

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78950

MINIMUM 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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) FRANK G SCHWARTZ AND MARY B SCHWARTZ

Check 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 transfer 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).
- ☒ ☐ #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 <http://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.)
- ☐ ☒ #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: _____

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JUN 03 2014

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant FRANK G SCHWARTZ Phone (208) 821-0388
Mailing Address 3239 HWY 71, CAMBRIDGE ID 83610 Email fmjamv1@gmail.com
9/or
Name of Applicant MARY B SCHWARTZ Phone (208) 821-0388
Mailing Address 3239 HWY 71, CAMBRIDGE ID 83610 Email _____

- ☐ 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

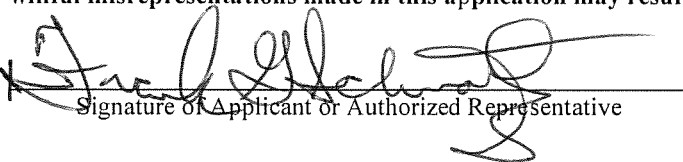
☐ Send original correspondence to the applicant and copies to the representative.

☐ 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

Owner
Print Name and Title if applicable

06/03/2014
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	67-195	No	Yes	Yes	Yes	No	No

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JUN 03 2014

WATER RESOURCES
WESTERN REGION



APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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**

Incidental livestock water

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
67-195	0.620 cfs	N/A	N/A	45.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

0.620 cfs	N/A	N/A	45.0	N/A	N/A	N/A	N/A
-----------	-----	-----	------	-----	-----	-----	-----

2. Total amount of water proposed to be transferred or changed 0.62 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 67-195

Current Water Right Owner

FRANK G SCHWARTZ
3239 HWY 71
CAMBRIDGE, ID 83610

AND/or

MARY B SCHWARTZ
3239 HWY 71
CAMBRIDGE, ID 83610

Priority Date: 8/15/1888

Origin: Water Right

Basis: Decreed

Status Active

Source: PINE CREEK

Tributary: WEISER RIVER

Beneficial Use

IRRIGATION

From

3/15

To

10/31

Diversion Rate

0.620 CFS

Subuse Code

Total Diversion

0.620 CFS

Source and Point(s) of Diversion:

PINE CREEK

SENE

Sec. 23 Twp 15N Rge 04W WASHINGTON County

PINE CREEK

NWSW

Sec. 24 Twp 15N Rge 04W WASHINGTON County

Describe the proposed diversion system

DITCH TO FLOOD

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	
15N	04W	23	3.7			2.6													6.3
15N	04W	24							12		5.1	12	2.3	7.3					38.7

POU Total Acres:

45.0



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
Pump to sprinklers with closed flow monitoring.

- 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. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ 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:

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:

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- 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:

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

Current Water Right No. 67-195

Current Water Right Owner

MARDELLE SHINN
3239 HWY 71
CAMBRIDGE, ID 83610

OR

CLIFFORD W SHINN
3239 HWY 71
CAMBRIDGE, ID 83610

Priority Date: 8/15/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: PINE CREEK

Tributary: WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	3/15	10/31	0.620 CFS	
Total Diversion			0.620 CFS	

Source and Point(s) of Diversion:

PINE CREEK	NWSE	Sec. 35 Twp 16N Rge 04W WASHINGTON County
PINE CREEK	NWSW	Sec. 24 Twp 15N Rge 04W WASHINGTON County

Describe the proposed diversion system

DITCH TO FLOOD

DITCH TO FLOOD

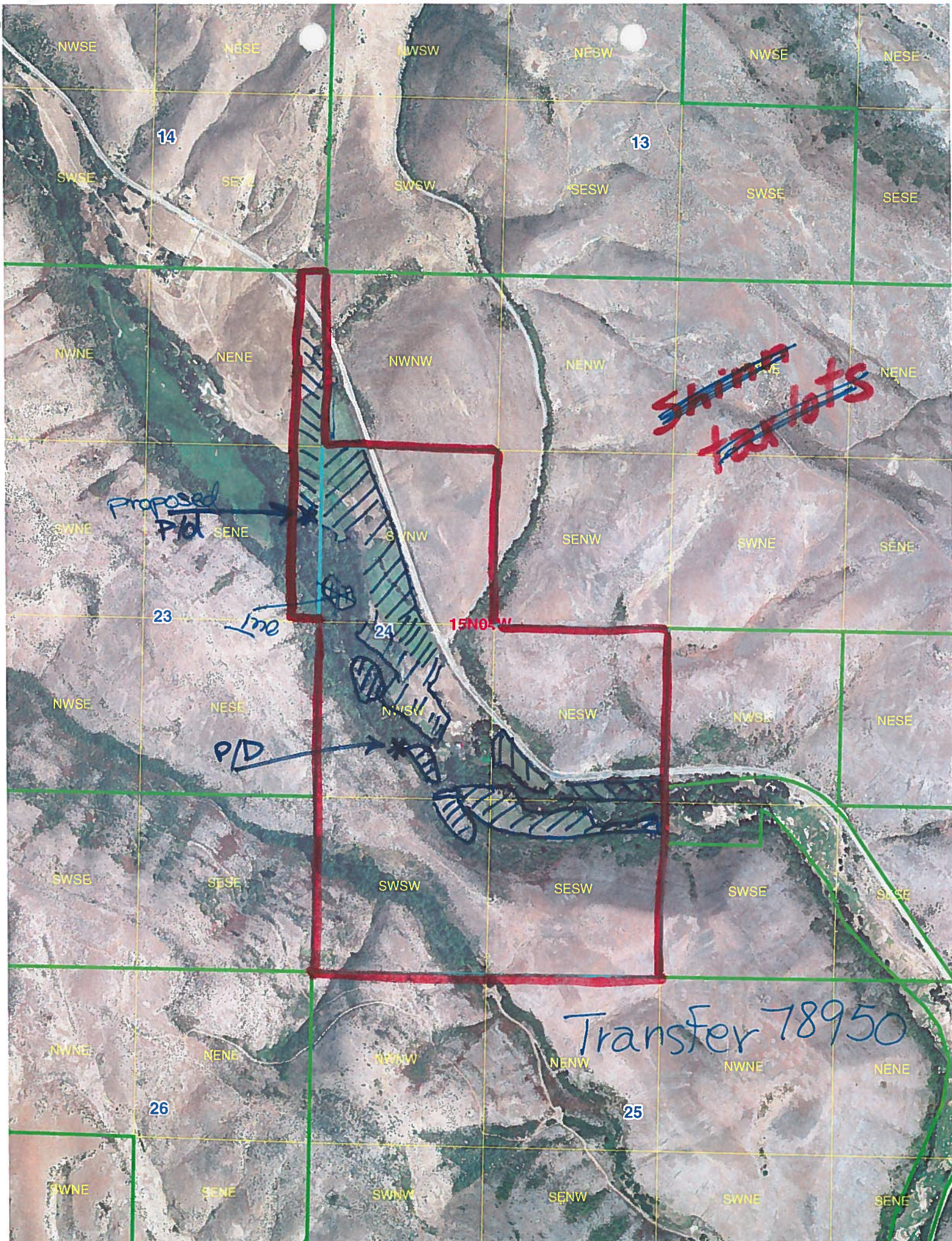
Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	04W	24							5.0		10.0	10.0	10.0	10.0					45.0

POU Total Acres: 45.0

Conditions/Remarks:

1. 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.



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

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)** Frank G. and Mary B. Schwartz Phone 208-821-0388

2. **MAILING ADDRESS** 3239 Highway 71 City Cambridge

State Idaho Zip 83610 Email fmjamv1@gmail.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)** 67-195 (0.62 cfs) and 67-13984 (0.06 cfs)

- ☒ 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 0.68 cfs 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*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
15N	04W	24		SW	NW	SW	Washington	Pine Creek	Existing POD
15N	04W	24		NW	SW	NW	Washington	Pine Creek	New POD
15N	04W	24		SE	NW	SW	Washington	Spring	existing spring box

Superseded by Transfer Rec'd 6/3/2014

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:

Pine Creek- through pumps drawing directly out of Pine Creek; measure by controlling pump discharge pressure, sprinkler nozzle size and number (e.g, 58 heads w/5gpm nozzles at 50 psi); Spring - box, pipe and flow

- b. Who owns the property at the point(s) of diversion? Frank and Mary Schwartz

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

N/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 ¼ ¼ 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.

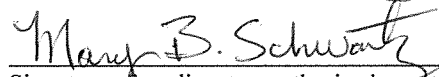

Signature of applicant or authorized agent

Frank G. Schwartz

Print name and title if applicable

11/16/2013

Date


Signature of applicant or authorized agent

Mary B. Schwartz

Print name and title if applicable

11/16/2013

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 JA

Date 11/25/13

Fee paid \$550.00 Date 11/25/13

Received by JA

Receipt # W041668

Preliminary review completed by _____

Date _____

Warranty Deed
(2 pages)

- see attached
to ownership
change - pw
6/4/14

Attachment 2

Water Rights as Recorded

67-195 (4 pages)

67-13984 (3 pages)

01-22-2013

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 67-195

WATER RIGHT NUMBER: 67-195

Owner Type: Name and Address
Current Owner MARDELLE SHINN
3239 HWY 71
CAMBRIDGE, ID 83610
(208)257-3625

Current Owner CLIFFORD W SHINN
3239 HWY 71
CAMBRIDGE, ID 83610
(208)257-3625

Original Owner FRANK C SHIRTS
HC 69 BOX 3450
CAMBRIDGE, ID 83610
(208)257-3804

Original Owner NATHANIEL H WELLS

Original Owner MARY L SHIRTS
HC 69 BOX 3450
CAMBRIDGE, ID 83610
(208)257-3804

Priority Date: 8/15/1888

Basis: Decreed

Status: Active

Source:
PINE CREEK

Tributary:
WEISER RIVER

<u>Beneficial Use:</u>	<u>From / To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 10/31	0.620 CFS	
	<u>Total Diversion</u>	0.620 CFS	

Location of Point(s) of Diversion:

PINE CREEK	NWSE	Sec. 35, Twp 16N, Rge 04W B.M. WASHINGTON County
PINE CREEK	NWSW	Sec. 24, Twp 15N, Rge 04W B.M. WASHINGTON County

Place of Use:

IRRIGATION within WASHINGTON County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	04W	24							5.0		10.0	10.0	10.0	10.0					45
Total Acres: 45.0																			

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.

Comments:

1. awarntje 8/6/2004 12:00:00 AM POU

Comment: Decree does not list NESW shown on claim

Dates and Other Information:

Decreed Date: 10/20/2008

State or Federal: S

Owner Name Connector: OR

Civil Case Number: 39578

Judicial District: FIFTH

Mitigation Plan: False

Error: Subreport could not be shown.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	8/6/2004 10:28:08 AM	awarntje			Closed
Source	8/6/2004 10:28:21 AM	awarntje			Closed
POU	8/6/2004 10:42:29 AM	awarntje			Closed
Use	8/6/2004 10:43:16 AM	awarntje			Closed
Season	8/6/2004 10:43:38 AM	awarntje			Closed
Quantity	8/6/2004 10:44:02 AM	awarntje			Closed
Summary	11/9/2006 7:12:23 AM	segbert	11/9/2006 7:12:23 AM	segbert	Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Priority Date	8/6/2004 10:28:10 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Source	8/6/2004 10:28:23 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	8/6/2004 10:39:53 AM	awarntje	Edited shape boundary
POU	8/6/2004 10:42:31 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU?
Use	8/6/2004 10:43:18 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a Purpose of Use? (No) 6. Is there evidence that there has been a change in the Purpose of Use?
Season	8/6/2004 10:43:40 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use?
POU	8/6/2004 10:33:21 AM	awarntje	Edited shape boundary
POU	8/6/2004 10:43:08 AM	awarntje	Edited Season Of Use
Quantity	8/6/2004 10:44:04 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume?

Idaho Department of Water Resources

Water Right
67-195
(IRRIGATION)



Point of Diversion (IRRIGATION)

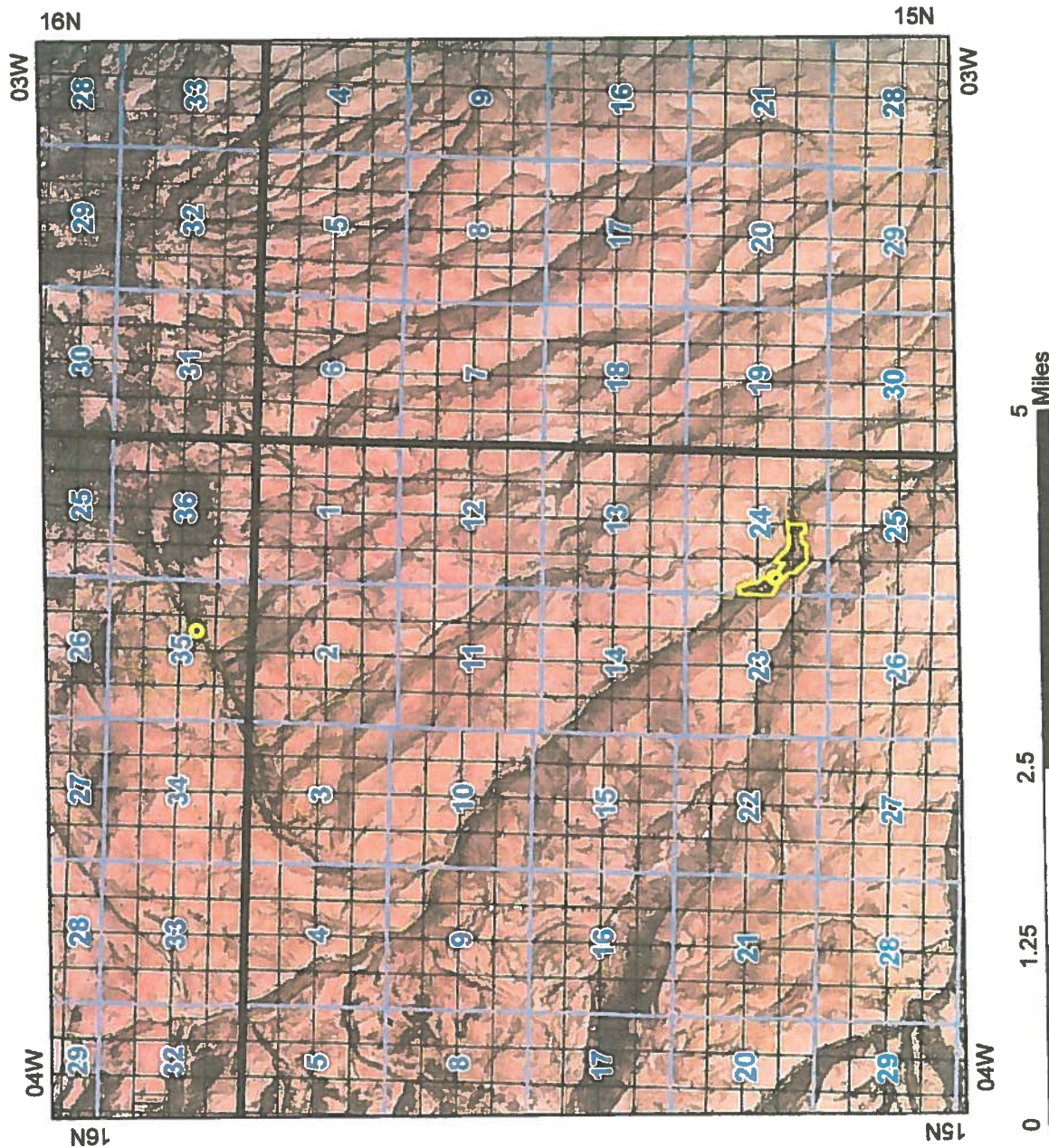
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Washington County
IDWR Basin 67

Prepared by Westra, John

2009 Aerial Photography



Owner: Mardelle Shinn
NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-00195

NAME AND ADDRESS: CLIFFORD W SHINN
MARDELLN SHINN
3239 HWY 71
CAMBRIDGE, ID 83610

SOURCE: PINE CREEK TRIBUTARY: WELSER RIVER

QUANTITY: 0.62 CFS

PRIORITY DATE: 08/15/1888

POINT OF DIVERSION: T15N R04W S24 NWSW Within Washington County
T16N R04W S35 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.62 CFS

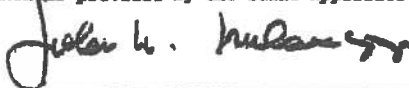
PLACE OF USE:	Irrigation	Within Washington County
T15N R04W S24	SWSW 5.0 NWSW 10.0 SESW 10.0	NESW 10.0 SWSW 10.0
45.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/18/2013

WATER RIGHT NO. 67-13984

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLIFFORD W SHINN
Current Owner	MARDELLE SHINN 3239 HWY 71 CAMBRIDGE, ID 83610 (208)257-3625

Priority Date: 01/01/1944
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

SPRING|SENWSW|Sec. 24|Township 15N|Range 04W|WASHINGTON County

Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	04W	24		NWSW										

Place of Use Legal Description: DOMESTIC WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	04W	24		NWSW										

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. N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 3. N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 4. | STOCKWATER, 60 RANGE CATTLE, 10 HORSES PARCEL NO. RP 15N04W243600 |

Dates:

Licensed Date:

Decreed Date: 12/29/2000

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: S

Owner Name Connector: OR

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

Attachment 3

Maps

67-195 (1 page)

67-13984 (2 pages)

State of Idaho
Department of Water Resources

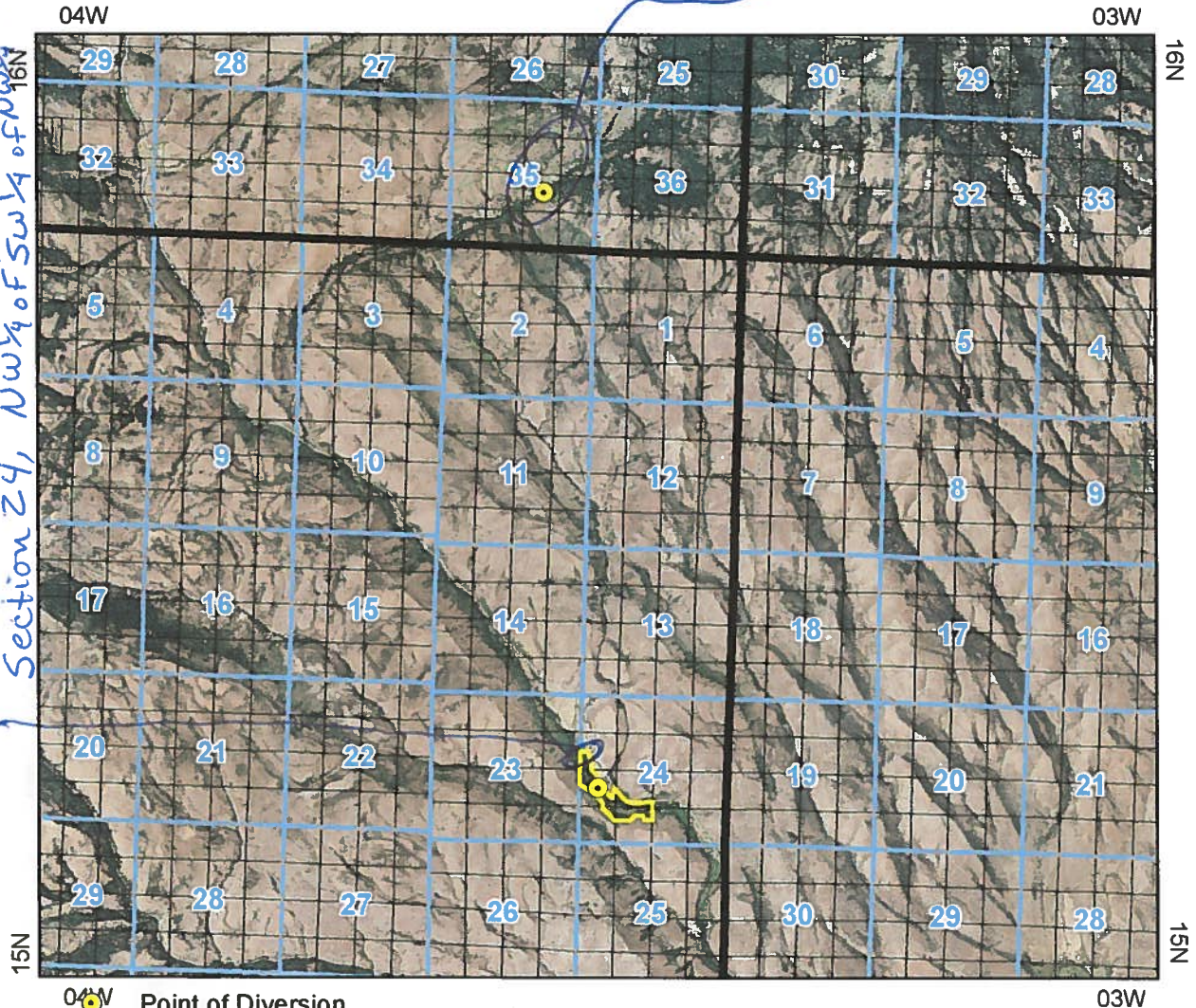
Water Right 67-195

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

Eliminate this POD

Add new POD, 15N, 04W, Section 24, NW 1/4 of SW 1/4 of NW 1/4



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.75 1.5 3 Miles

Map produced on May 08, 2013

PODs include pumps and distribution piping to feed sprinklers using up to 0.62 CFS. Flow rate controlled by pump pressure, nozzle size and number of sprinkler heads.



State of Idaho
Department of Water Resources
Water Right
67-13984

No Change
To POD or POU

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.045 0.09 0.18 Miles



State of Idaho
Department of Water Resources

Water Right
67-13984

*No change
to POD or POU*

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.045 0.09 0.18 Miles



Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, June 17, 2014 12:30 PM
To: 'watermaster67@hotmail.com'
Subject: Application for Transfer
Attachments: Watermaster Recommendation Form.docx; Application for Transfer 78950.pdf

June 17, 2014

BRANDI HORTON
WATER DISTRICT #67
2297 SNAPP LN
MIDVALE ID 83645

RE: Application for Transfer No. 78950

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application(s). A copy of the application(s) is enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by July 7, 2014.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

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

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, June 11, 2014 5:50 PM
To: 'REPORTER@CTCWEB.NET'
Subject: Washington Legal Ad
Attachments: Washington Cover Letter.docx; Washington Legal Ad.docx

Good Afternoon Bonnie,

Please see the attached ad for publication on 6/19/2014 & 6/26/2014.

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

June 11, 2014

LEGAL NOTICE DEPARTMENT
UPPER COUNTRY NEWS REPORTER
PO BOX 9
CAMBRIDGE, ID 83601-0009

RE: Transfer No. 78950

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 7/7/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHT

Frank G. &/or Mary B. Schwartz of 3239 Hwy. 71, Cambridge ID, 83610 filed Application No. **78950** to transfer one water right with a 1888 priority date from Pine Creek totaling 0.62 cfs. The purpose of the transfer is to change the place of use and relocate a point of diversion. Water will be used at the current place of use approximately 6 miles northwest of Cambridge, 10.5 miles southeast of Cuddy Mountain and 18 miles southwest of Council.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change 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 7/7/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/19/2014 and 6/26/2014

MEMORANDUM

TO: Transfer No. 78950
FROM: Kay Walker *Kay*
DATE: June 4, 2014
RE: Evaluation of Application

The transfer proposes to change a point of diversion, add a point of diversion and change the place of use under this water right.

The site is located approximately 6 miles northwest of Cambridge, 10.5 miles southeast of Cuddy Mountain and 18 miles southwest of Council.

Deviations from Transfer Policy Standards

This transfer was originally submitted as a point of diversion change on the short transfer application form. After talking to the applicant and reviewing maps in arc view it appeared that the applicant needed to change the location of his place of use also so I recommended he file a long form transfer application and correct it all in one filing. The applicants had also submitted filing fee and information to change the ownership on the water rights with the short transfer form. The applicant was agreeable and came into our office and we completed the long transfer application form. We also separated the change in ownership process from the transfer application process at this time.

Summary of Information Submitted

Authority to File:

The transfer applicants purchased the property in December of 2011. They had not submitted a notice in change in ownership until the filing of the application for transfer. They submitted change in ownership documents with short transfer form in November of 2013. The transfer had not been processed so the change in ownership was not processed either. Once we separated the two processes the change in ownership was completed and the water right is now in the applicant's name.

Water Right Validity:

Right presumed to be valid because the partial decree was issued in October of 2008 and aerial photography for the years of 2009, 2011 and 2013 all show use of water on the decreed place of use.

Injury to Other Water Rights:

This right is currently decreed to be diverted in Sec. 35, Twp. 16N, Rge. 4W and in Sec. 24, Twp. 15N, Rge. 4W. The point of diversion in Section 24 will not change. However, the diversion in Section 35 will not be used by this right holder in the future. He says

that the diversion in Section 35 was not worth using because by the time water flowed through approximately 4 miles of ditch to get to his place there was not enough left to beneficially use. There are other water users using the diversion in Sec. 35 with greater rates of flow than this right so changing his diversion to one closer to his place of use should not cause injury to other users.

Enlargement of Use:

There should be no enlargement in use of this right. The right is for irrigation of 45 acres at less than an inch per acre. The transfer applicant is aware that the property is in an area where water rights come under tight scrutiny by other water users and by the water master for that area.

Local Public Interest:

It is within the local public interest to allow a water user to change his point(s) of diversion and place of use to accommodate beneficial use of his water rights.

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 October of 2008 and migrated into the water rights data base after that.

Water master comments will be solicited.

Overlapping rights at existing POD are complicated. I found rights for use of Pine Creek and East Fork of Pine Creek in the location of Sec. 35 point of diversion. The only source running through that 40 acre tract (NWSE) is East Fork Pine Creek. The applicant's right should have never been "moved" to that diversion point since it was on a different source than historically used. The right was moved by prior owners during the SRBA process by way of an affidavit of another water user on the same source. There are no overlapping rights at the proposed and existing diversion points in Sections 23 & 24, Twp. 15N, Rge. 4W. There are no other irrigation rights appurtenant to the place of use under this right.

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.

Walker, Kay

From: Walker, Kay
Sent: Thursday, May 29, 2014 2:47 PM
To: fmjamv1@gmail.com
Cc: Walker, Kay
Subject: Map to locate the proposed & existing points of diversion
Attachments: Schwartz maps.pdf

Mr. Schwartz:

I couldn't decide which map was the best one for you to mark your points of diversion on so I have scanned 3 maps. Please mark the location of the diversion points on one of the maps and return it to me. As you can see, I have included the place of use of Rt. 67-195 on the maps for your convenience.

Also, I noticed on the 2013 aerial photo that there are some irrigated areas that are not covered under any water rights. You may want to change this "short" transfer application to our standard transfer form that will allow a change in place of use if you intend to water any where other than what is covered under your water right. Your water right is appurtenant to the 45 acres delineated on the maps so you need to stay within that area with this right or transfer it to other locations.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
(208)334-2190

2009 Aerial

NENE

NWNW

NENW

NWNE

SENE

SWNW

SENW

SWNE

23

24

13N04W

NESE

NWSW

NESW

NWSE

SESE

SWSW

SESW

SWSE

NENE 26

NWNW

NENW 25

NWNE



2011 Aerial

NENE

NWNW

NENW

NWNE

SENE

SWNW

SENW

SWNE

23

24

16N04W

NESE

NWSW

NESW

NWSE

SESE

SWSW

SESW

SWSE

NENE 26

NWNW

NENW 25

NWNE



2013 Aerial

NENE

NWNW

NENW

NWNE

SENE

SWNW

SENW

SWNE

23

24

15N04W

NESE

NWSW

NESW

NWSE

SESE

SWSW

SESW

SWSE

NENE

26

NWNW

NENW

25

NWNE



MEMORANDUM

TO: Transfer 78950

FROM: Kay Walker *Kay*

RE: Phone conversation with Mr. Frank Schwartz

Date: May 22, 2014

.....

Mr. Schwartz called the office yesterday concerning the status of his application for transfer. It happened to be my office day and I have been assigned the transfer for processing. I told him I had received the application for review on May 9 and have set up a meeting to discuss with supervisor prior to any processing due to area of lots of conflict.

Mr. Schwartz stated that he just wants to move his point of diversion back to the location that was historically used before the neighbor talked previous owner to moving it upstream, over a hill, and that makes it almost unusable. By the time the water is diverted and "moved" down the ditch there is not enough left to utilize due to conveyance loss. Mr. Schwartz is under the impression that one of the water user's on Pine Creek has done something that caused his point of diversion to be moved without consent of the property owner at the time. He asked what the processing steps were and as I was going through all the steps he determined that there may be a protest on this transfer application from a neighbor that has been involved with the point of diversion moves.