

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 86657

This is to certify that: RUSSELL HALL  
5578 N YELLOWSTONE HWY  
IDAHO FALLS, ID 83401-5715

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**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 21-13315           | WR/DECREED          | 4/24/1962            | 0.050 cfs             | 17.5 af                 | N/A               | 5.0                | GROUND WATER  |
| 21-13316           | WR/DECREED          | 4/24/1956            | 0.050 cfs             | 11.6 af                 | 3.3               | 5.0                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 21-13315              | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 21-13316              | NO           | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 21-13315               | 21-13315                         | 0.050 cfs            | 17.5 af                | 5.0               | 5.0                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 21-13316               | 21-13316                         | 0.050 cfs            | 11.6 af                | 3.3               | 5.0                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.100 cfs</b>     | <b>17.5 af</b>         | <b>5.0</b>        | <b>5.0</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 6<sup>th</sup> day of October, 2022.



Regional Manager

SUPPORT DATA

Transfer No. 86657

IN FILE # 21-13315

SCANNED  
OCT 07 2022

**WATER RIGHT NO. 21-13315**  
**As Modified by Transfer No. 86657**

In accordance with the approval of Transfer No. 86657, Water Right No. 21-13315 is now described as follows:

**Right Holder:** RUSSELL HALL  
5578 N YELLOWSTONE HWY  
IDAHO FALLS, ID 83401-5715

**Priority Date:** 4/24/1962

**Source:** GROUND WATER

|                       |             |           |                       |                         |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
| IRRIGATION            | 04/01       | to 10/31  | 0.050 cfs             | 17.5 af                 |
|                       |             |           | 0.050 cfs             | 17.5 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SESE Sec 33 Twp 06N Rge 38E JEFFERSON County

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |     | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE  |        |
| 06N | 38E | 33  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0 | 4.0 | 5.0    |

Right Acre Limit: 5.0  
POU Total Acres: 5.0

**CONDITIONS OF APPROVAL**

1. Rights 21-13315 and 21-13316 when combined shall not exceed a total annual maximum diversion volume of 17.5 af at the field headgate and the irrigation of 5.0 acres.
2. 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. 100.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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 place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 86657

**SCANNED**  
**OCT 07 2022**

**WATER RIGHT NO. 21-13315**  
**As Modified by Transfer No. 86657**

**CONDITIONS OF 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.
7. Pursuant to Idaho Code § 42-1412(6), 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.



**WATER RIGHT NO. 21-13316****As Modified by Transfer No. 86657**

In accordance with the approval of Transfer No. 86657, Water Right No. 21-13316 is now described as follows:

**Right Holder:** RUSSELL HALL  
5578 N YELLOWSTONE HWY  
IDAHO FALLS, ID 83401-5715

**Priority Date:** 4/24/1956

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.050 cfs             | 11.6 af                 |
|                       |             |           | 0.050 cfs             | 11.6 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SESE Sec 33 Twp 06N Rge 38E JEFFERSON County

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |     | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE  |        |
| 06N | 38E | 33  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0 | 4.0 | 5.0    |

Right Acre Limit: 3.3

POU Total Acres: 5.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 3.3 acres within the authorized place of use in a single irrigation season.
2. Rights 21-13315 and 21-13316 when combined shall not exceed a total annual maximum diversion volume of 17.5 af at the field headgate and the irrigation of 5.0 acres.
3. 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. 100.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 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 place of use.

Transfer No. 86657

SCANNED

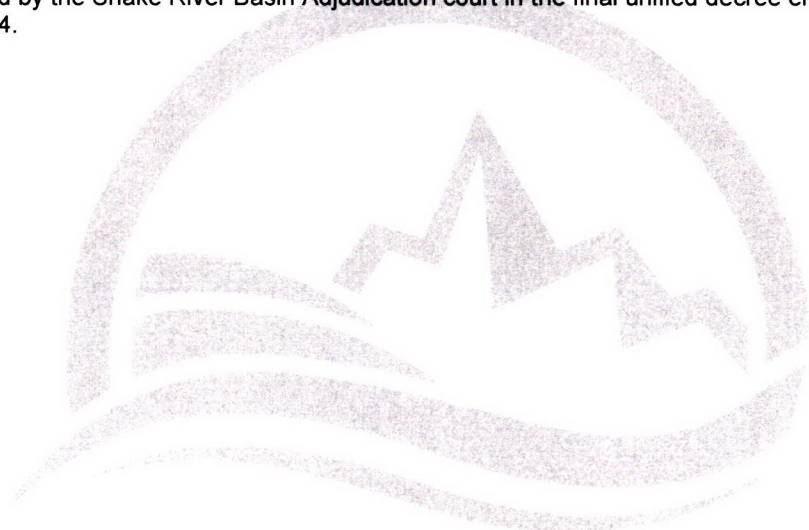
OCT 07 2022

**WATER RIGHT NO. 21-13316**

**As Modified by Transfer No. 86657**

**CONDITIONS OF APPROVAL**

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), 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.

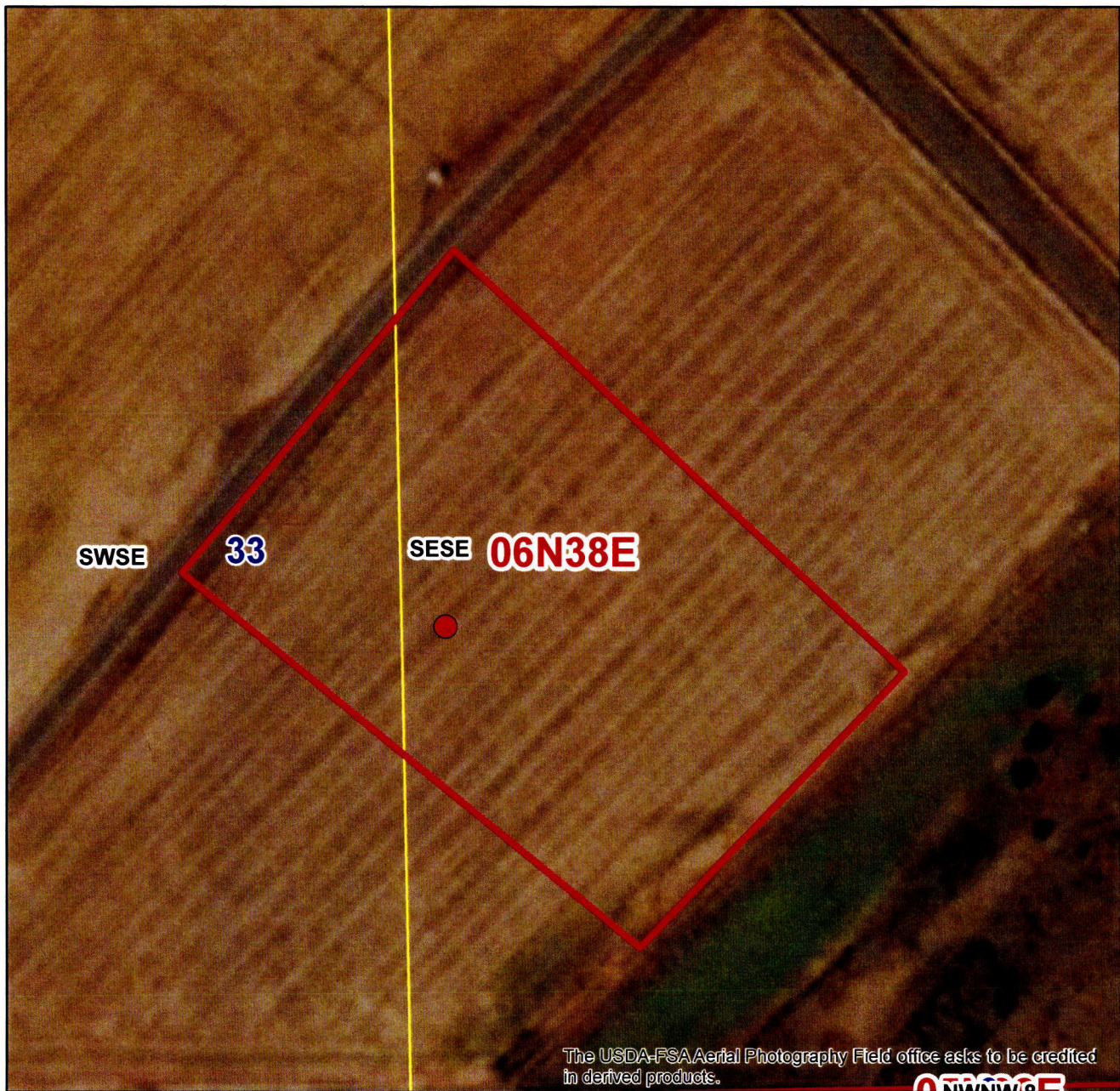


Transfer No. 86657

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OCT 07 2022

# Attachment to Transfer Approval 86657

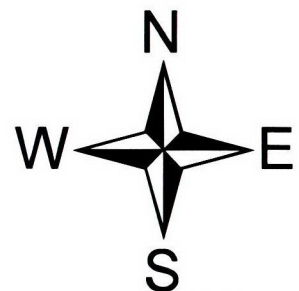
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 75 150 300 Feet



SCANNED

Date: 10/6/2022

OCT 07 2022



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

October 06, 2022

RUSSELL HALL  
5578 N YELLOWSTONE HWY  
IDAHO FALLS ID 83401-5715

Re: Transfer No: 86657  
Water Right No(s): 21-13315, 21-13316

**Transfer Approval Notice**

Dear Water Right Holder:

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.

SCANNED  
OCT 07 2022

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 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) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is positioned above the printed name.

Christina Henman  
Administrative Assistant

Enclosure  
CC:

SCANNED

OCT 07 2022

## CERTIFICATE OF SERVICE

I hereby certify that on October 06, 2022 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.: 86657**

**Water Right No(s): 21-13315, 21-13316**

**RUSSELL HALL  
5578 N YELLOWSTONE HWY  
IDAHO FALLS ID 83401-5715**



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**Christina Henman  
Administrative Assistant**

SCANNED  
OCT 07 2022

## **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.

### **CERTIFICATE OF SERVICE**

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.

## MEMORANDUM

**Date:** September 30, 2022

**To:** Transfer 86657

**From:** Thomas Lafortune

**Re:** Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion for water rights 21-13315 and 21-13316.

**Authority to File:**

The applicant, Russell Hall, is the current owner according to department records. Notice of Change in Water Right Ownership was recently processed, updating ownership to the applicant.

**Water Right Validity:**

Rights 21-13315 and 21-13316 were decreed in the SRBA in 2007. Aerial imagery shows consistent use since the decree. Forfeiture is not an issue.

**Injury to Other Water Rights:**

The point of diversion is moving to a new well less than ¼ mile from the original well. There should be no effect on other water users in the area. The rights fall within the boundaries of the Eastern Snake Plain Aquifer, but a model run was not required because the proposed point of diversion and original point of diversion are in adjacent cells. The rights are included in and administered by Water District 100. The watermaster was asked for comment and did not oppose this transfer.

**Enlargement of Use:**

There is no enlargement of use. Rate of diversion, volume, and irrigated acres will remain the same. There is still a combined use limit on the rights.

**Local Public Interest:**

No issues identified.

**Beneficial Use and Conservation of Water Resources:**

No issues identified.

**Effect on Economy of Local Area:**

No issues identified.

**Effect on Agricultural Base of Local Area:**

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED  
OCT 07 2022

THE JEFFERSON  
STAR

PROOF OF PUBLICATION  
Jefferson Star

RECEIVED

SEP 12 2022

Department of Water Resources  
Eastern Region

State of Idaho  
County of Jefferson

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Jefferson Star, a newspaper of general circulation, published 1 day, Wednesday at Rigby, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Jefferson Star for 2 day(s), first publication having been made on 08/31/2022 last publication having been made on 09/07/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

**NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
TRANSFER NO. 86657**

RUSSELL HALL, 5578 N YELLOWSTONE HWY, IDAHO FALLS, ID 83401-5715 has filed Application No. 86657 for changes to the following water rights within JEFFERSON County(s): Right No(s). 21-13315, 21-13316; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The proposed point of diversion is in SESE Sec 33 T06N R38E for 0.10 cfs from ground water. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/19/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published in the Jefferson  
Star, Rigby, Idaho, on August  
31 and September 7, 2022.  
(275530)

Subscribed and sworn to before me, on this 7th day of September, 2022

VERA J POWELL  
NOTARY PUBLIC - STATE OF IDAHO  
COMMISSION NUMBER 20222624  
MY COMMISSION EXPIRES 5-31-2028

Notary Public  
My commission expires:

attached jurat

STATE OF IDAHO

ss.

COUNTY OF JEFFERSON

On this 7th day of September, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are 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/she/they executed the same,

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

VERA J POWELL  
NOTARY PUBLIC - STATE OF IDAHO  
COMMISSION NUMBER 20222624  
MY COMMISSION EXPIRES 5-31-2028

Notary Public for APG of the Rockies  
Residing: Idaho Falls, Idaho  
Commission expires:

SCANNED  
SEP 27 2022

State of Idaho  
Department of Water Resources  
Transfer of Water Right(s)  
RECOMMENDATION FORM

RE: Transfer No. 86657

Transfer Applicant's Name: RUSSELL HALL  
5578 N YELLOWSTONE HWY  
IDAHO FALLS, ID 83401-5715

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows:
- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:
- d) \_\_\_\_\_ Additional comments:

Dated this 25<sup>th</sup> day of August 2022.

Blake Jordan

Blake Jordan  
Watermaster's Signature  
WD100

SCANNED  
SEP 27 2022

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, August 24, 2022 2:41 PM  
**To:** Jordan, Blake  
**Subject:** Application for Transfer No. 86657  
**Attachments:** tmpD441.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.