

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86033

This is to certify that: BRANDON K BARTRON
MIKE W CHRISTIE
1806 N TUSCOLANO AVE
EAGLE, ID 83616

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>
63-4342	WR/DECREED	4/1/1920	0.250 cfs	14.8 af	N/A	3.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

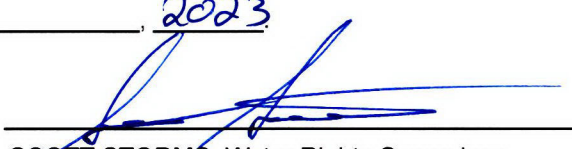
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-4342	NO	YES	NO	NO	NO	NO

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>
63-4342	63-4342	0.250 cfs	14.8 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.250 cfs	14.8 af	N/A	3.0		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 10th day of April, 2023


SCOTT STORMS, Water Rights Supervisor

Transfer No. 86033

SCANNED
APR 12 2023

WATER RIGHT NO. 63-4342**As Modified by Transfer No. 86033**

In accordance with the approval of Transfer No. 86033, Water Right No. 63-4342 is now described as follows:

Right Holder: BRANDON K BARTRON
1806 N TUSCOLANO AVE
EAGLE, ID 83616

MICHAEL W CHRISTIE
10705 E DIFFRACTION AVE
MESA, AZ 85212-8208

Priority Date: 4/1/1920

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	
IRRIGATION	03/01	to 11/15	0.060 cfs	13.5 af
RECREATION	01/01	to 12/31	0.150 cfs	1.3 af
			0.250 cfs	14.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NENW) Sec 13 Twp 04N Rge 01W ADA 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	
04N	01W	13					X												
							L 2												

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	
04N	01W	13					3.0												3.0
							L 2												

POU Total Acres: 3.0

PLACE OF USE: RECREATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	13					X												
							L 2												

Transfer No. 86033

SCANNED

APR 12 2023

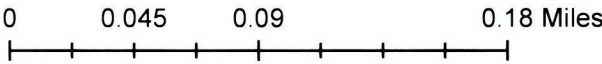
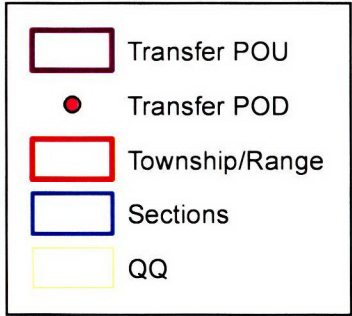
WATER RIGHT NO. 63-4342
As Modified by Transfer No. 86033

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
5. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 86033
Water Right: 63-4342

This map depicts the IRRIGATION, DOMESTIC, & RECREATION 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.



**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED**FEB 13 2023****RECEIVED****MAR 29 2022**

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) BRANDON K BARTON / MIKE CHRISTIE Phone 208 340-7754

2. MAILING ADDRESS 1806 N. TUSCOLANO AVE City ENGLE

State ID Zip 83616 Email MIKE@BOISERIGGING.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) 63-4342

- ☒ 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 0.25 cubic feet per second and/or 14.82 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 #
Yes	<u>2</u>		NE	NW	13	04N	01W	Ada	Ground Water	D0095624

SCANNED**APR 12 2023**

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:

Submersible Pump in Wedge. Mainline Controlled By Lockable
VFD Panel in Garage. Mainline Could Accommodate Measuring Device.

- b. Who owns the property at the point(s) of diversion? Brandon K Baatron / Mike Christie
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]
Signature of applicant or authorized agent

Michael W Christie
Print name and title if applicable

3/29/22
Date

[Signature]
Signature of applicant or authorized agent

Brandon Baatron
Print name and title if applicable

2/9/23
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 LG Date 03/29/2022

Fee paid \$500.00 Date 03/29/2022 Receipted by LG Receipt # W050245

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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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

3/28/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-4342

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRANDON K BARTRON
Current Owner	MICHAEL W CHRISTIE 10705 E DIFFRACTION AVE MESA, AZ 85212-8208 6266985212
Original Owner	MILDRED E MARTEN PO BOX 51 STAR, ID 83669

Priority Date: 04/01/1920

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.06 CFS	13.5 AFA
DOMESTIC	01/01	12/31	0.04 CFS	
RECREATION	01/01	12/31	0.15 CFS	1.32 AFA
Total Diversion			0.25 CFS	14.82 AFA

Location of Point(s) of Diversion:

GROUND WATER | SESW Lt 3 | Sec. 12 | Township 04N | Range 01W | ADA County

DOMESTIC Use:

Number of homes: 1

Place(s) of use:

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APR 12 2023

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	01W	13	2	NENW	3									

Place of Use Legal Description: DOMESTIC ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	01W	13	2	NENW										

Place of Use Legal Description: RECREATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	01W	13	2	NENW										

Total Acres: 3

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. X01 Domestic use is for 1 home.
3. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
4. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
5. Parcel No.: S0413212600

Dates:

Licensed Date:

Decreed Date: 02/16/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

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APR 12 2023

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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APR 12 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/1/2021

Water Right 63-4342

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRANDON K BARTRON 10705 E DIFFRACTION AVE MESA, AZ 85212-8208 (626) 698-5212
Current Owner	MICHAEL W CHRISTIE 10705 E DIFFRACTION AVE MESA, AZ 85212-8208 (626) 698-5212
Original Owner	MILDRED E MARTEN PO BOX 51 STAR, ID 83669
Previous Owner	CONNIE E MARTEN PO BOX 51 STAR, ID 83669 (208) 939-8223

Priority Date: 4/1/1920

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.060 CFS	13.5 AF
DOMESTIC	01/01	12/31	0.040 CFS	
RECREATION	01/01	12/31	0.150 CFS	1.3 AF
	<u>Total Diversion</u>		0.250 CFS	14.8 AF

Source and Point(s) of Diversion

GROUND WATER L3(SESW) Sec. 12, Twp 04N, Rge 01W, ADA County

Place Of Use

IRRIGATION within ADA 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	
04N	01W	13					3.0												3.0
							L2												

POU Total Acres: 3.0

DOMESTIC within ADA County

NE				NW				SW				SE			

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/1/2021

Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01W	13					X L2												

RECREATION within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	13					X L2												

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. X01 Domestic use is for 1 home.
3. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
4. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
5. Parcel No.: S0413212600

Dates and Other Information

Decreed Date: 2/16/2007
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

SubCase:

N/A

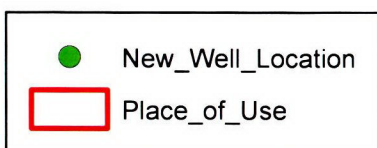
Water Supply Bank:

N/A

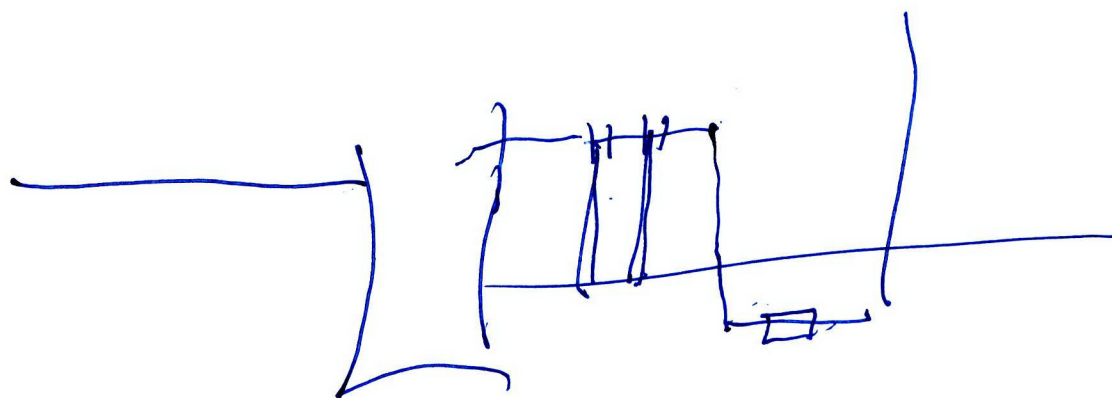
State of Idaho
Department of Water Resources
Transfer to Change Point of Diversion
WR No. 63-4342



0 0.05 0.1 0.2 Miles



SCANNED
APR 12 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 11, 2023

BRANDON K BARTRON & MIKE W CHRISTIE
1806 N TUSCOLANO AVE
EAGLE ID 83616-6115

Re: Transfer No: 86033
Water Right No(s): 63-4342

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.

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APR 12 2023

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Evans', with a stylized, cursive script.

Lynne Evans
Administrative Assistant I

Enclosure(s)

CC: MICHAEL W CHRISTIE

SCANNED

APR 12 2023

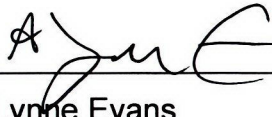
CERTIFICATE OF SERVICE

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.: 86033
Water Right No(s): 63-4342

BRANDON K BARTRON & MIKE W CHRISTIE
1806 N TUSCOLANO AVE
EAGLE ID 83616-6115

MICHAEL W CHRISTIE
10705 E DIFFRACTION AVE
MESA AZ 85212-8208

A handwritten signature in black ink, appearing to read 'Lynne Evans', is written over a horizontal line.

Lynne Evans
Administrative Assistant I

SCANNED

APR 12 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

TO: Transfer No. 86033

FROM: Justin Shearer

DATE: 1/25/2023

RE: Evaluation of Application

Summary of Information Submitted

Narrative: Transfer No. 86033 proposes to change the point of diversion for existing water right 63-4342. The site of the new diversion is proposed just to the south in the adjacent QQ, and just east of S River Rush Ln.

Authority to File: The application was filed in the name of Brandon K Bartron and Mike Christie. This matches current ownership of water right 63-4342. County tax lot data indicates Brandon K Bartron owns the property where the proposed diversion is to be located. The place of use (POU) for water right 61-4029 is not changing under this proposed transfer, thus there is no evidence to suggest that the applicant's do not have full authority to file this transfer.

Water Right Validity:

Water right 63-4342 was initially decreed in 2007. There is no evidence to suggest that the water right has undergone any periods of non-use exceeding 5 years. Thus, there is no concern of water right validity.

Overlap Analysis: No POU overlap is found. There are other rights nearby, however because the existing POU will not be changing there is no concern for POU overlap being created through this transfer. No POD overlap is found. The new point of diversion will be at a new replacement well tag # D0095624.

Injury to Other Water Rights: None anticipated. Because the POD is moving a short distance to the south and will be pulling from the similar underground elevations, there is no reason to think that diverting from the new POD will cause any injury to existing water rights. Moreover, because the new point of diversion will not be changing the amount of water sought by this right, there is no evidence to suggest that any injury to other rights will occur as a result of this transfer.

Enlargement of Use: Water right 63-4342 authorizes 0.06 CFS for the irrigation of 3 acres, 0.04 CFS for domestic purposes, and 0.15 CFS for recreation use on the same acreage. The total diversion rate under this right is 0.25 CFS. The right is also limited to 13.5 AF for irrigation and 1.32 AF for recreation. Because the transfer is merely moving the point of diversion to a newer well with no proposed changes to beneficial uses or POU, there is no concern that an enlargement of use will ensue as a result of this transfer.

Local Public Interest: The transfer application proposes beneficial use consistent with local public interest.

SCANNED

APR 12 2023

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

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

Discussion

This transfer was initially received with only one of the parties having signed. Because the right has an owner name connector of "and" both owners' signatures were required. Additionally, because Bartron had been living out of state it took some time to obtain his signature and make the application complete.



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

January 25, 2023

COPY

BRANDON K BARTON
10705 E DIFFRACTION AVE
MESA, AZ 85212-8208

RE: Application for Transfer of Water Right 63-4342

Brandon this application for transfer was filed to move a point of diversion for water right no. 63-4342. However, for this application to be valid it needs to be signed by both you and Mike Christie. Currently it is only signed by Mr. Christie. Please print and sign on the second page of the original transfer application and return to me at your earliest convenience.

If you have any questions or concerns in regard to this matter, feel free to contact me at (208)-334-2190. **If the application is not returned signed within thirty (30) days the department may take steps to void the application.**

Best regards,

Justin Shearer
Water Resource Agent, Sr.
(208)-334-2190
Justin.shearer@idwr.idaho.gov

Enclosures: Original Transfer Application 86033 (WR 63-4342)

SCANNED

APR 12 2023

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

Application # 86033 - Bartron/Christie Reviewer JS Date _____

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

Initial Review & Abbreviated Data Entry 4/11/22 (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 # 65 (Required even if No Legal Notice Required)

Other(s): list here or see attached exc.

ADVERTISING ☐ Y ☒ N If "N" Save Legal Notice Not Required DB Comment in Workflow & Memo ☒

Legal Notice Required - Saved as Legal Notice Remarks in Workflow ☐ Y *uncheck "Currently in Data Entry" flag

Statewide ads ☐ Y ☐ N ("Y" only if any single right > 10 cfs, 1000 af storage)

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline _____
Y N

☐ ☐	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 86033 Bartron & Christie
(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 3/1 to 11/15 (use X61 if extended season)

STANDARD VOLUME 4.5 af/ac

CONSUMPTIVE USE VOLUME 3.5 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	
X > 5 ac	- R62/R63/R64/R65 (0.02 cfs/ac)	Restricted area	- 022-075 RAFN - 007-109-X64
X 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	- <u>WB5</u> / <u>132</u>
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:

Brandon PH#: 626-698-5212