

APR 24 2014STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78313

DEPT. OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) JAMES JUAN SPILLETT**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

AMENDED

APR 24 2014

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant JAMES JUAN SPILLETT

Phone (208)548-2468

Mailing Address 4546 ROCKLAND HWY, ROCKLAND ID 83271

Email

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative

Phone

Mailing Address

Email

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

James Juan Spillet

Print Name and Title if applicable

4/17/14

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	41-10258	No	Yes	Yes	No	No	No
	41-10259	No	Yes	No	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2

This amended application will correct errors in the partial decrees of rights 41-10258 and 41-10259.

Both rights were assigned incorrect points of diversion and the place of use for right 41-10258 was incorrectly described. This transfer and its companion transfer were originally filed in 1995, and the items sought in the original applications were achieved in the SRBA.

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

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

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
41-10259	0.800 cfs	N/A	N/A	50.0		N/A	N/A	N/A	N/A
41-10258	0.200 cfs	N/A	N/A	50.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	1.000 cfs	N/A	N/A	50.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 1 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

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

☒ As shown in Part 1.

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

4. Place of Use:

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

☒ As shown in Part 1.

☐ See Attachment.

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

Proposed Water Right No. 41-10259

Current Water Right Owner

**JAMES JUAN SPILLETT
4546 ROCKLAND HWY
ROCKLAND, ID 83271**

Priority Date: 4/1/1909

Origin: Water Right

Basis: Decreed

Status Active

Source: SOUTH FORK ROCK CREEK

Tributary: ROCK CREEK

Beneficial Use

IRRIGATION

From

4/01

To

10/31

Diversion Rate

0.800 CFS

Subuse Code

Total Diversion

0.800 CFS

Source and Point(s) of Diversion:

SOUTH FORK ROCK CREEK

NENWSW

Sec. 20 Twp 10S Rge 31E POWER 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	
10S	31E	20						2.0	24.0			24.0							50.0

POU Total Acres: 50.0

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

Proposed Water Right No. 41-10258

Current Water Right Owner

**JAMES JUAN SPILLETT
4546 ROCKLAND HWY
ROCKLAND, ID 83271**

Priority Date: 4/1/1909

Origin: Water Right

Basis: Decreed

Status Active

Source: SOUTH FORK ROCK CREEK

Tributary: ROCK CREEK

Beneficial Use

IRRIGATION

From

4/01

To

10/31

Diversion Rate

0.200 CFS

Subuse Code

Total Diversion

0.200 CFS

Source and Point(s) of Diversion:

SOUTH FORK ROCK CREEK

NENWSW

Sec. 20 Twp 10S Rge 31E POWER 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	
10S	31E	20						2.0	24.0			24.0							50.0

POU Total Acres: 50.0

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
A pump in the South Fork of Rock Creek supplies wheel lines.

- b. Who owns the property at the point(s) of diversion
Applicant.

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

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

No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No change.

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

Rights 41-8B and 41-13B are also diverted at the same POD and used on the same POU for irrigation.

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

Yes

No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently leased to the Water Supply Bank,

☐☒

currently used in a mitigation plan limiting the use of water under the right, or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 41-10259

Current Water Right Owner

JAMES JUAN SPILLETT
 4546 ROCKLAND HWY
 ROCKLAND, ID 83271

Priority Date: 4/1/1909

Origin: Water Right

Basis: Decreed

Status: Active

Source: SOUTH FORK ROCK CREEK

Tributary: ROCK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.800 CFS	
Total Diversion			0.800 CFS	

Source and Point(s) of Diversion:

SOUTH FORK ROCK CREEK

SWSNW

Sec. 29 Twp 10S Rge 31E POWER County

Describe the proposed diversion system

DAMS AND PUMPS, ADSHEAD DITCH

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	
10S	31E	20						2.0	24.0			24.0							50.0

POU Total Acres: 50.0

Conditions/Remarks:

1. THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.
2. USE OF THIS RIGHT WITH RIGHT NOS. 41-00008B, 41-00013B & 41-10258 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.

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

Current Water Right No. 41-10258

Current Water Right Owner

JAMES JUAN SPILLETT
4546 ROCKLAND HWY
ROCKLAND, ID 83271

Priority Date: 4/1/1909

Origin: Water Right

Basis: Decreed

Status: Active

Source: SOUTH FORK ROCK CREEK

Tributary: ROCK CREEK

Beneficial Use

IRRIGATION

From

4/01

To

10/31

Diversion Rate

0.200 CFS

Subuse Code

Total Diversion

0.200 CFS

Source and Point(s) of Diversion:

SOUTH FORK ROCK CREEK

SWSSE

Sec. 29 Twp 10S Rge 31E POWER County

Describe the proposed diversion system

DAMS AND PUMPS, JACKSON DITCH

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	
10S	31E	20						2.0				24.0	24.0						50.0

POU Total Acres: 50.0

Conditions/Remarks:

1. THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.
2. USE OF THIS RIGHT WITH RIGHT NOS. 41-00008B, 41-00013B & 41-10259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.

☐ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

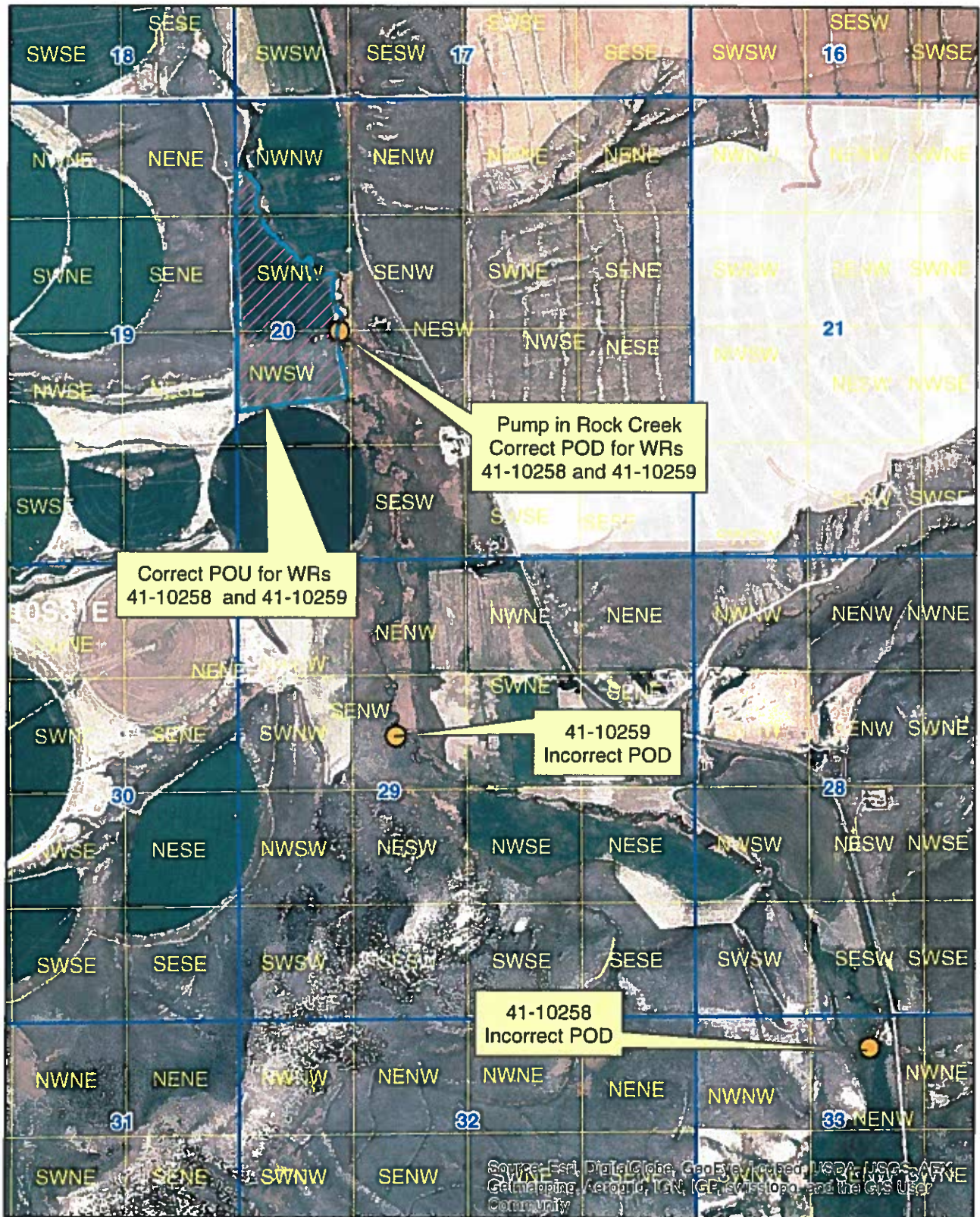
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Add'l Fee Paid	Date	Received By	Receipt #
----------------	------	-------------	-----------

Idaho Department of Water Resources



Legend

-  Township/Range
 Sections
 QQ
 Water Right POU

Transfer 78313
James Juan Spillett



0 0.15 0.3 0.6 Miles

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5215
New Number 78313

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant James Hugh Spillett Phone 548-2468

Post Office address PO Box 278, Rocklind, ID 83271

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use 2/26/98 P.S.
☐ Change nature of use ☐ Change period of use ☒ Other SPLIT RIGHT
2. Describe the reason for the proposed changes I have purchased a water right that I want to move to my property & divert from the South Fork with a pump.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>41-00013D</u>	<u>5-1-1881</u>	<u>0.20 cfs</u>	<u>Irrig.</u>	<u>4-1</u> to <u>10-31</u>
				to
				to
				to

2. Total amount of water being transferred 0.20 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water South Fork of Rock Creek tributary to Rock Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>20</u>	<u>10S</u>	<u>3/E</u>	<u>Power</u>	<u>Pump, pipeline</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	31E	20						2	23			27							52

Total acres 52

PART 1

6. General Information:

a. Description of diversion system new pump, pipeline, sprinklers (replaces old gravity system).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will continue to be irrigated with other rights. I am trading 10" of 41-000088 for 10" of 41-00013A. No acreage increase will result from this water trade.

d. Remarks:
Rt. 41-00013B is already used on the proposed P/U for this transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

78313
Notary Public

78313

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 41-00013A Decreed to Bradley Jackson
in case of Arbitration of Houtz Et AL vs. _____
dated 6-6-1903 in 3rd District county of Oneida
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other "ASSIGNMENT"? SUBMITTED 03/25/98
BY MR SPILLET

3. Source of water South Fork of Rock Creek tributary to Rock Creek

4. Date or priority 5-1-1881

5. Water is used for the following purpose:

amount 0.40 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	29	10S	3/E	Power	Headgate & Jackson Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	3/E	30																	
		29					X												

SHOULD BE IN SW 1/4 PER 41-00013A PROOF REPORT 02/25/98 P.S.

Total acres _____

9. Describe any other water rights used for the same purpose as described above 41-00008D

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.20 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: P/U per SRBA Claim

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>10S</u>	<u>3/E</u>	<u>29</u>					<u>15</u>												<u>15</u>
		<u>20</u>									<u>20</u>	<u>10</u>	<u>25</u>	<u>25</u>					<u>55</u>

Total acres 70**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.20 for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Unknown Same as 2.B.3.

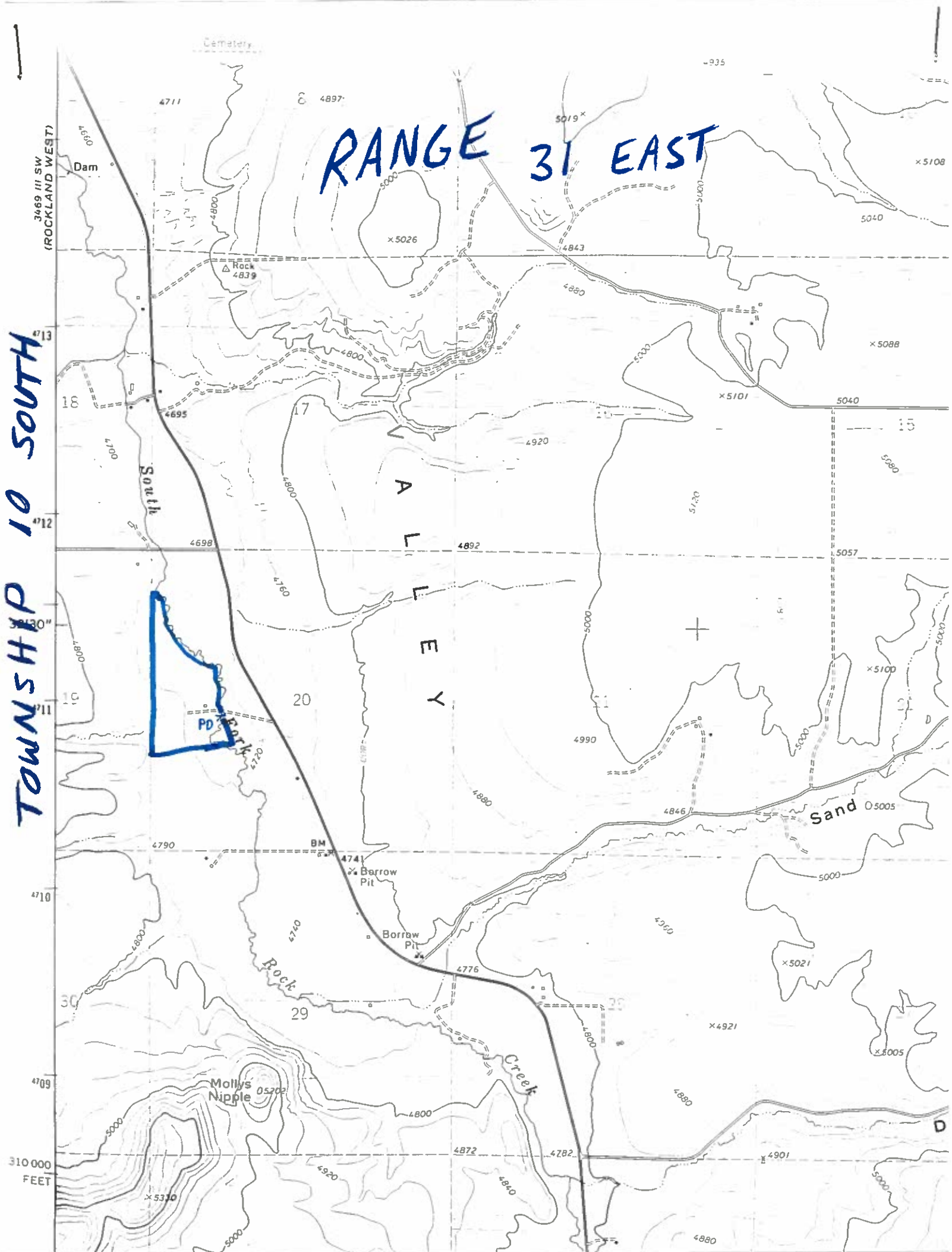
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

NOTE THAT NO
 ACRES HAVE
 BEEN REMOVED

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Subscribed and sworn to before me this 30th day of November, 19 95.

J. P. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by J. F. Stanton Date 11-30-95 Protest filed by _____

Prelim. check by _____ Fee \$100. 5018701

Receipted by JD Date 11-30-95

Published in Power Co. Press Copies of protest forwarded by _____

Pub. dates 5/27 + 6/3/98 Hearing held by _____ Date _____

Watermaster recommendation requested on 5/15/98 Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

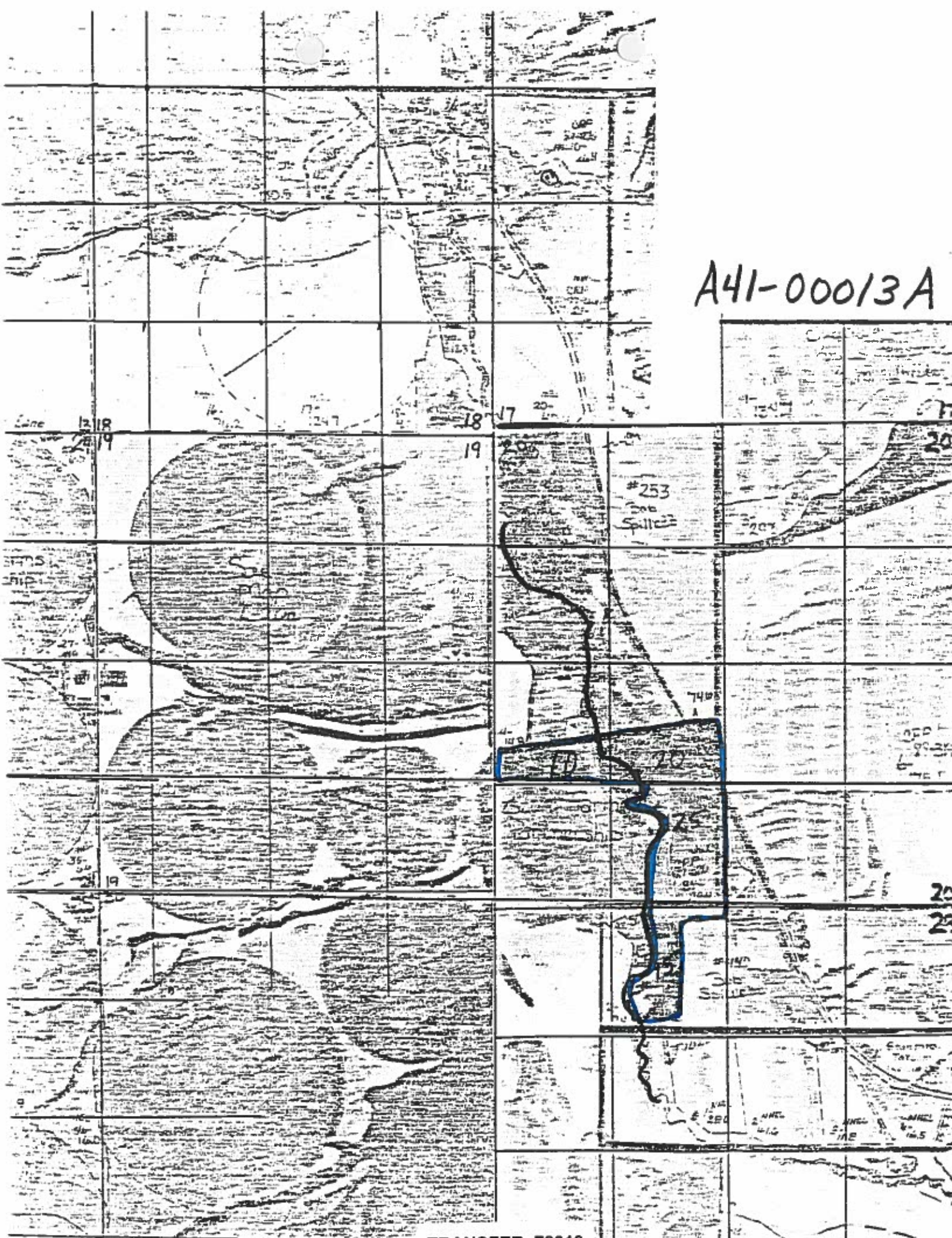
Copy of transfer sent to lien holder _____

RECEIVED

APR 29 1996

Department of Water Resources
Southern Region

A41-00013A



TRANSFER 78313

F#5262

MAKE CHECK PAYABLE TO:
 POWER COUNTY TAX COLLECTOR
 COURTHOUSE 543 BANNOCK
 AMERICAN FALLS
 IDAHO 83211

TAX BILL/RECEIPT CODE AREA 4-00
 TAX YEAR 1995 BILL NO 5087

Parcel 1995
 PARCEL NUMBER
 RPD2163-00 A
 26,918
 93,475

1ST TAX	926.84	2ND TAX	926.84	FULL TAX	1,853.68	TOT MV	120,393
HALF PEN		HALF PEN		PEN		HM-	34,675
INT		INT		INT		NET MV	85,718
COST		COST		COST		WAC	3,000
TOT		TOT		TOT		TOT ACS	116,000

SPILLETT J JUAN ET-UX
 P O BOX 278
 ROCKLAND ID 83271

S20 T10S R31E
 W2NW;N2N2SW EXC T-209; T-208

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
POWER COUNTY	.003505169	300.46
-SCHOOL #382	.013035822	1,117.40
COUNTY HWY	.002351913	201.60
VALLYVIEW CEM	.000399994	34.28
-RKLD LIBRARY	.000599970	51.42
HOSPITAL DIST	.000815753	69.92
AMBULANCE DIST	.000216985	18.60
DISTRICT TOTALS	.020925606	1,793.68
LANDFILL FEE		60.00
AMOUNT DUE		<u>1,853.68</u>

4546 S ROCKLAND HIGHWAY 83271

*** IMPORTANT ***

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT

SUBJECT TO BANK CLEARANCE.

LEVY SHEETS ARE AVAILABLE IN TREASURER'S OFFICE
 RECEIPT GIVEN SUBJECT TO CLEARANCE OF YOUR CHECK

1995 Taxes - Rock
paid 11/22/95 = \$926.84
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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 18, 1998

POWER COUNTY PRESS
174 IDAHO STREET
AMERICAN FALLS ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that JAMES JUAN SPILLETT, PO BOX 278; ROCKLAND ID 83271 has applied to the Department of Water Resources for changes to the water rights listed below.

PRESENTLY, the two following listed Decreed water rights are diverted from South Fork, Rock Creek tributary to Rock Creek via the Jackson Ditch within NE1/4NW1/4, S29, T10S, R31E; Power County.

PRESENTLY, Decreed Water Right No. 41-00008E (0.60 cfs) with a priority date of 10/01/1879 is used for irrigation of 40 acres within parts of S20, T10S, R31E; Power County.

PRESENTLY, Decreed Water Right No. 41-00013A (0.40 cfs) with a priority date of 05/01/1881 is used for irrigation within parts of Sections 20 & 29, T10S, R31E; Power County.

PROPOSED CHANGES

The purpose of the transfers is to change the point of diversion and place of use for a portion of the rights with a conversion to pump & sprinklers via pipeline. Water will be diverted within NE1/4NW1/4SW1/4, S20, T10S, R31E; Power County for irrigation of 52 acres within parts of S20, T10S, R31E; Power County.

Transfer No. 5262 proposes to split off 0.40 cfs which will be designated as Water Right No. 41-00008G. The remainder of the Right, 41-00008F (0.20 cfs) will continue to be used for irrigation of 40 acres at the original place of use.

Transfer No. 5263 proposes to split off 0.20 cfs which will be designated as Water Right No. 41-00013D. The remainder of the Right, 41-00013C (0.20 cfs) will continue to be used for irrigation at the original place of use.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 15, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Power County Press on 05/27 & 06/03/98.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES JUAN SPILLETT
PO BOX 278
ROCKLAND ID 83271

Re: Two Application for Transfer: No. 5262 (41-00008 Pt) & No. 5263 (41-00013 Pt)

Dear Mr. Spillet:tt:

The Department of Water Resources acknowledges receipt of your Applications for Transfer.

This office has scheduled advertising in The Power County Press for 05/27 and 06/03/98.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Before we can forward an application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and a notarized statement from any lien holder on the property agreeing to the proposed change.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of an application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALAN PERMANN
PO BOX 387
ROCKLAND ID 83271

Re: Applications for Transfer No. 5262 (41-00008 Pt) and No. 5263
(41-00013 Pt)-James Juan Spillet

Dear Mr. Permann:

Enclosed are copies of two Applications for Transfer of a Water Right within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Processing of an application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about an application, please contact this office or the applicant.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

Enclosures

MEMORANDUM

TO: James Juan Spillettt Transfer Files

FROM: Corey Skinner *CS*

DATE: March 26, 1998

SUBJECT: Correspondence from Mr. Spillettt

On March 25th, I received a letter from James Juan Spillettt responding to the 03/10/98 letter I sent him regarding his two transfer applications. Mr. Spillettt also sent in a copy of an "assignment" signed by H. Roscoe Weston.

The assignment is supposed to serve as Mr. Spillettt's proof of ownership of the portion of H. Roscoe Weston's portion of water right 41-00013A (SRBA claim A41-00013A). However, the assignment lists a different water right (#41-7053) than 41-00013A (note someone has written "00013A" on the assignment). Mr. Spillettt's letter mentions that this assignment was submitted with the original application and that Mr. Weston was to submit a corrected assignment. The copy that was received by our office on 03/25/98 is the first such document that I have seen, and I have no knowledge of a corrected version ever being submitted by Mr. Weston.

Mr. Spillettt argues that his transfer applications will not be expansions in the amount of irrigated acres. He states that his "rights are assigned to the entire 120 acres which I own". Apparently, his basis for this statement is that his South Fork of Rock Creek SRBA claims (A41-00008B and A41-00013B) that he filed on 11/28/1989 both claim a 120 acre place of use. However, approved transfer applications #3518 and #3519 (both filed on 12/05/1988 by Mr. Spillettt, and approved via Memorandum and Decision Order dated 09/15/1992) limit Mr. Spillettt's South Fork of Rock Creek Rights to the irrigation of a combined total of 40 acres. This 40 acre limit was established based on historical beneficial use information submitted as applicant's (Mr. Spillettt) exhibit #3 during the hearing(s) for transfer applications #3518 and #3519. Therefore, it appears that the possible expansion issue(s) mentioned in my 03/10/98 memo and letter to Mr. Spillettt still appear relevant.

T # 5263

MAR 25 1998

Department of Water Resources
Southern Region

Box 278
Rockland, ID 83271
phone: (208) 548-2468
March 22, 1998

State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380 (Phone: 736-3033)

Reference: Letter of 3/10/98 - Application to change point of diversion
on South Fork of Rock Creek

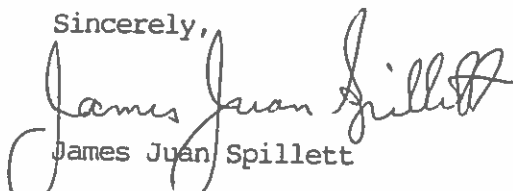
ATTN: Corey Skinner, EIT, Dam Safety Section

I met with Jim Stanton in your office and paid a \$200.00 (#1023) fee for two water transfers on the South Fork of Rock Creek, south of Rockland, Power County on 4/10/96. At that time I also submitted a copy of an "Assignment", wherein Roscoe Weston assigned to me 10 miners inches from his water right in the Jackson Ditch - Water Right #41-00013A (See Enclosed). However, we had made an error in the Water Right # and Mr. Weston thereafter was to submit a corrected copy of the assignment to the Department of Water Resources. I called Mr. Stanton on 5/8/96 and he then informed me that the Department of Water Resources would begin processing, i.e. place notices in local papers, within 24 days. I thought the matter was taken care of.

Basically, I propose to pump 30 miners inches of water out of the South Fork of Rock Creek and sprinkle irrigate lands which previously were flood irrigated through use of a dam and ditch system. This is not an expansion in the total amount of irrigated acres. In fact, my water rights are assigned to the entire 120 acres which I own along the South Fork of Rock Creek. And, during the Snake River Adjudication process, my adjudication fees - assessed by the Department of Water Resources - were on the basis of my entire 120 acres.

I trust that my application will be quickly processed and completed. Please keep me informed.

Sincerely,


James Juan Spillet
Enclosure

ASSIGNMENT

I, Roscoe Weston, do hereby assign to James Juan Spillett 10 miners ^{00013 A} inches from my water right in the Jackson Ditch - Water Right #41-7053- by means of this said assignment, I hereby give James Juan Spillett all rights which I have in the assigned 10 miners inches of water from the Jackson Ditch.

This assignment is effective immediately. And, in consideration of the above assignment, James Juan Spillett has agreed to make an assignment to me of an an equal amount of water (10 miners inches) from his water right in the Adshead Ditch - Water Right #41-0008.

STATE OF UTAH

County of Cache

signed:

H. Roscoe Weston

On this 27th day of September 1995, before me

a Notary Public in and for said County and State,

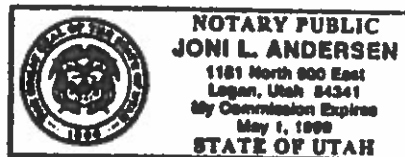
personally appeared H. Roscoe Weston, known to me to be

the person whose name is subscribed to the foregoing instrument

and acknowledged to me he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Joni L. Andersen
NOTARY PUBLIC FOR UTAH
Residing at Logan, UT
My Commission expires: 05/01/99



SUBMITTED
03/25/1998
WITH LETTER
FROM MR. SPILLET.
P. SKINNER

T # 5263

MEMORANDUM

TO: James Spillettt Transfer Files (41-00008E & 41-00013A parts)
FROM: Corey Skinner *CS*
DATE: March 10, 1998
SUBJECT: Staff Review

The two enclosed transfer applications, filed by James Juan Spillettt, seek to modify water rights out of the South Fork of Rock Creek in the Rockland area. One transfer application involves a portion of water right 41-00008E (owned by Mr. Spillettt) and the other application involves a portion of water right 41-00013A (part of SRBA claim A41-00013A claimed by Herbert R and R Scott Weston).

Portions of water right 41-00008 and 41-00013 were involved with water right transfers #3518 and #3519 filed by James Juan Spillettt in December of 1988. Both of these transfer applications were protested, a hearing was conducted, an order was issued, a rehearing was conducted, and eventually a Final Memorandum Decision and Order was issued on 09/15/92 by Gary Spackman. This Final Memorandum Decision and Order outlines the history of Mr. Spillettt's portion(s) of these two rights and ended up approving Mr. Spillettt's proposed transfers. The approval of these two transfers granted Mr. Spillettt a 0.60 cfs portion & 30 acre portion of base right 41-00008 (part E) and a 0.20 cfs & 10 acre portion of base right 41-00013 (part B) that were to be used in a combined 40 acre place of use.

The first of the most recently filed transfer applications proposes taking 0.40 cfs of Mr. Spillettt's portion of water right 41-00008 (part E) and using it in a 52 acre place of use. The second of the most recently filed transfer applications proposes taking a 0.20 cfs portion of water right 41-00013A and using it in the same 52 acre place of use. It appears that there are potential problems with each of these proposals.

The transfer application involving water right 41-00008E appears that it may be an unstacking, and possible expansion, of water rights. The 09/15/92 Final Memorandum Decision and Order combined Mr. Spillettt's portion(s) of right 41-00008 and 41-00013 into a single 40 acre place of use. Mr. Spillettt has proposed taking part of one of these rights, 41-00008E, and moving it to a 52 acre place of use, without addressing the overlapping 41-00013B right. The untransferred portion of right 41-00008E is proposed to be used on the original 40 acre place of use.

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The transfer application involving water right 41-00013A also appears that it may be an unstacking, and possible expansion of water rights. The current place of use for water right 41-00013A (SRBA claim A41-00013A) appears to overlap with groundwater rights L41-07018 and L41-07032, SRBA claim A41-00008D (in the name of Herbert R Weston and R Scott Weston), and possibly SRBA claims A41-00008E and A41-00013C (in the name of Grace Spillett). None of these overlapping water rights and/or claims were addressed in the enclosed transfer application.

The portions of rights 41-00008 and 41-00013 not owned by Juan Spillett or identified in the 09/15/92 Final Memorandum Decision and Order appear to be overclaimed in the SRBA in rate and/or acres. In addition, the portion of water right 41-00013 that is involved with the enclosed transfer application has been claimed in the SRBA by a party (Herbert R Weston and R Scott Weston) other than James Juan Spillett. No proof of ownership, or statement from the owner/claimant (the Westons) was included with the transfer application.

The application involving right 41-00013 mentions a water trade (Part 1, Section 6c) which might help explain the two applications. However, if a trade was made (I assume between Mr. Spillett and the Westons), the Westons should file a transfer application to move the water right they are obtaining from Mr. Spillett. However, as of this date, the Westons have not filed a transfer application to move any of the water associated with the Spillett property.

If the Westons did file a transfer application to help explain the two Spillett applications there would still be potential unstacking and expansion questions. This would be due to the Spillett applications not addressing existing overlapping rights and/or claims and proposing a 52 acre place of use.

However, as it currently stands Mr. Spillett has filed an application that proposes taking a 0.40 cfs portion of water right 41-00008E (0.60 cfs for 30 acres within a 40 acre place of use) and using it on a 52 acre place of use. The untransferred portion of 41-00008E (0.20 cfs) is proposed to be used on the original 40 acre place of use. In addition, the second transfer application filed by Mr. Spillett proposes taking a 0.20 cfs portion of water right 41-00013A without drying up any acres. The portion of water right 41-00013A that is involved with the proposed application has been claimed in the SRBA by a party other than Mr. Spillett and no proof of ownership, or statement from the owner, of this particular right was submitted by Mr. Spillett. Water right 41-00013A currently overlaps other rights and/or claims that are not addressed in the application. In addition, water right 41-00013A appears to be overclaimed in the SRBA.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

March 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

James Juan Spillett
P.O. Box 278
Rockland, ID 83271

Dear Mr. Spillett:

A recent examination of pending applications in our office revealed that two water right transfer applications, filed by you, are still pending. These two applications were filed in April of 1996 in an attempt to modify water rights out of the South Fork of Rock Creek. I have completed the preliminary review of these two applications, and would like to make the following comments for your consideration.

It appears that you have filed a transfer application to modify a portion of a water right that you own (41-00008E), and you have filed an application to modify a portion of a water right (41-00013A) that is owned by Herbert R. Weston and R. Scott Weston.

First of all, in order to transfer a water right, the applicant must provide proof of ownership of the right and/or land from which the water is being transferred. The application involving the portion of water right 41-00013A (apparently owned by the Westons) does not have any documents showing that you own the portion of the right that you are attempting to transfer, or that the Westons have conveyed this right to you, or approve of the proposed transfer. In order for this application to be approved, proof of your ownership of the right and/or land from which the right is being transferred must be included with your application.

In addition, as part of the transfer process, the department can not allow an expansion in the total amount of irrigated acres. Both of the applications that you have submitted propose changing the recorded place of use of the water rights that are involved with the applications. However, you have not proposed to change the existing current place of use for these rights in order to facilitate the proposed changes. For example, on the application involving water right 41-00008E you propose taking 0.40 cfs (of a 0.60 cfs and 30 acre water right) and irrigating a proposed place of use of 52 acres while leaving 0.20 cfs on the unchanged original place of use. A similar situation exists with the proposed transfer on the application involving water right 41-00013A.

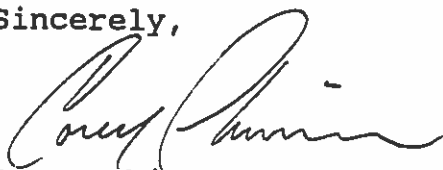
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Our office will continue with the processing of your two applications. The next step in the processing will consist of the preparation of the legal notice for the public notice and protest period. You will be notified when your two applications will be advertised in the local newspaper.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT
Dam Safety Section

cc: Herbert R. Weston and R. Scott Weston