

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80025

This is to certify that: KENNETH L ZIMMER AND/OR
LINDA W ZIMMER
214 PORTER CREEK RD
HORSESHOE BEND, ID 83629

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
65-10945	WR/DECREED	4/1/1903	0.040 cfs	1.2 af	N/A	N/A	GROUND WATER
65-10946	WR/DECREED	7/26/1917	0.020 cfs	1.2 af	N/A	N/A	PORTER CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
65-10945	NO	YES	YES	NO	NO	NO
65-10946	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
65-10945	65-10945	0.040 cfs	1.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-10946	65-10946	0.020 cfs	1.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	1.2 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 6th day of April, 2016.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 65-10945

Transfer No. 80025

WATER RIGHT NO. 65-10945
As Modified by Transfer No. 80025

In accordance with the approval of Transfer No. 80025, Water Right No. 65-10945 is now described as follows:

Right Holder: KENNETH L ZIMMER AND
 LINDA W ZIMMER
 214 PORTER CREEK RD
 HORSESHOE BEND, ID 83629

Priority Date: 4/1/1903

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/01	to 12/31	0.040 cfs	1.2 af
			0.040 cfs	1.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 8 Twp 07N Rge 03E BOISE 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	
07N	03E	7													X				
07N	03E	8										X							

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. The quantity of water under this right shall not exceed 13,000 gallons per day.
5. Rights 63-10945 and 63-10946 when combined shall not exceed a total annual maximum diversion volume of 1.2 af.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 80025

WATER RIGHT NO. 65-10945
As Modified by Transfer No. 80025

CONDITIONS OF APPROVAL

7. Point of diversion is located within parcel no. RP07N03E086655.
8. Place of use is located within parcel no. RP07N03E077655 and RP07N03E086655.
9. The quantity of water decreed for this water right is not a determination of historical beneficial use.



WATER RIGHT NO. 65-10946
As Modified by Transfer No. 80025

In accordance with the approval of Transfer No. 80025, Water Right No. 65-10946 is now described as follows:

Right Holder: KENNETH L ZIMMER AND
 LINDA W ZIMMER
 214 PORTER CREEK RD
 HORSESHOE BEND, ID 83629

Priority Date: 7/26/1917

Source: PORTER CREEK

Tributary: PAYETTE RIVER

BENEFICIAL USE
 DOMESTIC

From 1/01 **To** 12/31

Diversion Rate
 0.020 cfs
 0.020 cfs

Diversion Volume
 1.2 af
 1.2 af

LOCATION OF POINT(S) OF DIVERSION

PORTER CREEK NWSW Sec 8 Twp 07N Rge 03E BOISE 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	
07N	03E	7													X				
07N	03E	8										X							

CONDITIONS OF APPROVAL

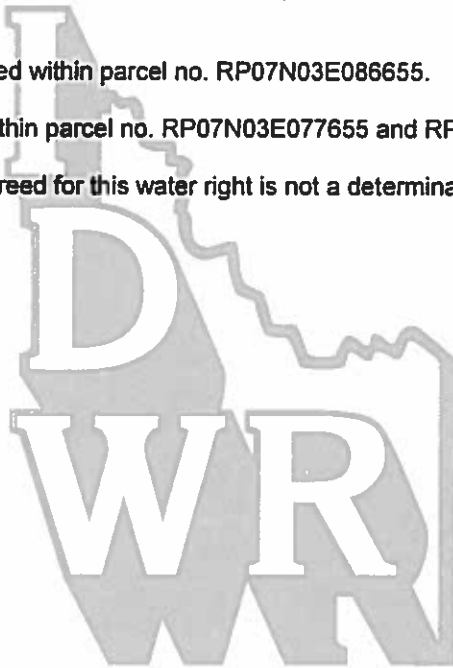
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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. The quantity of water under this right shall not exceed 13,000 gallons per day.
5. Rights 65-10945 and 65-10946 when combined shall not exceed a total annual maximum diversion volume of 1.2 af.

Transfer No. 80025

WATER RIGHT NO. 65-10946
As Modified by Transfer No. 80025

CONDITIONS OF APPROVAL

6. 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. 65B.
7. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Point of diversion is located within parcel no. RP07N03E086655.
9. Place of use is located within parcel no. RP07N03E077655 and RP07N03E086655.
10. The quantity of water decreed for this water right is not a determination of historical beneficial use.



State of Idaho
Department of Water Resources

Attachment to Application for Transfer of Water Right

Transfer No. 80025 Water Right No. 65-10945

This map depicts the DOMESTIC 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 - Well
- Transfer POU
- Township/Range
- Sections
- QQ

0 0.0125 0.025 0.05 Miles



State of Idaho
Department of Water Resources

Attachment to Application for Transfer of Water Right

Transfer No. 80025 Water Right No. 65-10946

This map depicts the DOMESTIC 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 - Pump
- Transfer POU
- Township/Range
- Sections
- QQ

0 0.0125 0.025 0.05 Miles



RECEIVED

DEC 18 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80025

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APR 03 2015

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted and processed by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

WATER RESOURCES
WESTERN REGION
ORIGINAL APPLICATION
NOT A COMPLETE
THING.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes/N/A * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

* CAN be 1 Attachment if shows ownership of
Recorded & actual locations.
If 1 Attachment, label as #2A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. B0025

COPY

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGION

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APR 03 2015

Name of Applicant(s) Kenneth L. &/or Linda W. ZimmerMailing address 214 Porter Creek RD, Horseshoe Bend ID 83629

Email _____

WATER RESOURCES
WESTERN REGIONOriginal not
complete
filing.

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- OR
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Kenneth L. Zimmer

Print Name and Title if applicable

Date

Dec 8, 2015

Signature of Applicant or Authorized Representative

Linda W. Zimmer

Print Name and Title if applicable

Date

12-08-2015

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use ☐ Change nature of use ☐ Change period of use ☒ Other CHANGE OWNERSHIP (SUSHI SEPARATE)
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Correct errors in the recorded location of the diversions and place of use. No physical changes proposed. Update the ownership of the rights. The ground water and creek water are considered a common system by serving the same home.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All ☐ Part	65-10945	0.04 cfs	Domestic	1/1 to 12/31	Ground Water
☒ ☐	65-10946	0.02 cfs	Domestic	1/1 to 12/31	Porter Creek, trib to Payette
☐ ☐				to	River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	NW	SW	8	7N	3E	Boise	Ground Water	N/A
		SW	NW	SW	8	7N	3E	Boise	Porter Creek	N/A

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	3E	8																	N/A
7N	3E	7																	

Total Acres (for irrigation use) N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. 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. Single domestic use typically not required to be measured. Creek diversion can be shut off when requested by Watermaster.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: N/A for records correction. Rights originally in name of Ihrig, then Hebrard. Land owned by Zimmer family prior to Ihrig. Land for recorded location of rights and corrected location of rights all owned by applicants.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None

- f. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Page _____ of _____

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

Current Water Right No.: 65-10945

Current Owner: CHARLES L HEBRARD
TAMMY N HEBRARD

Priority Date: 4/1/1903

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AF
	Total Diversion	0.04 CFS	1.2 AF

Location of Point(s) of Diversion

GROUND WATER

BOISE County

NE1/4SE1/4

Sec. 7, Twp 07N, Rge 03E B.M.

Place of Use

DOMESTIC Within BOISE County

T07N R03E S7

NESE

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP 07N03E077655 A
4. USE OF THIS RIGHT WITH RIGHT NO. 65-10946 & 65-12010 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF.

Decreed Date: 10/30/1998

80015

Page _____ of _____

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

Current Water Right No.: 65-10946

Current Owner: CHARLES L HEBRARD
TAMMY N HEBRARD

Priority Date: 7/26/1917

Origin: Water Right

Status: Active

Basis: Decreed

Source
PORTER CREEK

Tributary
PAYETTE RIVER

Beneficial Use	From	To
DOMESTIC	1/01	12/31
	Total Diversion	

Diversion Rate	Annual Volume
0.02 CFS	1.2 AF
0.02 CFS	1.2 AF

Location of Point(s) of Diversion

PORTER CREEK
BOISE County

NE 1/4 SE 1/4 Sec. 7, Twp 07N, Rge 03E B.M.

Place of Use

DOMESTIC Within BOISE County

T07N R03E S7 NESE

Conditions of Approval:

1. PARCEL NO. RP 07N03E077655 A
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
 A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
 TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.20 AF.
 COMBINED RIGHT NOS. 65-10945 & 65-12010
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
 13,000 GALLONS PER DAY.

Decreed Date: 10/30/1998

80025 and 5

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 2 attachments.

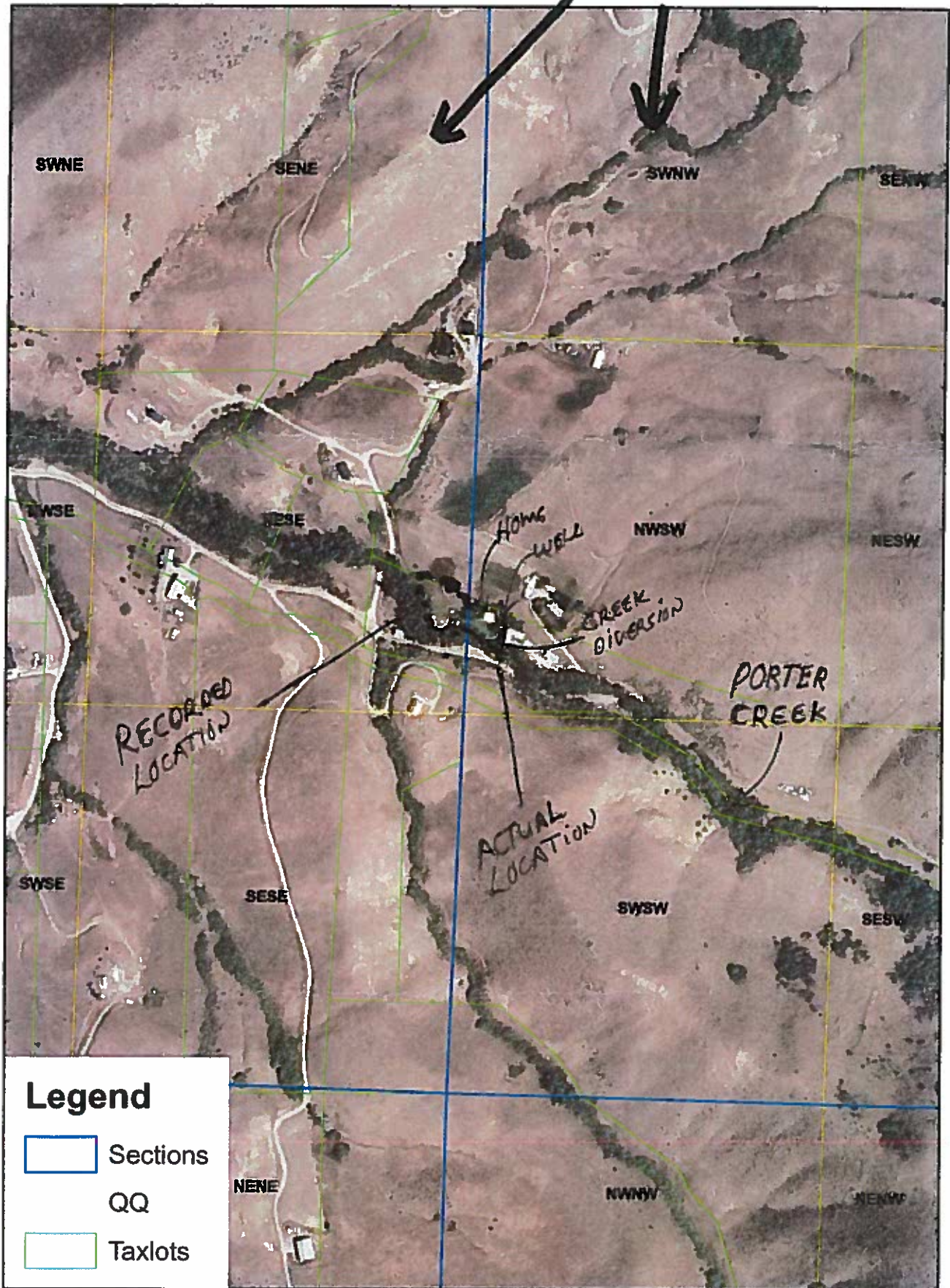
Received by SA Date 4/3/15 Prelim. Check by RA Date 01/05/16

Fee Paid \$200.00 Date 4/3/15 Received by ad Receipt # W042924

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

FEE RECEIVED WITH ORIGINAL APPLICATION

T.1N R3E SEC 7 &



2009 photo
ATTACHMENT 7A

... Actual point
of usage

Plotec

Power, Wisconsin 53113

FP5172 - 08

Model type

11/77

11/77

Model 1113



Manufactured in USA

11/77

A. O. Smith Co.

HP 1 1/2

PL



11/77

11/77

11/77

11/77

11/77

11/77

11/77

11/77

11/77

11/77

11/77

11/77

This band can run
6 + Rain Band @ 60 PSI



This pump is in
Section 8 Pumping
Grove Porter Creek

Green Grass - only By irrigation
use sprinklers + hoses

There are 7 faucets in
yard



Fv22 } Doush
Fausst

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APR 03 2015

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Attachment #2A

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
65-10945	N/A	NO			
65-10946	N/A	NO			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. = \$25 per right
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency** or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

Kenneth L. Linda W. Zimmer
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

214 Porter Creek Rd

City, State and ZIP Code

Horseshoe Bend, ID 83629

New Telephone Number

(208) 293-2580 Email: KZimmer@Frontier.net

5. Date you acquired the property

15 Jan 1995

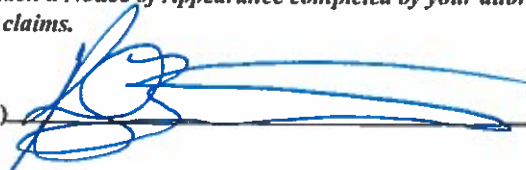
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

N/A

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by AK
 Received by CA
 Processed by PH ☒

Date 4/3/15
 Date 4/3/15
 Date 12/28/2015

Receipt Amt. \$ 50.00
 Receipt No. W042904
 WR 60 Date 12/28/2015

65-10945

65-10946

03/04/2010

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-10946

WATER RIGHT NUMBER: 65-10946

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TAMMY N OR CHARLES L HEBRARD
	PO BOX 1166
	SAN ANDREAS, CA 95249
	(208)754-3489
Original Owner	MARY C IHRIG

Priority Date: 07/26/1917

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTER CREEK	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.020 CFS	1.20 AF
	<u>Total Diversion:</u>		0.020 CFS	1.20 AF

Location of Point(s) of Diversion

PORTER CREEK	NE1/4SE1/4	Sec. 7,	Twp 07N,	Rge 03E, B.M.
BOISE County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07N	03E	7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

Conditions of Approval:

1. PARCEL NO. RP 07N03E077655 A
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.20 AF.
COMBINED RIGHT NOS. 65-10945 & 65-12010
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Dates and Other Information:

Licensed Date:
Decreed Date: 10/30/1998

N/A, 1/yr permit

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-10945

WATER RIGHT NUMBER: 65-10945

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TAMMY N OR CHARLES L HEBARD
	PO BOX 1166
	SAN ANDREAS, CA 95249
	(208)754-3489
Original Owner	MARY C IHRIG

Priority Date: 04/01/1903

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>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	0.040 CFS	1.20 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 7, Twp 07N, Rge 03E, B.M.
BOISE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	03E	7													X				

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP 07N03E077655 A
4. USE OF THIS RIGHT WITH RIGHT NO. 65-10945 & 65-12010 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF.

Dates and Other Information:

Licensed Date:
Decreed Date: 10/30/1998

N/A, lapsed permit

65-22279

OK

K. STARK m. l. l. l.
4488 Crimson Pl
Boise 83703

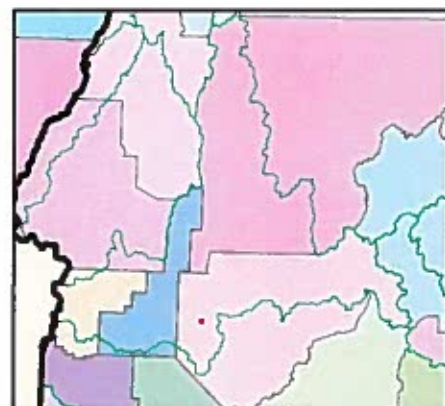


Idaho Department of Water Resources

Water Right
65-10945
(DOMESTIC)

Legend

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



Boise County
IDWR Basin 65

R03E



Prepared by Steve Lester
On March 04, 2010
2004 Aerial Photography

0 0.03 0.06 0.12 Miles

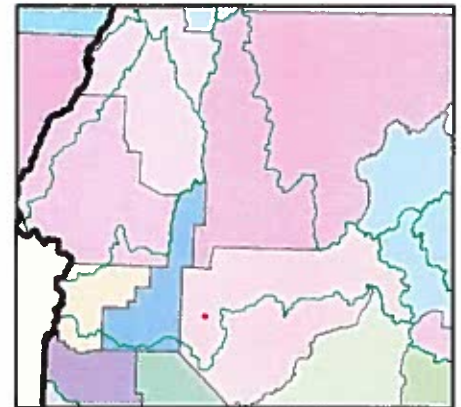


Idaho Department of Water Resources

Water Right
65-10946
(DOMESTIC)

Legend

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



Boise County
IDWR Basin 65

R03E



Prepared by Steve Lester
On March 04, 2010
2004 Aerial Photography

0 0.03 0.06 0.12 Miles

ADDITION TO CONTRACT FOR SALE OF REAL PROPERTY

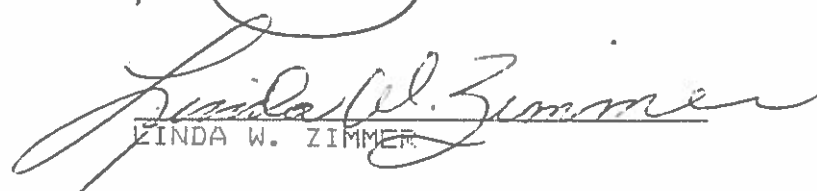
SECTION XII - NON-EXCLUSIVE WATER RIGHTS:

To include all water rights from Porter Creek from the Estate of Mary Ihrig for the parcel of property which the Purchaser is purchasing.

DL
hl

PURCHASERS:

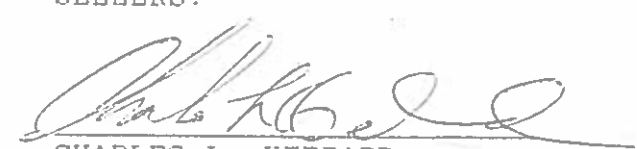

KENNETH L. ZIMMER


LINDA W. ZIMMER

ATTACHED THERETO AND MADE A PART THEREOF to that certain Contract of Sale for Real Property between Charles L. Hebrard and Tammy N. Hebrard, "Seller" who entered into said Contract on January 18, 1995, and Kenneth L. Zimmer and Linda W. Zimmer, "Purchasers" who entered into said Contract on January 15, 1995 for that certain parcel of property situated in the Southwest Quarter of Section 8 and the Northeast Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 3 East, Boise Meridian, Boise County, Idaho and more particularly described therein. Also known as a portion of the Estate of Mary Ihrig.

SELLERS:

JANUARY 24, 1995


CHARLES L. HEBRARD


TAMMY N. HEBRARD

STATE OF IDAHO, COUNTY OF Boise

On this 12 day of Jan, 1995,
before me, a notary public in and for the said State, personally appeared

Kenneth L. Zimmer
Linda W. Zimmer

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Sandra Seibel
Notary Public
Residing at Horseshoe Bend, Idaho
Comm. Expires 2/00/98

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of CALAVERAS

On JANUARY 24, 1995 before me, VICKI ALLSHOUSE, NOTARY PUBLIC,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared CHARLES L. HEBRARD and TAMMY N. HEBRARD,
NAME(S) OF SIGNER(S)

☒ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Vicki Allshouse
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

N/A

DESCRIPTION OF ATTACHED DOCUMENT

ADDITION TO
 CONTRACT FOR SALE OF REAL PROPERTY

TITLE OR TYPE OF DOCUMENT

THREE (3) INCL. THIS ACK.

NUMBER OF PAGES

JANUARY 24, 1995

DATE OF DOCUMENT

KENNETH L. ZIMMER
LINDA W. ZIMMER

SIGNER(S) OTHER THAN NAMED ABOVE

Water Rights
65-10945
65-10946

RECEIVED

APR 20 2015

WATER RESOURCES
WESTERN REGION

Instrument # 208943

IDAHO CITY, BOISE COUNTY, IDAHO

2006-07-06

08:44:54 No. of Pages: 4

Recorded for: MOUNTAIN VIEW TITLE

RORA A. CANODY

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: DEEDS

stewart
Title of Boise
6046633pk

WARRANTY DEED

For value received Charles L. Hebrard and Tammy N. Hebrard, husband and wife,
the Grantor, hereby grants, bargains, sells, conveys and warrants unto
Kenneth L. Zimmer and Linda W. Zimmer, husband and wife,
the Grantee, whose current address is, 214 Porter Creek Road, Horseshoe Bend, ID 83629

the following described premises, to wit:

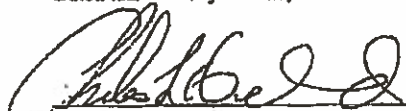
See "Exhibit A" attached hereto

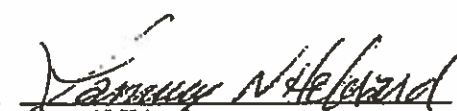
Parcel Number: RP07N03E077655A and RP07N03E086655A

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 8 day of June, 2006.


Charles L. Hebrard


Tammy N. Hebrard

STATE OF California)
COUNTY OF Ada) ss.

Kimberly A. Torr, Notary Public,

On this 8th day of June, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Charles L. Hebrard and Tammy N. Hebrard known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.
WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public: _____
Residing at: _____
My commission expires: _____

EXHIBIT B**PARCEL I**

A parcel of land situated in the Southwest Quarter of Section 8 and the Northeast Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 3 East, Boise Meridian, Boise County, Idaho, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 8;
thence North 00°33'03" East, 1,542.55 feet along the line common to said Sections 7 and 8 to the approximate centerline of the Porter Creek Road which is the REAL POINT OF BEGINNING:

thence North 82°43'23" West, 258.68 feet along the approximate centerline of the Porter Creek Road;
thence North 52°58'09" West, 65.00 feet along the approximate centerline of the Porter Creek Road;
thence North 03°40'03" East, 361.86 feet;
thence South 67°02'30" East, 1726.81 feet;
thence North 89°52'38" East, 1281.96 feet;
thence South 00°00'17" West, 671.25 feet to the approximate centerline of the Porter Creek Road to a point which lines North 01°39'10" West, 629.89 feet (along a random line) from the South Quarter Corner of said Section 8;
Thence the following courses and distances along the approximate centerline of the Porter Creek Road;
North 83°32'21" West, 148.28 feet;
North 65°57'00" West, 314.91 feet;
South 86°15'57" West, 88.73 feet;
North 80°03'29" West, 352.94 feet;
North 57°56'30" West, 282.62 feet;
North 77°15'30" West, 506.96 feet;
North 41°51'09" West, 206.86 feet;
North 58°57'03" West, 303.47 feet;
South 87°59'35" West, 278.64 feet;
North 58°50'09" West, 262.68 feet;
North 82°43'23" West, 80.90 feet to the REAL POINT OF BEGINNING.

Continued

Continued

PARCEL II

A parcel of land situate in the Northeast quarter of the Southeast quarter of Section 7, Township 7 North, Range 3 East, Boise Meridian, Boise County, Idaho, being more particularly described as follows:

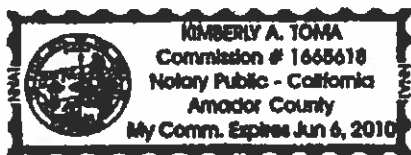
Commencing at the East corner of said Section 7;
thence South 00°33'03" West, 117.94 feet along the easterly boundary of said Section 7;
thence North 80°43'36" West, 60.23 feet;
thence South 24°55'51" West, 181.31 feet;
thence South 28°10'58" West, 109.47 feet;
thence South 30°13'36" West, 87.96 feet to the REAL POINT OF BEGINNING;
thence continuing South 30°13'36" West, 31.32 feet;
thence South 13°32'03" West, 151.39 feet;
thence North 07°01'32" West, 28.35 feet;
thence North 24°56'28" West, 166.37 feet;
thence South 87°49'22" East, 124.91 feet to the REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of Amador
 On June 28, 2006 before me, Kimberly A. Toma, Notary Public
Date Name and Title of Officer (e.g., Jane Doe, Notary Public)
 personally appeared Charles L. Hebrard and Tammy N. Hebrard
Name(s) of Signer(s)

☒ personally known to me -- OR -- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Kimberly A. Toma
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed
 Document Date: June 26, 2006 Number of Pages: 3
 Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Charles L. and Tammy N. Hebrard

- ☒ Individual &
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80025APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

APR 03 2015

Name of Applicant(s) Kenneth L. &/or Linda W. Zimmer Phone WATER RESOURCES

WESTERN REGION

Mailing address 214 Porter Creek RD, Horseshoe Bend ID 83629 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use CHANGE OWNERSHIP (SUSAN SEPARATE)
- ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Correct errors in the recorded location of the diversions and place of use. No physical changes proposed. Update the ownership of the rights. The ground water and creek water are considered a common system by serving the same home.**

superceded by amended application received 12/18/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All of Part ☒ ☐	65-10945	0.04 cfs	Domestic	1/1 to 12/31	Ground Water
☒ ☐	65-10946	0.02 cfs	Domestic	1/1 to 12/31	Porter Creek, trib to Payette
☐ ☐				to	River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
<u> </u>		SW	NW	SW	8	7N	3E	Boise	Ground Water	N/A
<u> </u>		SW	NW	SW	8	7N	3E	Boise	Porter Creek	N/A

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	3E	8										D							N/A
7N	3E	7													D				

Total Acres (for irrigation use) N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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: Single domestic use typically not required to be measured. Creek diversion can be shut off when requested by Watermaster.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
N/A for records correction. Rights originally in name of Ihrig, then Hebrard. Land owned by Zimmer family prior to Ihrig.
Land for recorded location of rights and corrected location of rights all owned by applicants.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____
None

- f. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Page _____ of _____

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

Current Water Right No.: 65-10945

Current Owner: CHARLES L HEBRARD
TAMMY N HEBRARD

Priority Date: 4/1/1903

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AF
	Total Diversion	0.04 CFS	1.2 AF

Location of Point(s) of Diversion

GROUND WATER

BOISE County

NE1/4SE1/4 Sec. 7, Twp 07N, Rge 03E B.M.

Place of Use

DOMESTIC Within BOISE County

T07N R03E S7 NESE

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP 07N03E077655 A
4. USE OF THIS RIGHT WITH RIGHT NO. 65-10946 & 65-12010 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF.

Decreed Date: 10/30/1998

Page _____ of _____

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

Current Water Right No.: 65-10946

Current Owner: CHARLES L HEBRARD
TAMMY N HEBRARD

Priority Date: 7/26/1917

Origin: Water Right

Status: Active

Basis: Decreed

Source
PORTER CREEK

Tributary
PAYETTE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.02 CFS	1.2 AF
	Total Diversion	0.02 CFS	1.2 AF

Location of Point(s) of Diversion

PORTER CREEK

NE1/4SE1/4

Sec. 7, Twp 07N, Rge 03E B.M.

BOISE County

Place of Use

DOMESTIC Within BOISE County

T07N R03E S7

NESE

Conditions of Approval:

1. PARCEL NO. RP 07N03E077655 A
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.20 AF. COMBINED RIGHT NOS.:65-10945 & 65-12010
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 10/30/1998

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

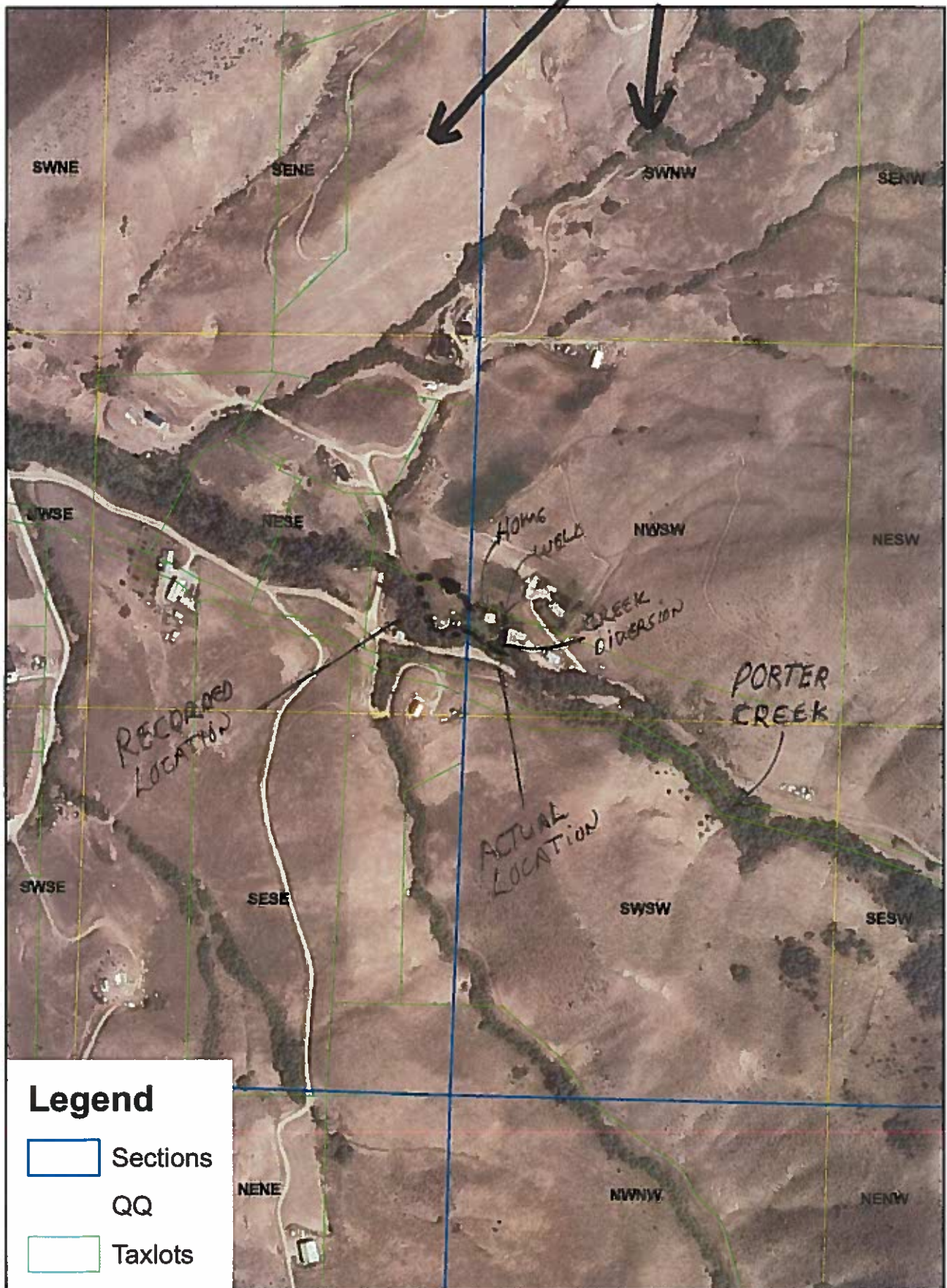
Transfer contains _____ pages and _____ attachments.

Received by da Date 4/3/15 Prelim. Check by _____ Date _____

Fee Paid \$200.00 Date 4/3/15 Received by aj Receipt # W5042984

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

T7N R3E SEC 7 & 8



2009 photo
ATTACHMENT 7A

... Actual point
of usage



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

LINDA W ZIMMER
KENNETH L ZIMMER
214 PORTER CREEK RD
HORSESHOE BEND ID 83629

Re: Transfer No: 80025
Water Right No(s): 65-10945, 65-10946

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

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

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

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

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

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

Sincerely,

 Rachel Keely for:

Nick Miller

Western Regional Manager

Enclosure

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.: 80025
Water Right No(s): 65-10945, 65-10946**

**LINDA W ZIMMER
KENNETH L ZIMMER
214 PORTER CREEK RD
HORSESHOE BEND ID 83629**

**BRETT HANSON
WATERMASTER OF DISTRICT 65B
15 MARIA DR
HORSHOE BEND ID 83629**



**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. 80025
FROM: Phill Hummer
DATE: 02/24/2016
RE: Evaluation of Application

The transfer proposes to provide the correct and accurate location of the points of diversion for ground water domestic right 65-10945 and surface water (Porter Creek as source tributary to the Payette River) domestic right 65-10946. Additionally, this transfer will change the ownership of Water Rights No. 65-10945 and 65-10946.

The site is Northeast of Horseshoe Bend ID on Porter Creek Rd North of Porter Creek in the NW ¼ SW ¼ of section 8, T07N, R03E and NE ¼ SE ¼ of section 7, T07N, R 03E.

Deviations from Transfer Policy Standards

This transfer application does not list the volume of water to be transferred as described on the water rights listed. Although this is generally required if the water right to be transfer has units of volume on the license, it is acceptable on this transfer application because neither the POD nor POU location is changing. The POD and POU location is being corrected to the actual location.

Summary of Information Submitted

The applicants submitted this transfer applicant using the correct form and provided an applicant name, address and a list of the water rights to be changed. The applicants are not the current owners of the water rights to be changed through this transfer, but the proper change of ownership form was submitted along with copies of the necessary sale documents. The transfer application provided a description of the purpose and the correct fee of \$200.00 was paid (receipt No. W042984).

This transfer application is incomplete as submitted on 4/3/2015. The transfer application is not signed. This transfer application was determined not acceptable for the reasons and was returned to be signed. A signed transfer application was submitted on 12/18/2015.

Authority to File:

Applicant provided copy of the warranty deed for parcel number RP07N03E077655A and RP07N03E086655A naming Kenneth L. Zimmer and Linda W. Zimmer owners of the property at the new place of use. Also provided is an *Addition to Contract For Sale of Real Property* that shows all waters from Porter Creek are included in the sale of property. These documents show that Kenneth and Linda Zimmer have the authority to file an application to change the ownership of water right No. 65-10945 and 65-10946 and to correct the location of the place of diversion.

Water Right Validity:

Right presumed to be valid since water right 65-10945 and 65-10946 were claimed on 10/30/1998 and beneficial use occurred within the five year period prior to that date. Recent beneficial use confirmed at the correct place of use via photos submitted by applicant on 12/18/2015. Photos show a 1.5 hp pump in use in Porter Creek, the sprinkler system, and a green yard indicating current irrigation taking places. Aerial photography from 2013 confirms a green yard therefore; recent beneficial use has occurred at the correct place of use.

Injury to Other Water Rights:

This transfer will not injure other water uses as there is no enlargement, change to rate, or change to the location of use.

Enlargement of Use:

This transfer will not create an enlargement of use.

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 and Summary

Letters were sent on 01/08/2016 to the water masters of water district 65 and 65B requesting their comments regarding this transfer, response were to be submitted to the department by 02/08/2016. The letters contained wordage that the department will consider no response from water masters is indication of having no objections. Water rights 65-10945 and 65-10946 have the same POU for domestic use at the same home and yard so there exists a POU overlap but they are conditioned to limit the use to 13,000 gallons per day. Additionally, the place of use lies on property described by two different parcel numbers. Parcel no. RP 07N03E077655 is already described on the licenses, parcel no. RP 07N03E086655 should be added to both water rights to reflect the accurate point of diversion and place of use. The text description of the parcel numbers and combined limits should be converted to conditions X59, X60 and X35. Surface water conditions R05 and O1P should be added to water right no. 65-10946 and groundwater condition 046 should be added to water right no 65-10945. Since these rights are to be changed via a transfer, conditions T07 and T08 should be used.



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 8, 2016

BRETT HANSON
WATER DISTRICT #65B
15 MARIA DR
HORSHOE BEND ID 83629

RE: Application for Transfer No. 80025

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. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by February 8, 2016.

IDWR will assume you do not object to this application 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
Western Regional Office

Enclosures

Neely, Rachel

From: Neely, Rachel
Sent: Friday, January 08, 2016 8:19 AM
To: 'wd65@srvinet.com'
Subject: Application for Transfer No. 80025
Attachments: Watermaster Recommendation Form.docx; Application for Transfer No. 80025.pdf

January 8, 2016

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE, ID 83661

RE: Application for Transfer No. 80025

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. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by February 8, 2016.

IDWR will assume you do not object to this application 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

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/07/2015

KENNETH L ZIMMER
LINDA W ZIMMER
214 PORTER CREEK RD
HORSESHOE BEND ID 83629

Re: Transfer Application No. 80025

Dear Applicant:

Your recent transfer application proposing to change the points of diversion and places of use of Water Right No. 65-10945 and 65-10946 is being processed. The transfer application cannot be processed further until the following items are addressed:

Forfeiture

For any application for transfer, the department must determine the validity of the water right(s), or part thereof, proposed to be changed. All rights to the use of water are lost to forfeiture by a failure to apply water to the beneficial use specified in a period of five (5) consecutive years. To process this transfer application you must show that the domestic use of water authorized by Water Rights 65-10945 and 65-10946 has not undergone a period of nonuse lasting 5 or more consecutive years. This is typically accomplished by submittal of water measurement records, power records, pumping records or receipts, or other evidence of expenditures acquired through the application of water to the beneficial use described by the water right(s) proposed to be changed.

Total Amount

The description of the amount of water to be changed needs to match what is recorded on the water right(s). Since water right 65-10945 and 65-10946 both list amounts in terms of both volume (acre-feet) and rate (cubic feet per second) the transfer application must include both terms as well. Please add an amount of water in terms of acre-feet to Part 1 section B.

Signature

Please sign the transfer application and provide the date when the document was signed.

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

Sincerely,



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

Enclosure: Copy of Transfer Application No. 80025