

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79531

This is to certify that: SARAH CURTRIGHT
4365 W CHERRY LN
MERIDIAN, ID 83642

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>
63-33370	WR/LICENSE	5/18/1987	1.880 cfs	752.9 af	N/A	167.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

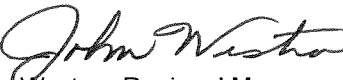
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-33370	YES	YES	NO	NO	NO	NO

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>
63-33370	63-33986	0.010 cfs	4.5 af	N/A	1.0	63-33370	1.870 cfs	748.4 af	N/A	166.3
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 10th day of October, 2014.


Western Regional Manager

Transfer No. 79531

SCANNED

NOV 03 2014

WATER RIGHT NO. 63-33370

As Modified by Transfer No. 79531

In accordance with the approval of Transfer No. 79531, Water Right No. 63-33370 is now described as follows:

Right Holder: JAMES FULLER
1635 N TEN MILE RD
MERIDIAN, ID 83642

Priority Date: 5/18/1987

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
1.870 cfs
1.870 cfs

Diversion Volume
748.4 af
748.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 10 Twp 03N Rge 01W ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	3					3.0	21.0	36.0	25.0	6.0							0.3	91.3
							L 3	L 4											
03N	01W	10	34.0	35.0			6.0												75.0

POU Total Acres: 166.3

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 79531

SCANNED

NOV 03 2014

WATER RIGHT NO. 63-33986

As Modified by Transfer No. 79531

In accordance with the approval of Transfer No. 79531, Water Right No. 63-33986 is now described as follows:

Right Holder: SARAH CURTRIGHT
4365 W CHERRY LN
MERIDIAN, ID 83642

Priority Date: 5/18/1987

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.010 cfs
0.010 cfs

Diversion Volume
4.5 af
4.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENW Sec 10 Twp 03N Rge 01W ADA 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	
03N	01W	10					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. 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.

Transfer No. 79531

SCANNED

NOV 03 2014

WATER RESOURCES
WESTERN REGION

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

Check all that apply:

☐ Add diversion point(s)

☒ Ownership change *

State ID Zip 83642 Email Securtnight@yahoo.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) 63-33370

☒ 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 ~~0.070~~ cubic feet per second and/or ~~1.050~~ 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:

Well on property currently ok'd for house use - would like
split of #63-33370 & use well upgrade to irrigate land

- 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:

D/A

- 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 maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

Print name and title if applicable

08/17/14
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 2 pages of attachments.

Received by _____ Date _____

Fee paid 1000.00 Date 8/19/14

Received by BB Receipt # W0424360

Preliminary review completed by SC

Date 9/17/14

Fee only \$200 for .01 cfs change,
Return will be issued - 8/20/2014

RECEIVED

AUG 19 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
63-33370	☒ Yes		Yes		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: James Fuller

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Sarah Curtright

New owner(s) as listed on the conveyance document

Name connector

and

or

and/or

4365 W. Cherry Ln.MeridianDO83642

Mailing address

City

State

ZIP

208-484-9468secright@yahoo.com

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

☐ 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.

5. Date you acquired the water rights and/or claims listed above: 05/04/2010

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

7. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document (warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - ☒ \$25 per undivided water right.
 - ☒ \$100 per split water right.
 - ☐ No fee is required for pending adjudication claims.

8. Signature: [Signature]

Signature of new owner/claimant

Title, if applicable

08/17/2014

Date

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by BBDate 8/19/14Receipt No. W042437Receipt Amt. 100.00Approved by SCProcessed by SCDate 10/10/14

WZ



PioneerTitleCo.

GOING BEYOND

8151 W. Rifleman Ave. / Boise, Idaho 83704 / (208) 377-2700

TO: Sarah Curtright
4365 W Cherry Ln
Meridian, ID 83642

DATE: June 10, 2010
ORDER NO.: 313188

RE: Sarah Curtright, a single woman
Aurora Loan Services, LLC, By: LPS Asset Management Solutions, Inc., as Attorney in Fact

Enclosed:

Warranty Deed and Owners Policy

Thank you for giving us the opportunity to serve you. We appreciate your business and will strive to merit the confidence you have shown in us.

If you have any questions, please contact the following:

TITLE OFFICER

Sandra Grube
(208) 373-3659
Fax (208) 373-3644
sandrag@pioneertitleco.com

ESCROW OFFICER

Cindy Phillips
1872 South Eagle Road, Meridian
(208) 898-3967
Fax (208) 888-7260
cindyp@pioneertitleco.com

cc:

3
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 05/04/10 04:05 PM
DEPUTY Bonnie Oberbillig
RECORDED-REQUEST OF
Pioneer

AMOUNT 9.00

3



4365 Cherry Lane



1872 S. Eagle Road/ Meridian, Idaho 83642

313188

CP/SG

SPECIAL WARRANTY DEED

(For Lender Owned Foreclosures Only)

FOR THE consideration of ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Aurora Loan Services, LLC GRANTOR conveys and specially warrants to Sarah Curtright, a single woman GRANTEE, whose address is 4365 W. Cherry Lane, Meridian, ID 83642 (his, her, its) successors and assigns forever the following described real property:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO taxes and assessments for the year 2010 and all subsequent years, together with any and all existing easements, rights of way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

THIS CONVEYANCE shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

THE GRANTOR covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant defend the same from all lawful claims of or through Grantor, but none other.

Dated: _____

4/15/10

Aurora Loan Services, LLC
By: LPS Asset Management Solutions, Inc., as
Attorney in Fact

By: _____
Its: Norma J. Dudgeon, AVP

STATE OF CO, County of Jefferson, ss.

On this 15th day of April, in the year of 2010, before me the undersigned, a notary public in and for said State, personally appeared Norma J. Dudgeon, AVP, (known) or identified to me to be the AVP of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same, which is appointed as the Attorney in Fact for Aurora Loan Services, LLC

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.

Kellie M. Laigo

Notary Public of CO
Residing at Larimer
Commission expires: 05/21/2011

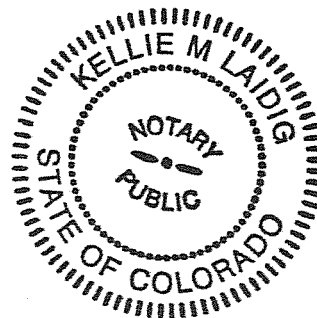


EXHIBIT A

1.
1.

The Easterly 124 feet of the Northerly 396 feet of the following described parcel:

A portion of that tract of land described in Instrument Nos. 7503067 and 9260788, records of Ada County, Idaho, located in the Northeast quarter of the Northwest quarter of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 3, 4, 9 and 10, Township 3 North, Range 1 West, Boise Meridian, from which the quarter corner common to said Sections 3 and 10 bears South 89°40'23" East 2,645.05 feet;

Thence South 89°40'23" East 1,323.69 feet to a point, from which the West one-sixteenth corner bears North 89°40'23" West 1.11 feet, said point being the REAL POINT OF BEGINNING;

Thence continuing South 89°40'23" East 327.36 feet to a point;

Thence South 00°06'09" East 662.50 feet along the East boundary of said tract of land described in Instrument No. 7503067 to a point, said point being common to the Southwest corner of that tract of land described in Instrument No. 574474, records of Ada County, Idaho;

Thence South 89°40'19" East 4.00 feet along the North boundary of a triangular shaped parcel described in said Instrument No. 9260788;

Thence South 00°39'41" West 3.53 feet along an existing fence to a point;

Thence North 89°40'23" West 332.75 feet to a point;

Thence North 00°01'18" East 666.02 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM a parcel of land deeded to Ada County Highway District in Warranty Deed recorded on June 15, 1994, in Instrument No. 94056392, more particularly described as follows:

A parcel of land for public right-of-way being a portion of that tract of land described in Instrument Nos. 7503067 and 9260788, records of Ada County, Idaho, being coincident with the South right-of-way line of Cherry Lane, located in the Northeast quarter of the Northwest quarter of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Northwest corner of said Section 10;

Thence along the North line of said Section 10 South 89°15'37" East 1651.05 feet;

Thence leaving said North line South 00°18'23" West 25.00 feet to said South right-of-way line, the REAL POINT OF BEGINNING, said point being 25.13 feet right of Cherry Lane Station 40+48.08 of the Project centerline;

Thence continuing South 00°18'23" West 19.87 feet;

Thence North 89°16'18" West 124.00 feet;

Thence North 00°18'23" East 19.89 feet to said South right-of-way line;

Thence along said line South 89°15'37" East 124.00 feet to the REAL POINT OF BEGINNING.


IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/17/2014

WATER RIGHT NO. 63-33370

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES FULLER 1635 N TEN MILE RD MERIDIAN, ID 83642 (208)888-1116

Priority Date: 05/18/1987
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.88 CFS	752.9 AFA
Total Diversion			1.88 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 10|Township 03N|Range 01W|ADA County

Licensed Diversion Capacity: 3.05

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	01W	3	3	NENW	3	4	NWNW	21		SWNW	36		SENW	25
				NESW	6									
				SESE	0.3									
		10		NENE	34		NWNE	35						
				NENW	7									

Total Acres: 167.3

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 03/28/1991

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Div.	Rate (cfs)	Source	Water Use	Owner
1.88		GROUND WATER	IRRIGATION	FULLER, JAMES

Type
WR

Basin

63

Sequence

33370

Suffix

Application Number

Basis

License

Status

Active

Priority Date

5/18/1987

#5

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-33370

WATER RIGHT NUMBER: 63-33370

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES FULLER 1635 N TEN MILE RD MERIDIAN, ID 83642 (208)888-1116

Priority Date: 05/18/1987

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.880 CFS	752.90 AF
	<u>Total Diversion:</u>	1.880 CFS	752.90 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 10, Twp 03N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	3					3.0	21.0	36.0	25.0	6.0							.3	91.3
							L 3	L 4											
03N	01W	10	34.0	35.0			7.0												76.0

Total Acres: 167.3

Conditions of Approval:

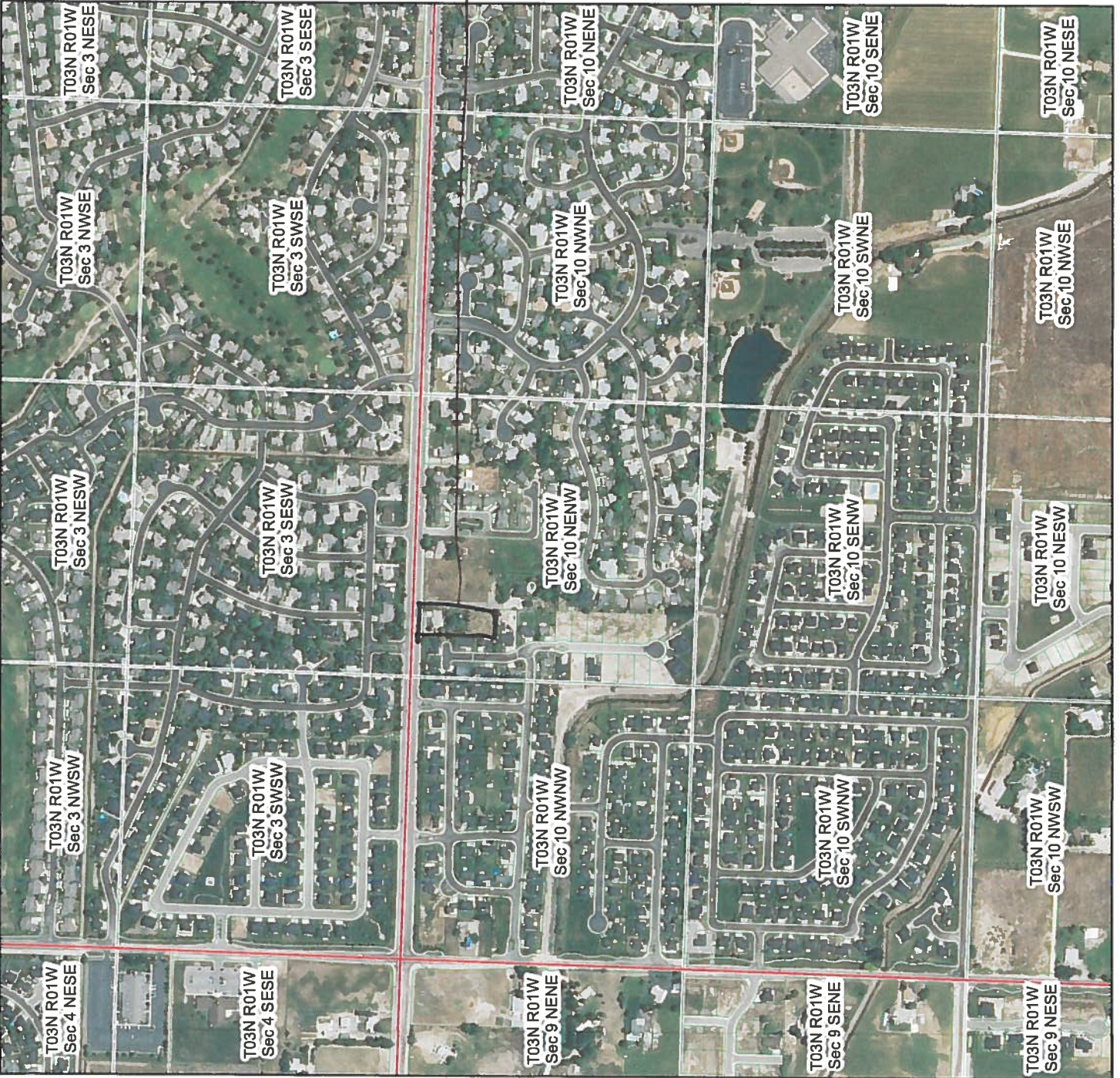
- R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-33370

Water Supply Bank:



Legend

ESPA

GCDB Township/Range

GCDB Section

GCDB Quarter-Quarter

Counties

#7

4365 W. Cherry Ln.
Meriden, ID 83642

Township 03 N
Range 01 W
Section 10
NENW





Address w/ POD water rights
per IDWR General Mapping Tool

Legend

ESPA

GCDB Township/Range

GCDB Section

GCDB Quarter-Quarter

Counties





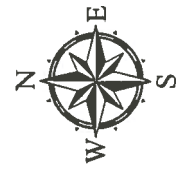
Legend

#7

-  ESPA
-  GCDB Township/Range
-  GCDB Section
-  GCDB Quarter-Quarter
-  Counties

place of use

point of diversion





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

October 10, 2014

SARAH CURTRIGHT
4365 W CHERRY LN
MERIDIAN ID 83642

Re: Transfer No. 79531
Water Right No. 63-33370

Transfer Approval Notice

Dear Water Right Holder:

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.

SCANNED

NOV 03 2014

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,



for:

John Westra
Regional Manager

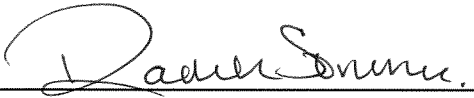
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79531
Water Right No. 63-33370**

**SARAH CURTRIGHT
4365 W CHERRY LN
MERIDIAN ID 83642**

A handwritten signature in cursive script, appearing to read "John Westra", is written over a horizontal line.

**John Westra
Regional Manager**

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.

Curtis, Sharla

From: Curtis, Sharla
Sent: Tuesday, September 16, 2014 2:17 PM
To: Marston, Sascha
Subject: Refund Request

Sascha,

Please refund \$860 to the transfer applicant listed below. She paid \$1060 for a transfer application and the fee for the application was only \$200. The original receipt # is WO42436.
Thanks!

Applicant:

Sarah Curtright (check was in name of Timothy & Judy Curtright)
4365 W. Cherry Ln.
Meridian, ID 83642

MEMORANDUM

TO: Transfer No. 79531
FROM: Sharla Curtis 
DATE: September 17, 2014
RE: Evaluation of Application

The transfer proposes to split an irrigation right (changing ownership) and change the point of diversion to a well located on the applicants property. The additional drilling permit fee has been paid.

Deviations from Transfer Policy Standards

This application is for a point of diversion change and ownership change only and will not be advertised.

Summary of Information Submitted

Authority to File: Applicant has submitted the appropriate change of ownership documentation and is now authorized to file the transfer application.

Water Right Validity: Right presumed to be valid because irrigation of the place of use can be verified with 2011 and other ArcMap aerial photography (within the past five year period). The entire place of use of the right being split is for a subdivision; green lawns are the indication that water is continually used every year, including the lot listed in the transfer.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur; all parameters of the right stay the same with a simple change of point of diversion.

Local Public Interest: Agriculture use is considered in the local public interest throughout Idaho.

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.

Summary

It appears this application can be approved as reflected by the draft approval.

Lester, Steve

From: Lester, Steve on behalf of Western Info
Sent: Wednesday, August 27, 2014 12:39 PM
To: 'securtright@yahoo.com'
Subject: Water Right 63-33370, split & transfer application

Dear Sarah:

This office received your transfer application to use your own well for your share of the above referenced water right. You own a 1-acre portion for 0.01 cfs (4.5 gpm). You paid all the appropriate fees. In fact, you paid \$1060 for the transfer application portion of this transaction. The transfer fee for your 0.01 cfs is only \$200. A refund of \$860 will be processed and sent to you by the State Controller's Office. It probably takes a few weeks.

Meanwhile we will process your application and ownership split in this regard. The application results will be mailed to you. Please contact this office if you have any questions in this matter. If you reply to this email, please add *Attn Steve Lester* in the subject line so I will not miss your reply. Thank you.

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport WY
Boise, ID 83705
(208-334-2190)

AUG 19 2014

WATER RESOURCES
WESTERN REGION

Sarah,

1) The well upgrade fee is \$125. I was surprised to learn that we don't have a form for that process. You can request that upgrade at any time, but we won't need to have it in place until you file for a transfer of the water right (item 3).

2) The change in water right ownership form is available from our website. I hope this link works for you. Please try it and let me know. I can also send you the PDF form.

<http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP.pdf>

You will be requesting a split of water right #63-33370 which is a right for irrigation from ground water in the name of James Fuller. It is a right which covers property all the way to 10-mile Rd on the east and to the recreation district property on the south (and more on the other side of Cherry Ln).

Splitting a water right will cost \$100. In addition to the completed form and fee, IDWR will need a copy of the conveyance document which shows us how you came into possession of your property. Usually that document is a copy of your warranty deed. We also need a map showing us your property. When you have those items packaged together, you can submit them to us in the State office or you can submit them to Western Region office. Addresses are on the instruction pages of the form. The ownership change must happen before you submit an application for a transfer of the water right. But the two documents can be filed at the same time.

3) A transfer changes the elements of a water right. In your case, after the ownership split is processed, you will have a piece of an irrigation water right which has the point-of-diversion somewhere else. (I think it's in the NENE of section 10). We'll figure that out where it is when the time comes. What is relevant to you is that the point-of-diversion of your new piece of water right 63-33370 needs to be changed so that it is the well that you have on your property.

IDWR has a long form and a short form for transfers. I believe that your case will fit the shorter, simpler form which only changes the point of diversion. Here is a link to that form. <http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/app for transfer POD.pdf>

Again, let me know if you have problems with the link.

The instructions for completing the simple form, the fee

schedule and a way to create the map are all imbedded as a hot links within this form. All these forms are available from our website and are type-enabled so that you can enter the information at your computer.

IDWR might be able to authorize irrigation water use for you by August if you can get started on this soon.

Respectfully,
Michele Edl