

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85517**

This is to certify that: **SHARON BRUNO**
1078 JUNIPER ST N
KEIZER, OR 97303-6267

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>
65-12465	WR/DECREED	10/22/1981	0.100 cfs	22.5 af	N/A	5.0	PAYETTE RIVER

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>
65-12465	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>
65-12465	65-12465	0.100 cfs	22.5 af	N/A	5.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.100 cfs	22.5 af	N/A	5.0		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 September, 2022.


SCOTT STORMS, Water Rights Supervisor

Transfer No. 85517

SCANNED

OCT 04 2022

WATER RIGHT NO. 65-12465
As Modified by Transfer No. 85517

In accordance with the approval of Transfer No. 85517, Water Right No. 65-12465 is now described as follows:

Right Holder: SHARON BRUNO
 1078 JUNIPER ST N
 KEIZER, OR 97303-6267

Priority Date: 10/22/1981

Source: WASTE WATER
Source: PAYETTE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.100 cfs	22.5 af
			0.100 cfs	22.5 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	L1 (SESE)	Sec 15 Twp 07N Rge 01E GEM County
PAYETTE RIVER	L2 (SWSE)	Sec 15 Twp 07N Rge 01E GEM County

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	
07N	01E	15																5.0	5.0
																		L 1	

POU Total Acres: 5.0

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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.65.
4. This right does not grant any right-of-way or easement across the land of another.
5. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

Transfer No. 85517

SCANNED

OCT 04 2022

WATER RIGHT NO. 65-12465
As Modified by Transfer No. 85517

CONDITIONS OF APPROVAL

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

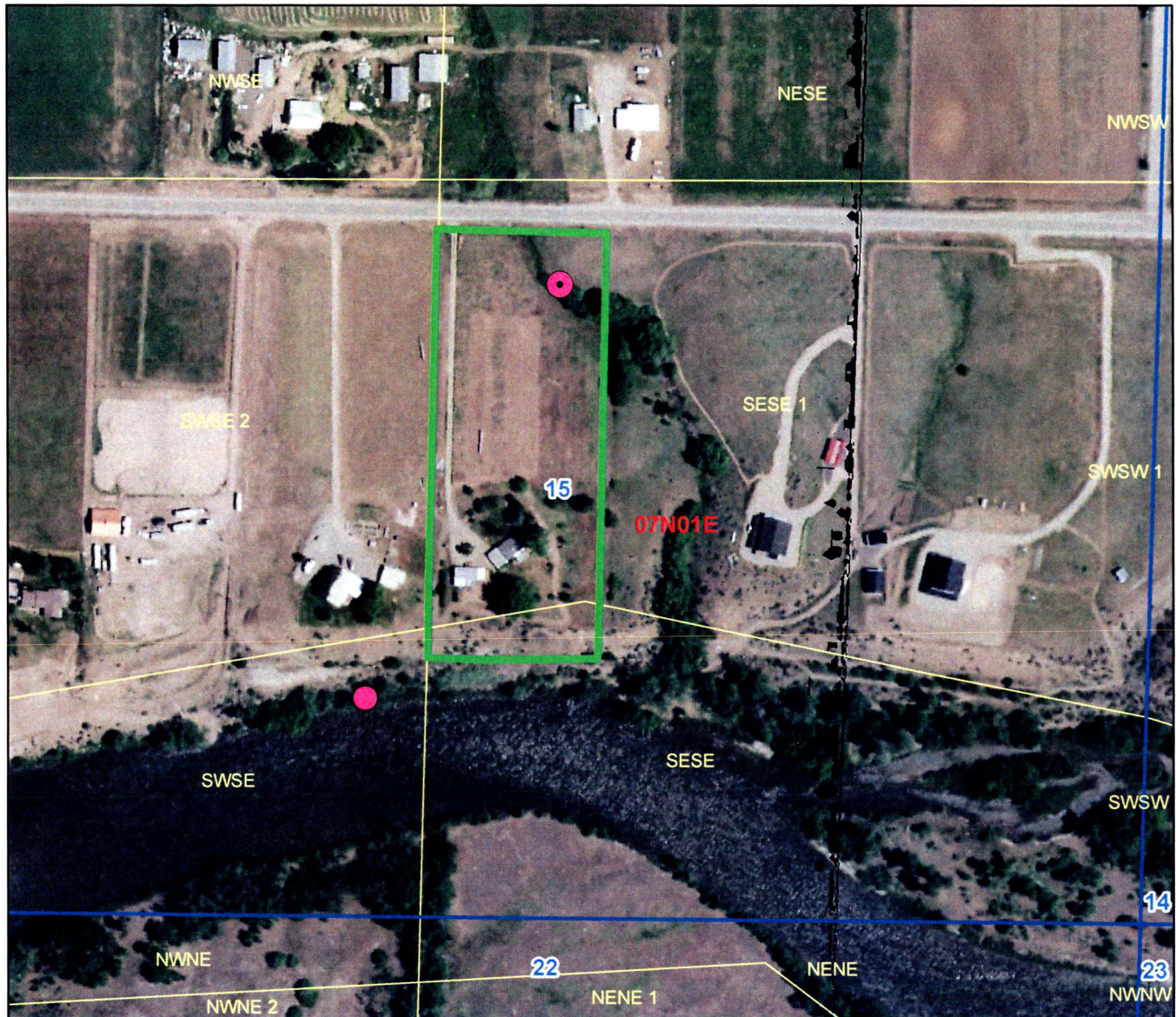


State of Idaho
Department of Water Resources

Attachment to Transfer No.85517

Water Right(s): 65-12465

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.



Legend

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

0 0.0375 0.075 0.15 Miles

SCANNED

OCT 04 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

Water Right Number(s): 65-12465

Name(s): Sharon Bruno

Old Mailing Address: 1078 Juniper Street N

Keizer, OR 97303

New Mailing Address: 9845 N. Highway 52

Horseshoe Bend, ID 83629

Telephone Number: 503-393-4621

Email: sherie.bruno@gmail.com

Signature(s) of Owner(s) Sharon Bruno

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

Date: 6/27/23

Send a signed original to your closest regional office:

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

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

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

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

SCANNED

JUL 31 2023



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

July 31, 2023

SHARON BRUNO
9845 N HIGHWAY 52
HORSESHOE BND, ID 83629-5001

RE: Change in Address for Water Right/Permit No(s): 65-12465

Dear Water Right/Permit Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing the address for SHARON BRUNO for the above referenced water right. The Department has modified its records to reflect this change in address and has enclosed a computer-generated report for your records.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosure

SCANNED

JUL 31 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/31/2023

Water Right 65-12465

Owner Type **Name and Address**
Current Owner SHARON BRUNO
9845 N HIGHWAY 52
HORSESHOE BND, ID 83629-5001
(503) 393-4621

Original Owner DOROTHY ANN FROST
PO BOX 99
SWEET, ID 83670
(208) 584-3564

Previous Owner HOWARD D FROST
1078 JUNIPER ST N
KEIZER, OR 97303-6267
(503) 393-4621

Priority Date: 10/22/1981

Basis: Decreed

Status: Active

Source
WASTE WATER
PAYETTE RIVER

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.100 CFS	22.5 AF
	Total Diversion		0.100 CFS	22.5 AF

Source and Point(s) of Diversion:

WASTE WATER	L1(SESE)	Sec. 15, Twp 07N, Rge 01E, GEM County
PAYETTE RIVER	L2(SWSE)	Sec. 15, Twp 07N, Rge 01E, GEM County

Place Of Use:

IRRIGATION within GEM 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	
07N	01E	15																5.0 L1	5.0

POU Total Acres: 5.0

Conditions of Approval:

1. R69 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.

SCANNED

65-12465

JUL 31 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/31/2023

- | | | |
|----|-----|--|
| 2. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |
| 3. | R05 | Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.65. |
| 4. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 5. | 176 | The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it. |
| 6. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 7. | T08 | 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. | T19 | 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. |

Dates and Other Information:

Decreed Date: 7/26/2002
State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A



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

September 30, 2022

SHARON BRUNO
1078 JUNIPER ST N
KEIZER OR 97303-6267

Re: Transfer No: 85517
Water Right No(s): 65-12465
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

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

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

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

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

SCANNED

OCT 04 2022

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

Sincerely,



Scott Storms
Water Rights Supervisor

Enclosure
CC:

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLC
1010 W JEFFERSON ST SUITE 102
BOISE ID 83701-2139

WATER DISTRICT #65
NEIL SHIPPY - WD #65 WATERMASTER
102 N MAIN ST
PAYETTE ID 83661-2522

PAUL GILBERT (Protestant)
9825 N HWY 52
HORSESHOE BEND ID 83629

SHELLY ACRES IRRIGATION ASSOCIATION
(Protestant)
C/O GEOFF NEYMAN
9800 N HWY 52
HORSESHOE BEND ID 83629

XAVIER RIES (Protestant)
9715 N HWY 52
HORSESHOE BEND ID 83629

SCANNED

OCT 04 2022

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85517

Water Right No(s): 65-12465

**SHARON BRUNO
1078 JUNIPER ST N
KEIZER OR 97303-6267**

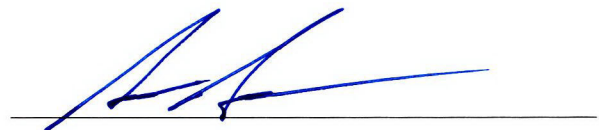
**ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLC
1010 W JEFFERSON ST SUITE 102
BOISE ID 83701-2139**

**WATER DISTRICT 65
NEIL SHIPPY - WD #65 (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522**

**PAUL GILBERT (Protestant)
9825 N HWY 52
HORSESHOE BEND ID 83629**

**SHELLY ACRES IRRIGATION ASSOCIATION
(Protestant)
C/O GEOFF NEYMAN
9800 N HWY 52
HORSESHOE BEND ID 83629**

**XAVIER RIES (Protestant)
9715 N HWY 52
HORSESHOE BEND ID 83629**



**Scott Storms
Water Rights Supervisor**

SCANNED

OCT 04 2022

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 85517
FROM: Marcelina Williams
DATE: 08/16/2022
RE: Evaluation of Application

The transfer proposes to add an additional point of diversion (POD). This new POD is sourced from a wastewater drain that is connected to water right 65-12465 and is located near the Payette River off N Highway 52 on the property of the applicant.

Summary of Information Submitted

Authority to File:

Idaho Department of Water Resources (IDWR) records show the applicant as the current owner of water right 65-12465. The online parcel map of Gem County also shows the applicant as the current owner at the place of use for water right 65-12465.

Water Right Validity:

The partial decree for water right no. 65-12465 was issued on 07/26/2002. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use has been confirmed by department aerial imagery and Landsat images from Climate Engine. Evidence of beneficial use does not need to be added to the file because it's a IDWR product available to other staff.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed transfer. The quantity of water used for this right will not change as a result. The purpose of this transfer is to add a point of diversion on the applicant's property.

Local Public Interest:

When transfer 85517 was advertised, IDWR notified several surrounding entities including water right holder for 65-12465. Three protests were received but ultimately resolved during informal settlement conferences. No further evidence is submitted to IDWR suggesting the transfer conflicts with any area of local public interest, IDWR has no reason to believe changes proposed by this transfer conflict with the public interest.

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.

SCANNED

OCT 04 2022

Discussion

During the review process of transfer 85517 it came to IDWR's attention that number five of the application for transfer was filled out wrong. It was clarified by the applicant that the wastewater POD was indeed new and the answer of "No" was incorrect.

If approved the following changes should be made to the conditions of water right no. 65-12465. Update condition C18 to T19, add standard transfer conditions T07 and T08, and add condition 176 due to the new POD being a wastewater source. Additionally, condition R02, R05, and R69 will be added as a direct result of being within a water district.

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.