

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87676**

This is to certify that: **KEVIN A RICE**
127 CORBETT LN
SALMON, ID 83467

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>
75-27F	WR/DECREED	5/1/1886	2.560 cfs	N/A	N/A	128.0	WILLIAMS 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>
75-27F	NO	NO	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>
75-27F	75-27F	2.560 cfs	N/A	N/A	128.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.560 cfs	N/A	N/A	128.0		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 11th day of May, 2023.



Regional Manager

Transfer No. 87676

SCANNED
MAY 15 2023

WATER RIGHT NO. 75-27F**As Modified by Transfer No. 87676**

In accordance with the approval of Transfer No. 87676, Water Right No. 75-27F is now described as follows:

Right Holder: TAMARA RICE AND
KEVIN A RICE
127 CORBETT LN
SALMON, ID 83467

Priority Date: 5/1/1886

Source: WILLIAMS CREEK

Tributary: SALMON RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	2.560 cfs
STOCKWATER	04/01	to 12/15	0.070 cfs
			2.560 cfs

LOCATION OF POINT(S) OF DIVERSION

WILLIAMS CREEK	L1 (NENE)	Sec 11 Twp 20N Rge 21E LEMHI County
WILLIAMS CREEK	NESE	Sec 12 Twp 20N Rge 21E LEMHI 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	
20N	21E	12	37.1	32.2															69.3
20N	22E	7					30.2	28.5											58.7
							L 5	L 1											

POU Total Acres: 128.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	21E	12	X	X															
20N	22E	7					X	X											
							L 5	L 1											

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. 75B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 87676

SCANNED

MAY 15 2023

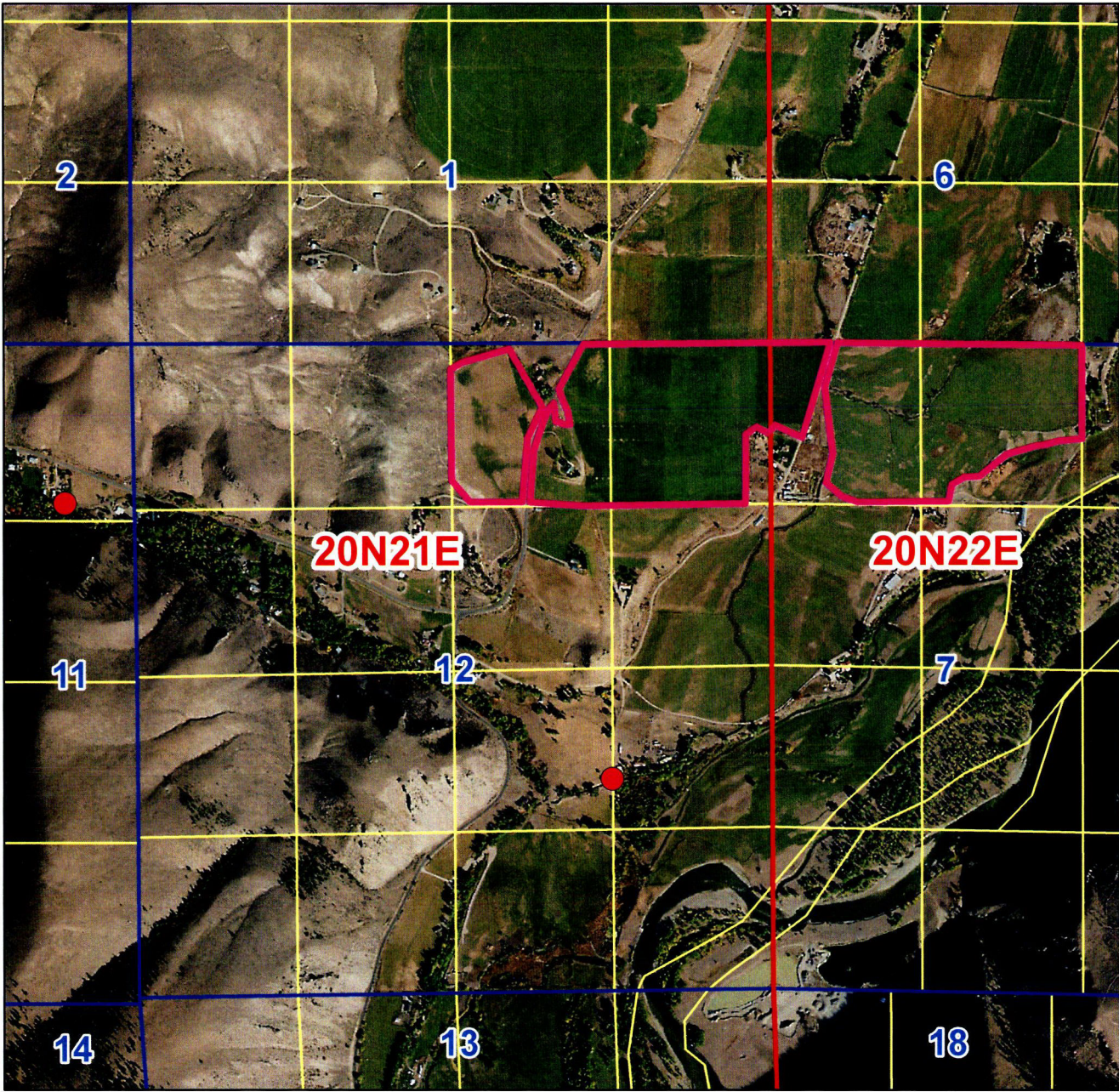
WATER RIGHT NO. 75-27F
As Modified by Transfer No. 87676

CONDITIONS OF APPROVAL

3. Use of this right is combined with water from Rainbow Farms Ditch Company in Lot 1 (NWNW) and Lot 5 (NENW), Section 7, T20N, R22E.
4. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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.

Attachment to Transfer Approval 87676

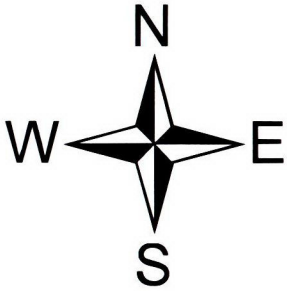
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 750 1,500 3,000 Feet



SCANNED
Date: 5/11/2023
5/15/2023

RECEIVED

Rev MAR 27 2023

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDED

Name of Applicant(s) Kevin Rice

Phone 208-756-2669

Mailing address 127 Corbett Ln Salmon, ID 83467

Email darnifino57@gmail.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 Rigby Andrus & Rigby Law, PLLC

Phone 208-356-3633

Mailing address 25 N 2nd E St. Rexburg, ID 83440

Email mmortimer@rex-law.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 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.

Kevin A Rice
Signature of Applicant or Authorized Representative

KEVIN A RICE
Print Name and Title if applicable

3-13-23
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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**.
- 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 proposes a reconfiguration of acres under the existing water right, 75-27F to more accurately represent what is being irrigated and to use the existing water right more efficiently.
There will be no enlargement of the water right under this reconfiguration.

87676

SCANNED

ADD A E 0000

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 ☒ ☐	75-27F	2.56 cfs	Irrigation	4/01 to 11/01	Williams Creek
☒ ☐	75-27F	0.07 cfs	Stockwater	4/01 to 12/15	Williams Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.56 cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.18 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 #

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	
20N	21E	12	37.1	32.2															69.3
	22E	7					30.2	28.5											58.7
Total Acres (for irrigation use)																			128

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:
The diversion system is an open ditch diverting from Williams Creek, leading to private ditches where water is delivered to the land by center pivots and mainlines, pipelines, and flood irrigation.
- b. Who owns the property at the point(s) of diversion? 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: _____

 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:

- 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:
Applicant owns shares in the Rainbow Ditch Company, an irrigation company that supplies water to land in SEC 7 of the POU. Water from Williams Creek is difficult to deliver to Sec 7 NENW. Acres in that QQ, within Rainbow Ditch's service area, will be retired so the POU for WR 75-27F can be updated to what is currently irrigated under the WR.
- 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:

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MAR 27 2023

Narrative expanding explanation in Part 1. question 5(f) **Department of Water Resources
Eastern Region**

There is no concern for enlargement or unstacking of water rights under the proposed reconfiguration for water right 75-27F. The reconfiguration has been submitted to correct the boundary of the water right after Kevin's father didn't claim 6 acres of irrigated land around the house in the NWNE QQ of Section 12 during the SRBA. The 6 acres around the house were never retired from irrigation even though they weren't claimed. The acres have been irrigated by handlines connected to a mainline that receives water from Williams Creek delivered under WR 75-27F.

According to Kevin, the mainline that receives water from Williams Creek under 75-27F and delivers water to the land irrigated under the pivot and the handlines ends before the road in the NWNW QQ of Section 7. The 52.2 acres in Section 7 on the east side of the road rarely receive water represented under 75-27F. Even though the boundary for 75-27F covers land to the east of the road, it is difficult to deliver water under the right there. Only under high water conditions, when there is a lot of natural flow and all of the water can't be diverted into the mainline, can water represented under 75-27F be delivered through ditches to the pasture on the east side of the road. At any other time, water under 75-27F is only delivered through the mainline to land on the west side of the road.

The proposed retired acres in the WR boundary for 75-27F in the NENW QQ of Section 7, cover an area where water is not intentionally delivered through flood irrigation. Based on information Kevin has provided, waste water flows to that area and settles, creating a marshy area and the semblance of irrigation.

The purpose of this reconfiguration is to correct the current water right boundary to more accurately reflect the acres that have been receiving irrigation and to remove the acres from the boundary that have not. No additional acres will be irrigated with 75-27F or the shares under the Rainbow Ditch Company.

SCANNED

APR 05 2023

Slavin Law Office, Chtd.
Milton A. Slavin, Esq., ISBN 1517
Milton Chace Slavin, Esq., ISBN 6805
116 North Center Street
Salmon, Idaho 83467
Telephone: 208-756-2030

Attorneys for Estate

STATE OF IDAHO } ss
COUNTY OF LEMHI }
I, BRENDA ARMSTRONG, CLERK OF THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI, DO HEREBY CERTIFY THAT THE PROCEEDING IS A TRUE, AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE, IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.
DATED **6/8/2022 2:26:35 PM**
Brenda Armstrong
Brenda Armstrong, Clerk of the District Court
By Stephanie Roach
Deputy

Seventh Judicial District, Lemhi County
Brenda Armstrong, Clerk of the Court
By: Deputy Clerk - Roach, Stephanie

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APR 24 2023

Department of Water Resources
Eastern Region

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

CV30-22-0127

IN THE MATTER OF THE ESTATE)
OF:)
GEORGE A. RICE and)
SHIRLEY M. RICE,)
Both Deceased.)

Case No. _____

LETTERS TESTAMENTARY

The will and codicil of GEORGE A. RICE and the will and codicil of SHIRLEY M. RICE, having been admitted to informal probate, KEVIN A. RICE is hereby appointed as Personal Representative of the estate herein.

WITNESS: ANDREW R. WOOLF, Magistrate of the District Court, County of Lemhi, State of Idaho, with the seal of the Court affixed this 6/8/2022 1:02:51 PM.

ANDREW R. WOOLF, Magistrate Judge

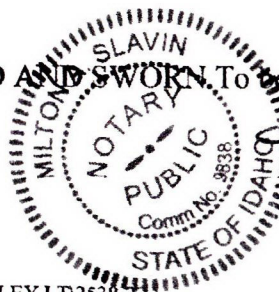
STATE OF IDAHO)
: ss.
County of Lemhi)

I, KEVIN A. RICE, hereby accept the duties of Personal Representative of the Estate of GEORGE A. RICE and SHIRLEY M. RICE, and do solemnly swear that I will perform, according to the law, the duties of Personal Representative of the Estate of GEORGE A. RICE and SHIRLEY M. RICE.

KEVIN A. RICE

SUBSCRIBED AND SWORN To before me this 6th day of June 2022.

(SEAL)



Notary Public for State of Idaho

Residing at SALMON, ID

My Commission Expires: 11/14/28

SCANNED

MAY 15 2023

STATE OF IDAHO

CERTIFICATION OF VITAL RECORDS

RECEIVED

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

APR 24 2023

CERTIFICATE OF DEATH

Department of Water Resources
Eastern Region
State File No. 2022-08265

Date Filed MAY 17, 2022

DECEDENT - LEGAL NAME GEORGE ARTHUR RICE			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 90 YEARS	DATE OF BIRTH DECEMBER 22, 1931
BIRTHPLACE OGDEN, UTAH		PLACE OF RESIDENCE SALMON, IDAHO	
MARITAL STATUS AT TIME OF DEATH WIDOWED		NAME OF SURVIVING SPOUSE (If wife, maiden name)	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME ALDEN SMITH RICE			BIRTHPLACE UTAH
MOTHER - MAIDEN NAME ANNA DELEATH HODGES			BIRTHPLACE UTAH
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE ROBERT J. WILLIAMS	
NAME AND ADDRESS OF FUNERAL FACILITY JONES & CASEY FUNERAL HOME, SALMON, IDAHO			
DATE OF DEATH MAY 13, 2022	TIME OF DEATH 9:44 A.M.	CITY, TOWN OR LOCATION OF DEATH SALMON, IDAHO	COUNTY OF DEATH LEMHI
CAUSE OF DEATH (underlying cause last) a. NON-ST ELEVATION MYOCARDIAL INFARCTION			Approximate Interval Between Onset and Death 3 WEEKS
b. ATHEROSCLEROSIS OF CORONARY ARTERIES			
c. 			
d. 			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER MONICA L. WHITE, N.P.		TITLE A.P.R.N.
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: MAY 18, 2022

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Rev. 07/28/20

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR

SCANNED

MAY 15 2023

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

3/10/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 75-27F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KEVIN A RICE
Current Owner	TAMARA RICE 127 CORBETT LN SALMON, ID 83467 2087562669
Original Owner	ESTATE OF GEORGE L SHOUP , ID
Original Owner	GEORGE A RICE
Original Owner	SHIRLEY M RICE 208 WILLIAMS CREEK RD SALMON, ID 83467-5280 2087562480

Priority Date: 05/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLIAMS CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	2.56 CFS	
STOCKWATER	04/01	12/15	0.07 CFS	
Total Diversion			2.56 CFS	

Location of Point(s) of Diversion:

WILLIAMS CREEK	NENE Lt 1	Sec. 11	Township 20N	Range 21E	LEMHI County
WILLIAMS CREEK	NESE	Sec. 12	Township 20N	Range 21E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
20N	21E	12		NENE	37		NWNE	25						
	22E	7	5	NENW	39	1	NWNW	27						

Total Acres: 128

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. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Dates:

Licensed Date:

Decreed Date: 12/15/2009

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

Water District Number: 75B

Generic Max Rate per Acre:

Generic Max Volume per Acre:

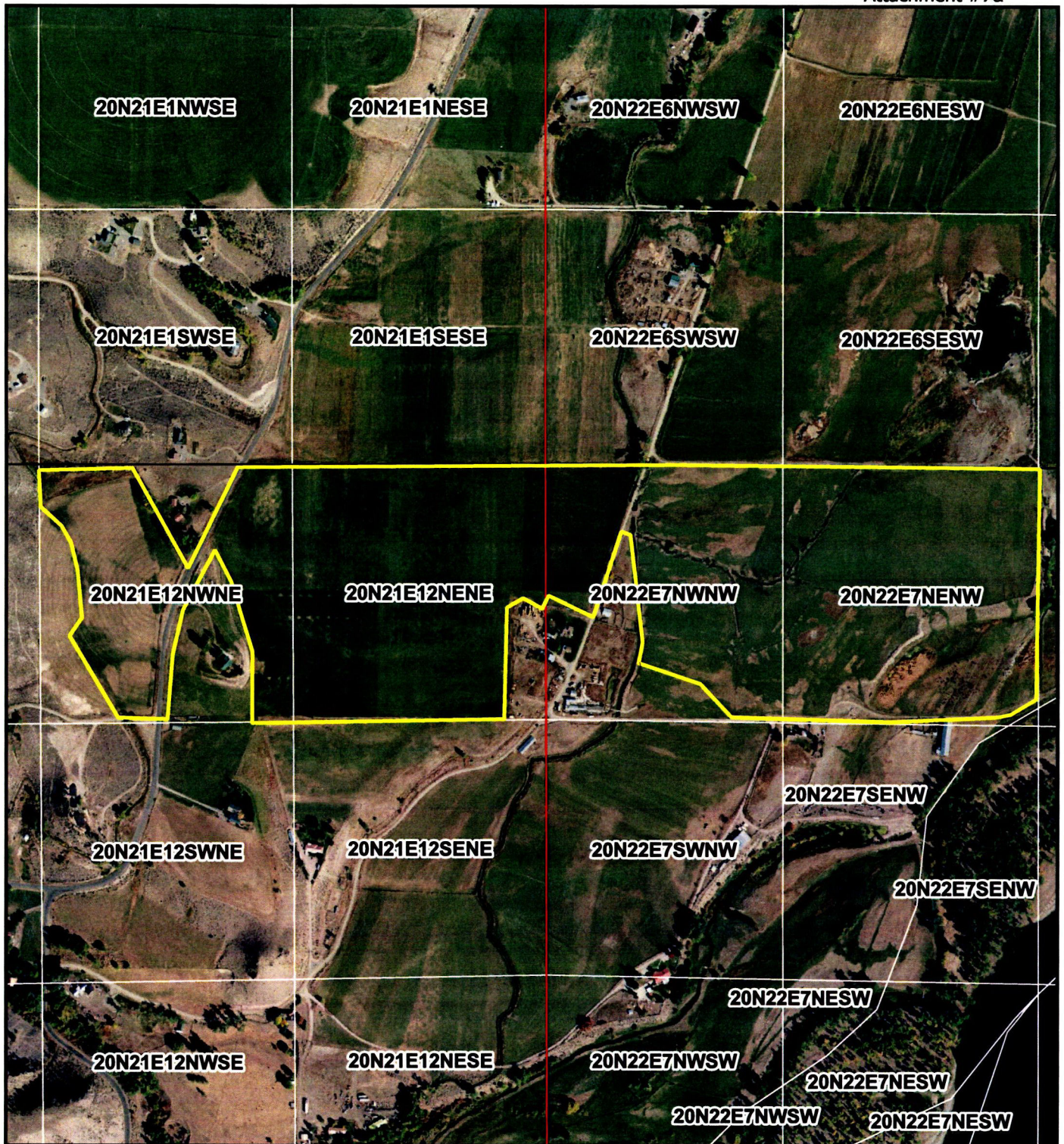
Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

SCANNED
APR 05 2023



0 0.1 0.2 0.3 0.4 0.5 mi

2021 NAIP

Legend

 75-27F POU Sec
 TR QQ

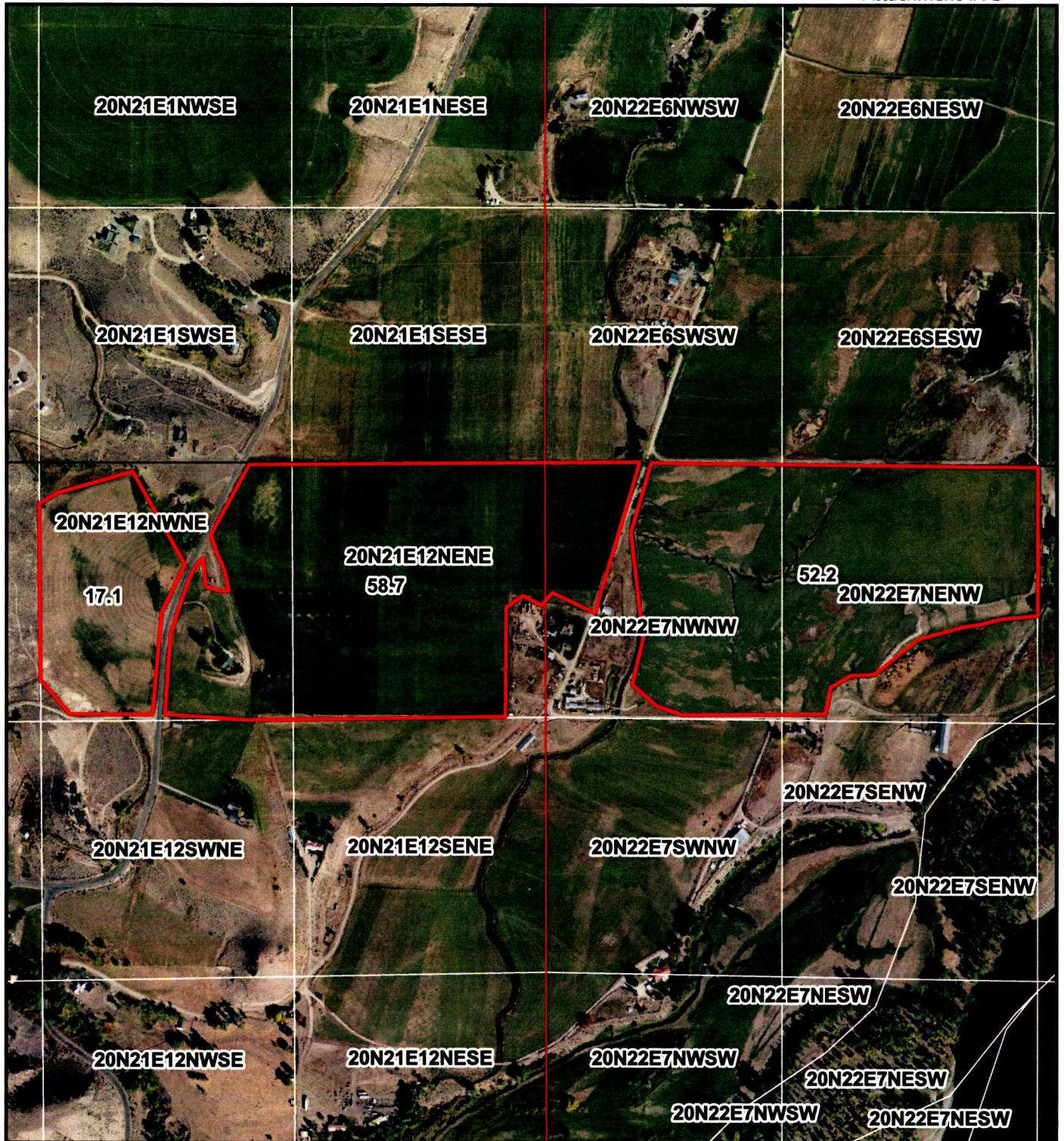


Kevin Rice

Application for Reconfiguration
of Water Right

SCANNED

APR 05 2023



2021 NAIP

Legend

- Updated WR Boundary
- TR
- Sec
- QQ



Kevin Rice

Application for Reconfiguration
of Water Right

SCANNED

APR 05 2023

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 17 2023

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Name of Applicant Kevin Rice and Tamara RicePhone 208-756-2669Mailing address 127 Corbett Ln Salmon, ID 83467Email darnifino57@gmail.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**.
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- ☐ 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 Rigby Andrus & Rigby Law, PLLCPhone 208-356-3633Mailing address 25 N 2nd E St. Rexburg, ID 83440Email mmortimer@rex-law.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 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.

Kevin A Rice
Signature of Applicant or Authorized Representative

KEVIN A RICE
Print Name and Title if applicable

3-13-23
Date

Michelle Mortimer
Signature of Applicant or Authorized Representative

Michelle Mortimer
Print Name and Title if applicable

3-13-23
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 _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.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**.

This transfer proposes a reconfiguration of acres under the existing water right, 75-27F to more accurately represent what is being irrigated and to use the existing water right more efficiently.
There will be no enlargement of the water right under this reconfiguration.

Law Offices

RIGBY, ANDRUS & RIGBY LAW, PLLC

Ray W. Rigby, (1923-2019)
G. Rich Andrus, of counsel
Jerry R. Rigby
Michael S. Kam (1954-2001)
Hyrum D. Erickson
Sean P. Bartholick
Chase T Hendricks
Matthew M. Meacham
Michelle M Mortimer

P.O. Box 250
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Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
mmortimer@rex-law.com

RECEIVED

MAR 17 2023

**Department of Water Resources
Eastern Region**

March 14, 2023

Idaho Department of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402

**Re: Application for Transfer of Water Right
Water Right 75-27F**

I have enclosed herewith an Application for Transfer of Water Right with an associated check for the filing fee.

Please let us know if you have any questions. Thanks.

Sincerely,



Mandy Davis
Assistant to Michelle Mortimer

/md
Enclosures

michelle/ricekevin_ltr.wpd

SCANNED
APR 05 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 11, 2023

KEVIN A RICE
127 CORBETT LN
SALMON ID 83467

Re: Transfer No: 87676
Water Right No(s): 75-27F

Transfer Approval Notice

Dear Water Right Holder:

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.

SCANNED
MAY 15 2023

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.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

RIGBY ANDRUS & RIGBY LAW PLLC
25 N 2ND E
REXBURG ID 83440-1618

TAMARA RICE
127 CORBETT LN
SALMON ID 83467

SCANNED
MAY 15 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 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.: 87676
Water Right No(s): 75-27F

KEVIN A RICE
127 CORBETT LN
SALMON ID 83467

RIGBY ANDRUS & RIGBY LAW PLLC
25 N 2ND E
REXBURG ID 83440-1618

TAMARA RICE
127 CORBETT LN
SALMON ID 83467



Christina Henman
Administrative Assistant

SCANNED
MAY 15 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: April 21, 2023
To: Transfer 87676
From: Jake Nebeker
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange the place of use for water right 75-27F to reflect the current irrigation practices.

Authority to File:

The applicant is the current water right owner of record. Lemhi County tax lot data shows the applicant as the owner of the land for the proposed place of use. A 6.8-acre parcel of land within the proposed place of use is owned by George A Rice, who is deceased. The applicant is the son of George and has provided a death certificate and a power of attorney. The number of irrigated acres associated with the George Rice property is not changing significantly.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in 2009. Review of aerial photography for the last five years shows growing vegetation on the current place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of this transfer. The water master and secretary of water district 75B were notified and do not oppose the approval of this transfer. The application does not require public notice because the change will not result in an effect on the source or hydraulically connected sources.

Enlargement of Use:

The proposed change will not result in an increase in irrigated acres. Some of the acres proposed to be dried up are within the service area of the Rainbow Farms Ditch Company. Applicant, Kevin Rice, owns all of Lot 5 (NENW) and Lot 1 (NWNW) of Section 7. Based on maps created in the SRBA, approximately 51 acres of Lots 1 and 5 were claimed as irrigated acres by the Rainbow Farms Ditch Company. The proposed place of use still includes 58.7 irrigated acres in Lots 1 and 5. The transfer approval will include a condition noting that the irrigated acres in Lots 1 and 5 are combined with water from Rainbow Farms Ditch Company.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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

SCANNED
MAY 15 2023

MEMORANDUM

Date: March 30, 2023
To: Transfer 87676
From: Jake Nebeker
Re: Legal Notice Not Required

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

SCANNED
MAY 15 2023

RECEIVED

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

APR 13 2023

Department of Water Resources
Eastern Region

RE: Transfer No. 87676

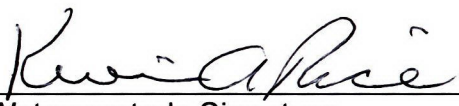
Transfer Applicant's Name:

KEVIN A RICE
127 CORBETT LN
SALMON, ID 83467

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 10 day of April 2023



Watermaster's Signature
WD75B


SCANNED

APR 14 2023



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 5, 2023

KEVIN A RICE
127 CORBETT LN
SALMON, ID 83467

RE: Transfer No. 87676

Dear Watermaster:

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 14 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 past. 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,

Christina Henman
Administrative Asst. I

Enclosure(s)

SCANNED

APR 14 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 5, 2023 2:27 PM
To: Graybill, David
Subject: Applications for Transfer Nos. 87676, 87678, 87679, 87680, 87681
Attachments: tmp363A.docx; tmp48E1.docx; tmpB4AC.docx; tmp224B.docx; tmp7128.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. 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 14 days of the date of this letter.

Applications 87678, 87679, and 87680 fall within the newly formed water district 75F. However, because the department has not received the oath of service or the contact information for the new watermaster yet, I am unable to reach out to them for comment.

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 past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within <TIMEFRAME> 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.

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