

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80353

This is to certify that: STEVEN L PICATTI
TERRY J SMITH
9060 W BROOKSIDE LN
BOISE, ID 83714

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>
63-32787	WR/DECREE	2/26/1974	0.100 cfs	22.5 af	N/A	5.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

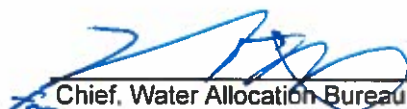
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32787	NO	YES	NO	NO	NO	NO

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>
63-32787	63-32787	0.100 cfs	22.5 af	N/A	5.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.100 cfs	22.5 af	N/A	5.0		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 28 day of June, 2016.


Chief, Water Allocation Bureau

Transfer No. 80353

WATER RIGHT NO. 63-32787
As Modified by Transfer No. 80353

In accordance with the approval of Transfer No. 80353, Water Right No. 63-32787 is now described as follows:

Right Holder: STEVEN L PICATTI
TERRY J SMITH
9060 W BROOKSIDE LN
BOISE, ID 83714

Priority Date: 2/26/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.100 cfs	22.5 af
			0.100 cfs	22.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 25 Twp 05N Rge 01E ADA 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	
05N	01E	25											5.0						5.0

POU Total Acres: 5.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 8/26/2014.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/11/2007.

Transfer No. 80353

WATER RIGHT NO. 63-32787
As Modified by Transfer No. 80353

CONDITIONS OF APPROVAL

6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Point of diversion is located within Lot 2; Spring Creek Estates Subdivision.
8. Place of use is located within Lot 2; Spring Creek Estates Subdivision.



State of Idaho
Department of Water Resources

Attachment to Application for Transfer No 80353

Water Right No. 63-32787

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



Legend

- Transfer POD
- ▨ Transfer POU
- ▭ Township/Range
- ▭ Sections
- QQ

0 0.05 0.1 0.2 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 26 2015
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) Steven L Picatti, Terry J Smith Phone 208-950-1053
2. MAILING ADDRESS 9060N Brookside Ln City Boise
State IDAHO Zip 83714 Email spicatti@gmail.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63.32787

☒ 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 #
Y	-	-	SW	SW	25	5N	1E	Ada	ground water	D0066200

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:

could install meter if needed

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

Steven L. Picatti
Signature of applicant or authorized agent

Steven L. Picatti
Print name and title if applicable

10/12/2014
Date

Terry J. Smith
Signature of applicant or authorized agent

Terry J. Smith
Print name and title if applicable

10/12/2014
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 8 pages of attachments. Received by CS Date 8/26/15
Fee paid \$350.00 Date 8/26/15 Received by CS Receipt # WD43440
Preliminary review by PH Date 9/11/16 Active in the Water Supply Bank? Yes ☐ No ☒
W-9 received? Yes ☐ No ☒ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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

Current Water Right No.: 63-32787

Current Owner: MONSON FAMILY TRUST

Priority Date: 2/26/1974

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>
IRRIGATION	03/15 to 11/15	0.1 CFS	22.5 AF
	<u>Total Diversion</u>	0.1 CFS	22.5 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SW1/4 Sec. 25, Twp 05N, Rge 01E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T05N R01E S25 SWSW 5.00

Total Acres: 5

Conditions of Approval:

1. X59 Point of diversion is located within Lot 3 and place of use is located within Lot 2, Spring Creek Estates.
2. F06 The following rights are diverted through point of diversion described above: 63-32786 and 63-32787.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/11/2007.
4. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Decreed Date: 4/11/2007

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

1. WELL TAG NO. D 0066200
Drilling Permit No 965878-81937
Water right or injection well # _____

2. OWNER:
Name Syringa Construction
Address 1782 E State St
City Eagle State Id Zip 83616

3. WELL LOCATION:
Twp. 5 North ☒ or South ☐ Rge. 1 East ☒ or West ☐
Sec. 25 1/4 SW 1/4 SW 1/4
Gov't Lot _____ County Ada
Lat. 43 44.180 (Deg and Decimal minutes)
Long 116 17.576 (Deg and Decimal minutes)
Address of Well Site 9060 W Brookside Lane
City Boise

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other _____

5. TYPE OF WORK:
☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

6. DRILL METHOD:
☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method/procedure
3/4" bentonite	0	40	750	Pour

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
6"	+2	54	250	steel	☒	☐	☐	☐
4 1/2"	5	385	S40	PVC	☐	☒	☐	☐

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____

9. PERFORATIONS/SCREENS:
Perforations ☒ Y ☐ N Method _____
Manufactured screen ☒ Y ☐ N Type PVC
Method of installation set

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
345	385	.020	—	4 1/2"	Pvc	S40

Length of Headpipe _____ Length of Tailpipe _____
Packer ☐ Y ☒ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method

11. FLOWING ARTESIAN:
Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____
Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:
Depth first water encountered (ft) 49' Static water level (ft) 23'
Water temp. (°F) 65 Deg F Bottom hole temp. (°F) _____
Describe access port _____

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
	150	20

Test method:

Pump	Bailer	Air	Flowing artesian
☐	☐	☒	☐

Water quality test or comments: _____

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10	0	21	tan clay		
	21	40	blue clay		
6	40	47	blue clay		
	47	49	blue clay sand streaks	X	
	49	212	blue clay		
	212	368	blue silt stone		
	368	381	blue / tan silt stone		
	381	398	green maroon silt stone		
	398	403	sand	X	

RECEIVED
MAY 12, 2014
V. COOPER
WATER RESOURCES
WESTERN REGION

Completed Depth (Measurable) 385'
Date Started May 12, 2014 Date Completed May 15, 2014

14. DRILLER'S CERTIFICATION:
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Cooper Well Drilling Co. No. 409
Principal Driller Donna Cooper Date 5-19-14
Driller Donna Cooper Date 5-13-14
Operator II _____ Date _____
Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

RECEIVED

MAY 20 2014

WATER RESOURCES
WESTERN REGION

Attachments pg 2 - well log

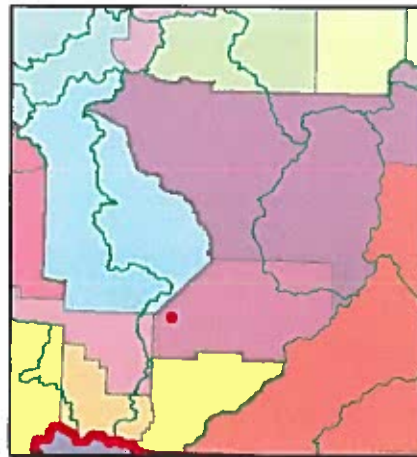
00353



Idaho Department of Water Resources

Water Right
63-32787
(IRRIGATION)

- Point of Diversion (IRRIGATION)
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Ada County
IDWR Basin 63

Prepared by Lester, Steve
On October 10, 2014
2009 Aerial Photography

01E



05N



Original well not on this lot

Water Rights Transfer

Buyer's acknowledge that they are aware that they will need to pick up check payable to: Department of Water Rights and a copy of the Recorded Warranty Deed.

Buyer's must go to Department of Water Resources to file paperwork for the transfer of Water Rights (Forms provided at closing)

Department of Water Rights Ph 208-334-2190

 9/18/2013
Steven L. Picatti Date

 9/18/2013
Terry J. Smith Date

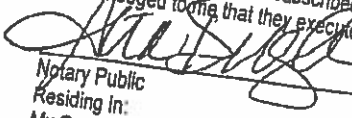
RECEIVED

APR 04 2016

WATER RESOURCES
WESTERN REGION

State of Idaho
County of Ada, ss.

On this 9th day of September in the year of 2013, before me, the undersigned, a notary public in and for said state personally appeared Clark Ivar Monson and Jean Doris Monson, known or identified to me to be the persons whose names are subscribed to the within instrument, as trustees of The Monson Family Trust and acknowledged to me that they executed the same as trustees.


Notary Public
Residing In:
My Commission Expires:
(seal)

RESIDING IN BOISE, IDAHO
MY COMMISSION EXPIRES 3/11/2014





Order Number: 13228286

Warranty Deed

For value received,

Clark Ivar Monson and Jean Doris Monson, Trustees of The Monson Family Trust, u/t/a dated June 26, 2000

the grantor, does hereby grant, bargain, sell, and convey unto

Steven L. Picatti an unmarried man and Terry J. Smith, an unmarried woman

whose current address is 292 E. Conemaugh Ln Eagle, ID 83616-6

the grantee, the following described premises, in Ada County, Idaho, to wit:

A parcel of land being a portion of Lot 2 and a portion of Lot 3, Spring Creek Estates, as recorded in Book 26 of Plats at Pages 1638 and 1639, records of Ada County, Idaho and lying in the Southwest Quarter of the Southwest Quarter of Section 25, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap marking the South Quarter corner of Section 26, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho; thence South 89°07'40" East, 2642.84 feet to a found Brass Cap marking the Section corner common to Sections 25, 26, 35 and 36, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, said Brass Cap bears South 00°35'48" West 2660.07 feet from a found 5/8 inch iron pin marking the West Quarter corner of said Section 25; thence North 00°35'48" East 50.47 feet along the West boundary of said Section 25 to a point lying along the Northerly right-of-way of Brookside Lane; thence South 84°13'33" East 300.81 feet along said Northerly right-of-way of Brookside Lane to a set 1/2 inch iron pin, said pin marking the Southwest corner of said Lot 2, Spring Creek Estates, said pin also marking the Real Point of Beginning; thence North 00°07'04" West 758.87 feet along the West boundary of said Lot 2, Spring Creek Estates to a set 1/2 inch iron pin marking the Northwest corner of said Lot 2, Spring Creek Estates; thence South 85°58'19" East 281.05 feet along the North boundary of said Lot 2, Spring Creek Estates to a set 1/2 inch iron pin; thence South 03°08'13" East 700.53 feet to a set 1/2 inch iron pin lying along the South boundary of said Lot 3, Spring Creek Estates, and also lying along the said Northerly right-of-way of Brookside Lane; thence South 84°32'41" West 20.00 feet along said South boundary of Lot 3 and said Northerly right-of-way of Brookside Lane to a set 1/2 inch iron pin marking the Southeast corner of said Lot 2, Spring Creek Estates; thence South 82°45'45" West 299.81 feet along the South boundary of said Lot 2, Spring Creek Estates and the said Northerly right-of-way of Brookside Lane to the Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

The Monson Family Trust

By Clark Ivar Monson, Trustee
Clark Ivar Monson, Trustee

By Jean Doris Monson, Trustee
Jean Doris Monson, Trustee



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

June 7, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

STEVEN L PICATTI
TERRY J SMITH
9060 W BROOKSIDE LN
BOISE ID 83714

Re: Transfer No: 80353
Water Right No(s): 63-32787

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Nally Fox". The signature is written in a cursive, flowing style.

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80353
Water Right No(s): 63-32787**

**STEVEN L PICATTI
TERRY J SMITH
9060 W BROOKSIDE LN
BOISE ID 83714**



**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.

Hummer, Phill

From: Marston, Sascha
Sent: Monday, May 23, 2016 10:18 AM
To: Hummer, Phill
Subject: RE: PCA Code change

Phil,

This receipt has been fixed.

Sascha

From: Hummer, Phill
Sent: Monday, May 23, 2016 8:10 AM
To: Marston, Sascha
Subject: PCA Code change

Hi Sascha,

I have attached the receipt from the payment for transfer application no 80353. Only \$200 of the payment is for the transfer. \$25 needs to be changed to the PCA for an ownership change and \$125 for a well upgrade fee which I think is under well permits PCA. Let me know if you need more information in order to make these changes.

Phill Hummer

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: phill.hummer@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 80353
FROM: Phill Hummer
DATE: 4/12/2016
RE: Evaluation of Application

The transfer proposes to change the ownership of water right no. 63-32787 and change the point of diversion to a different existing well.

The site is approximately 14.5 kilometers north west of Boise Idaho just off of State Highway 55 near Shadow Valley Golf Course in the SW ¼ SW ¼ of section 25, township 05N, range 01E, BM. Point of diversion and place of use will be located at Lot 2, Spring Creek Estates.

Deviations from Transfer Policy Standards

The application was received without a warranty deed or any other document that would verify the applicant has the authority to file a change of ownership. A warranty deed was received on 4/4/2016 and added to the application.

Summary of Information Submitted

Authority to File:

The applicants provided a copy of a warranty deed showing they own the property and therefore have authority to file this transfer application.

Water Right Validity:

Right presumed to be valid since the right was decreed on 4/11/2007 and beneficial use has occurred within the five years prior to the department receiving this transfer application (8/26/2015). Beneficial use confirmed by ArcView imagery dated 2011.

Injury to Other Water Rights:

No injury to existing water right holders should occur from changing the point of diversion to a different well.

Enlargement of Use:

Approving this transfer will not create an enlargement of use.

Local Public Interest:

The application is consistent with local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes a 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.

Discussion

Data entry affected the correct record, the partial decree was issued 4/11/2007 and split by transfer no. 73830 on 4/29/2008.

Applicant proposes to use a new well, no other water rights are used from that well. Water right no. 63-4334 lists the POU in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 25, township 05N, range 01E, B.M and the shape is the entire QQ so it overlaps water right no. 63-32787. But the conditions of the right indicate the place of use should be Lot 7 of Spring Creek Estate which is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 25, township 05N, range 01E, B.M.

Place of use is within Basin 63 Ground Water Restricted Area. The proposed well is screened from 345 to 385 feet but may draw water from as shallow as 40 feet. The original well also produces water shallower than 200 feet. It is likely both wells draw water from the same aquifer.

Summary

Recommended Conditions to Be Added

- T07 and T08, application is a transfer
- 046, application proposes to add a new well
- F06 should be removed
- X59, remove place of use, updated and add X60
- T19, X61 and R69 should remain on the right

Drilling fee upgrade from domestic to non-domestic use is required and was paid, receipt W043440.

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.

Hummer, Phill

From: steve picatti [s.picatti@gmail.com]
Sent: Monday, April 04, 2016 4:47 PM
To: Hummer, Phill
Subject: Application for Transfer
Attachments: Warranty Deed 9-20-13.pdf

Categories: More Info Emails

Transfer No. 63-32787

Steven Picatti
Terry Smith
9060 W Brookside Ln.
Boise, Idaho 83714

This is the conveyance document for 9060 W Brookside Ln.



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

3/8/2016

STEVEN PICATTI
TERRY SMITH
9060 W BROOKSIDE LN
BOISE ID 83714

Re: Application for Transfer No. 63-32787 Additional Information Required

Dear Applicant(s):

Your recent application for transfer of water right no. 63-32787 proposing to change the point of diversion and the ownership has been received. The application cannot be processed further until a copy of a conveyance document has been received that verifies you have the legal authority to file an application for transfer of this water right. The conveyance document must include a legal description of the property conveyed or description of the water right if land has not been conveyed.

Please submit the requested information for application processing to continue. The application cannot be processed without this information and will be rejected or denied without a timely written reply within the next thirty (30) days. You may seek additional time to provide the information by making a written request to interrupt processing for up to six (6) months.

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
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov