

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88123**

This is to certify that: **MATTHEW SHAUG OR
RASHELL SHAUG
13623 GOODSON RD
CALDWELL, ID 83607-7539**

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>
63-35457	WR/DECREED	10/31/1971	0.280 cfs	97.3 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

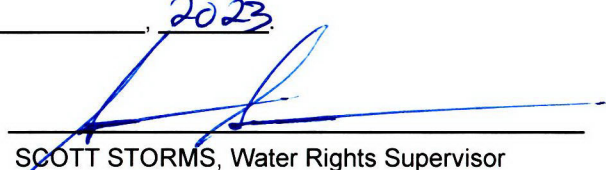
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-35457	NO	NO	NO	YES	NO	NO

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>
63-35457	63-35457	0.280 cfs	97.3 af	N/A	21.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.280 cfs	97.3 af	N/A	21.7		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 18th day of August, 2023.


SCOTT STORMS, Water Rights Supervisor

Transfer No. 88123

SCANNED

AUG 23 2023

WATER RIGHT NO. 63-35457**As Modified by Transfer No. 88123**

In accordance with the approval of Transfer No. 88123, Water Right No. 63-35457 is now described as follows:

Right Holder: MATTHEW SHAUG OR
RASHELL SHAUG
13623 GOODSON RD
CALDWELL, ID 83607-7539

Priority Date: 10/31/1971

Source: GROUND WATER
Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	1.2 af
IRRIGATION	03/15	to 11/15	0.220 cfs	96.0 af
STOCKWATER	01/01	to 12/31	0.020 cfs	0.1 af
			0.280 cfs	97.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 23 Twp 05N Rge 03W CANYON County
GROUND WATER	NENW	Sec 23 Twp 05N Rge 03W CANYON 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	
05N	03W	23					X												

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03W	23					21.0			0.7									21.7

POU Total Acres: 21.7

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	
05N	03W	23					X			X									

Transfer No. 88123

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AUG 23 2023

WATER RIGHT NO. 63-35457
As Modified by Transfer No. 88123

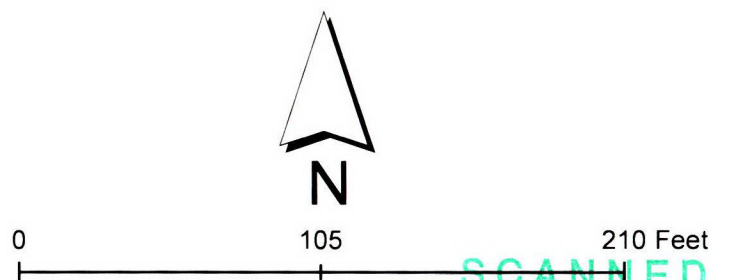
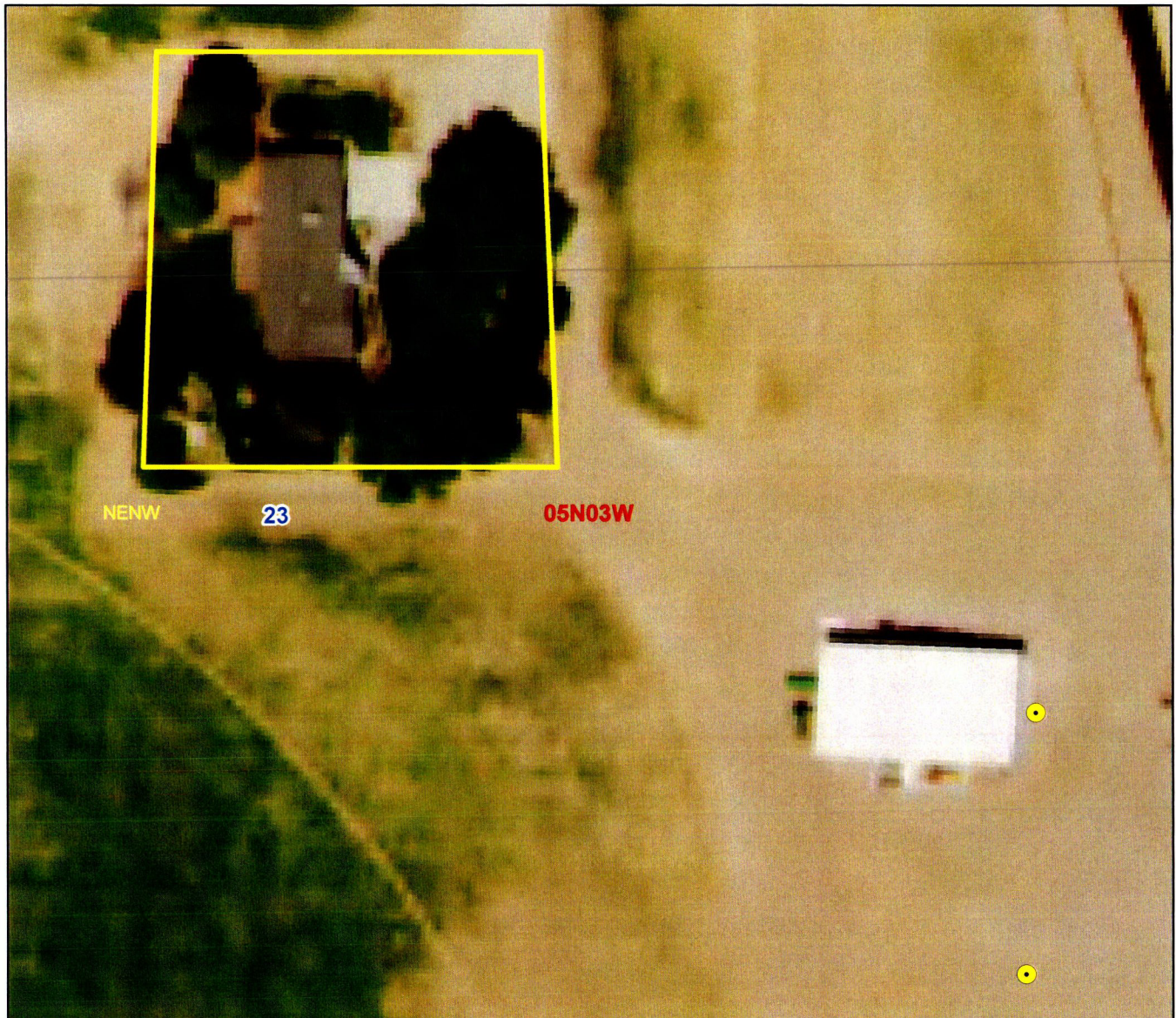
CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
2. 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.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Domestic use is for 1 home.
5. Stockwater use is for 5 horses.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 88123
Water Right: 63-35457

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.

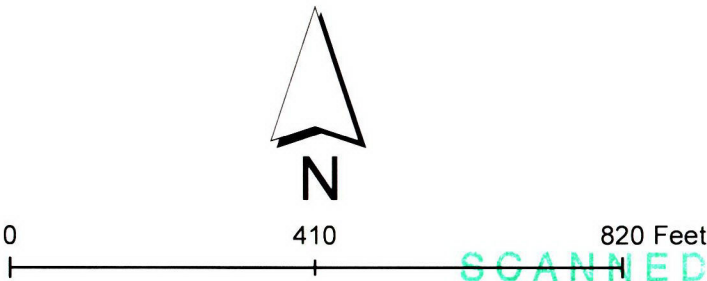
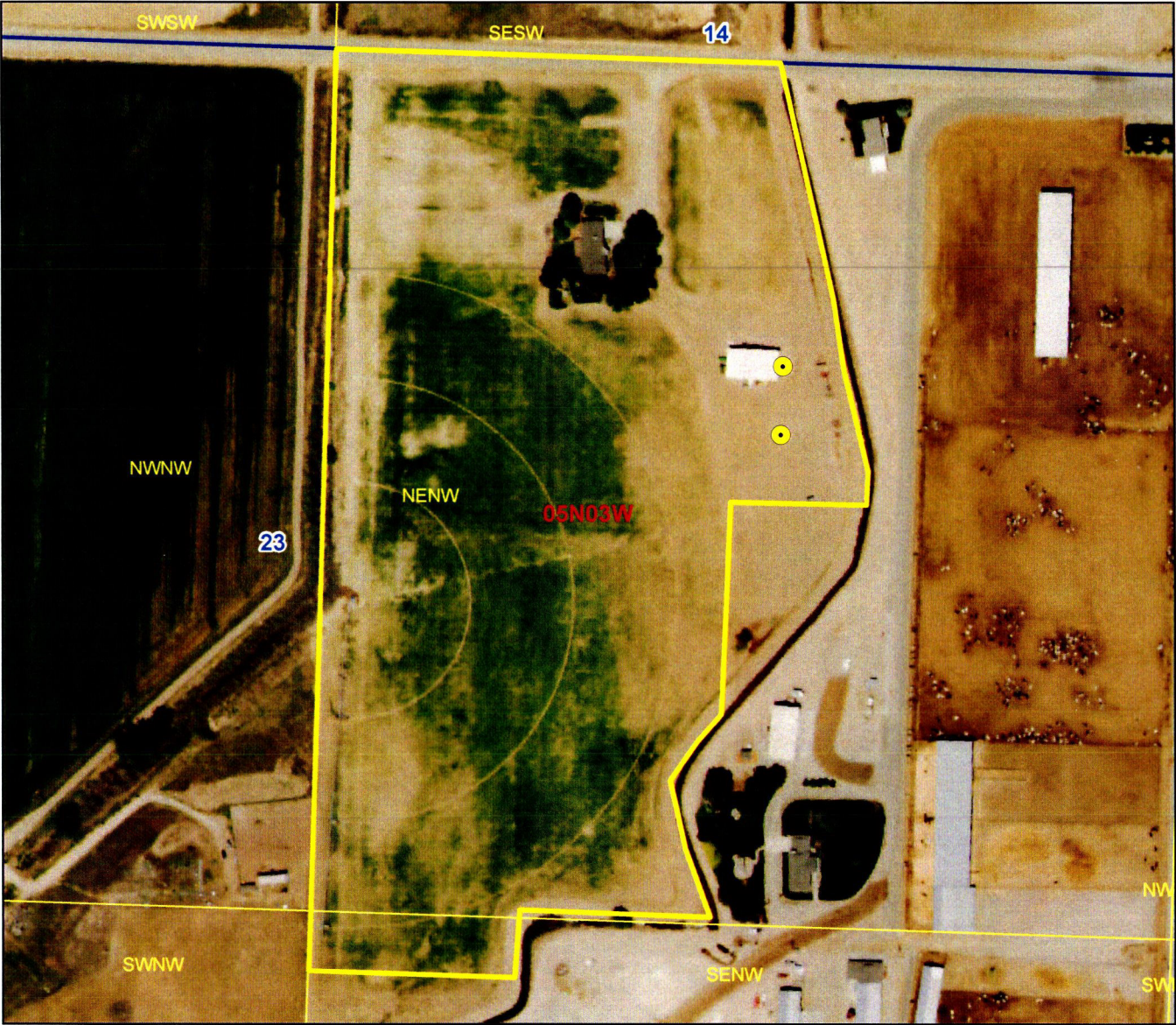


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State of Idaho
Department of Water Resources

Attachment to Transfer No. 88123
Water Right: 63-35457

This map depicts the IRRIGATION & 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.



AUG 23 2023

JUN 20 2023

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

WATER RESOURCES

This form is 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 § 42-221.0.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Matthew and Rashell Shang Phone (209) 614-3502
2. MAILING ADDRESS 13623 Guadson rd City Caldwell
State ID Zip 83607 Email Matthew.Sekut@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) 63-7511

- ☒ 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 0.3 cubic feet per second and/or 103.2 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
N			NE	NW	23	05N	03W	CANYON	GROUND WATER	Well ID 391998
Y			NE	NW	23	05N	03W	CANYON	GROUND WATER	D0097678

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WATER RESOURCES
LEGISLATIVE REGION

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and how the diversion works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? Matthew & Rashell Shaug
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.

Matthew Shaug
Signature of applicant or authorized agent

Matthew Shaug
Print name and title if applicable

6-14-23
Date

Rashell Shaug
Signature of applicant or authorized agent

Rashell Shaug
Print name and title if applicable

6-14-23
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 _____ pages of attachments. Received by _____ Date _____

Fee paid \$500 Date 6-20-2023 Receipted by DM Receipt # W051324

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)

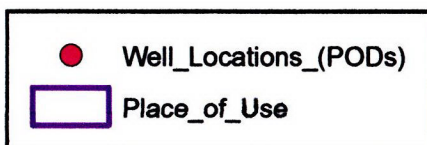
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AUG 23 2023

State of Idaho
Department of Water Resources
Proposed Point of Diversions
13623 Goodson Rd, Caldwell, ID 83607



0 0.0475 0.095 0.19 Miles



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AUG 23 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2023

Water Right 63-7511

Owner Type **Name and Address**
Current Owner PAUL STEPHEN FILLMORE
 13623 GOODSON RD
 CALDWELL, ID 83605
 (208) 585-2585

Current Owner CINDY J FILLMORE
 13623 GOODSON RD
 CALDWELL, ID 83605
 (208) 585-2585

Priority Date: 10/31/1971

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.240 CFS	101.9 AF
STOCKWATER	01/01	12/31	0.020 CFS	0.1 AF
DOMESTIC	01/01	12/31	0.040 CFS	1.2 AF
	Total Diversion		0.300 CFS	103.2 AF

Source and Point(s) of Diversion:

GROUND WATER NENW

Sec. 23, Twp 05N, Rge 03W, CANYON County

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03W	23					22.0			1.0									23.0

POU Total Acres: 23.0

STOCKWATER within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03W	23					X			X									

DOMESTIC within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03W	23					X												

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

6/29/2023

Proof Report

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. 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 before March 15 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. X01 Domestic use is for 1 home.
4. X02 Stockwater use is for 5 horses.

Comments:

- 1 Igraves 5/22/2006 P/D
Recommended to 40 acre tract as licensed because well location appears near center of 10 acre tract divide.
- 2 Igraves 5/22/2006 Stockwater
Recommended stockwater as licensed for 5 horses because stockwater volume for that amount was also licensed.
- 3 Igraves 5/25/2006 Parcel Nos
Parcel Nos: R3796300000, R3796400000
- 4 Igraves 10/26/2006 Surface Water
Condition W14 was added because schedule B of the ownership change documentation referenced BCID water. A notice of error reply was received stating that BCID water revoked from the property in 2001. It appears that a supplemental water right was made into a primary water right, however, the original application filed in 1971 and licensing field exam conducted in 1985 did not reference BCID water as also being used for irrigation. I called Steve Fillmore 10/23/2006 and he stated that he signed up for BCID shares when he purchased the property in 1999. Those shares were then revoked by BCID in 2001. Because BCID water was temporarily applied for a short amount of time after 1987, condition W14 has been removed. License 63-7511 was developed as a primary ground water right and is currently being used as a primary ground water right.

Dates and Other Information:

Decreed Date: 4/3/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2023

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	3/15/2006	lharris	3/15/2006	lharris	Closed
Contacts	5/22/2006	lgraves			Closed
Priority Date	5/22/2006	lgraves			Closed
POD	5/22/2006	lgraves			Closed
Source	5/22/2006	lgraves			Closed
POU	5/22/2006	lgraves			Closed
Use	5/22/2006	lgraves			Closed
Season	5/22/2006	lgraves			Closed
Quantity	5/22/2006	lgraves			Closed
Summary	5/24/2006	lgraves	5/24/2006	lgraves	Closed

SubCase:

N/A

Water Supply Bank:

N/A



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

August 21, 2023

MATTHEW AND RASHELL SHAUG
13623 GOODSON RD
CALDWELL ID 83607-7539

Re: Transfer No: 88123
Water Right No(s): 63-35457

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

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AUG 23 2023

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,

A handwritten signature in black ink, appearing to read 'Lynne Evans'.

Lynne Evans
Administrative Assistant I

Enclosure(s)

SCANNED

AUG 23 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 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.: 88123
Water Right No(s): 63-35457

MATTHEW SHAUG
13623 GOODSON RD
CALDWELL ID 83607-7539

RASHELL SHAUG
13623 GOODSON RD
CALDWELL ID 83607-7539



Lynne Evans
Administrative Assistant I

SCANNED

AUG 23 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.

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.

MEMORANDUM

Date: July 28, 2023
To: Transfer 88123
From: Jared Adamson
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
7/3/2023

This transfer application proposes to add a point of diversion in NENW, Section 23, T05N, R3W. The transfer application also proposes to change the ownership. A Notice of Change in Water Right Ownership form was submitted with the transfer application. The ownership change and split was processed before processing the transfer application. The transfer application listed water right 63-7511 as the right to be transferred. After the ownership change and split the water right to be transferred is 63-35457.

Authority to File:

A copy of a recorded quitclaim deed was submitted with the Notice of Change in Water Right Ownership, showing the applicant as the owner of the property at the proposed point of diversion and place of use of the water right. The quitclaim deed was recorded in Canyon County, Idaho on December 16, 2022.

Water Right Validity:

Water right 63-35457 was decreed on 4/3/2009. In review of aerial photography available to the department there is no clear and convincing evidence showing that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:

This water right is not located in any areas of concern, is not currently administered by a water district, and is not located in the Basin 63 Ground Water Restricted Area or other areas of concern. No legal ad is necessary.

Enlargement of Use:

The approval of this transfer will not result in an enlargement of a water right.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED

AUG 23 2023

MEMORANDUM

Date: June 30, 2023
To: Transfer 88123
From: Jared Adamson
Re: Legal Notice Not Required

Legal Notice Not Required
6/30/2023

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

SCANNED

AUG 23 2023

REVIEW CHECKLIST TRANSFER -- OR -- EXCHANGE (Workflow) (maybe Workflow)

Application # 88123 Reviewer UM Date 6.27.23

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

Initial Review & Abbreviated Data Entry UM 6.27.23 (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 # Exc (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

N/A

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline _____

☐ Y ☐ N

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

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	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:
