

RECEIVED

JAN 27 2014

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) Spencer W. Beus for Order of Tranquility Phone 208-834-2555

2. MAILING ADDRESS PO Box 279 City Grand View

State Idaho Zip 83624 Email beus@centurylink.net

- ☐ 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) 2-2271

- ☒ 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 .74 cubic feet per second and/or 167 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.
NA ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

TwP	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
SS	4E	34	9	SE	SW		OWYhee	CJ Strike Reservoir	BYbee Lateral

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 79102

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☒ Yes	5S	4E	34	9	SE	SW		Owyhee	C.J. Strike Reservoir	Bybee Lateral
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	3E	27						1/4									1/4		37

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:
Pumps supply water from G.T. strike into the Byee Lateral at SE 1/4, SW 1/4, LOT 9, Section 34, T55 R4E with a measuring device being installed in early 2014
- b. Who owns the property at the point(s) of diversion? DO NOT KNOW. Existing pumps have been there for years.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The Map Tool, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Spencer Baus
Signature of applicant or authorized agent

Print name and title if applicable

27 JAN 2014
Date

Signature of applicant or authorized agent

Print name and title if applicable

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 Me

Date 1/27/14

Fee paid 500- Date 1/27/14

Received by Me

Receipt # W041797

Preliminary review completed by _____

Date _____

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 02-02271

NAME AND ADDRESS: THE ORDER OF TRANQUILITY
3475 HIGHLAND DR
Salt Lake City, UT 84106

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.74 CFS
167.00 AFY

The rights listed below are limited to a total combined
diversion rate of 14.55 cfs. Combined Right Nos.: 02-02083,
02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272,
02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

PRIORITY DATE: 02/04/1964

POINT OF DIVERSION: T05S R04E S34 LOT 10 (NWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.74 CFS 167.00 AFY

PLACE OF USE: Irrigation Within Owyhee County
T05S R03E S27 NWSE 37.0
37.0 Acres Total

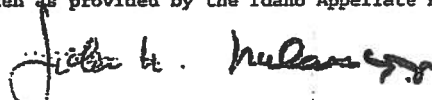
The rights listed below are limited to the irrigation of a
combined total of 362 acres in a single irrigation season,
Combined Right Nos.: 2-2271, 57-2224, 57-2234, 57-2264, &
57-2274.

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



Google earth

miles 3
km 5



Place of Use
T5S R3E NWSE 527
37 Acres

Bybee Lateral

Point of Diversion
T5S R4E SE SW 534 LOT 9



2-2271 place of use outlined in red 2011 Bing aerial photograph.

The Order Of Tranquility

3475 Highland Drive #A
Salt Lake City, Utah
(801) 487-4142

To Whom It May Concern:

Spencer-William :Beus and Nani-Joy-Child :Beus, are Associate(s) of The Order Of Tranquility and are granted power and authority to Do and Perform all and every act and thing whatsoever requisite and necessary to be done in any and all Commercial Transactions as fully to all intent and purposes, as Legal entity(ies) might or could do if personally present, with Full Power of Substitution, Subrogation, and Revocation in accord of the interest of sale of the listed property below by owner and is authorized to list Associate's phone and coordinate all offers with the Church.

Property Address

IN TOWNSHIP 5 SOUTH, RANGE 3 EAST B. M., OWYHEE COUNTY, IDAHO
Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$

Together with all water, water rights of hot artesian well water and water rights, ditches and ditch rights used thereon or appurtenant thereto. Including but not limited to water and ditch rights under the Grand View Mutual Canal Co.

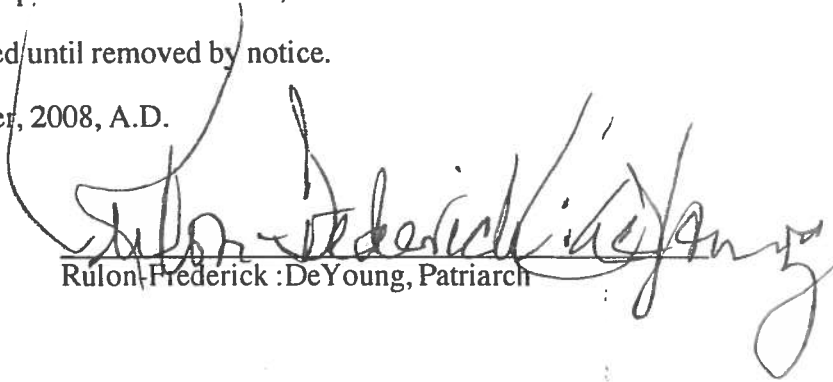
Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Associate(s), Spencer-William :Beus and Nani-Joy-Child :Beus are caretakers of said church property addressed above by description at: Grand View, Idaho.

Said power and authority is granted until removed by notice.

Executed this 1st day of November, 2008, A.D.


Rulon Frederick :DeYoung, Patriarch

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, May 15, 2014 1:27 PM
To: Knowles, Corbin
Subject: (2) Applications for Transfer
Attachments: 1 Watermaster Recommendation Form.docx; Application for Transfer No. 79101.pdf; Application for Transfer No. 79102.pdf

May 15, 2014

CORBIN KNOWLES
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Transfer No's: 79101, 79102

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by June 9, 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, May 14, 2014 12:37 PM
To: 'JENNIFER@OWYHEEAVALANCHE.COM'
Subject: Owyhee Legal Ad
Attachments: Cover Letter.docx; Legal Ad.docx

Good Afternoon Jennifer Stutheit,

Please see the attached ad for publication on 5/21/2014 & 5/28/2014.

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

May 14, 2014

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

RE: Transfer No's: 79101, 79102

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 6/9/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHT

Kim Astle of 33985 Mud Flat, Grand View, ID 83624 filed Application No. **79101** to transfer one water right with a 1962 priority date from the Snake River totaling 5.0 cfs. The purpose of the transfer is to move the point of diversion from the Grand View Mutual Canal diversion near CJ Strike Reservoir to the nearby Bybee Canal Co diversion, approximately 0.4 miles south. Water will continue to be used at the current place of use.

The Order of Tranquility of PO Box 279, Grand View, ID 83624 filed Application No. **79102** to transfer a water right with a 1964 priority date from the Snake River totaling 0.74 cfs. The purpose of the transfer is to move the point of diversion from the Grand View Mutual Canal diversion near CJ Strike Reservoir to the nearby Bybee Canal Co diversion, approximately 0.4 miles south. Water will continue to be used at the current place of use.

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 6/9/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/21/2014 and 5/28/2014



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 7, 2014

THE ORDER OF TRANQUILITY
3475 HIGHLAND DR
SALT LAKE CITY, UT 84106

Re: Application for Transfer No. 79102 (Water Right No. 2-2271)

Dear Transfer Applicant:

The above referenced application seeks to transfer a Snake River point of diversion from a location on CJ Strike Reservoir to a location about 0.4 miles south. Both are Bybee Canal Co. points of diversion.

The department will proceed with advertising of the transfer application but before final approval can move forward, we need a written statement from the Bybee Canal Co. giving their approval of the change in location of the point of diversion.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

RECEIVED

JAN 29 2014

WATER RESOURCES
WESTERN REGION

**Bybee Lateral Water Users Association
Grand View, Idaho 83624**

28 January 2014

Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Sirs:

This letter is to inform you that the Bybee Lateral Waters Users Association authorizes use of the Bybee Lateral as proposed by the applicants, Spencer Beus and/or Nani Beus of #2 Bybee Lane, Grand View, Idaho 83624.

Bybee Lateral Users Association point of diversion and existing Lateral is available for delivery of up to .74 CFS of water for water right 2-02271.

Respectfully yours,



Darrel Agenbroad, chairman BLWUA
27161 Dairy Road
Grand View, Idaho 83624