

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78545**

This is to certify that: JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
4601 W KUNA CAVE RD
KUNA, ID 83634

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>
63-33309	WR/DECREED	1/27/1969	1.030 cfs	315.0 af	N/A	70.0	GROUND WATER
63-7427D	WR/DECREED	1/24/1983	0.760 cfs	171.0 af	N/A	3.0	GROUND WATER
63-7427E	WR/DECREED	1/24/1983	1.990 cfs	476.5 af	N/A	99.3	GROUND WATER
63-7427F	WR/DECREED	1/24/1983	0.310 cfs	41.0 af	N/A	N/A	GROUND WATER
63-7753A	WR/DECREED	4/15/1973	2.120 cfs	702.0 af	N/A	156.0	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>
63-33309	NO	YES	YES	YES	NO	NO
63-7427D	NO	YES	YES	YES	NO	NO
63-7427E	NO	YES	YES	YES	NO	NO
63-7427F	NO	YES	YES	YES	NO	NO
63-7753A	NO	YES	YES	YES	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>
63-33309	63-33309	1.030 cfs	315.0 af	70.0	399.0	N/A	N/A	N/A	N/A	N/A
63-7427D	63-7427D	0.760 cfs	171.0 af	3.0	399.0	N/A	N/A	N/A	N/A	N/A
63-7427E	63-7427E	1.990 cfs	476.5 af	99.3	399.0	N/A	N/A	N/A	N/A	N/A
63-7427F	63-7427F	0.310 cfs	41.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-7753A	63-7753A	2.120 cfs	702.0 af	156.0	399.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.210 cfs	1705.5 af	328.3	399.0		N/A	N/A	N/A	N/A

SUPPORT DATA

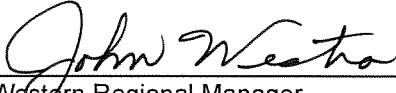
IN FILE # 63-7427D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78545

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 18th day of July, 2013.


Western Regional Manager



WATER RIGHT NO. 63-7753A
As Modified by Transfer No. 78545

In accordance with the approval of Transfer No. 78545, Water Right No. 63-7753A is now described as follows:

Right Holder: JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
 4601 W KUNA CAVE RD
 KUNA, ID 83634

Priority Date: 4/15/1973

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	2.120 cfs	702.0 af
			2.120 cfs	702.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (SWSW)	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	L4 (SWSW)	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	NWSE	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SENE	Sec 17 Twp 01N Rge 01WADA 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	
01N	01W	16									40.0	42.0	41.0	38.0	40.0	40.0	39.0	39.0	319.0
01N	01W	17	40.0			40.0						L 3	L 4	L 5			L 6	L 7	80.0

Right Acre Limit: 156.0
 POU Total Acres: 399.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 156 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. Rights 63-7427D, 63-7427E, 63-7753A and 63-33309 when combined shall not exceed the irrigation of 328.3 acres.
4. 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 April 3, 2009.

Transfer No. 78545

WATER RIGHT NO. 63-7753A
As Modified by Transfer No. 78545

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The following rights are diverted through points of diversion described above: 63-7427D, 63-7427E, 63-7427F, 63-7753A and 63-33309.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

WATER RIGHT NO. 63-7427D**As Modified by Transfer No. 78545**

In accordance with the approval of Transfer No. 78545, Water Right No. 63-7427D is now described as follows:

Right Holder: JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
4601 W KUNA CAVE RD
KUNA, ID 83634

Priority Date: 1/24/1983

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.700 cfs	105.1 af
IRRIGATION	03/15	to 11/15	0.060 cfs	13.5 af
STOCKWATER	01/01	to 12/31	0.700 cfs	52.4 af
			0.760 cfs	171.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	NWSE	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SENE	Sec 17 Twp 01N Rge 01WADA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	16											X	X					
													L 4	L 5					

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	
01N	01W	16									40.0	42.0	41.0	38.0	40.0	40.0	39.0	39.0	319.0
												L 3	L 4	L 5			L 6	L 7	
01N	01W	17	40.0			40.0													80.0

Right Acre Limit: 3.0

POU Total Acres: 399.0

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	
01N	01W	16											X	X					
													L 4	L 5					

Transfer No. 78545

WATER RIGHT NO. 63-7427D
As Modified by Transfer No. 78545

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. Rights 63-7427D, 63-7427E, 63-7753A and 63-33309 when combined shall not exceed the irrigation of 328.3 acres.
4. 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 April 3, 2009.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The following rights are diverted through points of diversion described above: 63-7427D, 63-7427E, 63-7427F, 63-7753A and 63-33309.
7. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 63-7427E
As Modified by Transfer No. 78545

In accordance with the approval of Transfer No. 78545, Water Right No. 63-7427E is now described as follows:

Right Holder: JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
 4601 W KUNA CAVE RD
 KUNA, ID 83634

Priority Date: 1/24/1983

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	1.990 cfs	476.5 af
			1.990 cfs	476.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	NWSE	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SENE	Sec 17 Twp 01N Rge 01WADA 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	
01N	01W	16									40.0	42.0	41.0	38.0	40.0	40.0	39.0	39.0	319.0
01N	01W	17	40.0			40.0						L 3	L 4	L 5			L 6	L 7	80.0

Right Acre Limit: 99.3

POU Total Acres: 399.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 99.3 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. Rights 63-7427D, 63-7427E, 63-7427F, 63-7753A and 63-33309 when combined shall not exceed the irrigation of 328.3 acres.
4. 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 April 3, 2009.

Transfer No. 78545

WATER RIGHT NO. 63-7427E
As Modified by Transfer No. 78545

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The following rights are diverted through points of diversion described above: 63-7427D, 63-7427E, 63-7427F, 63-7753A and 63-33309.
7. This right is appurtenant to land designated as DLE No. I-3377.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 63-7427F
As Modified by Transfer No. 78545

In accordance with the approval of Transfer No. 78545, Water Right No. 63-7427F is now described as follows:

Right Holder: JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
 4601 W KUNA CAVE RD
 KUNA, ID 83634

Priority Date: 1/24/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	01/01	to 12/31	0.310 cfs	41.0 af
			0.310 cfs	41.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	NWSE	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SENE	Sec 17 Twp 01N Rge 01WADA County

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	
01N	01W	16											X	X					
													L 4	L 5					

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The following rights are diverted through points of diversion described above: 63-7427D, 63-7427E, 63-7427F, 63-7753A and 63-33309.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. This right is appurtenant to land designated as DLE I-3377.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 78545

WATER RIGHT NO. 63-7427F
As Modified by Transfer No. 78545

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.



WATER RIGHT NO. 63-33309
As Modified by Transfer No. 78545

In accordance with the approval of Transfer No. 78545, Water Right No. 63-33309 is now described as follows:

Right Holder: JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
 4601 W KUNA CAVE RD
 KUNA, ID 83634

Priority Date: 1/27/1969

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	1.030 cfs	315.0 af
			1.030 cfs	315.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SWSW	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	NWSE	Sec 16 Twp 01N Rge 01WADA County
GROUND WATER	SENE	Sec 17 Twp 01N Rge 01WADA 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	
01N	01W	16									40.0	42.0	41.0	38.0	40.0	40.0	39.0	39.0	319.0
01N	01W	17	40.0			40.0						L 3	L 4	L 5			L 6	L 7	80.0

Right Acre Limit: 70.0

POU Total Acres: 399.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 70 acres within the authorized place of use in a single irrigation season.
2. Rights 63-7427D, 63-7427E, 63-7753A and 63-33309 when combined shall not exceed the irrigation of 328.3 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The following rights are diverted through points of diversion described above: 63-7427D, 63-7427E, 63-7427F, 63-7753A and 63-33309.

Transfer No. 78545

WATER RIGHT NO. 63-33309
As Modified by Transfer No. 78545

CONDITIONS OF APPROVAL

5. 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 April 11, 2007.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.



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
Interim Director

July 18, 2013

JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
4601 W KUNA CAVE RD
KUNA ID 83634

Re: Transfer No. 78545
Water Right No's: 63-7427D , 63-7427E , 63-7427F , 63-7753A , 63-33309

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.

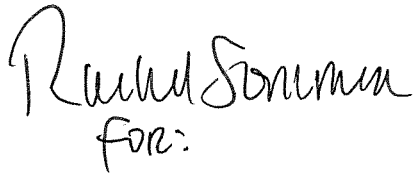
If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office 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,



Rachel Sommer
for:

John Westra
Western Regional Manager

Enclosure

CC: SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

CERTIFICATE OF SERVICE

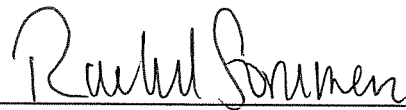
I hereby certify that on July 18, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

Re: Transfer No. 78545

Water Right No's: 63-7427D , 63-7427E , 63-7427F , 63-7753A , 63-33309

**JAMES & MARIA A SLEGGERS REVOCABLE LIVING TRUST
4601 W KUNA CAVE RD
KUNA ID 83634**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

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. 78545
FROM: Kay Walker *KW*
DATE: May 23, 2013 (Revised July 10, 2013)
RE: Evaluation of Application

The transfer proposes to change the place of use of ground water rights to a permissible place of use, add a point of diversion and correct locations of points of diversion that had been recorded wrong.

The site is located on the west side of Black Cat Rd., south side of Kuna Cave Rd., 1 mile north of West Nicholson Road and 2 miles east of Swan Falls Rd.

Contact person for the applicant is Lori Graves of SPF Water Engineering, 300 E. Mallard Dr., Suite 350, Boise, ID, 83706, and phone: 383-4140.

Deviations from Transfer Policy Standards

This application was submitted in good form. The total number of acres shown on page 2 of the application (for Section 16) is incorrect. The application shows these rights add up to 199 acres but actually they add up to 319 acres within this section. The total number of acres for the system is correct.

The application describes 4 wells that will be utilized under this system. They described one of the wells as being incorrectly listed in our records. Our well construction expert was consulted and was going to be in this area so he went out and GPS'd the wells in question. This newly acquired information will be useful in determining the correct location of the wells.

Summary of Information Submitted

Authority to File:

Applicant is the current water right holder. They submitted deeds showing ownership of all the lands under this application due to a name change to a family trust.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period with the exception of decree of Rt. 63-33309. Rt. 63-33309 was decreed in April of 2007 but went through a transfer review in June of 2010 so forfeiture is not a question within this transfer.

Injury to Other Water Rights:

There should be no injury to other rights since the applicant is not requesting more quantity or volume from the rights as they were decreed.

Enlargement of Use:

No enlargement should occur. The applicants propose creating a permissible place of use where in a limit of their irrigated acres to those decreed under the rights will be in place. They propose to add 80 acres of land that has not previously been irrigated; however, if the rights are conditioned correctly the additional acreage should not cause enlargement.

Local Public Interest:

It is within the local public interest to allow water users to integrate their irrigation systems and reflect the current uses of their water rights on paper.

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

Data entry affected the correct record. Each of these rights was decreed in the SRBA. The rights had all been migrated into water right records and are in good standing.

There are no overlapping rights at existing &/or proposed place of use that are not owned by the applicant. There is no point of diversion overlap other than the wells operated by the applicant.

In review of the conditions of the rights, it is noticed that they had conditions pertaining to prior transfer approvals. We recommend removal of these conditions because they are no longer applicable under this new proposal.

Water Bank issues include the lease of portions of two of the rights in the transfer application. The applications have been processed by the state office pursuant to phone conversation this morning. They are not listed on the public web site as being available for rental but other queries of the data base indicates they are leased to the bank.

This application falls within the South Ada County Ground Water area, however, because it does not request additional water and the wells under the application

are developed, there is no reason to hold up the processing due to the concern area.

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 N/A since a new well is not proposed. The well in the SENE, Sec. 17, was completed yesterday when our well construction expert was in the area and GPS'd the well.

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

JUN 17 2013

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000645590	LEGAL NOTICE	SLEGERS	\$80.55	1	43

Attention: RACHEL SOMMER

IDAHO DEPT WATER RESOURCE/ WEST
2735 AIRPORT WAY
BOISE ID 83705

LEGAL NOTICE PROPOSED CHANGE OF WATER RIGHTS

**James and Maria A Slegers
Revocable Living Trust** of 4601
West Kuna Cave Rd., Kuna, ID,
83634 filed Application No.
78545 to transfer 5 water rights
with 1969 to 1983 priority dates
from ground water totaling 6.21
cfs. The purpose of the transfer is
to change a point of diversion, add
a point of diversion and change
the place of use. Water will be
used at the current place of use
on the west side of Black Cat Rd.,
south side of Kuna Cave Rd., 1
mile north of West Nicholson Rd.
and 2 miles east of Swan Falls
Road.

For additional information con-
cerning the property location, con-
tact 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 pro-
posed change must be filed with
the Director, Dept. of Water Re-
sources, Western Region, 2735
Airport Way, Boise, ID 83705 to-
gether with a protest fee of
\$25.00 for each application on or
before 6/24/2013. The protestant
must also send a copy of the pro-
test to the applicant.

GARY SPACKMAN, Director

Pub. June 6,13, 2013

0000645590-01

JANICE HILDRETH, being duly
sworn, deposes and says: That
she is the Principal Clerk of The
Idaho Statesman, a daily
newspaper printed and
published at Boise, Ada County,
State of Idaho, and having a
general circulation therein, and
which said newspaper has been
continuously and uninterruptedly
published in said County during
a period of twelve consecutive
months prior to the first
publication of the notice, a copy
of which is attached hereto: that
said notice was published in The
Idaho Statesman, in conformity
with Section 60-108, Idaho
Code, as amended, for:

2 Insertions

Beginning issue of: 06/06/2013

Ending issue of: 06/13/2013

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 13 day of June in the
year of 2013 before me, a Notary
Public, personally appeared
before me Janice Hildreth known
or identified to me to be the
person whose name subscribed
to the within instrument, and
being by first duly sworn,
declared that the statements
therein are true, and
acknowledged to me that she
executed the same.

Heather Harradine

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

2/08/2014

