STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78909

This is to certify that: JOHN TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624-0217

LESLIE A FIELD
PO BOX 217
GRAND VIEW, ID 83624-5039

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 Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
2-2083	WR/DECREED	6/8/1958	2.400 cfs	N/A	N/A	118.0	SNAKE RIVER
2-2084	WR/DECREED	6/8/1958	1.000 cfs	N/A	N/A	50.0	SNAKE RIVER
2-2176A	WR/DECREED	5/1/1962	2.890 cfs	1080.0 af	N/A	248.0	SNAKE RIVER
2-2176C	WR/DECREED	5/1/1962	0.070 cfs	26.0 af	6.0	11.0	SNAKE RIVER
2-2272	WR/DECREED	2/26/1964	1.290 cfs	395.0 af	N/A	79.0	SNAKE RIVER
2-2405A	WR/DECREED	5/18/1967	1.760 cfs	855.3 af	N/A	248.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
2-2083	NO	YES	NO	YES	NO	NO
2-2084	NO	YES	NO	YES	NO	NO
2-2176A	NO	YES	NO	YES	NO	NO
2-2176C	NO	YES	NO	YES	NO	NO
2-2272	NO	YES	NO	YES	NO	NO
2-2405A	NO	YES	NO	YES	NO	NO

SUPPORT DATA
IN FILE # 2-2083

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
2-2083	2-2083	2.400 cfs	N/A	N/A	118.0	N/A	N/A	N/A	N/A	N/A
2-2084	2-2084	1.000 cfs	N/A	N/A	50.0	N/A	N/A	N/A	N/A	N/A
2-2176A	2-2176A	2.890 cfs	1080.0 af	N/A	248.0	N/A	N/A	N/A	N/A	N/A
2-2176C	2-2176C	0.070 cfs	26.0 af	6.0	11.0	N/A	N/A	N/A	N/A	N/A
2-2272	2-2272	1.290 cfs	395.0 af	N/A	79.0	N/A	N/A	N/A	N/A	N/A
2-2405A	2-2405A	1.760 cfs	855.3 af	N/A	248.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**9.410 cfs**	**N/A**	**N/A**	**501.0**		**N/A**	**N/A**	**N/A**	**N/A**

SCANNED
JUN 14 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78909

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 9th day of June, 2023.

SCOTT STORMS, Water Rights Supervisor

Transfer No. 78909

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2176C

As Modified by Transfer No. 78909

In accordance with the approval of Transfer No. 78909, Water Right No. 2-2176C is now described as follows:

Right Holder: JOHN TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624-0217

Priority Date: 5/1/1962

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	10/31	0.070 cfs	26.0 af
				0.070 cfs	26.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	03E	36										11.0							11.0

Right Acre Limit: 6.0
POU Total Acres: 11.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right is limited to the irrigation of 6 acres within the authorized place of use in a single irrigation season.
4. Rights 2-2176C and 2-2380 when combined are limited to the irrigation of a total of 11 acres in a single irrigation season.
5. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2176C

As Modified by Transfer No. 78909

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02, Snake River.

7. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal land.

8. The diversion and use of water described in Transfer 78909 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

9. This right does not grant any right-of-way or easement across the land of another.

10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2083

As Modified by Transfer No. 78909

In accordance with the approval of Transfer No. 78909, Water Right No. 2-2083 is now described as follows:

Right Holder: LESLIE A FIELD
PO BOX 217
GRAND VIEW, ID 83624-5039

J TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624

Priority Date: 6/8/1958

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	01/01	to	12/31	0.040 cfs
IRRIGATION	03/15	to	10/31	2.400 cfs
				2.400 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	04E	32											23.0	10.0					33.0
06S	04E	5					45.0	35.0											80.0
							L 3	L 4											
06S	04E	6	5.0																5.0
			L 1																

POU Total Acres: 118.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

3. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2083

As Modified by Transfer No. 78909

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02, Snake River.

5. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal land.

6. The diversion and use of water described in Transfer 78909 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

7. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2084

As Modified by Transfer No. 78909

In accordance with the approval of Transfer No. 78909, Water Right No. 2-2084 is now described as follows:

Right Holder: LESLIE A FIELD
PO BOX 217
GRAND VIEW, ID 83624-5039

J TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624

Priority Date: 6/8/1958

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	10/31	1.000 cfs
				1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	04E	4						2.0	1.0										3.0
								L 4											
06S	04E	5	19.0	22.0		6.0													47.0
			L 1	L 2															

POU Total Acres: 50.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

3. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02, Snake River.

Transfer No. 78909

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2084

As Modified by Transfer No. 78909

CONDITIONS OF APPROVAL

5. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal land.

6. The diversion and use of water described in Transfer 78909 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

7. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2272

As Modified by Transfer No. 78909

In accordance with the approval of Transfer No. 78909, Water Right No. 2-2272 is now described as follows:

Right Holder: J TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624

Priority Date: 2/26/1964

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	10/31	1.290 cfs	395.0 af
				1.290 cfs	395.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	03E	36															27.0	10.0	37.0
06S	03E	1	23.0	19.0															42.0
			L 1	L 2															

POU Total Acres: 79.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02, Snake River.
5. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal land.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2272

As Modified by Transfer No. 78909

CONDITIONS OF APPROVAL

6. The diversion and use of water described in Transfer 78909 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

7. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2405A

As Modified by Transfer No. 78909

In accordance with the approval of Transfer No. 78909, Water Right No. 2-2405A is now described as follows:

Right Holder: J TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624
Or
LESLIE A FIELD
PO BOX 217
GRAND VIEW, ID 83624-5039

Priority Date: 5/18/1967

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	1.760 cfs	855.3 af
				1.760 cfs	855.3 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	03E	35													17.0				17.0
05S	03E	36									5.0	13.0							18.0
05S	04E	31															32.0	28.0	60.0
06S	04E	5			18.0	26.0													44.0
06S	04E	6	21.0	27.0			33.0	28.0											109.0
			L 1	L 2			L 3	L 4											

POU Total Acres: 248.0

CONDITIONS OF APPROVAL

1. Rights 2-2176A and 2-2405A when combined shall not exceed a maximum diversion volume of 1,116 af at the field headgate, and the irrigation of 248 acres.

2. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2405A

As Modified by Transfer No. 78909

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

5. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal land.

6. The diversion and use of water described inTransfer 78909 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

8. This right does not grant any right-of-way or easement across the land of another.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED

JUN 14 2023

WATER RIGHT NO. 2-2176A

As Modified by Transfer No. 78909

In accordance with the approval of Transfer No. 78909, Water Right No. 2-2176A is now described as follows:

Right Holder: J TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624

LESLIE A FIELD
PO BOX 217
GRAND VIEW, ID 83624-5039

Priority Date: 5/1/1962

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	10/31	2.890 cfs	1080.0 af
				2.890 cfs	1080.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	03E	35													17.0				17.0
05S	03E	36									5.0	13.0							18.0
05S	04E	31															32.0	28.0	60.0
06S	04E	5			18.0	26.0													44.0
06S	04E	6	21.0	27.0			33.0	28.0											109.0
			L 1	L 2			L 3	L 4											

POU Total Acres: 248.0

CONDITIONS OF APPROVAL

1. Rights 2-2176A and 2-2405A when combined shall not exceed a maximum diversion volume of 1,116 af at the field headgate, and the irrigation of 248 acres.

2. Rights 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313, and 2-10503 when combined shall not exceed a total diversion rate of 14.55 cfs.

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

SCANNED
JUN 14 2023

WATER RIGHT NO. 2-2176A

As Modified by Transfer No. 78909

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

5. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal land.

6. The diversion and use of water described inTransfer 78909 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

8. This right does not grant any right-of-way or easement across the land of another.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

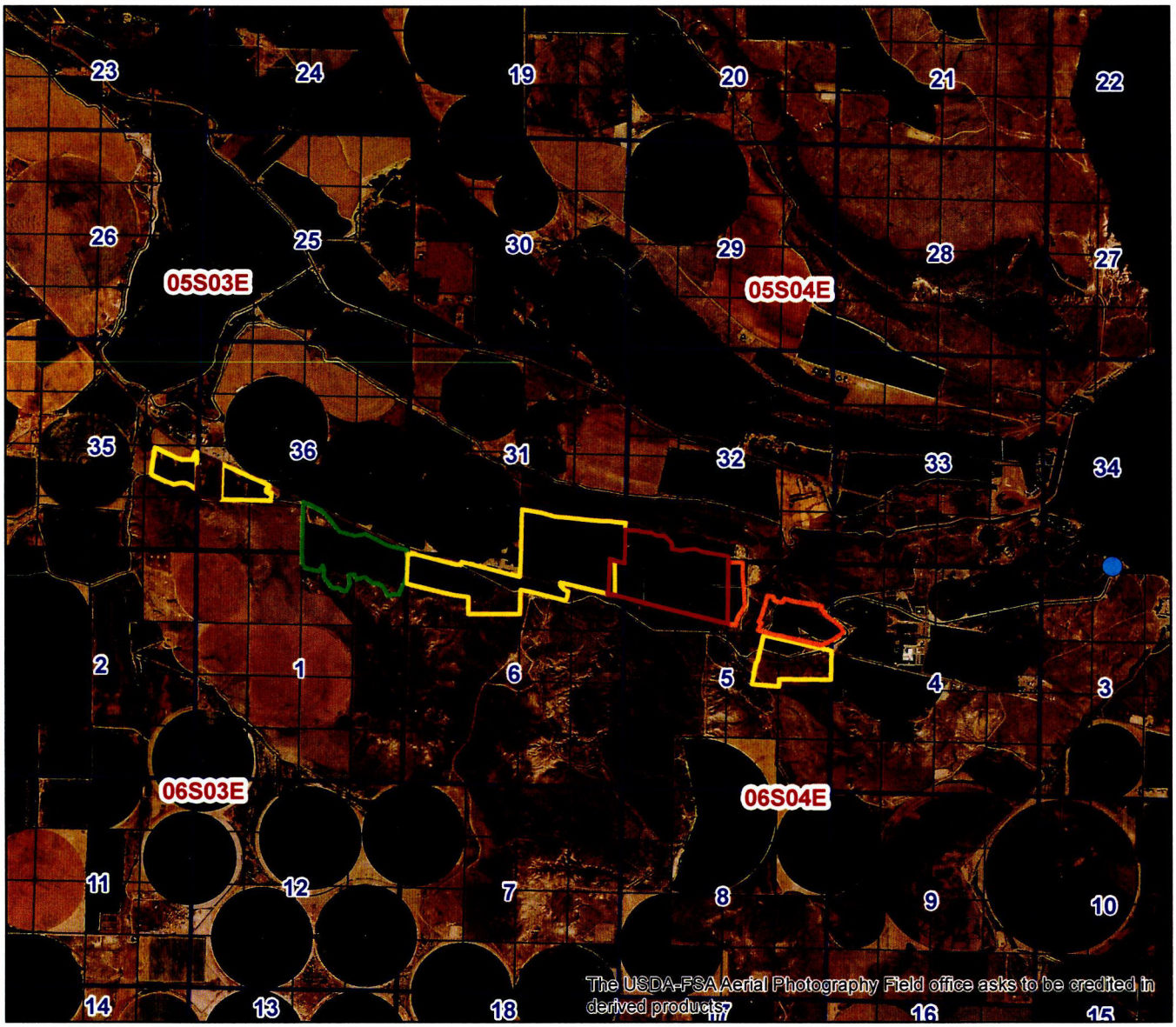
SCANNED
JUN 14 2023

State of Idaho
Department of Water Resources

Attachment to Transfer No. 78909

Water Rights: 2-2176C, 2-2083, 2-2084, 2-2272, 2-2405A, 2-2176A

This map depicts the IRRIGATION place of use boundary for the water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- 2-2083 Place of Use
- 2-2084 Place of Use
- 2-2272 Place of Use
- 2-2176C Place of Use
- 2-2176A Place of Use
- 2-2405A Place of Use
- PLS Sections
- Townships

0 0.5 1 2 Miles

N

SCANNED
JUN 14 2023



(Right)

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 12, 2023

LESLIE A FIELD & JOHN TERRY FIELD
PO BOX 217
GRAND VIEW ID 83624-5039

Re: Transfer No: 78909
Water Right No(s).: 2-2083, 2-2084, 2-2176A, 2-2176C, 2-2272, 2-2405A

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of

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JUN 14 2023

the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

Lynne Evans
Administrative Assistant I

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 78909
Water Right No(s).: 2-2083, 2-2084, 2-2176A, 2-2176C, 2-2272, 2-2405A

LESLIE A FIELD
PO BOX 217
GRAND VIEW ID 83624-5039

JOHN TERRY FIELD
PO BOX 217
GRAND VIEW ID 83624-0217

ROB WHITNEY
WATER DISTRICT #2
PO BOX 83720
BOISE ID 83702-0098

ATTN: FRED PRICE
US DEPT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657

Lynne Evans
Administrative Assistant I

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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JUN 14 2023

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All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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JUN 14 2023

MEMORANDUM

TO: Transfer No. 78909

FROM: Laura McSherry

DATE: June 01, 2023

RE: Evaluation of Application

The transfer proposes to move the point of diversion of six water rights from Idaho Power/Grandview Canal to a new location on Bybee Lateral, 0.4 miles south on CJ Strike Reservoir. The proposed point of diversion is located in the SESW of Gvt Lot 9, Sec 34, T05S, R04E. The point of diversion is approximately 6.5 miles southeast of Grandview, ID. The rights in the transfer include: 2-2083, 2-2084, 2-2176A, 2-2176C, 2-2272, and 2-2405A.

Summary of Information Submitted

Authority to File:
J Terry and Leslie A Field are the current owners of water rights 2-2083, 2-2084, 2-2176A, 2-2176C, 2-2405A and J Terry Field is the current owner of water right 2-2272, therefore, they are authorized to submit a transfer request. The property the POD is appurtenant to and conveyance system traverses is owned by the United States Department of Interior, Bureau of Land Management (BLM). The applicants have submitted a pending right-of-way application (IDI-038887) to BLM on March 20, 2023. No water under the transfer application shall be conveyed across federal lands until authorized in writing by the BLM Authorized Officer. The property the POU is appurtenant to is owned by both applicants.

Water Right Validity:
The partial decrees for the six water rights were issued on June 15, 2009. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file, it is an IDWR product available to other staff.

Injury to Other Water Rights:
No additional rate or volume is proposed to be diverted from the source and no additional acres are proposed to be irrigated beyond the historical use. No protest was received regarding the transfer, so the Department can reasonably assume surrounding water users do not have concerns of injury as a result of this transfer.

Enlargement of Use:
The transfer proposes no changes in the nature. No additional rate or volume is proposed to be diverted from this source and no additional acres are proposed to be irrigated beyond the historical use. No enlargements of the water rights are anticipated.

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Local Public Interest:
No evidence has been submitted suggesting the transfer proposes changes at odds with the local public interest.

Beneficial Use/Conservation of Water Resources:
The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

Water right nos. 2-2176A and 2-2405A are currently leased to the Water Supply Bank (WSB). WSB personnel has been made aware of the state of these rights and indicated the transfer could be processed.

Formal protest from the BLM was withdrawn with the agreement that conditions below be included in the water rights involved in this transfer:

939 - Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal land.

020 - The diversion and use of water described inTransfer 78909 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

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RECEIVED
NRC SOUTH
APR 13 2023
9:00 A.M.

RECEIVED
APR 13 2023
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 78909 IN THE NAME OF JOHN TERRY FIELD AND LESLIE A FIELD	))))	**SETTLEMENT AGREEMENT**

The United States of America ("Protestant") and John Terry Field and Leslie A. Field ("Applicants") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management ("BLM") protest of Application for Transfer No. 78909 ("Application") involving water right numbers 02-02083, 02-02084, 02-02176A, 02-02176C, 02-02272, and 02-02405A.

STIPULATION

WHEREAS, the Applicants filed Application for Transfer No. 78909 on October 25, 2013 with the Idaho Department of Water Resources ("IDWR") seeking to move the Point of Diversion ("POD") from T05S, R04E, S34, Lot 10 (NWSW) (Idaho Power /Grandview Canal) to T05S, R04E, S34, Lot 9 (SESW) (Bybee Lateral).

WHEREAS, the BLM filed a protest on October 14, 2014 to Application for Transfer No. 78909 because the Application seeks to convey water in an existing ditch/canal across Federal land without authorization (see below):

POD on BLM (Bybee Lateral):
T05S, R04E, S34, Lot 9 (SESW)

Bybee Lateral Route across BLM:
T06S, R04E, S03, Lot 3 (NENW), Lot 4 (NWNW);
T06S, R04E, S05, SENW.

SUPPORT DATA
IN FILE # 2-2083

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WHEREAS, the Applicants filed an application for Right-of-Way ("ROW") on November 15, 2018 with BLM's Field Office seeking authorization to convey this transfer application through an existing ditch/canal that crosses Federal land. Preliminary cost recovery was received on March 20, 2023. The ROW application was given serial case number IDI-038887.

WHEREAS, the Protestant and the Applicants wish to resolve their dispute regarding Application for Transfer No. 78909.

THEREFORE, the Protestant and the Applicants stipulate and agree as follows:

1. The Protestant and the Applicants agree that, by filing an application for Right-of-Way with BLM, the Applicants have demonstrated to IDWR, for purposes of processing the transfer application, that the Applicants are seeking permission from BLM to use Federal lands as described in the transfer application. The BLM agrees that the transfer application may proceed while the application for ROW is pending, provided that no water under the transfer application shall be conveyed across federal lands until authorized in writing by the BLM Authorized Officer. Code of federal regulations 43 CFR §9239.7-1 states that "[t]he filing of an application under part 2800, 2810, or 2880, of this chapter does not authorize the applicant to use or occupy the public lands for right of way purposes … until written authorization has been issued by the authorized officer."

Applicants recognize and understand that there is no guarantee or promise implied or inferred by this agreement that the BLM will authorize a ROW; nor prevent BLM from establishing terms and conditions in accordance with applicable law and policy should it issue a ROW.

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2. Should BLM issue a ROW grant to the Applicants, the Applicants agree and stipulate to conform the elements of the water rights involved in the transfer to the ROW grant issued by BLM to the extent allowed under Idaho law.

3. The Applicants agree and stipulate that Transfer No. 78909 should be voided if BLM ultimately denies the ROW application and such denial is sustained through the completion of applicable administrative and judicial review proceedings.

4. The parties agree and stipulate that the following conditions shall be included in the water rights involved in the transfer:

(a) "This right does not grant any right-of-way or easement across the land of another."; and

(b) "Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain written authorization from the United States to access the point of diversion, or place of use, or to convey water across federal lands."

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5. The Protestant hereby withdraws its protest of Application for Transfer No. 78909 upon acceptance, approval, and adoption of this Agreement by IDWR in its entirety.

Respectfully submitted,

APPLICANTS:
John Terry Field

J. John Terry Field 4-6-23
John Terry Field Date

Leslie A. Field

Leslie A Field 4-6-23
Leslie A. Field Date

PROTESTANT:
U.S.D.I., Bureau of Land Management

04-13-2023
Fredric W. Price Date
Water Rights Specialist

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CERTIFICATE OF SERVICE

I certify that on April 13, 2023, I served a true and correct copy of foregoing **Settlement Agreement; Application for Transfer No. 78909** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Nick Miller, P.E., Regional Manager
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83405-5082
nick.miller@idwr.idaho.gov

Copies to:

John T. & Leslie A. Field
38167 State Highway 78
Grand View, Idaho 83624

James "Al" Tarter, Natural Resource Specialist
Ryley Siegner, Realty Specialist
U.S.D.I., Bureau of Land Management
Boise District Office
3948 S. Development Ave.
Boise, Idaho 83705-5339

Person serving documents

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Evans, Lynne

From: Evans, Lynne
Sent: Thursday, March 9, 2023 8:15 AM
To: field35@msn.com; Price, Fredric W
Subject: Protest Acknowledgement: Application for Transfer No. 78909
Attachments: 78909 Protest Letter.pdf

Dear parties:

Please see the attached letter acknowledging protests received against Application for Transfer No. 78909. Please respond promptly so the Department can resume processing on this delayed application. This letter has also been sent by mail to all parties who have not requested service by email.

Regards,

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

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IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 09, 2023

JOHN TERRY FIELD & LESLIE A. FIELD
PO BOX 217
GRAND VIEW, ID 83624-5039

ATTN: FRED PRICE
US DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE, ID 83709-1657

RE: Application for Transfer No(s). 78909

Dear Parties:

In October 2018, the Department held a settlement conference to begin to address the protest filed against this Application for Transfer. Some time has passed without the matter being brought to resolution, so the Department is proposing to schedule another conference to determine whether the matter must proceed to a hearing or if the issues of protest can be settled without a hearing.

The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest(s) and to attempt to resolve the protest(s). Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Discussions at an informal settlement conference between Department staff, the applicant(s), and the protestant(s). The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months on the enclosed calendars.** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected. The Department may schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

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You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protest(s), water rights, and other matters administered by the Department is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Lynne Evans
Administrative Assistant I
(208) 605-4622
Lynne.Evans@idwr.idaho.gov

Enclosure(s): Informal Settlement Conference Procedure

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JUN 14 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR TRANSFER

ISSUES

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues that the Idaho Department of Water Resources (Department) considers in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original water right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. Is the proposed transfer consistent with the requirements for municipal providers, if applicable?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 4 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

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PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Boise District Office
3948 Development Avenue
Boise, Idaho 83705

In Reply Refer To:
IDI-38887
2800 (ID130)

NOV 30 2018

John and Leslie Field
P O Box 217
Grand View, ID 83624

Greetings:

This letter acknowledges receipt of right-of-way (ROW) application filed on November 15, 2018, for an irrigation canal across public land in Owyhee County, Idaho. Your application was reviewed and determined to be ready for processing by this office on November 28, 2018.

The BLM's goal for this type of ROW application is to reach a decision within 60 days of receipt of a complete application, including the appropriate cost recovery fees. If an application cannot be processed within that 60-day period, the BLM is required to inform you of that fact prior to the 30th calendar day and tell you when you may expect a final decision on your application.

Due to a large number of backlog cases within the Boise District, it is anticipated that the Birds of Prey National Conservation Area Office will not begin processing your application within the next 6 months. When your application is assigned to a BLM Realty Specialist you will be notified of any processing fees due and of the next steps for processing your application. If you have any questions, please contact Teresa Burke, Supervisory Realty Specialist, at 208-384-3309 or email at tsburke@blm.gov.

Sincerely,

Amanda Hoffman

Amanda Hoffman
Morley Nelson Snake River Birds of Prey
National Conservation Area Manager

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Certified return card for application for ROW

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BLM District Office
3948 Development Ave.
Boise, ID 83705

9590 9403 0532 5173 4660 81

2. Article Number (Transfer from service label)
7015 1660 0001 0221 8758

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X M Buchanan ☑ Agent ☐ Addressee

B. Received by (Printed Name) Buchanan
C. Date of Delivery 11.15.13

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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Prescribed by DOI/USDA/DOT
P.L. 96-487 and Federal
Register Notice 5-22-95

APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS

FORM APPROVED
OMB Control Number: 0596-0082
Expiration Date: 8/31/2020

FOR AGENCY USE ONLY

Application Number

Date Filed

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

1. Name and address of applicant (*include zip code*)
John & Leslie Field
P.O. Box 217
Grand View Idaho 83624

2. Name, title, and address of authorized agent if different from item 1 (*include zip code*)

3. Telephone (*with area code*)
208-834-2263
Applicant
John & Leslie Field
Authorized Agent
John Field

4. As applicant are you? (*check one*)

a. [X] Individual
b. [ ] Corporation*
c. [ ] Partnership/Association*
d. [ ] State Government/State Agency
e. [ ] Local Government
f. [ ] Federal Agency

* *If checked, complete supplemental page*

5. Specify what application is for: (*check one*)

a. [X] New authorization
b. [ ] Renewing existing authorization number
c. [ ] Amend existing authorization number
d. [ ] Assign existing authorization number
e. [ ] Existing use for which no authorization has been received *
f. [ ] Other*

* *If checked, provide details under item 7*

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6. If an individual, or partnership, are you a citizen(s) of the United States? [X] Yes [ ] No

7. Project description (describe in detail): (a) Type of system or facility, *(e.g., canal, pipeline, road)*; (b) related structures and facilities; (c) physical specifications *(Length, width, grading, etc.)*; (d) term of years needed: (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction *(Attach additional sheets, if additional space is needed.)*

This is not a new project - Apply for ROW in an existing canal where our water has right in the canal. Our water is the original water for this canal. Our water has been running in this canal 30+ years. BLM protested our change of POD - but allowed some of our split water right with Chris Arnold to go through unprotested.

8. Attach a map covering area and show location of project ~~proposal~~. Existing

9. State or Local government approval: [ ] Attached [ ] Applied for [ ] Not Required N/A

10. Nonreturnable application fee: [ ] Attached [X] Not required

11. Does project cross international boundary or affect international waterways? [ ] Yes [X] No *(if "yes," indicate on map)*

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.
N/A

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13a. Describe other reasonable alternative routes and modes considered.

N/A

b. Why were these alternatives not selected?

N/A

c. Give explanation as to why it is necessary to cross Federal Lands.

This is where the existing CANAL is located.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. *(Specify number, date, code, or name)*

N/A

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

N/A

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

N/A

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

N/A

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

N/A

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

N/A

20. Name all the Department(s)/Agency(ies) where this application is being filed.

BLM - Lands Department Boise Idaho

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant	Date
	11-05-18

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

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JUN 14 2023

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFER NOS. 79101, 79102, and 78904	)	**NOTICE OF PRE-HEARING CONFERENCE**
IN THE NAMES OF: KIM ASTLE, ORDER OF TRANQUILITY, AND JOHN AND LESLIE FIELD	)	

Applications for Transfer Nos 79101, 79102, and 78909 were filed with the Idaho Department of Water Resources (department) by Kim Astle, Spencer Beus/Order of Tranquility, and John and Leslie Field respectively. Protests to these applications were filed by the Bureau of Land Management. Because the applications are similar in nature and the protestant overlaps, the department proposes to hold pre-hearing conferences to discuss the three applications as listed below.

The department has scheduled the matter for pre-hearing conference on Tuesday, October 2, 2018, beginning at 2:00 PM, at IDAHO DEPT OF WATER RESOURCES, Western Conference Room, WESTERN REGION 2735 AIRPORT WAY, BOISE, ID, 83705.

Agenda items for the pre-hearing conference will include:

1. Identify spokesman and/or counsel representing the protestant
2. Review of the application
3. Identify issues of protest
4. Designate date for identifying witnesses
5. Designate target date for conducting administrative hearing if resolution is not possible during the pre-hearing conference.

The department encourages the applicant and protestants to discuss and resolve the protests before the pre-hearing conference. If private discussions are not possible or do not resolve the protests, the department's Rules of Procedure provide for a pre-hearing conference to be held before scheduling a formal hearing.

The pre-hearing conference provides another informal opportunity for the applicant and protestants to meet. The parties often settle their differences at the pre-hearing conference. If a formal hearing is needed to resolve the protests, the pre-hearing conference serves as an opportunity to formulate or simplify the issues, obtain concessions of fact or identification of documents to avoid unnecessary proof, schedule discovery (when discovery is allowed), arrange for the exchange of proposed exhibits or prepared testimony, limit witnesses, schedule hearings, establish procedure at hearings, and address other matters that may expedite orderly conduct and disposition

SCANNED
JUN 14 2023

of the proceeding.

It is important for all parties to give considerable thought to each of these matters before appearing at the pre-hearing conference and to make the most of the opportunity to resolve the dispute informally.

The pre-hearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the pre-hearing conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Rachel Neely (208)334-2190.

Dated this 16 day of August, 2018.

Cody Parker
Water Resource Agent

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JUN 14 2023

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of August, 2018, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice Of Pre-Hearing Conference
Hearing Procedure for Application for Permit

UNITED STATES DEPT OF THE
INTERIOR
BUREAU OF LAND MANAGEMENT
1387 SOUTH VINNELL WAY
BOISE, ID 83709

C/O SPENCER BEUS
ORDER OF TRANQUILITY
PO BOX 279
GRANDVIEW ID 83624

KIM ASTLE
33988 MUD FLAT
GRANDVIEW ID 83624

JOHN AND LESLIE FIELD
38167 STATE HWY 78
GRANDVIEW ID 83624

Cody Parker
Water Resource Agent

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