

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87641**

This is to certify that: **NANCY J WILLIAMS**
1627 GENTRY LANE
WEISER, ID 83672

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>
67-4544	WR/DECREED	1/1/1940	0.060 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

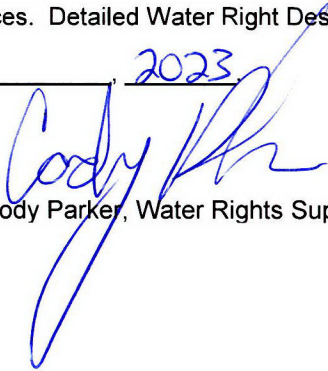
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-4544	NO	NO	NO	YES	NO	NO

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>
67-4544	67-4544	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	N/A	N/A	N/A		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 7th day of April, 2023


Cody Parker, Water Rights Supervisor

Transfer No. 87641

SCANNED

APR 10 2023

WATER RIGHT NO. 67-4544**As Modified by Transfer No. 87641**

In accordance with the approval of Transfer No. 87641, Water Right No. 67-4544 is now described as follows:

Right Holder: MARVIN E WILLIAMS
NANCY J WILLIAMS
41 HILLSIDE
WEISER, ID 83672

Priority Date: 1/1/1940

Source: GROUND WATER

BENEFICIAL USE

	From	To	Diversion Rate
DOMESTIC	01/01	to 12/31	0.040 cfs
STOCKWATER	01/01	to 12/31	0.020 cfs
			0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 23 Twp 11N Rge 05W WASHINGTON County
GROUND WATER	NWNW	Sec 23 Twp 11N Rge 05W WASHINGTON County
GROUND WATER	NWNW	Sec 23 Twp 11N Rge 05W WASHINGTON County
GROUND WATER	SENE	Sec 23 Twp 11N Rge 05W WASHINGTON County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	23					X												

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	23					X												

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. 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. 87641

SCANNED
APR 10 2023

WATER RIGHT NO. 67-4544
As Modified by Transfer No. 87641

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.

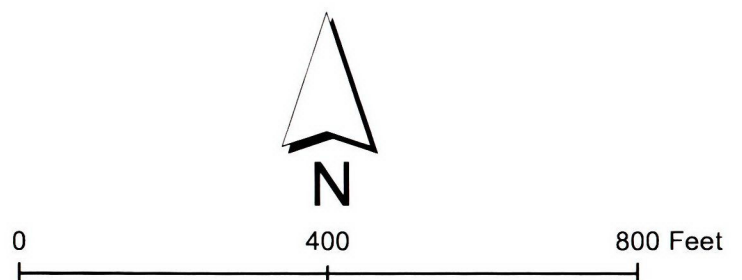
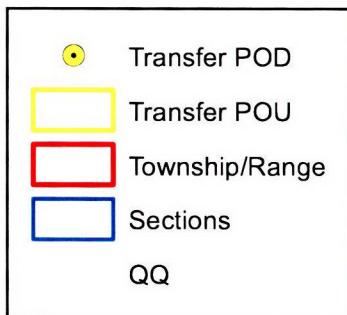


State of Idaho
Department of Water Resources

Attachment to Transfer No. 87641

Water Right(s): 67-4544

This map depicts the DOMESTIC & 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.



SCANNED
APR 10 2023

RECEIVED
MAR 14 2023

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.Q.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Nancy J. Williams Phone (208) 484-3212

2. MAILING ADDRESS 1627 Gentry Lane City Weiser

State IL Zip 83672 Email Stacywalker473@gmail.com

- ☐ 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) 67-4544

- ☐ 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 0.06 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*.

[illegible]

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:

Measuring device and controlling works can be installed upon requirement.

- 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)?

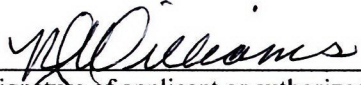
If yes, describe:

- 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, [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

Nancy J. Williams 3-9-23
Print name and title if applicable property owner Date

Signature of applicant or authorized agent

Print name and title if applicable

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, [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 5 pages of attachments. Received by KM Date 3.14.23

Fee paid 200- Date 3.14.23 Received by KM Receipt # 0115563

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
Proof Report

3/6/2023

Water Right 67-4544

Owner Type **Name and Address**
Current Owner MARVIN E WILLIAMS
 41 HILLSIDE
 WEISER, ID 83672
 (208) 549-3099

Current Owner NANCY J WILLIAMS
 41 HILLSIDE
 WEISER, ID 83672
 (208) 549-3099

Priority Date: 1/1/1940

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.020 CFS	
DOMESTIC	01/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.060 CFS	

Source and Point(s) of Diversion:

GROUND WATER SWNENW

Sec. 23, Twp 11N, Rge 05W, WASHINGTON
County

Place Of Use:

DOMESTIC within WASHINGTON County
STOCKWATER within WASHINGTON County

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.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/6/2023

1 jdean 9/21/2006 Irrigation

Irrigation was not recommended under this claim because there was no proof of historic beneficial use. Any "irrigation" will be recommended as a component of the domestic use with irrigation limited to 1/2 acre.

2 jdean 9/21/2006 Stockwater Quantity

The quantity for stockwater was limited to the standard for the 30 animals listed on the claim (0.02 cfs).

3 jdean 9/21/2006 Spring

From conversation with the claimant (DLN), the spring does not appear to be used as part of this water right. The spring appears to be used to water the neighbors stock. If the water is not pumped to the neighbor it spills onto the Hass property and "makes a big puddle."

Dates and Other Information:

Decreed Date: 10/15/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: EXC

Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

67-4544 point of diversion transfer



87641



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 10, 2023

NANCY J WILLIAMS
1627 GENTRY LANE
WEISER ID 83672

Re: Transfer No: 87641
Water Right No.: 67-4544
Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Right 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.

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APR 10 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 this office at (208) 287-4800.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbi Judd". The signature is stylized with a large, looped "D" and a cursive "J".

Debbi Judd
Technical Records Specialist

Enclosure

SCANNED
APR 10 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 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.: 87641

Water Right No(s): 67-4544

**NANCY J WILLIAMS
1627 GENTRY LANE
WEISER ID 83672**

**MARVIN E WILLIAMS
41 HILLSIDE
WEISER ID 83672**

**NANCY J WILLIAMS
41 HILLSIDE
WEISER ID 83672**

A handwritten signature in black ink, reading "Jean Hersley", written over a horizontal line.

**Jean Hersley
Technical Records Specialist**

MEMORANDUM

TO: Transfer No.87641 for WR 67-4544

FROM: Bob Howe

DATE: 03/23/2023

RE: Evaluation of Application for Transfer

The application and processing fee for transfer 87641 were received on March 14th, 2013, submitted and signed by Nancy J. Williams. The application proposes to add 3 existing wells to the water right and to move the existing point of diversion on the water right to the correct location in the NWSEW, approximately 150ft south. According to the applicant the original home (unknown build date) was razed due to its poor condition before the current home was built in 2009. The 3 existing wells were likely as old as the original home, but there is no information on the wells. The transfer does not propose to change the rate of diversion or volume elements of the appurtenant water right. I called and spoke with the applicant's daughter March 17th, 2023, to get clarification regarding the purpose of the transfer and she was able to provide the preceding information. The owner is issuing the transfer application to ensure that the information on the water right is correct.

Summary of Information Submitted

Authority to File:

The proposed new points of diversion would provide groundwater for domestic use and stock water. According to IDWR parcel data the place of use and all the proposed points of diversion are within a parcel currently owned by Nancy & Marvin Williams. The applicant is a current owner of the appurtenant water right. There are no concerns regarding the authority to file the transfer.

Water Right Validity:

Water right no. 67-4544 is presumed to be valid because beneficial use has occurred within the last five years. The applicants daughter, Stacey Walker, confirmed on a phone call March 23, 2023, that they kept about 50 head of cattle at the place of use until her father died last year. By the fall of 2022, the last of the cattle were sold. However, the applicant is continuing to lease the property for a neighbors cattle to use. The domestic beneficial use has been confirmed by department aerial imagery from 2021 and 2015 (see figure 1.1, 1.2 & 1.3). There are no concerns about the validity of water right 67-4544.

Injury to Other Water Rights:

None anticipated. The transfer would allow for the 3 wells and existing POD to be used as points of diversion for WR 67-4544, which previously diverted ground water for domestic and stock water use, as stated in the decree. The transfer does not change the rate of diversion or volume elements of the decreed water right. Continuing use of the right diverting groundwater at additional locations within the same parcel would not impact the neighboring water rights differently than the historic use of the water right.

Enlargement of Use:

The rate and volume on the water rights will not be increased through the transfer. The validity of the domestic and stock water right was confirmed in the analysis above, so there is no concern that the addition of a new POD would enable the owner to irrigate more acres than they have historically.

SCANNED
APR 10 2023

Local Public Interest:

There is no information available to suggest the addition of a point of diversion conflicts with the local public interest.

Beneficial Use/Conservation of Water Resources:

The applicant proposes to continue to use ground water in quantities which are within the acceptable standards for domestic and stock water beneficial uses. There are no concerns regarding the conservation of water resources. The application is consistent with criteria of I.C. § 42-222 and should be processed.

Summary**Water Right Overlap**

The water right POU and PODs are not overlapped by any water rights (see Figure 1.1 & 1.2).

Discussion

No conditions needed to be added to the water right due to the transfer as the water right is not subject to the administration of a water district and the elements of the water right involved do not suggest a need for further restrictions. The additional wells were constructed prior to the application for transfer and there is no other documentation found identifying them.



Figure 1.1- 2021- GIS image of WR 67-4544 place of use and transfer points of diversion (outlined in light blue and light blue points respectively). The pink point in the NENW is the previous point for the existing POD (groundwater) on the water right, the correct location is the blue point to the south.

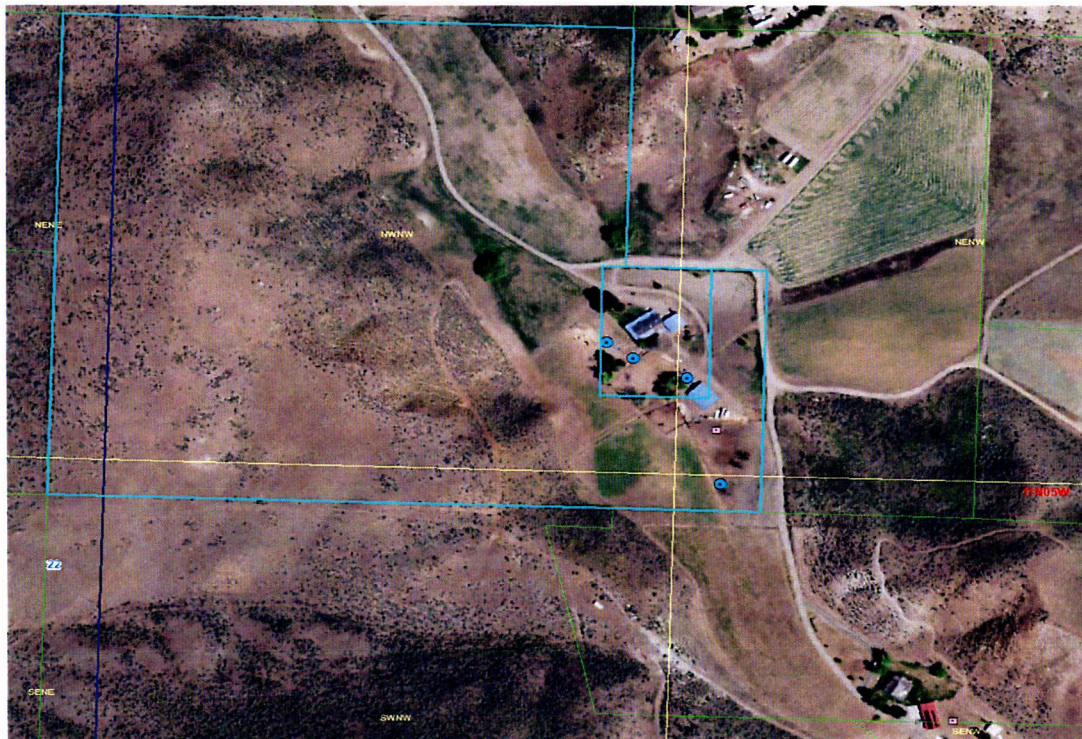


Figure 1.2- 2021 GIS image of the Parcels owned by Marvin Williams (outlined in light blue). The light blue points are the proposed transfer POD locations.



Figure 1.3- 2015 GIS image of the place of use and POD locations (blue points and outlined area).