

RECEIVED

FEB 29 2016

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPT OF WATER RESOURCES
SOUTHERN REGION

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) PATRICK FLORENCE / WENDY FLORENCE Phone 208-358-0980

2. MAILING ADDRESS Box EE / / City TWIN FALLS

State IDAHO Zip 83303 Email florencepatrick@hotmail.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) 37-22785

- ☐ 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 0.15 CFS cubic feet per second and/or — acre-feet per annum.
(diversion rate) (storage volume)

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

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

[illegible]

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:

• 1 1/2 hp pump, rated @ 30 gal/min
• Approved Flow meter, version 2.7 updated 10-8-15

- b. Who owns the property at the point(s) of diversion? PATRICK FLORENCE / WENDY FLORENCE
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☐ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

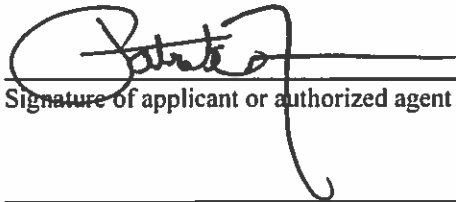
If yes, describe:

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

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

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 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 of applicant or authorized agent

Patrick Florence

Print name and title if applicable

02-26-16

Date

Signature of applicant or authorized agent

Print name and title if applicable

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*.

PA Check #1008 \$200.00 02/26/16

FOR DEPARTMENT USE ONLY

Transfer includes 3 pages of attachments. Received by DM Date 2-29-2016

Fee paid \$200- Date 2-29-2016 Receipted by DM Receipt # SO35301

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/13/2015

WATER RIGHT NO. 37-22785

Owner Type	Name and Address
Current Owner	PATRICK FLORENCE
Current Owner	WENDY FLORENCE PO BOX EE TWIN FALLS, ID 83303
Original Owner	GREGORY C SMITH
Original Owner	KATHERINE T SMITH PO BOX 5427 KETCHUM, ID 83340 (541)980-0046
Original Owner	RICHARD B GIESLER 260 MEADOWS LN TWIN FALLS, ID 83301 (208)734-4721

1 1/2 hp 6715 Gould
rated @ 30 gal min

Twin Falls (old Hospital)
736 - 3033

Priority Date: 04/18/1906

Basis: Decreed

Status: Active

Source	Tributary
SAMPSON CREEK	SOLDIER CREEK

- ① Move Point of diversion
- ② Measure use

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.15 CFS	
Total Diversion			0.15 CFS	

TRANSFER 80728

Location of Point(s) of Diversion:

SAMPSON CREEK	SENESE	Sec. 09	Township 01N	Range 14E	CAMAS County
SAMPSON CREEK	SWNWSE	Sec. 09	Township 01N	Range 14E	CAMAS County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CAMAS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	14E	16		NWNE	9.7									

Total Acres: 9.7

Conditions of Approval:

1.		A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3.		A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
4.		Use of water under this water right will be regulated by the watermaster of State Water District No. 37C.

Dates:

Licensed Date:

Decreed Date: 09/24/2010

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:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

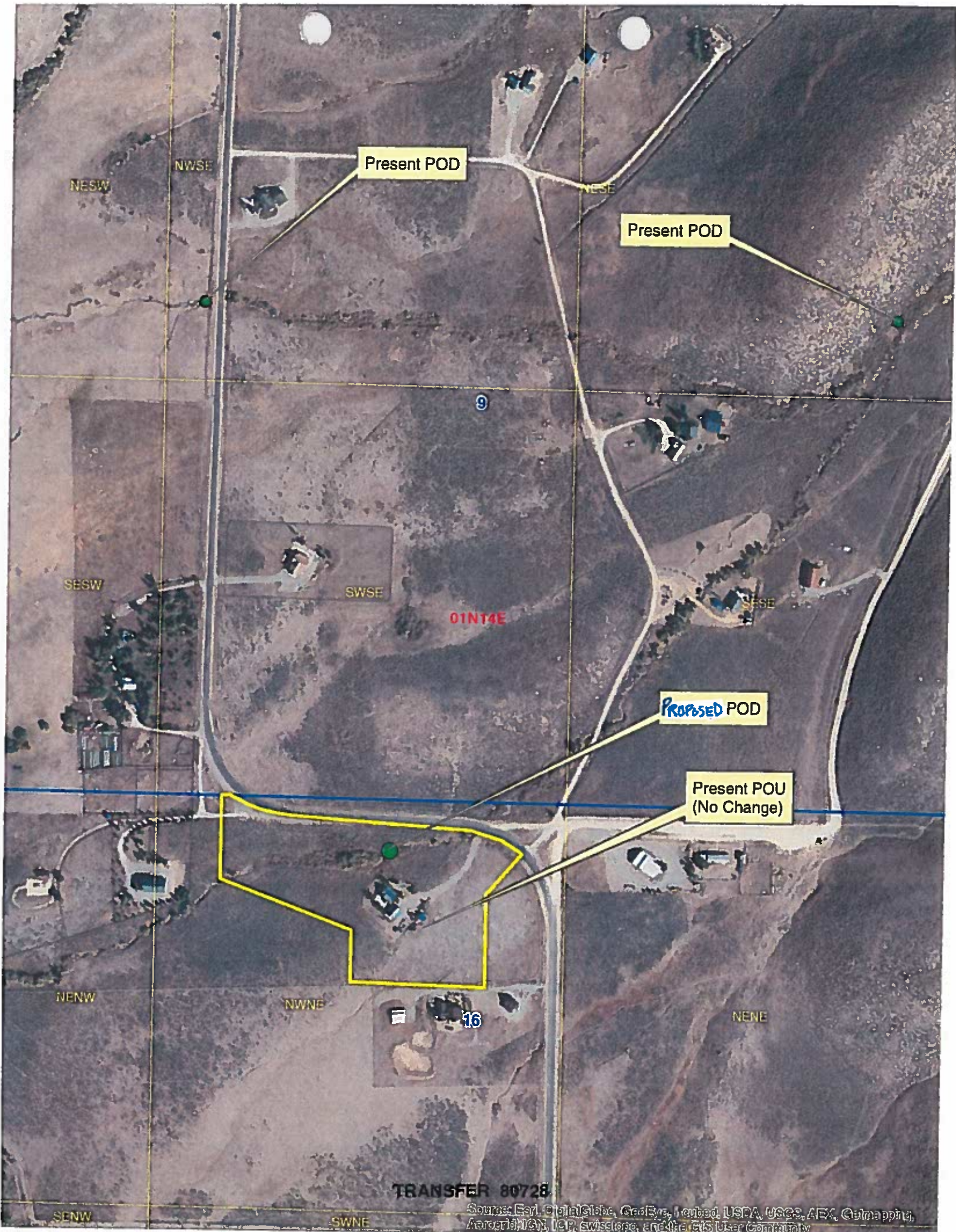
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



Present POD

Present POD

Proposed POD

Present POU
(No Change)

01N14E

9

16

TRANSFER 80728

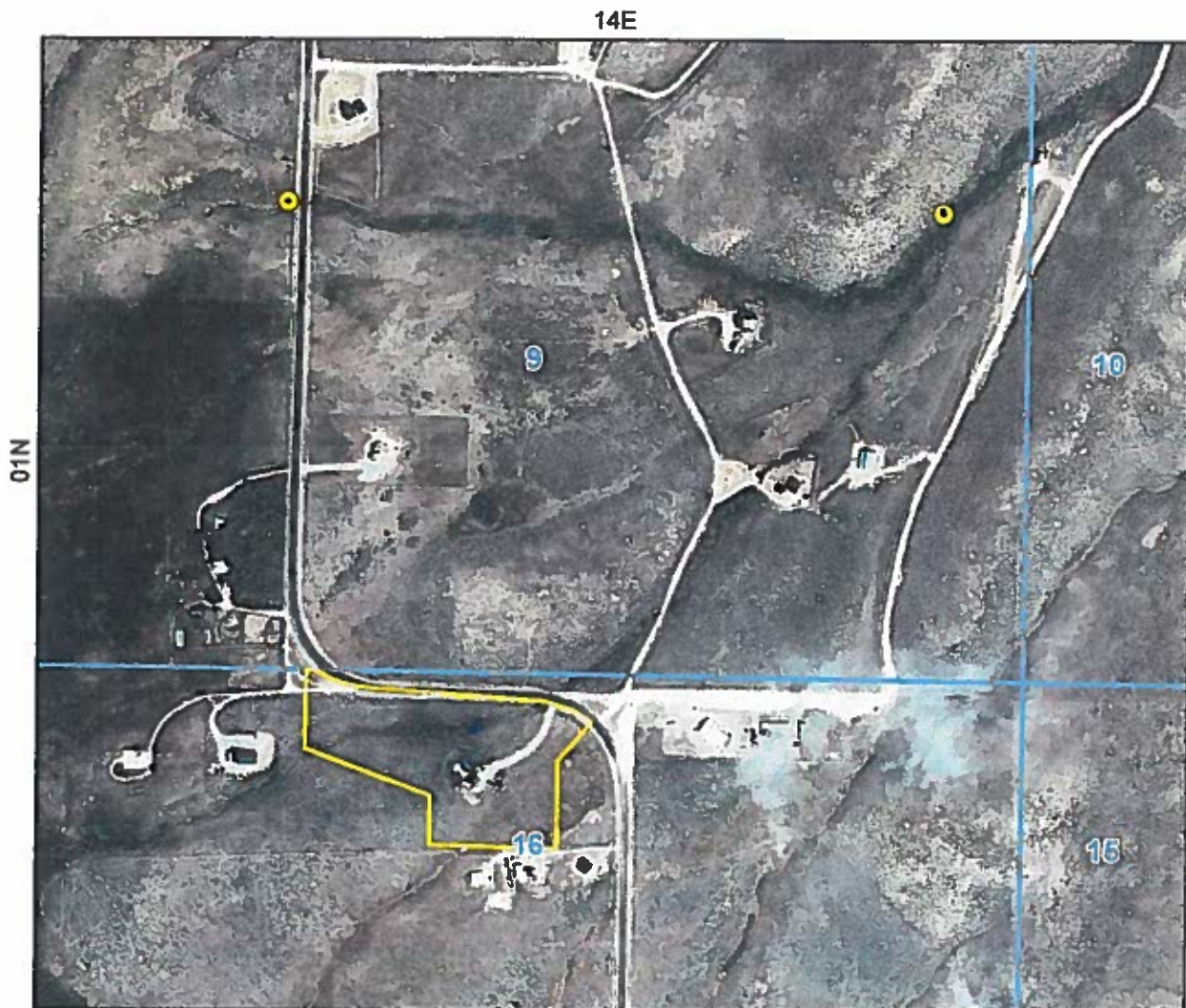
Source: Esri, DigitalGlobe, GeoEye, AeroMap, USDA, USGS, AEX, GeoMapping, Aeromaps, IGN, IGP, Swisstopo, and the GIS User Community

State of Idaho
Department of Water Resources

Water Right
37-22785

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 0.075 0.15 0.3 Miles

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

TRANSFER 80728





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 31, 2016

PATRICK FLORENCE
WENDY FLORENCE
PO BOX EE
TWIN FALLS, ID 83303

RE: Transfer No. 80728
Water Right No(s). 37-22785

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **CAMAS COURIER** on **4/6/2016** and **4/13/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**April 25, 2016**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 31, 2016 11:38 AM
To: Camas Courier
Subject: LEGAL NOTICE
Attachments: Camas Courier cover letter.docx; Camas Courier Ad.doc

Attached please find (1) legal notice being submitted for publication on April 6th & 13th, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 31, 2016

LEGAL NOTICE DEPARTMENT
CAMAS COURIER
PO BOX 339
FAIRFIELD, ID 83327

RE: Transfer No. 80728
Water Right No(s): 37-22785

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 25, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80728**

PATRICK FLORENCE and WENDY FLORENCE, PO BOX EE, TWIN FALLS, ID 83303; has filed Application No. 80728 for changes to the following water rights within CAMAS County(s): Right No(s). 37-22785; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the point of diversion (POD) for a 0.15 cfs, 9.7 acre Sampson Creek right. The transfer seeks to change to a new POD located on the applicant's property approximately 0.4 miles downstream of the currently authorized diversions. The new POD and place of use are located approximately 5.6 miles north of Fairfield.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before April 25, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on April 6th & 13th, 2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 31, 2016

RUSTY KRAMER
WATER DISTRICT #37B
PO BOX 591
FAIRFIELD, ID 83327

RE: Transfer No. 80728
Water Right No(s). 37-22785

Dear Rusty:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: March 25, 2016
To: Transfer 80728 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes changing the authorized point of diversion (POD) for a 9.7 acre Sampson Creek right, 37-22785 (0.15 cfs). The right currently authorizes two PODs from a ditch upstream of the place of use (POU) neither of which allows the water user access to the water. The transfer seeks to drop the current PODs and authorize a new POD from Sampson Creek on the water right owner's property. Applicant will place a pump in the creek and measure water use at this location.

All eight of the water rights from Sampson Creek share a POD in the SENESE of Sec. 9, Twp 01N, Rge 14E. There is an additional POD located further downstream on the ditch that is listed on four of the water rights, including 37-22785 (SWNWSE of Sec. 9, Twp 01N, Rge 14E). This created some uncertainty as to which branch of the creek is actually the ditch and which is the stream channel (see attached diagram). Upon initial inspection, I found no control works at the location where the two branches diverged. So, I contacted the Watermaster for Water District 37B, Rusty Kramer and he arranged a meeting with the senior and primary water user, Mr. Ed Smith. Mr. Smith indicated that the upper channel that flows to the west was a ditch that had been excavated over 100 years ago. We walked out to where the channels split and he indicated that he controls the diversion into the ditch by piling rocks from the stream channel across it. We then discussed installing a measuring device and control works at the head of the ditch and it was agreed that they would be installed later this year.

Currently there are four water rights (37-2041E; 37-21187; 37-21188 and 37-22785) that share the additional POD downstream on the ditch (SWNWSE of Sec. 9, Twp 01N, Rge 14E). The Watermaster intends to measure all of the rights delivered from the ditch at the head of the ditch where the new control works and measurement device will be installed (SENESE of Sec. 9, Twp 01N, Rge 14E). The POD further down the ditch will be dropped from 37-22785 in this transfer. Water right 37-21188 is currently in the water supply bank (WSB) and the property the water right is appurtenant to currently has no access to water from either Sampson Creek or the ditch. Water rights 37-2041E and 37-21187 are diverted from the ditch through a culvert into irrigation pipe and/or through headgates into two separate ditches at the location on the downstream portion of the ditch where the second POD is recorded.

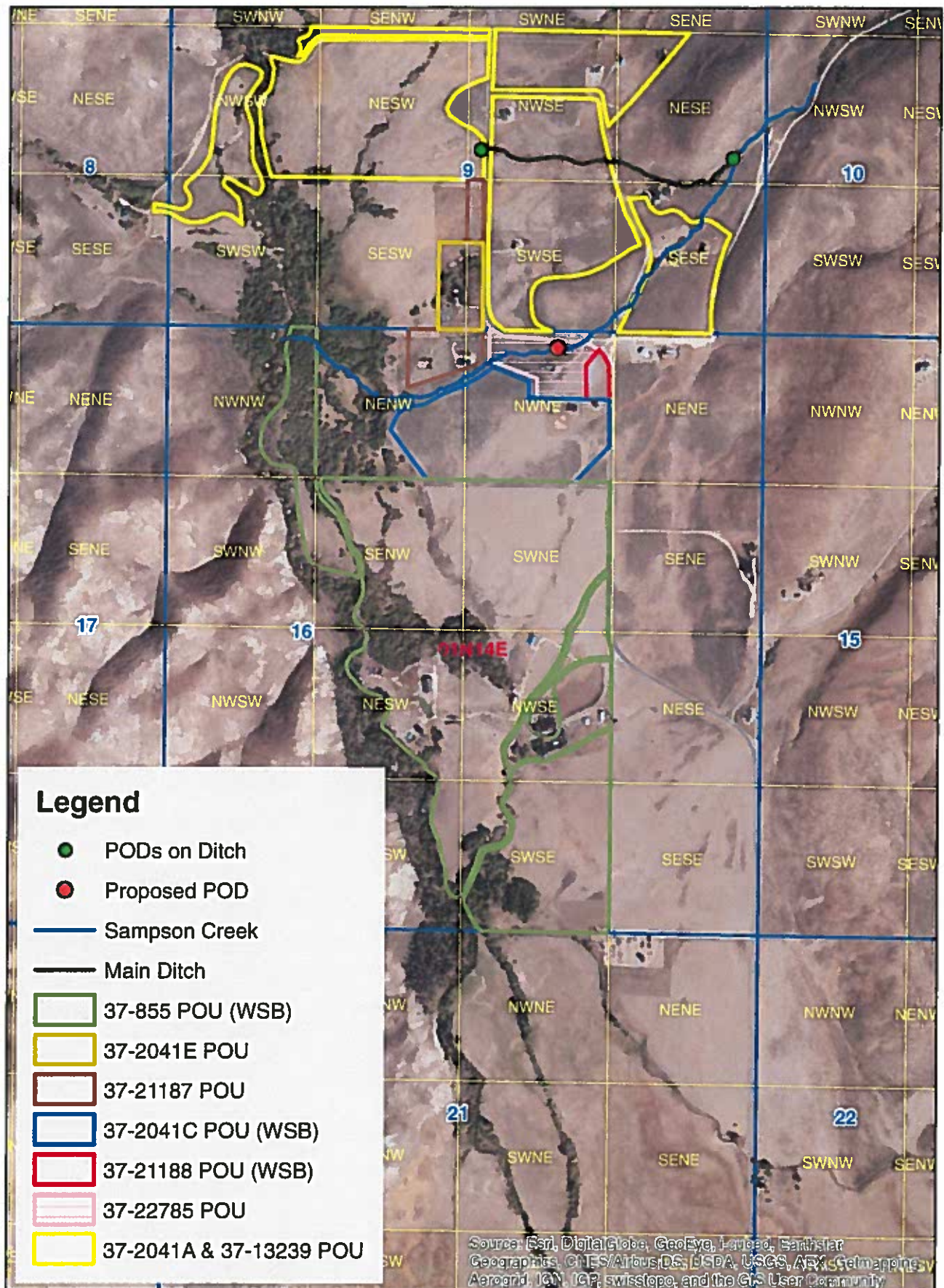
In regards to rest of the rights with a recorded POD at the head of the ditch on Sampson Creek, there are two more that are either active (37-2041C) in the water supply bank or have a pending lease application (37-855). The other two rights diverted from the ditch, 37-2041A and 37-13239 are owned by Mr. Smith and are the largest diversions on the creek with the potential to divert up to 4.9 cfs from either Sampson Creek or Wardrop creek (just northwest of Sampson Creek). Water right 37-13239 (3.0 cfs) is the senior water right on the creek with a priority date of 6/30/1883 with the other seven sharing a common priority date of 4/18/1906.

Overlap analysis finds no other water rights appurtenant to this parcel. Point of diversion and place of use are located in Water District 37B and Watermaster comments will be solicited.

- **Authority to File:**
IDWR records indicate the applicants currently own this water right
- **Water Right Validity:**
Water right 37-22785 was decreed on 9/24/2010. Parcel has not been irrigated with this right in recent years as property owner has had no access to the ditch for delivery of the water.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. No change to place of use.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

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

Sampson Creek Rights Diagram



MEMORANDUM

Date: March 25, 2016
To: Transfer 80728
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #80728 were based on the on the current transfer fee schedule and included \$200.00 for the 0.15 cfs being transferred in the application (Receipt No.S035301).