

RECEIVED

AUG 05 2014

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

AMENDED

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) Mark and Karen Stark Phone (208)583-41462. MAILING ADDRESS PO Box 3 City Jordan ValleyState OR Zip 97910 Email _____

☐ 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) 55-10097

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

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			NE	NW	29	5S	5W	OWYHEE	TROUT CREEK	

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:

A 3 hp pump, to a sprinkler system that will deliver less than 45 gpm total.

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

Mark Stark

Signature of applicant or authorized agent

MARK STARK (owner)

Print name and title if applicable

8/4/14

Date

Karen Stark

Signature of applicant or authorized agent

Karen Stark (owner)

Print name and title if applicable

8-4-14

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 2 pages of attachments.

Received by R. Sommer

Date 8/5/14

Fee paid \$200.00 Date 6-18-14

Received by J. Strange

Receipt # W042245

Preliminary review completed by kw

Date 8-5-14

Page _____ of _____

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

Current Water Right No.: 55-10097

Current Owner: MARK STARK
KAREN STARK
Priority Date: 9/6/1902
Origin: Water Right
Status: Active
Basis: Decreed

Source

TROUT CREEK

Tributary

JORDAN CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER

1/01 to 12/31

0.05 CFS

IRRIGATION

4/01 to 10/31

0.1 CFS

Total Diversion

0.15 CFS

Location of Point(s) of Diversion

TROUT CREEK

SW1/4NE1/4

Sec. 29, Twp 05S, Rge 05W B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T05S R05W S29

NENW

5.00

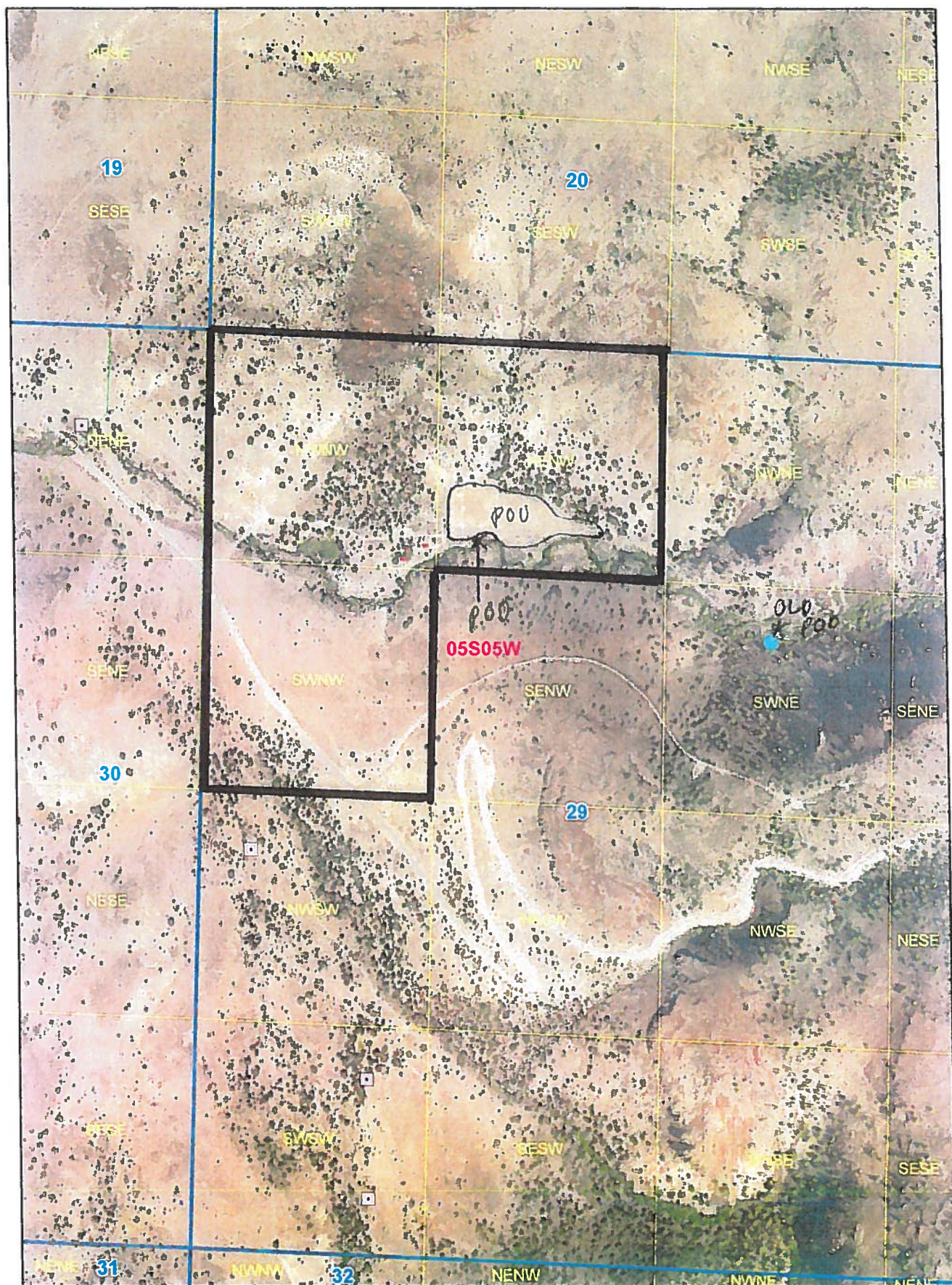
Total Acres: 5

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. STOCKWATER, 50 RANGE CATTLE OR HORSES

Decreed Date: 1/27/1999



RECEIVED

JUN 18 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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Check all that apply:

☒ Change diversion point(s)☐ Add diversion point(s)☐ Ownership change

1. APPLICANT(S) MARN AND KAREN STARK Phone 208 583 4146
2. MAILING ADDRESS P.O. Box 3 City JORDAN VALLEY
State OR. Zip 97910 Email _____

☐ 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.

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(diversion rate) (storage volume)

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☐ 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 #
05S	05W	29					OWYHEE	TROUT CREEK	

Superseded by Amended Transfer App. R.O.W 8/5/14

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:

A 3 HORSE PUMP, TO A SPRINKLER SYSTEM THAT WILL
DELIVER LESS THAN 45 GPM TOTAL

- b. Who owns the property at the point(s) of diversion? MARK & KAREN STARK
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.

Mark Stark

Signature of applicant or authorized agent

MARK STARK OWNER

Print name and title if applicable

4/18/14

Date

Karen Stark

Signature of applicant or authorized agent

KAREN STARK OWNER

Print name and title if applicable

4-18-14

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 _____ pages of attachments.

Received by J. Strange

Date 6-18-14

Fee paid \$200.00 Date 6-18-14

Received by J. Strange

Receipt # W042245

Preliminary review completed by _____

Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/17/2014

Water Right 55-10097

Owner Type **Name and Address**
Current Owner JOAN E DAYNES
 PO BOX 324
 JORDAN VALLEY, OR 97910
 (208)583-4145

Current Owner JOHN DAYNES
 PO BOX 324
 JORDAN VALLEY, OR 97910
 (208)583-4145

Priority Date: 9/6/1902

Basis: Decreed

Status: Active

Source
TROUT CREEK

Tributary
JORDAN CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.100 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
	Total Diversion		0.150 CFS	

Source and Point(s) of Diversion

TROUT CREEK SWNE Sec. 29, Twp 05S, Rge 05W, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05W	29					5.0												5.0

POU Total Acres: 5.0

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. STOCKWATER, 50 RANGE CATTLE OR HORSES

Comments:

1. LWERNER 3/27/1995 COPIED FROM REMARKS
BASIS OF CLAIM IS POSTED NOTICE NO. 715, DEPT. OF REC. RECORD BOOKS.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/17/2014

2. AJU10-DS 3/4/1998 AJU10 CONDITION UPDATE
 CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART OF RECORD THRU
3. MSCHULTE 6/4/1998 OWNERSHIP CHANGE
 OWNERSHIP CHANGE 6/4/1998 BY MTS
4. AJU21-JS 6/10/1998 AJU21 CONDITION UPDATE
 DELETED CONDITION CODE(S) H03 H04
5. AJU10-DS 6/25/1998 AJU10 CONDITION UPDATE
 CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU
6. AJU21-DS 11/19/1998 AJU21 CONDITION UPDATE
 DELETED CONDITION CODE(S) A07
7. AJU10-DS 11/19/1998 AJU10 CONDITION UPDATE
 CONDITION CODE(S) C17 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information

Decreed Date: 1/27/1999
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Mitigation Plan: False

Combined Use Limits

N/A

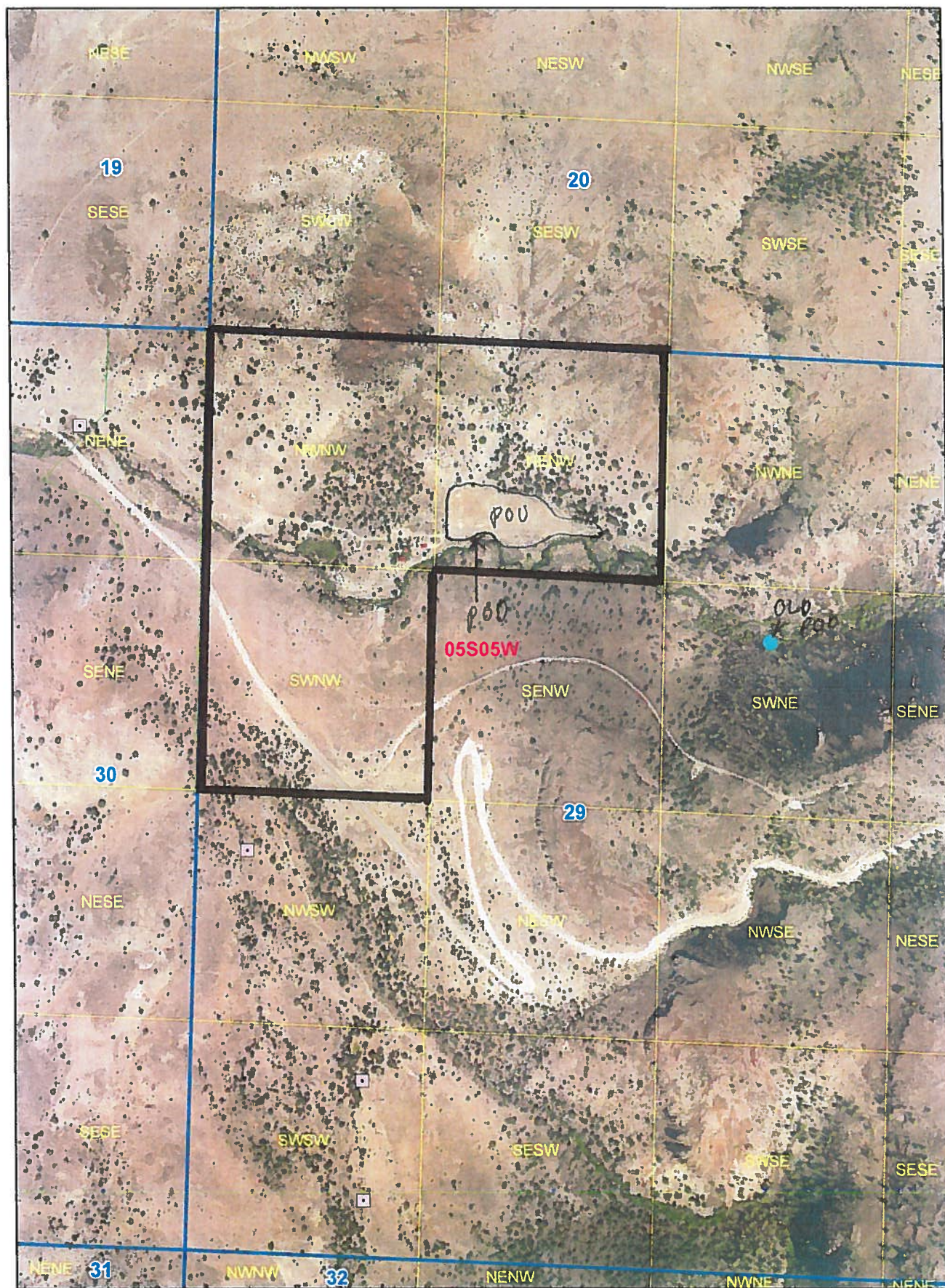
Verification Log

SubCase:

N/A

Water Supply Bank:

N/A



Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, August 14, 2014 4:41 PM
To: 'JENNIFER@OWYHEEAVALANCHE.COM'
Subject: Owyhee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Categories: Legal Ad Confirmed

Good Afternoon Jennifer Stutheit,

Please see the attached ad for publication on 8/20/2014 & 8/27/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

August 14, 2014

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application For Permit No's: 51-13108, 55-13924, 55-13925, 55-13926, 57-11849, 57-11852.
Application For Transfer No. 79399

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/8/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

51-13108

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE, ID 83709-1657
Point of Diversion SESW S35 T13S R09E OWYHEE County Source GROUND WATER
Use: DOMESTIC, INDUSTRIAL 01/01 to 12/31 0.1 CFS
Total Diversion: 0.1 CFS
Date Filed: 6/10/2014
Place of Use: DOMESTIC, INDUSTRIAL
T12S R09E S35 SWSE
T13S R09E S35 SESW

55-13924

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Point of Diversion NWSE S28 T05S R05W OWYHEE County Source UNNAMED STREAM Tributary TROUT CREEK
Use: STOCKWATER STORAGE, WILDLIFE STORAGE 01/01 to 12/31 0.5 AF
Total Diversion: 0.5 AF
Date Filed: 5/5/2014
Place of Use: STOCKWATER STORAGE, WILDLIFE STORAGE
T05S R05W S28 NWSE

55-13925

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Point of Diversion SESW S28 T05S R05W OWYHEE County Source UNNAMED STREAM Tributary TROUT CREEK
Use: STOCKWATER STORAGE, WILDLIFE STORAGE 01/01 to 12/31 3.6 AF
Total Diversion: 3.6 AF
Date Filed: 5/5/2014
Place of Use: STOCKWATER STORAGE, WILDLIFE STORAGE
T05S R05W S28 SESW

55-13926

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Point of Diversion SENE S24 T06S R04W OWYHEE County Source DEER CREEK Tributary BOULDER CREEK
Use: STOCKWATER STORAGE, WILDLIFE STORAGE 01/01 to 12/31 2.6 AF
Total Diversion: 2.6 AF
Date Filed: 5/6/2014
Place of Use: STOCKWATER STORAGE, WILDLIFE STORAGE
T06S R04W S24 SENE

57-11849

JUNAYO RANCH LTD PARTNERSHIP
1087 W RIVER ST STE 230
BOISE, ID 83702
Point of Diversion SWNW S33 T01S R04W OWYHEE County Source UNNAMED STREAM Tributary SALMON CREEK
Use: STOCKWATER STORAGE, WILDLIFE STORAGE 01/01 to 12/31 15 AF
Total Diversion: 15 AF
Date Filed: 6/10/2014
Place of Use: STOCKWATER STORAGE, WILDLIFE STORAGE
T01S R04W S33 SWNW

57-11852

LARRY MAYBON
MARILYN MAYBON
1146 MAYBON LN
HOMEDALE, ID 83628
Point of Diversion SESW S35 T04N R06W OWYHEE County Source GROUND WATER
Use: STOCKWATER 01/01 to 12/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 7/16/2014
Place of Use: STOCKWATER
T04N R06W S35 NESW SESW

PROPOSED CHANGE OF WATER RIGHT

Mark and Karen Stark of PO Box 3, Jordan Valley, OR, 97910, filed Application No. 79399 to transfer one water right with a 1902 priority date from Trout Creek tributary to Jordan Creek totaling 0.15 cfs. The purpose of the transfer is to change the location of the point of diversion. Water will be used at the current place of use approximately 4.8 miles southeast of Jordan Valley and 2.6 miles north of Flint Road.

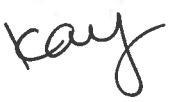
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 9/8/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/20/2014 and 8/27/2014

MEMORANDUM

TO: Transfer No. 79399

FROM: Kay Walker 

DATE: August 5, 2014

RE: Evaluation of Application

The transfer proposes to change the location of the point of diversion.

The site is located about 4.8 miles southeast of Jordan Valley and 2.6 miles north of Flint Road.

Deviations from Transfer Policy Standards

The transfer was filed to just change a point of diversion so it was filed on the short transfer form. The application was not complete when it was submitted so had the applicant amend the application and it is now ready for advertising.

Summary of Information Submitted

Authority to File:

Applicant is the water right holder of record. He had also submitted a Notice of Change in Ownership form, with his transfer application, which has been processed.

Water Right Validity:

Right presumed to be valid. Right was decreed in 1999. Recent beneficial use confirmed via aerial photography dated 2004, 2006 and 2011.

Injury to Other Water Rights:

No injury to other rights should occur as long as the right holder follows the parameters of the water right, such as the junior priority date on this creek.

Enlargement of Use:

No enlargement should occur. The right is limited to 5 acres and stockwater use. There should be no enlargement as long as the parameters of the water right are followed.

Local Public Interest:

It is within the local public interest to allow right holders to move their diversion to one that is more convenient for use.

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 1999.

Overlapping rights at existing point of diversion is one stock water right (55-11138) for the BLM. There are no overlapping rights are the proposed point of diversion or for this place of use.

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.