STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87727

This is to certify that: WARRINGTON FAMILY TRUST
PO BOX 910
ONTARIO, OR 97914-0910

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
63-35401	WR/DECREED	5/26/1981	0.470 cfs	117.0 af	N/A	26.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-35401	NO	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
63-35401	63-35401	0.470 cfs	117.0 af	N/A	26.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.470 cfs**	**117.0 af**	**N/A**	**26.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30th day of May, 2023.

SCOTT STORMS, Water Rights Supervisor

SCANNED
JUN 02 2023

WATER RIGHT NO. 63-35401

As Modified by Transfer No. 87727

In accordance with the approval of Transfer No. 87727, Water Right No. 63-35401 is now described as follows:

Right Holder: WARRINGTON FAMILY TRUST
PO BOX 910
ONTARIO, OR 97914-0910

Priority Date: 5/26/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.470 cfs	117.0 af
				0.470 cfs	117.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 22 Twp 07N Rge 05W PAYETTE 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
07N	05W	22												26.0					26.0

POU Total Acres: 26.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The use of water for irrigation under this right may begin as early as March1 provided other elements of the right are not exceeded. The use of water March15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. Use of this right is combined with water from Black Canyon Irrigation District.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 87727

SCANNED
JUN 0 2 2023

WATER RIGHT NO. 63-35401

As Modified by Transfer No. 87727

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED

JUN 0 2 2023

State of Idaho
Department of Water Resources

Attachment to Transfer

Water Right(s): 63-35401

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



0 0.05 0.1 0.2 Miles

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

N

SCANNED
JUN 02 2023

IDAHO DEPARTMENT OF WATER RESOURCES **4/19/2023**

Proof Report

Water Right 63-35401

Child After Split

Owner Type	**Name and Address**
Current Owner	WARRINGTON FAMILY TRUST PO BOX 910 ONTARIO, OR 97914-0910 (208) 739-3344
Previous Owner	LARRY P PARKES PO BOX 423 FRUITLAND, ID 83619 (208) 452-3685
Previous Owner	KATHRYN CARNEFIX PO BOX 423 FRUITLAND, ID 83619 (208) 452-3685

Priority Date: 5/26/1981
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	03/15	11/15	0.470 CFS	117.0 AF
	Total Diversion		0.470 CFS	117.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NENW	Sec. 27, Twp 07N, Rge 05W, PAYETTE County

Place Of Use:
IRRIGATION within PAYETTE 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
07N	05W	22												26.0					26.0

POU Total Acres: 26.0

Conditions of Approval:

1.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2.	S39	The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water March 15 under this remark is subordinate to all water rights having no

SCANNED
63-35401
MAY 02 2023

		subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3.	W14	Use of this right is combined with water from Black Canyon Irrigation District.
4.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Comments:

1	Clint.Lindow	4/19/2023	Split Right

This right is the result of split from 63-9736.

2	Clint.Lindow	4/19/2023	POU

Updated Shape

Dates and Other Information:
Decreed Date: 4/3/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: EXC
Mitigation Plan: False

Combined Use Limits:
N/A

Verification Log

SubCase:
N/A

Water Supply Bank:

N/A

SCANNED
63-35401
MAY 02 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

63-35401

Created by Split-child

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



0 0.05 0.1 0.2 Miles

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

N

SCANNED
MAY 02 2023

RECEIVED
APR 19 [redacted]
WATER RESOURCES
WESTERN REGION

RECEIVED
APR 19 2023
Amended
WATER RESOURCES
WESTERN REGION

RECEIVED
4/22 BW 4/19/18
MAR 27 2023
WATER RESOURCES
WESTERN REGION

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:

- [X] Change diversion point(s) BW 4/19/23
- [ ] Add diversion point(s) BW 4/19/23
- [ ] Ownership change
- [x] Ownership split
- [ ] Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Warrington Family Trust Phone 208-739-3344
2. **MAILING ADDRESS** PO Box 910 City Ontario
   State OR Zip 97914 Email brookswarrington@gmail.com

- [x] 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.
- [x] If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- [x] 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.
  - [x] 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)** 63-9736

- [ ] 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 0.47 (diversion rate) cubic feet per second and/or 117 (storage volume) acre-feet per annum.

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 #
Y			SE	SW	22	07N	05W	Payette	Ground Water	

SCANNED
APR 28 2023

Transfer No. 87727

RECEIVED
42-222 WORK - 07/18
MAR 27 2023
WATER RESOURCES
WESTERN REGION

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)** Warrington Family Trust Phone 208-739-3344
2. **MAILING ADDRESS** PO Box 910 City Ontario
   State OR Zip 97914 Email brookswarrington@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)** 63-9736

☐ 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 0.47 (diversion rate) cubic feet per second and/or 117 (storage volume) acre-feet per annum.

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 #
Y			SE	SW	22	07N	05W	Payette	Ground Water	

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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:

One new well will provide supplemental irrigation through pressure irrigation system. Measurement and lockable control will be accomodated when the property enters a ground water district or specific order of IDWR.

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 ¼ ¼ 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	Print name and title if applicable	Date
Andrea Warrington	Andrea Warrington	03.21.2023

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 6 pages of attachments. Received by DM, 1:13 pm Date 3-27-23

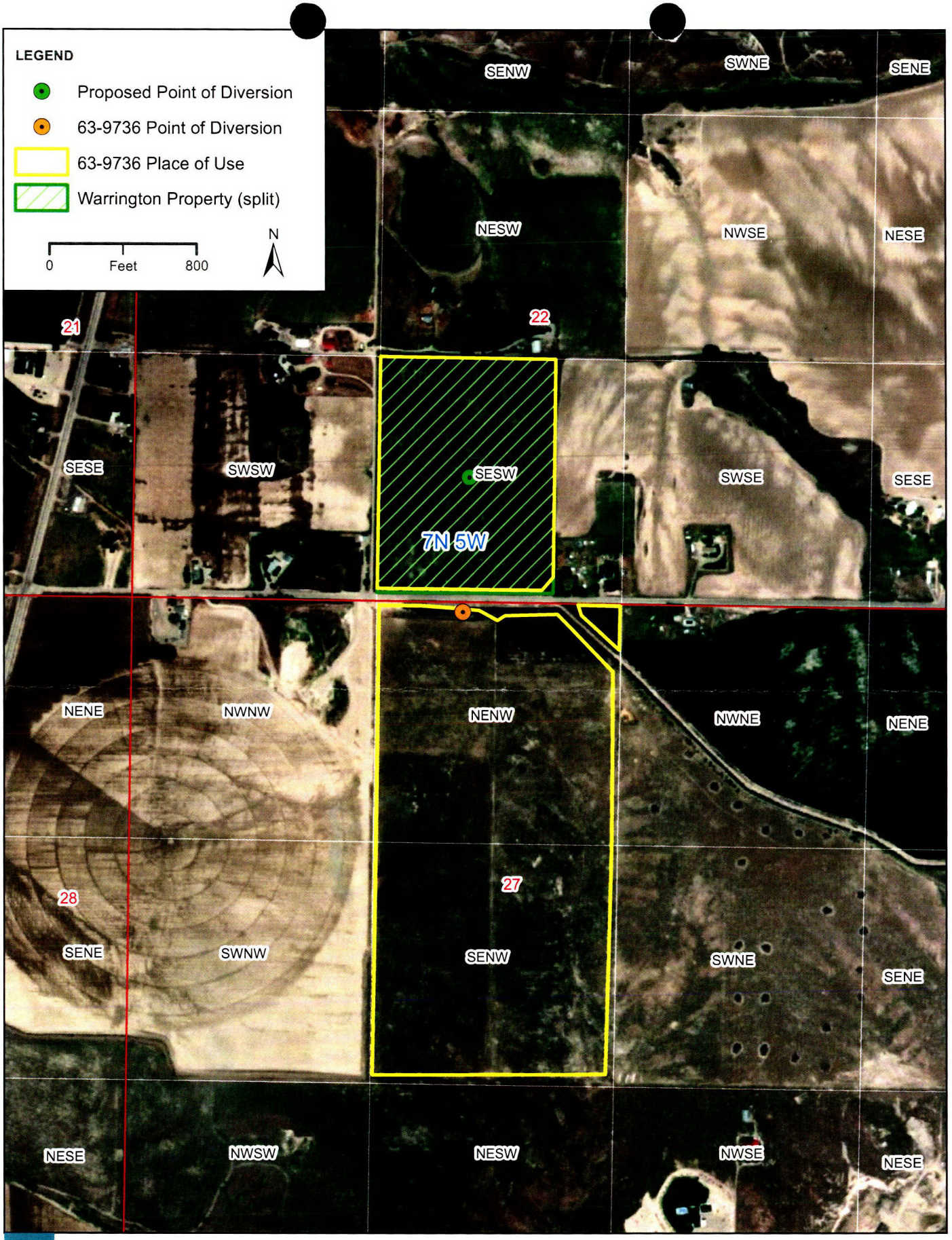
Fee paid $600.00 Date 3-27-23 Receipted by DM Receipt # WOS1099

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)

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87727
APR 28 2023



APPLICATION FOR TRANSFER MAP

DATA SOURCE: NAIP 2021

SCANNED
APR 28 2023

WARRINGTON FAMILY TRUST

87727

PATH: M:\0_CLIENT MANAGEMENT\WARRINGTON\GIS\TRANSFER.MXD - USER: PAKELLY - DATE: 3/21/2023

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

3/21/2023
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 63-9736

Owner Type	Name and Address
Current Owner	KATHRYN CARNEFIX
Current Owner	LARRY P PARKES
	PO BOX 423
	FRUITLAND, ID 83619
	2084523685

Priority Date: 05/26/1981
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	1.82 CFS	454.5 AFA
Total Diversion			1.82 CFS	454.5 AFA

Location of Point(s) of Diversion:

GROUND WATER	NENW	Sec. 27	Township 07N	Range 05W	PAYETTE County

Place(s) of use:
Place of Use Legal Description: IRRIGATION PAYETTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	05W	22		SESW	26									
		27		NENW	36		SENW	39						

Total Acres: 101
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.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
3.	W14	Use of this right is combined with water from Black Canyon Irrigation District.

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4. S39 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:
Licensed Date:
Decreed Date: 04/03/2009
Permit Proof Due Date: 6/1/1986
Permit Proof Made Date: 5/30/1986
Permit Approved Date: 6/30/1981
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date: 05/26/1981
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: OR
Water District Number: NWD
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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LIMITED DURABLE POWER OF ATTORNEY

We, Chelsey D. Warrington and Andrea D. Warrington, Trustees of the Warrington Family Trust u/t/d April 21, 2021 (subsequently called "principals"), designate and appoint Brooks Warrington, as attorney in fact and agent (subsequently called "agent") to act with power and instruction as follows:

The agent designated hereunder shall have the broad power and authority to transact any and all business on behalf of the principals with respect to the real property located on Fairview Avenue, Payette County, Idaho, more particularly described as follows:

In Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho:
In Section 22: the West 990 feet of the Southeast quarter of the Southwest quarter.

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by the principals and delivered to such person or institution.

This power of attorney shall not be affected by subsequent disability or incapacity of the principals. The authority granted herein shall be exercisable by the attorney-in-fact and agent, notwithstanding disability or incapacity. This is a durable power of attorney.

Third parties may rely upon the representations of the agent as to all matters relating to the power granted hereunder, and no person who may act in reliance upon the representations of the agent or the authority granted to the agent shall incur any liability to the principals as a result of permitting the agent to exercise any power.

IN WITNESS WHEREOF, the principals have executed this instrument on this 23rd day of March, 2023.

Chelsey D. Warrington, Trustee

Andrea D. Warrington, Trustee

State of Oregon)
) ss.
County of Malheur)

On this 24 day of April, 2023, before me, a Notary Public, personally appeared Chelsey D. Warrington and Andrea D. Warrington, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

OFFICIAL STAMP
MARY JO WALLER
NOTARY PUBLIC - OREGON
COMMISSION NO. 990638
MY COMMISSION EXPIRES AUGUST 27, 2023

Mary Jo Waller
Notary Public for Oregon
My Commission Expires: 8/27/2023

SCANNED
APR 28 2023

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

Instrument # 433804
PAYETTE COUNTY
2021-01-19 12:43:17 PM No. of Pages: 2
Recorded for: TITLEONE BOISE
LINDSEY BRATCHER Fee: $15.00
Ex-Officio Recorder Deputy Melody Capener
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

TitleOne
a title & escrow co.

Order Number: 21397759

Warranty Deed

For value received,

Bartlett Built, LLC, an Idaho limited liability company

the grantor, does hereby grant, bargain, sell, and convey unto

Chelsey D. Warrington and Andrea D. Warrington, husband and wife

whose current address is X P.O. Box 910 Ontario OR 97914

the grantee, the following described premises, in Payette County, Idaho, to wit:

In Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho:
In Section 22: the West 990 feet of the Southeast quarter of the Southwest quarter.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

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87727

Dated: January 12, 2021

Bartlett Built, LLC, an Idaho limited liability company

By: _____
Doug Bartlett, Member

State of Idaho, County of Ada, ss.

On this 13th day of January 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Doug Bartlett , known or identified to me to be a member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

_____
Notary Public for Idaho
Residing In: Eagle, Idaho
My Commission Expires: _____

TARA M CLIFFORD
COMMISSION #19071
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 06/18/2022

SCANNED
APR 28 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

May 31, 2023

WARRINGTON FAMILY TRUST
PO BOX 910
ONTARIO OR 97914-0910

Re: Transfer No: 87727
Water Right No(s).: 63-35401

Transfer Approval Notice

Dear Water Right Holder(s):

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of

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JUN 02 2023

the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

Lynne Evans
Administrative Assistant I

Enclosure(s)

SCANNED
JUN 0 2 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 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.: 87727
Water Right No(s).: 63-35401

WARRINGTON FAMILY TRUST
PO BOX 910
ONTARIO OR 97914-0910

Lynne Evans
Administrative Assistant I

SCANNED
JUN 02 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
JUN 0 2 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
JUN 0 2 2023

MEMORANDUM

TO: Transfer No. 87727

FROM: Clint Lindow

DATE: 05/30/2023

RE: Evaluation of Application

The transfer purposes to change the point of diversion (POD) for water right 63-35401. The new POD will be located on the Warrington Family Trust property. The legal description is section 22 of T07N, R05W SESW which is located in Fruitland, ID, approximately .3 miles east of US Hwy 95.

Summary of Information Submitted

Authority to File:
Transfer 87727 was filed by Brooks Warrington for the Warrington Family Trust. Idaho Department of Water Resources (IDWR) records show the applicant as the current owner of the water right 63-35401. The online parcel map of Payette County records also confirms the applicant as the current owner at the Place of Use (POU) for water right 63-35401.

Water Right Validity:
The partial decree for water right was issued on 4/3/2009. This right presumed to be valid because the beneficial use has occurred within the last five years. Beneficial use was confirmed by Department aerial imagery, Landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file as it is an IDWR product available to other staff.

Injury to Other Water Rights:
The approval of the transfer will not result in a higher quantity of water used for this right. The purpose of this transfer is to change the point of diversion to a location on the applicants property. The purposed transfer was advertised along with requests for comment and no protests were received. No injury is anticipated with this purposed transfer.

Enlargement of Use:
The purposed changes will not result in an increase in diversion rate or number of acres irrigated. Enlargement is not anticipated to be an issue.

Local Public Interest:
Evidence has not been found to suggest the changes proposed by this transfer conflict with the local public interest.

SCANNED
JUN 0 2 2023

Beneficial Use/Conservation of Water Resources:
The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

Ownerhip change was completed on 4/19/23 by Clint Lindow IDWR Western Region.

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

SCANNED
JUN 0 2 2023

MEMORANDUM

Date: 04/19/2023

To: Water Right File 63-9736 + 63-35401

From: Clint Lindow

Re: Ownership Change Processed Prior to Transfer No. 87727

Ownership change (including applicable fee) requested with transfer filing. A separate Notice of Ownership Change form was received. Ownership change processed prior to transfer resulting in:

WR 63-9736 to:

63-9736 – Larry P. Parkes and Kathryn Carnefix

63-35401 – Warrington Family Trust

Transfer no. 87727 will only affect water right 63-35401.

SCANNED

MAY 02 2023

RECEIVED
MAY 15 2023
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Payette }

M Brooke Watkins
Of Payette, Payette County, Idaho, being
First duly sworn, deposes and says:

1) That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not party to the above entitled action.
2) That I am the representative of the Argus Observer, a daily newspaper published in the County of Payette and State of Idaho; that the said newspaper is in general circulation in the said County of Payette, and has been uninteruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3) That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
05/03/2023 05/10/2023

Legal # 628446
APPLICATIONS FILED
L-628446

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-35400
TROOST FAMILY LIVING TRUST
C/O GREG TROOST
30540 SABIN RD
PARMA, ID 83660-6787
Point of Diversion SWSW S36 T06N R05W PAYETTE County
Source GROUND WATER
Use: IRRIGATION; 03/01 to 11/15; 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 04-13-2023
Place Of Use: IRRIGATION
T06N R05W S36 SWSW, SESW
Total Acres: 1.8
Water bearing zone to be appropriated is from 35 to 300 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region office at (208)334-2190; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87727

WARRINGTON FAMILY TRUST, PO BOX 910, ONTARIO, OR 97914-0910 has filed Application No. 87727 for changes to the following water rights within PAYETTE County(s): Right No(s). 63-35401; 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:
to change the point of diversion to a new well located in SESW of Section 22, T07N, R05W approximately .3 miles east of Highway 95 in Fruitland, Idaho.

For additional information concerning the property location, contact the Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Legal Number 628446 **May 3, 10, 2023**

OK
LE
5/24/23

State of Idaho }
County of Payette }

On this 10th day of May in the year 2023
Before me a Notary Public personally appeared.
M Brooke Watkins
known or identified to me to be
the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public for Idaho
Residing at Payette County
My Commission expires *
November 4, 2025

SCANNED
JUN 02 2023

YVONNE DEE LEE
Notary Public - State of Idaho
Commission Number 62548
My Commission Expires Nov 4, 2025

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

April 27, 2023

WARRINGTON FAMILY TRUST
PO BOX 910
ONTARIO, OR 97914-0910

RE: Transfer No. 87727
Water Right No(s). 63-35401

Dear Applicant(s):

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 INDEPENDENT ENTERPRISE on 5/3/2023 and 5/10/2023. 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,

Lynne Evans
Administrative Assistant I

SCANNED
APR 28 2023

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, April 27, 2023 2:53 PM
To: legals@ind-ent.com
Subject: Legal Notice for Application for Permit No. 63-35400; Transfer No. 87727
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Independent Enterprise 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 5/22/2023. Your cooperation is appreciated.

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

SCANNED
APR 28 2023

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63-35400
TROOST FAMILY LIVING TRUST
C/O GREG TROOST
30540 SABIN RD
PARMA, ID 83660-6787
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Use: IRRIGATION; 03/01 to 11/15; 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 04-13-2023
Place Of Use: IRRIGATION
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Total Acres: 1.8
Water bearing zone to be appropriated is from 35 to 300 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region office at (208)334-2190; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 5/3/2023 and 5/10/2023

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TRANSFER NO. 87727

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GARY SPACKMAN, Director Published on 5/3/2023 and 5/10/2023

SCANNED
APR 28 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

April 27, 2023

BLACK CANYON IRRIGATION DISTRICT
PO BOX 226
NOTUS, ID 83656-0226

RE: Transfer No. 87727

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Lynne Evans
Administrative Assistant I

SCANNED
APR 28 2023

MEMORANDUM

Date: 04/19/2023

To: Water Right File 63-9736 + 63-35401

From: Clint Lindow

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63-35401 – Warrington Family Trust

Transfer no. 87727 will only affect water right 63-35401.

SCANNED

APR 28 2023

RECEIVED
MAR 27 2023
WATER RESOURCES
WESTERN REGION

Chelsey and Andrea Warrington
P.O. Box 910
Ontario, OR 97914
208.739.3344 cell

Idaho Department of Water Resources
2735 W. Airport Way
Boise, ID 83705

March 21, 2023

RE: Water Right Number 63-9736

IDWR:

Please find the enclosed application and payment for Transfer of Water Right – Point of Diversion.

Please contract us if there are any questions that we may help you with.

Andrea Warrington

SCANNED
APR 28 2023

March 2017

REVIEW CHECKLIST TRANSFER -- OR -- EXCHANGE

(Workflow) (maybe Workflow)

Application # 87727 **Reviewer** Clint **Date** 4-20-23

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

Initial Review & Abbreviated Data Entry CL (date & initial) Supervisor Notes ✓ Y ___N

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

COMMENT LETTERS ✓ Y ___ N - Black Canyon irr.

Water District # N/A (Required even if No Legal Notice Required)

Other(s): list here or see attached Black Canyon Irr.

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 5/22/23

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

REVIEW MEMO -- DRAFT APPROVAL -- APPROVAL COVER LETTER

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

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

Data Entry, Conditions, & ArcMap Data Entry Completed ___

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

NOTE FOR CLERICAL STAFF APPROVAL COVER LETTER

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

March 2017

OPTIONAL PAGE -- CONDITIONS & NOTES

GROUNDWATER:

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

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

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

SURFACE WATER:

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

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

USES:

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

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

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

MISC CONDITIONS/REMARKS:

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

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined **limits** of multiple rts

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

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

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

NOTES: