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FEB 02 2012

42-222 POD
03/2011WATER 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 change1. APPLICANT(S) John W Jones Phone 834-21552. MAILING ADDRESS 17864 Breana Sp Rd City MurphyState ID Zip 83650 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.☐ 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) A57-00041A☒ 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 0.68 cubic feet per second and/or 0.68 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 #
4S	1E	30	2				Owyhee	Pickett Creek	
04S	1W	24		NE	SW	SW	Owyhee	" "	

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:

Pump

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

John W Jones
Signature of applicant or authorized agent

John W Jones 2-3-12
Print name and title if applicable Date

Signature of applicant or authorized agent

Print name and title if applicable

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 2 pages of attachments. Received by JE Yu MP Date 2/2/12
Fee paid \$000 Date 2-2-12 Receipted by MP Receipt # W039882
Preliminary review completed by Vicki MUSIC Date 2-9-11

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-41A

WATER RIGHT NUMBER: 57-41A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN WILLIAM JONES 17864 OREANA LOOP RD MURPHY, ID 83650-5054 (208)834-2155
Current Owner	BARBARA SUSAN JONES 17864 OREANA LOOP RD MURPHY, ID 83650-5054 (208)834-2155

Priority Date: 02/14/1870

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PICKETT CREEK	CATHERINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	0.680 CFS	
<u>Total Diversion:</u>		0.680 CFS	

Location of Point(s) of Diversion

PICKETT CREEK	NE1/4SW1/4SW1/4	Sec. 24, Twp 04S, Rge 01W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	30							28.0										28.0
									L 2										

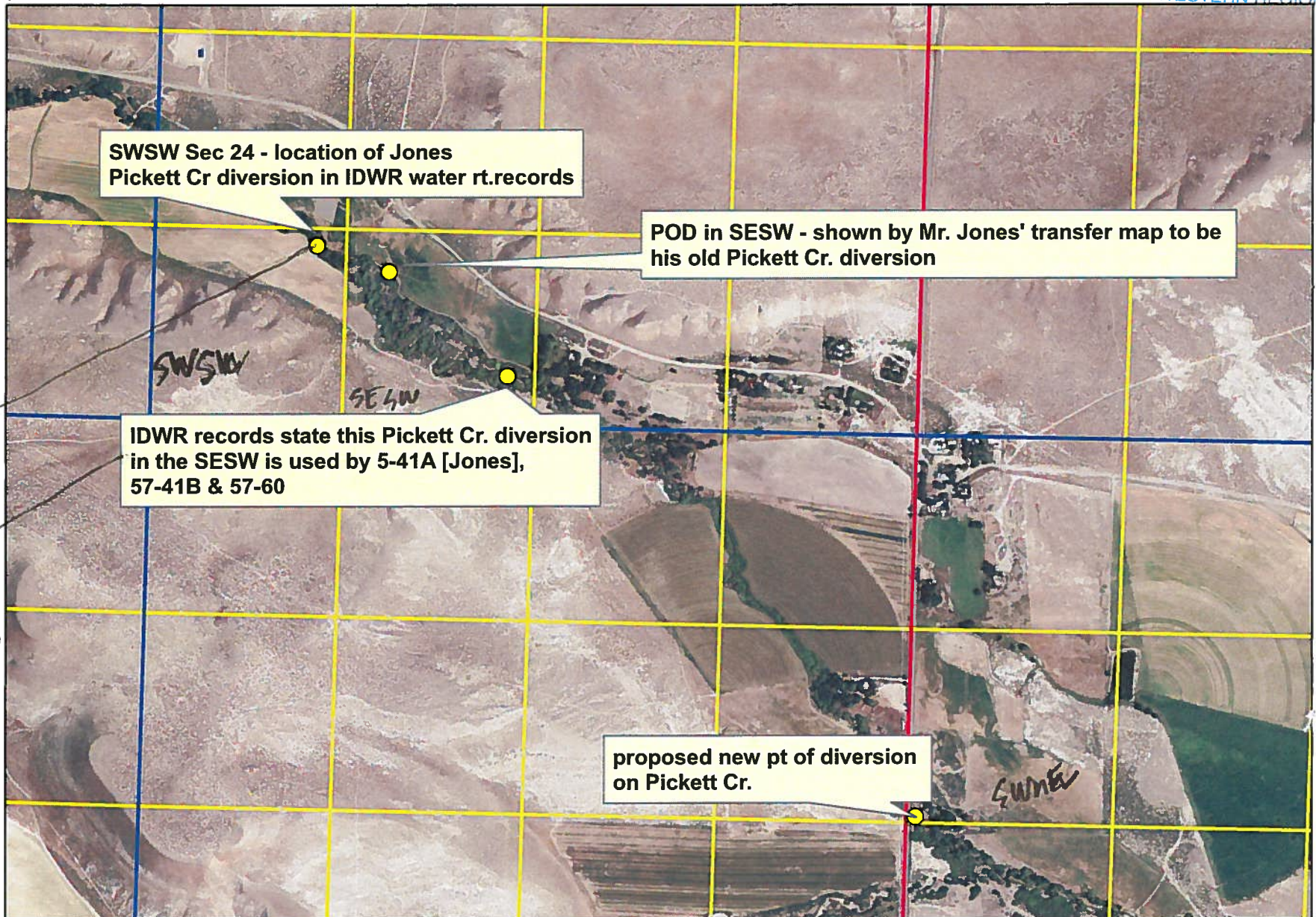
Total Acres: 28

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 57-04025 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 57-04025 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION RATE OF 0.74 CFS.
3. RIGHT NOS. 57-00041B AND 57-00060 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

MAR 01 2012

WATER RESOURCES
WESTERN REGION



57-41A regarding possible discrepancy in location and legal description of point of diversion

RECEIVED

MAR 01 2012

WATER RESOURCES
WESTERN REGION

RIW

RIE

Historical
POD

Elates Creek

SWNW 5.24

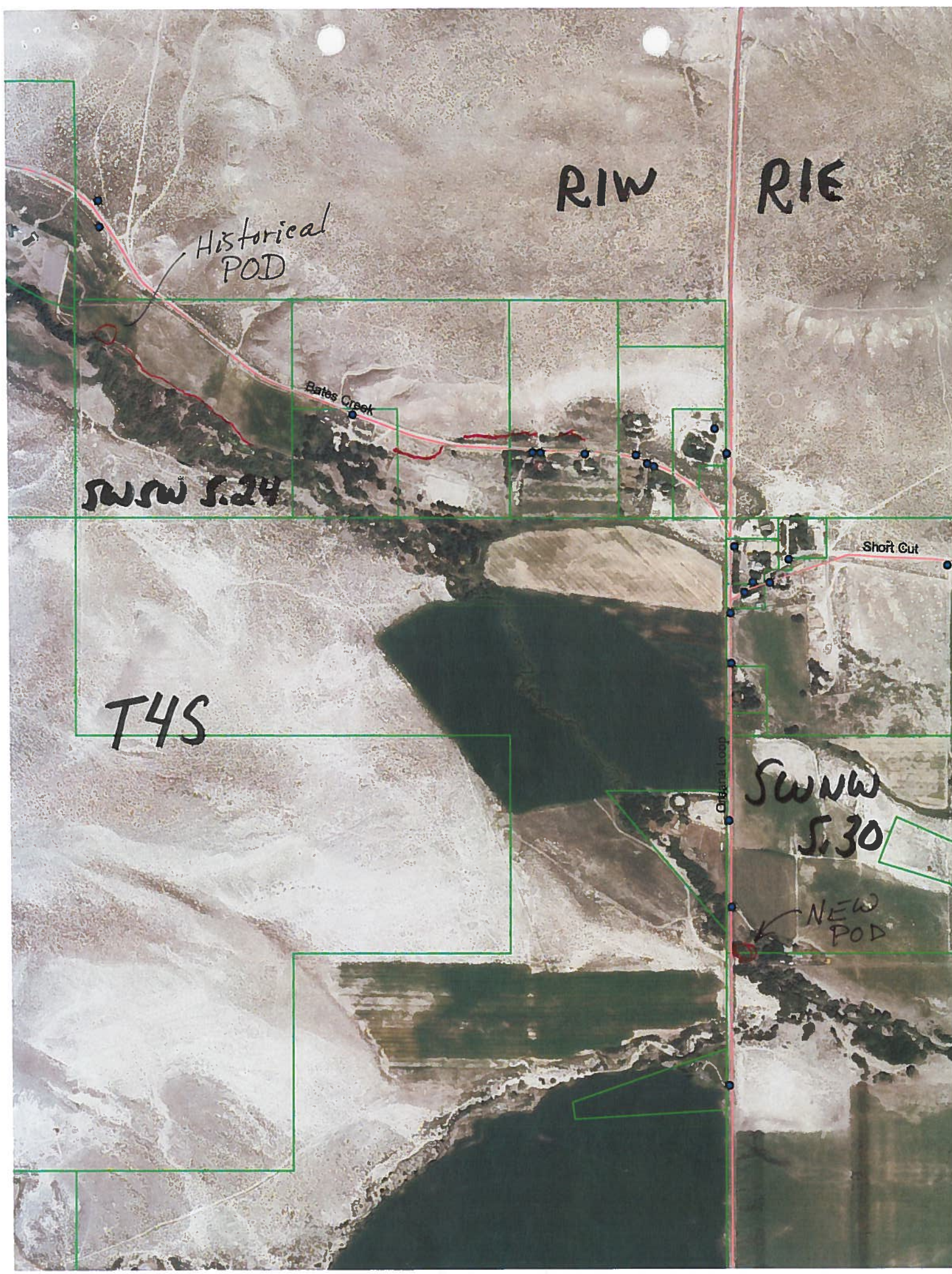
T4S

Short Cut

SWNW
5.30

NEW
POD

Orleans Loop





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

March 1, 2012

ROHL HIPWELL, WATERMASTER #57B
18125 OREANA LOOP RD
OREANA ID 83650

Re: Application for Transfer No. 77749

Dear Watermaster:

Attached are copies of one or more water right applications that may be of interest to you.

Please complete the recommendation form(s) and submit your reply within the next 30 days. Your prompt response to this request is appreciated so that your recommendation can be considered during department review of the application(s).

Without your reply by that time, the department will presume you do not oppose approval of the application(s) and that you have no comments to be considered.

However, possible approval of the application(s) will include conditions of approval about standard controls for uses in your water district (lockable, measureable diversion works, etc).

Please contact me at 208-334-2190 if you have any questions regarding the application(s). Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Enclosure Copy of Applications(s)
Watermaster Recommendation Form(s)

Lester, Steve

From: Lester, Steve
Sent: Wednesday, February 29, 2012 2:20 PM
To: 'jennifer@owyheeavalanche.com'
Subject: Legal Ads
Attachments: Owyhee County letter.docx; Owyhee County combined ads.docx

Hi Jennifer:

Once again I am handling legal notices & invoices for the time being. Please confirm the attached ad can be published 3/7 & 3/14/2012. Please let me know if you need anything. Thanks for your help.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

Legal notice

February 29, 2012

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Transfer No. 77749 (Water Right No. 57-41A) and
Application for Permit No. 57-11805

Dear Legal Notice Department:

Please publish the enclosed legal notices 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 3/26/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

57-11805

JUNAYO RANCH LTD PARTNERSHIP

1087 W RIVER ST STE 230

BOISE, ID 83702

Point of Diversion: SWSE S14 T02S R04W OWYHEE County Source WASTE WATER Tributary MACKS CREEK

Use: IRRIGATION 03/15 to 11/15 0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 2/2/2012

Place of Use: IRRIGATION

T02S R04W S14 SWSE & S23 NWNE

Total Acres: 12

PROPOSED CHANGE OF WATER RIGHT

John W. Jones of 17864 Oreana Loop Rd., Murphy Idaho 83650 filed Application No. 77749 to transfer one water right with an 1870 priority date from Pickett Creek totaling 0.68 cfs. The purpose of the transfer is to add a point of diversion about 1 mile downstream from the existing diversion used by this owner. Water will be used at the current place of use in Oreana.

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 3/26/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 3/7/2012 and 3/14/2012

MEMORANDUM

TO: Transfer No. 77749 File

FROM: Vicky Music

DATE: February 28, 2012

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a point of diversion on Pickett Creek to water right no. 57-41A. The site is in Oreana, Idaho, about 40 miles south of Nampa, Idaho, in Owyhee County. Contact person is the applicant.

Deviations from Transfer Policy Standards

The applicant correctly used the "short form" for this simple addition of a point of diversion. The place of use was not included on the applicant map as required. However, it is easily found in the Department database. Additionally, the applicant did not list the quarter-quarter of the new POD on the application. At first, this appears to be unacceptable; however, the proposed POD is just feet away from the intersection of 4 quarter-quarters. The application map shows it as straddling 2 quarter-quarters. A call to the applicant confirmed the location of the POD is depicted corrected on the map in the SWNW of Section 30.

I also received a phone call from Bill White, WD 57B President and owner of the property immediately south of the Jones property. Mr. White called a few weeks ago to express his concern that Mr. Jones was going to put a POD on White's property. He called again a few days later to say that the property had been surveyed and would be on the Jones property, right over the boundary between the 2 properties. This is further confirmation that the proposed POD will be officially located in the SWNW of Section 30, though there is still the chance of an error inherent in rectifying multiple ArcMap layers of information.

I don't think it is necessary to have the applicant travel over 50 miles to add the POD legal description for the proposed POD on the application when I have the information readily available in-house and have talked to both the applicant, his wife, and neighbor regarding the accurate location of the POD. It is all well documented in this memo.

Another deviation from IDWR policy is that the application map and the application legal description of the historical POD do not comport. The application map locates the historic POD in the SESW instead of the SWSW of Section 24, as described in the IDWR database. The proof report for right 57-41A contains a remark that rights 57-41B and 57-61 are also diverted from the historic POD in Section 24, however, ArcMap and IDWR water right records indicate the POD for these rights to be in the SESW QQ of Section 24. The database also includes the overlap remark in 57-41B and 57-61.

I sent Mr. Jones a letter asking for clarification. He visited with the Watermaster, Rohl Hipwell, regarding the accurate location of his POD. The Watermaster confirmed it is in the SWSW of Section 24, and that 57-41B and 57-60 were not diverted from the same POD as 57-41A, but are diverted in the SESW Section 24.

I will use this transfer to correct IDWR water right record and remove the remark from 57-41A. Mr. Jones will correct the application by sending a map back to me with his POD correctly located. A phone memo is in the file and a comment added to the database regarding this issue.

These deviations should not prevent processing of this application.

Summary of Information Submitted

Authority to File:

The applicant is the owner of record of the water right and has the authority to file this application.

Water Right Validity:

The right is presumed to be valid because I verified beneficial use [irrigation] from the 2006, 2009 and 2011 aerial photographs.

Injury to Other Water Rights:

No injury to other rights is expected because there are no senior PODs on Pickett Creek between the POD historically use in Section 24 and the proposed POD. The original POD is not being changed. Mrs. Jones stated during a recent phone conversation that they are adding a POD to decrease the loss of water because it travels so far from the historic POD. I know from past involvement with Pickett Creek that there is significant conveyance loss so this addition will be a more efficient exercise of the water right.

Enlargement of Use:

The application does not proposed an enlargement of the diversion rate, diversion volume or consumptive use volume and none is expected.

Local Public Interest:

There are no apparent local public interest issues.

Beneficial Use/Conservation of Water Resources:

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

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis and Discussion

The right is in the trust area but there are no trust water issues that need to be addressed for this simple addition of a POD. The priority date is 1860 so this is not a trust water right. The applicant does not need to provide additional information. IDWR analysis is not needed from other IDWR programs. The application will not be parallel processed.

1870
-82

IDWR will solicit comments from the Watermaster of 57B, Catherine Creek.

Data entry affected the correct record. The SRBA Court issued the partial decree in 1999. The SRBA issued the partial decree & the results were migrated to wr records.

There are no overlaps with the proposed POD. The applicant's POU is an overlap of ground water right 57-4025 for irrigation and ground water right 57-10556 for stockwater. Permit 57-7587 is also a POU overlap with a ground water source.

Mitigation is not an issue and the right is not in the Water Bank.

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 because a new well is not proposed.

TELEPHONE MEMORANDUM

TO: APPLICATION FOR TRANSFER FILE NO. 77749
FROM: VICKY MUSIC
SUBJECT: HISTORIC POD
DATE: 2/28/2012
CC:

This memo is not about the proposed new POD that is the purpose of the transfer, but a possible error in the historic POD from Pickett Creek. The applicant's map attached to the application incorrectly place the POD in the SESW of Section 24. The reason this is an issue is because the IDWR database and ArcMap locate the POD in the SWSW of Section 24. However, the proof report also includes a remark that water rights 57-41B and 57-60 are also diverted from the POD in Section 24. ArcMap and the IDWR records locate the Pickett Creek POD for 57-41B and 57-60 in the SESW, Section 24! YIKES!

I sent the applicant, Mr. Jones, a letter asking for a clarification of the historic POD for 57-41A. I included a map with the PODs of record and the possibly erroneous POD. Mr. Jones visited with Rohl, Hipwell, the WD 57R Watermaster. The Watermaster told Mr. Jones that the 57-41A POD is accurately described in IDWR records as SWSW, Section 24; the 57-41B and 57-60 are accurately located in the SESW, Section 24; and, 57-41A does not share a POD on Pickett Creek with any other rights.

Mr. Jones will send my map back to me, dated and initialed with the correct POD in the SWSW. This will serve as an amendment to the application.

Additionally, Mr. Jones granted permission to use this transfer to correct IDWR records so I will remove the remark from 57-41A that wrongly states that 57-41B and 57-60 are diverted through the same POD as 57-41A. I will not correct the records of 57-41B and 57-60 as there is no administrative vehicle with which to delete the remark from the records.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 27, 2012

John W. Jones
17864 Oreana Loop Rd.
Oreana, ID 83650

Re Application for Transfer No. 77749, Water No. 57-41A

Dear Mr. Jones,

The application referenced above has been assigned to me for review and processing. I spoke with you by phone earlier this month about the legal description of the proposed new point of diversion (POD) on Pickett Creek.

This letter is about the location of the historical point of diversion on Pickett Creek. Your water right 57-41A states that the POD is in the SWSW of Section 24 and that water right nos. 57-41B and 57-60 are diverted from the same point on Pickett Creek. However, on the map you included with the transfer application, you drew the POD in the SESW of Section 24. The POD of water right nos. 57-41B and 57-61 is in the SESW but further east. I enclosed an aerial photograph to illustrate the locations of these points of diversion.

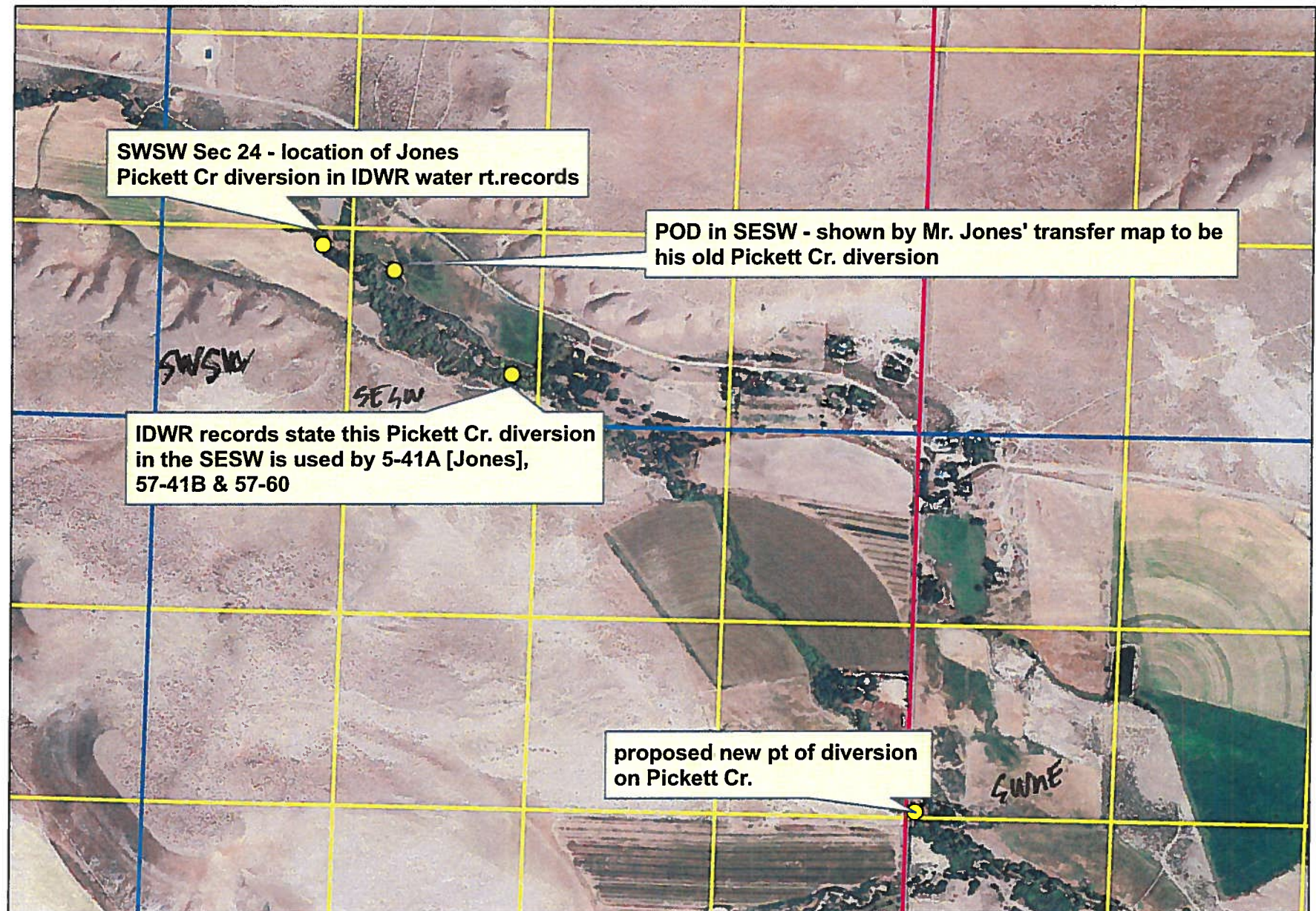
If you do use the same POD as 57-41B and 57-60, we can correct the POD with an amended first page of the transfer. It might be a good idea for you to call the Watermaster, Rohl Hipwell, to figure out the correct POD.

Please provide the requested information, or a request to delay processing for up to 6 months, in writing by March 27, 2012. IDWR will void or reject the application without a timely written response. Fees are not refunded for voided or rejected applications. Call me at 208-334-2190 after you review this letter and the attachments if you have any questions. Thank you for your attention to this matter.

Sincerely,

Vicky Music
Sr. Water Resource Agent

Attachments: 2011 aerial photo, First page of transfer form



57-41A regarding possible discrepancy in location and legal description of point of diversion