

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78941

This is to certify that: CELIA C DRAPER AND/OR
CHARLES RAYMOND DRAPER
24964 DRAPER LN
GRAND VIEW, ID 83624-5034

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>
2-10313	WR/DECREED	7/1/1969	0.160 cfs	N/A	N/A	8.0	SNAKE RIVER
2-7032	WR/DECREED	3/28/1969	4.400 cfs	1390.0 af	N/A	278.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

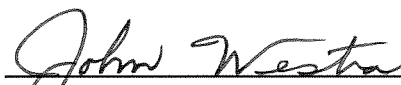
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10313	NO	NO	NO	YES	NO	NO
2-7032	YES	NO	NO	YES	NO	NO

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>
2-10313	2-10313	0.160 cfs	N/A	N/A	8.0	N/A	N/A	N/A	N/A	N/A
2-7032	2-10503	2.250 cfs	710.0 af	142.0	278.0	2-7032	2.150 cfs	680.0 af	136.0	278.0
COMBINED TOTALS		2.410 cfs	N/A	N/A	286.0		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 4th day of April, 2014.


Western Regional Manager

SUPPORT DATA

Transfer No. 78941

IN FILE # 2-1032

CORRECTED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CORRECTED

TRANSFER OF WATER RIGHT
TRANSFER NO. 78941

This is to certify that: CELIA C DRAPER AND/OR
CHARLES RAYMOND DRAPER
24964 DRAPER LN
GRAND VIEW, ID 83624-5034

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>
2-10313	WR/DECREED	7/1/1969	0.160 cfs	N/A	N/A	8.0	SNAKE RIVER
2-7032	WR/DECREED	3/28/1969	2.150 cfs	680.0 af	136.0	278.0	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>
2-10313	NO	NO	NO	YES	NO	NO
2-7032	YES	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>
2-10313	2-10313	0.160 cfs	N/A	N/A	8.0	N/A	N/A	N/A	N/A	N/A
2-7032	2-10503	2.250 cfs	710.0 af	142.0	278.0	2-7032	2.150 cfs	680.0 af	136.0	278.0
COMBINED TOTALS		2.410 cfs	N/A	N/A	286.0		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 28th day of May, 2014.


Western Regional Manager

SUPPORT DATA

IN FILE # 2-7032

Transfer No. 78941

WATER RIGHT NO. 2-10313

As Modified by Transfer No. 78941

In accordance with the approval of Transfer No. 78941, Water Right No. 2-10313 is now described as follows:

Right Holder: CELIA C DRAPER
CHARLES RAYMOND DRAPER
24964 DRAPER LN
GRAND VIEW, ID 83624-5034

Priority Date: 7/1/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 10/31

Diversion Rate

0.160 cfs

0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L9 (SESW)

Sec 34 Twp 05S Rge 04E 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	
05S	03E	27				3.0						4.0			1.0				8.0

POU Total Acres: 8.0

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. 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
5. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.

Transfer No. 78941

WATER RIGHT NO. 2-10313
As Modified by Transfer No. 78941

CONDITIONS OF APPROVAL

6. The following rights are diverted through point of diversion described above: 2-2083, 2-2084, 2-2176A, 2-02176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, 2-10503.

WATER RIGHT NO. 2-7032

As Modified by Transfer No. 78941

In accordance with the approval of Transfer No. 78941, Water Right No. 2-7032 is now described as follows:

Right Holder: CHARLES RAYMOND DRAPER
 CELIA C DRAPER
 24964 DRAPER LN
 GRAND VIEW, ID 83624-5034

Priority Date: 3/28/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 10/31	2.150 cfs	680.0 af
			2.150 cfs	680.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L10 (NWSW) Sec 34 Twp 05S Rge 04E 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	
05S	03E	22													24.0	38.0	39.0	28.0	129.0
05S	03E	27	25.0	39.0	26.0	25.0									34.0				149.0

Right Acre Limit: 136.0

POU Total Acres: 278.0

CONDITIONS OF APPROVAL

1. 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.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
3. This right is limited to the irrigation of 136.0 acres within the authorized place of use in a single irrigation season.
4. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.
5. This right is a combination of old Right Nos. 2-7032A & 2-7032B.

Transfer No. 78941

WATER RIGHT NO. 2-7032
As Modified by Transfer No. 78941

CONDITIONS OF APPROVAL

6. The following rights are diverted through point of diversion described above: 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, 2-10503.

WATER RIGHT NO. 2-10503**As Modified by Transfer No. 78941**

In accordance with the approval of Transfer No. 78941, Water Right No. 2-10503 is now described as follows:

Right Holder: CELIA C DRAPER
CHARLES RAYMOND DRAPER
24964 DRAPER LN
GRAND VIEW, ID 83624-5034

Priority Date: 3/28/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 10/31	2.250 cfs	710.0 af
			2.250 cfs	710.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec 34 Twp 05S Rge 04E 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	
05S	03E	22													24.0	38.0	39.0	28.0	129.0
05S	03E	27	25.0	39.0	26.0	25.0									34.0				149.0

Right Acre Limit: 142.0

POU Total Acres: 278.0

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. 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

Transfer No. 78941

WATER RIGHT NO. 2-10503
As Modified by Transfer No. 78941

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 142.0 acres within the authorized place of use in a single irrigation season.
6. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-2176C, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.
7. The following rights are diverted through point of diversion described above: 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, 2-10503.

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, May 29, 2014 1:24 PM
To: Knowles, Corbin
Subject: Corrected Transfer Approval 78941
Attachments: Corrected Transfer Approval 78941.pdf

Hello Corbin,

I have attached a corrected transfer approval notice for your convenience.

Have a wonderful day!

Rachel Sommer



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2014

CELIA C DRAPER
CHARLES RAYMOND DRAPER
24964 DRAPER LN
GRAND VIEW ID 83624-5034

Re: Transfer No. 78941
Water Right No's: 2-7032, 2-10313

Corrected Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Corrected Transfer of Water Rights.

The transfer approval issued on April 4, 2014 listed the Location of Point(s) of Diversion for water right no. 02-10313 in error as:

L10(NWSW), Sec. 34, Twp. 05S Rge. 04E, Owyhee County

The correct Location of Point(s) of Diversion should read:

L9(SESW), Sec. 34, Twp. 05S Rge. 04E Owyhee County.

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,



for.

John Westra
Western Regional Office

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 78941
Water Right No's: 2-7032, 2-10313**

**CELIA C DRAPER
24964 DRAPER LN
GRAND VIEW ID 83624-5034**

**CHARLES RAYMOND DRAPER
24964 DRAPER LN
GRAND VIEW ID 83624-5034**

**CORBIN KNOWELS
WATER MASTER
CORBIN.KNOWLES@IDWR.IDAHO.GOV**

A handwritten signature in cursive script, reading "Rachel Sommer", is positioned above 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.