

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79245

This is to certify that: ROHL W HIPWELL
18125 OREANA LOOP RD
OREANA, ID 83650

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>
57-11595	WR/LICENSE	7/19/2001	1.100 cfs	N/A	N/A	55.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
57-11595	NO	NO	YES	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>
57-11595	57-11595	1.100 cfs	N/A	N/A	55.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.100 cfs	N/A	N/A	55.0		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 17th day of June, 2014.


 for _____
 Western Regional Manager

WATER RIGHT NO. 57-11595

As Modified by Transfer No. 79245

In accordance with the approval of Transfer No. 79245, Water Right No. 57-11595 is now described as follows:

Right Holder: ROHL HIPWELL
18125 OREANA LOOP RD
OREANA, ID 83650

Priority Date: 7/19/2001

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	1.100 cfs 1.100 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 25 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SESW	Sec 25 Twp 04S Rge 01W OWYHEE 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	
04S	01W	25	34.0	12.0		9.0													55.0

POU Total Acres: 55.0

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall make full beneficial use of right 57-53 for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Transfer No. 79245

WATER RIGHT NO. 57-11595
As Modified by Transfer No. 79245

CONDITIONS OF APPROVAL

6. If right 57-53 is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
8. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 248 af at the field headgate for the place of use.
10. Rights 57-11595 and 57-53 when combined shall not exceed a total diversion rate of 1.39 cfs, a total annual maximum diversion volume of 306 af at the field headgate, and the irrigation of 68 acres.
11. Rights 57-2241, 57-7060 and 57-11595 when combined shall not exceed a total diversion rate of 2.08 cfs.
12. The following rights are diverted through point of diversion located in the SESW described above: 57-2241, 57-7060 & 57-11595.



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

June 20, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ROHL W HIPWELL
18125 OREANA LOOP RD
OREANA ID 83650

Re: Transfer No. 79245
Water Right No. 57-11595

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.

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 black ink, appearing to read "Rachel Sommer". The script is cursive and fluid, with the first name "Rachel" and last name "Sommer" clearly distinguishable.

Rachel Sommer
Administrative Assistant

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79245
Water Right No. 57-11595**

**ROHL W HIPWELL
18125 OREANA LOOP RD
OREANA ID 83650**

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 739.02)

A preliminary order becomes a final order unless a Preliminary Order is set aside by the court 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 brief 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.

MEMORANDUM

Date: May 15, 2014
To: File
From: Nick Van Dyke *NVD*
Re: Analysis of Transfer 79245, Hipwell

Narrative: This application proposes to transfer 10 acres of right 57-11595 from the NWNE of Section 25 T4S R1W to the SENE of same section/twp/range. No other changes proposed.

Authority to File: Rohl Hipwell, water right owner of record, signed the application.

Water Right Validity: Right 57-11595 was licensed in April of 2013. No evidence of forfeiture found.

Injury to Other Water Rights: None anticipated

Enlargement of Use: No enlargement concerns.

Local Public Interest: No issues identified. Application was advertised, no protests were received.

Beneficial Use/Conservation of Water Resources: No issues identified. Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

RECEIVED

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
COUNTY OF OWYHEE) ss

5/6/14
PS
OK

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

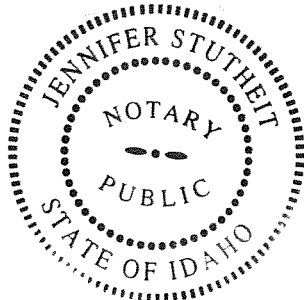
APRIL 16, 23, 2014

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 30 day of Apr in the year of 2014 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2015

THE FOLLOWING
APPLICATIONS HAVE
BEEN FILED TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO: 57-11846
CELIAC DRAPER, CHARLES
RAYMOND DRAPER, 24964
DRAPER LN, GRAND VIEW,
ID 83624-5034

Point of Diversion NWSE S22
T05S R03E OWYHEE County
Source WASTE WATER Tributary
SNAKE RIVER

Points of Diversion SENE
SWNE S27 T05S R03E OWYHEE
County Source WASTE WATER
Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to
11/15 0.33 CFS

Use: STOCKWATER 01/01 to
12/31 0.07 CFS

Total Diversion: 0.33 CFS

Date Filed: 2/20/2014

Place of Use: STOCKWATER

T05S R03E S22 NESE

T05S R03E S27 SENE

Place of Use: IRRIGATION

T05S R03E S22 SE(ALL)

T05S R03E S27 NE(ALL)

NESE

Total Acres: 278

Limited to 200 acres per year
within the 278 acre place of use
boundary.

PROPOSED CHANGE OF WATER RIGHT

Rohl Hipwell of 18125 Oreana
Loop Road, Oreana, ID 83650
filed Application No. 79245 to
transfer a portion of ground water
right 57-11595 with a priority
date of 2001. The purpose of
the transfer is to move a 10 acre
portion of the right's authorized
place of use from the NWNE of
Section 25 T04S R01W to the
SENE of Section 25 T04S R01W.
No other changes proposed.

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](http://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 5/5/2014. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN,
Director
4/16,23/14