

RECEIVED

42-222 POD - 09/14

APR 22 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
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) CHAD B. NEELEY Phone 208 880-5508
 2. MAILING ADDRESS 1959 S. SANDREST WAY City NAUJA
 State ID Zip 83686 Email cbnfarm@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-32331

- ☒ 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 0.17 cubic feet per second and/or 79.60 acre-feet per annum.
 (diversion rate) (storage volume)

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

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

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
X			SW	NW	15	2N	3W	CANYON	Groundwater	

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:

8 in Well, 600 Ft Deep, with Pipe line to sprinklers

- 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. 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:

Plan to use is fall or FIVE to a Request for extension

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Chris B. Neesley
Signature of applicant or authorized agent

Chris B. Neesley
Print name and title if applicable

4-22-15
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.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by AS

Date 4/22/15

Fee paid \$200.00 Date 4/22/15

Received by AS

Receipt # W043032

Preliminary review by Patrick Kelly

Date 6-16-2015

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)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-32331

NAME AND ADDRESS: CHAD B NEELEY
11492 PERCH RD
CALDWELL, ID 83607

SOURCE: GROUND WATER

QUANTITY: 0.17 CFS
79.60 AFY

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION: T02N R03W S10 SENW Within Canyon County
S11 NWSW
S14 SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.17 CFS 79.60 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark 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.

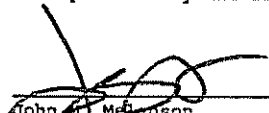
PLACE OF USE: Irrigation Within Canyon County
T02N R03W S15 SNNW 20.0
20.0 Acres Total

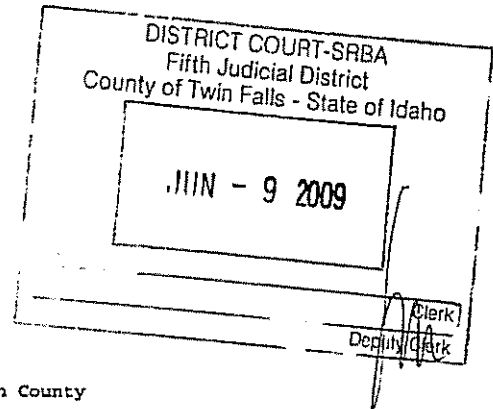
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



RECEIVED

JUN 10 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 9 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

)
) Water Right: 63-32331
) (Neeley)
)
) ORDER OF PARTIAL DECREE
)
)

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, Part III, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendation for the above named water right.

On March 26, 2009 the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a substitution of party for named water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED June 9, 2009


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, July 30, 2015 11:28 AM
To: 'LEGALS@IDAHOPRESS.COM'
Subject: Canyon Legal Ads
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ads for publication on 8/6/15 & 8/13/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

July 30, 2015

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application for Permit No. 63-34084
Application for Transfer No. 80032
Application for Extension No.63-32331

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 8/24/2015. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34084
WILLIAM BRACA
MELODY BRACA
11791 RIO LOBO RD
CALDWELL, ID 83607
Point of Diversion NENE S11 T05N R03W CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Total Diversion: 0.16 CFS
Date Filed: 5/15/2015
Places Of Use: DOMESTIC, IRRIGATION
T05N R03W S11 NENE
Total Acres: 4
Water bearing zone to be appropriated is from 200 to 300 feet.

PROPOSED CHANGE OF WATER RIGHT(S)
EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Chad Neeley of 1959 S Sandcrest Way Nampa filed a Transfer Application No. **80032** and an Extension of Time to Avoid Forfeiture Application for Water Right No. **63-32331** carrying a 1967 priority date from ground water totaling 79.6 af. The purpose of the transfer is to drill a well on Neeley property that will serve the 20 acre POU. The applicant submitted the extension request in the event that a well is not drilled by the end of 2015. Ground water will be used for irrigation at the place of use located two miles south of Lake Lowell, east of Farmer Rd.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), proposed transfer(s), or extension(s) see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(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 8/24/15. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 8/6/2015 and 8/13/2015

MEMORANDUM

TO: Transfer No. 80032
FROM: Patrick Kelly
DATE: June 16, 2015
RE: Evaluation of Application

The transfer proposes to add a point of diversion to the property owned by Chad Neeley within the POU boundary. Currently, 63-32331 has 3 POD's from wells at least a mile away that may or may not be able to deliver water to the property.

The site is located two miles south of Lake Lowell, east of Farmer Rd.

Deviations from Transfer Policy Standards

The transfer is filed on a short form used for point of diversion transfers. The applicant submitted an application for extension of time to avoid forfeiture of a water right with the transfer. This was done in the event a transfer was not processed or the well was not drilled by the end of the 2015 season.

Because we are going to advertise for the extension request, we will also be advertising for the transfer.

Summary of Information Submitted

Authority to File:

Applicant Chad Neeley is the current water right owner of 63-32331. Current Ada County tax lot data information indicates Mr. Neeley owns the property at the proposed drill site.

Water Right Validity:

Right presumed to be valid because the partial decree was issued within the past five year period.

Injury to Other Water Rights:

Coming from 3 separate wells, it is difficult to recommend a specific water bearing zone. The Neeley property is outside of any GWMA or Basin 63 area of concern. The public will be given the opportunity to protest during the announcement period.

Enlargement of Use:

63-32331 authorizes the diversion of 0.17 cfs and 79.6 af on 20.0 acres of land. The new well will deliver this water to the POU while diversion from the other three wells will cease for the purpose of this right.

Local Public Interest:

Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Discussion

Historical use of the land shows that 63-3597G once included the Neeley property and current place of use. 63-3597G has since been split and transferred to 63-31801 & 63-31802. No overlap of POU / POD currently exists on Neeley land.

Water right 63-32331 was decreed June 9, 2009 and was migrated before the transfer process began.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.