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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NO. 70245 IN THE NAME OF KENNETH J)
AND KATHY SCHOESSLER)
_____)

**PRELIMINARY ORDER
CORRECTING TRANSFER
APPROVAL**

FINDINGS OF FACT

1. On February 11, 2003 the Department approved Transfer No. 70245 with the following condition attached to Rights 37-20822 and 37-20824:

Rights 37-20822 and 37-20824 when combined shall not exceed a total diversion rate of 0.23 cfs, a total annual maximum diversion volume of 70 af at the field headgate, and the irrigation of 20 acres.

2. The combined rate of diversion under both rights combined should have been limited to 0.30 cfs, not 0.23 cfs as indicated in the condition.

CONCLUSIONS OF LAW

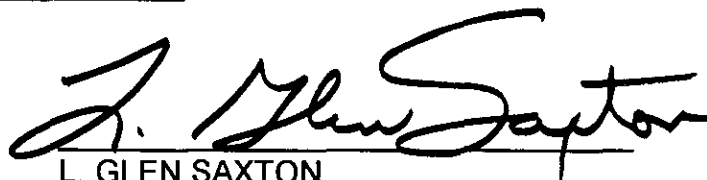
1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.
2. The transfer approval incorrectly describes the combined rate of diversion limitation under Rights 37-20822 and 37-20824.
3. The Department should correct the transfer approval to limit the combined rate of diversion under Rights 37-20822 and 37-20824 to 0.30 cfs.

ORDER

IT IS THEREFORE HEREBY ORDERED that condition number one (1) on Rights 37-20822 and 37-20824 in Transfer Approval No. 70245 is **CORRECTED** as follows:

Rights 37-20822 and 37-20824 when combined shall not exceed a total diversion rate of 0.30 cfs, a total annual maximum diversion volume of 70 af at the field headgate, and the irrigation of 20 acres.

Dated this 19th day of March, 2003.


L. GLEN SAXTON
Chief, Water Allocation Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70245

This is to certify that: KATHY SCHOESSLER And
KENNETH J SCHOESSLER
HC 62 BOX 1600
WELLS NV 89835
(775)752-3184

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20618	AJC/License	12/12/1979	0.76 cfs	298.2 af	114.0	102.0	GROUND WATER
37-20620	AJC/License	09/21/1954	1.28 cfs	N/A		102.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

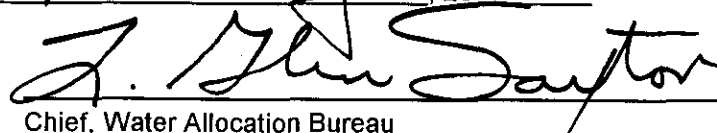
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20618	YES	YES	NO	NO	NO	NO
37-20620	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20618	37-20824	0.15 cfs	58.5 af	N/A	20.0	37-20823	0.61 cfs	239.7 af	N/A	82.0
37-20620	37-20822	0.25 cfs	70 af	N/A	20.0	37-20821	1.03 cfs	N/A	N/A	82.0
COMBINED										
TOTALS		0.3 cfs	70 af	20	20		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of February, 2003


Chief, Water Allocation Bureau

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WATER RIGHT NO. 37-20823
As Modified by Transfer No. 70245

In accordance with the approval of Transfer No. 70245, Water Right No. 37-20823 is now described as follows.

Right Holder: KATHY SCHOESSLER And
 KENNETH J SCHOESSLER
 HC 62 BOX 1600
 WELLS NV 89835

Priority Date: December 12, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.61 CFS	239.7 AF
		0.61 CFS	239.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 7 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	6														4.0	26.0		30.0
01S	19E	7			26.0	26.0													52.0

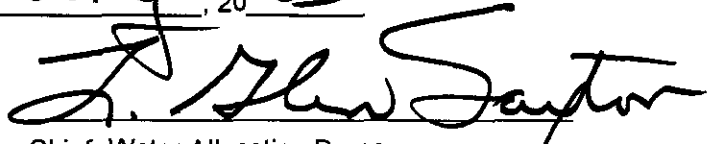
Total Acres: 82

CONDITIONS OF APPROVAL

- Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of February, 20 03


 Chief, Water Allocation Bureau

MICROC:LMEL

FEB 21 2003

WATER RIGHT NO. 37-20824
As Modified by Transfer No. 70245

In accordance with the approval of Transfer No. 70245, Water Right No. 37-20824 is now described as follows.

Right Holder: KATHY SCHOESSLER And
 KENNETH J SCHOESSLER
 HC 62 BOX 1600
 WELLS NV 89835

Priority Date: December 12, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.15 CFS	58.5 AF
		0.15 CFS	58.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 6 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	
01S 19E 6	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	Totals
				20.0	20.0

Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 37-20822 and 37-20824 when combined shall not exceed a total diversion rate of 0.23 cfs, a total annual maximum diversion volume of 70 af at the field headgate, and the irrigation of 20 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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WATER RIGHT NO. 37-20824

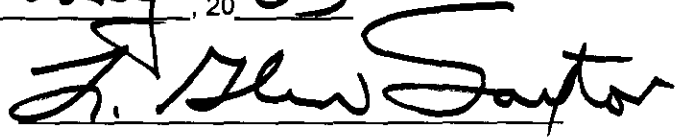
As Modified by Transfer No. 70245

CONDITIONS OF APPROVAL

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of February, 2003



Chief, Water Allocation Bureau

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REC-2 5 2003

WATER RIGHT NO. 37-20821
As Modified by Transfer No. 70245

In accordance with the approval of Transfer No. 70245, Water Right No. 37-20821 is now described as follows.

Right Holder: KEN SCHOESSLER And
 KATHY SCHOESSLER
 HC 62 BOX 1600
 WELLS NV 89835

Priority Date: September 21, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	1.03 CFS	
		1.03 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNE Sec. 7 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 6													4.0	26.0			30.0
01S 19E 7			26.0	26.0													52.0

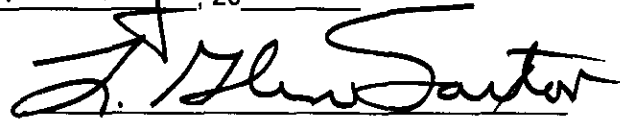
Total Acres: 82

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of February, 2003


 Chief, Water Allocation Bureau

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FEB 11 2003

WATER RIGHT NO. 37-20822
As Modified by Transfer No. 70245

In accordance with the approval of Transfer No. 70245, Water Right No. 37-20822 is now described as follows.

Right Holder: KATHY SCHOESSLER And
KENNETH J SCHOESSLER
HC 62 BOX 1600
WELLS NV 89835

Priority Date: September 21, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.25 CFS	70.0 AF
			0.25 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 6 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	19E	6																	20.0
																			20.0

Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 37-20822 and 37-20824 when combined shall not exceed a total diversion rate of 0.23 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate, and the irrigation of 20 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

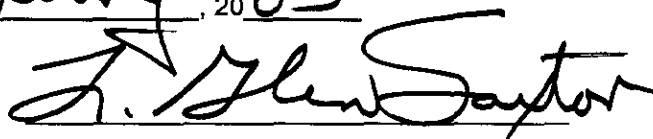
WATER RIGHT NO. 37-20822
As Modified by Transfer No. 70245

CONDITIONS OF APPROVAL

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of February, 2003


Chief, Water Allocation Bureau

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MEMORANDUM

TO: FILE 37-20824
FROM: VAULT
RE: TRANSFER # 70245
DATE: 2.11.03

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 37-2556B

MICROFILMED
SEP 21 2004