

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 78271 IN THE)
NAMES OF GARY AND CAROL)
GALLANT)
_____)**

**PRELIMINARY ORDER
REJECTING APPLICATION**

FINDINGS OF FACT

1. On April 13, 2012, Gary and Carol Gallant (Gallants) filed an application for transfer with the Idaho Department of Water Resources (Department) to change water right no. 67-2048B.
2. On January 17, 2013, the Department sent a letter to the Gallants stating that the application was not approvable as filed. IDWR set a deadline of February 18, 2013, by which the applicant was to take action to correct the deficiencies, withdraw the application or request a six-month extension.
3. Gary Gallant called the Department on February 14, 2013, and requested a six-month extension. The Department sent the Gallants a letter granting an extension and setting a new deadline of August 19, 2013. The letter specified the application would be rejected without a timely response.
4. On August 7, 2013, the Department received information from the Gallants that was incomplete, and not in the format required by the Department. On March 11, 2014, the Department sent a final letter to the Gallants reiterating again the information required to process the application, and set a deadline of April 11, 2014.
5. The Gallants did not respond to the letter request by the deadline.

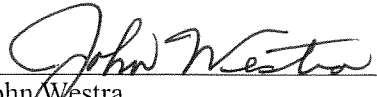
CONCLUSIONS OF LAW

1. The original application for transfer does not meet the criteria of Sections 42-108 and 42-222, Idaho Code and cannot be processed by IDWR.
2. The requested information was not submitted within the allotted time frame. The application should be rejected.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 78271 in the name of the Gary and Carol Gallant is **REJECTED**.

Dated this 22nd day of April, 2014

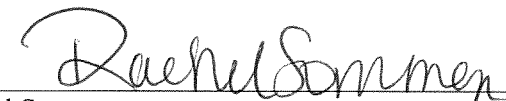


John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of APRIL, 2014, I mailed a true and correct copy of the foregoing Preliminary Order to the persons listed below:

Gary and Carol Gallant
1677 Goodrich Rd.
Council, ID 83612



Rachel Sommer
Administrative Assistant I

78271

77882

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

AUG 07 2013 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) GARY + CAROLE GALLANTPhone 208-253-4586Mailing address 1677 Goodrich RD Council Bluffs, IAEmail 83612

- ☐ 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.

Gary S. Gallant
Signature of Applicant or Authorized Representative

OWNER - OPERATOR
Print Name and Title if applicable

9-16-09
Date

Carole M. Gallant
Signature of Applicant or Authorized Representative

OWNER - OPERATOR
Print Name and Title if applicable

8-5-13
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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**.

To Water Hay Corps, And For Stock Water

RECEIVED

MAY 2 APR 13 2012

WATER RESOURCES
WESTERN REGION

more complete narrative -- how does proposal
relate to current? TRANSFER TO IRRIGATED ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AUG 07 2013

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒	672048B	0.29	Irrigation	3-15 to 10-31	Weiser River
☒	672048B	0.02	Stock Water	1-01 to 12-31	Weiser River
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.29 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.29 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
X					32	16N	02W	ADAMS	Weiser River	Bacon Valley Ditch Co

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	2W	11		1/4		1/4													

Total Acres (for irrigation use) _____

does not correspond to your map.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: DIRT + GRAVEL DAM WITH SCREW HEAD GATE ALONG WITH WEIR TYPE MEASURING DEVICE

- b. Who owns the property at the point(s) of diversion? WILDERNESS WEST
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: EASEMENT BY BACON VALLEY DITCH CO.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
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: NONE

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 the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

40 SHARES THROUGH BACON VALLEY DITCH CO

- 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: _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

Insert Part 2A reports into the application following Part 1.

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number:

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use) _____

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

Current Water Right No. 67-2048B

Priority Date: 06/07/1910

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GOODRICH CREEK

Tributary to: WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 10/31	0.29 CFS		
STOCKWATER	01/01 12/31	0.02 CFS		
	Total Diversion	0.29 CFS		

Source and Point(s) of Diversion:

GOODRICH CREEK NESWNE 16N 02W 32 ADAMS

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	02W	5									4.7					9.6			14.3

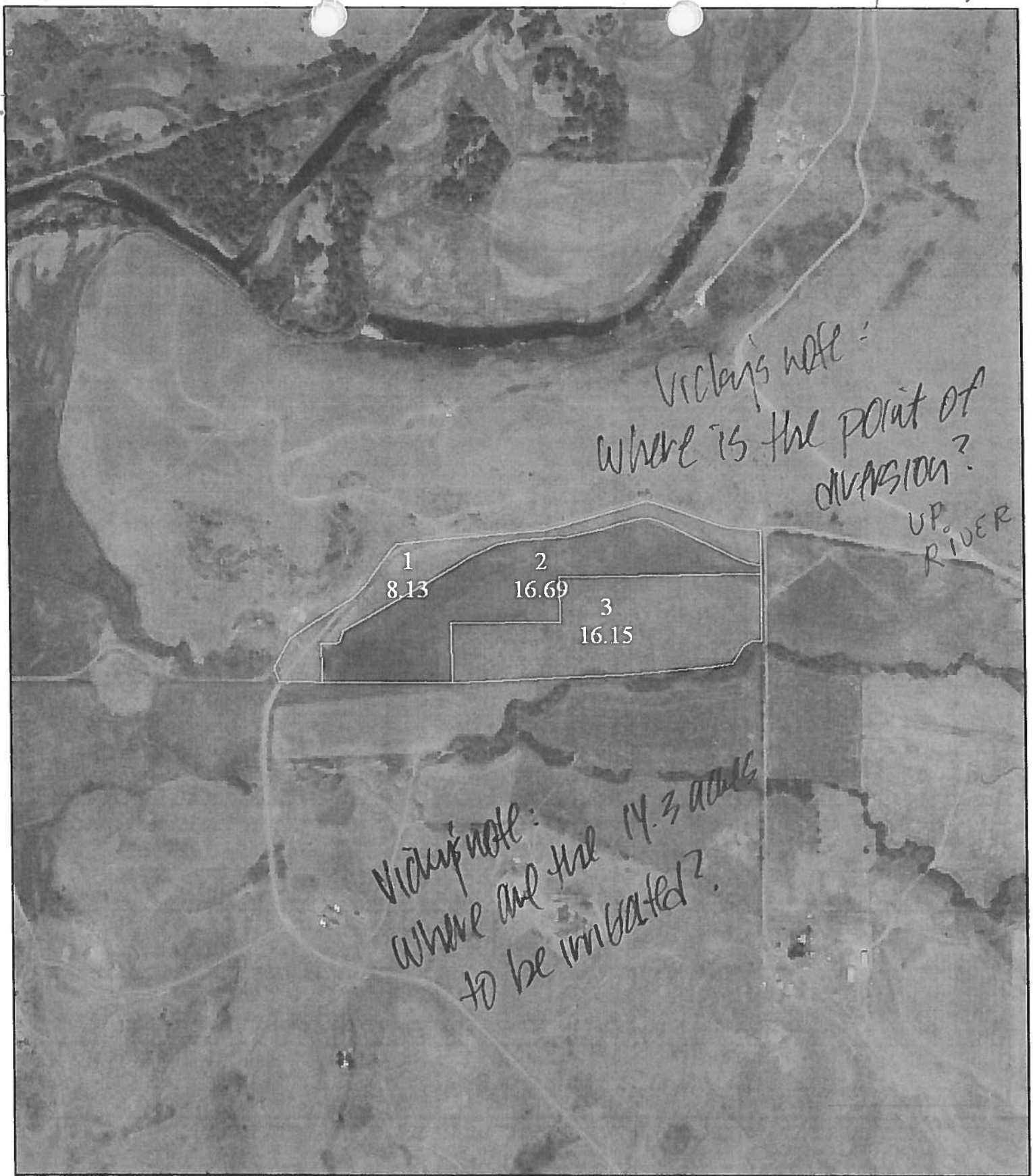
Total Acres: 14.3

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	02W	5									X					X	X	X	

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.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.



USDA United States Department of Agriculture
Farm Service Agency

Farm 566
Tract 729

Adams



1:7,920

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

18271
77882

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/>.

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/water/rights/>.
- ☐ ☒ #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: Supercal

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APR 13 2012

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77882APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) GARY + CAROLE GALLANT Phone 208-253-4586Mailing address 1677 Goodrich RD Council Bluffs, IA 51501 Email 83612

- ☐ 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.

Gary G. Gallant
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

9-16-09
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**. TO WATER HAY CORPS, AND FOR STOCK WATER

RECEIVED

APR 13 2012

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All ☐ Part	672048B	0.29	Irrigation	3-15 to 10-31	Weiser River
☒ ☐	672048B	0.02	Stock Water	1-01 to 12-31	Weiser River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.29 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.29 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
X					11	15N	R02	ADAMS	Weiser River	Bacon Valley Ditch Co

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	R02	15																	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: DIRT + GRAVEL DAM WITH SCREW
HEADGATE ALONG WITH WEIR TYPE MEASURING DEVICES

- b. Who owns the property at the point(s) of diversion?
- WILDNESSE WEST

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

EASEMENT BY BACON VALLEY DITCH CO.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

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: NONE

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 the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

40 SHARES THROUGH BACON VALLEY DITCH CO

- 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: _____

Total Acres (for irrigation use)

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

Current Water Right No. 67-2048B

Priority Date: 06/07/1910

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GOODRICH CREEK**Tributary to:** WEISER RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 10/31	0.29 CFS		
STOCKWATER	01/01 12/31	0.02 CFS		
Total Diversion		0.29 CFS		

Source and Point(s) of Diversion:

GOODRICH CREEK NESWNE 16N 02W 32 ADAMS

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 02W 5									4.7						9.6		14.3

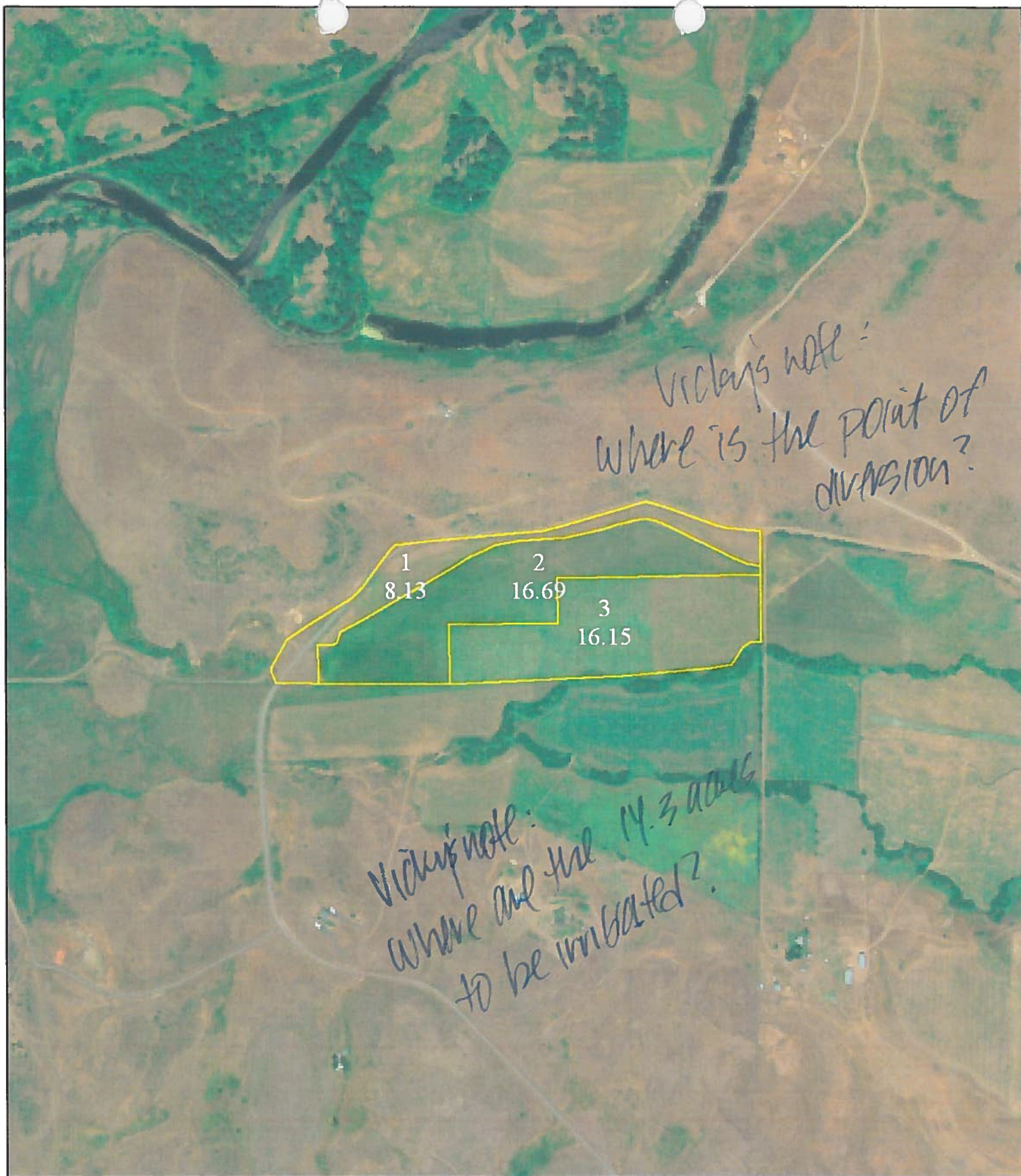
Total Acres: 14.3

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 02W 5									X			X		X	X		

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.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.



Page 2

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 67-2048B

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

Transfer contains _____ pages and _____ attachments.

Received by RS Date 4-13-12 Prelim. Check by WCM Date 5-19-12

Fee Paid 500⁻ Date 4-13-12 Received by RS Receipt # W040076

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



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

April 29, 2014

GARY AND CAROL GALLANT
1677 GOODRICH RD
COUNCIL ID 83612

Re: Preliminary Order in the matter of Transfer No. 78271

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the Department. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sommer". Below the signature, the word "For:" is written in a simple, handwritten font.

For:

John Westra, Manager
Western Regional Office

Enclosures

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 11, 2014

Gary and Carol Gallant
1677 Goodrich Rd.
Council, ID 83612

Re: Application for Transfer No. 77882 (Water Right No. 67-2048B)

Dear Mr. Gallant:

I believe the last correspondence you and I had about your application to transfer a water right from Goodrich Creek was several months ago. I heard from Watermaster Brandi Horton but she has not been involved in deliveries from Goodrich Creek, and did not have information I needed. She did indicate that the reason you applied for the transfer is that your land off Goodrich Creek is difficult to irrigate and there is insufficient water in Goodrich Creek to irrigate it.

The main issue is whether there has historically been sufficient water throughout the irrigation season in Goodrich Creek for you to use it to satisfy water right 67-2048B. The reason we need solid information about this is because if, for instance, you only used creek water early in the season, and water was no longer available after July 15 of each year, then transferring your right and getting Weiser River water for the entire irrigation season is an enlargement of your historical use. I believe Brandi explained this to you also.

The Department must have credible measurements from Goodrich Creek throughout the irrigation season before processing your application. You may want to hire a consultant, so I have attached is a list of consultants.

Your new deadline is April 11, 2014. Please let me know if you have hired a consultant, and what the measurement plan is for the 2014 irrigation season. Alternatively, you may withdraw the application on the form I sent you last year. The requested information is due in writing. Failure to submit the information do so may result in the application being voided. Fees are not refunded for voided applications. Please call me at 208.334.2190 if you have questions. Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 14, 2013

Gary and Carol Gallant
1677 Goodrich Rd.
Council, ID 83612

Re: Application for Transfer No. 77882 (Water Right No. 67-2048B)

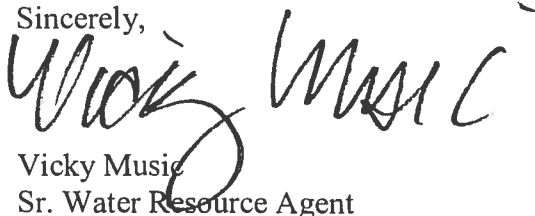
Dear Mr. Gallant:

Thank you for your telephone this morning regarding my letter to you, dated January 17, 2013. My letter requested additional information required to process changes to water right no. 67-2048B. The purpose of your call was to request a six-month extension of the deadline to submit the information.

Your request is granted and the new deadline is August 19, 2013.

The requested information is due in writing. Failure to submit the information do so may result in the application being voided. Fees are not refunded for voided applications. Please call me at 208.334.2190 if you have questions. Thank you.

Sincerely,



Vicky Music
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 17, 2013

Gary and Carol Gallant
1677 Goodrich Rd.
Council, ID 83612

Re: Application for Transfer No. 77882 (Water Right No. 67-2048B)

Dear Gary and Carol Gallant:

The transfer you filed April 4, 2012, has been assigned to me for review and processing. The transfer proposes to move the point of diversion from Goodrich Creek to the Weiser River, and to move the place of use approximately three miles southeast. There are issues that you must address before I can continue to process the application.

Your proposal is considered an exchange, not a transfer, because you are seeking to change the source of your water right from a tributary of the Wieser R. to the Weiser R. main stem upstream of the point where the stream enters the Weiser. An exchange form is required instead of the transfer form. The exchange form, and a copy of your transfer application, is included here for your convenience. I highlighted deficiencies in the transfer that must be corrected in the exchange application. The transfer fee will be applied to the exchange.

The Department must have information regarding the water historically available in the Goodrich Creek to ensure that your proposal does not result in more water being used under the exchange than has been used in the past. Please contact the Weiser River Watermaster, Brandi Horton, at (208) 550-0313, and request that she provide a comment letter to IDWR, regarding whether water in Goodrich Creek is usually available during the entire irrigation season to satisfy the water rights on the creek, the likelihood that the right would be cut if the exchange is approved, and her recommendations for your proposal.

Your application states that there are 40 shares of water delivered by the Bacon Valley Ditch Co. Why is this proposal necessary? It appears that you have enough water with the shares to irrigate the entire property.

Your proposal also states the point of diversion is in Wilderness West property and will be delivered by the Bacon Valley Ditch Co. Please provide written permission from the landowner and the ditch company that this is acceptable.

Also, the exchange application and the required maps must specify both the location of the original place of use and point of diversion from Goodrich Creek, and a separate map of the proposed place of use and the point of diversion from the Weiser River. Two maps are enclosed for you to note these items and attach to the exchange application.

Transfer No. 78271

January 18, 2013

Page 2 of 2

As an alternative to all of the above, you can withdraw the transfer application and request a refund, and use the shares on the property. A withdrawal form is included. A request for a refund does not assure a full refund. It is a Department determination.

The requested information is due in writing by February 18, 2013. Please provide the information, or a request to delay processing for up to six months, by the deadline. Failure to do so may result in the application being voided. Fees are not refunded for voided applications. Please call me at 208.334.2190 if you have questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicky Music", with a horizontal line extending to the right.

Vicky Music
Sr. Water Resource Agent

Enclosure: exchange form, instructions and maps; withdrawal form; and, copy of application for transfer 78271

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant _____ Telephone No: _____
(Name of Applicant)

(Mailing Address) (Zip Code) Email: _____

Applicant's Water Right(s) to be exchanged _____
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant _____ Telephone No: _____
(Name of Co-applicant)

(Mailing Address) (Zip Code) Email: _____

Co-applicant's Water Right(s) to be exchanged _____
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT -- Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION -- Complete **Part A** or **Part B** to explain how the proposed exchange will operate.

Part A -- For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____
In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. made available to the co-applicant for diversion at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.
Additional points of diversion, if any: _____

OR

2. released from storage by the co-applicant into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B-- For an exchange involving only the applicant's water right(s).

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. diverted from _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. _____

5. MAPS -- Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Applicant's Signature (and title if application is for an organization)

Date

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.

Received by _____ Date _____ Fee _____

Received by _____ Date _____ Receipt No. _____

Preliminary review by _____

Published in _____

Publication dates _____

Protests filed by _____

Copies of protests forwarded by _____

Watermaster recommendation requested on _____

Watermaster recommendation received on _____

Hearing held by _____ Date _____

Recommended for Approval _____ Denial _____ By _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



INSTRUCTIONS FOR COMPLETING AN
APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source. This sheet contains instructions for completing the Application for Exchange of Water.

COMPLETE THE APPLICATION FOR EXCHANGE OF WATER AS FOLLOWS

1. INFORMATION ABOUT THE APPLICANT

Provide your name, mailing address, phone number, and email address, and indicate the identification number(s) of the water right(s) you are proposing to exchange. For each water right, attach a photocopy of the water right license, permit, transfer, decree, or claim evidencing the right, or attach a water right printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion of the application if you are proposing an exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for your right. Provide the co-applicant's name, address, and phone number, and indicate the identification number(s) of the co-applicant's water right(s) involved in the exchange. For each water right, attach a photocopy of the water right license, permit, transfer, decree, or claim evidencing the right, or attach a water right printout obtained from IDWR. If there are multiple co-applicants, please attach another sheet containing information about each co-applicant.

3. EXCHANGE AGREEMENT

If you propose an exchange for water diverted under a water right held by another party (the co-applicant), your exchange application *must* be accompanied by a copy of a written agreement signed by you and each co-applicant. Attach a copy of the written agreement. Be sure that you have also completed Item 2 of the Application for Exchange of Water.

4. EXCHANGE INFORMATION

You must complete Item 4 to describe how the proposed exchange will operate. To complete this part of the application form, you must know the amounts of water involved in the proposed exchange. You must also know the locations of the proposed point(s) of diversion, injection, and re-diversion of water by 40-acre subdivisions, section, township and range of the public land survey. For the location information, it may be helpful to have already prepared the maps required under Item 5. When describing the amounts of water involved in the exchange, remember that the exchange cannot result in an enlargement in use of the water right(s). If you need more space to explain how the proposed exchange will operate, use the area at the bottom of Item 4 and/or attach additional sheets.

Part A -- Complete Item 4.A of the exchange application if you are proposing an exchange involving yourself and one or more co-applicants. If you are completing Item 4.A you should have completed Items 2 and 3 also. Complete Item 4.A.1 if the co-applicant(s) water right(s) is (are) not storage water rights. Complete Item 4.A.2 if the co-applicant(s) water right(s) are storage water rights.

Part B -- Complete Item 4.B for an exchange involving only your water right(s). Complete Item 4.B.1 if your water right(s) is (are) not storage water rights. Complete Item 4.B.2 if your water right(s) is (are) storage water rights.

Do not complete both Item 4.A and Item 4.B.

FEE SCHEDULE

Exchange fees (cfs = cubic feet per second -- AF = Acre feet)

cfs	AF		cfs	AF	
0.00 -- 0.20	0 -- 20	\$100.00	11.01 -- 12.00	1101 -- 1200	\$690.00
0.21 -- 1.00	21 -- 100	\$250.00	12.01 -- 13.00	1201 -- 1300	\$730.00
1.01 -- 2.00	101 -- 200	\$290.00	13.01 -- 14.00	1301 -- 1400	\$770.00
2.01 -- 3.00	201 -- 300	\$330.00	14.01 -- 15.00	1401 -- 1500	\$810.00
3.01 -- 4.00	301 -- 400	\$370.00	15.01 -- 16.00	1501 -- 1600	\$850.00
4.01 -- 5.00	401 -- 500	\$410.00	16.01 -- 17.00	1601 -- 1700	\$890.00
5.01 -- 6.00	501 -- 600	\$450.00	17.01 -- 18.00	1701 -- 1800	\$930.00
6.01 -- 7.00	601 -- 700	\$490.00	18.01 -- 19.00	1801 -- 1900	\$970.00
7.01 -- 8.00	701 -- 800	\$530.00	19.01 -- 20.00	1901 -- 2000	\$1010.00
8.01 -- 9.00	801 -- 900	\$570.00	20.01 -- 100.00	2001 -- 10000	*
9.01 -- 10.00	901 -- 1000	\$610.00	101.01 -- 500.00	10001 -- 50000	**
10.01 -- 11.00	1001 -- 1100	\$650.00	500.01 & over	50001 & over	***

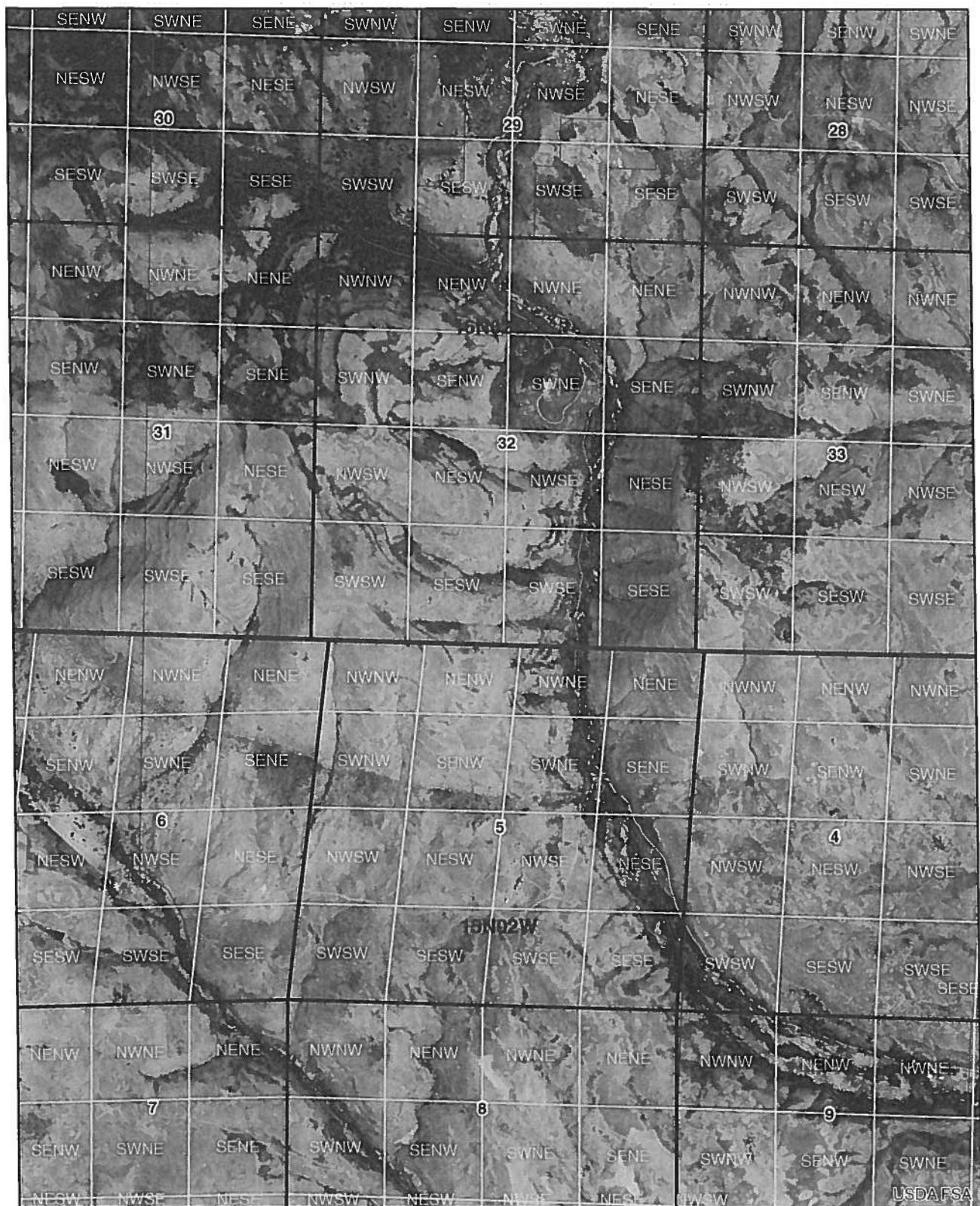
* \$1010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 20.0 cfs or 2,000 acre feet.

** \$2610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 100.0 cfs or 10,000 acre feet.

*** \$6610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 500.0 cfs or 50,000 acre feet.



67-2048B - show proposed place of use and point of diversion . The green dot is a current Weister R diversion on Wilderness West property. If this the proposed diversion, the legal description mst be on the application.



67-2048B - show original place of use and point of diversion on Goodrich Creek.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77882APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) GARY + CAROL GALLANT Phone 208-253-4586Mailing address 1677 Goodrich RD Council/Ida Email 83612

- ☐ 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.

Gary S. Gallant
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

9-16-09
Date

[Redacted]
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
- ☐ Change nature of use ☐ Change period of use ☐ Other _____

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.

To Water Hay Corps, And For Stock water

RECEIVED

APR 13 2012

WATER RESOURCES
WESTERN REGION

more complete narrative -- how does proposal
relate to the project?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	672048B	0.29	Irrigation	3-15 to 10-31	Weiser River
☒	672048B	0.02	Stock Water	1-01 to 12-31	Weiser River
☐					
☐					
☐					
☐					
☐					
☐					
☐					
☐					
☐					

Total authorized under rights 0.29 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.29 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
X					11	15N	R02	ADAMS	Weiser River	Bacon Valley Dittch Co

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	R2W	15	N2			S2													

Total Acres (for irrigation use) _____

does not correspond to your map.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: DIT + GRAVEL DAM WITH SCREW HEAD GATE. ALONG WITH WEIR TYPE MEASURING DEVICE.

- b. Who owns the property at the point(s) of diversion? WILKNESS WEST
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: EASEMENT BY BACON VALLEY DITCH CO.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
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: NONE

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 the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

40 SHARES THROUGH BACON VALLEY DITCH CO

- 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: _____

Total Acres (for irrigation use)

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

Current Water Right No. 67-2048B

Priority Date: 06/07/1910

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GOODRICH CREEK

Tributary to: WEISER RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 10/31	0.29 CFS		
STOCKWATER	01/01 12/31	0.02 CFS		
Total Diversion		0.29 CFS		

Source and Point(s) of Diversion:

GOODRICH CREEK NESWNE 16N 02W 32 ADAMS

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 02W 5									4.7						9.6		14.3

Total Acres: 14.3

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 02W 5									X						X		

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.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

(Signature/Title of Applicant)

Music, Vicky

From: Brandi Horton [watermaster67@hotmail.com]
Sent: Friday, August 30, 2013 2:30 PM
To: Music, Vicky
Subject: RE: Gallant transfer

Hi Vicky!

I meant to take care of this long ago, but it got pushed to the back burner and forgotten about. Sorry! As I understand it, Mr. Gallant wants to make better use of the water right by transferring it to better ground. Apparently the property the water it's tied to is poor and difficult to irrigate. At least, that's how I understood him. We discussed the curtailment of that right as well. Goodrich Creek is not one that I monitor regularly...there aren't enough water users, nor enough water in it, for anyone to call on me to regulate it. I explained to Mr. Gallant that when the water was no longer available in Goodrich Creek at his old diversion point, it would consequently no longer be diverted into the Bacon Valley Ditch. That way he wouldn't be taking more water from the system than he was able to before. That would be enlarging his impact on the system and would consequently injure senior water rights. He said he understood and had no problem with that. I was unaware that he owns 40 shares in the Bacon Valley Ditch Co, though. He failed to mention that. In my discussion with him it was implied that he would be irrigating new land that had no irrigation prior to this...or perhaps that was my assumption from our conversation. At any rate, I didn't know he had Bacon Valley water for that property already.

I'm not sure what else I can tell you, but if you have questions for me, my number is below. I'll try to be available, but I'm working a lot in places with no cell service. So leave me a message if I miss your call...

Have a Great Day!

Brandi Horton
Watermaster-District 67
2297 Snapp Ln.
Midvale, ID 83645
(208) 550-0313

Subject: Gallant transfer
Date: Mon, 5 Aug 2013 10:03:26 -0600
From: Vicky.Music@idwr.idaho.gov
To: watermaster67@hotmail.com

Hi Brandi –

Thanks for calling regarding Mr. Gallants proposed transfer from Goodrich Creek. I did not receive an email from you, but could have been wrong email address. Mine is below.

I am not sure why he applied for this transfer because it appears that he has 40 shares from the Bacon valley Ditch Co, of Weiser R water, which is more than sufficient to water his property. Maybe he wants to preserve the Goodrich Creek rights.

Specifically, I asked him to ask you the following:

- 1 - Does the Goodrich Creek provide enough water through out the entire irrigation season to satisfy his right no 67-2048B? [if not, the transfer would be an enlargement of the right because he would be using more water at the new point of diversion that he has historically put to a beneficial use.]
- 2 – do you usually cut the Goodrich Creek rights and would it be subject to cuts if transferred?
- 3 – do you have any recommendations for this proposal?

Thank you , Brandi. I know you are likely crazy busy this time of year.

Vicky Music
Sr Water Resource Agent
vicky.music@idwr.idaho.gov

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AUG 07 2013

WATER RESOURCES
WESTERN REGION

July 23, 2013

To Whom It May Concern:

Bacon Valley Ditch Co. hereby grants permission to Gary and Carole Gallant to re-direct their irrigation water from Goodrich Creek into the Bacon Valley Ditch Company system at the following diversion point: In the SE 1/4 of the NW 1/4, Section 11, T15N, R2W, Boise Meridian. Wilderness West LLC approves such permission.

Dated: 7-23-2013

Bacon Valley Ditch Co.

By: Lon Schultz
Lon Schultz
President

Approved:

Wilderness West LLC

By: Kenneth K. Cederstrand
Kenneth K. Cederstrand
Manager

28-Jul-1988

SOURCE: GOODF

WR-NUMBER: 67-0307
CURRENT OWNER: J. P. OGILVI
COUNTY: ADAMS
SOURCE: GOODRI
WATER USE: IRRIGATION

DECREE PLAINTIFF
DECREE DEFENDAN

PLACE OF

1301 W Cleveland
in same building as
Sam Riley Furniture
across from Idaho Camera
41-14-9a *Sharla* *Water Resources*
327-5452

STRICT: 67
AF
AF

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WATER RESOURCES
WESTERN REGION

WR-NUMBER: 67-2048
CURRENT OWNER: JANET L. CLARE
CAMBRIDGE, ID

PRIORITY DATE:
7-Jun-1910

STAGE:
LICENSE

COUNTY: WASHINGTON
SOURCE: GOODRICH CREEK
WATER USE: IRRIGATION
DOMESTIC

TRIBUTARY: WEISER RIVER
DIVERSION-RATE:
8.700 CFS
0.000 CFS
TOTAL RATE: 8.700 CFS

DIVERSION-VOLUME:
0.00 AF
0.00 AF
TOTAL VOLUME: 0.00 AF

REMARKS: P/D UNCLEAR ON LICENSE, ENGINEER REPORT USED TO DETERMINE P/D.

POINT OF DIVERSION: T16N R02W S32 NWNE

PLACE OF USE:

T15N	R02W	S08	NENW	AC 20
T15N	R02W	S08	SENE	AC 35
T15N	R02W	S08	NWSE	AC 40
T15N	R02W	S08	NENE	AC 40
T15N	R02W	S08	NWNE	AC 40
T15N	R02W	S08	SWNE	AC 40
T15N	R02W	S08	SENE	AC 40
T15N	R02W	S09	SENE	AC 25
T15N	R02W	S09	SWNW	AC 25
T15N	R02W	S09	NESW	AC 30
T15N	R02W	S09	SESW	AC 20
T15N	R02W	S09	NWSE	AC 10
T15N	R02W	S05	NESW	AC 10
T15N	R02W	S05	NWSE	AC 10
T15N	R02W	S05	SESW	AC 05
T15N	R02W	S05	SWSE	AC 20

TOTAL ACRES: 435

WR-NUMBER: 67-0308

CURRENT OWNER: ASHTON ROBY
COUNTY: ADAMS
SOURCE: GOODRICH CREEK
WATER USE: IRRIGATION

DIVERSION-RATE:
0.080 CFS
TOTAL RATE: 0.080 CFS

TRIBUTARY: WEISER RIVER

DIVERSION-VOLUME:
0.00 AF
TOTAL VOLUME: 0.00 AF

PRIORITY DATE:
1-May-1911

STAGE:
DECREE
WATER DISTRICT: 67