

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80340**

This is to certify that: **KIMBER L EVANS
SUSAN H EVANS
7824 S FLAT LN
KUNA, ID 83634**

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>
63-31322	WR/DECREED	5/10/1971	0.200 cfs	45.0 af	N/A	10.0	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>
63-31322	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31322	63-31322	0.200 cfs	45.0 af	N/A	10.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.200 cfs	45.0 af	N/A	10.0		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 6th day of April, 2016.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31322
As Modified by Transfer No. 80340

In accordance with the approval of Transfer No. 80340, Water Right No. 63-31322 is now described as follows:

Right Holder: KIMBER L EVANS AND
 SUSAN H EVANS
 7824 S FLAT LN
 KUNA, ID 83634

Priority Date: 5/10/1971

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	0.200 cfs	45.0 af
			0.200 cfs	45.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 01E ADA County
GROUND WATER	L4 (SESWSW)	Sec 18 Twp 01N 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	
01N	01E	18												10.0					10.0

POU Total Acres: 10.0

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 08/26/2014.
4. Rights 63-7426, 63-7430A, 63-7430D, 63-31321, 63-31322, 63-32117, 63-32118, 63-32119, 63-32335, 63-32617 and 63-32618 when combined shall not exceed a total diversion rate of 10.69 cfs.

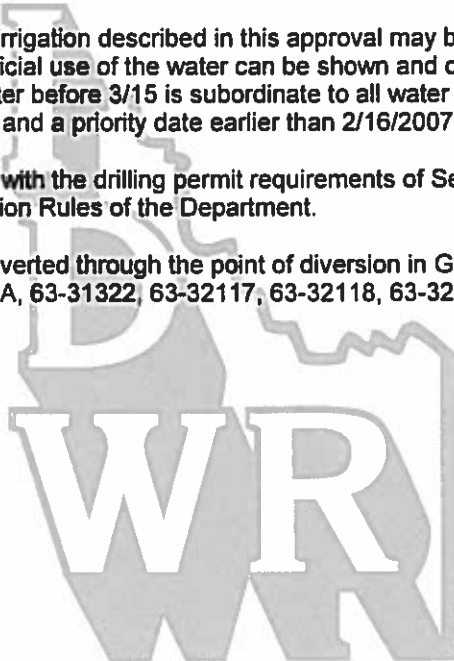
Transfer No. 80340

WATER RIGHT NO. 63-31322

As Modified by Transfer No. 80340

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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 2/16/2007.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The following rights are diverted through the point of diversion in Gov't Lot 4(SSEWSW) of Section 18, T01N, R01E: 63-7430A, 63-31322, 63-32117, 63-32118, 63-32119, 63-32617 and 63-32618.



State of Idaho
Department of Water Resources

Attachment to Application for Transfer No 80340

Water Right No. 63-31322

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

- POD
- POU Boundary
- Township/Range
- Sections
- QQ

0 0.0175 0.035 0.07 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 19 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)** Kimber L Evans and Susan H Evans Phone 208-939-2982

2. **MAILING ADDRESS** 7824 S Flat Lane City Kuna

State ID Zip 83634 Email kimbo@insurance4idaho.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)** 63-31322

- ☒ 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 0.20 cubic feet per second and/or 45 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No	4	SE	SW		18	01N	01E	ADA	GROUNDWATER	
Yes		SE	SW		18	01N	01E	ADA	GROUNDWATER	25514

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:

Will install a larger pump if necessary and install pipes for irrigation in the new point of diversion which is already

- b. Who owns the property at the point(s) of diversion? Kimber L and Susan H Evans

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A

- 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:

N/A

- 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.

[Signature]
Signature of applicant or authorized agent

Kimber L Evans
Print name and title if applicable

6/30/2015
Date

[Signature]
Signature of applicant or authorized agent

Susan H Evans
Print name and title if applicable

6/30/2015
Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 4 pages of attachments.

Received by [Signature]

Date 8/19/15

Fee paid \$325 Date 8/19/15

Received by [Signature]

Receipt # W043419

Preliminary review by PH

Date 3/21/16

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9 X

W-9 forwarded to fiscal? Yes ☐ No ☒

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

State of Idaho
Department of Water Resources

Water Right
63-31322

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.0225 0.045 0.09 Miles

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



Map produced on May 13, 2015

Attachments pg 1- Map Transfer 80340

[Close](#)**IDAHO DEPARTMENT OF WATER RESOURCES**
Water Right Report

6/30/2015

WATER RIGHT NO. 63-31322

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIMBER L EVANS
Current Owner	SUSAN H EVANS
	7824 S FLAT LN
	KUNA, ID 83634
	208-939-2982
Original Owner	JOHN MUSSELL
	, ID
Original Owner	NANCY S SPEAR
Original Owner	WILLIAM H SPEAR
	2086 POEN RD
	KUNA, ID 83634
	(208)922-1352
Original Owner	ESTHER CRAIG
Original Owner	WAYNE W CRAIG
	2200 POEN RD
	KUNA, ID 83634
	(208)922-0435
Original Owner	SHIRLEY M MANSON
	RT 1
	POEN RD
	KUNA, ID 83634

Priority Date: 05/10/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.2 CFS	45 AFA
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESWSW Lt 4|Sec. 18|Township 01N|Range 01E|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	01E	18		SESW 10										

Total Acres: 10

Conditions of Approval:

1. 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.
2. 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 2/16/2007.
3. X35 Rights 63-7426, 63-7430A, 63-7430D, 63-31321, 63-31322, 63-32117, 63-32118, 63-32119, 63-32335, 63-32617 and 63-32618 when combined shall not exceed a total diversion rate of 10.69 cfs.
4. F06 The following rights are diverted through point(s) of diversion described above: 63-7426, 63-7430A, 63-31322, 63-32117, 63-32118, 63-32119, 63-32617 and 63-32618.

Dates:

Licensed Date:

Decreed Date: 02/16/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 10.99

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



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

April 6, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KIMBER L EVANS
SUSAN H EVANS
7824 S FLAT LN
KUNA ID 83634

Re: Transfer No: 80340
Water Right No(s): 63-31322

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 that reads "Rachel Neely for:". The signature is stylized, with a large, looped initial "R" and a cursive "Neely".

Nick Miller

Western Regional Manager

Enclosure

CC:

MC HUGH BROMLEY PLLC
ATTN CANDICE MC HUGH
380 S 4TH ST STE 103
BOISE ID 83702

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80340
Water Right No(s): 63-31322**

**KIMBER L EVANS
SUSAN H EVANS
7824 S FLAT LN
KUNA ID 83634**

**MC HUGH BROMLEY PLLC
ATTN CANDICE MC HUGH
380 S 4TH ST STE 103
BOISE ID 83702**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 80340
FROM: Phill Hummer
DATE: 02/26/2016
RE: Evaluation of Application

The applicant proposes to add a point of diversion to water right no. 63-31322. The project site is located approximately 10 kilometers southeast of Kuna, Idaho. The proposed well site is within the SE¼SW¼ of section 18, T01N, R01E.

The contact person for the applicant is Candice McHugh of Mchugh Bromley Attorney at Law.

Deviations from Transfer Policy Standards

This transfer was submitted using the shortened/modified point of diversion transfer form and lists the existing or old POD using only the 40 acre tract description and in the SESW QQ of sec 18 T01N, R01E while the water right describes the POD to the 10 acre tract in the SESWSW QQ. The location was confirmed via phone conversation with applicant's representative on 2/25/2016. An amendment to the application is not necessary because the government lot information provides an accurate location for the point of diversion, which coincides with the government lot information on the license.

Summary of Information Submitted

Authority to File:

The application is signed by both individuals listed as current owners on water right no. 63-31322. Additionally, both names are listed as the property owners on the tax lot data available to the department, which was last updated 4/8/2015. The applicants have authority to file an application for transfer.

Water Right Validity:

Right presumed to be valid since the right was decreed on 02/16/2007 and beneficial use has occurred within a five year period prior to this application for transfer. Beneficial use confirmed by ArcView imagery.

Injury to Other Water Rights:

Adding an additional well as a point of diversion will not create and enlargement of use and injury to nearby existing water right holders is not anticipated. The application proposes beneficial use consistent with conservation of water resources in Idaho.

Enlargement of Use:

This transfer does not create and enlargement of use.

Local Public Interest:

This transfer is consistent with local public interest

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

This water right is one of many rights split from parent water right 63-7430 (63-7430 was split at licensing into 63-7430A and 63-7430B to reflect ownership). A field examination of the diversion works indicated two wells were used located at 1N1E S19 NESW and 1N1E S18 SWSW, the capacity of the system was used to limit the rate of diversion to 11.15 cfs. Subsequent ownership changes have created child water rights with one or both of these POD and the same rate limit. Approved transfer applications and SRBA processes removed some of these child water rights from the rate-limiting system while other rights that should have been removed were not. The diversion rate of water right no 63-32335 was not adjusted to account for the rate limit when transfer no 74755 was approved but the rate limit condition was removed from the right. For this reason it will be removed from the rate-limit condition of water right 62-31322. The review memo for transfer no 76872 contains a more detailed discussion of the child rights and rate limits. Currently, water rights no 63-32618, 63-32617, 63-32117, 63-32118, and 63-32119 list a POD in 1N1E S18 SWSW that is likely the same POD currently on water right no. 63-31322. This overlap should be reflected in condition F06 upon approval. The applicant proposes to add a well as a second POD, there are no other water rights that use this well as a point of diversion. There are no active water rights overlapping the place of use of 63-31322.

Summary**Recommended Conditions to Be Added**

- T07 and T08, application is a transfer
- 046, application proposes to add a new well
- 01M, the proposed use is greater than 5 acres
- R65, based on place of use for irrigation

Drilling fee upgrade from domestic to non-domestic is required for this transfer because the proposed new well is a domestic well (tag no 25514). Drilling fee upgrade from \$75.00 to \$200.00 paid along with application processing fee, Receipt ID W043419

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: Candice McHugh [cmchugh@mchughbromley.com]
Sent: Thursday, February 18, 2016 11:47 AM
To: Hummer, Phill
Subject: RE: Transfer Application 63-31322

Phil,

I will need to look into this but as I recall, we are simply adding a second POD (which is an existing domestic well) in the same legal description as the "old" or current/previous POD which is an irrigation well that has other water rights diverting out of that POD. We paid the "upgrade" fee with our application in order to "upgrade" the domestic well to an irrigation well. To my knowledge, the other water rights are still being diverted from the POD. Adding this second POD makes delivery more straightforward and we don't have to cross a road anymore. ☺

I hope this helps.

From: Hummer, Phill [<mailto:Phill.Hummer@idwr.idaho.gov>]
Sent: Thursday, February 18, 2016 11:01 AM
To: cmchugh@mchughbromley.com
Subject: Transfer Application 63-31322

Hi Candice,

I am working on the transfer application for Evans and was hoping you could clarify a couple of things. The water right lists the current POD in the SE¼SW¼SW ¼ of T 01N, R 01E sec 18 but the application describes the "old" POD at SE¼SW¼, T 01N, R 01 E sec 18. Is this the same POD or is the well currently being used for this water right actually located in a different location? Additionally, water right 63-31322 describes a number of rights that are also diverted through the same well in condition F06. Can you confirm that these water rights are still using that POD and that condition F06 is accurate, that would be a huge help.

Phill Hummer

*Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov*

Grimm, Angie

From: Candice McHugh [cmchugh@mchughbromley.com]
Sent: Wednesday, October 21, 2015 11:11 AM
To: Grimm, Angie
Subject: RE: Water Right 63-31322 (Evans)

Thanks Angie,

My understanding when we filed this was that it was likely that it would not be advertised since the POU is already within the POU of the water right and we are just adding a point of diversion from a well that already exists. It would be great if we could get this done as my client is a new owner wanting to get his pumps and irrigation system installed soon.

Take good care,

Candice

From: Grimm, Angie [mailto:Angie.Grimm@idwr.idaho.gov]
Sent: Tuesday, October 20, 2015 3:05 PM
To: Candice McHugh <cmchugh@mchughbromley.com>
Subject: RE: Water Right 63-31322 (Evans)

Candice,

Good afternoon! The Evans application has been assigned Transfer No. 80340. It is the very next one to be assigned to an agent (based on received date), which will occur by the end of next week. Taking a quick glance at the a proposal, it appears this is a simple POD change that we MAY not need to advertise. This may speed up processing time. However, if the reviewer discovers something during review we may need to advertize which may increase processing time. Also, with our current backlog and new staff learning the transfer process, I'm guess it'll be another 3-4 months until a final decision regarding this proposal may be reached. I hope this helps with timeframe question. Let me know if there's anything else I can help with on this front.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Candice McHugh [mailto:cmchugh@mchughbromley.com]
Sent: Monday, October 19, 2015 3:00 PM
To: Miller, Nick; Grimm, Angie
Subject: Water Right 63-31322 (Evans)

Happy Monday!

Just following up on this pending application that proposes to add a point of diversion.

Any update on status or timeframe for approval?

Thanks much!

Candice M. McHugh

M^{CHUGH}BROMLEY

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Boise, ID 83702

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M-HUGH BROMLEY
ATTORNEYS AT LAW, PLLC

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380 S. 4th St., Ste. 103
Boise, ID 83702

August 17, 2015

RECEIVED

AUG 19 2015

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Transfer - adding point of diversion by Kimber and Susan Evans
Water Right No. 63-31322

To Whom It May Concern:

Enclosed please find a fully executed Application for Transfer for Water Right No. 63-31322 which proposes to add a point of diversion to the water right. Also enclosed is a check for \$325.00 for the filing fee and well upgrade fee.

Please accept this letter as my Notice of Appearance on behalf of the Evans in this transfer matter and as indicated on the transfer, please remit the original documents to the Evans directly with copies to me at the above address.

I appreciate your attention to this matter; please call or email me with any questions.

Very Truly Yours,



Candice M. McHugh

Enclosures
cc: Evans