# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

## TRANSFER OF WATER RIGHT
## TRANSFER NO. 88635

This is to certify that: ERIC J ORR
1355 S 10TH E
MOUNTAIN HOME, ID 83647-6055

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

| Water Right | Origin/Basis | Priority Date | Diversion Rate | Diversion Volume | Acre Limit | Total Acres | Source |
|---|---|---|---|---|---|---|---|
| 61-12466 | WR/DECREED | 2/1/1958 | 0.090 cfs | 20.0 af | N/A | 5.0 | GROUND WATER |

### Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---|---|---|---|---|---|---|
| 61-12466 | NO | YES | YES | NO | NO | NO |

### Summary Of Water Rights After the Approved Change

| Existing Right | New No. (Changed Portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|
| 61-12466 | 61-12466 | 0.090 cfs | 20.0 af | N/A | 5.0 | N/A | N/A | N/A | N/A | N/A |
| **COMBINED TOTALS** | | **0.900 cfs** | **20.0 af** | **N/A** | **5.0** | | **N/A** | **N/A** | **N/A** | **N/A** |

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

Dated this 21 day of FEBRUARY, 2024.

Cody Parker, Water Rights Supervisor

Transfer No. 88635

# WATER RIGHT NO. 61-12466

## As Modified by Transfer No. 88635

In accordance with the approval of Transfer No. 88635, Water Right No. 61-12466 is now described as follows:

**Right Holder:** ERIC J ORR
CHRISTA ORR
1355 S 10TH E
MOUNTAIN HOME, ID 83647-6055

**Priority Date:** 2/1/1958

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 3/15 | to | 11/15 | 0.090 cfs | 20.0 af |
| STOCKWATER | 1/01 | to | 12/31 | 0.010 cfs | |
| | | | | 0.090 cfs | 20.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER NESW Sec 12 Twp 03S Rge 06E ELMORE County

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03S | 06E | 12 | | | | | | | | | | | | 5.0 | | | | | 5.0 |

POU Total Acres: 5.0

**PLACE OF USE: STOCKWATER**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03S | 06E | 12 | | | | | | | | | | | | X | | | | | |

**CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. 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. Idaho Code § 42-1412(6).

Transfer No. 88635

## WATER RIGHT NO. 61-12466

## As Modified by Transfer No. 88635

**CONDITIONS OF APPROVAL**

4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

5. Use of this right is combined with water from Mountain Home Irrigation District.

6. Stockwater, 15 range cattle

7. The actual diversion rate for stockwater use is 0.005 cfs.

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

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

# Attachment to Transfer No. 88635

**Water Right(s): 61-12466**

This map depicts the IRRIGATION & STOCKWATER 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.




Transfer POD
Transfer POU
Township/Range
Sections
QQ

N

0 400 800 Feet

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DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

# 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) Eric Orr

**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 idwr.idaho.gov/water-rights/transfers/resources.html. |
| ☐ | ☑ | #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: Quitclaim Labeled Attachment 10 |

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of Applicant(s) Eric Orr Phone 208-250-2472

Mailing address 1355 South 10 East, Mountain Home, Idaho 83647 Email jecko98@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 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.**

| Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date |
|---|---|---|
| Eric Orr | Eric Orr | 06/29/23 |
| | | |

## 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 **Part1A.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**.

   Irrigation Use Only. All lands with water rights being transfered recieve Mountain Home Irrigation District water as well as the new place of use. The ground water rights transfered will remain supplemental to surface water shares.

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# 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. All | Part | Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|---|---|---|---|---|---|---|
| ☑ | ☐ | 61-12466 | .09/20 | Irrig/Stockwater | 3/15 to 11/15 | Ground Water |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |

Total authorized under rights .09 cfs and/or 20 acre-feet.

2. Total amount of water proposed to be transferred or changed .09 cubic feet per second and/or 20 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 # |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | SW | 12 | 3s | 6e | Elmore | Ground Water | Suitts Farms |
| | | | | | | | | | | |
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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 | |
| 3S | 6E | 12 | | | | | | | | | | | | 5 | | | 1/4 | | 5 |
| | | | | | | | | | | | | | | | | | | | |
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| **Total Acres** (for irrigation use) | | | | | | | | | | | | | | | | | | | 5 |

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 point of diversion is equipped with a flow meter.

b. Who owns the property at the point(s) of diversion? The water right holder (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:

The effect on the land is minimal. Land irrigated is now under a surface water right and water right is being under utilized thus the request to transfer to ground to utilize.

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:

All water rights at the point of diversion are utilized for irrigation. 61-2133B

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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 2

### A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

### B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: ______________

1. amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
   amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
   amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
   amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
   amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
   amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
   amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
   amount ________________ (cfs/ac-ft) for ________________________ purposes from __________ to __________
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

| 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 | |
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**Total Acres (for irrigation use)** ______

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 3

### A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☑ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☑ 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. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

_____

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**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid _____ Date _____ Receipted by _____ Receipt # _____

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Page _____ of _____

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

**Current Water Right No.: 61-12466**

Current Owner: JUSTIN ORR
CHRISTA ORR
ERIC J ORR

Priority Date: 2/1/1958

Origin: Water Right

Status: Active

Basis: Decreed

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From To | Diversion Rate | Annual Volume |
|---|---|---|---|
| STOCKWATER | 1/01 to 12/31 | 0.01 CFS | |
| IRRIGATION | 3/15 to 11/15 | 0.09 CFS | 20 AF |
| | Total Diversion | 0.09 CFS | 20 AF |

**Location of Point(s) of Diversion**

GROUND WATER — NW1/4SE1/4SW1/4 Sec. 36, Twp 03S, Rge 06E B.M.
ELMORE County

**Place of Use**

IRRIGATION Within ELMORE County

| | | |
|---|---|---|
| T03S R06E S36 | SESW | 5.00 |

Total Acres: 5

STOCKWATER Within ELMORE County

| | |
|---|---|
| T03S R06E S36 | SESW |

Total Acres: 5

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | W05 | USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT. |
| 2. | N05 | THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 3. | | The actual diversion rate for stockwater use is 0.005 cfs. |
| 4. | 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. |
| 5. | C15 | THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY. |
| 6. | N08 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 7. | | STOCKWATER, 15 RANGE CATTLE |

Decreed Date: 10/26/2000

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

**Current Water Right No.: 61-2133B**

Current Owner: ERIC J ORR
CHRISTA K ORR

Priority Date: 3/12/1961

Origin: Water Right

Status: Active

Basis: Decreed

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From To | Diversion Rate | Annual Volume |
|---|---|---|---|
| IRRIGATION | 4/01 to 10/31 | 0.72 CFS | 152 AF |
| | Total Diversion | 0.72 CFS | 152 AF |

**Location of Point(s) of Diversion**

GROUND WATER — NE1/4SW1/4 Sec. 12, Twp 03S, Rge 06E B.M.
ELMORE County

**Place of Use**

IRRIGATION Within ELMORE County

| | | |
|---|---|---|
| T03S R06E S12 | NESW | 38.00 |

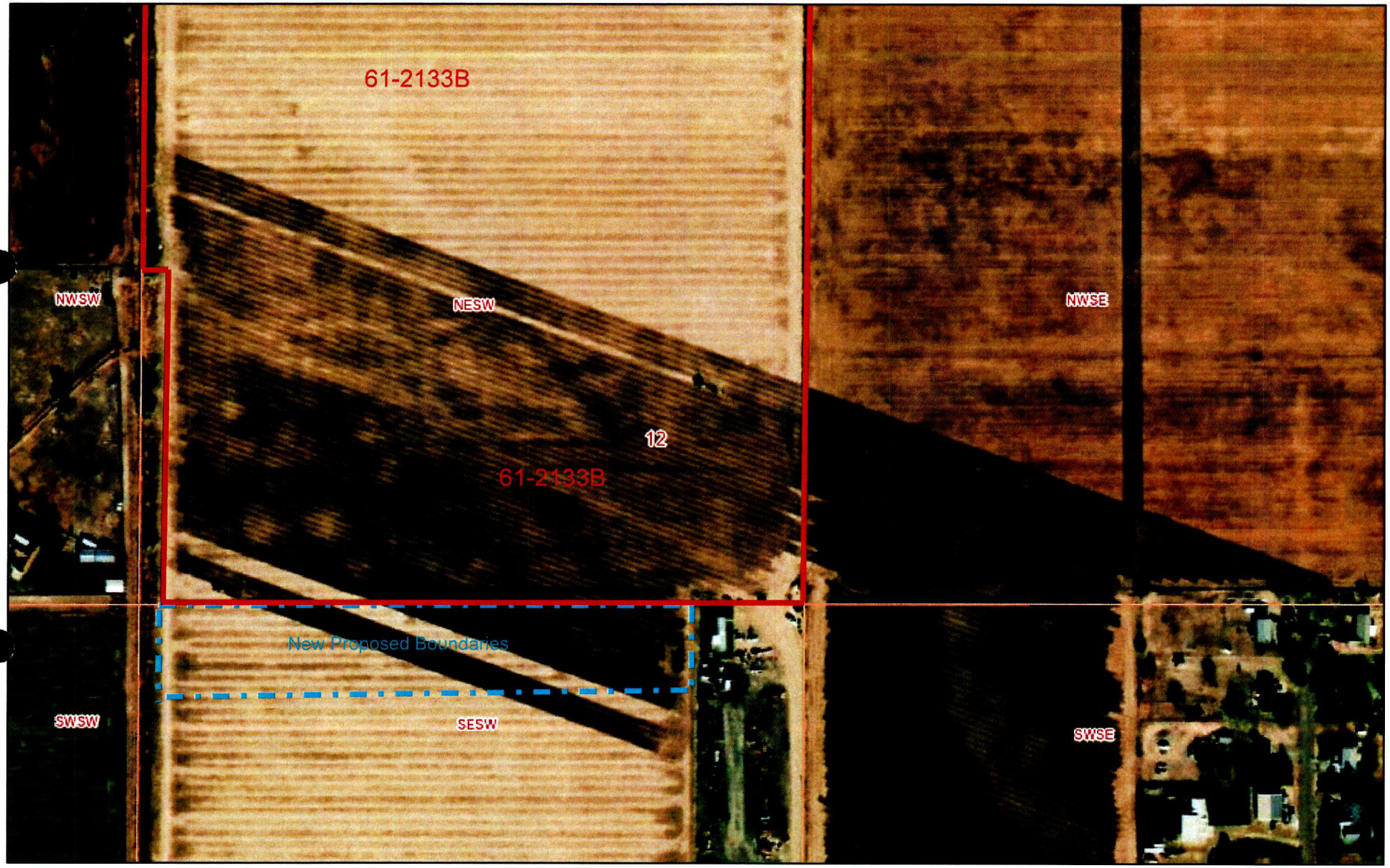
Total Acres: 38

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | | DIVERSION AND USE OF WATER UNDER THIS RIGHT IS AUTHORIZED ONLY AS A SUPPLEMENTAL GROUNDWATER SOURCE TO BE USED IN CONJUNCTION WITH MOUNTAIN HOME IRRIGATION DISTRICT WATER. |
| 2. | | 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 1 AND AFTER OCTOBER 31 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. |
| 3. | 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. |
| 4. | C15 | THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY. |
| 5. | W05 | USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT. |

Decreed Date: 4/12/2001

# ArcGIS Web Map




7/10/2023, 8:23:55 PM

Counties

Quarter Quarters

PLS Sections

Townships

1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

Esri, HERE, iPC, Maxar

ArcGIS Web AppBuilder

Maxar | Idaho Department of Water Resources (IDWR)

# ArcGIS Web Map




7/10/2023, 7:55:49 PM

Counties
Quarter Quarters
PLS Sections
Townships

1:2,257

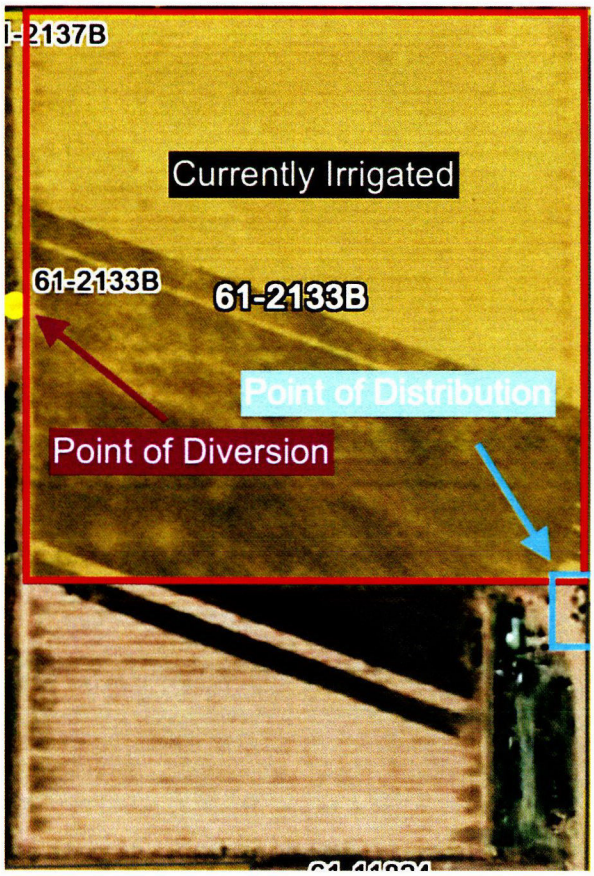
0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Maxar, Microsoft, Esri, HERE, iPC

ArcGIS Web AppBuilder

Maxar, Microsoft | Idaho Department of Water Resources (IDWR)


Currently Irrigated
61-2133B
61-2133B
Point of Distribution
Point of Diversion

**Prepared By:**

Kamryn Orr
1355 South 10 East
Mountain Home, Idaho
83647

**After Recording Return To:**

Eric Orr
1355 South 10 E
Mountain Home, Idaho
83647

**Space Above the Line Intentionally Left Blank for Recorder's Use**

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# QUIT CLAIM DEED

State of Idaho

Elmore County

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Dollar ($1.00) and other good or valuable consideration, if any, in hand paid to the "Grantor(s)" known as:

Justin Orr, a single individual, residing at 145 N 18 E Apt H 29, Mountain Home, Idaho, 83647. The receipt whereof is hereby acknowledged, the undersigned hereby remises, releases, and quit claims to Eric Orr and Christa Orr, a married couple, residing at 1355 South 10 East, Mountain Home, Idaho, 83647 (hereinafter the "Grantee(s)") as joint tenants, all the rights, title, interest, and claim in or to the following described real estate, situated in Elmore County, Idaho, to-wit:

TAX 257, SEC 36, T3S R6E

PIN:RP03S06E366665

**TO HAVE AND TO HOLD**, all and singular the described property, together with the tenements, hereditaments, and appurtenances belonging, or in anywise appertaining thereto, unto the Grantee(s), and their heirs and assigns forever.

**IN WITNESS WHEREOF**, the Grantor(s) has duly executed this Quit Claim Deed on May 18 2023.

**Grantor's Signature** _____ Date May 18 2023
**Print Name**: Justin Orr
**Address**: 145 N 18 E Apt H 29, Mountain Home, Idaho, 83647

## NOTARY ACKNOWLEDGMENT

State of Idaho)

County of Elmore)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Justin Orr whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 18th day of May, 2023.

Dena M. Hawkins (SEAL)

Notary Public

My Commission Expires: 11-13-2028



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 22, 2024

ERIC J ORR
CHRISTA ORR
1355 S 10TH E
MOUNTAIN HOME ID 83647-6055

Re: Transfer No: 88635
Water Right No(s).: 61-12466
Transfer Approval Notice

Dear Water Right Holders:

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

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

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

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

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

If you have any questions, please contact me at (208) 287-4800.

Sincerely,

Debra Mansfield

Debra Mansfield
Technical Records Specialist

Enclosure

## CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2024 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.: 88635**
**Water Right No(s).: 61-12466**

**ERIC J ORR**
**1355 S 10TH E**
**MOUNTAIN HOME ID 83647-6055**

**CHRISTA ORR**
**1355 S 10TH E**
**MOUNTAIN HOME ID 83647-6055**

Debra Mansfield

**Debra Mansfield**
**Technical Records Specialist**

# 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.

## Mansfield, Debra

**From:** Mansfield, Debra
**Sent:** Wednesday, February 21, 2024 4:48 PM
**To:** Kamryn Orr
**Cc:** Bank
**Subject:** RE: Transfer Approval Notice, Transfer 88635 Water Right 61-12466
**Attachments:** Transfer 88635, Approval Letter.pdf

Good afternoon,

Please see the attached letter regarding the approval of Transfer 88635 for Water Right 61-12466.

If you have any questions please feel free to contact Cody Parker at 208-287-4910.

Thank you,

**Debra Mansfield** | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

**MEMORANDUM**

**TO:** Water right 61-12466 file

**FROM:** Cody Parker

**RE:** Evaluation of application for transfer 88635

**DATE:** February 16, 2024

---

Water right 61-12466 authorizes the diversion of groundwater for irrigation of 5 acres and stockwater use in the SESW of Sec 36 T03S R06E. The irrigation has historically been achieved through a combination of groundwater and surface water from Mtn. Home Irrigation District.

The transfer applicant proposes to move the irrigation component of the water right to a location several miles north. They further propose to change the point of diversion for the irrigation to a well shared by water right 61-2133B.

To move one component of the water right without the other would require a split of the water right into two. The historical stockwater use of the right would need to be quantified and the irrigation component reduced by the stockwater quantities to prevent enlargement of the right. Upon discussing this issue with the applicant, they agreed to move the entirety of the right (irrigation and stockwater) to the new location and point of diversion. A hand-written document from Christa Orr dated February 8, 2024 confirms the applicants intent to move the entire right. The transfer application itself was not amended.

The transfer should not change the effect on the source or hydraulically connected sources. Pursuant to Idaho Code § 42-222 the transfer will not be advertised.

**Authority to File:**

The owners of record for the water right are Eric, Christa, and Justin Orr. A quitclaim deed submitted with the transfer application relinquishes Justin Orr's interest in the water right to Eric and Christa. Justin will be removed as a current owner through the transfer approval.

Eric Orr signed the application. Christa Orr signed the statement confirming the intent to move the stockwater use. Both are current owners of the water right. No concerns regarding authority to file.

**Water Right Validity:**

Water right 61-12466 was decreed by the SRBA court in 2000. Satellite imagery clearly demonstrates at least 5 acres of irrigation as recently as 2023. Stockwater is presumed to be valid though no cattle are visible from imagery.

**Injury to Other Water Rights:**

Water right 61-12466 has a priority date of February 1, 1958. Both the original and proposed locations are within the Trust Water area boundary, though the water right is senior to the Swan Falls Agreement and is not considered to be a Trust Water right.

Both the proposed and original locations are within the Snake River Moratorium, the Mtn. Home Ground Water management area, and Water District 161. The transfer should not change the effect on the source or hydraulically connected sources. It does not introduce any new diversions of water in any areas of concern. Provided no enlargement occurs, no injury is anticipated.

**Enlargement of Use:**

The proposed change should not affect the quantities diverted under water right. The place of use prior to the change was irrigated in part with surface water from Mtn Home Irrigation District. Item A.3 of the application indicates that surface water is also available at the proposed place of use and will be used along with groundwater. No concerns regarding enlargement.

**Local Public Interest:**

The irrigation and stockwater use authorized under this water right were determined to be in the public interest when the right was established. There is no information to suggest the change itself poses any local public interest concerns.

**Beneficial Use/Conservation of Water Resources:**

The application proposes to continue an established use of water. Irrigation quantities are within accepted standards. Irrigation will continue to be used with surface water. No concerns.

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

2/8/24

Cody,

Thank you for your time & effort putting this transfer together for stock & ground water from one property to another.

I agree to move both ground and stock water to proposed site.

Christa Orr

## Parker, Cody

**From:** Parker, Cody
**Sent:** Friday, February 16, 2024 12:48 PM
**To:** birdhunter2462@homail.com
**Subject:** Water right transfer - Change POD & POU for 61-12466
**Attachments:** Approval.pdf; ApprovalMap.pdf; Review Memo.docx

Sir,

Eric Orr has submitted an application for transfer to change the place of use and point of diversion for water right 61-12466. The new location can be seen on the attached map and is roughly 4 miles north of the original POU/POD. Upon approval of the transfer, the applicant will use the existing well associated with water right 61-2133B.

Please review the attached documents and let me know if you have any comments or concerns.

Thank you

Cody Parker
Water Rights Supervisor
208-287-4910

**Idaho Dept. of Water Resources**
322 E Front St, PO Box 83720, Boise ID 83720
idwr.idaho.gov

## Hersley, Jean

**From:** Mansfield, Debra
**Sent:** Tuesday, July 25, 2023 8:19 AM
**To:** Hersley, Jean
**Subject:** RE: Transfer - Eric Orr

Good morning, Jean. Sorry, I was out yesterday.

We did receive payment from them last week. Receipt W051405.

**Debra Mansfield |** Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

**From:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
**Sent:** Monday, July 24, 2023 10:28 AM
**To:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
**Subject:** RE: Transfer - Eric Orr

This came directly to Kris' email on Friday. She was out. Did he pay the filing fee to you?

*Jean Hersley*
*Technical Records Specialist II*
*Idaho Dept Water Resources*
*(208) 287-4942*

**From:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
**Sent:** Wednesday, July 19, 2023 3:40 PM
**To:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
**Subject:** RE: Transfer - Eric Orr

Thank you, hopefully it comes in somehow in the next couple of days.

Good times!

**Debra Mansfield |** Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

**From:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
**Sent:** Wednesday, July 19, 2023 3:38 PM
**To:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
**Subject:** RE: Transfer - Eric Orr

I can't find anything here with that name on it. I looked up his name and his water rights are in Basin 61. There isn't anything in E-file either. I'll keep an eye out for the paperwork.

*Jean Hersley*
*Technical Records Specialist II*
*Idaho Dept Water Resources*
*(208) 287-4942*

**From:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
**Sent:** Wednesday, July 19, 2023 3:31 PM
**To:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
**Subject:** RE: Transfer - Eric Orr

I don't have any corresponding water right number(s) at this point. A payment of $200 was received in person today but there was a miscommunication, and I was under the impression the payment was for different paperwork Western Received on Monday.

**Debra Mansfield |** Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

**From:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
**Sent:** Wednesday, July 19, 2023 3:20 PM
**To:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
**Subject:** RE: Transfer - Eric Orr

What are the water right numbers involved in the transfer? Did he submit a payment? I'm not seeing anything under that name.

*Jean Hersley*
*Technical Records Specialist II*
*Idaho Dept Water Resources*
*(208) 287-4942*

**From:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
**Sent:** Wednesday, July 19, 2023 3:05 PM
**To:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
**Subject:** Transfer - Eric Orr

Hi Jean,

I am looking for a Transfer that a user says they submitted to us last week. The applicant would be Eric Orr. I was curious if it happened to have been received downtown. Kris has not seen anything.

Thanks!

**Debra Mansfield |** Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov