

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 31 2024

DEPT. OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-10460 ✓	Yes ☐	Yes ☐	65-23994 ✓	Yes ☐	Yes ☐
65-10761 ✓	Yes ☐	Yes ☐	65-24034 ✓	Yes ☐	Yes ☐
65-10763 ✓	Yes ☐	Yes ☐	65-24035 ✓	Yes ☐	Yes ☐
65-23021 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-23026 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: The Kevin and Janelle A. Holtzinger Revocable Living Trust
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): James C. Julson and Nicole L. Julson
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or

Mailing address

City

State

Zip

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 07/18/2024

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.

- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).

- ☒ Filing fee (see instructions for further explanation):

- o \$25 per undivided water right.
 o \$100 per split water right.
 o No fee is required for pending adjudication claims.

- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature]

Signature of new owner/claimant

James C. Julson

Print name

Owner

Title, if applicable

Date

7/18/2024

- Signature: [Signature]

Signature of new owner/claimant

Nicole L. Julson

Print name

Owner

Title, if applicable

Date

7/18/2024

For IDWR Office Use Only:

Received by _____ Date _____

Receipt No. _____

Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9 _____

Approved by _____

Processed by DMDate 8-28-24

SUPPORT DATA
IN FILE 65-10460

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23994

Priority: October 16, 2020

Maximum Diversion Rate: 0.10 CFS

It is hereby certified that:

HOLTZINGER REVOCABLE LIVING TRUST 2575 BENNETT RIDGE RD SANTA ROSA CA
95404-9524

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 16, 2020, and has submitted Proof of Beneficial Use on December 06, 2021. An examination confirms water is diverted from:

Source : MIDDLE FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

Beneficial Use

IRRIGATION

Period of Use

03/15 to 10/31

Rate of Diversion

0.10 CFS

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER SW¼ NE¼, Sec. 15, Twp 09N, Rge 04E, B.M. BOISE County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	15			4.8														4.8

Total Acres: 4.8

Conditions of Approval

1. Rights 65-23994 and 65-23021 when combined shall not exceed a total diversion rate of 0.10 cfs, and the irrigation of 4.8 acres.
2. Rights 65-23994, 65-23021, and 65-23026 when combined shall not exceed the irrigation of 7.9 acres.
3. 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.
4. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.

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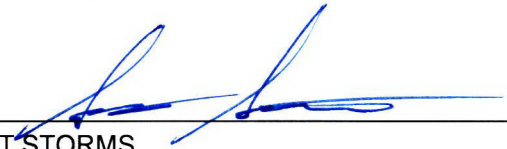
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State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23994

8. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 30th day of August, 2023.



SCOTT STORMS
Water Rights Supervisor

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State of Idaho
Department of Water Resources
Attachment to Water Right
65-23994

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

04E



0 0.035 0.07 0.14 Miles

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



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Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 1, 2023

HOLTZINGER REVOCABLE LIVING TRUST
JANELLE HOLTZINGER AND KEVIN HOLTZINGER
2575 BENNETT RIDGE RD
SANTA ROSA CA 95404-9524

RE: License No. 65-23994

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,


Lynne Evans

for Scott Storms
Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, I served a true and correct copy of Water Right License No. 65-23994 by U.S. Mail, postage prepaid, to the following:

HOLTZINGER REVOCABLE LIVING TRUST (Current Owner)
2575 BENNETT RIDGE RD
SANTA ROSA CA 95404-9524

JANELLE A HOLTZINGER (Trustee)
2575 BENNETT RIDGE RD
SANTA ROSA CA 95404-9524

KEVIN HOLTZINGER (Trustee)
2575 BENNETT RIDGE RD
SANTA ROSA CA 95404-9524

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



Lynne Evans
Administrative Assistant I

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23994
Exam Date: 06/13/2022

1. Current Owner:
HOLTZINGER REVOCABLE LIVING TRUST 2575 BENNETT RIDGE RD SANTA ROSA CA 95404-9524
2. Accompanied by: Kevin Holtzinger
Phone No: 702-481-9386
Address: 2575 Bennett Ridge Rd Santa Rosa CA 95404
Relationship to permit Holder: Permit holder

3. SOURCE:

MIDDLE FORK PAYETTE RIVER

Tributary

PAYETTE RIVER

Method of Determination: Aerial photography and site visit

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Yes overlap

Water Right No.	Source	Purpose of Use	Basis
65-10460	Spring tributary to Payette River	Domestic	Decree
65-10761	Groundwater	Domestic	Decree
65-10763	Spring tributary to Anderson Creek	Stockwater & Domestic	Decree
65-23021	Middle Fork Payette River	Irrigation	Decree
65-23026	Anderson Creek	Irrigation	Decree

Comments: All rights are in The Holtzinger Revocable Living Trust's name.

2. Other water rights with the same point-of-diversion: Yes overlap

Water Right No.	Source	Purpose of Use	Basis
65-24034	Middle Fork Payette River	Irrigation	License

Comments: The above right is still a permit. The field exam was done in conjunction with 65-23994.

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

MIDDLE FORK PAYETTE RIVER SW¼ NE¼, Sec. 15, Twp 09N, Rge 04E, B.M. BOISE County

Method of Determination: GPS at 44° 6' 55"N, 115° 57'58"W

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	15			4.8														4.8

Total Acres: 4.8

Method of Determination: Field photos and aerial photography used to verify irrigation use site.

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3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.

x Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

xN/A Aerial Photo Attached (required for irrigation of 10+ acres).x Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
996260	-	-	-	-	-

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements: None taken**E. FLOW CALCULATIONS**N/A Additional Computation Sheets AttachedMeasured Method: Following IDAPA Beneficial Use Exam Rules 35.01.(r). no measurement was taken.

Standard Rate Irrigation	0.10 cfs
Permitted Total Rate	0.13 cfs
License Recommendation Total Rate	<u>0.10 cfs</u>

F. VOLUME CALCULATIONS1. Volume Calculations for irrigation: No volume on surface water per IDAPA Beneficial Use Exam Rules 35.01. (j). viii2. Volume Calculations for Other Uses: N/A

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G. NARRATIVE/REMARKS/COMMENTS3

The field exam was conducted on 06/13/22 by Water Right Agent, Marcelina Williams and was accompanied by Mr. Kevin Holtzinger during the field exam. Mr. Holtzinger is the property owner and permit holder. The permit was issued on December 31 2020, and proof of beneficial use was submitted on December 06 2021.

The point of diversion (POD) location was confirmed in the SWNE QQ of Sec 15, T09N, R04E. An 8-inch pipe is used to divert water from the Middle Fork of the Payette River to the pump house. This main line crosses under the road and extends to the end of the east side of the property and then runs north to south connecting the Rainbird landscaping irrigation system. Water right overlap review indicates possible POD overlap with WR 65-23021 and permit 65-24034.

The permit authorizes 0.13 cfs and 7.9 acres for irrigation use within SWNE QQ of Sec 15, T09N, R04E. Irrigation of 4.8 acres was developed, leaving 3.1 acres. Half of an acre out of the 3.1 is a separate system that is pulled from the domestic use on the property. ArcMap tools and aerial imagery, supported by photos taken during the field exam, were used to verify the 4.8 acres of irrigation in the POU area. Although the permit authorized 7.9 total acres, the license recommendation for the POU is 4.8 acres. No amendment required to correct the legal description of the POU.

The make and model of the pump and motor were unknown to the owner as he was not the one who developed the system and thus not used to calculate a theoretical rate. Following IDAPA Beneficial Use Exam Rules 35.01.(r), no measurement is required the department standard 0.02 cfs per acre will be used for the recommend rate of .10 cfs total. The total recommended licensed flow rate for irrigation use is 0.10 cfs.

Several overlapping water rights were found to intersect the POU area. Water right 65-23021, and 65-23026 were the two with a beneficial use of irrigation. 65-23021 has the same source listed and has two PODs listed where one falls into the same QQ as 65-23994. Both rights have a combined limit condition.

Condition 103 replaced condition 121 and R02 replaced 01H per department standards. Condition X35 was added. Conditions R63, 185,01R, and R05 were carried forward to the license.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.10 CFS	

Totals: 0.10 CFS

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2. Recommended Amendments

_____ Change P.D. as reflected above _____ Add P.D. as reflected above x None

_____ Change P.U. as reflected above _____ Add P.U. as reflected above x None

I. AUTHENTICATION Marcelina Williams -

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above x None

____ Change P.U. as reflected above ____ Add P.U. as reflected above x None

I. AUTHENTICATION Marcelina Williams -

Field Examiner's Name Morgan Webb Date 08/25/23

Reviewer [Signature] Date 8/30/23

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DELIVERY SYSTEM DIAGRAM

Water Right No. 65-23994

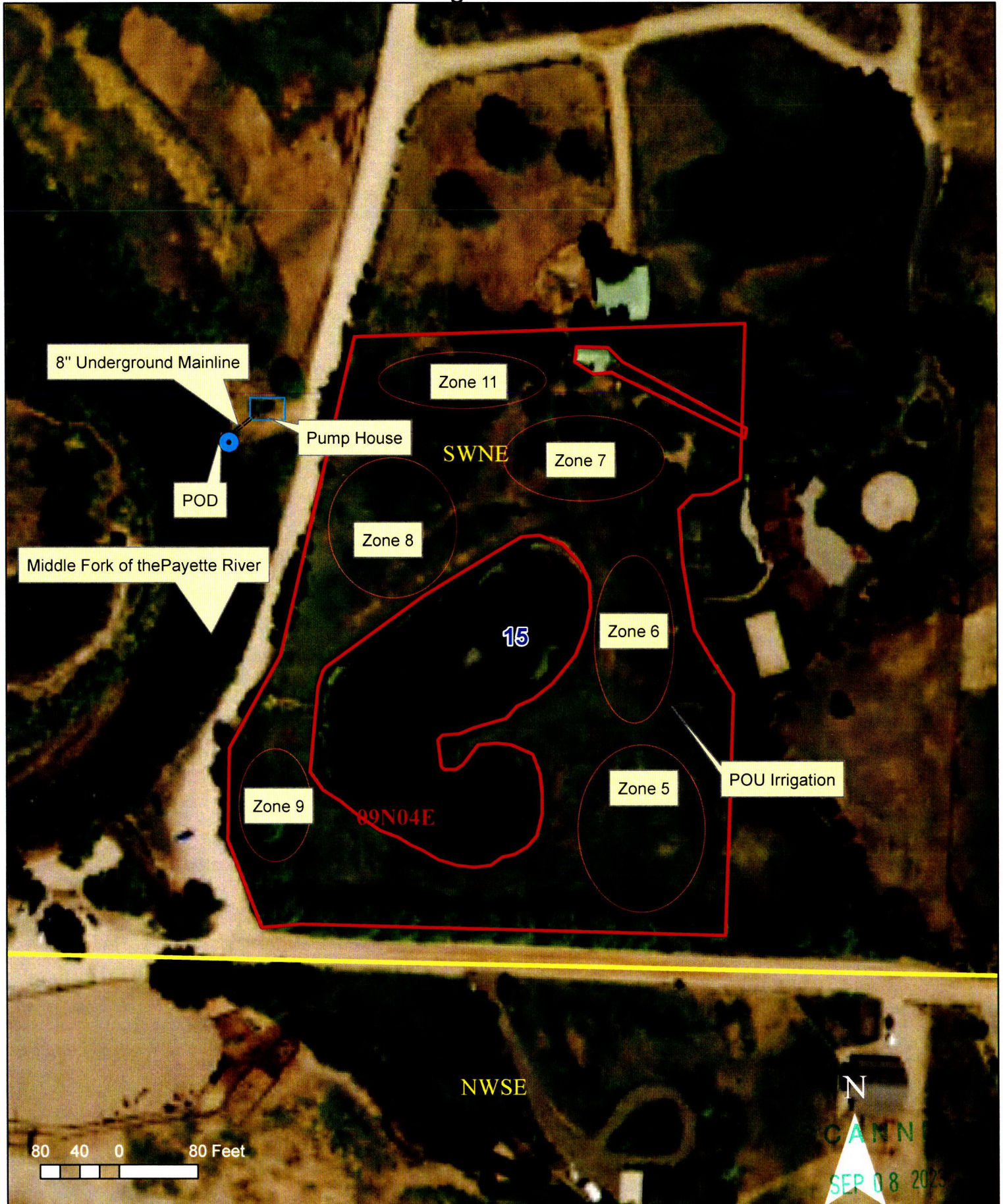




Fig. 1 &2 – Location of the pump house near the POD in the SWSE QQ. View looking N.



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Fig. 3 – Inside the pump house. System on the left is a separate system for another WR.



Fig. 4 – Main line connection to POD in the pump house.



Fig. 5 – Image of the power controls for the pumps of several systems.

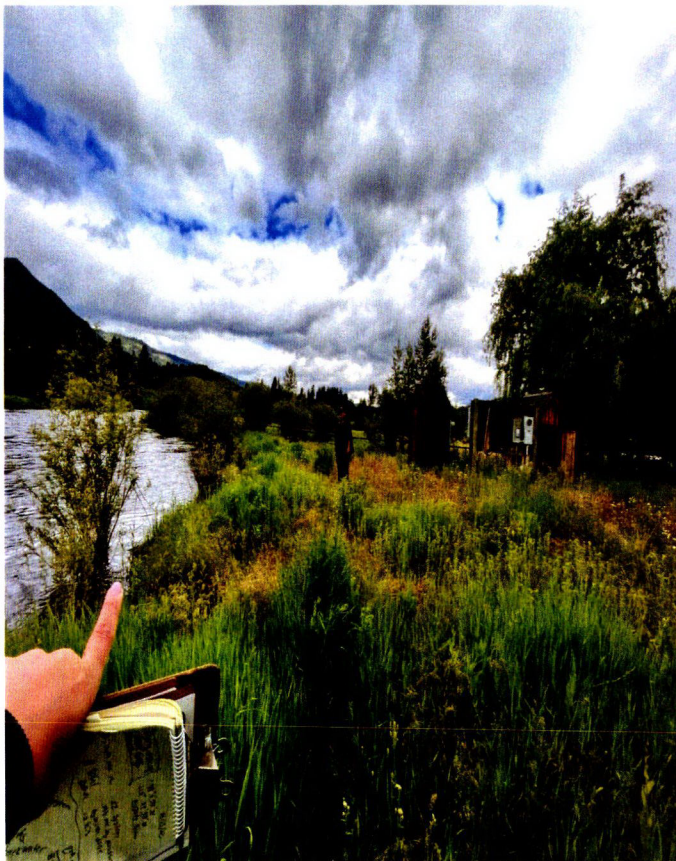


Fig. 6 – Location of the diversion from the Middle Fork of the Payette River.

GPS'd at:

44° 6' 55" N

115° 57' 58" W

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Fig. 7 – Rainbird irrigation system control center for zones 5-11 that cover the POU.



Fig. 8 – Irrigated acres in the top NW corner of the POU . View looking E.



Fig. 9 – Irrigated acres in the center of the POU . View looking W.



Fig. 10 – Irrigated acres in the southern section of the POU . View looking W.