ziniker
Print name and title if applicable

5.17.2016
Date

Martine L. Ziniker
Signature of applicant or authorized agent

Martine L. Ziniker
Print name and title if applicable

5.17.2016
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 CJ

Date 5/20/16

Fee paid \$500.00 Date 5/20/16

Received by CJ

Receipt # W044218

Preliminary review by P. Kelly

Date 7-6-2016

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)

PART 2A

Current Water Right No.: 67-85A

Current Owner: MIDDLE FORK LAND & CATTLE LLC

Priority Date: 5/1/1891

Origin: Water Right

Status: Active

Basis: Decreed

Source

MIDDLE FORK WEISER RIVER

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Diversion Rate

0.48 CFS

Annual Volume

Total Diversion

0.48 CFS

Location of Point(s) of Diversion

MIDDLE FORK WEISER RIVER

SW1/4SW1/4SW1/4

Sec. 3, Twp 15N, Rge 01W B.M.

ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T15N R01W S4	NESW	4.00	T15N R01W S4	NWSW	5.00
T15N R01W S4	SWSW	5.00	T15N R01W S4	SESW	5.00
T15N R01W S5	NESE	5.00			

Total Acres: 24

Conditions of Approval:

1. F06 The following rights are diverted through a point of diversion described above: 67-00084, 67-00085A, 67-00086 & 67-04138.
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. E51 Right Nos. 67-85A and 67-86 are limited to a total combined diversion rate of 0.48 cfs.
4. E55 Right Nos. 67-00085A and 67-00086 are limited to the irrigation of a combined total of 24 acres in a single irrigation season.

Decreed Date: 10/20/2008

80942

PART 2A

Current Water Right No.: 67-86

Current Owner: MIDDLE FORK LAND & CATTLE LLC

Priority Date: 5/1/1901

Origin: Water Right

Status: Active

Basis: Decreed

Source

MIDDLE FORK WEISER RIVER

Tributary

WEISER RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 10/31

0.48 CFS

Total Diversion

0.48 CFS

Location of Point(s) of Diversion

MIDDLE FORK WEISER RIVER

SW1/4SW1/4SW1/4

Sec. 3, Twp 15N, Rge 01W B.M.

ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T15N R01W S4	NESW	4.00	T15N R01W S4	NWSW	5.00
T15N R01W S4	SWSW	5.00	T15N R01W S4	SESW	5.00
T15N R01W S5	NESE	5.00			

Total Acres: 24

Conditions of Approval:

1. E55 Right Nos. 67-00085A and 67-00086 are limited to the irrigation of a combined total of 24 acres in a single irrigation season.
2. E51 Right Nos. 67-85A and 67-86 are limited to a total combined diversion rate of 0.48 cfs.
3. 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.
4. F06 The following rights are diverted through a point of diversion described above: 67-00084, 67-00085A, 67-00086 & 67-04138.

Decreed Date: 10/20/2008

80942



* Point of New Diversion
 $44^{\circ} 39' 42.75'' N$
 $111^{\circ} 20' 25.71'' W$ Elev. 2835 } Google Earth

80942



Idaho Department of Water Resources

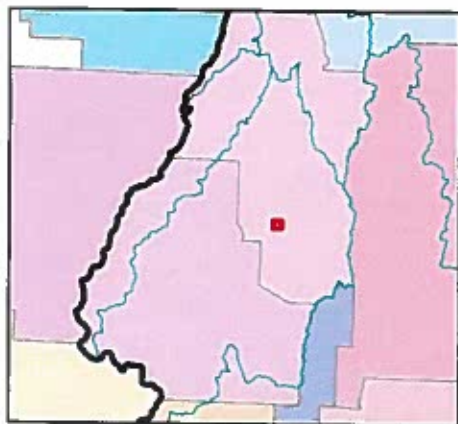
See Reverse for
New Point of Div.

Water Right
67-86 + 85 A
(IRRIGATION)

Legend

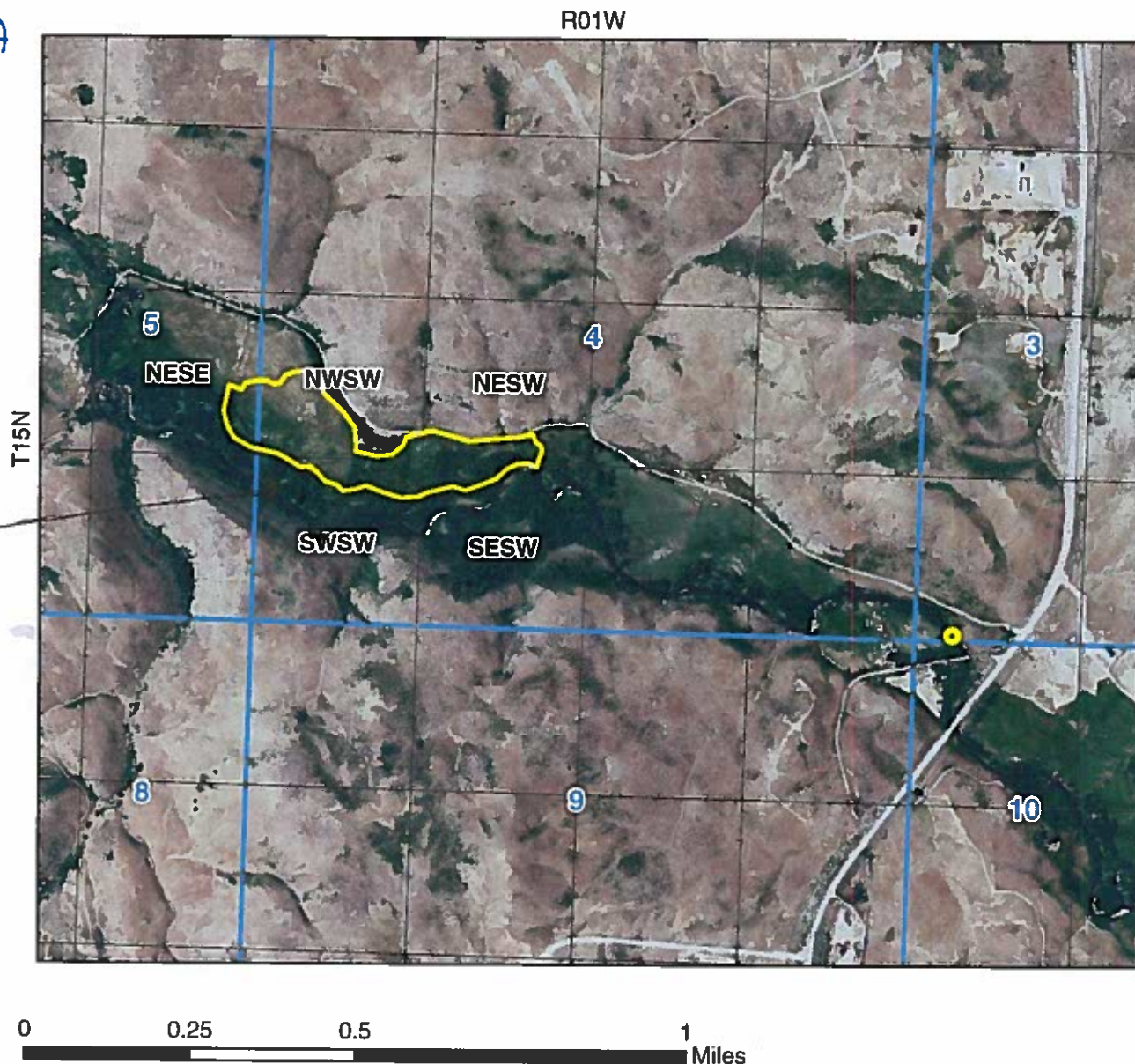
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

New Point of Diversion



Adams County
IDWR Basin 67

Prepared by John Westra
On June 01, 2010
2006 Aerial Photography



67-85A



Water use area outlined
in Yellow



47608

67-86



Water Use Area outlined
in Yellow





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

July 14, 2016

MIDDLE FORK LAND & CATTLE LLC
10220 NW 27 ST
TERREBONNE, OR 97760

RE: Transfer No. 80942
Water Right No(s). 67-85A, 67-86

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 RECORD on 7/20/2016 and 7/27/2016. 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, July 14, 2016 8:55 AM
To: 'Gamaliel Masters'
Subject: Adams Legal Ads
Attachments: Adams Cover Letter.docx; Adams Legal ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 7/20/2016 & 7/27/2016.

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

July 14, 2016

LEGAL NOTICE DEPARTMENT
THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Application for Permit No. 78-12439
 Application for Transfer No. 80942,
 Water Right No(s): 67-85A, 67-86

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 8/8/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

78-12439

EDWARD KALINOWSKI

PO BOX 127

NEW MEADOWS, ID 83654

Point of Diversion L3(NWNWSW) S9 T19N R02E ADAMS County Source SPRING Tributary THREEMILE CREEK

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.12 CFS

Date Filed: 5/2/2016

Places of Use: IRRIGATION, STOCKWATER

T19N R02E S9 L3(NWSW)

Total Acres: 4

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80942

MIDDLE FORK LAND & CATTLE LLC, 10220 NW 27 ST, TERREBONNE, OR 97760; has filed Application No. 80942 for changes to the following water rights within ADAMS County(s): Right No(s). 67-85A, 67-86; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Transfer proposes to change the point of diversion further downstream approximately one mile closer to the place of use. Water use is located 5 miles south of Council, west of Hwy 95.

Permits will be subject to all prior water rights. 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 §§ 42-203A and 42-222. Any protest against the approval of the application(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 8/8/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/20/2016 and 7/27/2016



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

July 14, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ROBERT J GILMAN
2168 MIDDLEFORK RD
COUNCIL ID 83612

Re: Application for Transfer No. 80942

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to *The Record* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by August 8, 2016. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, July 14, 2016 9:18 AM
To: 'Brandi Horton'
Subject: Application for Transfer No. 80942
Attachments: Watermaster Recommendation Form.docx; Application for Transfer No. 80942.pdf

July 14, 2016

BRANDI HORTON
WATER DISTRICT #67
2297 SNAPP LN
MIDVALE ID 83645

RE: Application for Transfer No. 80942

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application(s). A copy of the application(s) is enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of August 8, 2016.

If you desire to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline..

IDWR will assume you do not object to this application(s) 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

MEMORANDUM

TO: Transfer No. 80942
FROM: Patrick Kelly
DATE: 7/5/2016
RE: Evaluation of Application

Summary of Information Submitted

Narrative: In 2011, a washout of the diverting system pertinent to Middle Fork Weiser River rights 67-85A and 67-86. Transfer No, 80942 proposes to change the point of diversion further downstream approximately one mile closer to the place of use.

Authority to File: The transfer application was signed by Martinel and Robin Ziniker. Robin Ziniker is the registered member of Middle Fork Land & Cattle LLC according to the ID Sec of State records. Middle Fork Land & Cattle LLC are current water right owners of 67-85A and 67-86.

Water Right Validity: 2011 aerial imagery and LandSat data shows irrigation within the last 5 years. Forfeiture not a concern.

Overlap Analysis: Overlap review finds water rights 67-85A and 67-86 share a quarter quarter with 67-7633, however since the source and ownership are different for the single acre, no actual overlap is anticipated. POD overlap at the pre-transfer location contains water rights 67-84 and 67-15002 owned by Robert J Gilman.

Injury to Other Water Rights: None anticipated. The change in diversion location downstream does not appear to injure active water users within the mile stretch of river between both locations. Comment letters will be sent to Robert J. Gilman and watermaster for Basin 67.

Enlargement of Use: None anticipated. There are no significant tributaries between the pre-transfer POD and the proposed POD. The availability of water is assumed to be equal at both locations.

Local Public Interest: Review staff has no information to suggest this application is inconsistent with the local public interest. While many POD transfers are not advertised, this application will be since user is removing their water from an established conveyance system.

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.