

RECEIVED

APR 28 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76490

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 <u>always required</u> 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 <u>for each water right</u> for which <u>only a portion</u> 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 <u>not</u> 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: _____ |

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76490

APR 28 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGION

Name of Applicant(s) See attached document titled Water Rights Owners.doc Phone See Attached

Mailing address See Attached Email

- ☐ 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 Brad Hild Phone (208)546-6005

Mailing address 132 S. Florence St. Nampa, ID 83686 Email hildb8@msn.com

- ☐ 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.

Signature of Applicant or Authorized Representative

Please see attached signature page

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Please see attached signature page

Print Name and Title if applicable

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**. POD described in right 69-7008 is described correctly but water right does not fully capture two other PODs that have existed since 1973. Adding two additional Points of Diversion to water right 69-7008 that were missed in the licensing FE. New POD's considered to be the same source from the same spring. Add these two PODs to 69-7008.

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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	69-7008	0.04	Domestic	01/01 to 12/31	Spring trib to Dick Ross Ck
☒ ☐	69-7008	0.005	Fish Propagation	01/01 to 12/31	Spring trib to Dick Ross Ck
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.045 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.045 cubic feet per second and/or _____ 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 #
No		NW	SW	SE	23	18N	3W	ADAMS	SPRING	Original WR 69-7008
Yes		NW	SW	SE	23	18N	3W	ADAMS	SPRING	New POD 2
Yes		NE	SE	SW	23	18N	3W	ADAMS	SPRING	New POD 3

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	

Total Acres (for irrigation use) _____

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:

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

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: No change.

Transfer proposes to describe the water use as has always been used.

- 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: None

- 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:

P 5 of 10

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

FILED
TWIN FALLS CO., IDAHO
2007 JAN 17 AM 11 35

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 69-07008

NAME AND ADDRESS:

MARVIN JOHANSON
RT 1 BOX 246
PAYETTE, ID 83661

KRISTINE ROBERTS
RALPH ROBERTS
10421 SCOTCH PINES RD.
PAYETTE, ID 83661

BRAD HILD
MARY HILD
132 FLORENCE ST.
Nampa, ID 83686

GORDON SEWARD
JUDY SEWARD
27520 OLD FORT BOISE RD
PARMA, ID 83660

CARLA HEDGES
RICHARD HEDGES
988 N WINDHAM PL
EAGLE, ID 83616-5380

SOURCE: SPRING TRIBUTARY: DICK ROSS CREEK

QUANTITY: 0.045 CFS

PRIORITY DATE: 06/19/1973

POINT OF DIVERSION: T18N R03W S23 NWSWSE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	0.005 CFS
	Domestic DOMESTIC USE IS FOR	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Fish Propagation Within Adams County
T18N R03W S14 SESE

Domestic Within Adams County
T18N R03W S14 SESE

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

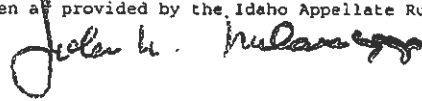
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

P 6 of 10

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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. Melanson
Presiding Judge of the
Snake River Basin Adjudication

P 70f10

Page 1

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 69-7008

Priority Date: 06/19/1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: SPRING

Tributary to: DICK ROSS CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
FISH PROPAGATION	01/01 12/31	0.005 CFS		
DOMESTIC	01/01 12/31	0.04 CFS		
Total Diversion		0.045 CFS		

Source and Point(s) of Diversion:

SPRING NWSWSE 18N 03W 23 ADAMS

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 03W 14																X	

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 03W 14																X	

Conditions/Remarks:

- Domestic use is for 5 homes.
- 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.

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Page 2

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 69-7008

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: N/A

FOR DEPARTMENT USE ONLY

Transfer contains

10

pages and

41

attachments.

ATTACHMENTS: 11 PAGES

Received by

8B

Date _____

4.28.10

Prelim. Check by

VLM

Date _____

1(12|10

Fee Paid

\$100 -

Date _____

4-28-2010

Received by

DB

Receipt #

1103 8299

Add'l Fee Paid

Date _____

Received by

Receipt #

Owners Signature Page

These signatures signify that the application for Water Rights Transfer Application have been reviewed and approved by each signing water right owner. The application is not intended to transfer the water right to different owners, but to correct the water right to accurately document the current water system.

WATER RIGHT NO. 69-7008

Carla Hedges
Carla Hedges

4-7-10
Date

Richard Hedges
Richard Hedges

4-7-10
Date

Brad Hild
Brad Hild

4/7/10
Date

Mary Hild
Mary Hild

Date

Gordon Seward
Gordon Seward

4/7/10
Date

Judy Seward
Judy Seward

4/7/10
Date

Kristine Roberts
Kristine Roberts

4/7/10
Date

Ralph Roberts
Ralph Roberts

4/7/10
Date

Marvin Johanson
Marvin Johanson

4/7/10
Date

Water Rights Owners

WATER RIGHT NO. 69-7008

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARLA HEDGES
Current Owner	RICHARD HEDGES 988 N WINDHAM PL EAGLE, ID 83616-5380 (208)375-3422
Current Owner	BRAD HILD
Current Owner	MARY HILD 132 FLORENCE ST NAMPA, ID 83686 (208) 461-1493
Current Owner	GORDON SEWARD
Current Owner	JUDY SEWARD 27520 OLD FORT BOISE RD PARMA, ID 83660 (208)722-6181
Current Owner	KRISTINE ROBERTS
Current Owner	RALPH ROBERTS 10421 SCOTCH PINES RD PAYETTE, ID 83661 208 642-4798
Current Owner	MARVIN JOHANSON 1863 NE 17TH AVE PAYETTE, ID 83661 (208)642-2865 (208)258-4311

Attachment A (2 pages)

Priority Date: 06/19/1973

Basis: Decreed

Status: Active

Source Tributary
SPRING DICK ROSS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	01/01	12/31	0.005 CFS	
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.045 CFS	

Location of Point(s) of Diversion:

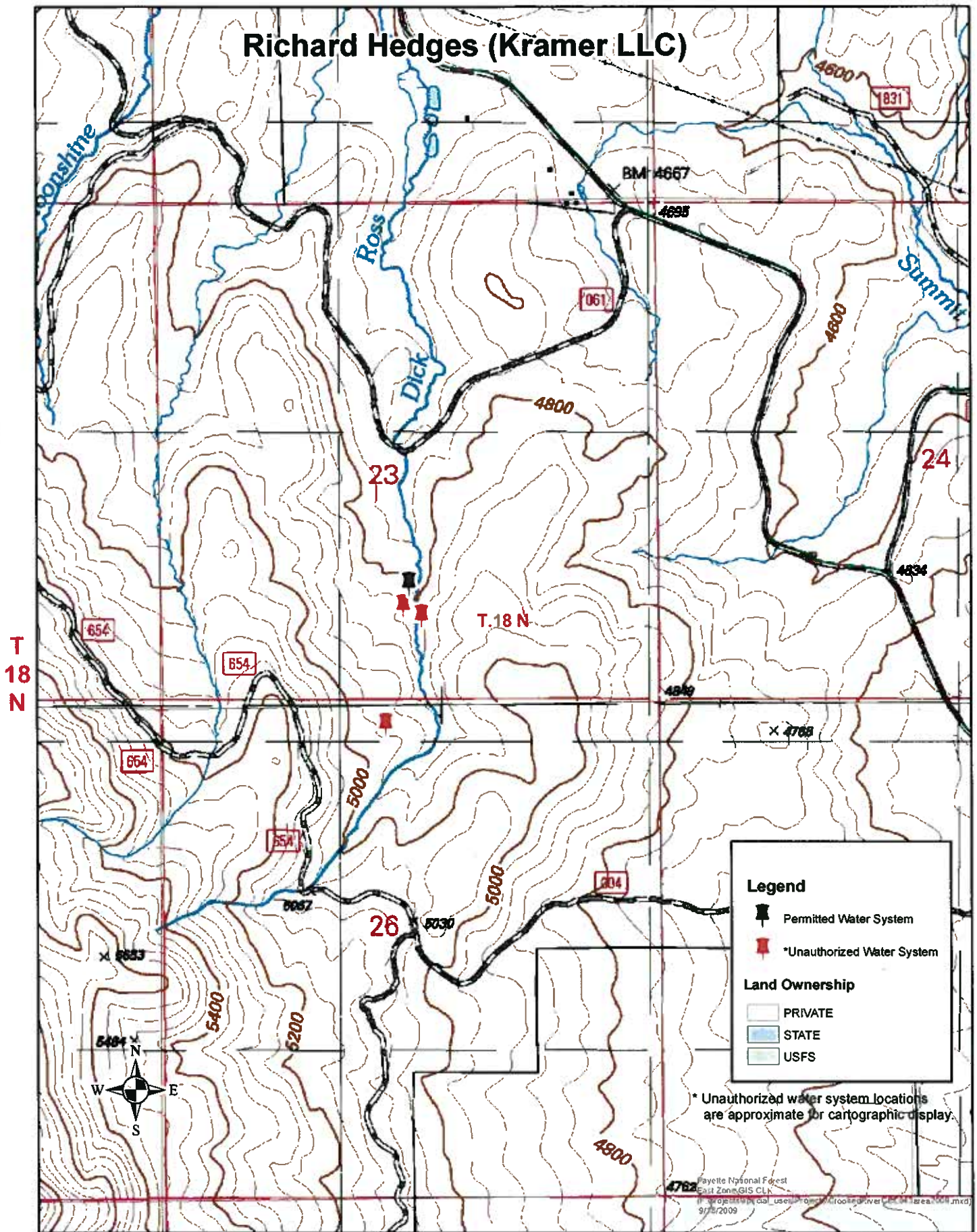
SPRING NWSWSE Sec. 23 Township 18N Range 03W ADAMS County

DOMESTIC Use:

Number of homes: 5

Attachment A (p. 2 of 2)

Richard Hedges (Kramer LLC)



MAP PER 8/16/10 email
from B. Hill -SL

R.3 W

Attachment 7A

Kramer LLC (Previous Special Use Permit under Richard W. Hedges Authorization ID: CCL043)

Project Description:

Reference attached drawing "Kramer LLC, Water System Layout".

The project is located at T.18N., R.3W., section 23, Boise Meridian, Adams County Idaho on Payette National Forest lands.

Projects purpose is operation and maintenance of an existing water system providing domestic water to private land.

A water right (#69-7008) for use of the water has been issued by Idaho Department of Water Resources with a priority date of 1973. The water right allows for .045cfs for domestic use from January 1 – December 31.

There is a main/lower collection head box (Marked as "Main/Lower Head Box" on the attached drawing.) (Ref. Photo No. 1 below) located at N 44 52.707' W 116 40.075' that collects and distributes water from 3 collection points and feeds the collected water, via a 2 inch diameter buried black NFS Poly pipe, from the head box to the Kramer LLC private property storage tanks (approximately 4500 feet that is marked with rebar stakes about every 100 yards). This head box area consists of a water collection galvanized pipe (approximately 2' dia.) that is visible above ground. The collection pipe has a lid that is padlocked. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of the area is square and measures approximately 11' x 9' (99 SF). This collection box is also fitted with a 15' long 2" overflow pipe that runs from the head box, under the trail/road and out onto the ground below the trail/road.

There are three inputs to the Main/Lower head box:

- 1) A water collection point (Marked as "Collection point No. 1" on the attached drawing.) (Photo no. 2) is 60 feet on a magnetic bearing of 115 degrees from the Main/Lower head box. This collection point can also be located via coordinates of N 44 52.702' W 116 40.066'. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of this area is triangular with sides that measure approximately 40' x 40' x 51' (1020 SF). 2" NFS Poly pipe runs from this point to the Main/Lower head box.
- 2) A water collection point (Marked as "Collection point No. 2" on the attached drawing.) (Photo no. 3) located 490 feet on a magnetic bearing of 158 degrees from the Main/Lower collection head box. This collection point can also be located via coordinates of N 44 52.629' W 116 40.062'. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of this area is a polygon with sides that measure approximately 80' x 30' x 18' x 50' x 40' (3380 SF). 2" NFS Poly pipe runs from this point to the Main/Lower head box.

Attachment B (1 pages)

3) An Upper collection head box (Marked as "Upper head box" on the attached drawing.) (Photo no. 4) feeds into the Main/Lower head box. It is located 360 feet on a magnetic bearing of 195 degrees from the Main/Lower head box. The Upper collection head box can also be located via coordinates of N 44 52.658' W 116 40.115'. The Upper head box is a 4' dia. galvanized pipe that has a lid that is padlocked. The shape of the area is rectangular and measures approximately 16' x 12' (192 SF). 2" NFS Poly pipe runs from this point to the Main/Lower head box.

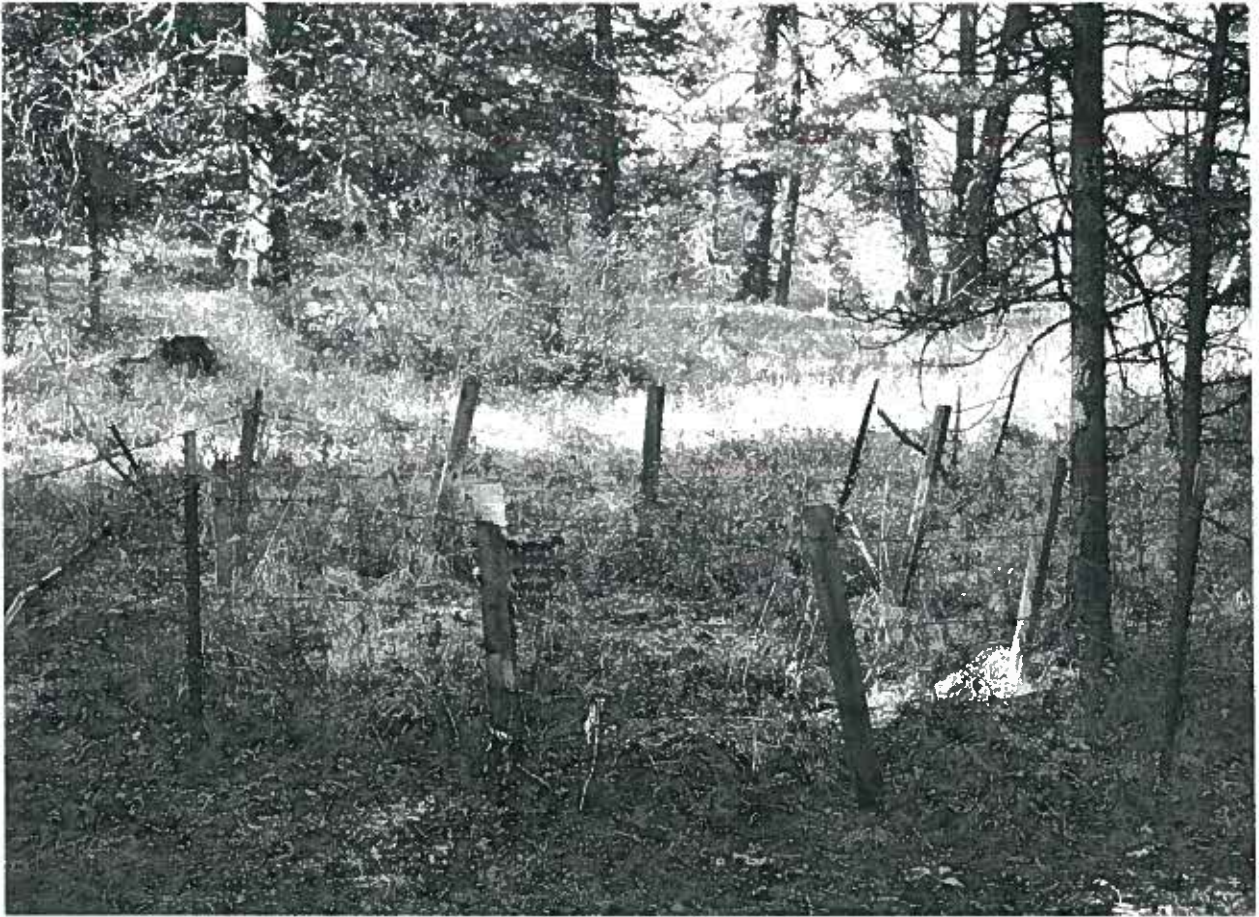
The Upper head box has two inputs from two water collection points that are both surrounded by one fence perimeter. (Photo no. 5). This collection point is located 300 feet on a bearing of 138 degrees from the Upper head box. This collection point can also be located via coordinates of N 44 52.610' W 116 40.080'. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of this area is square with sides that measure 70' x 70' and is approximately 140 SF. Two inch (2") (Marked as "Collection point No. 3" on the attached drawing.)

2" NFS Poly pipe runs are approximately as follows:

Lower/main head box to the Kramer LLC property	4500 feet
Lower/Main head box to collection point No. 1	60 feet
Lower/Main head box to collection point No. 2	190 feet
Lower/Main head box to the Upper head box	360 feet
Upper head box to collection point No. 3	300 feet
Total	5410 feet

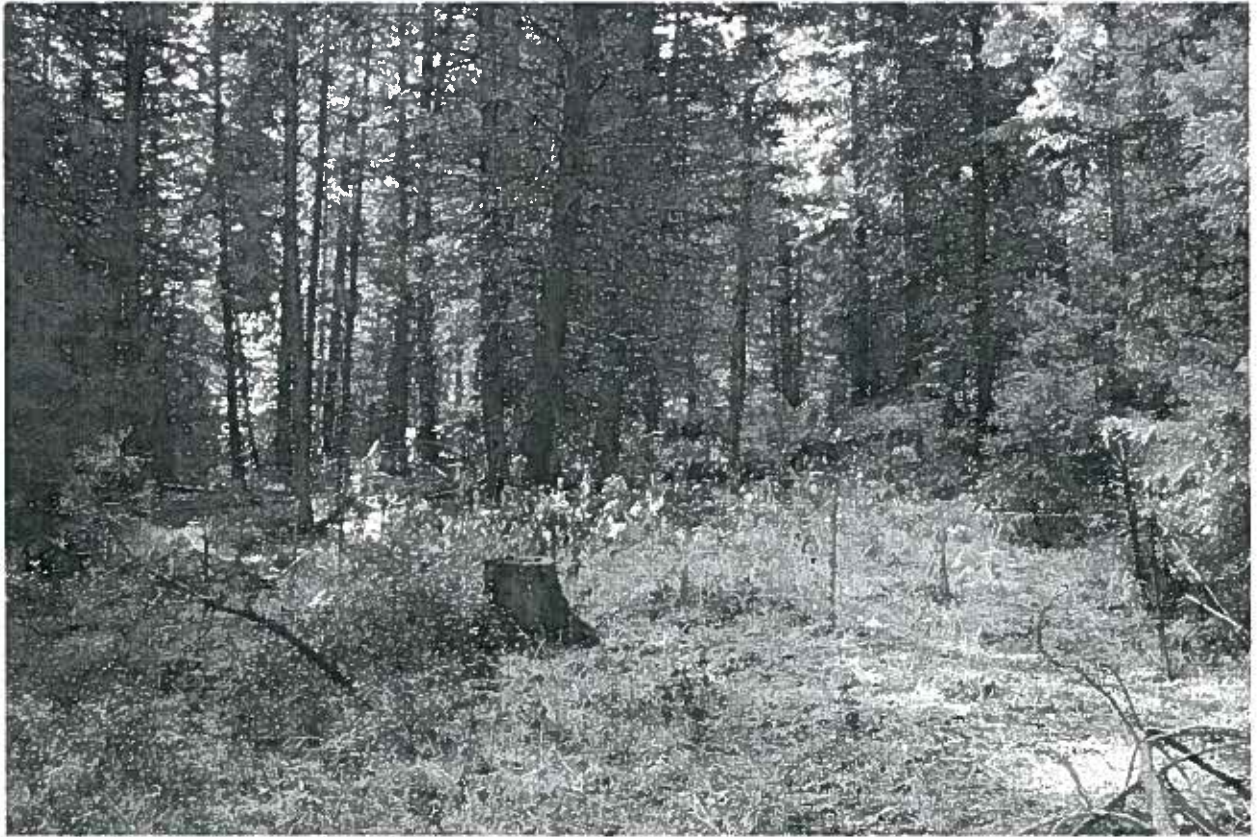
Attachment B (p. 2 of 7)

Photos:



1. Main/Lower Head Box (facing W)

Attachment B (p. 3 of 1)

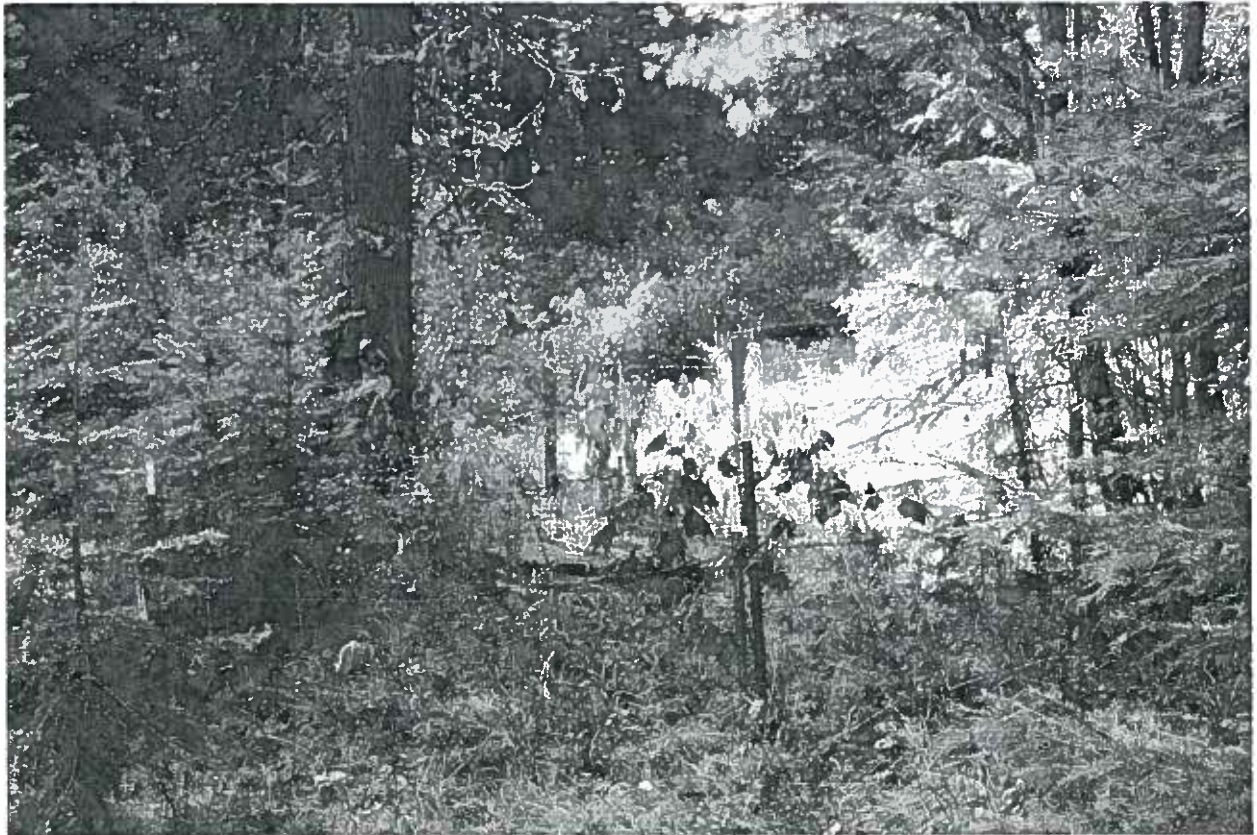


2. Collection Point No. 1 (facing S)



3. Collection Point No. 2 (facing SW)

Attachment B (p. 5 of 1)



4. Upper Head Box (facing SE)

Attachment B (p. 6 of 7)



5. Collection Point No. 3 (facing SE)

Attachment B (p. 1 of 1)

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that **GUNNARD JOHANSON**

Total number of acres irrigated _____

Director

Attachment C

WorkCentre 7345 Transmission Report

G3 ID

Date/Time: 12/29/2010; 03:45PM
Page: 1 (Last Page)

Local Name
Logo

Document has been sent.
Document Size 8.5X11"SEF

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID
PH. (208) 334-2190
FAX NO. (208) 334-2348

Number of total pages: 3

Date: December 29, 2010

To: The Adams County Record, Attn: Gamelle Masters

From: Denise Buffington

Fax: (208) 253-6801

Attached please find (1) legal notice being submitted for publication. If you have any questions about the attached information; or if you are not able to run the notice on the dates requested, please contact me immediately. This information was also sent via e-mail earlier today.

Thank you in advance,

Denise

Denise Buffington
Administrative Assistant I

Total Pages Scanned: 3 Total Pages Sent : 3

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	8100	912082536801	12-29; 3:43PM	58s	3/ 3	G3		CP

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID

PH. (208) 334-2190
FAX NO. (208) 334-2348

Number of total pages: 3

Date: December 29, 2010

To: The Adams County Record, *Attn: Gamaliel Masters*

From: Denise Buffington

Fax: (208) 253-6801

Attached please find (1) legal notice being submitted for publication. If you have any questions about the attached information; or if you are not able to run the notice on the dates requested, please contact me immediately. This information was also sent via e-mail earlier today.

Thank you in advance,



Denise Buffington
Administrative Assistant I

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, December 29, 2010 11:35 AM
To: The Record
Subject: LEGAL NOTICE
Attachments: Adams County Ads - Cover Letter.Doc; Adams County Ads - 76490.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

December 29, 2010

LEGAL NOTICE DEPARTMENT

THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Transfer No. 76490
Water Right No(s). 69-7008

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 1/24/2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

PROPOSED CHANGE OF WATER RIGHT

Brad Hild of 132 S Florence St, Nampa, ID 93686 filed Application No. 76490 on behalf of the 9 water right owners to transfer one water right with a 1973 priority date from a spring totaling 0.045 cfs. The purpose of the transfer is to add two springs as additional points of diversion. Water will be used at the current place of use 8.75 miles east of the Snake River, in the Payette National Forest.

For specific details regarding the application, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with detail provided under "new water right applications." Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before January 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on January 6th & 13th, 2011

Music, Vicky

From: Music, Vicky
Sent: Friday, December 17, 2010 8:59 AM
To: 'hildb8@msn.com'
Subject: transfer of water right

Brad –

Thank you for your response to my request for additional information. The application will go to advertising in the next few weeks, however, there is an inconsistency that must be clarified before it is finalized. If you compare the maps you emailed to Steve Lester and the map you sent to me, you will see that the POD locations are different. The maps locate one of the “new “ PODs [“New POD 2” in the application] on both sides of the creek. Additionally, in the map you recently sent to me, you have located both new PODs in the NESESW. Will you please provide a “blowup” of the 3 PODs which shows their locations? This is especially important because the PODs are close to the QQ line and the maps must correspond to the application.

This information is due January 14, 2011 or the applicant will be voided. Thank you for your timely response.

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Vicki Music
Sr. Water Resource Agent
Dept of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RECEIVED

DEC 01 2010

WATER RESOURCES
WESTERN REGION

November 28, 2010

Re: Water Right Application for Transfer # 76490 (Water Right No. 69-7008)

This is a response to the letter received October 27, 2010 regarding the addition of two PODs to the water right 69-7008 to document the actual water system that was installed in 1973 but was not correctly documented during that process. We are going through this process to make the paperwork match the existing system.

First we would like to clarify some misconceptions in the referenced letter:

1. The second paragraph indicates that the original application for right 69-7008 was for a summer cabin, a trailer and a recreational pond. This is a correct statement but we would like to point out that right 69-7008 has since been adjudicated to allow for 5 dwellings and the recreational pond at the current volume of 0.045cfs.
2. The same paragraph indicates the two additional PODs we seek to add to right 69-7008 are already licensed by the USFS. This is not the case. The two additional PODs we seek to add were in existence since the 1970's and are different POD's that the two the USFS installed in 1993 (69-7006B) and 1895 (69-10276).
3. There is a typographical error in the first question for response listing our water right volume of 0.45cfs instead of 0.045cfs.

We are listing the three questions for response verbatim from the letter and following the question with the response.

Question 1 – Explain how adding the additional points of diversion would not increase the authorized quantity of water under the water right which is 0.45cfs. (This is the wrong volume, it should be 0.045cfs)

Response: The water right quantity is sufficient for which it is being utilized and we do not require it to be enlarged. The water right provides for a weekend vacation type of property that is not a permanent residence. Of the five dwellings/cabins that occupy the property, it is very rare that they are occupied at the same time. The typical use over a year's period includes two basic types of use:

1- Intermittent weekend stays. This type of use would be 10-15 weekends per year by one or two of the cabins. These cabins typically have an average 3 people in them over the 2 day weekend.

2- Holidays. This type of use would be for a period of 4-5 days and typically occurs over the Christmas Holiday and the 4th of July. Typical occupancy for this type of use would be 4 out

of the 5 cabins occupied with an average of 4-5 people per cabin. These two holidays are the most the property is used for the entire year.

Question 2 – Submit evidence that there is sufficient water from the two additional POD's to fill both the USFS licenses and provide water for 69-7008.

Response: Please reference the attached Figure 1. Water right 69-7008 in its current status was installed in the 1970's and has not changed since that time. We would like to state that our right was approved with the knowledge of the 1895 right (69-10276) was near by. There is a water trough in place that is below 69-7008 and must be supplied by one of these USFS licenses or by another POD that is not apparent. We consistently observe the water trough being full and overflowing. The license for 69-7106B (dated 1993) is located across Dick Ross Creek from all of our PODs, (as shown on Figure 1). Logic would have it that our water right and the 1993 right are not part of the same water source. Therefore, there is sufficient water for all three licenses in their current configurations.

Question 3 – The application in Part 1(5)(b) asks for the arrangement that allows the applicant to access the land not owned by the applicant. This item was not answered. It appears you do not have the necessary approval from the USFS to use the two additional POD's on USFS land. Typically in the past, public land management agencies have protested new applications involving public land. The agencies have done this to ensure that their requirements under federal and/or state law have been satisfied (special use permit, right-of-way etc.). Those agencies typically have withdrawn protests once those requirements have been met or, in some cases, once sufficient progress in that regard has been achieved.

Legal access to public property is discussed in IDWR Water Appropriation Rule 45.01.c Please provide written confirmation from the USFS that you have either obtained written approval to legally enter the public land for the purposes stated in your application, or made sufficient progress in obtaining that approval to allow the agency to forego protesting your application.

Response: We do have a current Special Use Permit (authorization CCL043) to access this area of interest and to convey the water to our property. The permit is currently being revised to more accurately document the existing water system that has been in place since the 1970's. Reference attached correspondence from Greg Lesch, District Ranger dated November 23, 2009 that indicates we needed to file a "Transfer of Water Right" with IDWR and once the water right issue was resolved they would issue the revised Special Use Permit. This letter also confirms that our existing Special Use Permit is honored as we put a good faith effort toward resolving the issue.

Since this time we have submitted an application to the USFS for a new Special Use Permit and have paid the associated processing fee. You can contact Denise Cobb from the McCall Ranger District to confirm the above. They are waiting on the Water Right Transfer to be resolved before issuing the new Special Use Permit.

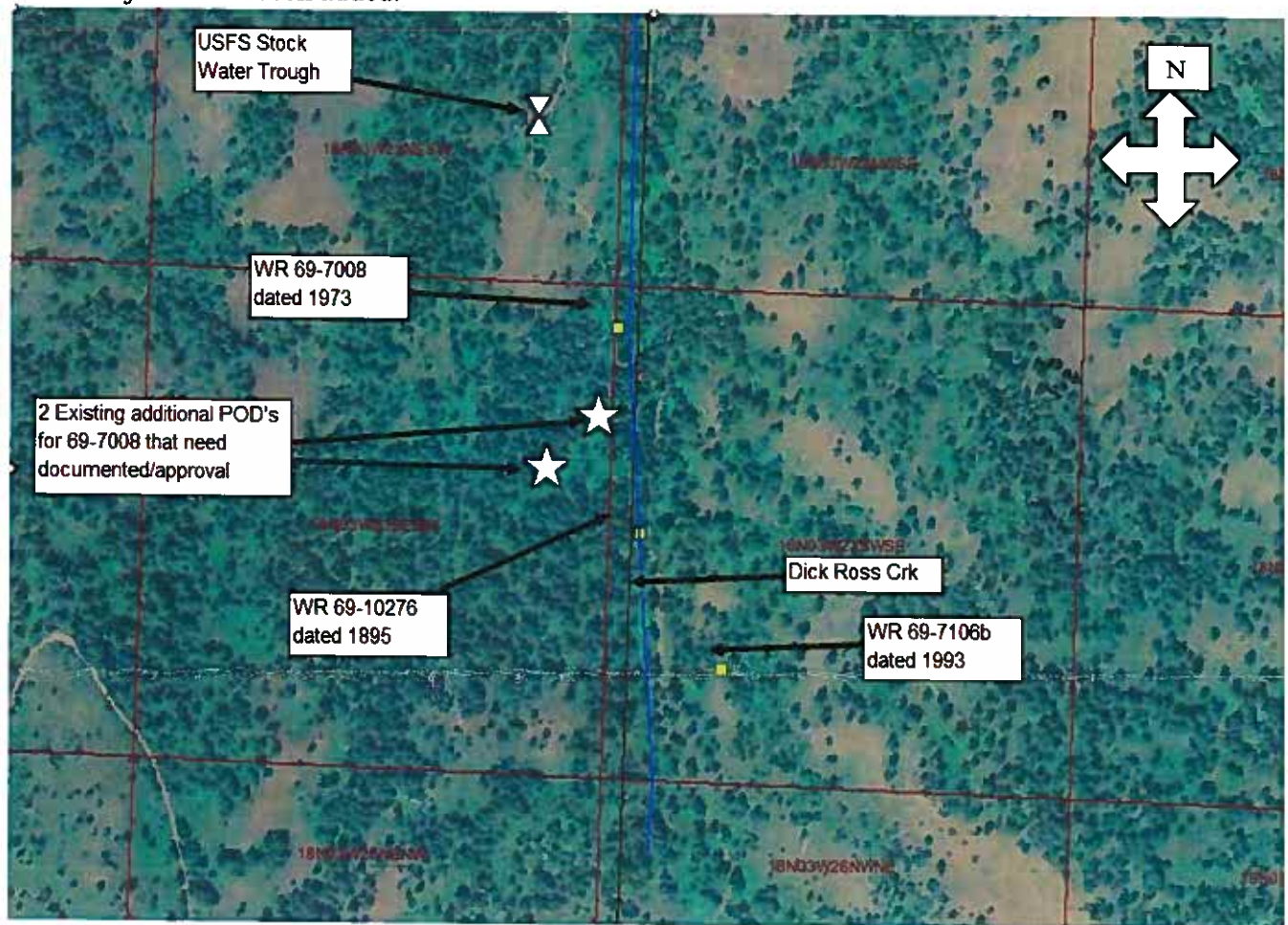
Denise F. Cobb, SUDS Helpdesk, Special Use Administrator, Payette National Forest, McCall Ranger District
Office: 208-634-0446
dfcobb@fs.fed.us

Also, as requested, a detailed diagram of water right 69-7008 water system is included.

We appreciate your attention on this matter and please let us know if you need anything further.

Brad Hild
132 S. Florence St.
Nampa, ID 83686
(208)989-3279 (cell)
Hildb8@msn.com

Figure 1 –map source IDWR website
Yellow squares are POD's from the website.
White objects have been added.





United States
Department of
Agriculture

Forest
Service

Payette National Forest
Council R.D.

PO Box 567
Council ID 83612
208 253-0100

File Code: 2720

Date: November 23, 2009

RICHARD HEDGES
988 N. WINDHAM PLACE
EAGLE, ID 83616

Dear Mr. Hedges:

On September 22, 2009, I sent a letter to you regarding the unauthorized water systems attached to your permitted water system. I attached an application for you to complete requesting a permit for the complete water system. I realized after this letter was sent that your water right (69-7008) refers to one spring and one point of diversion. This was confirmed with Craig Saxton - Idaho Department of Water Resources. At this time, you do not have a legal water right for the additional springs.

You need to apply for a "Transfer of Water Right" to update the number of water source points in Water Right 69-7008, so you can legally remove water from all locations. According to Craig Saxton, a "Transfer of Water Right" will only amend one element of your water right so you will maintain the original priority date of Water Right 69-7008.

Information on water rights can be found on the Idaho Department of Water Resources website (www.idwr.id.gov). You can also contact Craig Saxton at (208) 287-4800 for more information on this process.

Please complete the attached application for a new Special Use Permit that covers your entire water system. The completed application should detail the entire system (all spring boxes, length and diameter of pipe, etc.). Also attach a drawing or map of this system that matches your description on the application. Once your water right has been amended to include all the springs you are utilizing, send us a copy of your new water right. Once we have this document, we will review your application. We cannot issue a new permit until you have a legal water right. However, if you show a good faith effort by initiating the process to legalize your water right, we will honor your existing special use permit while you are completing this process. By not initiating this process, you will run the risk of the unauthorized water system being dismantled.

Contact Lynn Wilson at (208) 634-0416 when you have initiated this process and if you have questions regarding your permit.

Sincerely,

GREGORY S. LESCH
District Ranger

Enclosure



Caring for the Land and Serving People

Printed on Recycled Paper





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

October 27, 2010

Brad Hild
132 S. Florence St.
Nampa, ID 83686

Re: Water Right Application for Transfer# 76490 (Water Right No. 69-7008)

Dear Mr. Hild:

The water right transfer application referenced above has been assigned to me for review and processing. The application seeks to add two additional springs as points of diversion (PODs) that the application states should have been licensed as PODs in 1973 but were overlooked.

The original application for right 69-7008 (which was renumbered from 67-7145) clearly states that the use is for a summer cabin, a trailer and a recreational pond and the source is one pond, not three. Likewise, the special use permit the applicant obtained from the USFS clearly describes one spring as a POD. During the licensing process, there is an opportunity for the applicant to correct errors in the license. There is no evidence in the original file that there was an error in licensing one instead of three PODs. Furthermore, the two PODs you seek to add to right 69-7008 are already licensed by the USFS under 69-7106B (0.01 cfs for stockwater) and 69-10276 (0.02 cfs for stockwater). Information about these rights can be viewed on the IDWR website www.idwr.idaho.gov.

It appears that water right 69-7008 may not be sufficient to supply water to the five summer homes currently using the spring and that adding two additional PODs would result in an enlargement of the right. In order for me to continue to process this application, please submit the following:

- 1 – Explain how adding the additional points of diversion would not increase the authorized quantity of water under the right which is 0.45 cfs.
- 2 – Submit evidence that there is sufficient water from the two additional PODs to fill both the USFS licenses and provide water for 69-7008.
- 3 - The application in Part 1(5)(b) asks for the arrangement that allows the applicant to access land not owned by the applicant. This item was not answered. It appears you do not have the

October 27, 2010

Page 2 of 2

necessary approval from the USFS to use the two additional PODs on USFS land. Typically in the past, public land management agencies have protested new applications involving public land. The agencies have done this to ensure that their requirements under federal and/or state law have been satisfied (special use permit, right-of-way etc.). Those agencies typically have withdrawn protests once those requirements have been met or, in some cases, once sufficient progress in that regard has been achieved.

Legal access to public property is discussed in IDWR Water Appropriation Rule 45.01.c. Please provide written confirmation from the USFS that you have either obtained written approval to legally enter the public land for the purposes stated in your application, or made sufficient progress in obtaining that approval to allow the agency to forego protesting your application.

The information requested is due by December 27, 2010, or the application will be rejected. You can request in writing an extension of time up to six months to allow you to obtain the necessary documentation. Another consideration is to withdraw the application for transfer and file an application for permit for a new right, which would provide an additional quantity of water. 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, appearing to read "Vicky Music". The signature is stylized with a large, looped "V" and a cursive "Music".

Vicky Music

Sr. Water Resource Agent

Western Info

From: Western Info
Sent: Monday, August 23, 2010 8:00 AM
To: 'BRAD HILD'
Subject: RE: Water Right Transfer - Attn. Steve Lester

Hi Brad:

Thank you for your reply. Your transfer application has been assigned to a staff reviewer for processing. I will provide your recent email information to that reviewer, who will respond to your questions.

Steve L.

From: BRAD HILD [mailto:hildb8@msn.com]
Sent: Monday, August 16, 2010 1:37 PM
To: Western Info
Subject: RE: Water Right Transfer - Attn. Steve Lester

Hi Steve,

Attached is a map I received from the Forest Service that shows the location of the diversion points. Is this sufficient for the requirement below. Also, do you need a letter from the Forest Service or would email traffic demonstrating their awareness of this effort suffice?

Thank you,
Brad

Subject: Water Right Transfer
Date: Tue, 1 Jun 2010 13:30:11 -0600
From: westerninfo@idwr.idaho.gov
To: hildb8@msn.com

Mr. Hill:

I received word from other staff that you asked about the application for transfer to change water right #69-7008. The application was received 4/28/10. Normal processing starts within about 6 months.

A quick look at the application suggests at least two additional pieces of information are needed before processing starts.

1) The application describes additional springs on public land managed by the Forest Service. Please provide written verification from the Forest Service allowing this addition to the water right. The transfer cannot be approved without that information.

2) A map was not included with the application. Please submit a map showing the section and $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ locations (the 10-acre portions of the section) of the "new" points of diversion to confirm the written descriptions in the application. Topographic maps are generally best. You can find a map tool on the department website:

www.idwr.idaho.gov then "water right transfers" icon, go to "step 2" in the process and click "create a map."

Please send the required information to this office as follows:

Attn. Steve Lester
IDWR Western Region
2735 Airport Way
Boise, ID 83705

If you reply to this email, please put "Attn. Steve Lester" in the subject line. Or, please call me at your convenience (334-2190).

-- Steve L.

RECEIVED

APR 28 2010

April 28, 2010

WATER RESOURCES
WESTERN REGION

From: Brad Hild

To: Idaho Department of Water Resources

Subject: Application for Transfer of Water Right,
Addition of Points of Diversion to Water Right 69-7008

Hello,

Attached, please find our application requesting the addition of points of diversion to our existing water right 69-7008. This water right and the points of diversion were established in 1973 and have been used to supply water to five cabins used primarily as summer vacation homes.

Also attached are the following documents:

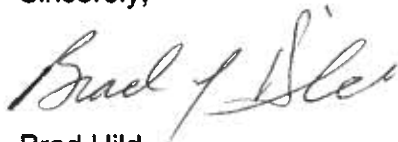
1. Water Rights Owners – Details the owners of the existing right and their contact information.
2. Project Description – Details the current water system including those points of diversion that were not included in our existing water right.
3. Application for Transfer of Water Right Part 2
4. Detailed mapping of the existing system and the water line that transports the water from the diversion point to our property.

If you have any questions please feel free to contact me at:

Brad Hild
132 S. Florence St.
Nampa, ID 83686
Home: (208)546-6005
Cell: (208)989-3279

Thank you for your attention in this matter. We look forward to your approval of this application and having our water right accurately documented.

Sincerely,



Brad Hild

Western Info

From: Western Info
Sent: Tuesday, June 01, 2010 1:30 PM
To: 'hildb8@msn.com'
Subject: Water Right Transfer

Mr. Hill:

I received word from other staff that you asked about the application for transfer to change water right #69-7008. The application was received 4/28/10. Normal processing starts within about 6 months.

A quick look at the application suggests at least two additional pieces of information are needed before processing starts.

1) The application describes additional springs on public land managed by the Forest Service. Please provide written verification from the Forest Service allowing this addition to the water right. The transfer cannot be approved without that information.

2) A map was not included with the application. Please submit a map showing the section and $\frac{1}{4}$ $\frac{1}{4}$ locations (the 10-acre portions of the section) of the "new" points of diversion to confirm the written descriptions in the application. Topographic maps are generally best. You can find a map tool on the department website:

www.idwr.idaho.gov then "water right transfers" icon, go to "step 2" in the process and click "create a map."

Please send the required information to this office as follows:

Attn. Steve Lester
IDWR Western Region
2735 Airport Way
Boise, ID 83705

If you reply to this email, please put "Attn. Steve Lester" in the subject line. Or, please call me at your convenience (334-2190).

-- Steve L.

Lester, Steve

From: Saxton, Craig
Sent: Tuesday, June 01, 2010 12:42 PM
To: Lester, Steve
Subject: FW: Water Application - (Please forward to OD...if appropriate)

Hey Steve,

I was wondering if you could forward this "status" check question onto the OD. I did give the guy the general office number and didn't give him any names because I know you have enough to do, but thought I would follow up since I can tell it has been received and receipted, but don't see it in docs or anything like that.

Oh, he is referring to a TR filed on 69-7008: Receipt # W038299.

Thanks,
c

From: BRAD HILD [mailto:hildb8@msn.com]
Sent: Tuesday, June 01, 2010 8:51 AM
To: Saxton, Craig
Subject: Water Application

Hi Craig,

It's been a while since we've spoken. I hope all is going well with you.

I was wondering if you could do me a favor, I submitted our application for water rights transfer about a month ago and haven't heard anything back. Could you either let me know the status or who I should contact to get the current status of our application?

Thanks
Brad

SPECIAL USE PERMIT

Act of June 4, 1897

This permit is revocable and nontransferable
(Ref. FSM 2710)

b. Record no. (1-2)	c. Region (3-4)	d. Forest (5-6)
70	04	12
e. District (7-8)	f. User number (9-12)	g. Kind of use (13-15)
01	2720	916 222
h. State (16-17)	i. County (18-20)	j. Card no. (21)
16	003	1

Permission is hereby granted to Gunnard Johanson

of Box 15, Parma, Idaho 83660

hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

spring location, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section, 23, T. 18 N., R. 3 W., B.M.
Pipeline location, SE $\frac{1}{4}$, Section 14.

This permit covers less than 1 mile and is issued for the purpose of:

a fenced 4x4 concrete headbox, a 2" plastic pipeline buried
2' deep, to supply water for culinary use.

1. Construction or occupancy and use under this permit shall begin within 1 month~~s~~, and construction, if any, shall be completed within 18 months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Eighteen & 75/100 Dollars (\$ 18.75) for the period from October 1, 19 73, to December 31, 19 74, and thereafter annually on January 1st Fifteen & 00/100 Dollars (\$ 15.00):

Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 18 to 28 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE <u>Gunnard Johanson</u>	SIGNATURE OF AUTHORIZED OFFICER	DATE <u>10-18-73</u>
ISSUING OFFICER	NAME AND SIGNATURE <u>Harold M. Boet</u>	TITLE for W.B. SENDT Forest Supervisor	DATE <u>10/23/73</u>

(CONTINUED ON REVERSE)

2700-4 (7/71)

67 7145