

RECEIVED

OCT 30 2012

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) ROBERT & JULIA WHITING Phone _____
2. MAILING ADDRESS 6122 W. DRY CREEK ROAD City BOISE
State IDAHO Zip 83714 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see *fee schedule*.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-32713

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.09 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5N	2E	31			SE	NW	ADA	GROUNDWATER	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well & pump on Applicant's property in SENW, T.5N, R.2E, SEC. 31; existing piping in place on POU will continue to deliver water to the POU when connected to new well and pump on POU

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

Yes No

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

If yes, describe _____

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

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


 Signature of applicant or authorized agent

ROBERT WHITING
 Print name and title if applicable

10/17/2012
 Date


 Signature of applicant or authorized agent

JULIA WHITING
 Print name and title if applicable

10/17/2012
 Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes 4 pages of attachments. Received by MP Date 10/30/12
 Fee paid 200.00 Date 10/30/12 Received by MP Receipt # N040683
 Preliminary review completed by Angela M. Quinn Date 1/15/2013

Attachment A (3 pg)

Transfer No. 18258

RECEIVED

JAN 16 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 15 2009	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Water Right: 63-32713
) (Whiting)
)
) ORDER OF PARTIAL DECREE
)
)
)

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, Part III, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendations for water right 63-32411.

On July 20, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court that water right 63-32411 had been split into water rights 63-32711, 63-32712, 63-32713, 63-32714 and 63-32715. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

January 15, 2009

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

A.

ATTACHMENT A

TRANSFER NO. 78258

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-32713

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 15 2009	
By _____	Clark
_____	by Clerk

NAME AND ADDRESS: JULIA WHITING
ROBERT WHITING
6122 W DRY CREEK RD
BOISE, ID 83714

SOURCE: GROUND WATER

QUANTITY: 0.09 CFS
45.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 63-32706, 63-32707, 63-32708,
63-32709, 63-32710 IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF .98 CFS.

PRIORITY DATE: 07/14/1959

POINT OF DIVERSION: T05N R02E S31 SENWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.09 CFS 45.00 AFY

PLACE OF USE: Irrigation T05N R02E S31 SENW 0.9 Within Ada County
10.0 Acres Total SENW 9.1

USE OF THIS RIGHT WITH RIGHT NOS. 63-32706, 63-32707, 63-32708,
63-32709, 63-32710 IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 49.1 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Nelanson
Presiding Judge of the
Snake River Basin Adjudication

A2

Transfer No. 78258

2009 JAN 15 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 63-32713

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-32713 was mailed
on January 15, 2009, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JULIA WHITING
ROBERT WHITING
6122 W DRY CREEK RD
BOISE, ID 83714

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/15/09

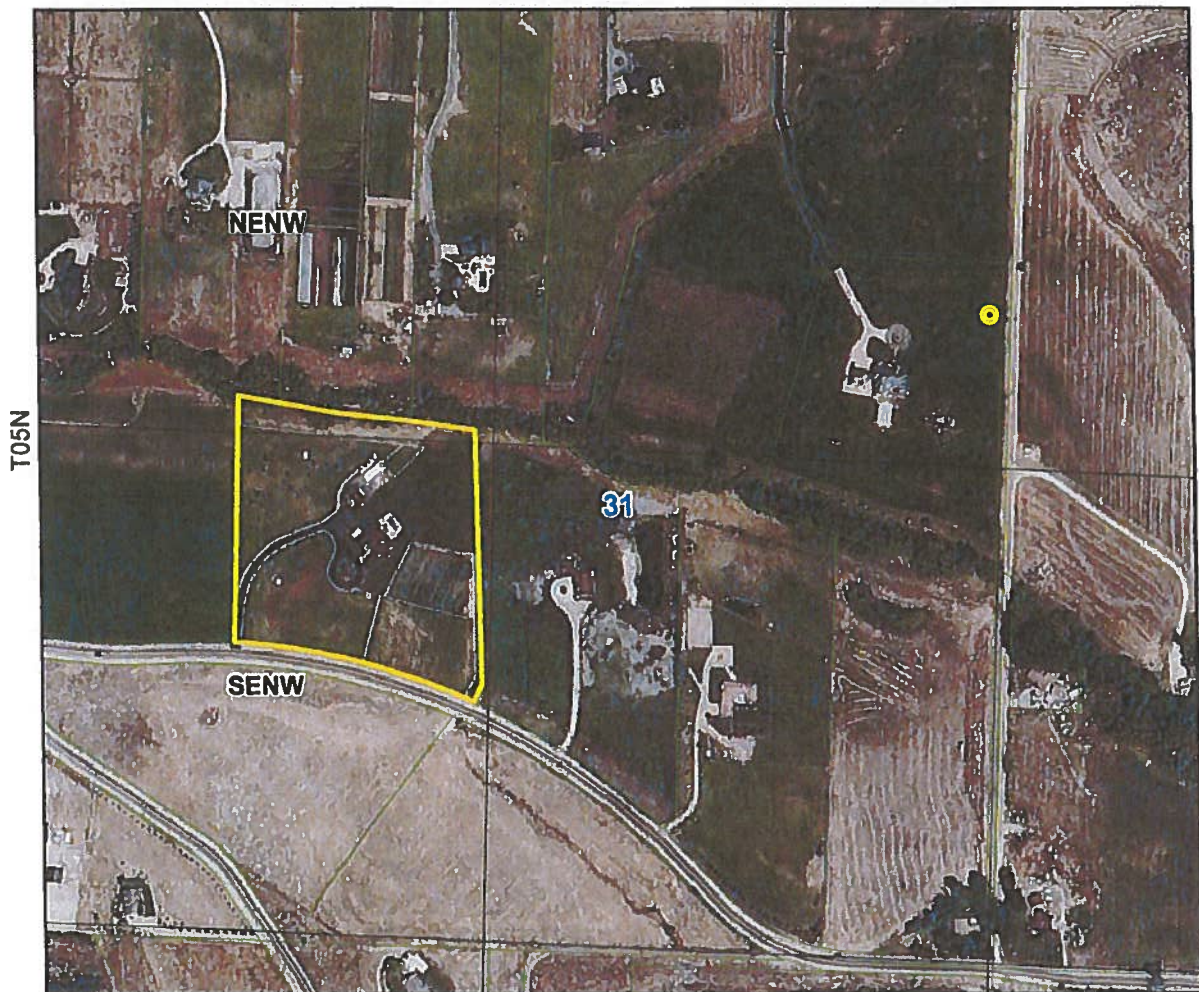
A₃

State of Idaho
Department of Water Resources**Water Right****63-32713**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

R02E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.05 0.1 0.2 Miles



Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, February 14, 2013 6:58 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Legal Ads
Attachments: Ada Cover Letter.docx; Ada Combined Ad.docx

Good Morning Janice Hildreth,

Please see the attached ad for publication on 2/21/13 & 2/28/13.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant

IDWR, Western Region

Office: 208-334-2190

Fax: 208-334-2348

rachel.sommer@idwr.idaho.gov

February 14, 2013

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 78258
Permit No's: 63-33639, 63-33698 & 63-33700.

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/11/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33639

SNAKE RIVER DAIRIES LLC
15188 S CAN ADA RD
MELBA, ID 83641
Point of Diversion SESE S20 T01S R01W ADA County Source GROUND WATER
Point of Diversion NWNW S29 T01S R01W ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.95 CFS
Total Diversion: 1.95 CFS
Date Filed: 4/4/2012
Place Of Use: IRRIGATION
T01S R01W S20 NESE NWSE SWSE SESE
T01S R01W S29 NENE NWNE
Total Acres: 168
Water bearing zone to be appropriated is from 150 to 706 feet.

63-33698

EAGLE FM GROUP CPB OF THE LDS CHURCH
ATTN ROB BUCHANAN
PO BOX 609
EAGLE, ID 83616
Point of Diversion SESE S31 T04N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 9/12/2012
Place Of Use: IRRIGATION
T04N R01E S31 SESE
Total Acres: 2.5
Water bearing zone to be appropriated is from 205 to 250 feet.

63-33700

VICTOR COOK
TRACY COOK
12509 W ABLE DR
STAR, ID 83669
Point of Diversion L4(SWSW) S31 T05N R01W ADA County Source GROUND WATER
Use: COMMERCIAL 01/01 to 12/31 0.12 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Use: STOCKWATER 01/01 to 12/31 0.01 CFS
Total Diversion: 0.12 CFS
Date Filed: 9/24/2012
Place Of Use: IRRIGATION
T05N R01W S31 L4(SWSW) SESW
Place Of Use: DOMESTIC
T05N R01W S31 SESW
Place Of Use: STOCKWATER
T05N R01W S31 L4(SWSW) SESW
Place Of Use: COMMERCIAL
T05N R01W S31 L4(SWSW) SESW
Total Acres: 4.9
Water bearing zone to be appropriated is from 312 to 342 feet.

PROPOSED CHANGE OF WATER RIGHT(S)

Robert and Julia Whiting of 6122 W. Dry Creek Rd. filed Application No. 78258 to transfer one water right with a 1959 priority date from ground water totaling 0.09 cfs. The purpose of the transfer is to change the point of diversion to a new well on the applicant's property. Water will be used at the current place of use on the north side of W. Dry Creek Rd. approximately one tenth of a mile east of the intersection of N. Seamans Gulch Rd. and W. Dry Creek Rd.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) 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 3/11/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/21/2013 and 2/28/2013

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON
SARAH W. HIGER



1010 W Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

Albert P. Barker
apb@idahowaters.com

October 29, 2012

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RECEIVED
OCT 30 2012
WATER RESOURCES
WESTERN REGION

Re: Application for Transfer

Department:

Attached is an Application for Transfer of Water Right – Point of Diversion for Applicants Robert & Julia Whiting along with our check in the amount of \$200 for your transfer fee (0.09 cfs). We are appearing on behalf of the Whitings. Please let us know if you have any questions or problems with this transfer.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Albert P. Barker

APB/se
Enclosures

MEMORANDUM

TO: Transfer No. 78258

FROM: Angela Grimm

DATE: January 31, 2013

RE: Evaluation of Application

The transfer proposes to change the point of diversion for supplemental right 63-32713 from the subdivision irrigation well to a proposed well on the applicant's property.

The site is Lot 7 Blk 1 of Echanove Ranch Subdivision No. 1, on the north side of W Dry Creek Rd approximately 1/10th of a mile east of the intersection of N Seamans Gulch Rd and W Dry Creek Rd.

Contact person for the applicant is **Albert Barker, Barker Rosholt & Simpson LLP**.

Summary of Information Submitted

Authority to File: The applicant is the owner of record for the right proposed for transfer. As the owner of record, the applicant has authority request the proposed change to the right.

Water Right Validity: Right presumed to be valid because the partial decree was issued 1/15/2007, within the past five year period.

Injury to Other Water Rights: The proposed and existing wells are within the Basin 63 Ground Water Restricted Area, within which ground water 200 ft and shallower is considered tributary to the fully appropriated reach of the Boise River. No well log information was found for the existing point of diversion, but the parent right license (63-3162) records indicated the well may be as much as 1,000 ft deep. The applicant's domestic well diverts water from approximately 200 ft to 224 ft. It is likely the proposed irrigation well will be drilled deeper than 200 ft. However, to avoid injury to senior Boise River water rights, the applicant has agreed to a condition stating the well will be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 ft or more below ground surface (per correspondence). As a ground water right, use of the proposed well is subject to reasonable pumping level provisions of I.C. § 42-226. There are a few domestic wells in fairly close proximity to the proposed well in this area of no known ground water shortages. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is not likely the proposed PD addition will impact ground water supply in the area. Injury should not occur under this proposal provided use of the new well does not interfere with nearby wells.

Enlargement of Use: The diversion rate and annual diversion volume will not increase as a result of this transfer. The right proposed for transfer was developed as a supplemental right to surface water use from Dry Creek. Currently, the applicant's surface water right (63-32708) and ground water right (63-32713) are delivered as part of the subdivision's irrigation system. Dry Creek water is diverted to a pond from which a pressurized irrigation system delivers water to the applicant and other users. When there is no more water available from Dry Creek, ground water

is pumped into the same pond and delivered via the same system for irrigation. The applicant is proposing to maintain use of surface water right 63-32708 via sustained connection to the subdivision's existing system. Then, when surface water is no longer available, the applicant proposes to close a valve between his irrigation line and the subdivision's system before turning on their own irrigation well. So long as the applicant maintains use of this supplemental right in the same manner it has historically been used, as is proposed, no enlargement should occur.

Local Public Interest: Allowing the applicant to drill their own irrigation well to replace personal use from the historic subdivision well in a more efficient diversion system serves 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

Data entry affected the water right record of right 63-32713 (Right ID 612698). This right was decreed in the SRBA, the results of which were migrated to the water right record prior to data entry of this transfer.

The current POD supplies supplemental ground water for the subdivision's irrigation system. The parent right (63-3162) has been split numerous times via ownership change filings. The current POD serves the following rights: 63-31740, 63-32412, 63-32413, 63-32414, 63-32416, 63-32417, 63-32639, 63-32640, 63-32712, 63-32713 (applicant's), 63-32714, 63-32715, 63-33246, and 63-33247. The proposed POD for right 63-32713 will be a brand new irrigation well, thus there are no overlapping rights. Right 63-32713 along with surface water right 63-32708 authorize irrigation of the POU. The subdivision's irrigation system delivers the following surface water rights: 63-32403, 63-31738, 63-32404, 63-32405, 63-32407, 63-32408, 63-32637, 63-32638, 63-32707, 63-32708 (applicant's), 63-32709, 63-32710, 63-33243, and 63-33244. All of the rights (surface water and ground water) delivered from the subdivision system are combined in a single condition limiting diversion to 2.78 cfs and irrigation to 139 acres, based on combined limit of parent rights 63-4849 (Dry Creek) and 63-3162 (ground water). 63-4849 authorized diversion of 2.78 cfs for irrigation of 139 acres. Right 63-3162 was licensed for diversion of 1.5 cfs, 625.5 afa for irrigation of 139 acres with a condition limiting diversion of the right with 63-4849 to 2.78 cfs for 139 acres. Considering the nature of these rights, it is not possible to remove the ground water right (63-32713) from the combined use limiting condition unless the surface water right (63-32708) is also removed. The applicant proposes to continue to receive his surface water through the subdivision system. Therefore, the transfer approval has been drafted to retain this combined use limit condition, despite removing the applicant's ground water right from the system.

Right 63-32713 currently has two conditions (one for rate and one for acres) that list a subset of the larger list of rights previously mentioned. It appears these two conditions were generated as a result of an ownership change. Quantitatively, these conditions do not limit the use any differently than the larger complete system combined use limit. Therefore, to clarify the record, these conditions have been removed in the draft transfer approval.

Currently, right 63-32713 does not have standard supplemental right conditions, despite being developed as such. To clarify the record, these conditions have been added to the record in the draft transfer approval.

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 is applicable since a new well is proposed.

Grimm, Angie

From: Grimm, Angie
Sent: Monday, February 11, 2013 9:58 AM
To: Barker, Albert
Subject: RE: Whiting transfer

Good morning Al!

Thank you for your email response of Jan 31, 2013. I have everything I need to continue processing the Whiting transfer. It's prepped and should be advertized, barring any unforeseen problems, the last two weeks in February (2/21 & 2/28) with a protest deadline set for March 11. Please let me know if you have any other questions.

Sincerely,

Angela M. Grimm, P.G.
Water Resource Agent, Sr.
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208)334-2190 phone
(208)334-2348 fax

-----Original Message-----

From: Albert Barker [<mailto:apb@idahowaters.com>]
Sent: Saturday, February 09, 2013 3:44 PM
To: Grimm, Angie
Subject: RE: Whiting transfer

Did this give you everything you need to process this transfer? If not let me know what else I can provide.

Albert P. Barker
Barker Rosholt & Simpson LLP
(208) 336-0700

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

-----Original Message-----

From: Albert Barker
Sent: Thursday, January 31, 2013 9:35 AM
To: angie.grimm@idwr.idaho.gov
Subject: Whiting transfer

Angie

Thank you for speaking with me yesterday. I have consulted with Mr Whiting, and he agrees that (1) the well will be constructed to a depth of greater than 200 feet, so the condition proposed in your letter is acceptable.
(2) the groundwater right will remain supplemental to the surface water right. He will remain connected to the community system during the time that surface water is available and

will switch to the well, when it is not. He will install the necessary valves to control the flows as required.

I think this covers the outstanding issues. Mr Whiting would appreciate the department's efforts to process the application as soon as possible.

Please let me know if you have any questions.

Thank you.

Albert Barker

Sent from my iPad

Grimm, Angie

From: Albert Barker [apb@idahowaters.com]
Sent: Thursday, January 31, 2013 9:35 AM
To: Grimm, Angie
Subject: Whiting transfer

Angie

Thank you for speaking with me yesterday. I have consulted with Mr Whiting, and he agrees that (1) the well will be constructed to a depth of greater than 200 feet, so the condition proposed in your letter is acceptable.

(2) the groundwater right will remain supplemental to the surface water right. He will remain connected to the community system during the time that surface water is available and will switch to the well, when it is not. He will install the necessary valves to control the flows as required.

I think this covers the outstanding issues. Mr Whiting would appreciate the department's efforts to process the application as soon as possible.

Please let me know if you have any questions.

Thank you.

Albert Barker

Sent from my iPad



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

January 24, 2013

COPY

Robert & Julia Whiting
c/o Barker Rosholt & Simpson LLP
Attn: Albert P. Barker
P.O. Box 2139
Boise, ID 83701-2139

Re: Application for Transfer No. 78258 – WR #63-32713

Dear Mr. Barker:

This office received the above referenced application. Upon review of the application, there are areas of the application that require clarification and/or completion. Please submit additional information addressing the following points:

- An amended map showing the proposed well location.
- The water bearing zone for the existing well and the proposed well. This is needed to determine if either well does or will intercept ground water shallower than 200 ft. That shallow ground water is considered tributary to the fully appropriated reach of the Boise River.

I was unable to find the well log for the existing well, but file information indicates the well was at one time over 1,000 ft. deep. If well construction information for that well is not available, potential injury to existing water rights in this area may be avoided if the new well is constructed to prevent diversion of shallow ground water. Please confirm your client is willing to accept the following condition on the right if the transfer is approved:

To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 ft or more below ground surface.

Additionally, senior Dry Creek right 63-32708 along with right 63-32713 are considered part of a co-mingled surface water and ground water system serving the Echanove Ranch Subdivision. This suggests two options for the applicant. One, the ground water right must continue to be used for supplemental irrigation, which would entail adding the surface water right to the application based on the applicant developing a co-mingled system separate from the one now serving the

Whiting
January 24, 2013
Page 2 of 2

subdivision. Two, the applicant could provide information to quantify the historical beneficial use of ground water to determine the amount of ground water transferrable for primary irrigation use.

Prior to becoming director, Gary Spackman wrote a letter confirming the primary surface water and supplemental ground water relationship for this site. This concerned transfer applications withdrawn in 2001. The letter is available on the department website under right 63-3162.

Please submit the requested information for the application to be processed. Your response, or a request for more time to make your response, must be received within the next sixty (60) days. The application will be rejected without a timely written reply. Refunds are not issued for rejected applications.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Angela M. Grimm". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

MEMORANDUM

TO: Right 63-32713 File

FROM: Angela Grimm 

DATE: January 22, 2013

RE: Transfer 78258 Application Conversation with WR Owner

On January 14, 2013, I received a call from Bob Whiting regarding the status of Transfer 78258. I returned Mr. Whiting's call on January 15, 2013, at which time I asked him a few questions (with his permission) regarding his transfer application/proposed change of POD;

1. Do you plan to drill a new well or use your existing domestic well at the POD for right 63-32713? Mr. Whiting stated he intends to have a new well drilled by Coonse Well Drilling in February 2013 for a dedicated irrigation well associate with right 63-32713. Mr. Whiting also stated he plans to connect the new well to the existing lines (sprinkler system), but disconnect and/or install an anti-backflow device to separate his new irrigation well from the current irrigation system/source.
2. Where (spatially) is the new POD to be drilled? Mr. Whiting stated the well will be in the north right hand side/corner of property, approximately 30 ft from the north edge of the property and approximately 10 ft from the riparian ditch along west edge of property. Location described within the 40 acre-tract described on the transfer application form. Exact location to be confirmed via Well Driller's Log once well constructed.

Mr. Whiting stated I could call him if I have any more questions.

On January 16, 2013, I called Mr. Whiting to ask a few more questions regarding the current system use and proposed future use:

1. Do you plan to sever your connection and use of water from the current system completely? Mr. Whiting stated he does plan to sever from the system if he can.
2. How do you plan to use the surface water right (63-32708 Dry Creek source) for irrigation? Mr. Whiting stated he does not plan to divert water from Dry Creek for irrigation unless he has to.
3. How does the current system operate/divert water from Dry Creek and groundwater? Mr. Whiting stated Dry Creek water is diverted via ditch to pond up until no more water in Dry Creek, typically by end of June each year. Ground water is diverted into same pond to supplement surface water. From pond, water pumped via pressurized lines to lots for irrigation. Mr. Whiting stated less and less water is diverted from Dry Creek each year due to issues of cleaning up ditches, flooding property, etc. Also, current well not producing enough water to fulfill all water rights/users on the system.
4. Asked Mr. Whiting if he recalls receiving and/or submitting a Resumption of Use form for the rights. Mr. Whiting said he recalls the form(s)/Extension of Forfeiture process (his wife is the secretary for the home owners association and she remembers it) and stated he submitted a Resumption of Use form.

Lester, Steve

Angie

From: Skaggs, Pam
Sent: Monday, January 07, 2013 9:51 AM
To: Fritschle, Carter
Cc: Strickland@idahowaters.com; Lester, Steve
Subject: RE: Status Transfer 78258 -Right 63-32713

Carter,

This transfer was recently added to the new Transfer workflow process & assigned Transfer #78258. Apparently no further action has occurred since the Data Entry flag is still active & showing the status of the transfer record as "Active-DATA ENTRY INCOMPLETE". The transfer will be processed in turn at our Western Region office. When the application has been reviewed & is prepared for advertising the applicant will be notified.

Pam

Pam Skaggs
WR Supervisor
287-4951

attorney

From: Fritschle, Carter
Sent: Monday, January 07, 2013 9:26 AM
To: Skaggs, Pam
Cc: Strickland@idahowaters.com
Subject: FW: Transfer Status 63-32713

Pam,

I am not seeing anything in Docs concerning the most recent transfer. Do you have a way of finding out just where 63-32713 is in the process?

Thanks, Carter

From: Sharon Strickland [mailto:strickland@idahowaters.com]
Sent: Monday, January 07, 2013 8:23 AM
To: Fritschle, Carter
Subject: Transfer Status 63-32713

Hi Carter – I'm trying to find out the status of a transfer application filed in August on the above-referenced right for our client, Whiting. It's a simple change in POD and website search indicates "data entry not complete." Can you please advise where this transfer application stands?

Thanks for your help, as always!

Sharon Strickland, CLA
BARKER ROSHOLT & SIMPSON, LLP
strickland@idahowaters.com
208-934-4147