

RECEIVED
JUL 10 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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) JENNIFER RIEHL and PHILEMON RIEHL

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 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1RECEIVED
JUL 10 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) JENNIFER RIEHL and PHILEMON RIEHL Phone 2083206094
Mailing address 2270 S 1400 E GOODING, ID 83330 Email philen06@icloud.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 RepresentativeName of Representative Greg Sullivan Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, ID 83301 Email greg.sullivan@brockweaver.com

- ☐ 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 one 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.

Philemon Riehl
Signature of Applicant or Authorized RepresentativePhilemon Riehl
Print Name and Title if applicable7-2-24
DateJennifer Riehl
Signature of Applicant or Authorized RepresentativeJennifer Riehl
Print Name and Title if applicable7-2-24
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 _____
2. Is this a transfer for changes pursuant to Idaho Code 4-42-221.0.37?
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.

This transfer will update the POD and POU of water right 37-22305.

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	37-22305	0.08/12	Irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.08 cfs and/or 12.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.08 cubic feet per second and/or 12.0 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 #
			NW	SW	28	06S	14E	Gooding	Ground Water	

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	
06S	14E	28										1.4	1.6						3.0
Total Acres (for irrigation use)																			3.0

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:

Existing well and irrigation system.

- b. Who owns the property at the point(s) of diversion? The Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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

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](#).

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

No change to the land currently irrigated.

- 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:

None

- 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:

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

Current Water Right No.: 37-22305

Current Owner: PHILEMON A RIEHL
JENNIFER D RIEHL

Priority Date: 7/22/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.08 CFS	12 AF
	<u>Total Diversion</u>	0.08 CFS	12 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4SW1/4 Sec. 28, Twp 06S, Rge 14E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T06S R14E S28 SWSW 3.00
Total Acres: 3

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
5. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-07063 AND 37-7107.
6. 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.

Page _____ of _____

Decreed Date: 12/11/2002

89181

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 7/2/2024

Legend

-  New POD
-  Old POD
-  New POU
-  Property



IRRIGATION



Date created: 7/2/2024



Legend

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





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 13, 2024

PHILEMON A RIEHL
JENNIFER D RIEHL
2270 S 1400 E
GOODING, ID 83330-5267

RE: Transfer No. 89181
Water Right No(s). 37-22305

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **9/19/2024 and 9/26/2024**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **October 7, 2024**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

September 13, 2024

COREY KING
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Re: Application for Transfer No. 89181 (Philemon & Jennifer Riehl)
Water Right No. 37-22305

Dear Corey:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Magic Valley Times-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: d8f6fe18Xiyreq5O75pl | **Proof Updated: Sep. 12, 2024 at 02:38pm MDT**
Notice Name: Legal Notice for Transfer(s) 89181 & 89298 | Publisher ID: COL-NV-0514

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

ID DEPARTMENT OF WATER
RESOURCES Southern Region
denise.maline@idwr.idaho.gov
(208) 736-3033

FILING FOR

Magic Valley
Times-News

Columns Wide: 2

Ad
Class: Legals

09/19/2024: General Legal Notice	62.08
09/26/2024: General Legal Notice	54.32
Affidavit Fee	9.00

Total \$125.40

NOTICE OF PROPOSED CHANGE OF WATER RIGHT(S):

TRANSFER NO. 89181

PHILEMON A RIEHL and JENNIFER D RIEHL, 2270 S 1400 E, GOODING, ID 83330-5267 has filed Application No. 89181 for changes to the following water rights within GOODING County(s): Right No(s). 37-22305. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for ground water irrigation right 37-22305 (0.08cfs) to reflect actual water use. The POU and POD are located approximately 3.7 miles south and 5.0 miles west of Gooding.

TRANSFER NO. 89298

J R SIMPLOT CO, PO BOX 27, BOISE, ID 83707-0027 has filed Application No. 89298 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10426, 43-2378, 43-2484, 43-2522, 43-2547, 43-2548. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to six irrigation ground water rights (21.18 cfs and 1411 acres when combined) to serve as a sixth point of diversion for the water rights. Proposed well will be limited to a diversion rate of 8.02 cfs. Proposed well will be located approximately 7.0 miles north and 0.9 miles east of Malta.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **October 7, 2024**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: September 19, 26, 2024
COL-NV-0514



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 12, 2024

LEGAL NOTICE DEPARTMENT

Submitted online via column.us

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

Re: Transfer No. 89181

Water Right No(s). 37-22305

Re: Transfer No. 89298

Water Right No(s). 43-10426, 43-2378, 43-2484, 43-2522, 43-2547, 43-2548

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 7, 2024. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89181**

PHILEMON A RIEHL and JENNIFER D RIEHL, 2270 S 1400 E, GOODING, ID 83330-5267 has filed Application No. 89181 for changes to the following water rights within GOODING County(s): Right No(s). 37-22305. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for ground water irrigation right 37-22305 (0.08cfs) to reflect actual water use. The POU and POD are located approximately 3.7 miles south and 5.0 miles west of Gooding.

TRANSFER NO. 89298

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MATHEW WEAVER, Director
Published on September 19th & 26th, 2024

MEMORANDUM

Date: September 3, 2024

To: Transfer 89181

From: Kent Aasa

Re: Synopsis Memo

Synopsis Memo
9/3/2024

Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for ground water irrigation right 37-22305 (0.08cfs 12.0 AF) to reflect actual water use. The POU and POD are located approximately 3.7 miles south and 5.0 miles west of Gooding. The proposed transfer is in Water District 130 so Watermaster comments will be solicited.

MEMORANDUM

Date: September 3, 2024

To: Transfer 89181

From: Kent Aasa

Re: Fee Memo

Fee Memo
9/3/2024

Filing fees charged for transfer application 89181 are based on the on the current transfer fee schedule and include \$200.00 for the 0.08 cfs being transferred in the application (Receipt No.S040278).

MEMORANDUM

Date: September 3, 2024

To: Transfer 89181

From: Kent Aasa

Re: Synopsis Memo

Synopsis Memo
9/3/2024

Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for ground water irrigation right 37-22305 (0.08cfs 12.0 AF) to reflect actual water use. The POU and POD are located approximately 3.7 miles south and 5.0 miles west of Gooding. The proposed transfer is in Water District 130 so Watermaster comments will be solicited.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 10 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 10, 2024

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: 37-22305

Dear Mr. Skinner:

Jennifer and Philemon Riehl desire to update the authorized point of diversion and the authorized irrigation place of use for water right 37-22305. The ownership, beneficial use and period of use will not be changing with this transfer.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Phil Riehl

Enc: Transfer Application, Aerial Map, Brockway Engineering Check # 1892 for \$200.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506