

RECEIVED

Rev. 07/11

NOV 02 2015

STATE OF IDAHO

Transfer No. 80442

DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES
SOUTHERN REGION

AMENDED

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing 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/>.

Name of Applicant(s) WILLIAM C BOHRER; DEBORRA L BOHRER

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

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|--|
| ☒ | ☐ | * Means the item is <u>always required</u> 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 <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application |
| ☒ | ☐ | * 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/resources.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: _____ |

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

NOV 02 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant WILLIAM C BOHRER Phone (208)726-2525

Mailing Address PO BOX 606, KETCHUM ID 83340 Email _____

Name of Applicant DEBORRA L BOHRER Phone (208)726-2525

Mailing Address PO BOX 606, KETCHUM ID 83340 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

Debora L. Bohrer
Print Name and Title if applicable

10.29.15
Date


Signature of Applicant or Authorized Representative

William C. Bohrer
Print Name and Title if applicable

10.29.15
Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-21949	No	No	Yes	~~No~~	No	No	No

Yes - see part 1 for requested changes

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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**

New well drilled for existing irrigation system for pasture and trees.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-21949	0.030 cfs	3.8 af	N/A	1.1		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

0.030 cfs 3.8 af N/A 1.1 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 0.03 cubic feet per second and/or 3.8 acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 37-21949

Current Water Right Owner

WILLIAM C BOHRER
PO BOX 606
KETCHUM, ID 83340

And

DEBORRA L BOHRER
PO BOX 606
KETCHUM, ID 83340

Priority Date: 8/15/2002

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01	10/31	0.030 CFS	3.8 AFA	
Total Diversion			0.030 CFS	3.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NESW

Sec. 14 Twp 05N Rge 17E BLAINE County

Describe the proposed diversion system

Well, 5 hp motor, pump, mainline to home, troughs and sprinklers

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	14									0.5			0.4		0.2			1.1

POU Total Acres: 1.1

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

Well; pump; irrigation lines and sprinklers. Measuring device and lockable works will be installed as required by IDWR.

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

Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ 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:

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:

No change: change to paperwork only to match current PLS grid projection.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N/A

- 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:

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

Current Water Right No. 37-21949

Current Water Right Owner

**WILLIAM C BOHRER
PO BOX 606
KETCHUM, ID 83340**

And

**DEBORRA L BOHRER
PO BOX 606
KETCHUM, ID 83340**

Priority Date: 8/15/2002

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01	10/31	0.030 CFS	3.8 AFA	
Total Diversion			0.030 CFS	3.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NENENW

Sec. 23 Twp 05N Rge 17E BLAINE County

Describe the proposed diversion system

Well, 5 hp motor, pump, mainline to home, troughs and sprinklers

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	14												0.1			0.1		0.2
05N	17E	23		0.2			0.7												0.9

POU Total Acres: 1.1

Conditions/Remarks:

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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

Current Water Right No.: 37-21949

Current Owner: WILLIAM C BOHRER
DEBORRA L BOHRER

Priority Date: 8/15/2002

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.03 CFS	3.8 AF
	<u>Total Diversion</u>	0.03 CFS	3.8 AF

Location of Point(s) of Diversion

GROUND WATER
BLAINE County

NE1/4NE1/4NW1/4 Sec. 23, Twp 05N, Rge 17E B.M.

Place of Use

IRRIGATION Within BLAINE County

T05N R17E S14	SESW	0.10	T05N R17E S14	SWSE	0.10
T05N R17E S23	NWNE	0.20	T05N R17E S23	NENW	0.70
Total Acres: 1.1					

Conditions of Approval:

1. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Licensed Date: 8/26/2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

- ☒ 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.

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 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.

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.: _____

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 8 ~~7~~ pages and 2 attachments.
Received By DM Date 10/13/2015 11/2 Prelim. Check By WM Date 10-8-2015
Fee Paid \$200.00 Date 10-13-2015 Received By DM Receipt # S035052
Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

37-21949 New Point of Diversion



TRANSFER 80442

RECEIVED

42-222 POD - 09/14 OCT 08 2015

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

SEP 24 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Deborra and William Bohrer Phone 208.720.1934

2. MAILING ADDRESS PO Box 600 City Ketchum

State Idaho Zip 83340 Email deborra@me.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 or 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) 37-21949

- ☒ Attach a copy of the water right(s) as recorded, available at www.widwr.com.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.03 cubic feet per second for 3.8 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:
New well drilled for existing irrigation system for pasture and trees.

- b. Who owns the property at the point(s) of diversion? Deborra and William Bohrer
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 Lesser 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 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.

Deborra Lee Bohrer
Signature of applicant or authorized agent

DEBORRA LEE BOHRER
Print name and title if applicable

9.15.15
Date

William Bohrer
Signature of applicant or authorized agent

WILLIAM BOHRER
Print name and title if applicable

9.15.15
Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by DM

Date 9-24-2015

Fee paid \$200- Date 10-13-2015

Received by DM

Receipt # 5035052

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)



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

November 12, 2015

WILLIAM C BOHRER
DEBORRA L BOHRER
PO BOX 606
KETCHUM, ID 83340

RE: Transfer No. 80442
Water Right No(s). 37-21949

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 **IDAHO MOUNTAIN EXPRESS on 11/18/2015 and 11/25/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication **(December 7, 2015)**.

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, November 12, 2015 9:07 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express Ad.doc

Attached please find (1) legal notice being submitted for publication on November 18th & 25th, 2015. 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

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

November 12, 2015

**LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340**

RE: Application For Permit No.(s): 37-22985

RE: Transfer No. 80442
Water Right No(s): 37-21949

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 December 7, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-22985

UNITED STATES OF AMERICA
ACTING THROUGH USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS, ID 83301

Point of Diversion NWNWNW S5 T05N R16E BLAINE County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/3/2015

Place Of Use: DOMESTIC

T05N R16E S5 NWNW

Application proposes drilling a new well for the diversion of up to 0.04 cfs for domestic uses associated with a cabin. The cabin is located approximately 8 miles north and 10.75 miles west of the center of Ketchum in the Spruce Creek Summer Home Area Lot 11 on the east side of HWY 93.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80442**

WILLIAM C BOHRER and DEBORRA L BOHRER, PO BOX 606, KETCHUM, ID 83340; has filed Application No. 80442 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21949. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the authorized point of diversion to an existing domestic well for a 0.03 cfs ground water right that authorizes 1.1 acres of irrigation. The new point of diversion is located approximately 0.08 miles northwest of the current point of diversion. POD and POU are located on Lot 1 of The Blue Sage Subdivision approximately 5.4 miles north and 1.6 miles west of Ketchum.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 December 7, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 18th & 25th, 2015

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 12, 2015 1:19 PM
To: 'Kevin Lakey'
Subject: Comment Letters - 37-22985 & 80442
Attachments: Comment Letter to WM37 for 37-22985 & 80442.docx; 37-22985.pdf; Transfer 80442.pdf

Hi Kevin,

Attached is a cover letter, recommendation forms and copies of application for transfer 80442 (William & Deborra Bohrer); and application for permit 37-22985 (USDA Forest Service / Simms). Please review the information and provide any necessary comments within 21 days.

Please feel free to contact our office if you have any questions regarding this information.

Thank you in advance,

Denise @ IDWR



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

November 12, 2015

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Via e-mail

RE: Application For Permit No. 37-22985

RE: Transfer No. 80442
Water Right No(s). 37-21949

Dear Kevin:

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 unprotested 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)



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 23, 2015

William & Deborra Bohrer
PO Box 606
Ketchum ID, 83340

RE: Transfer Application for Water Right 37-21949

Dear Mr. & Mrs. Bohrer:

The Department of Water Resources recently received a transfer application that you submitted for water right 37-21949 seeking to change the point of diversion for the water right. After the application was properly receipted and researched, it came to the Department's attention that the legal description on the water right did not match the projected grid system in our geographic information database. This was due to a re-projection of the Public Land Survey (PLS) grid performed to align it with changes federal agencies made to the PLS grid for a large unsurveyed area, part of which your property is located in.

It is important to change both the point of diversion (POD) and place of use (POU) descriptions in this location to ensure accurate records and provide congruity between both records. Failure to do so would provide a correct legal description for the new POD that doesn't align with the incorrect POU description and creates a discrepancy that may be grounds to evaluate this application for rejection. However, since you have already submitted an application for transfer for a point of diversion change, the Department has an opportunity to correct the legal description for the place of use while processing the transfer. But, we require your agreement to do so before we can proceed with processing the application.

I called and left a message for you to call me concerning this matter on Friday, October 9, 2015. Since I received no response, I emailed a description of the changes we need to make in an attempt to gain your agreement and move forward with the transfer. The email was sent to the address provided on the transfer application, deborra@me.com on October 14, 2015. Now, in a third attempt I'm sending this letter with an amended transfer application enclosed for you to sign and return to us. This application is considered the "long form", and is used for changes to additional elements of water rights other than just the point of diversion.

Currently your water right lists the place of use as:

0.1 acres in the SENW and 0.1 acres in the SWSE of Section 14, Township 05N, Range 17E;
0.2 acres in the NWNE and 0.7 acres in the NENW of Section 23, Township 05N, Range 17E.

This legal description was correct based on the grid projection that was used when the change of ownership was processed in 2006. But now with the updated projection the description needs to be (see enclosed map):

0.5 acres in the NESW; 0.4 acres in the SESW and 0.2 acres in the NWSE of Section 14, Township 05N, Range 17E.

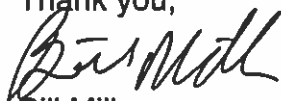
Please note that there is a very small portion (0.03 acres) in the SWSE that is not included as it is too small to accurately describe in the database. I have enclosed a map of the place of use that shows how it is currently projected along with a proof report of the water right.

If you concur with the requested changes, both of you sign and date the amended application for transfer enclosed and return it to us in the provided envelope.

The Department will hold further processing of your transfer application for 30 days to allow submittal of the amended transfer application. After that time, if the amended transfer application, or other consent from you indicating agreement with the proposed changes to the POU, is not received, the Department will consider the prospect of rejecting the application. Please note that filing fees are not refunded if an application is rejected.

Please feel free to call me at (2078) 736-3033 or email if you have any questions or concerns regarding this transfer application.

Thank you,

A handwritten signature in black ink, appearing to read "Bill Mills", written in a cursive style.

Bill Mills

Senior Water Resource Agent
Southern Region

Mills, William

From: Mills, William
Sent: Wednesday, October 14, 2015 10:51 AM
To: 'deborra@me.com'
Subject: Legal Description for Place of Use on Transfer Application
Attachments: 37-21949r.pdf; 37-21949 Water Right.docx

Dear Mrs. Bohrer,

While processing your point of diversion transfer application an issue came up that wasn't initially apparent. While reviewing your receipted application I noticed the legal description on the water right did not match the projected grid system in our Geographic Information System. Further research indicated this was due to our department adjusting the grid system for the unsurveyed lands north of Ketchum. Last year our department mailed you a letter indicating you could file a transfer to correct this problem.

The type of transfer application you filed doesn't address changes to legal descriptions for the place of use, only point of diversion. I discussed the possibility of just changing the legal description for the place of use to match the current grid projection with senior department staff. Department staff decided that I would either need to send you another amended transfer application that actually lists the changes to the place of use along with the change in point of diversion, or I could seek your permission to make the necessary changes without sending another amended transfer for you and Mr. Bohrer to sign.

Currently your water right lists the place of use as:

Place Of Use

IRRIGATION within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	14												0.1			0.1		0.2
05N	17E	23		0.2			0.7												0.9

POU Total Acres: 1.1

This legal description was correct based on the grid projection that was used when the change of ownership was processed in 2006. But now with the updated projection the description needs to be:

Place Of Use

IRRIGATION within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	14									0.5			0.4		0.2			1.1

POU Total Acres: 1.1

Please note that there is a very small portion (0.03 acres) in the SWSE that is not included as it is too small to accurately describe in the database. I have attached a map of the place of use that shows how it is currently projected along with a proof report of the water right.

If you concur with the requested changes, simply reply to this email indicating you give the department permission to make the requested changes to the place of use. Or I can draft a new application for transfer that updates the place of use and point of diversion, and mail it to you to obtain your and Mr. Bohrer's signatures.

I apologize for any confusion or any inconvenience this may have caused. Feel free to call me at (2078) 736-3033 or email if you have any questions regarding this transfer application.

Thank you,

Bill Mills
Senior Water Resource Agent
Southern Region

IDWR
Bill Mills
650 Addison Ave W Suite 500
Twin Falls, Idaho 83301

RECEIVED

OCT 08 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Dear Mr. Mills,

I am sending the Transfer of POD with the corrections you referenced. The check is being sent from our bank account in US Bank. It will be sent October 8, 2015. It will arrive separately. Please let me know if I have missed anything.

Regards,
Deborra Bohrer

PO Box 606
Ketchum, Idaho 8334
208.720.1934

\$200 - rec'd 10/13/2015

DM SD35052



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 25, 2015

William C. & Deborra L. Bohrer
P.O. Box 606
Ketchum, ID 83340

Dear Mr. & Mrs. Bohrer:

A review of an application for transfer for water right 37-21949 filed with the Idaho Department of Water Resource on September 24, 2015, revealed some items that need to be corrected before the application for transfer can be accepted by the Department for processing.

The first item pertains to the fees required for processing an application for transfer. The Department cannot accept an application without the appropriate fees. In this case, where the transfer is seeking to change a point of diversion for a 0.03 cfs diversion rate with an allowable volume of 3.8 acre feet annually, the appropriate fee is \$200.00. I have included a copy of the fee schedule along with the returned application for your convenience. Payment in the form of a check should be made payable to the Idaho Department of Water Resources or I.D.W.R.

The second item pertains to four check boxes at the top of the first page where it states "Check all that apply:" In this case the first box, Change diversion Point(s) should be checked.

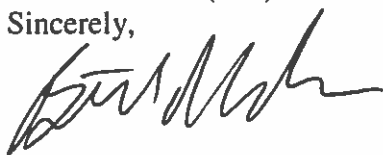
The third item is in reference to line #3, List water right number(s). I have printed out a copy of water right 37-21949 and I will submit it with the application when it is returned. Please check the box under line #3 to indicate a copy will be attached.

The fourth and final item, like the first, is required for an application for transfer to be accepted for processing by the Department. Line #7 – Map, indicates that a map should be provided with the application. To simplify this part, I have enclosed a map that shows your lot and place of use. If you can accurately mark the location of the well with a permanent marker and label it "New POD", that will be acceptable. Additionally, please check the box on line #7 of the application too. If you prefer, you can generate your own map with another program like Google Earth or the map making tool provided at our website. If you choose this option, the map is required to show the point of diversion (POD), place of use (POU) and needs to be labeled with township, range, section and ¼ ¼ of the Public Land Survey system for that location.

In summary, please complete the application as indicated; mark the location of the well on the map and return the completed application for transfer along with the map and the \$200.00 filing fee to allow further processing of the application.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience at (208) 736-3033 or william.mills@idwr.idaho.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Mills", written in a cursive style.

Bill Mills

Sr. Water Resource Agent, IDWR

Enclosure