STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87961

This is to certify that: ELIZABETH OGG
RICHARD OGG
PO BOX 215
BRUNEAU, ID 83604

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
51-4006	WR/DECREED	4/1/1963	3.000 cfs	1128.0 af	N/A	307.0	GROUND WATER
51-7052	WR/DECREED	3/17/1970	2.680 cfs	1137.5 af	N/A	307.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
51-4006	NO	NO	YES	NO	NO	NO
51-7052	NO	NO	YES	NO	NO	NO

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
51-4006	51-4006	3.000 cfs	1128.0 af	N/A	307.0	N/A	N/A	N/A	N/A	N/A
51-7052	51-7052	2.680 cfs	1137.5 af	N/A	307.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**5.680 cfs**	**1228.0 af**	**N/A**	**307.0**		**N/A**	**N/A**	**N/A**	**N/A**

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

SUPPORT DATA
IN FILE # 51-4006

SCANNED
JUN 13 2023

Transfer No. 87961

WATER RIGHT NO. 51-4006

As Modified by Transfer No. 87961

In accordance with the approval of Transfer No. 87961, Water Right No. 51-4006 is now described as follows:

Right Holder: RICHARD OGG
ELIZABETH OGG
PO BOX 215
BRUNEAU, ID 83604

Priority Date: 4/1/1963

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	3/01	to	11/15	3.000 cfs	1128.0 af
				3.000 cfs	1128.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 13 Twp 07S Rge 05E OWYHEE County
GROUND WATER	NWNW	Sec 18 Twp 07S Rge 06E 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
07S	05E	12													33.0			40.0	73.0
07S	05E	13	40.0																40.0
07S	06E	7			1.0					38.0	40.0	34.0	40.0			1.0			154.0
												L 3	L 4			L 6			
07S	06E	18						40											40
								L 1											

POU Total Acres: 307.0

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 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 51-4006 and 51-7052 when combined shall not exceed a total diversion rate of 5.68 cfs, a total annual maximum diversion volume of 1228 af at the field headgate, and the irrigation of 307 acres.
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. TWO POINTS OF DIVERSION LOCATED IN T07S, R05E, S13 NENE.

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WATER RIGHT NO. 51-4006

As Modified by Transfer No. 87961

CONDITIONS OF APPROVAL

5. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 51-04006A AND 51-04006B.

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.

SCANNED

JUN 13 2023

WATER RIGHT NO. 51-7052

As Modified by Transfer No. 87961

In accordance with the approval of Transfer No. 87961, Water Right No. 51-7052 is now described as follows:

Right Holder: RICHARD OGG
ELIZABETH OGG
PO BOX 215
BRUNEAU, ID 83604

Priority Date: 3/17/1970

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	3/01	to	11/01	2.680 cfs	1137.5 af
				2.680 cfs	1137.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 13 Twp 07S Rge 05E OWYHEE County
GROUND WATER	NWNW	Sec 18 Twp 07S Rge 06E 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
07S	05E	12													33.0			40.0	73.0
07S	05E	13	40.0																40.0
07S	06E	7			1.0					38.0	40.0	34.0	40.0			1.0			154.0
												L 3	L 4			L 6			
07S	06E	18						40											40
								L 1											

POU Total Acres: 307.0

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 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 51-4006 and 51-7052 when combined shall not exceed a total diversion rate of 5.68 cfs, a total annual maximum diversion volume of 1228 af at the field headgate, and the irrigation of 307 acres.
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. TWO POINTS OF DIVERSION LOCATED IN T07S, R05E, S13, NENE.

SCANNED
JUN 13 2023

Transfer No. 87961

WATER RIGHT NO. 51-7052

As Modified by Transfer No. 87961

CONDITIONS OF APPROVAL

5. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 51-07052A AND 51-07052B.

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.

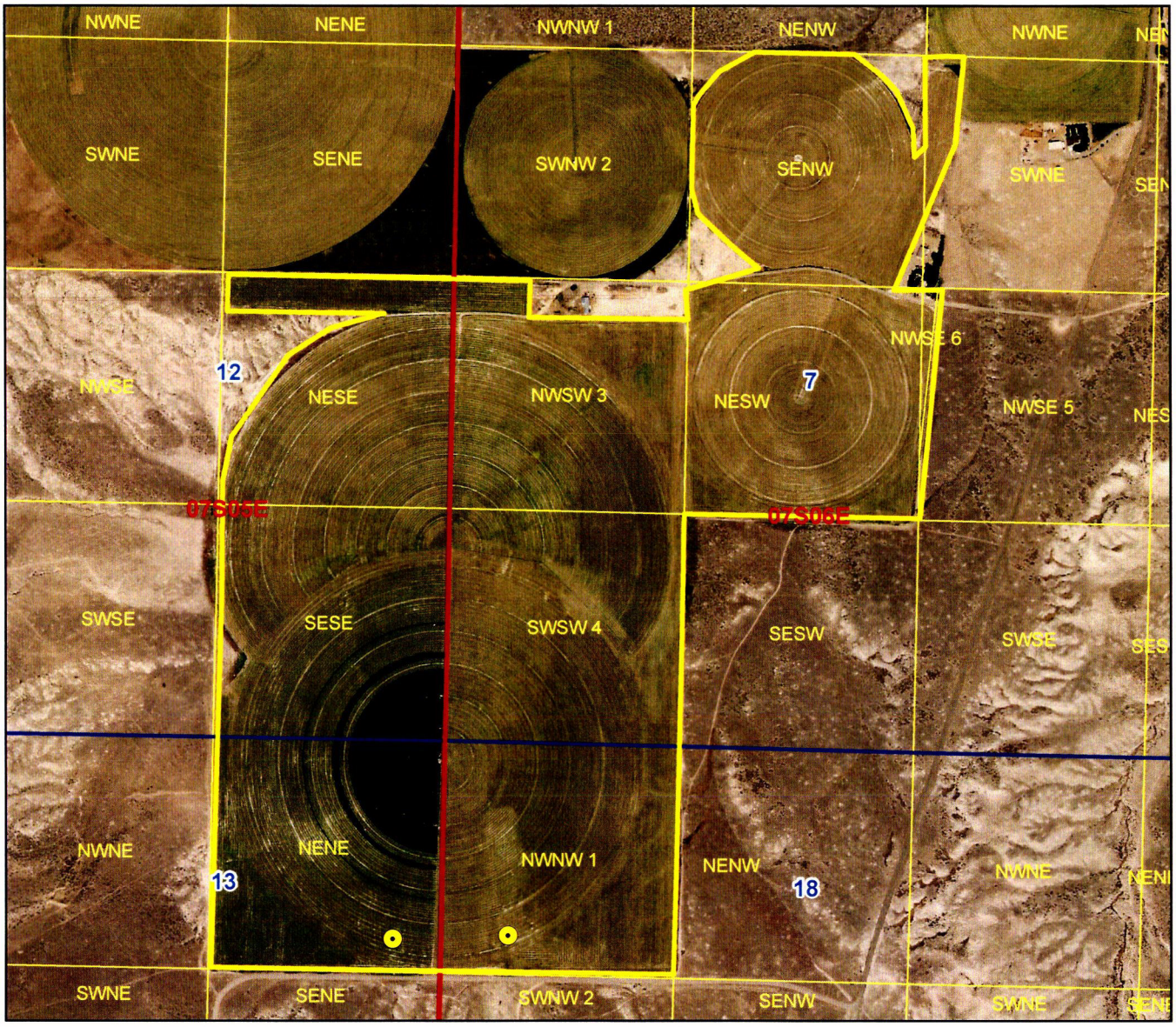
SCANNED
JUN 13 2023

State of Idaho
Department of Water Resources

Attachment to Transfer No. 87961

Water Right(s): 51-4006 & 51-7052

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



- Transfer POU
- Township/Range
- Sections
- QQ

N

0 1,450 2,900 Feet

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JUN 13 2023

Rev. 07/18

RECEIVED
APR 27 2023
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Richard + Elizabeth Ogg

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at https://idwr.idaho.gov/water-rights/transfers/resources/.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Richard + Elizabeth Ogg Phone 208-599-0627

Mailing address P.O. Box 215 Bruneau ID 83604 Email lizzyogg@hotmail.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
[signature]	Richard Ogg	4-26-23
Elizabeth Ogg	Elizabeth Ogg	4-26-23

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

Changing Place Of use to accomodate Pivots and property line adjustment.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ ☐	51-4006	2.68 / 1128	Irrigation	3-1 to 11-15	Ground Water
☐ ☐	51-7052	1137.5	"	3-1 to 11-1	" "
☐ ☐		3001		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐		5.68		to	

Total authorized under rights 2265.5 cfs and/or 2265.5 acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
2 Deep Water wells, in line meter

b. Who owns the property at the point(s) of diversion? Me, land Owner
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6.** List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Some would become a dry Pivot Corner. The rest would become Irragated

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Other Domestic + Stock water rights have there Own points of Diversion

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
- ☐ ☒ currently leased to the Water Supply Bank,
- ☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 51-7052 / 51-4006

1. amount ~~2.68~~ 1137.5 (cfs/ac-ft) for Irrigation purposes from 03/01 to 11/01
   amount ~~3.00~~ 1128 (cfs/ac-ft) for Irrigation purposes from 03/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	05E	12													X				35
07S	05E	12																x	40
07S	05E	13	x																38
07S	06E	7				X													40
07S	06E	7									X								40
07S	06E	7										X							38
07S	06E	7											x						40
07S	06E	18						x											36

Total Acres (for irrigation use) 307

SCANNED
JUN 13 2023

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

SCANNED

JUN 13 2023

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by LE Date 4/27/23 Preliminary check by_____ Date_____

Fee paid 900.00 Date 4/27/23 Receipted by LE Receipt # W050167

Add'l fee paid_____ Date_____ Receipted by_____ Receipt #_____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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STATE OF IDAHO

DEPARTMENTOF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 51-4006

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	05E	13	X																40
07S	05E	12													X				33
07S	06E	7										X							34
07S	06E	18						X											40
07S	06E	7														X			1
07S	06E	7								X									38
07S	06E	7									X								40
** 07S	05E	12																X	40
* 07S	06E	7			X														1
* 07S	06E	7											X						40

* Property line adjustment

** No change

Total Acres (for irrigation use) 307

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Page _____ of _____

STATE OF IDAHO

DEPARTMENTOF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 51-7052

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

	Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	07S	05E	13	X																40
	07S	05E	12													X				33
	07S	06E	7										X							34
	07S	06E	18						X											40
	07S	06E	7														X			1
*	07S	06E	7								X									38
*	07S	06E	7									X								40
**	07S	05E	12																X	40
**	07S	06E	7			X														1
**	07S	06E	7											X						40

* Property line adjustment

** No change

Total Acres (for irrigation use) 307

SCANNED

87961

JUN 13 2023

Attachment 7

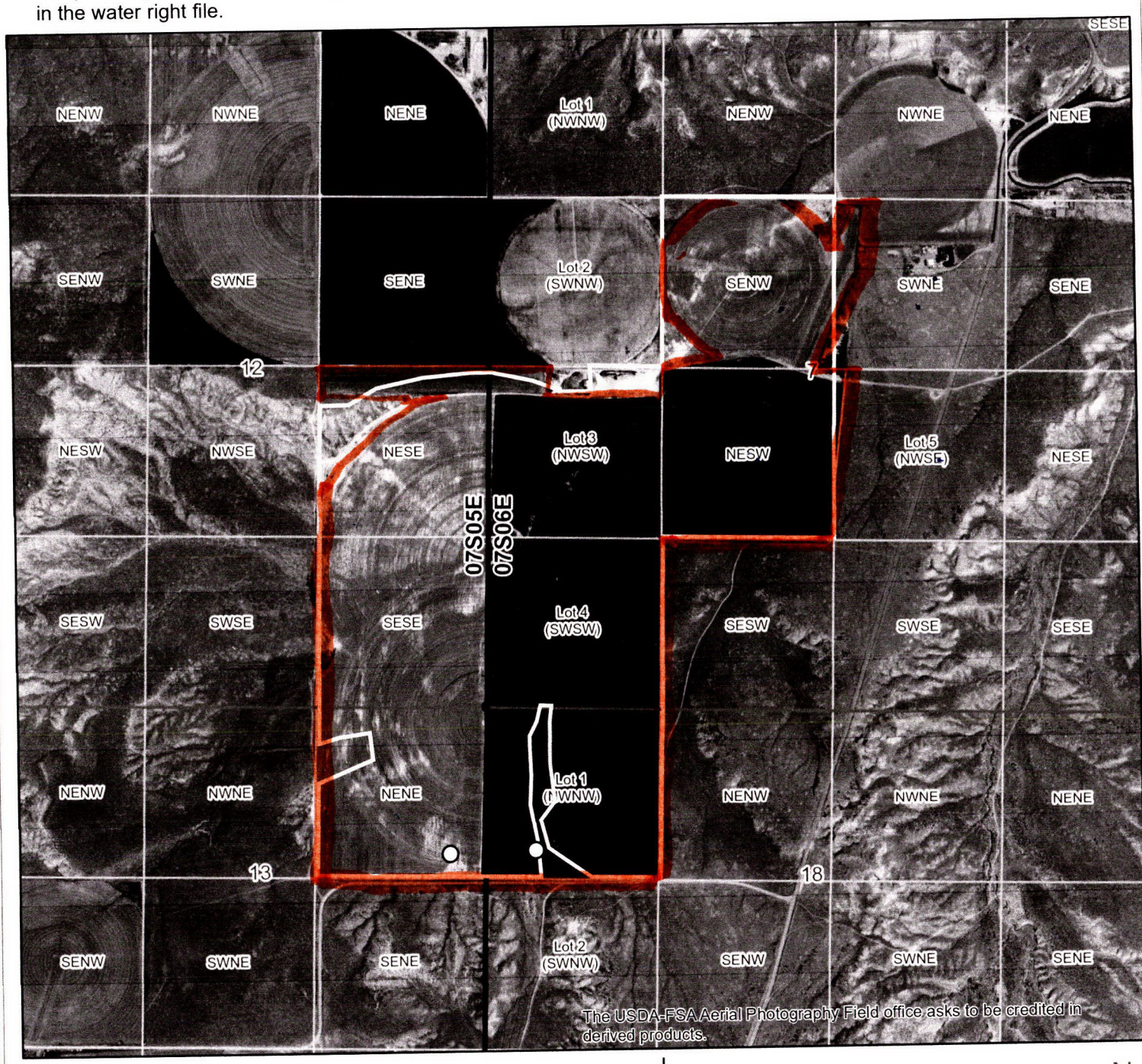
State of Idaho
Department of Water Resources

Water Right

51-4006 / 51-7052

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.075 0.15 0.3 0.45 0.6
Miles

Proposed Changes

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

SCANNED
BY JUN 13 2023

Date created: 4/24/2023

Page _____ of _____

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

Current Water Right No.: 51-4006

Current Owner: RICHARD OGG
ELIZABETH OGG

Priority Date: 4/1/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/01 to 11/15	3 CFS	
	Total Diversion	3 CFS	1128 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 18, Twp 07S, Rge 06E B.M.
OWYHEE County

GROUND WATER NE1/4NE1/4 Sec. 13, Twp 07S, Rge 05E B.M.
OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T07S R05E S12	NESE	35.00	T07S R05E S12	SESE	40.00
T07S R05E S13	NENE	38.00	T07S R06E S7	SENW	40.00
T07S R06E S7	NESW	40.00	T07S R06E S7	NWSW	38.00
T07S R06E S7	SWSW	40.00	T07S R06E S18	NWNW	36.00

Total Acres: 307

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JUN 13 2023
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Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 51-07052 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.68 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1228 AF.
2.		RIGHT NO. 51-07052 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.51-04006A AND 51 -04006B.
3.		TWO POINTS OF DIVERSION LOCATED IN T07S, R05E, S13 NENE.
4.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5.		USE OF THIS RIGHT WITH RIGHT NO. 51-07052 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF307 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/1/2000

SCANNED

JUN 13 2023

87961

Page _____ of _____

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

Current Water Right No.: 51-7052

Current Owner: RICHARD OGG
ELIZABETH OGG

Priority Date: 3/17/1970

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/01 to 11/01	2.68 CFS	1137.5 AF
	Total Diversion	2.68 CFS	1137.5 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 18, Twp 07S, Rge 06E B.M.
OWYHEE County

GROUND WATER NE1/4NE1/4 Sec. 13, Twp 07S, Rge 05E B.M.
OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T07S R05E S12	NESE	35.00	T07S R05E S12	SESE	40.00
T07S R05E S13	NENE	38.00	T07S R06E S7	SENW	40.00
T07S R06E S7	NESW	40.00	T07S R06E S7	NWSW	38.00
T07S R06E S7	SWSW	40.00	T07S R06E S18	NWNW	36.00

Total Acres: 307

SCANNED
JUN 13 2023
87961

Conditions of Approval:

1.		RIGHT NO. 51-04006 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.51-07052A AND 51 -07052B.
2.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3.		TWO POINTS OF DIVERSION LOCATED IN T07S, R05E, S13, NENE.
4.		USE OF THIS RIGHT WITH RIGHT NO. 51-04006 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.68 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1228 AF.
5.		USE OF THIS RIGHT WITH RIGHT NO. 51-04006 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF307 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/1/2000

SCANNED

JUN 13 2023

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

RICHARD OGG & ELIZABETH OGG
PO BOX 215
BRUNEAU ID 83604-0215

Re: Transfer No: 87961
Water Right No(s).: 51-4006, 51-7052

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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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.: 87961
Water Right No(s).: 51-4006, 51-7052

RICHARD OGG
PO BOX 215
BRUNEAU ID 83604

ELIZABETH OGG
PO BOX 215
BRUNEAU ID 83604

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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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.

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MEMORANDUM

TO: Transfer No. 87961
FROM: Scott Storms
DATE: June 9, 2023
RE: Evaluation of Application

The prupose of this transfer is to shoift the place of use (POU) descriptions on fully overlapping rights 51-4006 and 51-7052 to match property line adjustments and currnet irrigation proactice.

Deviations from Transfer Policy Standards

Legal Notice Not Required
6/9/2023

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Summary of Information Submitted

Authority to File:

The application was submitted and signed by Richard and Elizabeth Ogg. The Ogg's are the current water right owners of record on both rights and according to parcel data available to the Department, they are also the owners of the property at the POU.

Water Right Validity:.

The partial decree for water rights nos. 51-4006 & 51-7052 were issued on 12/01/2000. These rights are 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:

The application only proposes minor adjustments to the POU description in order to match property line adjustments and current irrigation practices. There are no evedenrt changes that should be caused to the original source nor any surrounding rights. No injury to other water rights is anticipated if the transfer is approved.

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Enlargement of Use:
The application proposes no change to the rate or volume of diversion, no lengthening of the season of use, and no increase in the number of acres to be irrogated. The rights are fully stacked and the changes to the POUs are exactly the same and will accomdate this overlap. No concerns of enlargement are anticipated should the transfer be approved.

Local Public Interest:
No affesct to water quality, local economy, fish & wildlife, or other areas of public interest are anticipated as a result of this proposal.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

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

Discussion

If approved the following changes should be made to the conditions of water right nos. 51-4006 & 51-7052:

Update combined limits to condition X35
Add condition R64 to describe the standard duty of water for the area
Add condition 01M
Update condition C18 to T19.
Add standard transfer conditions T07 and T08

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JUN 13 2023

March 2017

REVIEW CHECKLIST TRANSFER -- OR -- EXCHANGE

(Workflow) (maybe Workflow)

Application # 87961 (51-4006; 51-7052) **Reviewer** Manuel Rauhut **Date** 5/22/23

Acceptable Filing (TP Memo #24 Sect. 3) ✓ Y ____ N If "N" 30-day Deficiency Ltr Sent _____(date & initial)

Initial Review & Abbreviated Data Entry 5/22/23 MR (date & initial) Supervisor Notes ____Y ____N

Right(s) in Water Bank _____ Y _____ N, Notify S.O. _____ (date) - WSB App Attachment _____

COMMENT LETTERS _____ Y ✓ N

Water District # None (Required even if No Legal Notice Required)

Other(s): list here or see attached _____

ADVERTISING _____ Y X N If "N" Save Legal Notice Not Required DB Comment in Workflow & Memo ___

Legal Notice Required - Saved as Legal Notice Remarks in Workflow _____Y *uncheck "Currently in Data Entry" flag

Statewide ads _____ Y X N ("Y" only if any single right > 10 cfs, 1000 af storage)

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline _____

Y	N			
_____	_____	Protested	If Y: _____	Scan protest
_____	_____	Affidavit received/published correctly	If N:_____	Re-advertised & published correctly

REVIEW MEMO -- DRAFT APPROVAL -- APPROVAL COVER LETTER

Drilling fee upgrade _____ Paid _____WC & WR File Documented (Request, CAN NOT hold xFer if unpaid).

Review Memo Completed X (See Review Memo Template N:/WRProcessing/Transfers/Review Memo Template).

Data Entry, Conditions, & ArcMap Data Entry Completed X

E'folder w/ Draft Approval _____
(applicant last name + application #)

NOTE FOR CLERICAL STAFF APPROVAL COVER LETTER

Add WSB paragraph to approval cover letter (see N:WRFormLetters/Water Bank Paragraph) _____ Y _____N

OPTIONAL PAGE -- CONDITIONS & NOTES

GROUNDWATER:

WD 161 (Non-de minimis uses) - R05
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 214

~~WD~~
- < 0.24 cfs/5 acres - No MD
- ≥ 0.24 cfs/5 acres - 01M or 01Q (ref. MD flowchart)

No water measurement districts in Western Region at this time.
DRILLING PERMIT - 046 (new well)

SURFACE WATER:

WD - R05
≤ 0.20 cfs - R02, 01P or No MD (ref. MD flowchart)
> 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
- < 0.24 cfs/5 acres - No MD
- ≥ 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
STANDARD VOLUME _____ af/ac
CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE - 18C-18B/R40-123-220-219-221-222-259-937-938
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
Supplemental - 943 & WB7
Storage - R70
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077-218
DAIRY - 082 (zoning if a concern)-106-WD8

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN – 007-109-X64
Irr., GW supp to SW - 102

DOMESTIC
Surface water - WB5 (Boise above Star Bridge)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. condition outside a WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined **limits** of multiple rts
X49 - measure p/'d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
205 - use when quantity reduced by xFer approval
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X63 - replaced C12 through C17 - ultimately C18 placed on rts to cover issue. If C18 on rts replace with T19 and remove X63.

Apply one to chg'd & unchg'd rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
T19 - replaces C18 (if at Directors Report or Partial Decree stage)
T20 – use only on unchg'd rts not subject to SRBA

NOTES: