

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80385

This is to certify that: VERLIN GINGERICH AND
ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME, ID 83647

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>
2-7018	WR/DECREED	8/23/1968	0.720 cfs	180.0 af	N/A	40.0	SNAKE RIVER

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>
2-7018	YES	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-7018	2-10517	0.580 cfs	144.0 af	N/A	32.0	2-7018	0.140 cfs	36.0 af	N/A	8.0
COMBINED TOTALS		0.580 cfs	144.0 af	N/A	32.0		0.14 cfs	36.0 af	N/A	8.0

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 24th day of February, 2016


Nick Miller
Manager, IDWR Western Region

SUPPORT DATA
IN FILE # 2-7018

Transfer No. 80385

WATER RIGHT NO. 2-7018 **As Modified by Transfer No. 80385**

In accordance with the approval of Transfer No. 80385, Water Right No. 2-7018 is now described as follows:

Right Holder: DAVID SNIDER AND
 JOY SNIDER
 6425 SW RIO VISTA DR
 MOUNTAIN HOME, ID 83647

Priority Date: 8/23/1968

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From 04/01 **To** 11/01

Diversion Rate

0.140 cfs
 0.140 cfs

Diversion Volume

36.0 af
 36.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SWNE Sec 32 Twp 05S Rge 06E ELMORE 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	
05S	06E	32			4.0		2.0			2.0									8.0

POU Total Acres: 8.0

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described for this right may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Transfer No. 80385

WATER RIGHT NO. 2-10517
As Modified by Transfer No. 80385

In accordance with the approval of Transfer No. 80385, Water Right No. 2-10517 is now described as follows:

Right Holder: VERLIN GINGERICH AND
 ELLA GINGERICH
 19285 HWY 51
 MOUNTAIN HOME, ID 83647

Priority Date: 8/23/1968

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **to** 11/01

Diversion Rate
 0.580 cfs
 0.580 cfs

Diversion Volume
 144.0 af
 144.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NWSENE Sec 30 Twp 05S Rge 06E ELMORE 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	
05S	06E	32					15.0			17.0									32.0

POU Total Acres: 32.0

CONDITIONS OF APPROVAL

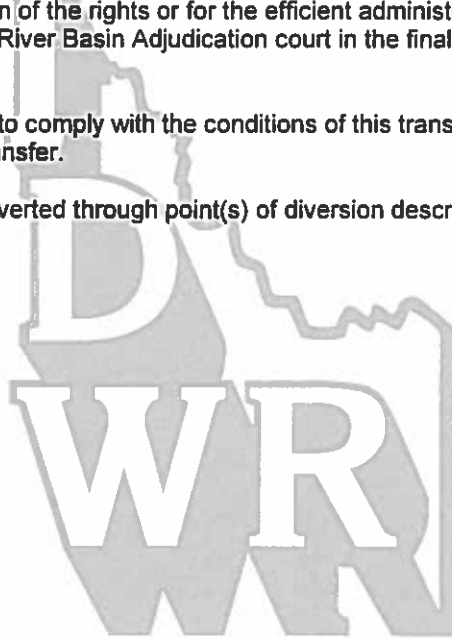
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. The period of use for the irrigation described for this right may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
3. 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.
4. 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. 02.

Transfer No. 80385

WATER RIGHT NO. 2-10517
As Modified by Transfer No. 80385

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right does not grant any right-of-way or easement across the land of another.
7. 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.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. The following rights are diverted through point(s) of diversion described above: 2-2091, 2-10517, 2-10518.



State of Idaho
Department of Water Resources
Attachment to Water Right Transfer
80385
2-7018

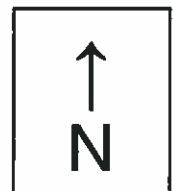
This map depicts the IRRIGATION place of use boundary for this Transfer at the time of this approval and is attached to the approval document solely for illustrative purposes.

06E

05S



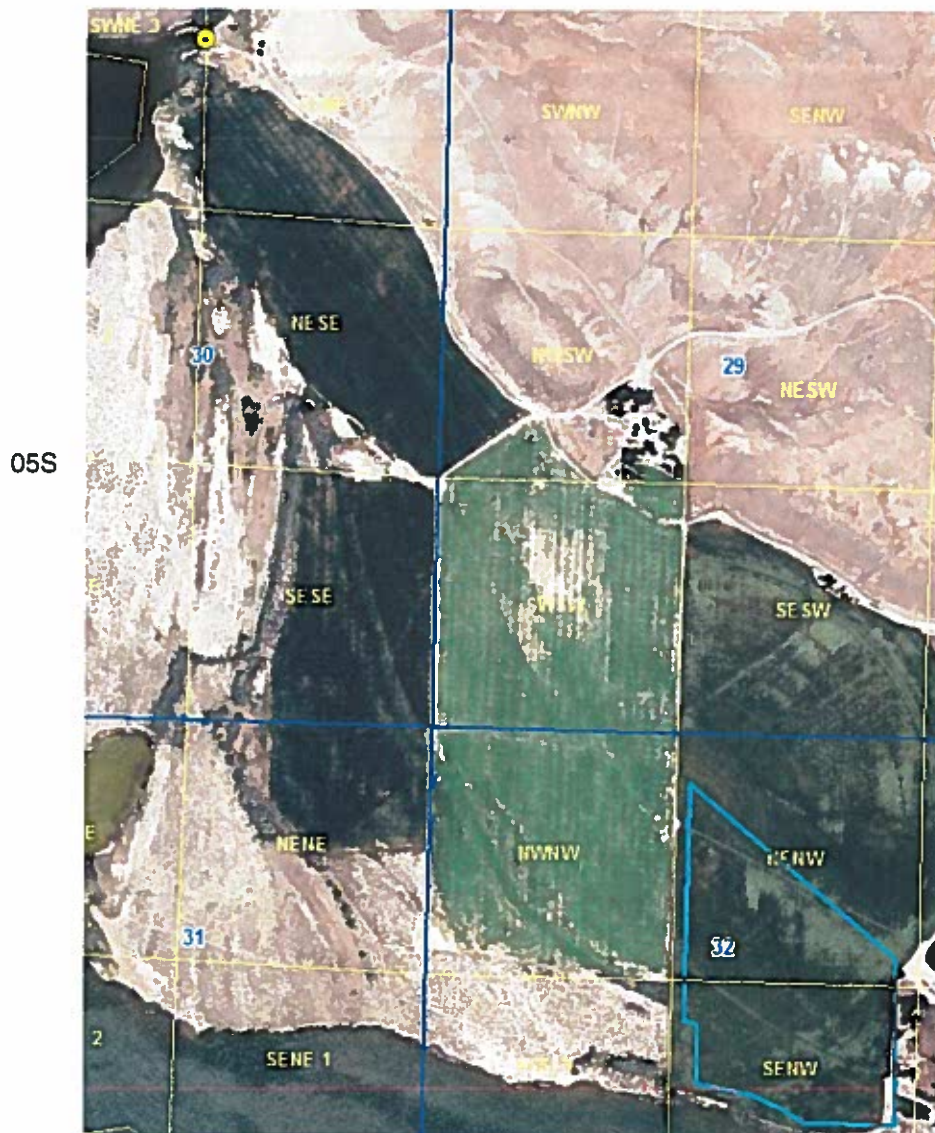
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



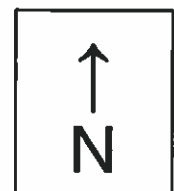
State of Idaho
Department of Water Resources
Attachment to Water Right Transfer
80385
2-10517

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

06E



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





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

February 25, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

VERLIN GINGERICH
ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

Re: Transfer No: 80385
Water Right No(s): 2-7018

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 part or all of the water right (one or more rights might apply) in your approved transfer is leased to the Water Supply Bank (Bank). You may not use the right or portion of right leased to the Bank, even if the right is not rented from the Bank. To make the right available for your use, please submit a written request to the Department to change the lease. The Department will verify if the right is rented and not available for your use, or if the lease can be changed to allow your use of the right.

For more information about the Bank and the lease, please contact the Department as follows:

Water Supply Bank Coordinator
IDWR State Office
PO Box 83720
Boise, ID 83720-0098
(telephone 208-287-4800)

Also, 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,

Handwritten signature of Rachel Neely in black ink, followed by the text "for:".

Nick Miller
Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80385
Water Right No(s): 2-7018**

**VERLIN GINGERICH
ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647**

**ROB WHITNEY
WATERMASTER OF DISTRICT 2
IDWR STATE OFFICE**



**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.

RECEIVED

DEC 24 2015

WATER RESOURCES
WESTERN REGION

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 80385

VERLIN GINGERICH and ELLA GINGERICH, 19285 HWY 51, MOUNTAIN HOME, ID 83647; has filed Application No. 80385 for changes to the following water rights within ELMORE County(s): Right No(s). 2-7018; 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 split right 2-7018 and to change the point of diversion to use a separate existing point of diversion for a portion of the right. Only 32 of the 42 acres of the original water right will be affected by the change. The proposed point of diversion is located approximately .02 miles east of the Snake River, .08 miles west from State Hwy 51 and 0.6 miles west of SW Shelter Rd.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 1/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
First Publication: December 16, 2015
Last Publication: December 23, 2015

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 16th day of December 2015, and the last publication having been made on the 23rd day of December 2015; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M. Fincher
Publisher

Subscribed and sworn to me this 23rd day of Dec 2015.

[Signature]
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.

