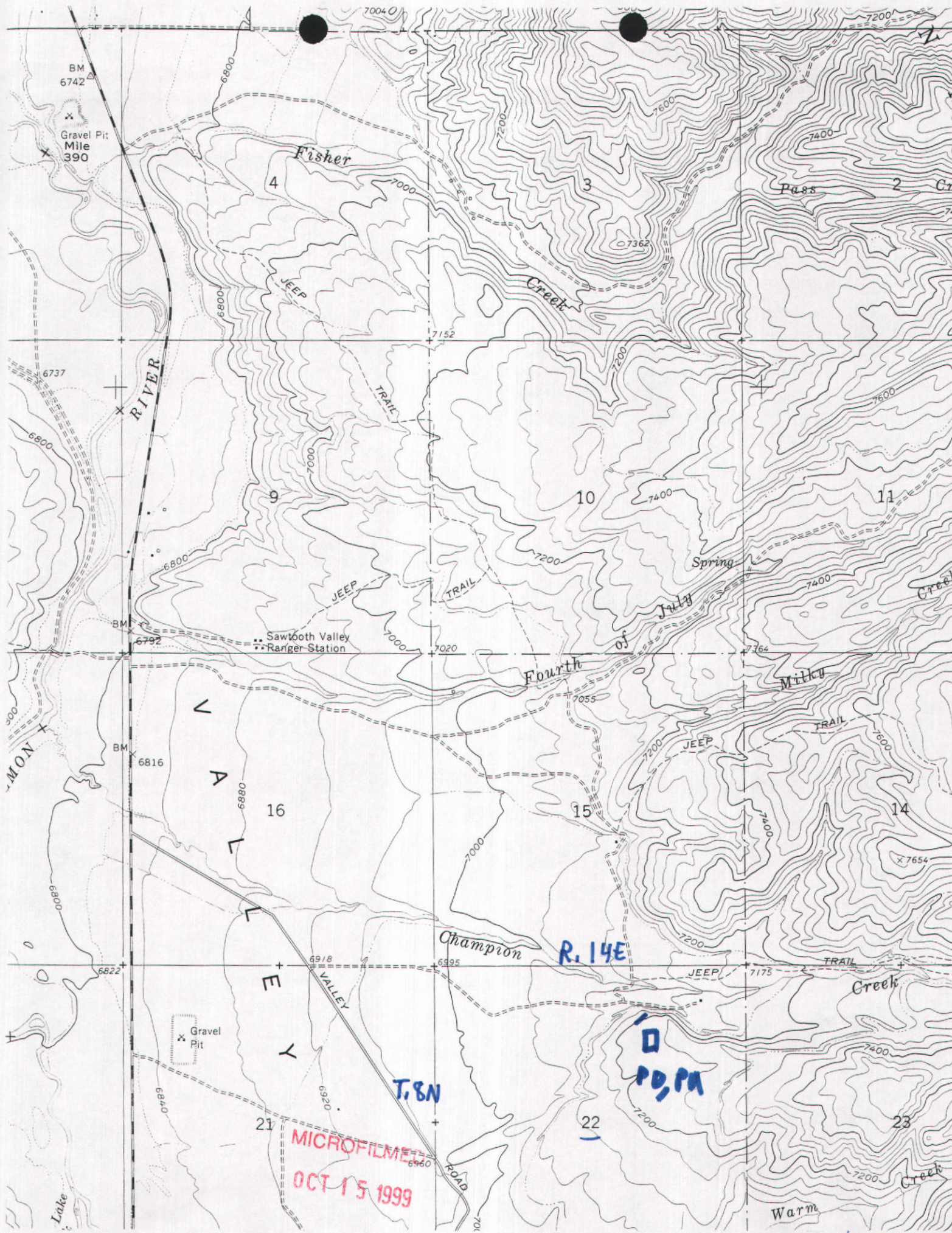




MICROFILMED
OCT 15 1999

R. 14E

T. 8N

PD, PA

T# 5471

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

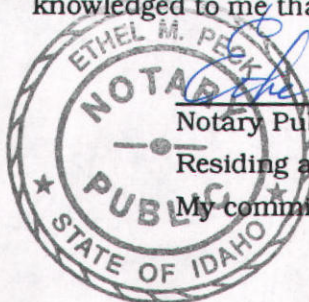
I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2
consecutive weeks, commencing with the issue dated June 24, 1999 and ending with the issue dated July 1, 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 1st day of July in the
year of 1999 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Ethel M. Peck
Notary Public for Idaho

Residing at Challis, Id

My commission expires: 3-19-2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHT T#5471

Notice is hereby given that W. MICHAEL HUMPHREYS &/OR CANDACE P. HUMPHREYS, c/o James P. Speck, Esq., PO BOX 987; KETCHUM ID 83340 have applied to the Department of Water Resources to add a new point of diversion. PRESENTLY, Water Right No. 71-10140 (0.03 cfs) with a priority date of 07/31/1984 is diverted from groundwater within NW1/4NE1/4, S22, T08N, R14E for domestic use there; Custer County.

PROPOSED CHANGE

The applicant wishes to drill a second well

within NW1/4NE1/4, S22, T08N, R14E for irrigation of the 1/2 acre landscaping and culinary use in the new proposed barn at the same location; Custer County. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID

83301 together with a protest fee of \$25.00 on or before July 12, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub: June 24, July 1, 1999.

RECEIVED

JUL 02 1999

Department of Water Resources
Southern Region

MICROFILMED

OCT 15 1999

OK B
7/12/99

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
71-10140	HUMPHREYS, CANDACE P	C	07/31/1984	D/	GROUNDWATER	P DECR	WR
	HUMPHREYS, W MICHAEL	C					

*71-10140	HUMPHREYS, CANDACE P	C	07/31/1984	D/	GROUNDWATER	P DECR	AJ
	HUMPHREYS, W MICHAEL	C					
A71-10140	HUMPHREYS, W MICHAEL	C	07/31/1984	J/	GROUNDWATER	DOMEST	AJ
	HUMPHREYS, CANDACE P	C					

MICROFILMED

OCT 15 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5471
WATER RIGHT NO. 71-10140

This is to certify that: CANDACE P HUMPHREYS
W MICHAEL HUMPHREYS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AF

SOURCE

GROUNDWATER

Priority: 07/31/1984

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 22, Township 08N, Range 14E
CUSTER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

08N 14E 22 NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

MICROFILMED

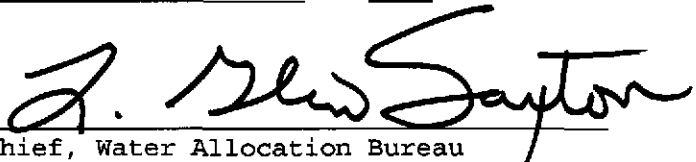
DEC 15 1994

TRANSFER NO. 5471
WATER RIGHT NO. 71-10140

CONDITIONS OF APPROVAL AND REMARKS

5. The total instantaneous diversion of water from all points of diversion under Transfer 5471 shall not exceed 0.03 cfs, nor a total combined annual volume of 1.2 af.
6. The quantity of water decreed for this water right is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
7. Domestic use is for a home and barn.
8. Two points of diversion are located within NWNE, S22, T08N, R14E.
9. The place of use is also known as Parcel No. RP08N14E220601.

Dated this 12th day of October, 1999.


Chief, Water Allocation Bureau

MICROFILMED

SEP 15 1999

Form 222
7/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
APR 23 1999
Department of Water Resources
Southern Region

Name of applicant: W. Michael Humphreys and/or Candace P. Humphreys Phone: 1-208-726-4421Post Office address: c/o James P. Speck, Speck & Aarstad, A Professional Corporation, P. O. Box 987, Ketchum, ID 83340**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 (change source, split right)

2. Describe the reason for the proposed changes: Applicant desires to use a second well to irrigate the not more than one-half acre of landscaping in connection with this domestic water right and to provide culinary water to a new barn to be constructed on the property. The existing well will then be used solely for in-house purposes.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount	Nature of Use	Period of Use	Volume
71-10140	July 31, 1984	0.03 cfs	domestic	January 1 to December 31	

2. Total amount of water being transferred: 0.03 cubic feet/second and/or _____ acre-feet per annum3. Source of water: ground water tributary to _____

4. Point(s) of Diversion: two (2) wells located as follows

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	NE	22	8N	14E	Custer	

5. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	14E	22		D															

Total acres _____

MICROFILMED

APR 14 1999

6 General Information:

a. Description of diversion system, Two (2) wells, pumps, buried main line, residential sprinkler irrigation systemsb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: N/A.

d. Remarks.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said Application is hereby _____, subject to the following limitations and conditions.

Witness my hand this _____ day of _____, 19____.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A71-10140

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
DOMESTIC	01/01 to 12/31	0.03 CFS

SOURCE

GROUNDWATER

Priority: 07/31/1984

LOCATION OF POINT(S) OF DIVERSION:NWNE , Sec. 22, Township 08N, Range 14E
CUSTER CountyPLACE OF USE: DOMESTICTWN RGE SEC

08N 14E 22 NWNE

CONDITIONS/REMARKS:

1. CHANGE OF OWNERSHIP RECEIVED 7/21/93 FORMER OWNER JACK W.
2. REDMOND, II, RANDALL HAYS, TRUSTEE, NEW OWNERS MICHAEL & CANDACE P. HUMPHREYS. COPY OF WARRANTY DEED & QUITCLAIM DEED ATTACHED TO FORM.

RECORDED
JUL 15 1994

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

(Attach one copy for each right)

RECEIVED
APR 28 1999
Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by:

- a. Decree No. 71-10140 Decreed to W. Michael Humphreys and/or Candace P. Humphreys
In case of SRBA vs. _____
Dated October 3, 1997 in Case No 39576 county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below

☒ Tax notice ☐ Warranty Deed ☐ Other

3. Source of water ground water

4. Date of priority _____

5. Water is used for the following purposes:

amount 0.03 cfs for Domestic purposes from January 1 to December 31

6 Total amount of water under right 0.03 cubic feet/second and/or _____ acre-feet per annum.

7. Point(s) of Diversion

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	NE	22	8N	14E	Custer	

8. Lands Irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	14E	22		D															

Total acres: _____

9. Describe any other water rights used for the same purpose as described above None.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No . If yes, describe_

B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount _____ for _____ purposes from _____ to _____

2 Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local Name for Diversion

3. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1 amount _____ for _____ purposes from _____ to _____

2 Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: _____

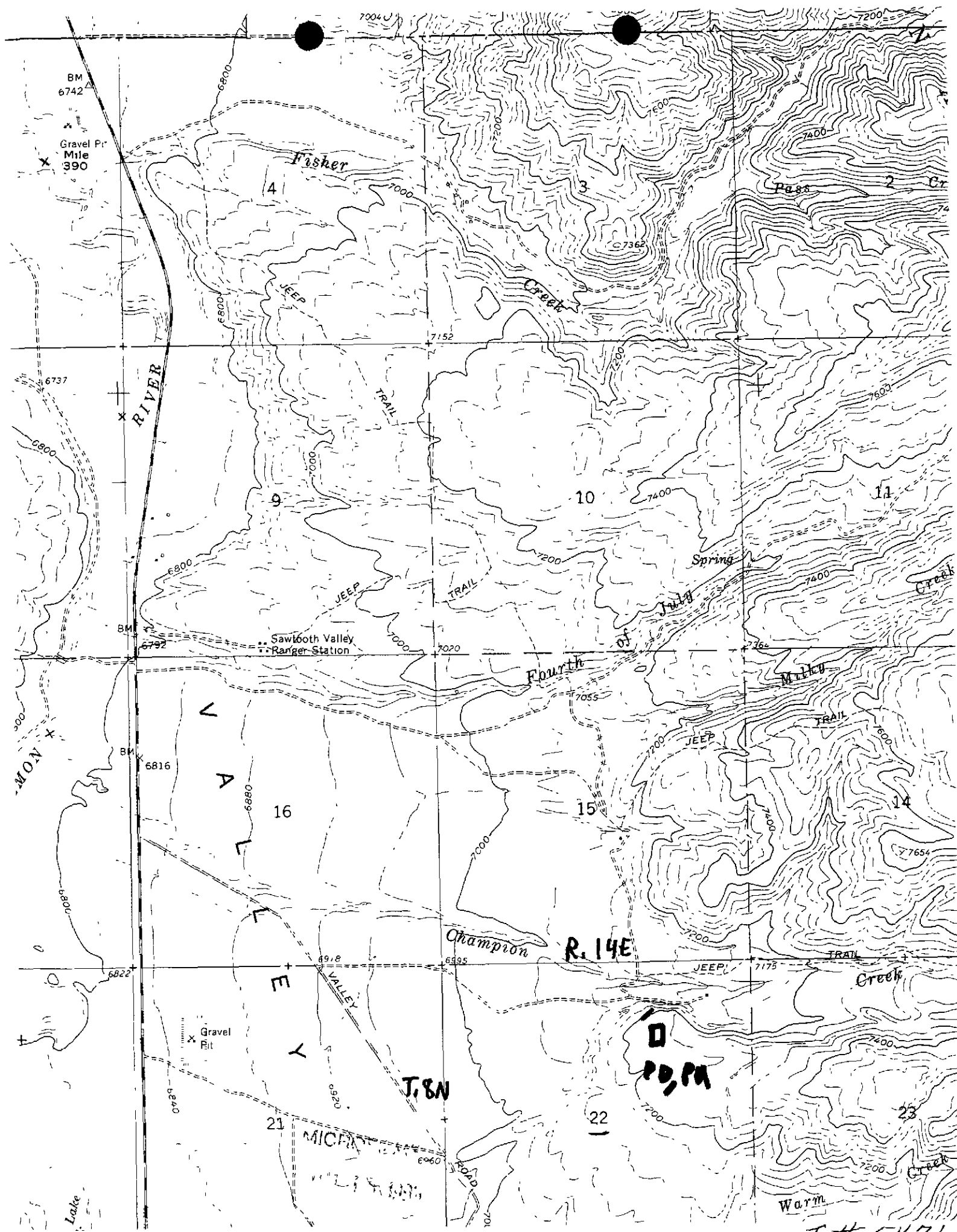
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE MAPS IN SRBA FILE - NEW WELL WILL BE IN CLOSE PROXIMITY TO EXISTING WELL

RECEIVED
APR 28 1990
Department of Water Resources
Southern Region

MICHAEL
J. H. H. H.



T# 5471

PART 3

B. CHANGES IN NATURE OF USE

1

New Nature of Use	Amount (cfs/AF)	Hours/Days/Year	Period Of Use
			to
			to
			to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

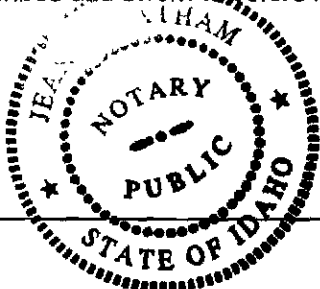
I understand that any willful misrepresentations made in this application may result in voiding its approval

DATE:

4/26/99

W. Michael Humphreys by J.P. Speck, his
W. MICHAEL HUMPHREYS attorney-in-fact

Subscribed and sworn to before me this 26th day of April, 1999.



Jean Latham
Notary Public for Idaho
Residing at Blaine, ID
My commission expires 1-15-2001

FOR DEPARTMENT USE ONLY

Received by J. Stanton Date 4-28-99Prelim. check by Jos Fee \$100.Receipted Jos # 5022077Published in Challis MessengerPub. dates 6/24 + 7/1/99Recommend: ☒ approve AD denyWatermaster recommendation requested N/A rec'd

Field exam conducted (required for statutory claims)

Protest filed by:

None

Hearing held by:

From Jim Speck To Mike Humphreys

Date 4/21/1999 Time 10:10:48 PM

RECEIVED
APR 28 1999
Department of Water Resources
Southern Region

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

I, W. MICHAEL HUMPHREYS, individually and as trustee of THE HUMPHREYS TRUST, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

RECORDED
APR 28 1999

T # 5471

From Jim Speck To Mike Humphreys

Date: 4/21/1999 Time 10 10 46 PM

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26th day of April 1999.

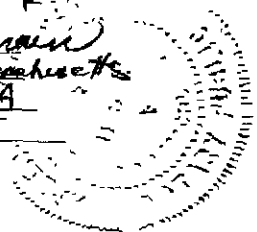
W. Michael Humphreys
W. MICHAEL HUMPHREYS

STATE OF Massachusetts)
County of Essex) ss.

On this 26th day of April, 1999, before me, the undersigned notary public in and for said state, personally appeared W. MICHAEL HUMPHREYS, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Adam Holde Herman
Notary Public for Com. of Massachusetts
Residing at: Swampscott, MA
Commission expires 4/6/01



Water Right Number - 71-10140

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HUMPHREYS	CANDACE P	1 - C/O H HOOK RANCH 2 - 10495 STONE QUARRY RD 3 - City- PAYETTE Phone - 617-431-1229	State- ID Zip- 83661
HUMPHREYS	W MICHAEL	1 - C/O H HOOK RANCH 2 - 10495 STONE QUARRY RD 3 - City- PAYETTE Phone - 617-431-1229	State- ID Zip- 83661

+ - - Priority Date - - +	+ - - Region - - - +	+ - - Stage - - - +	+ - - Status - - - +
07/31/1984	17 SOUTHERN	D - DECREED	

+ - - - - Source - - - - - +	+ - - - - Tributary - - - - - +
GROUNDWATER	

+ - - - - Point of Diversion - - - - - +									
TwN	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
08N	14E	22	NW NE		(37)	CUSTER			

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.030	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.030			0.0	

+ - - - - Place of Use - - - - - +								
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	14E	22	NW NE			43 DOMESTIC		(37) CUSTER

+ - - Diversion Means - 200' WELL, PUMP

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

EXP PARCEL NO. RP08N14E220601

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

APPROVED
10/11/99

Water right number - 71-10140

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

STATE OF IDAHO

UNITED STATES, ET AL

10/03/1997

+ - - - - Comments - - - - - +

Date: 09/20/1993 User Id: GIVENS Subject: OWNERSHIP CHANGE

CHANGE OF OWNERSHIP RECEIVED 7/21/93 FORMER OWNER JACK W.

REDMOND II, RANDALL HAYS, TRUSTEE NEW OWNERS W. MICHAEL &

CANDACE P. HUMPHREYS. COPY OF WARRANTY DEED AND QUITCLAIM DEED

SUBMITTED WITH FORM.

Date: 09/12/1995 User Id: DSMITH Subject: DATA ENTRY CORRECTION

CONFORMED ADDRESSES TO MEET DATA ENTRY STANDARDS

Date: 01/13/1997 User Id: DS1-PROD Subject: D&S 1 HOME UPDATE

USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".

CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.

ANY GEN REMARK CHANGED TO AN EXP REMARK.

+ - - Audit Fields - 07/17/92 SMITH 11/14/92 POST-STD 09/20/93 GIVENS 03/30/95 POST-STD 09/12/95 DSMITH

01/13/97 DS1-PROD 04/30/97 ADT-DSHA 06/01/97 CPDSHAFF 12/03/97 ADT-DSHA 10/08/99 DECREED

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	- AND	POU Ownership Flag	- Y
SRBA Decreed Flag	- D				

MICHAEL

10/14/99

SRBA PARTIAL DECREE 71-10140

[Return to SRBA Home Page](#)

ISSUED ON 10-03-1997 BUT COPY
NOT FOUND IN THE SRBA DATABASE

[Return to SRBA Home Page](#)

RECORDED
10/11/99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CANDACE P HUMPHREYS
W MICHAEL HUMPHREYS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Water Right 71-10140 (Transfer 5471)

Dear Mr. & Mrs. Humphreys:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5471). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
OCT 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of October, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 71-10140 (Transfer 5471)

**CANDACE P HUMPHREYS
W MICHAEL HUMPHREYS
CO JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 15 1999**

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

SEP 15 1995

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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.

MEMORANDUM

TO: File 71-10140

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5471

DATE: October 8, 1999

Transfer 5471 adds a second point of diversion under Right 71-10140. This right is for domestic use that was recently decreed in the SRBA. The addition of the second well is for the irrigation use associated with the home and culinary use in a barn. The transfer approval has been conditioned to limit the combined use of the wells to the original parameters of the right

Recommended conditions include drilling permit requirements, multiple points of diversion/measuring devices, decree conditions (not a determination of historical use & limited to 13,000 gpd) and standard transfer conditions

MICROFILMED

OCT 15 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5471

Date Reviewed 10-08-99 38

Right(s) 71-10140 - SRBA Decree

☒ WRQ/Split Summary ☒ ^{Decreed} SRBA Status NA Run FOU Comparison Report

B:Change P/D ☒ Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership Decree - NA / P/D change only

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. A/3.0

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) Yes Pertinent Conditions non-confirmation (3,000 gpd limit) (13) NO Expansion w/conditions

(5) Standard DOM volume = 1.2 ac < 14.6 ac max @ 13,000 gpd.

(7) Add 2nd P/D - No DP transfer for new well

Transfer Remarks SRBA Conditions WB4 Two P/Ds

Conditions D46, T07, T08 T17

Database/Processing Notes

Standard ☐ Non-Standard ☒

Use WRDE1 & WRB3 to update in order to return SRBA flags.

Delete T

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

38, 10-12-99

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
71-10140	HUMPHREYS, CANDACE P	C	07/31/1984	D/	GROUNDWATER	P DECR	WR
	HUMPHREYS, W MICHAEL	C					

*71-10140	HUMPHREYS, CANDACE P	C	07/31/1984	D/	GROUNDWATER	P DECR	AJ
	HUMPHREYS, W MICHAEL	C					
A71-10140	HUMPHREYS, W MICHAEL	C	07/31/1984	J/	GROUNDWATER	DOMEST	AJ
	HUMPHREYS, CANDACE P	C					

SRBA

SUBCASE SUMMARY REPORT 71-10140

[Return to SRBA Home Page](#)

SRBA
10-08-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 71-10140 FILE#: 00000
CLAIMANT: HUMPHREYS, CANDACE P
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

CANDACE P HUMPHREYS	PRO SE
W MICHAEL HUMPHREYS	PRO SE

**** ROA ENTRIES ****

10-03-1997	PARTIAL DECREE FILED	10-03-1997
10-03-1997	CERTIFICATE OF MAILING - PARTIAL DECREE	

[Return to SRBA Home Page](#)

MICROFILMED

011 10 1999

FROM: Allen Merritt *AM*
TO: Transfer File No. 5471
Water Right(s): 71-10140

DATE: July 22, 1999

RECEIVED

JUL 26 1999

In the Name of: HUMPHREYS

SUBJECT: Review and Recommendation

Department of Water Resources

This transfer proposes to add a second well to a recently decreed domestic right. The new well is intended to provide irrigation around the house and water for a new barn. The right is limited to 13,000 gpd and 0.03 cfs.

RECOMMENDATION

I recommend the transfer be approved subject to the following conditions:

- The new well must comply with drilling permit requirements.
- Total domestic use from both wells is limited to 13,000 gpd for domestic purposes of 1 home with auxiliary building (barn) and irrigation of no more than 1/2 acre. The rate of diversion from both wells is limited to 0.03 cfs at any one time.

MICROFILMED

NOT A 4 July

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

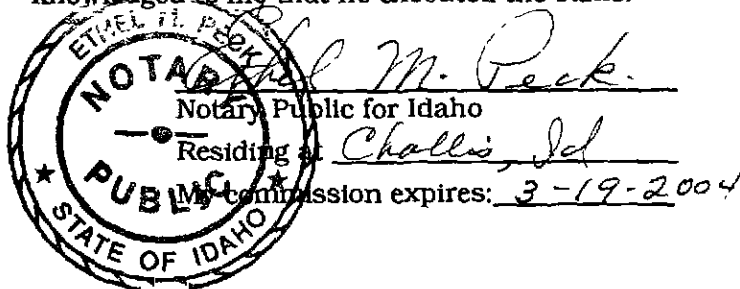
I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated June 24, 1999 and ending with
the issue dated July 1, 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 1st day of July in the
year of 1999 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.



NOTICE OF PROPOSED CHANGE OF WATER RIGHT T#5471

Notice is hereby given that W. MICHAEL HUMPHREYS &/OR CANDACE P. HUMPHREYS, c/o James P. Speck, Esq., PO BOX 987; KETCHUM ID 83340 have applied to the Department of Water Resources to add a new point of diversion. PRESENTLY, Water Right No. 71-10140 (0.03 cfs) with a priority date of 07/31/1984 is diverted from groundwater within NW1/4NE1/4, S22, T08N, R14E for domestic use there; Custer County.

PROPOSED CHANGE

The applicant wishes to drill a second well

within NW1/4NE1/4, S22, T08N, R14E for irrigation of the 1/2 acre landscaping and culinary use in the new proposed barn at the same location; Custer County. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID

83301 together with a protest fee of \$25.00 on or before July 12, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Freher, Director
Pub: June 24, July 1, 1999.

RECEIVED

JUL 02 1999

Department of Water Resources

MICROFILMED

7/12/99

NOTICE OF PROPOSED CHANGE TO WATER RIGHT
T# 5471

Notice is hereby given that W. MICHAEL HUMPHREYS &/OR CANDACE P. HUMPHREYS, c/o James P. Speck, Esq., PO BOX 987; KETCHUM ID 83340 have applied to the Department of Water Resources to add a new point of diversion.

PRESENTLY, Water Right No. 71-10140 (0.03 cfs) with a priority date of 07/31/1984 is diverted from groundwater within NW1/4NE1/4, S22, T08N, R14E for domestic use there; Custer County.

PROPOSED CHANGE

The applicant wishes to drill a second well within NW1/4NE1/4, S22, T08N, R14E for irrigation of the 1/2 acre landscaping and culinary use in the new proposed barn at the same location; Custer County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 12, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in The Challis Messenger on 6/24 & 7/1/99.

REPROFILMED

JUL 15 1999

JK
CR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK ESQ
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Re: Application for Transfer No. 5471 (71-10140) W. Michael
Humphreys &/or Candace P. Humphreys

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the
Application for Transfer on behalf of the Humphreys.

This office has scheduled advertising the application in The
Challis Messenger for 06/24 and 07/01/99. The advertisement will
be published for two weeks, and a period of ten days following the
second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the
protest. The protest must be resolved before the application is
approved or denied. If the protest is not resolved voluntarily,
this Department will conduct a conference and/or hearing on the
matter.

State Office personnel will conduct a complete review prior to
final processing of the application and will notify you of the
outcome of this review.

Please feel free to contact this office if you have any questions
regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

MICROFILMED

2001 10 20

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

April 27, 1999

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED
APR 28 1999
Department of Water Resources
Southern Region

**Re: Humphreys - Application for Transfer of Water Right
No. 71-10140**

Dear Allen:

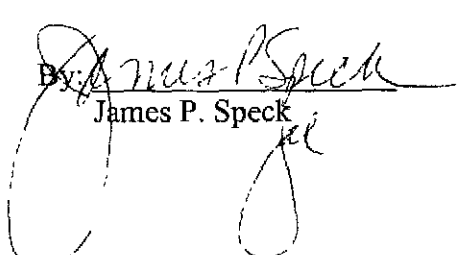
Enclosed please find the original and a copy of an Application for Transfer of Water Right and Special Power of Attorney to add a diversion point to Water Right No. 71-10140. This domestic water right was recently decreed in the SRBA to W. Michael Humphreys and/or Candace P. Humphreys. The Application seeks to add a second well for irrigation of not more than 1/2 acre of landscaping and to serve the "in house" domestic requirements of a new barn to be constructed on the property. I have also enclosed my firm's check payable to IDWR in the sum of \$100 as the filing fee.

I will be out of the office until May 13, 1999. If you have any questions about the Application, please contact me after I return or call one of my legal assistants, Randi Diem or Jean Latham, and they can convey your questions or concerns on to me while I am out of the office.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: clients (w/encls.)

113 18 1999

T # 5471