

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87664

This is to certify that: KERRI MACDONALD AND/OR
RICHARD MACDONALD
1846 N CHAUCER WAY
EAGLE, ID 83616-3552

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>
65-6828	WR/DECREED	6/7/1970	0.040 cfs	1.2 af	N/A	N/A	CAMPBELL CREEK

Purpose of Transfer (Changes Proposed)

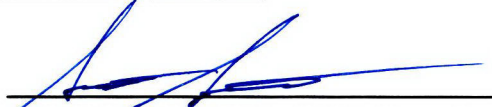
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-6828	NO	YES	YES	NO	NO	NO

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>
65-6828	65-6828	0.040 cfs	1.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.040 cfs	1.2 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 26th day of April, 2023.


SCOTT STORMS, Water Rights Supervisor

Transfer No. 87664

SCANNED

APR 28 2023

WATER RIGHT NO. 65-6828**As Modified by Transfer No. 87664**

In accordance with the approval of Transfer No. 87664, Water Right No. 65-6828 is now described as follows:

Right Holder: KERRI MACDONALD
RICHARD MACDONALD
1846 N CHAUCER WAY
EAGLE, ID 83616-3552

Priority Date: 6/7/1970

Source: CAMPBELL CREEK

Tributary: NORTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/01	to 12/31	0.040 cfs	1.2 af
			0.040 cfs	1.2 af

LOCATION OF POINT(S) OF DIVERSION

CAMPBELL CREEK SESE Sec 33 Twp 14N Rge 03E VALLEY 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	
14N	03E	33																X	

CONDITIONS OF APPROVAL

1. 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.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
5. PARCEL NO. 32-00 RP 00097000106BT PROPERTY ALSO KNOWN AS LOT 106, GRATTON BERNARD SUBDIVISION
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 87664

SCANNED

APR 28 2023

WATER RIGHT NO. 65-6828
As Modified by Transfer No. 87664

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.

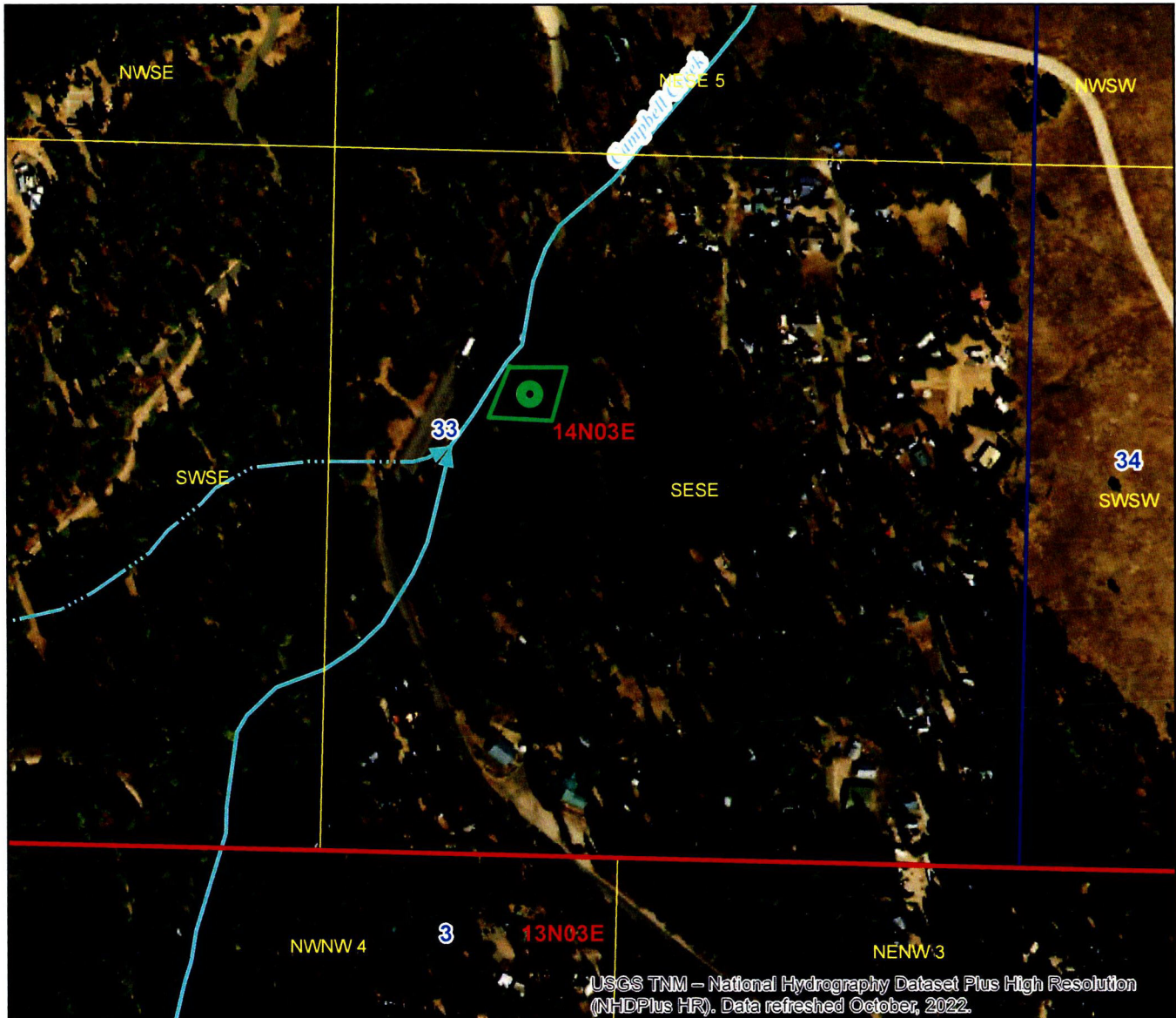


State of Idaho
Department of Water Resources

Attachment to Transfer No.87664

Water Right(s): 65-12465

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.



0 0.0375 0.075 0.15 Miles

Legend

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

SCANNED
N
APR 28 2023

RECEIVED

MAR 20 2023

Rev. 07/18

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 87664**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Richard K. and Kerri R. Macdonald**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

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APR 28 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 20 2023

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Richard and Kerri Macdonald Phone (208) 794-9998
Mailing address 1846 N. Chaucer Way, Eagle, ID 83614 Email macrsele6@msn.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Richard K. Macdonald
Signature of Applicant or Authorized Representative

Richard K. Macdonald
Print Name and Title if applicable

3/14/23
Date

Kerri R. Macdonald
Signature of Applicant or Authorized Representative

Kerri R. Macdonald
Print Name and Title if applicable

3/14/23
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other correct error in township

2. Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
If yes, ☒ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

I need to change the point of diversion and place of use for water right 65-6828, from Township 13N, Range 03E, Section 3, SESE to Township 14N, Range 03E, Section 33, SESE. The township was recorded in error 6/7/1970 recording 13N instead of 14N for the township. This will correct the location, place of use. The previous owner, Joseph Soelberg was aware of the error but did not fix it, and sold the property to me telling me that it had water rights. It was after my own investigation with help of Angie Hansen at the Department of Water Resources that we realized the error and can finally have it corrected.

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APR 28 2023

87664

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	65-06828	0.04 cfs ~~88,000~~	domestic	1/01 to 12/31	Campbell Creek North Fork Payette River
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.04 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	SE	33	14	03E	Valley	Campbell Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	03E	33																X	

Total Acres (for irrigation use)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

We have a pump and filtration system with a approximately 2in line that sinks directly into and pulls from campbell creek on our property located at 672 West Mountain Road in Cascade, ID. The line runs into the house after it is filtered for domestic use.

- b. Who owns the property at the point(s) of diversion? applicant we could add both a measuring device and lockable control if required now or in the future at the pump location
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

N/A

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A - we own the property outright.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB. N/A

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The transfer is to correct the legal description and historical use of the water right. It was never recorded correctly probably way back to 1970 date. As best I can tell, it transferred with the property for a time then stopped after the Bartolinis owned the place. We now own the water right but need the correct location recorded.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N/A

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

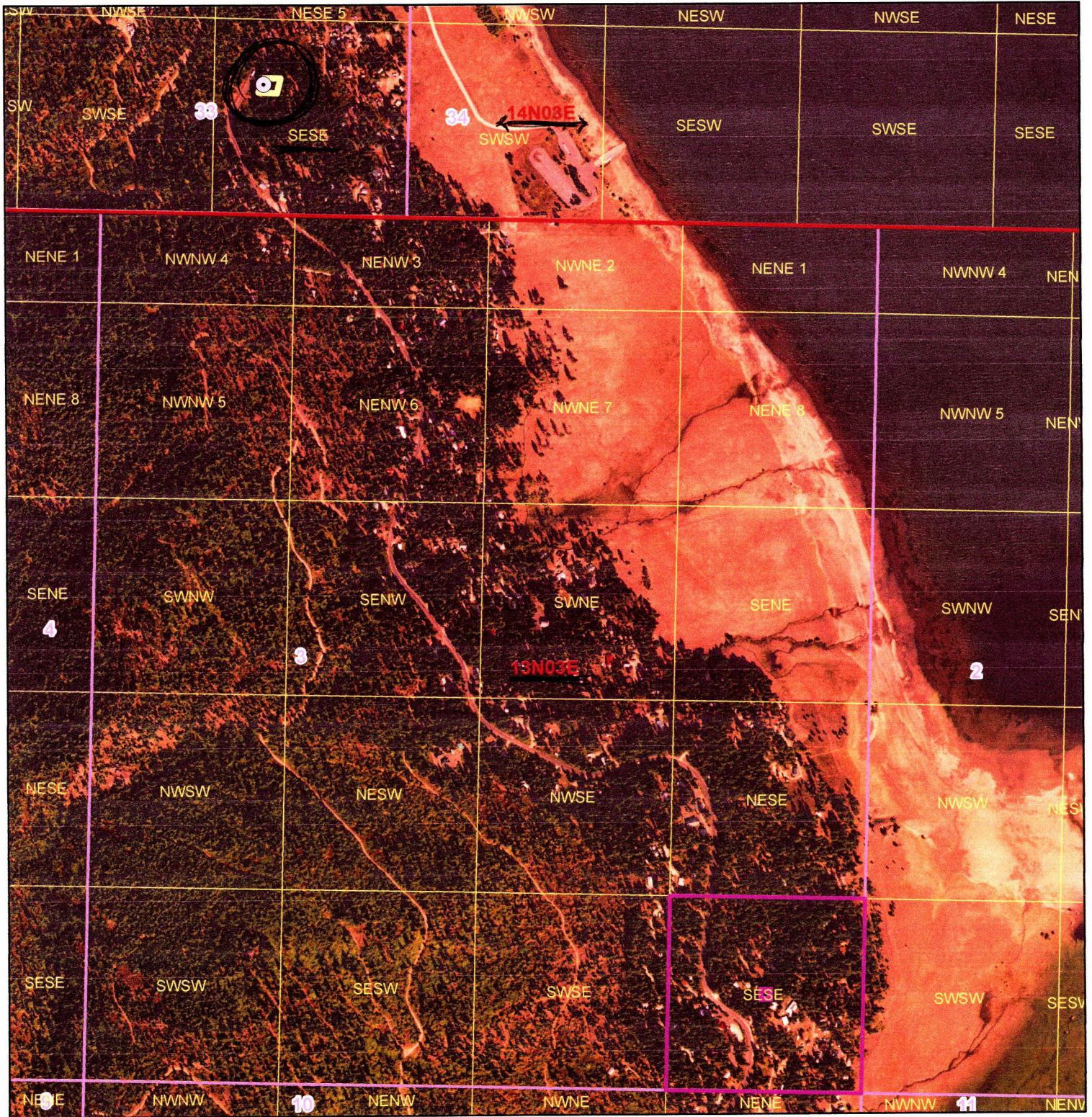
Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

As far as I know, the water right has always been used at that cabin location of 672 West Mountain Rd. The township was recorded incorrectly. I was sold the property in 2018 and told it had a water right.

Attachment a Macdonald Transfer App Map



Legend

- | | | | |
|--|--------------------|---|----------------|
|  | Macdonald POD |  | Township/Range |
|  | 65-6828_DecreedPOD |  | Sections |
|  | 65-6828_DecreedPOU |  | QQ |
|  | Macdonald POU | | |



our waternight was
recorded as
Wrong township - 13 instead of 14

- our property is circled above and is clearly in 14N03E, not 13N03E as it is decreed.

SCANNED

APR 28 2023

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 65-6828

Current Owner: KERRI MACDONALD
RICHARD MACDONALD
Priority Date: 6/7/1970
Origin: Water Right
Status: Active
Basis: Decreed

Source

CAMPBELL CREEK

Tributary

NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From To</u>
DOMESTIC	1/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.04 CFS	1.2 AF
0.04 CFS	1.2 AF

Location of Point(s) of Diversion

CAMPBELL CREEK
VALLEY County

SE1/4SE1/4 Sec. 3, Twp 13N, Rge 03E B.M.

Place of Use

DOMESTIC Within VALLEY County

T13N R03E S3 SESE

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 32-00 RP 00097000106BT PROPERTY ALSO KNOWN AS LOT 106, GRATTON BERNARD SUBDIVISION

Decreed Date: 9/25/1998

SCANNED

APR 28 2023

87064

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

Application # 87764 Reviewer mw Date 04/13/23

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

Initial Review & Abbreviated Data Entry mw (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 _____

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-advertised & published correctly

REVIEW MEMO -- DRAFT APPROVAL -- APPROVAL COVER LETTER

Drilling fee upgrade MA 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)

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

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:



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

RICHARD & KERRI MACDONALD
1846 N CHAUCER WAY
EAGLE ID 83616-3552

Re: Transfer No: 87664
Water Right No(s): 65-6828

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.

SCANNED

APR 28 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 flourish at the end.

Lynne Evans
Administrative Assistant I

Enclosure(s)

SCANNED

APR 28 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 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.: 87664
Water Right No(s): 65-6828

RICHARD MACDONALD
1846 N CHAUCER WAY
EAGLE ID 83616-3552

KERRI MACDONALD
1846 N CHAUCER WAY
EAGLE ID 83616-3552



Lynne Evans
Administrative Assistant I

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APR 28 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. 87664
FROM: Marcelina Williams
DATE: April 14, 2023
RE: Evaluation of Application

The transfer proposes a change to the point of diversion (POD) and place of use (POU) of water right 65-06828 pursuant to §42-221.O.8 where only the legal description of both will be changed and there will be no physical change in the location of either. The POD and POU described in the transfer application are located on the southwest side of Lake Cascade off West Mountain Road near Campbell Creek.

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.

Summary of Information Submitted

Authority to File:

Transfer 87664 was filed by Richard and Kerri Macdonald. Idaho Department of Water Resources (IDWR) records show the applicant as the current owner of water right 65-6828. The online parcel map of Valley County also shows the applicant as the current owner at the corrected place of use for water right 65-6828.

Water Right Validity:

The partial decree for water right 65-6828 was issued on 09-19-1998. This right is presumed to be valid because beneficial use has occurred within the last five years. Beneficial use confirmed by Department aerial imagery. 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 correct the POD and POU to the location it has been historically used. No injury is anticipated.

Enlargement of Use:

The proposed changes will not result in an increase in diversion rate or number of homes associated with this right. Enlargement is not anticipated.

Local Public Interest:

This transfer is not found to trigger potential water quality issues, impact current land use requirements on non-private land or impact fish/wildlife resources. For those reasons this application proposes a change consistent with the local public interest.

SCANNED

APR 28 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 proposes to change the description of the location of the POU and POD in which the court decreed water right 65-6828. Evidence in IDWR records shows the parcel number associated with this water right does not match the POU legal description as decreed. The proposed legal description in this transfer does correlate to the parcel number found in IDWR records. Furthermore, the Adjudication Claim record lists both the POD and POU in the proposed location. For those reasons I. C. § 42-221.O.8 can apply to this application.

If approved the following changes should be made to the conditions of water right no. 65-6828; Add conditions T07, T08, 01P, and R05.

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

SCANNED

APR 28 2023

Williams, Marcelina

From: Neil Shippy <neil.waterdistrict65@gmail.com>
Sent: Wednesday, April 26, 2023 1:15 PM
To: Williams, Marcelina
Subject: Re: FYI
Attachments: image001.jpg

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

I have no problem with this transfer.

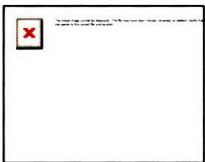
Neil Shippy
Watermaster
Water District 65
208-454-5678

On Wed, Apr 26, 2023, 1:13 PM Williams, Marcelina <Marcelina.Williams@idwr.idaho.gov> wrote:

Hi Neil,

Just wanted to follow up on the below email. If I do not hear back from you by May 8th, we will move forward with approving the application.

Thank you ,



Marcelina M. Williams

Water Resource Agent, Sr.

P: (208) 605-4632

Western Region

Idaho Dept. of Water Resources

SCANNED

APR 28 2023

From: Williams, Marcelina
Sent: Tuesday, April 18, 2023 4:25 PM
To: neil.waterdistrict65@gmail.com
Subject: FYI

Hi Neil,

I just wanted to inform you that I am processing a transfer within your basin. We are not advertising it due to it being a correction to a decree water right, but I have attached it here for you to review . As you will see it's a domestic use out of Campbell Creek in Cascade (southwest side of the lake) and not administered by you. If you have any questions or concerns, please feel free to reach out to me and I can add the information to the file. We do not need anything formal from you to process this application.

Thank you ,



Marcelina M. Williams

Water Resource Agent, Sr.

P: (208) 605-4632

Western Region

Idaho Dept. of Water Resources