STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86920

This is to certify that: CLAIR A STUCKI OR
SARI A STUCKI
6998 W PORTNEUF RD
POCATELLO, ID 83204

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
29-13210	WR/DECREED	6/19/1902	0.200 cfs	N/A	N/A	10.0	PORTNEUF RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-13210	YES	YES	NO	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
29-13210	29-14493	0.020 cfs	N/A	N/A	1.1	29-13210	0.180 cfs	N/A	N/A	8.9
COMBINED TOTALS		**0.020 cfs**	**N/A**	**N/A**	**1.1**		**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 6th day of February, 2023.

Regional Manager

Transfer No. 86920

SUPPORT DATA
IN FILE # 29-13210

SCANNED
FEB 06 2023

WATER RIGHT NO. 29-13210

As Modified by Transfer No. 86920

In accordance with the approval of Transfer No. 86920, Water Right No. 29-13210 is now described as follows:

Right Holder: NORMAN A HILL
6900 W PORTNEUF RD
POCATELLO, ID 83204

Priority Date: 6/19/1902

Source: PORTNEUF RIVER **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	0.180 cfs
STOCKWATER	01/01	to	12/31	0.010 cfs
				0.180 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER SENWSW Sec 22 Twp 07S Rge 35E BANNOCK 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	35E	22										8.9							8.9

POU Total Acres: 8.9

CONDITIONS OF APPROVAL

1. 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
FEB 06 2023

WATER RIGHT NO. 29-14493

As Modified by Transfer No. 86920

In accordance with the approval of Transfer No. 86920, Water Right No. 29-14493 is now described as follows:

Right Holder: CLAIR A STUCKI AND
SARI A STUCKI
6998 W PORTNEUF RD
POCATELLO, ID 83204

Priority Date: 6/19/1902

Source: PORTNEUF RIVER **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	0.020 cfs
STOCKWATER	01/01	to	12/31	0.010 cfs
				0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER NESE Sec 21 Twp 07S Rge 35E BANNOCK 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	35E	21													1.1				1.1

POU Total Acres: 1.1

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 29D.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86920

SCANNED
FEB 06 2023

WATER RIGHT NO. 29-14493

As Modified by Transfer No. 86920

CONDITIONS OF APPROVAL

6. 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

FEB 06 2023

Attachment to Transfer Approval 86920

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 50 100 200 Feet

N
W E
S

Date: 2/6/2023

SCANNED
FEB 06 2023

RECEIVED

Rev. 01/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 13 2022

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Clair A or Sari A Stucki Phone 208-221-2677

Mailing address 6998 W. Portneuf RD Pocatello ID 83204 Email ClairStucki@gmail.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.

Clair A Stucki — Signature of Applicant or Authorized Representative
Clair A Stucki — Print Name and Title if applicable
7-13-2022 — Date

Sari Ann Stucki — Signature of Applicant or Authorized Representative
Sari Ann Stucki — Print Name and Title if applicable
7-13-2022 — Date

A. PURPOSE OF TRANSFER

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

2. 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 **Part 1A.2.**

Moving point of diversion and updating ownership for a portion of the water right covering property that was purchased.

SCANNED
SEP 28 2022

86920

Rev. 01/15

RECEIVED

JUL 13 2022

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Clair a or Sari a Stucki Phone 208-221-2677

Mailing address 6998 W. Portneuf RD Pocatello ID 83204 Email clairstucki@gmail.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
Clair a Stucki	Clair A Stucki	7-13-2022

A. PURPOSE OF TRANSFER

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

2. 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 **Part 1A.2.**
Moving point of diversion and updating ownership for a portion of the water right covering property that was purchased.

86920

SCANNED

SEP 28 2022

Rev. 01/15

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
☐ ☑	29-13210	0.02	Irrigation	04/01 to 10/31	Irrigation
☐ ☐		0.01	Stockwater	01/01 to 12/31	Stockwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.2 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 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 #
			NE	SE	21	07S	35E	Bannock	Portneuf River	

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	
07S	35E	21													1.1				1.1

Total Acres (for irrigation use) 1.1

SCANNED
SEP 28 2022

86920

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:
Connecting to existing diversion works for sprinkler irrigation on additional acreage purchased

b. Who owns the property at the point(s) of diversion? Applicant
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:

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:
Right 29-13211 diverted at proposed POD

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:

86920

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SEP 28 2022

IDAHO DEPARTMENT OF WATER RESOURCES **7/13/2022**
Proof Report

Water Right 29-13210

Owner Type	**Name and Address**
Current Owner	NORMAN A HILL 6900 W PORTNEUF RD POCATELLO, ID 83204 (208) 233-0490

Priority Date: 6/19/1902
Basis: Decreed
Status: Active

Source	**Tributary**
PORTNEUF RIVER	SNAKE RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	04/01	10/31	0.200 CFS	
STOCKWATER	01/01	12/31	0.020 CFS	
		Total Diversion	0.200 CFS	

Source and Point(s) of Diversion:

PORTNEUF RIVER	SENWSW	Sec. 22, Twp 07S, Rge 35E, BANNOCK County

Place Of Use:
IRRIGATION within BANNOCK County

			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	35E	21													1.1				1.1
07S	35E	22										8.9							8.9

POU Total Acres: 10.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1.	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.

Dates and Other Information:
Decreed Date: 3/22/2004
Water District Number: 29D

86920

SCANNED
SEP 28 2022

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:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 300.00 Date 7-13-22 Receipted by M. Pettit Receipt # E048312

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)

86920

SCANNED
SEP 28 2022



Legend

- Proposed_POD
- Split_Portion_of_POU
- Proposed_POU
- Township/Range
- Sections
- QQ

0 137.5 275 550 Feet

1 inch = 202 feet

N

SCANNED
SEP 28 2022

S6920

PioneerTitleCo.
GOING BEYOND

135 N. Arthur Ave.
Pocatello, ID 83204

QUITCLAIM DEED

For Value Received Norman A. Hill and Beth E. Hill, Trustees of The Hill Family Revocable Trust dated August 28, 2009, and any Amendments thereto

do hereby convey, release, remise and forever quit claim unto

Clair Stucki and Sari Stucki, husband and wife

whose address is 6998 West Portneuf Road, Pocatello, ID 83204

the following described premises, to-wit: See Attached Legal

together with their appurtenances.

Dated: June 14, 2022

Norman A. Hill, Trustee

Beth E. Hill, Trustee

State of Idaho, County of Bannock

This record was acknowledged before me on June 14, 2022 by Norman A. Hill and Beth E. Hill, Trustees of the Hill Family Revocable Trust

Signature of notary public
Commission Expires: 8-4-2026

CRAIG BELL
COMMISSION #64025
NOTARY PUBLIC
STATE OF IDAHO

SCANNED
SEP 28 2022

86920

A parcel of land located in the Northeast Quarter Southeast Quarter, Section 21, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at the South 1/16 corner on the East line of said Section 21, Township 7 South, Range 35 E.B.M.; thence North 89°56' West along the South 1/16 line of said Section 21, 199.01 feet to the true point of beginning; thence continuing North 89°56' West along said line, 160.51 feet; thence North 1°19'52" East, 307.98 feet; thence South 89°56' East, 166.67 feet; thence South 2°28'38" West, 308.18 feet to the true point of beginning.

SCANNED
SEP 28 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 • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

February 06, 2023

CLAIR A STUCKI
SARI A STUCKI
6998 W PORTNEUF RD
POCATELLO ID 83204

Re: Transfer No: 86920
Water Right No(s).: 29-13210

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
FEB 06 2023

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,

Christina Henman
Administrative Assistant

Enclosure
CC:

NORMAN A HILL
6900 W PORTNEUF RD
POCATELLO ID 83204

SCANNED
FEB 06 2023

CERTIFICATE OF SERVICE

I hereby certify that on February 06, 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.: 86920
Water Right No(s).: 29-13210

CLAIR A STUCKI
SARI A STUCKI
6998 W PORTNEUF RD
POCATELLO ID 83204

NORMAN A HILL
6900 W PORTNEUF RD
POCATELLO ID 83204

Christina Henman
Administrative Assistant

SCANNED
FEB 06 2023

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.

SCANNED
FEB 06 2023

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.

SCANNED
FEB 06 2023

MEMORANDUM

Date: January 25, 2023

To: Transfer 86920

From: Scott Stosich

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and update the ownership for a 1.1-acre split from water right 29-13210.

Authority to File:
Bannock County records show the applicants are the owners of the 1.1-acre portion of water right 29-13210, and the proposed point of diversion. The applicants have provided a recorded quitclaim deed showing the conveyance of the parcel. The applicants have the authority to make the change.

Water Right Validity:
The right included in this transfer was decreed in the SRBA in 2004. Post-decree aerial photos show regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:
There are no other diversions between the current and proposed points of diversion, which are located less than a quarter mile from each other. There is no evidence that the proposed changes will reduce the quantity of water available to other water rights. The transfer application was advertised and no protests were filed. Watermaster comments were requested, and they do not oppose the approval of the transfer. The watermaster added that the proposed change should not cause any injury to any upstream or downstream water users. No other rights will be injured by this transfer.

Enlargement of Use:
The proposed change will not result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer.

Local Public interest:
No issues identified.

Beneficial Use/Conservation of Water Resources:
No issues identified.

Effect on Economy the Local Area:
No issues identified.

Effect on Agricultural Base of the 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
FEB 06 2023

EMPOWERING THE COMMUNITY SINCE 1890

IDAHO STATE JOURNAL

WWW.IDAHOSTATEJOURNAL.COM

PROOF OF PUBLICATION
Idaho State Journal

RECEIVED

OCT 2 1 2022

Department of Water Resou
Eastern Region

State of Idaho
County of Bannock

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 Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Sunday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 2 day(s), first publication having been made on 10/05/2022 last publication having been made on 10/12/2022, 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.

Collins Crapo

Subscribed and sworn to before me, on this 12th day of October, 2022 Vera J Powell

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 BANNOCK

On this 12th day of October, 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

Vera J Powell

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

SCANNED
OCT 27 2022

288032

AD# 288032AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 86889

NET PROPHET LLC, 146 E CHUBBUCK RD STE C, CHUBBUCK, ID 83202-5054 has filed Application No. 86889 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11813; 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 and place of use. The water source is Rapid Creek, but the proposed point of diversion is in SWSE Sec 19 T07S R36E for 0.14 cfs on the Portneuf River. The proposed place of use is in SWSE Sec 19 T07S R36E for 7 acres.

TRANSFER NO. 86891

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TRANSFER NO. 86920

CLAIR A STUCKI and SARI A STUCKI, 6998 W PORTNEUF RD, POCATELLO, ID 83204 has filed Application No. 86920 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13210; 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 NESE Sec 21 T07S R35E for 0.02 cfs from Portneuf River. 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 10/24/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: October 5, 12, 2022 (ISJ2497-288032)

SCANNED
OCT 27 2022

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

RECEIVED
OCT 18 2022
Department of Water Resources
Eastern Region

RE: Transfer No. 86920

Transfer Applicant's Name:

CLAIR A STUCKI
SARI A STUCKI
6998 W PORTNEUF RD
POCATELLO, ID 83204

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) X Additional comments:
This request to transfer the POD should not cause any injury to any upstream or downstream water users. Measuring device and Control works will need to be put in if over 5.0 acres per IDWR order.

Dated this 18th day of October . 2022

Kristin Evans
Watermaster's Signature
WD29D

SCANNED
OCT 27 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 28, 2022 3:06 PM
To: watermaster29d@gmail.com
Subject: Application for Transfer No. 86920, 86889, 86891
Attachments: tmp5655.docx; tmpACDD.docx; tmp737A.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://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. 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.

SCANNED
OCT 27 2022

IDAHO DEPARTMENT
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 • Web: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

September 28, 2022

CLAIR A STUCKI
SARI A STUCKI
6998 W PORTNEUF RD
POCATELLO, ID 83204

RE: Transfer No. 86920
Water Right No(s). 29-13210

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 10/5/2022 and 10/12/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman
Administrative Assistant

SCANNED
SEP 28 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 28, 2022 2:19 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 86920, 86889, 86891 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 86889, 86891, 86920
Water Right No(s). 29-11813, 29-11813, 29-13210

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/24/2022. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
SEP 28 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86889
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GARY SPACKMAN, Director Published on 10/5/2022 and 10/12/2022

SCANNED
SEP 28 2022