

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79730**

This is to certify that: **BONNIE SIMONS AND
ROBERT A SIMONS
8207 STAR PASS RIDGE RD
NAMPA, ID 83686**

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>
63-33999	WR/DECREED	10/12/1948	0.010 cfs	4.5 af	N/A	1.0	GROUND WATER

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>
63-33999	NO	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>
63-33999	63-33999	0.010 cfs	4.5 af	N/A	1.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.010 cfs	4.5 af	N/A	1.0		N/A	N/A	N/A	N/A

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

Dated this 3rd day of February, 2015.


Steve Lester, Interim Western Region Manager

WATER RIGHT NO. 63-33999

As Modified by Transfer No. 79730

In accordance with the approval of Transfer No. 79730, Water Right No. 63-33999 is now described as follows:

Right Holder: BONNIE SIMONS AND
ROBERT A SIMONS
8207 STAR PASS RIDGE RD
NAMPA, ID 83686

Priority Date: 10/12/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.010 cfs	4.5 af
			0.010 cfs	4.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESE Sec 22 Twp 02N Rge 02W CANYON 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	
02N	02W	22																1.0	1.0

POU Total Acres: 1.0

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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. All parts of original licensed Rights 63-2724 and 63-7610 when combined shall not exceed a total diversion rate of 3.90 cfs.

Transfer No. 79730

WATER RIGHT NO. 63-33999
As Modified by Transfer No. 79730

CONDITIONS OF APPROVAL

6. Point of diversion and place of use are located within Lot 16, Blk. 1; Star Pass Ridge Subdivision.





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 5, 2015

ROBERT A SIMONS
BONNIE SIMONS
8207 STAR PASS RIDGE RD
NAMPA ID 83686

Re: Transfer No. 79730
Water Right No. 63-33999

Transfer Approval Notice

Dear Water Right Holders:

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

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Paul Sommer".

For,

Steve Lester

Interim Western Region Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79730
Water Right No. 63-33999**

**ROBERT A SIMONS
8207 STAR PASS RIDGE RD
NAMPA ID 83686**

**BONNIE SIMONS
8207 STAR PASS RIDGE RD
NAMPA ID 83686**



**Rachel Sommer
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 08 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER 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 an entire 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 or to report an ownership change for a portion 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

1. APPLICANT(S) Robert & Bonnie Simons Phone 208-467-4940
2. MAILING ADDRESS 8207 Star Pass Ridge Rd City Nampa
State ID Zip 83686 Email bonniesimons@msn.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) required for water right ownership changes; see [fee schedule](#).

☐ 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) 63-33999 (Split from 63-2724B)

☒ 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 0.010 cubic feet per second and/or 4.5 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*.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
02N	02W	22			SW	SE	Canyon	Ground Water	

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:

Well & Pump

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

- c. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. MAP - ☐ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://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.

Robert A. Simons
Signature of applicant or authorized agent

Robert Simons
Print name and title if applicable

12-5-14
Date

Bonnie Simons
Signature of applicant or authorized agent

Bonnie Simons
Print name and title if applicable

12-5-14
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 1 pages of attachments.

Received by CS

Date 12/08/14

Fee paid \$200⁰⁰

Date 12/08/14

Received by CS

Receipt # W047677

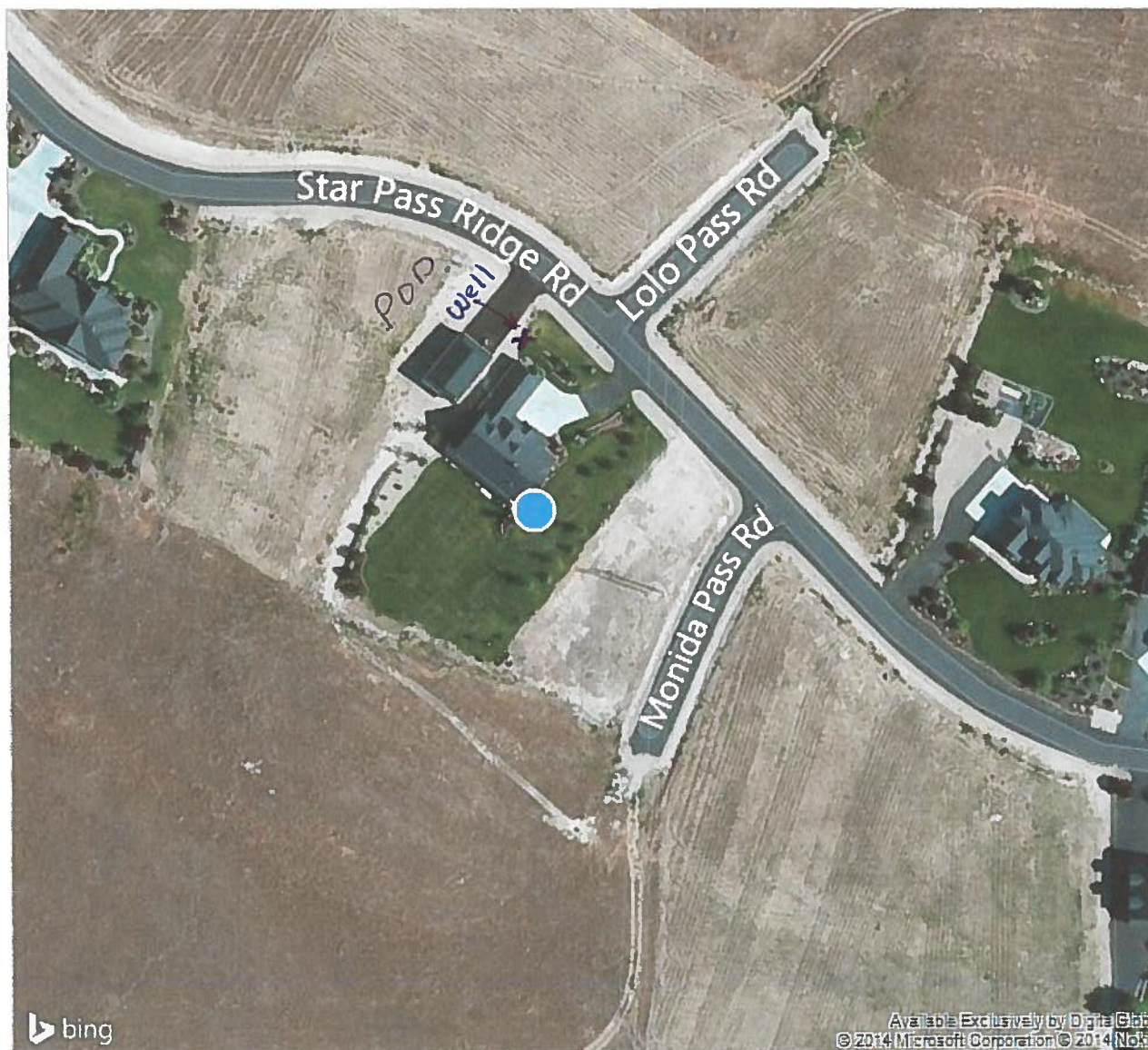
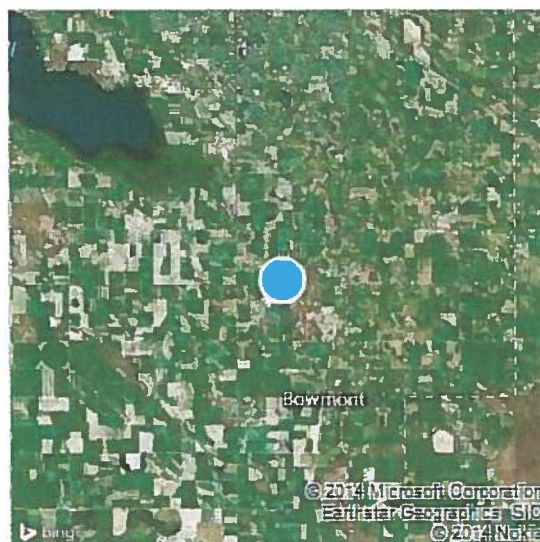
Preliminary review completed by SC

Date 12/24/14



8207 Star Pass Ridge Rd, Nampa, ID 83686

Lot # 16
Block #1



Bird's eye view maps can't be printed, so another map view has been substituted.



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 21, 2015

MICHAEL R SIEGERSMA
8332 STAR PASS RIDGE RD
NAMPA, ID 83686

Trans. #79414

ROBERT & BONNIE SIMONS
8207 STAR PASS RIDGE RD
NAMPA, ID 83686

Trans. #79730

1992 JOHNSON FAMILY TRUST
8355 STAR PASS RIDGE RD
NAMPA, ID 83686

Trans. #79731

HAMLING FRANCES REVOCABLE 2001 TRUST
C/O KAY F HOUSE
7869 S POWERLINE RD
NAMPA, ID 83686

Trans. #79732

Re: Applications for Transfer of Water Rights & Well Drilling Fee Upgrades

Dear Applicant:

Your recent applications for transfer of a water right propose ground water use from wells. According to the records of Idaho Department of Water Resources (IDWR), your well was drilled under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR (typically a single-family domestic well).

Proposed irrigation use from your well does require water right approval, and your transfer application seeks that approval. The well drilling fee for a well requiring a water right is \$200 instead of \$75. IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please remit \$125 to upgrade your well drilling permit within the next thirty days to facilitate processing of your application for transfer of water right. We will not need to advertise your application, therefore, once we receive the fee we can complete processing of the application.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

*pd 1/28/15
W042767
SC*

MEMORANDUM

To: Transfer Nos. 79413, 79414, 79694, 79730, 79731 & 79732

FROM: Sharla Curtis

DATE: December 26, 2014/January 20, 2015

RE: Evaluation of Applications

The transfers were filed to change the point of diversion from a well in Section 27 to individual wells drilled for the homes developed in Star Pass Ridge Subdivision, with the exception of Transfer 79413 which is to consolidate water on parts of two lots but using the original point of diversion. In some cases, SPF Engineering is shown to be the representative (shown in blue on the table below). Because these are just applications to change the points of diversion to individually owned wells, the transfers will not be advertised.

These 6 transfer applications are for rights that have been split from 63-2724B, either by previous ownership changes or through the transfer process. Right 63-2724B was decreed with a condition that limits all the rights split from 63-2724 when combined with all the rights split from 63-7610 to a total of 3.90 cfs. This condition has been maintained through all of the subsequent splits and will be retained as a condition of the transfer approvals.

Right 63-2724B was decreed for less than an inch to the acre. The total volume was also limited as a result. Therefore, all the splits were calculated using the same equation. In some cases, the result is slightly different than described by the representative on the transfer applications.

1.04 cfs/120 ac = .0087 cfs/ac
534 AF/120 ac = 4.45 AF/ac

Right 63-2724B was decreed for a total of 1.04 cfs, 534 af and 120 acres. The following table tracks the subsequent splits.

RIGHT #	CFS	VOL	ACRES	Transfer #
63-2724B	1.04	534.0	120	
63-33833	.28	142.4	32	
63-33998	.01	4.5	1	79731
63-33999	.01	4.5	1	79730
63-34000	.03	4.5 (12.4 af removed)	1 (2.8 ac removed)	79413
63-34001	.01	6.7	1.5	79414
63-34018	.01	7.1	1.6	79694
63-34019	.01	5.3	1.2	
63-34024	.02	9.8	2.2	79732
63-34026	.01	4.8	1.1	
63-2724B	.65	332.0	74.6	
TOTALS	1.04	521.6 + 12.4 removed = 534	117.2 + 2.8 removed = 120	

The wells to be used under these transfer approvals were drilled as domestic wells only. A letter will be sent to each of the applicants requesting the drilling permit upgrade fees and the applications will be held until such fees are paid.

Authority to File: The applicants are either the owners of record or have supplied documentation for change of ownership via the transfer process, therefore, they are authorized to file the transfers.

Water Right Validity: Right 63-2724B (the right from which all these transfer applications were split) was decreed in 2009. Transfer applications were filed just within the 5 year time frame after which the rights could be forfeited. Rights will be assumed valid and transfers can be approved.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur; all totals stay the same as shown in the table above.

Local Public Interest: Assumed to be within 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.

Assuming other information does not contradict the above analysis, the applications can be approved as reflected by the draft approvals.

Condition 046 N/A since new wells are not proposed.