



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

February 8, 2012

GREG AMARAL LTD PENSION PLAN & TRUST
GREG AMARAL, TRUSTEE
1606 AMARAL CT
FAIRFIELD CA 94534

RE: Transfer No.: 77621
Water Right No.: 67-4470

Transfer Approval Notice

Dear Water Right Holder:

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.

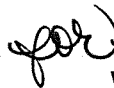
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 homepage 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 "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.Handwritten initials "JW" in black ink, positioned to the left of the typed name "John Westra".

John Westra

Western Regional Manager

Enclosures

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

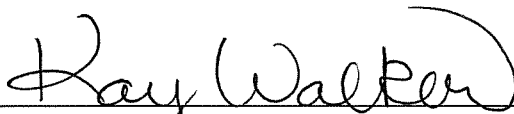
I hereby certify that on February 8, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77621

WATER RIGHT NO. 67-4470

**GREG AMARAL LTD PENSION PLAN & TRUST
GREG AMARAL, TRUSTEE
1606 AMARAL CT
FAIRFIELD CA 94534**

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

A handwritten signature in black ink, reading "Kay Walker", is written over a horizontal line.

**Kay Walker
Sr. Water Resource Agent**

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.

CONVERSATION MEMO

TO: File
FROM: Steve Lester 
DATE: February 3, 2012
RE: Transfer 77621, Right 67-4470

Watermaster Brandi Norton commented on this application 1/12/2012. She mentioned curtailment to be carried out by the Weiser Irrigation District ditch rider ("Galloway Canal Walker").

This did not sound right. I called her today and we discussed it. She told me the ditch rider is also her deputy watermaster. She meant he would carry out watermaster curtailment on her behalf under the deputy authority, not under the irrigation district authority.

I suggested to her that we modify standard condition R43 to require a lock and measuring device at the irrigator's take-out point along the canal instead of using standard language about controls at the actual point of diversion at the river. She agreed this would work. She also said this right will be curtailed early in the season due to its 1966 priority.

The watermaster is satisfied with the proposed transfer approval.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington } ss.

Sarah Boles

_____, being duly sworn,
deposes and says:

That he/she is the clerk of
THE WEISER SIGNAL AMERICAN, a ~~10~~ weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the adver-
tisement, a copy of which is attached hereto, was published in

said newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive weeks
prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with
January 5, 192012, and ending
with the issue of January 11, 192012.
Sarah Boles

Fees, \$ 89.83

Subscribed and sworn to before me this 11
day of January, 192012.

Judith A. Parsons
Notary Public, residing at Weiser, Idaho.

My commission expires 2 2014.

RECEIVED

JAN 30 2012

WATER RESOURCES
WESTERN REGION

No.

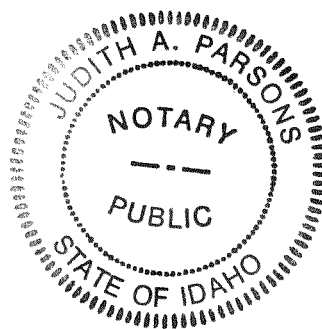
PROPOSED CHANGE OF WATER RIGHT

Greg Amaral, Trustee of the Greg Amaral Ltd. Pension Plan and Trust of 1606 Amaral Court, Fairfield, CA, 94534, filed Application No. 77621 to transfer one water right with a 1966 priority date from the Weiser River totaling 3.13 cfs. The purpose of the transfer is to change his points of diversion to the Galloway Canal. Water will be used at the current place of use 4 miles south east of Weiser, south of Galloway Cemetery on the north side of the river.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before January 23, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 1/4/2012 and 1/11/2012

88-2S



RECEIVED

JAN 12 2012

WATER RESOURCES
WESTERN REGIONIDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: _____ Transfer # 77621 _____

Applicant's Name: _____ Greg Amaral _____

Watermaster's Recommendation:

- a) ☒ 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: It should be made clear to both the applicant and the Weiser Irrigation District that the responsibility of curtailment of this water right will be that of the Galloway Canal Walker.

Dated this 12 day of January, 2012

Water District No: 67 _____ Brandi S. Horton _____

Watermaster's signature

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

MEMORANDUM

TO: Transfer No. 77621
FROM: Kay Walker *Kay*
DATE: December 22, 2011
RE: Evaluation of Application

This transfer proposes to change the points of diversion for Rt. 67-4470 from the existing points of diversion to the Galloway Canal.

The site is located about 4 miles south east of Weiser, south of Galloway Cemetery on the north side of Weiser River.

Contact person for the applicant is Lori Graves of SPF Engineering, 383-4140.

Deviations from Transfer Policy Standards

The transfer was filed on the short transfer form that is used for point of diversion changes only.

Summary of Information Submitted

Authority to File:

The applicant is the right holder of record. Weiser Irrigation District has submitted a letter stating that they are in agreement to this change. The irrigation district will divert the applicants flood water right (67-4470) and deliver it, along with his Crane Creek Reservoir shares, through the Galloway Canal to the applicants property if this application is approved.

Water Right Validity:

Right presumed to be valid because the partial decree was issued within the past five year period, on October 20, 2008.

Injury to Other Water Rights:

There should be no injury to other water rights. The same amount of water will be diverted and delivered to the applicants property. This is only a change in point of diversion application.

Enlargement of Use:

No enlargement of use is proposed. Same quantity of water, same volume, just a different point of diversion.

Local Public Interest:

It is in the local public interest to allow a water user to have his water delivered through a different means when it is possible.

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.

Additional Information/Analysis

Watermaster comments will be solicited regarding this proposal.

Discussion

Data entry affected the correct record which is the partial decree issued in 2008.

Overlapping rights at existing &/or proposed POD &/or POU are rights for Weiser Irrigation District and Sunnyside Ditch Company. There are no other water rights diverted from the existing points of diversion under this right.

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.