

RECEIVED

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DEPT. OF WATER RESOURCES
EASTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

#500
89134MINIMUM 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) Dwain and Sandra Weeks

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Dwain and Sandra Weeks Phone 208-852-2307
Mailing address 2951 W Highway 36, Weston, ID 83286 Email sandra12weeks@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 _____ 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.

Dwain Weeks
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

7-1-24
Date

Sandra Weeks
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

7/1/24
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other Update ownership records

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 **Part1A.3**.

This application proposes to change the POD and POU for a 10-acre portion of rights 13-7857, 13-7859 and 13-7861 and all of water rights 13-7798, 13-7802 and 13-7806. These rights are now owned by D & S Weeks. The Deep Creek right has been diverted, through exchange, at West Cache Canal on Bear River for many years.

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	13-7857	0.02 cfs	Irrigation	4/20 to 9/30	Fivemile Creek
☐ ☒	13-7859	0.14 cfs	Irrigation	4/20 to 9/30	Deep Creek
☐ ☒	13-7861	0.02 cfs	Irrigation	4/20 to 9/30	Springs
☒ ☐	13-7798	0.04 cfs	Irrigation	4/20 to 9/30	Fivemile Creek
☒ ☐	13-7802	0.28 cfs	Irrigation	4/20 to 9/30	Deep Creek
☒ ☐	13-7806	0.04 cfs	Irrigation	4/20 to 9/30	Springs
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.54 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.54 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 #
			NE	NE	19	15S	39E	Franklin	Springs	2 PODs in QQ
			NW	SW	20	15S	39E	Franklin	Fivemile Creek	
			SE	SW	25	14S	39E	Franklin	Deep Creek (Bear River)	West Cache Canal
			SE	NE	19	15S	39E	Franklin	Springs	2 PODs in QQ

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	
15S	39E	19													12	0.3		2.7	15
		20											15						15
Total Acres (for irrigation use)																			30

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:
Deep Creek right diverted through West Cache Canal on Bear River. The canal is regulated and measured by Water District 11. Fivemile Creek pump station is not regulated by a water district but could be equipped with a flow meter if required in the future.
- b. Who owns the property at the point(s) of diversion? Fivemile Creek = RCP, Bear River = West Cache Canal
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Written agreement with West Cache to convey Deep Creek right.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6. List the name of the entity and type of lien:** N/A Water rights are not moving off of property.
- 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:
Our portion of the subject rights cover 30 acres. Irrigated acres are being rearranged to reflect the current irrigation system. All other acres will not be irrigated.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
RCP Properties LC owns similar rights from the same sources that are diverted through the same infrastructure.
- 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 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 (WaterBalance)

- ☐ 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:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$500.00 (1460 check) Date 7/1/24 Received by CT H Receipt # E050203

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/27/2023

Water Right 13-7798

Owner Type
Current Owner
Name and Address
COX FAMILY TRUST
2422 W HWY 36
PRESTON, ID 83263

Priority Date: 5/1/1880

Basis: Decreed

Status: Active

Source
FIVEMILE CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	0.040 CFS	
	Total Diversion		0.040 CFS	

Source and Point(s) of Diversion:
FIVEMILE CREEK

Place of Use:

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	19																	0.0
15S	38E	20																	0.0

POU Total Acres: 0.0

Conditions of Approval:

1. X35 Rights 13-7798, 13-7802 and 13-7806 when combined shall not exceed a total irrigation of 20 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/27/2023

Water Right 13-7802

Owner Type **Name and Address**
Current Owner COX FAMILY TRUST
2422 W HWY 36
PRESTON, ID 83263

Priority Date: 6/1/1882

Basis: Decreed

Status: Active

Source
DEEP CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	0.280 CFS	
	Total Diversion		0.280 CFS	

Source and Point(s) of Diversion:

DEEP CREEK NWSE Sec. 7, Twp 15S, Rge 39E, FRANKLIN County

Place of Use:

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	19																	0.0
15S	38E	20																	0.0

POU Total Acres: 0.0

Conditions of Approval:

1. X35 Rights 13-7798, 13-7802 and 13-7806 when combined shall not exceed a total irrigation of 20 acres.

9/27/2023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COX FAMILY TRUST 2422 W HWY 36 PRESTON, ID 83263

Status: Active

Tributary

POU Total Acres: 0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/2/2023

Water Right 13-7857

Owner Type **Name and Address**
Current Owner WILLIS MENDENHALL

Current Owner JACOB PETERSON

Current Owner LOREN MENDENHALL

Priority Date: 5/1/1880

Basis: Decreed

Status: Active

Source
FIVEMILE CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	0.290 CFS	
	Total Diversion		0.290 CFS	

Source and Point(s) of Diversion:
FIVEMILE CREEK

Place Of Use:
IRRIGATION within FRANKLIN County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	19																	0.0
15S	38E	20																	0.0

POU Total Acres: 0.0

Conditions of Approval:

1. P/D INCOMPLETE. P/U INCOMPLETE

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/2/2023

Water Right 13-7859

Owner Type **Name and Address**
 Current Owner WILLIS MENDENHALL

Current Owner JACOB PETERSON

Priority Date: 6/1/1882

Basis: Decreed

Status: Active

Source
 DEEP CREEK

Tributary
 BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	2.890 CFS	
	<u>Total Diversion</u>		2.890 CFS	

Source and Point(s) of Diversion:

DEEP CREEK NWSE Sec. 7, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use:

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	19																	0.0
15S	38E	20																	0.0

POU Total Acres: 0.0

Conditions of Approval:

1. P/D INCOMPLETE P/U INCOMPLETE AC IRR =194.6 WATER RIGHT LESS TRANSFER 958 AND OTHER OWNERSHIP CHANGES FOR W. MENDENHALL AND L. MENDENHALL PORTIONS. WATER RIGHT AMOUNT 0.55 CFS W. MENDENHALL AND 2.57 CFS J. PETERSON.

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

6/2/2023

Water Right 13-7861

Owner Type **Name and Address**
Current Owner JACOB PETERSON

Current Owner WILLIS MENDENHALL

Current Owner LOREN MENDENHALL

Priority Date: 6/1/1882

Basis: Decreed

Status: Active

Source
SPRINGS

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	0.460 CFS	
	<u>Total Diversion</u>		0.460 CFS	

Source and Point(s) of Diversion:

SPRINGS NW Sec. 20, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use:

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	19																	0.0
15S	38E	20																	0.0

POU Total Acres: 0.0

Conditions of Approval:

1. P/D INCOMPLETE. P/U INCOMPLETE

Transfer Application - RCP Properties LLC

Bear River Point of Diversion



- Water Right POD
- Township/Range
- Sections
- QQ

0 125 250 500 Feet



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

 RCP_POU
 Township/Range
 Sections
 QQ



RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
28 West Oneida/PO Box 148
Preston, ID 83263

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **924379-PR (hb)**

Date: **September 02, 2020**

For Value Received, **Cox Family Trust U/A/D October 25, 1990**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Sandra Weeks and Dwain Weeks, wife and husband**, hereinafter called the Grantee, whose current address is **2422 W. HWY 36, Preston, ID 83263**, the following described premises, situated in **Franklin County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

2951 West Hwy 36
Weston Idaho
83286

Date: **09/02/2020**

Warranty Deed
- continued

File No.: **924379-PR (hb)**

Cox Family Trust U/A/D October 25, 1990



Warren J Cox, Successor Co-Trustee



Glen E. Cox, Successor Co-Trustee

STATE OF Idaho)
 ss.
COUNTY OF Franklin)

On this **Thirty-first day of August, 2020**, before me, a Notary Public in and for said State, personally appeared **Warren J. Cox and Glen E. Cox**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Cox Family Trust U/A/D October 25 1990** Trust, and acknowledged to me that they executed the same as such trustees.

Notary Public of Idaho
Residing at: Preston ID
Commission Expires:

EXHIBIT A

Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho.
Section 19: Beginning at a point 988 feet North from the Southeast corner of the SE $\frac{1}{4}$ of said Section 19; and running thence West 80 rods; thence North 332 feet; thence East 80 rods; thence South 332 feet to the place of beginning.

ALSO, Commencing at the Southeast corner of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 19; thence running West 230 rods, more or less, to what is known as Five Mile Creek; thence following the said Creek in a Northwesterly direction to a point 12 rods South of the South line of the NW $\frac{1}{4}$ of Section 19; thence East to the West bank of the West Cache Canal; thence following the West bank of said Canal in a Southeasterly direction to where said canal leaves said Section 19; thence South to the place of beginning.

ALSO, Commencing at a point 988 feet North of the Southeast corner of the SE $\frac{1}{4}$ of Section 19; and running thence West 310 feet; thence South 70 feet; thence East 310 feet; thence North 70 feet to point of beginning.
(01825.00)

Section 20: N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
(01838.00)



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 Mathew Weaver

July 3, 2024

SANDRA WEEKS
DWAIN WEEKS
2951 W HWY 36
WESTON, ID 83286

RE: Transfer No. 89134
Water Right No(s). 13-7798, 13-7802, 13-7806

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on 7/10/2024 and 7/17/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Christina Henman
Administrative Assistant

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89132**

RCP PROPERTIES LC, 2951 W HIGHWAY 36, WESTON, ID 83286-5006 has filed Application No. 89132 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-8463, 13-8464, 13-8465; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion, add points of diversion, change place of use. Proposed points of diversion are in NWSW Sec 20 T15S R39E for 0.13 cfs from Fivemile Creek; NENE, NENE, SENE, SENE Sec 19 T15S R39E for 0.22 cfs from Springs; and SESW Sec 25 T14S R39E for 2.57 cfs from Deep Creek. Deep Creek water right (13-8464) will be diverted from the Bear River at the head of the West Cache Canal through an exchange. Proposed combined place of use is 171 acres in Sec 19 and 20 T15S R39E.

TRANSFER NO. 89134

SANDRA WEEKS and DWAIN WEEKS, 2951 W HWY 36, WESTON, ID 83286 has filed Application No. 89134 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-7798, 13-7802, 13-7806; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion, add points of diversion, change place of use. Proposed points of diversion are in NWSW Sec 20 T15S R39E for 0.06 cfs from Fivemile Creek; NENE, NENE, SENE, SENE Sec 19 T15S R39E for 0.06 cfs from Springs; and SESW Sec 25 T14S R39E for 0.42 cfs from Deep Creek. Deep Creek water right (13-7802) will be diverted from the Bear River at the head of the West Cache Canal through an exchange. Proposed combined place of use is 30 acres in Sec 19 and 20 T15S R39E.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/29/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 7/10/2024 and 7/17/2024

Henman, Christina

From: Henman, Christina
Sent: Wednesday, July 3, 2024 2:12 PM
To: 'legals@prestoncitizen.com'
Subject: Legal Notice for Preston Citizen
Attachments: 89132, 89134 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Transfer No. 89132, 89134
Water Right No(s). 13-8463, 13-8464, 13-8465, 13-7798, 13-7802, 13-7806

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/29/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161