

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78743

This is to certify that: CHAD R COLLINS AND  
JENNIFER A COLLINS  
17052 N MIDSUMMERS LN  
NAMPA, ID 83687

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 63-33517           | WR/DECREED          | 9/29/1978            | 1.820 cfs             | 506.7 af                | N/A               | 112.6              | GROUND WATER  |

Purpose of Transfer (Changes Proposed)

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-33517              | YES          | YES        | YES        | NO             | NO                   | NO                   |

Summary Of Water Rights After the Approved Change

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-33517               | 63-33835                         | 0.060 cfs            | 18.0 af                | 4.0               | 5.1                | 63-33517                           | 1.760 cfs             | 488.7 af                | N/A                         | 108.6                        |
| <b>COMBINED TOTALS</b> |                                  | <b>0.060 cfs</b>     | <b>18.0 af</b>         | <b>4.0</b>        | <b>5.1</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 28<sup>th</sup> day of February, 2014.

  
Western Regional Manager

SUPPORT DATA

IN FILE # 63-33517

Transfer No. 78743

SCANNED  
MAR 27 2014

**WATER RIGHT NO. 63-33517**  
**As Modified by Transfer No. 78743**

In accordance with the approval of Transfer No. 78743, Water Right No. 63-33517 is now described as follows:

**Right Holder:** CARLOS L POST  
 PO BOX 93  
 INDIAN VALLEY, ID 83632

**Priority Date:** 9/29/1978

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.760 cfs             | 488.7 af                |
| STOCKWATER            | 01/01       | to 12/31  | 0.120 cfs             | 6.1 af                  |
|                       |             |           | 1.760 cfs             | 488.7 af                |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER      SWSENE      Sec 36 Twp 06N Rge 03W GEM 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 |        |
| 06N | 03W | 36  | 15.0 | 3.6 | 26.0 | 40.0 |    |    |    |    |    |    |    |    | 24.0 |    |    |    | 108.6  |

POU Total Acres: 108.6

**PLACE OF USE: STOCKWATER**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N | 03W | 36  | X  | X  | X  | X  |    |    |    |    |    |    |    |    | X  |    |    |    |        |

**CONDITIONS OF APPROVAL**

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 04/29/2009.
- Stockwater use is for 500 range cattle.

Transfer No. 78743

**WATER RIGHT NO. 63-33835**  
**As Modified by Transfer No. 78743**

In accordance with the approval of Transfer No. 78743, Water Right No. 63-33835 is now described as follows:

**Right Holder:** CHAD R COLLINS  
 JENNIFER A COLLINS  
 17052 N MIDSUMMERS LN  
 NAMPA, ID 83687

**Priority Date:** 9/29/1978

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.060 cfs             | 18.0 af                 |
|                       |             |           | 0.060 cfs             | 18.0 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SESE                      Sec 36 Twp 06N Rge 03W GEM 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  |        |
| 06N | 03W | 36  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.7 | 3.4 | 5.1    |

Right Acre Limit: 4.0

POU Total Acres: 5.1

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right is limited to the irrigation of 4 acres within the authorized place of use in a single irrigation season.

Transfer No. 78743

**WATER RIGHT NO. 63-33835**

**As Modified by Transfer No. 78743**

**CONDITIONS OF APPROVAL**

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 04/29/2009.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.



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](http://www.idwr.idaho.gov)

March 5, 2014

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

CHAD R COLLINS  
JENNIFER A COLLINS  
17052 N MIDSUMMERS LN  
NAMPA ID 83687

Re: Transfer No. 78743  
Water Right No. 63-33517

### Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note part or all of the water right (one or more rights might apply) in your approved transfer is leased to the Water Supply Bank (Bank). You may not use the right or portion of right leased to the Bank, even if the right is not rented from the Bank. To make the right available for your use, please submit a written request to the Department to change the lease. The Department will verify if the right is rented and not available for your use, or if the lease can be changed to allow your use of the right.

For more information about the Bank and the lease, please contact the Department as follows:

Water Supply Bank Coordinator  
IDWR State Office  
PO Box 83720  
Boise, ID 83720-0098  
(telephone 208-287-4800)

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sommer".

Rachel Sommer  
Administrative Assistant

Enclosures

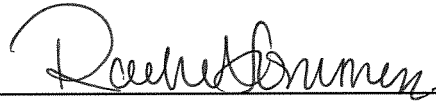
## **CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

**Re: Transfer No. 78743  
Water Right No. 63-33517**

**CHAD R COLLINS  
17052 N MIDSUMMERS LN  
NAMPA ID 83687**

**JENNIFER A COLLINS  
17052 N MIDSUMMERS LN  
NAMPA ID 83687**

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer  
Administrative Assistant**

## EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. Note: the petition must be received by the department within this fourteen (14) day period. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

TO: Transfer No. 78743

FROM: Sharla Curtis

DATE: January 7, 2014

RE: Evaluation of Application

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The transfer proposes to move a 4 acre portion of ground water right 63-33517 from Lot 19 to Lot 6 within High Vista Estates. The transfer also proposes a new well to be located on Lot 6. The site is at the boundary between Canyon and Gem counties on the east side of Little Freezeout Rd.

Contact person for the applicant is Roxanne Brown of SPF Water Engineering LLC.

### Summary of Information Submitted

**Authority to File:** A Notice of Change in Water Right Ownership was filed with the transfer along with an accompanying Warranty Deed demonstrating ownership of Lot 6. A quit-claim deed was also attached which conveyed the water right from the current water right owner of Lot 19 to the applicants. The transfer can be processed with ownership of the split portion going to the applicants.

**Water Right Validity:** Right presumed to be valid because the partial decree was issued within the past five year period.

**Injury to Other Water Rights:** None anticipated.

**Enlargement of Use:** No enlargement will occur; the diversion rates and volumes will remain the same. Total acres will remain the same.

**Local Public Interest:** Irrigation of land attached with subdivision lot whether it be for lawn, garden, pasture, or other such type use is considered to be in the local public interest.

**Beneficial Use/Conservation of Water Resources:**

The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

### Discussion (combine with previous section if prefer)

Data entry affected the correct record. Partial decree was issued & results were migrated to water right records. Overlapping rights are for adjacent lands.

Water Bank issues: the file has been noted for staff to include necessary information in cover letter when Approval documents are mailed. The 4 acre portion being split off is within the leased area of the right. Applicant intends to lease the 4 acre portion to the WSB after the transfer is approved.

### Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 will be used since a new well is proposed.

RECEIVED

JAN 24 2014

WATER RESOURCES  
WESTERN REGION

29512 1030722

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION  
2735 AIRPORT WAY  
BOISE ID 83705

AFFIDAVIT OF PUBLICATION  
STATE OF IDAHO )

County of Canyon )

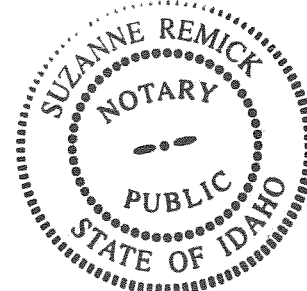
Linda Spencer  
of Nampa, Canyon County, Idaho, being  
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Emmett Messenger-Index, a weekly newspaper published in the City of Emmett, in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:  
01/15/2014 01/22/2014

*Linda Spencer*  
STATE OF IDAHO)  
County of Canyon)

On this 22nd day of January in the year of 2014 before me a Notary Public, personally appeared. Linda Spencer, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

*Suzanne Remick*  
Notary Public for Idaho  
Residing at Canyon County  
My Commission expires 07/25/2018



LEGAL NOTICE

PROPOSED CHANGE OF  
WATER RIGHT

Chad R. & Jennifer A. Collins of 17052 N. Midsummers Ln., Nampa, ID 83687 filed Application No. 78743 to transfer a portion of a water right with a 1978 priority date from ground water totaling 0.06 cfs. The purpose of the transfer is to move a 4 acre portion of water right from Lot 19 to Lot 6 within High Vista Estates and designate a new point of diversion on Lot 6. High Vista Estates is located just north of the Canyon County/Gem County line on the east side of Little Freezeout Rd.

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](http://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 2/3/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

January 15, 22, 2014  
1030722

OK  
2-19-14  
RS