

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 86744

This is to certify that: DEBBIE TURNER  
2558 WILLIAMS LANE  
HOMEDALE, ID 83628

DENNIS R TURNER  
2558 WILLIAMS LN  
HOMEDALE, ID 83628-3390

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 57-10564           | WR/DECREED          | 1/1/1948             | 0.230 cfs             | N/A                     | N/A               | N/A                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 57-10564              | NO           | NO         | NO         | YES            | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 57-10564               | 57-10564                         | 0.230 cfs            | N/A                    | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.230 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>N/A</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 24th day of October, 2022.

  
SCOTT STORMS, Water Rights Supervisor

Transfer No. 86744

SCANNED

OCT 28 2022

**WATER RIGHT NO. 57-10564**  
**As Modified by Transfer No. 86744**

In accordance with the approval of Transfer No. 86744, Water Right No. 57-10564 is now described as follows:

**Right Holder:** DENNIS R TURNER  
 DEBRA K TURNER  
 2558 WILLIAMS LN  
 HOMEDALE, ID 83628-3390

**Priority Date:** 1/1/1948

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| DOMESTIC              | 1/01        | to 12/31  | 0.040 cfs             |
| STOCKWATER            | 1/01        | to 12/31  | 0.230 cfs             |
|                       |             |           | 0.230 cfs             |

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

|              |      |                                      |
|--------------|------|--------------------------------------|
| GROUND WATER | NESE | Sec 30 Twp 04N Rge 05W OWYHEE County |
| GROUND WATER | SESE | Sec 30 Twp 04N Rge 05W OWYHEE County |

**PLACE OF USE: DOMESTIC**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 05W | 30  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 05W | 30  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

**CONDITIONS OF APPROVAL**

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. Stockwater use is for 300 dairy & 100 range cattle.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 86744

SCANNED

OCT 28 2022

**WATER RIGHT NO. 57-10564**  
**As Modified by Transfer No. 86744**

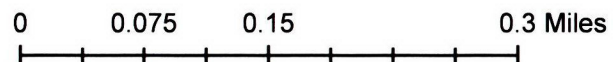
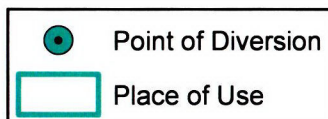
**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho  
Department of Water Resources  
**Attachment to Transfer No. 86744**  
Water Right(s): 57-10564

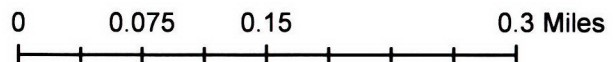
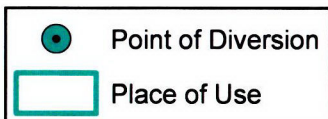
This map depicts the STOCK WATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



SCANNED  
OCT 28 2022

State of Idaho  
Department of Water Resources  
**Attachment to Transfer No. 86744**  
Water Right(s): 57-10564

This map depicts the DOMESTIC 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.



SCANNED  
OCT 28 2022

SEP 02 2022

WATER RESOURCES  
WESTERN REGION

42-222 POD - 07/18

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split  
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) DENNIS TURNER & DEBRA K TURNER Phone 208-573-8991  
 2. MAILING ADDRESS 2558 WILLIAMS LN City HOMEDALE  
 State ID Zip 83628-3390 Email TURNER@HOMEDALESCHOOLS.ORG

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.  
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.  
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.  
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 57-10564

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.23 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

| New? | Lot | ¼  | ¼  | ¼  | Sec | Twp | Rge | County | Source      | Local name or tag # |
|------|-----|----|----|----|-----|-----|-----|--------|-------------|---------------------|
| N    |     | SW | SE | SE | 30  | 04N | 05W | OWYHEE | GROUNDWATER |                     |
| Y    |     |    | NE | SE | 30  | 04N | 05W | OWYHEE | GROUNDWATER |                     |
|      |     |    |    |    |     |     |     |        |             |                     |
|      |     |    |    |    |     |     |     |        |             |                     |
|      |     |    |    |    |     |     |     |        |             |                     |
|      |     |    |    |    |     |     |     |        |             |                     |
|      |     |    |    |    |     |     |     |        |             |                     |
|      |     |    |    |    |     |     |     |        |             |                     |
|      |     |    |    |    |     |     |     |        |             |                     |
|      |     |    |    |    |     |     |     |        |             |                     |

SCANNED

86744

OCT 28 2022

6. 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:

TWO WELLS WITH SUBMERSIBLE PUMPS TIED INTO DAIRY AND WATER SYSTEM AND HOUSES.

- 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. 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 used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and  $\frac{1}{4}$   $\frac{1}{4}$  of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), [Water Rights](#), [Water Right Transfers](#), [File a Transfer Application](#), [Step 2C](#).

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

  
Signature of applicant or authorized agent

Dennis Turner  
Print name and title if applicable

Aug. Sept 2/22  
Date

  
Signature of applicant or authorized agent

Debra Turner  
Print name and title if applicable

Sept 2/22  
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by LE Date 09/02/2022

Fee paid \$500.00 Date 09/02/2022 Received by LE Receipt # W050719

Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

9/1/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-10564

| <u>Owner Type</u>      | <u>Name and Address</u>                                                    |
|------------------------|----------------------------------------------------------------------------|
| Current Owner          | DENNIS TURNER<br>2558 WILLIAMS LN<br>HOMEDALE, ID 83628-3390<br>2085738991 |
| Current Owner          | DEBRA K TURNER<br>2830 RIVER RD<br>HOMEDALE, ID 83628<br>2083375125        |
| Directors Report Owner | LYNN N PHELPS                                                              |
| Directors Report Owner | RANDEL E PHELPS<br>4185 RIVER RD<br>HOMEDALE, ID 83628-3596<br>2083373311  |

Priority Date: 01/01/1948

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 1/01        | 12/31     | 0.23 CFS              |               |
| DOMESTIC              | 1/01        | 12/31     | 0.04 CFS              |               |
| Total Diversion       |             |           | 0.23 CFS              |               |

Location of Point(s) of Diversion:

GROUND WATER | SWSESE | Sec. 30 | Township 04N | Range 05W | OWYHEE County

SCANNED  
86745  
OCT 28 2022

Place(s) of use:

Place of Use Legal Description: STOCKWATER OWYHEE County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 04N             | 05W          | 30             |            | SESE         |              |            |              |              |            |              |              |            |              |              |

Place of Use Legal Description: DOMESTIC OWYHEE County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 04N             | 05W          | 30             |            | SESE         |              |            |              |              |            |              |              |            |              |              |

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. STOCKWATER, 300 DAIRY & 100 RANGE CATTLE PARCEL NO. RP000802

Dates:

Licensed Date:

Decreed Date: 11/15/1996

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

SCANNED  
86744  
OCT 28 2022

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED  
86744  
OCT 28 2022

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
57-10564

This map depicts the STOCKWATER 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.



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

0 0.0475 0.095 0.19 Miles

08674-**SCANNED**  
OCT 28 2022

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESFor Office Use Only  
Updated by DM  
Date 7-10-23

RECEIVED

JUL 10 2023

WATER RESOURCES  
WESTERN REGION

## CHANGE IN ADDRESS

This form can be used to notify the Department of a change in  
address of the owners of record for the listed water rights.  
(Please print or type)

Water Right Number(s): See attached

Name(s): Dennis Turner  
Debby Turner

Old Mailing Address: 2830 River Road Homedale ID 83628

New Mailing Address: 2558 Williams Lane Homedale Id 83628

Telephone Number: 2085738991

Email: turner@homedaleschools.org

Signature(s) of Owner(s)   
  
(Include your title if on behalf of company or organization.)

Date: 7/10/2023

Send a signed original to your closest regional office:

IDWR Northern Region  
7600 N. Mineral Dr., Suite 100  
Coeur d'Alene, ID 83815-7763  
(208) 762-2800

IDWR Western Region  
2735 Airport Way  
Boise, ID 83705-5082  
(208) 334-2190

IDWR Eastern Region  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718  
(208) 525-7161

IDWR Southern Region  
650 Addison Ave W, Suite 500  
Twin Falls, ID 83301-5858  
(208) 736-3033

SUPPORT DATA  
IN FILE # 2-2178

SCANNED

JUL 10 2023

57-2173, 57- 4039, 57-7608, 57-10228, 57-10229, 57-10383, 57-10564, 57-10661, 57-10662, 57-10817,  
57-10873, 57-10925, 57-11537, 57-11545, 57- 11546, 57-11681, 2-2178, 2-7095, 2-7384

SCANNED

JUL 10 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](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

October 24, 2022

DENNIS R TURNER  
2558 WILLIAMS LN  
HOMEDALE ID 83628-3390

DEBBIE TURNER  
2558 WILLIAMS LANE  
HOMEDALE ID 83628

Re: Transfer No: 86744  
Water Right No(s): 57-10564  
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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 28 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) 334-2190.

Sincerely,



Scott Storms  
Water Rights Supervisor

Enclosure  
CC:

SCANNED  
OCT 28 2022

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 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.: 86744**

**Water Right No(s): 57-10564**

**DENNIS R TURNER  
2558 WILLIAMS LN  
HOMEDALE ID 83628-3390**

**DEBBIE TURNER  
2558 WILLIAMS LANE  
HOMEDALE ID 83628**



---

**Scott Storms  
Water Rights Supervisor**

**SCANNED**

**OCT 28 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.

**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 1/1 to 12/31 (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 | POWER                   | - 17H-17K (+uses)-025-106                 |
| IRR ≤ 5 ac   | - R66/R67/R68/R69 (0.03 cfs/ac)               | MUNICIPAL               |                                           |
| > 5 ac       | - R62/R63/R64/R65 (0.02 cfs/ac)               | Restricted area         | - 022-075      RAFN – 007-109-X64         |
| Volume only  | - R58/R59/R60/R61                             | Irr., GW supp to SW     | - 102                                     |
| Supplemental | - 943 & WB7                                   |                         |                                           |
| Storage      | - R70                                         |                         |                                           |
| STOCKWATER   | - R37 (all BLM/USFS)                          | DOMESTIC                |                                           |
| MINING       | - 054-106                                     | Surface water           | - WB5 (Boise above Star Bridge)           |
| FISH PROP    | - 029 (70's basins only)-007-122-106          | >1 in restricted area   | - 070-071-075(no parks/common areas, etc) |
| HEAT/COOL    | - R07 (injection well)                        | Irr use listed separate | - WB5                                     |
| FIRE PROT.   | - 077-218                                     |                         |                                           |
| ✓ DAIRY      | - 082 (zoning if a concern)-106-WD8           |                         |                                           |

**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:**


---

---

---

---

---

---

---

---

---

---

# REVIEW CHECKLIST TRANSFER -- OR -- EXCHANGE

(Workflow) (maybe Workflow)

Application # 86754 Reviewer AB Date 10/20/22

Acceptable Filing (TP Memo #24 Sect. 3) ☒ Y ☐ N If "N" 30-day Deficiency Ltr Sent \_\_\_\_\_ (date & initial)

Initial Review & Abbreviated Data Entry 9/9/22 AB (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 # 57 (Required even if No Legal Notice Required)

Other(s): list here or see attached \_\_\_\_\_

**ADVERTISING** ☐ Y ☒ 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 ☒ 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

|                          |                          |                                        |                                |                                     |
|--------------------------|--------------------------|----------------------------------------|--------------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Protested                              | If Y: <input type="checkbox"/> | Scan protest                        |
| <input type="checkbox"/> | <input type="checkbox"/> | Affidavit received/published correctly | If N: <input type="checkbox"/> | 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 ☒ (See Review Memo Template N:/WRProcessing/Transfers/Review Memo Template).

Data Entry, Conditions, & ArcMap Data Entry Completed ☒

E'folder w/ Draft Approval 86754 Turner  
(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

## MEMORANDUM

TO: Transfer No. 86744 Turner  
FROM: Allen Bradbury  
DATE: 10/20/2022  
RE: Evaluation of Application for Transfer of Water Right

---

The purpose of the transfer is to add a point of diversion to water right number 57-10564 from groundwater. The additional point of diversion is approximately 1,400 feet north of the existing POD. The two wells will be connected into a single system providing stock water to the dairy and domestic water to houses via submersible pumps.

Water will be used at the current place of use near the intersection of River Rd. and Hill Rd., approximately 4 miles northwest of Homedale, ID, near the west bank of the Snake River.

### Summary of Information Submitted

**Authority to File:** IDWR records show the applicant is the current owner of the involved water rights. Owyhee County parcel data shows the applicants as the owners of the lands at the place of use and proposed point of diversion.

**Water Right Validity/Historical Beneficial Use:** The partial decree for water right no. 57-10564 was issued on 11/15/1996. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, Landsat images, google earth images, or other evidence.

**Injury to Other Water Rights:** A legal notice was not required for this transfer. Other water rights should not be impacted by the proposed transfer. The quantity of water used for these rights will not change because of the transfer. Based on this evidence there is not a concern with other users making a call or being injured.

**Enlargement of Use:** Enlargement does not appear to be an issue. The transfer does not propose any change to the diversion rate or volume nor any unsubordinated change to the season of use. The nature of use for stock water and domestic will remain the same. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

**Local Public Interest:** There are no anticipated negative impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. It is within the local public interest to allow private properties to develop their property and fully use their water rights which in turn benefits the public at large. None of the available information suggests a conflict with the local public interest.

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

SCANNED

### **Additional Information/Analysis**

**Overlap Analysis:** Water right 57-7608 is a license (11/30/1998) from a spring source for stock water in the same QQ at a rate of 0.25 cfs. According to the field exam memo in the backfile the system was piped into a 1200 gallon storage tank then a submersible pump provided water to six 4'x16' concrete troughs with float valves with four stub-outs for 4 future troughs. Other notes in the memo say the system is used to provide water for 200 dairy cattle and 500 range cattle (dry cows). There is no indication in the current transfer application that the systems combine within the storage tank.

### **Discussion**

The conditions for water right 57-10564 state "stockwater, 300 dairy & 100 range cattle parcel no. RP000802". The current numbering system for Owyhee County shows the parcel is RP04N05W307500.

If approved the following changes should be made to the conditions of water right no. 57-10564. Add standard transfer conditions T07 and T08. Add condition 046 due to the new POD being a groundwater source.

### **Summary**

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

| Process      | WR#      | Draft | Owner                                                            | Source       | POD | Use        | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total Acres |
|--------------|----------|-------|------------------------------------------------------------------|--------------|-----|------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------------|
| Water Right  | 57-10564 | N     | PHELPS, LYNN N; PHELPS, RANDEL E; TURNER, DEBRA K; TURNER, DEN   | GROUND WATER | POU | DOMESTIC   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |             |
| Water Right  | 57-10564 | N     | PHELPS, LYNN N; PHELPS, RANDEL E; TURNER, DEBRA K; TURNER, DEN   | GROUND WATER | POU | STOCKWATER |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |             |
| Water Right  | 57-7608  | N     | TURNER, DEBRA K; TURNER, DENNIS R; TURNER, JOHN L; TURNER, JO    | SPRING       | POU | STOCKWATER |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |             |
| Water Right  | 57-10301 | N     | KUBOSUMI, GEORGE; KUBOSUMI, MICHIKO                              | GROUND WATER | POU | DOMESTIC   |      |      |      |      | X    |      |      |      |      |      |      |      |      |      |      |      |             |
| Water Right  | 57-10314 | N     | LESLIE, CHARLES L; LESLIE, JUDY A                                | GROUND WATER | POU | DOMESTIC   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |             |
| Water Right  | 57-10326 | N     | KUBOSUMI, JANET; KUBOSUMI, ROY                                   | GROUND WATER | POU | DOMESTIC   |      |      | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |             |
| Water Right  | 57-10383 | N     | HINTON, JAMES G                                                  | GROUND WATER | POU | DOMESTIC   |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |      |             |
| Water Right  | 57-10384 | N     | HINTON, JAMES G                                                  | GROUND WATER | POU | DOMESTIC   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |             |
| Water Right  | 57-10873 | N     | SONKE, MARY S; SONKE, ROBERT E                                   | GROUND WATER | POU | DOMESTIC   |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      |      |             |
| Water Right  | 57-10314 | N     | LESLIE, CHARLES L; LESLIE, JUDY A                                | GROUND WATER | POU | STOCKWATER |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |             |
| Water Right  | 57-10383 | N     | HINTON, JAMES G                                                  | GROUND WATER | POU | STOCKWATER |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |      |             |
| Water Right  | 57-10384 | N     | HINTON, JAMES G                                                  | GROUND WATER | POU | STOCKWATER |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |             |
| Water Right  | 57-10873 | N     | SONKE, MARY S; SONKE, ROBERT E                                   | GROUND WATER | POU | STOCKWATER |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      |      |             |
| Water Permit | 2-10515  | N     | BARKER, ALBERT P; GEM IRRIGATION DISTRICT                        | SNAKE RIVER  | POU | IRRIGATION | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    |             |
| Water Right  | 2-10416  | N     | BARKER, ALBERT P; GEM IRRIGATION DISTRICT                        | SNAKE RIVER  | POU | IRRIGATION | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    |             |
| Water Right  | Feb-78   | N     | D. L. EVANS BANK; MC RAE, KENNETH R; MC RAE, REY L; SCHAFFER, O  | SNAKE RIVER  | POU | IRRIGATION | 41   |      |      | 41   |      |      |      |      |      |      |      |      |      |      |      |      |             |
| Water Right  | Feb-64   | N     | BARKER, ALBERT P; GEM IRRIGATION DISTRICT                        | SNAKE RIVER  | POU | IRRIGATION | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    |             |
| Water Right  | Feb-65   | N     | BARKER, ALBERT P; GEM IRRIGATION DISTRICT                        | SNAKE RIVER  | POU | IRRIGATION | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    |             |
| Water Right  | Feb-95   | N     | D. L. EVANS BANK; HAYES, MARVIN; MC RAE, KENNETH R; MC RAE, RE   | SNAKE RIVER  | POU | IRRIGATION | 41   |      |      | 41   |      |      |      |      |      |      |      |      |      |      |      |      | 82          |
| Water Right  | Feb-84   | N     | D. L. EVANS BANK; MC RAE, KENNETH R; MC RAE, REY L; STEINER, HAI | SNAKE RIVER  | POU | IRRIGATION | 41   |      |      | 41   |      |      |      |      |      |      |      |      |      |      |      |      | 82          |

| Process     | WR#      | Draft | Owner                                                          | Source       | POD | Use | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total Acres |
|-------------|----------|-------|----------------------------------------------------------------|--------------|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------------|
| Water Right | 57-10564 | N     | PHELPS, LYNN N; PHELPS, RANDEL E; TURNER, DEBRA K; TURNER, DEN | GROUND WATER | POD |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |             |
| Water Right | 57-7608  | N     | TURNER, DEBRA K; TURNER, DENNIS R; TURNER, JOHN L; TURNER, JO  | SPRING       | POD |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |             |
| Water Right | 57-10301 | N     | KUBOSUMI, GEORGE; KUBOSUMI, MICHIKO                            | GROUND WATER | POD |     |      |      |      |      | X    |      |      |      |      |      |      |      |      |      |      |      |             |
| Water Right | 57-10314 | N     | LESLIE, CHARLES L; LESLIE, JUDY A                              | GROUND WATER | POD |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |             |
| Water Right | 57-10326 | N     | KUBOSUMI, JANET; KUBOSUMI, ROY                                 | GROUND WATER | POD |     |      | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |             |
| Water Right | 57-10383 | N     | HINTON, JAMES G                                                | GROUND WATER | POD |     |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |             |
| Water Right | 57-10384 | N     | HINTON, JAMES G                                                | GROUND WATER | POD |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |             |
| Water Right | 57-10873 | N     | SONKE, MARY S; SONKE, ROBERT E                                 | GROUND WATER | POD |     |      |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      |             |
| Water Right | 63-21757 | N     | GROSS, C DOUGLAS; GROSS, CHARLES                               | GROUND WATER | POD |     |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      |      |             |