

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79446

This is to certify that: CHARLES J KRITZ JR AND
DIANE B KRITZ AND
RAYMOND C BARKER JR
415 VOLPI YSABEL RD
PASO ROBLES, CA 93446

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>
2-2318B	WR/DECREED	6/5/1964	0.730 cfs	N/A	N/A	36.7	SNAKE RIVER

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>
2-2318B	NO	NO	NO	YES	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>
2-2318B	2-2318B	0.730 cfs	N/A	N/A	36.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.730 cfs	N/A	N/A	36.7		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 28th day of July, 2014.


Western Regional Manager

WATER RIGHT NO. 2-2318B **As Modified by Transfer No. 79446**

In accordance with the approval of Transfer No. 79446, Water Right No. 2-2318B is now described as follows:

Right Holder: CHARLES J KRITZ JR AND
 RAYMOND C BARKER JR AND
 DIANE B KRITZ
 415 VOLPI YSABEL RD
 PASO ROBLES, CA 93446

Priority Date: 6/5/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

3/15

to 11/15

To

Diversion Rate

0.730 cfs

0.730 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
 SNAKE RIVER

L5 (NENW)
 L6 (NWNW)

Sec 14 Twp 03N Rge 05W OWYHEE County
 Sec 14 Twp 03N Rge 05W OWYHEE 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	05W	14					6.0	1.2	1.8	27.7									36.7
							L5	L6	L6	L5									

POU Total Acres: 36.7

CONDITIONS OF APPROVAL

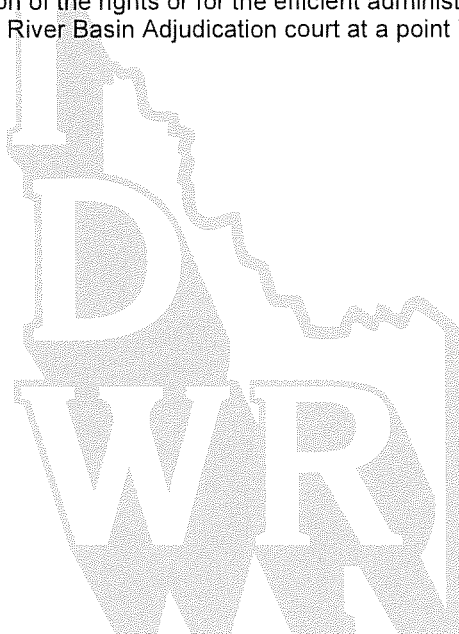
1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. This right when 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.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 4, 2011.
4. The following rights are diverted through point of diversion in Lot 6 (NWNW), S14, Twp. 3N, Rge. 5W: 02-2318A & 02-2318B

Transfer No. 79446

WATER RIGHT NO. 2-2318B
As Modified by Transfer No. 79446

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.





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

July 28, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DIANE B KRITZ
CHARLES J KRITZ JR
RAYMOND C BARKER JR
415 VOLPI YSABEL RD
PASO ROBLES CA 93446

Re: Transfer No. 79446
Water Right No. 2-2318B

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 "Rachel Sommer". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

Rachel Sommer
Administrative Assistant

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79446
Water Right No. 2-2318B**

**DIANE B KRITZ
415 VOLPI YSABEL RD
PASO ROBLES CA 93446**

**CHARLES J KRITZ JR
415 VOLPI YSABEL RD
PASO ROBLES CA 93446**

**RAYMOND C BARKER JR
415 VOLPI YSABEL RD
PASO ROBLES CA 93446**

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**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.

TREAT AS A SINGLE APPL. WITH 2
SECTIONS FOR SIGNATURES

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:

MEASURING DEVICE WOULD BE LOCATED AFTER PUMP CLOSE TO ELECTRICAL PANEL LOCKOUT.

60 + INCHES (PIPE SIZE X 10)

- b. Who owns the property at the point(s) of diversion? RAYMOND C BARKER JR. DIANE B KRITZ. CHARLES J KRITZ
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 1/4 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.

Signature of applicant or authorized agent

Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

See other APP for more signatures

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 J. Strange

Date 6-20-14

Fee paid \$50.00 Date 6-20-14

Received by J. Strange

Receipt # W042250

Preliminary review completed by

Date

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:

MEASURING DEVICE WOULD BE LOCATED AFTER PUMP CLOSE TO ELECTRICAL PANEL LOCKOUT.

60 + INCHES (PIPE SIZE X 10)

- b. Who owns the property at the point(s) of diversion? RAYMOND C BARKER JR. DIANE B KRITZ. CHARLES J KRITZ
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 1/4 1/4 of section information. The *Map Tool*, available at <http://mups.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.

Raymond C Barker Jr
Signature of applicant or authorized agent

RAYMOND C BARKER, JR
Print name and title if applicable

06/13/14
Date

see other app for more
Signature of applicant or authorized agent

SIGNATURES
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 _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

Preliminary review completed by _____ Date _____

Page _____ of _____

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

Current Water Right No.: 2-2318B

Current Owner: CHARLES J KRITZ JR
RAYMOND C BARKER JR
DIANE B KRITZ

Priority Date: 6/5/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

0.73 CFS

0.73 CFS

Annual Volume

Location of Point(s) of Diversion

SNAKE RIVER

OWYHEE County

L6(NW1/4NW1/4)

Sec. 14, Twp 03N, Rge 05W B.M.

Place of Use

IRRIGATION Within OWYHEE County

T03N R05W S14	Lot 5	NENW	6.00	T03N R05W S14	Lot 6	NWNW	1.20
T03N R05W S14	Lot 6	SWNW	1.80	T03N R05W S14	Lot 5	SENE	27.70

Total Acres: 36.7

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. S47 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 irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 1/4/2011

2-2318 B

Existing
Division



MEMORANDUM

TO: Transfer No. 79446
FROM: Kay Walker *KW*
DATE: July 21, 2014
RE: Evaluation of Application

The transfer proposes to add a second point of diversion to the water right.

The site is located approximately 2.25 miles south east of Homedale on the south side of the Snake River.

Deviations from Transfer Policy Standards

The application was submitted on a short form since only adding a point of diversion to this water right. The additional point of diversion is on applicants property and no other users are between the two points. No advertisement of this application is necessary.

Summary of Information Submitted

Authority to File:

The applicants are the current owners of the water right to be transferred.

Water Right Validity:

Right presumed to be valid since decreed within the last 5 years on January 4, 2011.

Injury to Other Water Rights:

There should be no injury to other water rights. Applicants are only adding a second point of diversion, no additional water or acres to be irrigated.

Enlargement of Use:

No enlargement should occur as long as parameters of water right are being followed.

Local Public Interest:

It is within the local public interest to allow a water user to modify their system for better efficiency.

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

Data entry affected the correct record which is the partial decree issued in January of 2011.

Overlapping rights at existing POD is Right 02-2318A. There are no overlapping rights at the proposed point of diversion. There is a permit for domestic and commercial use at the same property as this irrigation right under Rt. 57-11713, from ground water.

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

RECEIVED

JUL 14 2014

WATER RESOURCES
WESTERN REGION

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

June 24, 2014

R BARKER JR & DIANE/CHARLES KRITZ
415 VOLPI YSABEL RD
PASO ROBLES CA 93446

Re: Application for Transfer, Water Right No. 2-2318B

Dear Applicants:

The Idaho Department of Water Resources (IDWR) is returning your application as explained in this letter. Please review the following information.

The application is incomplete because it lacked a copy of the water right (application item 3) and a map (application item 7). Also, original signatures are needed instead of copies that were used. Although unorthodox, it is acceptable to in this case to use two application forms for a single filing with two signature pages as you did.

I attached a copy of the water right and a map for your convenience. Please mark the proposed new point of diversion on the map. With original signatures, the application can be resubmitted to this office for processing. The filing fee was already paid in full.

Please return the completed application within thirty (30) days. You may seek more time if you prefer. IDWR will issue a refund if you do not make a timely written reply. Please contact me if you need more information. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Original Application

7-11-14

THANK-you for your help.
Please CALL Me if you
need anything else.
Diane Kritz 805-610-7205



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082
PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

June 24, 2014

R BARKER JR & DIANE/CHARLES KRITZ
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Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Original Application