

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78666

This is to certify that: DAVID LAWRENCE AND/OR
VONDA LAWRENCE
PO BOX 445
COUNCIL, ID 83612
AND/OR
DOYLE D LAWRENCE
PO BOX 648
COUNCIL, ID 83612

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>
67-14486	WR/DECREED	6/20/1952	0.054 cfs	N/A	N/A	16.0	COOL CREEK SPRING
67-4152	WR/DECREED	6/20/1950	0.140 cfs	N/A	N/A	N/A	SPRINGS

Purpose of Transfer (Changes Proposed)

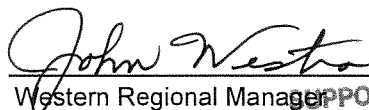
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-14486	NO	NO	YES	NO	NO	NO
67-4152	NO	NO	YES	NO	NO	NO

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>
67-14486	67-14486	0.054 cfs	N/A	16.0	76.0	N/A	N/A	N/A	N/A	N/A
67-4152	67-4152	0.130 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.194 cfs	N/A	16.0	76.0		N/A	N/A	N/A	N/A

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

Dated this 30th day of July, 2013.


Western Regional Manager

SUPPORT DATA
IN FILE # 67-4152

Transfer No. 78666

WATER RIGHT NO. 67-4152**As Modified by Transfer No. 78666**

In accordance with the approval of Transfer No. 78666, Water Right No. 67-4152 is now described as follows:

Right Holder: MERLE A DE HAAS AND/OR
HELEN E DE HAAS
PO BOX 457
COUNCIL, ID 83612

Priority Date: 6/20/1950

Source: SPRINGS

Tributary: COOL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01	to 12/31	0.060 cfs
STOCKWATER	01/01	to 12/31	0.070 cfs
			0.130 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRINGS NWNW Sec 24 Twp 16N Rge 01WADAMS County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	14											X	X					
16N	01W	23					X												

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	14											X	X					
16N	01W	23					X												
16N	01W	23																	

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.

Transfer No. 78666

WATER RIGHT NO. 67-4152
As Modified by Transfer No. 78666

CONDITIONS OF APPROVAL

3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. The quantity of water decreed for this water right is not a determination of historical beneficial use.
7. The quantity of water under this right shall not exceed 13,000 gallons per day.

WATER RIGHT NO. 67-14486**As Modified by Transfer No. 78666**

In accordance with the approval of Transfer No. 78666, Water Right No. 67-14486 is now described as follows:

Right Holder: HELEN E DE HAAS AND/OR
MERLE A DE HAAS
PO BOX 457
COUNCIL, ID 83612
AND/OR
TERRY CAIRNS AND/OR
TWYLA CAIRNS
PO BOX 814
COUNCIL, ID 83612

Priority Date: 6/20/1952

Source: COOL CREEK SPRING

Tributary: WEISER RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

03/15
01/01

to 11/15
to 12/31

To**Diversion Rate**

0.054 cfs
0.040 cfs
0.054 cfs

LOCATION OF POINT(S) OF DIVERSION

COOL CREEK SPRING NWNW Sec 24 Twp 16N Rge 01W ADAMS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	14											7.0	30.0					37.0
16N	01W	23		20.0			19.0												39.0

Right Acre Limit: 16.0

POU Total Acres: 76.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	14											X						
16N	01W	14																	
16N	01W	23		X															
16N	01W	23																	

Transfer No. 78666

WATER RIGHT NO. 67-14486
As Modified by Transfer No. 78666

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. The rights listed below are limited to the irrigation of a combined total of 48.5 acres in a single irrigation season. Combined Right Nos.: 67-11488, 67-11489, & 67-14486.
5. Right Nos. 67-11489 and 67-14486 are limited to the irrigation of a combined total of 32.5 acres in a single irrigation season.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Right Nos. 67-11488 and 67-14486 are limited to the irrigation of a combined total of 32.0 acres in a single irrigation season.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. This right is limited to the irrigation of 16 acres within the authorized place of use in a single irrigation season.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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

July 31, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

VONDA LAWRENCE
DAVID LAWRENCE
DOYLE D LAWRENCE
PO BOX 648
COUNCIL ID 83612

Re: Transfer No. 78666
Water Right No's: 67-4152, 67-14486

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 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 black ink that reads "John Westra". The signature is written in a cursive style, with the first name "John" and last name "Westra" clearly visible. Below the signature, the word "for:" is written in a smaller, handwritten font.

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

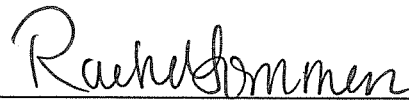
I hereby certify that on July 31, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

Re: Transfer No. 78666
Water Right No's: 67-4152, 67-14486

VONDA LAWRENCE
PO BOX 445
COUNCIL ID 83612

DAVID LAWRENCE
PO BOX 445
COUNCIL ID 83612

DOYLE D LAWRENCE
PO BOX 648
COUNCIL ID 83612

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

Rachel Sommer
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer No. 78666
FROM: Sharla Curtis
DATE: July 23, 2013
RE: Evaluation of Application

See Steve Lester's Notes dated 5/30/13 which are attached as part of the application. These notes explain the purpose of the transfer and the actions to be taken.

Deviations from Transfer Policy Standards

This transfer application will not be advertised.

Summary of Information Submitted

Authority to File: Applicants are owners of record or have provided letter of consent authorizing approval to file the transfer application.

Water Right Validity: Rights presumed to be valid; 67-14486 was decreed within the past five years; 67-4152 can be confirmed by aerial photography for domestic use.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur. The rate of diversion, volume, and number of acres irrigated will remain unchanged.

Local Public Interest: Irrigation of crops along with the raising of stock and domestic uses have always been considered to be in the local public interest for the State of Idaho.

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.

Data entry affected the correct records.

Summary

Contact with the watermaster was made and her recommendation is included in the file.

Rec'd via email
7/12/13

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDATION OF WATERMASTER

Application No: 67-78666

Applicant's Name: David & Vonda Lawrence, Doyle Lawrence

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if conditioned as follows:

 No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions:

- c) I oppose approval of this application for the following reasons:

- d) Additional comments:

Dated this 12 day of July, 2013

Water District No: 67 Brandi S. Horton
Watermaster's signature

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

Curtis, Sharla

From: Curtis, Sharla
Sent: Thursday, July 11, 2013 9:02 AM
To: 'watermaster67@hotmail.com'
Subject: App for Transfer #78666
Attachments: DOC021.pdf

Brandi,

We have a transfer application that we are processing right now for 2 basin 67 rights. The transfer does not require advertising, but Steve Lester wanted me to notify of the filing and get your approval before we send it up for signature. So I've attached a copy of the application for you. Please let me know what your thoughts are on this one at your earliest convenience and we'll proceed from there.

Thanks Brandi.

Sharla Curtis
Sr. Water Resource Agent
Idaho Dept of Water Resources