



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

March 24, 2011

DAVID DANIEL
ANGELA DANIEL
12197 DEER FLAT RD
NAMPA ID 83686

Re: Withdrawal of Application for Transfer No. 76783
Water Right No. 63-33230

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced Application for Transfer. Your application is therefore returned. Please note, the shape files for water right #'s 63-3330B, 63-7075B & 63-33230 have all been updated; per the pertinent information received.

In addition, a refund request in the amount of \$100 has also been submitted for processing. Upon approval, it will be sent to you under separate cover.

Please contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is fluid and cursive, with the first name "Denise" and last name "Buffington" clearly legible.

Denise Buffington
Administrative Assistant
Western Region

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76783

SEP 01 2010

WATER RESOURCES
WESTERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

WITHDRAWN

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76783

SEP 01 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) Angela and David DanielPhone 208 467 1525Mailing address 12197 Deer Flat Rd., Nampa, ID 83686Email dadaniel1525@heritagewifi.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Angela Daniel
Signature of Applicant or Authorized Representative

Angela Daniel
Print Name and Title if applicable

August 31, 2010
Date

David Daniel
Signature of Applicant or Authorized Representative

David Daniel
Print Name and Title if applicable

August 31, 2010
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. We want to move Right No. 63-33230 (formerly 63-31189) from the SWNE of our property to the SENE of our property because the SWNE is covered by Rights 63-03330B and 63-07075B. Please see attachment Part 1 A.2. for the complete explanation.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-33230	.08 CFS 18A	Irrigation	Mar 15 to Nov 15	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .08 cfs and/or 18 ac-ft

2. Total amount of water proposed to be transferred or changed .08 cubic feet per second and/or 18 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	24				4.0													4.0

Total Acres (for irrigation use) 4.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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: we have a 6 inch well with a submersible pump. The water is pumped to a drip irrigation system operated by a timer. A flow meter could be placed in the system to measure the water.

- b. Who owns the property at the point(s) of diversion? the applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: the land now irrigated will not change it will just be irrigated under a different right 63-0333B or 63-07075B. Because we raise wine grapes under drip irrigation our annual irrigation use on the 4 acres is 1.25 to 1.5 acre feet per acre per year or 5 to 6 total acre feet per year.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: the land that the right will be transferred to will not be irrigated when the transfer is completed. That right will be placed into the water bank for the present time. We will continue to use the same irrigation system to irrigate the land that is currently irrigated by using Rights 63-0333B or 63-07075B.

- f. 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, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Part 1 A2

Angela and David Daniel Transfer of Right No. 63-33230

- 1) I purchased 20 acres of my property in Sept. 1991 and 36 acres in Dec. 1991. The realtor and seller both told me there were no water rights with the property. The seller said he had been buying excess water from the Boise Kuna irrigation district when it was available and also using run-off water from other fields to irrigate the property. The location and design of the existing irrigation pipeline seemed to confirm the seller's claim. I did not do any further research myself on the water rights at the time.
- 2) In March 2001 I applied to transfer 5 acres of water rights to my property from an existing right located 2 miles west of us. The IDWR contacted me during the transfer process and told me that my property had prior existing water rights, numbers 63-03330B, and 63-07075B. The IDWR employee that I talked to said that it would be quicker to complete the 5 acre transfer and worry about the 40 acre rights some time later. The 5 acre transfer was granted in October 2001 creating right number 63-31189. Unknowingly we put the 5 acre transfer onto ground that was covered by the existing rights, 63-03330B, and 63-07075B. At that time the IDWR did not mention that we were "stacking" the new right on top of existing rights.
- 3) As part of the SRBA we asked the court to allow us to keep the full 5 acres of rights for 63-31189 and that we also receive the full rights of 63-03330B and 63-07075B.
- 4) The Special Master agreed with us and we received Partial Decrees for Rights numbers 63-03330B and 63-07075B on June 19, 2009 without any limitations applied to 63-31189.
- 5) Since I was not currently using 1 acre of right 63-31189, in March of 2005 my sister and brother-in-law (Katherine and Ron Lauer) applied to transfer the 1 acre to their property located ½ mile north of us. That transfer was granted August 12, 2009 by Transfer No. 73818 and created the Lauer's Right No. 63-33231. Our new 4 acre Right No. became 63-33230.
- 6) We want to transfer Right No. 63-33230 east approximately 600 feet to an area on our property that is not currently covered by any water right. We believe this transfer will eliminate confusion in the future and further demonstrate the fact we never intended to "stack" any rights.
- 7) If you have questions you could also contact Jan Shurte, she is the IDWR employee who helped us with the Partial Decrees for our three rights.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-33230

Current Owner: DAVID DANIEL
ANGELA DANIEL

Priority Date: 4/13/1967

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

0.08 CFS

0.08 CFS

Annual Volume

18 AF

18 AF

Location of Point(s) of Diversion

GROUND WATER

CANYON County

SW1/4NE1/4

Sec. 24, Twp 02N, Rge 03W B.M.

Place of Use

IRRIGATION Within CANYON County

T02N R03W S24

SWNE

4.00

Total Acres: 4

Conditions of Approval:

1. C18 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. Section 42-1412(6), Idaho Code.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 5/13/2009

Total Acres (for irrigation use) _____

Add'l Fee Paid	Date	Received by	Receipt #
----------------	------	-------------	-----------

Angie & David Daniel

Photo

Topo



Wells Water Rights Water Right Permits Adjudication Claims Adjudication Recommendations

Drilling restrictions may apply to these areas.

Hide areas of possible drilling restriction

Nitrate Priority Areas

 Ground Water Management Areas

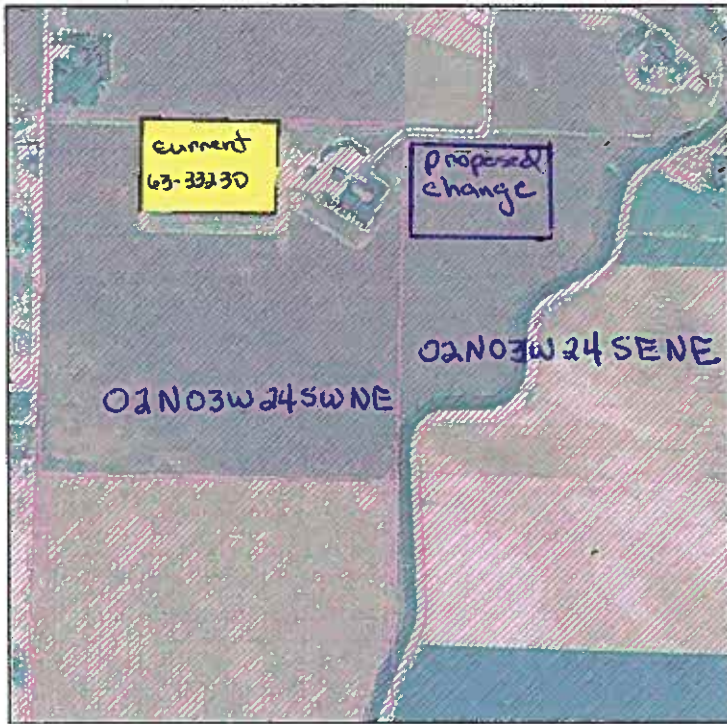
- Point of Diversion, well
- Measurement, control, and distribution system
PVC and poly drip irrigation

Idaho Department of Water Resources

Irrigation District and Water Rights Finder

Attachment # 7b

Angie & David Daniel

[Home](#) | [IDWR Home](#) | [Other Maps](#) | [Alternative Text Based Search](#) | [Contact Us](#) | [Help](#)


Map Tools

Display Layers

- ☐ PLS
☐ Water Rights
☐ Recommendations
☐ Irrigation Company
Map Background
☐ No Background
☐ USGS Quadrangle
☒ Aerial Photo

[Legend](#) (hide)

Search By Address

Address

City

[Find Address](#)

Search By Parcel Number

PIN

County

 Choose A County

If a county is missing from the list then we do not have its parcel information

[Find PIN](#)

Search By PLSS

Township

☒ North ☐

South

Range

☐ East ☒ West

Section

Quarter-Quarter

 SWNE

[Find Township](#)

Previous Queries

No Previous Queries

Irrigation Companies

BOISE PROJECT BOARD OF CONTROL
BOISE-KUNA IRRIGATION DISTRICT

All land within the boundary may not have water delivery. Please contact the company for more information regarding water delivery to your area of interest.

The boundary encompassing the place of use for water right(s) of Large Place of Use Organizations are described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The delivery of water to the acreage authorized for the water right(s) within the boundary is controlled by the Large Place of Use Organization.

Water Right #	Owner	Action
63-32967		Select Details
63-7075	HAROLD D BREACH	Select Details
63-3330	WESLEY R SCHOBBER	Select Details
63-8569	MELVIN L FARMER	Select Details
63-2388	US DEPT OF INTERIOR	Select Details
63-32300	DAN BASTIAN	Select Details
63-32302	DAN BASTIAN	Select Details
63-33230	ANGELA DANIEL and David Daniel	Select Details
63-3330B	ANGELA DANIEL	Select Details
63-7075B	ANGELA DANIEL	Select Details
63-8569B	BARBARA JOHNSON	Select Details
63-32970	DEERSKY RANCH HOMEOWNERS ASSOC	Select Details
63-32968	DEERSKY RANCH HOMEOWNERS ASSOC	Select Details
63-32969	LARRY WILLIAMS	Select Details