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SEP 16 2014

WATER RESOURCES
WESTERN REGION

WITHDRAWAL

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, CLINTON H. EVANS and EILENE H. EVANS,
(Applicant's Printed Name) (Applicant's Printed Name)

_____, and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 79375 of Water Right

No(s). 65-9668A

PLEASE USE \$100.00 FOR FILING FEE ON NEW APP. AND REFUND REMAINDER TO US.

Signed this 14 day of SEPTEMBER, 2014.

Clinton H. Evans
(Signature/Title of Applicant)

Eilene H. Evans
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

DE-kw
10/3/14

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JUN 05 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79375MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 www.idwr.idaho.gov.

Name of Applicant(s) Clinton H and Eilene H EvansCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required 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 for each water right for which only a portion 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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

WATER RESOURCES WESTERN REGION Name of Applicant(s) Clinton H and Eilene H Evans Phone (208) 462-3072
Mailing address 11 Elk Springs Rd Garden Valley, ID 83622 Email elk4sale@att.net

- ☐ 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.

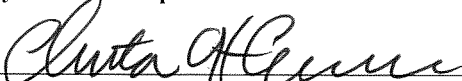
☐ No Representative

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

Clinton H. Evans
Print Name and Title if applicable

6/5/2014
Date


Signature of Applicant or Authorized Representative

Eilene H. Evans
Print Name and Title if applicable

6/5/2014
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**.
- Cease irrigating 2.0 acres in SENW of 26 T10N R04E from the Lightning Crk diversion point and add a point of
diversion on Middle Fork of Payette River and start to irrigate 2 acres around your new house.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	65-9668A	0.05 cfs	Irrigation	4/01 to 11/01	Middle Fork Payette River &
☐ ☐				to	South Fork Payette River
☐ ☐				to	
☐ ☒	65-9668A	2.28 cfs	Irrigation	4/01 to 11/01	Lightning Creek &
☐ ☐		0.05 cfs	Stockwater	01/01 to 12/31	Middle Fork Payette River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.38 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.05 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
New			SW	NW	26	10N	04E	Boise	Middle Fork Payette Rv	POD 0.05 cfs part
Old			SW	NE	24	10N	04E	Boise	Lightning Creek	POD remaining 2.33 cfs part

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	26							1.5	0.5									2.0
10N	04E	23												11.0			2.0		13.0
10N	04E	26					38.0	25.0	2.5	9.5									75.0
Total Acres (for irrigation use)																			90.0

New
old
old

Page _____ of _____

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

Current Water Right No.: 65-9668A

Current Owner: CLINTON H EVANS
EILENE H EVANS
Priority Date: 6/1/1887
Origin: Water Right
Status: Active
Basis: Decreed

Source

LIGHTNING CREEK

Tributary

MIDDLE FORK PAYETTE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER	1/01 to 12/31
IRRIGATION	4/01 to 11/01
	<u>Total Diversion</u>

0.05 CFS
2.33 CFS
2.38 CFS

Location of Point(s) of Diversion

LIGHTNING CREEK
BOISE County

SW1/4NE1/4 Sec. 24, Twp 10N, Rge 04E B.M.

Place of Use

IRRIGATION Within BOISE County

T10N R04E S23	Lot 2	SESW	11.00	T10N R04E S23	SWSE	2.00
T10N R04E S26		NENW	38.00	T10N R04E S26	NWNW	25.00
T10N R04E S26		SWNW	4.00	T10N R04E S26	SENW	10.00

Total Acres: 90

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. STOCKWATER, 100 RANGE CATTLE
4. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 3/19/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**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:
Maintaining existing POD on Lightning Crk with lockable headgate for 2.33 cfs part. Installing a new pump (sized according to amount of water right authorized) on Middle Fork of Payette River for 0.05 cfs part.

- b. Who owns the property at the point(s) of diversion? Clinton H. and Eilene H. Evans (new POD).
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
USFS owns existing Lightning Ck POD, access via existing easement.

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

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:
Cease irrigating 2.0 acres within the SENW of Section 26 and irrigate 1.5 ac in the SWNW and 0.5 acres in the SENW from the new pump on Middle Fork of Payette Rv.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
No other irrigation water rights on property. Other water rights share Lightning Ck POD ditch, but will not be affected by proposed change.

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 65-9668A

1. amount 0.05 cfs (cfs/ac-ft) for Irrigation purposes from 4/01 to 11/01
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

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**.

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:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

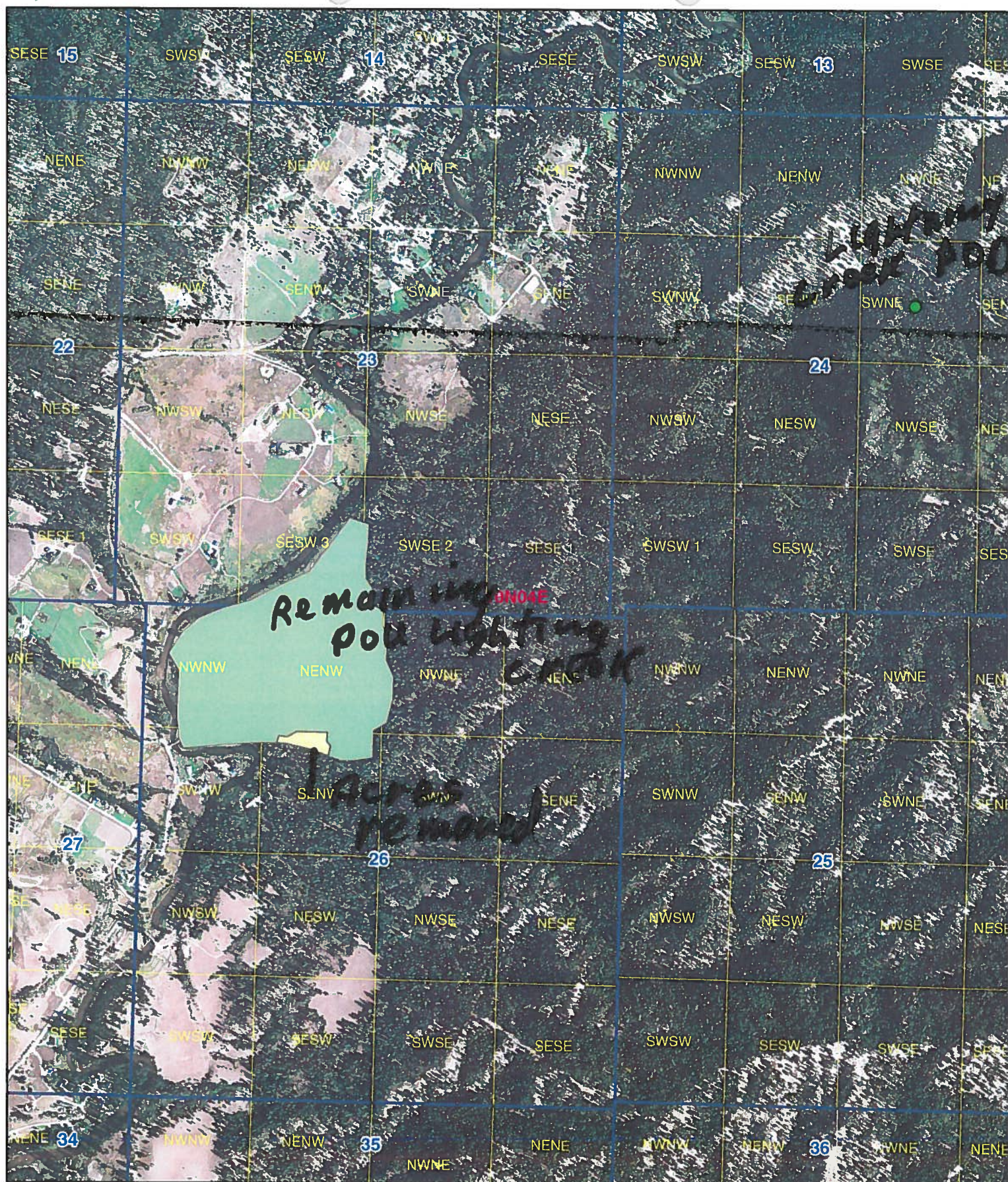
FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by AMG Date 6/5/14 Preliminary check by _____ Date _____

Fee paid 200.00 Date 6/5/14 Received by CN Receipt # W042195

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____



#7 b ATTACHMENT

#7a ATTACHMENT

NWNW

NENW

POU to be removed

26

10N04E

SWNW

SENW

NWSW

NESW

New POU
New POU
New POU





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 3, 2014

CLINTON H. &/OR EILENE H. EVANS
11 ELK SPRINGS RD
GARDEN VALLEY ID 83622

Re: Withdrawal of Application for Transfer No. 79375
Water Right No. 65-9668A

Dear Applicants:

Thank you for your recent withdrawal of the above referenced Application for Transfer. We have received your application for permit and will send it to advertising within the next couple of weeks. It has been assigned number 65-23598.

A refund in the amount of \$100.00 has been requested from the State Auditor's Office. You will receive your refund under separate cover.

Please contact our office at (208)334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent



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

September 4, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CLINTON H AND EILENE H EVANS
11 ELK SPRING RD
GARDEN VALLEY ID 83622

Re: Application for Transfer No. 79375

Dear Applicants:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. After preliminary review of the application, some concerns were identified regarding injury, expansion, and local public interest issues that may result from your proposed changes. The transfer application would be rejected if processed as filed due to these concerns.

Possible injury &/or expansion issues are a concern regarding the change from Lightening Creek to the Middle Fork of the Payette River considering (a) changing from a smaller source to a larger source, and (b) the distance of the point of diversion from the creek to the proposed point of diversion in the river. The water master would be required to measure water available in Lightening Creek before he could turn on any water from the Middle Fork of the Payette River. He would then have to measure what you were diverting from the Middle Fork of the Payette River to make sure you are not taking more water than allowable. At best, you would only be able to divert from the river to the extent the creek water is available to satisfy the priority date of your right.

You may want to withdraw your application and use a portion of the filing fee to file a new application for permit. We can process a new water right for the 2 acres you wish to irrigate around your home from the Middle Fork of the Payette River without the above referenced complications. If you don't want to withdraw your transfer application, please submit a plan that would resolve the injury, expansion and local public interest issues.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days. Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

KAY WALKER
Sr. Water Resource Agent