

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 89341**

This is to certify that: SHEILA G WITMER AND  
THE SHEILA G WITMER 2007 REVOCABLE TRUST  
PO BOX 129  
KETCHUM, ID 83340-0130

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-11724           | WR/DECREED          | 10/15/1973           | 0.040 cfs             | N/A                     | N/A               | N/A                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-11724              | NO           | YES        | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-11724               | 37-11724                         | 0.040 cfs            | N/A                    | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.040 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 30<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
Southern Region Manager

**WATER RIGHT NO. 37-11724**  
**As Modified by Transfer No. 89341**

In accordance with the approval of Transfer No. 89341, Water Right No. 37-11724 is now described as follows:

**Right Holder:** THE SHEILA G WITMER 2007 REVOCABLE TRUST And  
 SHEILA G WITMER  
 PO BOX 129  
 KETCHUM, ID 83340-0130

**Priority Date:** 10/15/1973

**Source:** GROUND WATER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| DOMESTIC                     | 1/01               | to 12/31         | 0.040 cfs<br>0.040 cfs       |

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

GROUND WATER                      SESE                      Sec 23 Twp 05N Rge 17E BLAINE County

**PLACE OF USE: DOMESTIC**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N | 17E | 23  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  |        |

**CONDITIONS OF APPROVAL**

1. The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. Place of use and point of diversion are located within Lot 1, Block 1 of the Witmer Subdivision.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.

Transfer No. 89341

State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 89341**  
37-11724

This map depicts the DOMESTIC 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.

17E



0 0.035 0.07 0.14 Miles

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



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SEP 23 2024  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 89341

**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](http://idwr.idaho.gov).

Name of Applicant(s) Sheila Witmer

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](http://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: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

**RECEIVED**  
**SEP 23 2024**  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Name of Applicant(s) The Sheila G. Witmer 2007 Revocable Trust; Sheila G. Witmer Phone 208-720-7661  
Mailing address P.O. Box 129, Ketchum, ID 83340 Email sheilawitmer47@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 Heather E. O'Leary Phone 208-725-0055  
Mailing address P.O. Box 3310, Ketchum, ID 83340 Email heo@lawsonlaski.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Sheila Witmer  
Signature of Applicant or Authorized Representative

Sheila Witmer, Trustee  
Print Name and Title if applicable

9-18-24  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

**A. PURPOSE OF TRANSFER**

- ☒ Change point of diversion  
☐ Change nature of use
  - ☐ Add diversion point(s)  
☐ Change period of use
  - ☒ Change place of use  
☐ Other \_\_\_\_\_
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?  
If yes, ☒ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
- No physical changes in the locations of the POD or POU will occur. This Application is solely to correct the legal descriptions of the POD and POU as decreed in the SRBA. The POU and POD were incorrectly decreed as the IDWR's system currently shows them to be located on Forest Service land on the other side of the river.

SEP 23 2024

Rev. 07 18

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|--------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| <input checked="" type="checkbox"/> All or <input type="checkbox"/> Part | 37-11724     | 0.04                  | domestic      | 01/01 to 12/31 | ground water       |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |

Total authorized under rights 0.04 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 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 # |
|-------|-----|---|----|----|-----|-----|-----|--------|--------------|---------------------|
|       |     |   | SE | SE | 23  | 05N | 17E | Blaine | Ground water |                     |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|----------------------------------|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|                                  |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 05N                              | 17E | 23  |      |    |    |    |      |    |    |    |      |    |    |    | X    |    |    | X  |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    | *    |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

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<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|--------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| <input checked="" type="checkbox"/> All or <input type="checkbox"/> Part | 37-11724     | 0.04                  | domestic      | 01/01 to 12/31 | ground water       |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |
| <input type="checkbox"/>                                                 |              |                       |               | to             |                    |

Total authorized under rights 0.04 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 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 | SE | 23  | 05N | 17E | Blaine | Ground water |                     |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |
|       |     |   |    |    |     |     |     |        |              |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|----------------------------------|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|                                  |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 05N                              | 17E | 23  |      |    |    |    |      |    |    |    |      |    |    |    | x    |    |    | x  |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

**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:  
well and pump for domestic use in home and accessory dwelling unit
- b. Who owns the property at the point(s) of diversion? Applicant  
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?  
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- Yes No**
- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |
- If yes, describe:



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

**Current Water Right No.:** 37-11724

**Current Owner:** THE SHEILA G WITMER 2007 REVOCABLE TRUST  
SHEILA G WITMER

**Priority Date:** 10/15/1973

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>  | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|------------------------|------------------------------|-----------------------------|
| DOMESTIC                     | 1/01 to 12/31          | 0.04 CFS                     |                             |
|                              | <u>Total Diversion</u> | 0.04 CFS                     |                             |

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

GROUND WATER NW1/4NE1/4NE1/4 Sec. 26, Twp 05N, Rge 17E B.M.  
BLAINE County

**Place of Use**

DOMESTIC Within BLAINE County

T05N R17E S26 NENE

**Conditions of Approval:**

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. Unsurveyed. Location is part of Homestead Entry Survey (HES) 128, projected as the approximate NENE, Section 26.
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. PARCEL NO. 004460000010A. Lot 1 Osborne Subd, part of HES 128.

Decreed Date: 4/13/2000



# Water Right 37-11724 Transfer - Exhibit 7a



## Legend

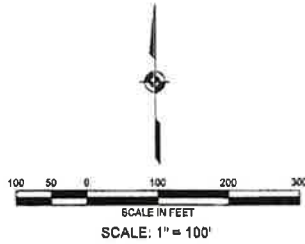
- Parcels
- Township/Range
- Sections
- QQ

0 0.01 0.02 0.04 Miles



A PLAT SHOWING:  
**WITMER SUBDIVISION**  
 WHEREIN LOT 1 OF "A REPLAT OF OSBORNE SUBDIVISION" IS SUBDIVIDED.  
 LOCATED WITHIN H.E.S. 128, SECTION 26, T5N, R17E, B.M., BLAINE COUNTY, IDAHO

APRIL 2024



**LEGEND**

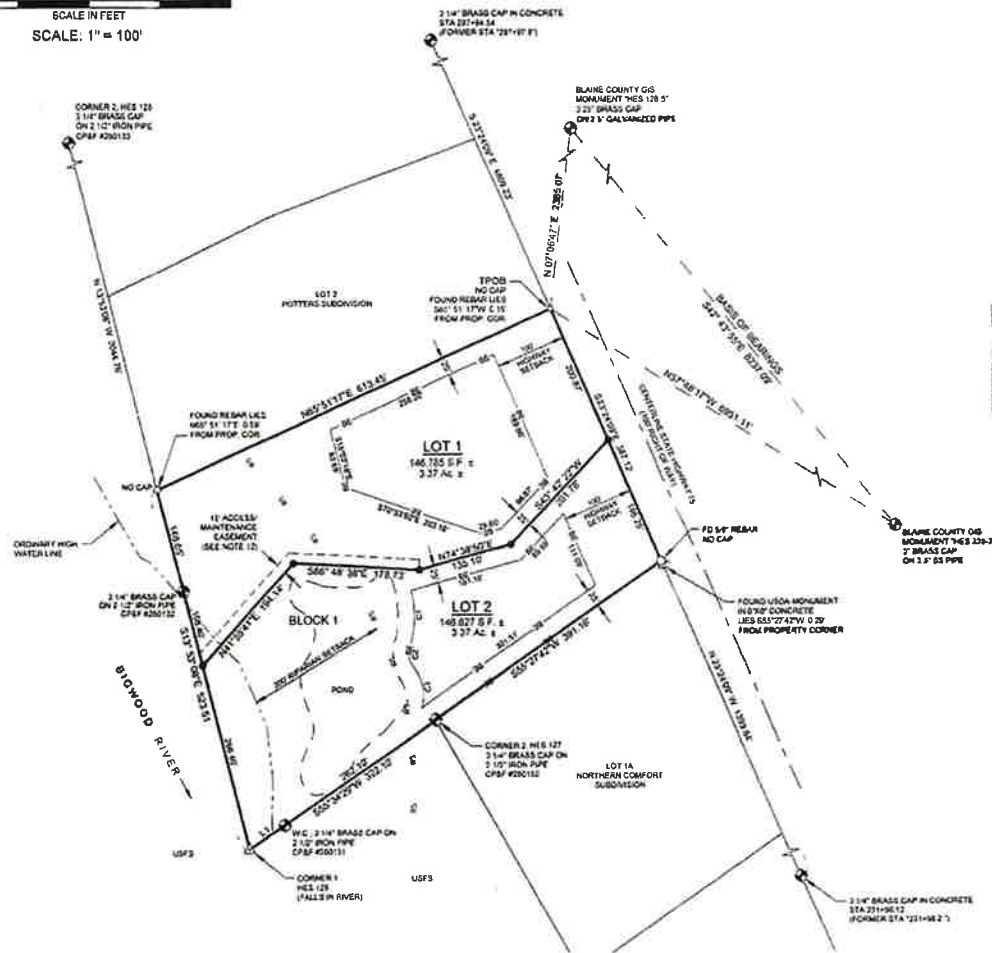
- Property Line
- Adjacent Lot Line
- - - - - Centeline of right-of-way
- - - - - Blaine County GIS Tie
- - - - - Easement, as noted
- BE — Building Envelope
- - - - - Ordinary High Water Line
- RS — 200' Riparian Setback
- Edge Pond
- Found Brass Cap
- Found 3/8" Rebar, marked as noted
- Found 1/2" Rebar, marked as noted
- Set 5/8" Rebar, PLS 20093
- △ Calculated Point, not set
- w.c. Winces Corner

**LINE DATA**

CH 11 155.34' ±, W 45.00'

**CURVE DATA**

| STATION | CHORD  | CHORD BEARING | DELTA         | ANGLE      | TANGENT |
|---------|--------|---------------|---------------|------------|---------|
| 1       | 80.63  | 147°20'19.63" | S 01°54'12" W | 51°16'16"  | 41.34   |
| 2       | 132.00 | 132°37'10.71" | S 10°46'54" E | 58°38'49"  | 117.45  |
| 3       | 59.07  | 58°44'59.59"  | S 10°08'51" E | 157°54'59" | 32.34   |



**HEALTH CERTIFICATE**

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: 7-9-2024

*John W. [Signature]*  
 South Central Public Health District, REHS



**WITMER SUBDIVISION**

LOCATED WITHIN H.E.S. 128 SECTION 26, T5N, R17E, B.M., BLAINE COUNTY, IDAHO

PROJECT NO. 19653-03    PLOT BY: GFL    FILE: 19653-03P.DWG  
 FINAL PLAT    DATE: APRIL, 2024    SHEET: 1 OF 4

89341

# WITMER SUBDIVISION

## SURVEY NARRATIVE & NOTES

1. The purpose of this plat is to subdivide Lot 1 of "A Replat of Osborne Subdivision". The boundary shown is based on found monuments from the Replat of Osborne Subdivision, instrument number 305537 and a plat of Osborne Subdivision, instrument number 275783, both records of Blaine County, Idaho. All found monuments have been accepted. The found right-of-way brass caps were accepted as the original monumentation delineating said right-of-way.
2. The distances shown are measured. Refer to the above referenced documents for the previous record data.
3. All new utilities shall be installed underground.
4. A 10-foot public utility easement is reserved centered upon all side & rear lot lines and adjacent to all public right-of-way.
5. Pursuant to State regulations, maintenance and weed control for all lots are the responsibility of the developer until the lot is sold and thereafter the responsibility of the owners of the individual lots. The control program to be implemented by the responsible party will target those species designated on the Idaho Noxious Weed List. Mowing and manual removal are recommended, although biological control has been shown to be effective in eradicating weeds.
6. Portions of this property lie within the 100-year Floodplain, and these portions are governed by the Floodplain Management District found within Blaine County Code, Title 9. Ordinary High Water and Setbacks are subject to change with changes in the course of the river over time. This plat reflects the current conditions but should not be relied upon as the definitive source for this information.
7. The landscape on Lot 1 may be maintained up to a 10-foot setback to the Big Wood River. No mowing or vegetation removal shall occur within the 10-foot setback. No further vegetation shall be planted or removed without a Floodplain Conditional Use Permit on Lot 1 within the Floodplain. Lot 2 shall adhere to the Title 10-5-20, 200-foot riparian setback. No disturbance shall occur within this setback on Lot 2 including maintenance of landscape without a Floodplain Conditional Use Permit.
8. All fire protection requirements including those of the North Blaine County Fire District, the most currently adopted version of the International Fire Code, and the Blaine County Fire Protection Ordinance including, but not limited to, water supply, fire apparatus access roads, class-A roof coverings and outside space shall be complied with. Building permits, construction documents shall depict compliance prior to the issuance of any building permits within this subdivision.
9. Lots shall be served by individual septic systems. All new septic systems shall be built with masonry, out-flow filters and granulated inspection ports on each system. Periodic inspections of individual septic systems, as recommended by the system manufacturer, are required and are the responsibility of the homeowner. Shallow groundwater may be present on site, requiring complex alternative systems.
10. Lots shall be served by individual wells. All new domestic wells shall be metered. Landscape irrigated by a domestic well is limited to 1/2 acre maximum per state regulations.
11. All exterior lighting shall comply with Title 9, Blaine County Zoning Regulations, Chapter 20A.
12. A fifteen foot wide access/maintenance easement over, upon and across a portion of Lot 1 for the benefit of Lot 2 is granted as shown hereon.
13. The building envelopes for Lots 1 and 2 shall not be amended without the consent of the owners of Lots 1 and 2.

14. Yew plants are unlawful in Blaine County pursuant to Blaine County Code Title 3, Chapter 2. All parts of the yew plant, living or dead, are poisonous and known to cause sudden death to all species of animals, including humans, if ingested.
15. No structures permitted within 30 feet of Federal Lands.
16. Fencing:
  - a. General: Both internal and perimeter fencing on sites containing wildlife habitat shall be kept to a minimum necessary to contain livestock and domestic animals and to provide privacy. No fencing is the strongly preferred option.
  - b. Perimeter Fences: Perimeter fencing of properties containing classified lands is prohibited except if necessary for containment of livestock as part of a bona fide agricultural operation. Such fencing shall be constructed according to the standards below.
  - c. Interior Fences: Interior fences may be constructed within each lot to contain domestic pets and animals according to the standards below. Interior fencing shall be restricted to the smallest area practicable within the actively envelope.
  - d. Wire Fencing: Wire fencing for containment of livestock in or adjacent to critical wildlife habitat areas such as migration corridors shall have three (3) strands or less. The top wire should be a 12.6 gauge twisted barbed or similar type at a maximum height of forty-two inches (42"). The middle strands, which may be barbed, should be located a minimum of twelve inches (12") from the top wire to prevent entanglement when animals jump over the fence. The bottom strand should be barbed and a minimum of eighteen inches (18") from the ground.
  - e. Rail Fencing: Rail fencing shall employ three (3) rails or less and shall not exceed forty-six inches (46") in height above ground level, twelve inches (12") in width (top view), and the lower rail should be a minimum of eighteen inches (18") from the ground. Solid wood fencing should generally be limited to areas around a primary residence.



## WITMER SUBDIVISION

LOCATED WITHIN H.E.S. 128, SECTION 26, T5N, R17E, B.M.,  
BLAINE COUNTY, IDAHO

PROJECT NO. 1583-03 | PLAT BY: CPL | FILE: 1583-03FP.DWG  
FINAL PLAT | DATE: MARCH 2024 | SHEET: 2 OF 4

# WITMER SUBDIVISION

## OWNER'S CERTIFICATE

This is to certify that the SHEILA G. WITMER 2007 REVOCABLE TRUST, as to an undivided 81.23% interest and SHEILA G. WITMER, as to an undivided 18.77% interest are the owners in fee simple of real property described as follows:

A parcel of land located within Section 26, Township 5 North, Range 17 East, Boise Meridian, more particularly described as follows:

Lot 1, Block 1 of A REPLAT OF OSBORNE SUBDIVISION, as shown on the official plat thereof, recorded as Instrument No. 305537, records of Blaine County, Idaho.

Pursuant to Idaho Code 50-1334, the undersigned, as owner, does hereby state that the individual lots described in this plat will not be served by any water system common to one (1) or more of the lots, but will be served by individual wells.

The easements shown hereon are not dedicated to the public, but the right to use said easements for the intended purposes is hereby reserved. No structures other than for such utility and other designated uses are to be erected within the lines of said easements.

It is the intention of the undersigned to, and they do hereby include said land in this plat.

Signed this 17 day of April, 2024.

SHEILA G. WITMER 2007 REVOCABLE TRUST

By: Sheila G. Witmer  
SHEILA G. WITMER, Trustee

Sheila G. Witmer  
SHEILA G. WITMER

## ACKNOWLEDGEMENT

COUNTY OF BLAINE  
STATE OF IDAHO

On this 17<sup>th</sup> day of April, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared SHEILA G. WITMER, known or identified to me, to be the Trustee of the SHEILA G. WITMER 2007 REVOCABLE TRUST, and acknowledged to me that she and said trust executed the same.

Cinda P. Lewis  
Notary Public  
Residing at: KETCHUM, IDAHO  
My commission expires: 09-28-2026

## ACKNOWLEDGEMENT

COUNTY OF BLAINE  
STATE OF IDAHO

On this 17<sup>th</sup> day of April, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared SHEILA G. WITMER, known or identified to me, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Cinda P. Lewis  
Notary Public  
Residing at: KETCHUM, IDAHO  
My commission expires: 09-28-2026

|                                                                                       |                                                                              |                  |                   |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------|-------------------|
|  | WITMER<br>SUBDIVISION                                                        |                  |                   |
|                                                                                       | LOCATED WITHIN: HES 126, SECTION 26, T5N, R17E, B1M,<br>BLAINE COUNTY, IDAHO |                  |                   |
|                                                                                       | PROJECT NO. 1983-03                                                          | PLOT BY: C.P.L.  | FILE 1983C031.DWG |
|                                                                                       | FINAL PLAT                                                                   | DATE: MARCH 2024 | SHEET 2 OF 4      |

# WITMER SUBDIVISION

## SURVEYOR'S CERTIFICATE

I, ROBERT O. BENDER, a duly Registered Professional Land Surveyor in the State of Idaho, do hereby certify that this is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with Idaho State Code relating to plats and surveys.



## COUNTY SURVEYOR'S APPROVAL

This is to certify that I, SAM YOUNG, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Sam Young  
SAM YOUNG

6/17/24  
Date

## COUNTY PLANNING & ZONING APPROVAL

The foregoing plat was approved and accepted this 20<sup>th</sup> day of June, 2024, by the Blaine County P & Z Administrator.

Rachel Martin  
By: Rachel Martin

## COUNTY COMMISSIONER'S APPROVAL

The foregoing plat was approved and accepted this 25<sup>th</sup> day of June, 2024, by the County commissioners, Blaine County, Idaho.

Muffy DeBo  
By: Muffy DeBo

## COUNTY TREASURER'S CERTIFICATE

On this 27<sup>th</sup> day of June, 2024, the foregoing plat was approved and accepted by the Blaine County Treasurer, Blaine County, Idaho.

Jim Brum  
By: Jim Brum

## COUNTY RECORDER'S CERTIFICATE

Instrument # 707047  
HALEY, BLAINE, IDAHO  
1-18-2018 RE: 17-01 and 18-01 of Page 1  
Recorded by: GALENA BENCHAMIN  
STEPHEN WICKOUGALL, CLERK  
EX-Officio Recorder Deputy  
Blaine Co. Public

|                                                                                                                                        |                                                                              |                   |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------|
| <br>GALENA<br>LEWIS<br>REC'D - 18A<br>WIT 7, 1824 | <b>WITMER<br/>SUBDIVISION</b>                                                |                   |
|                                                                                                                                        | LOCATED WITHIN: MES 12N, SECTION 26, T5N, R17E, B.M.<br>BLAINE COUNTY, IDAHO |                   |
| PREPARED FOR: SHEILA WITMER                                                                                                            |                                                                              |                   |
| PROJECT NO 1983-03                                                                                                                     | FILED BY CPL                                                                 | FILE 1983 CRT DWG |
| FINAL PLAT                                                                                                                             | DATE MARCH 2024                                                              | SHEET 4 OF 4      |



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

October 2, 2024

SHEILA G WITMER  
PO BOX 129  
KETCHUM ID 83340-0130

THE SHEILA G WITMER 2007 REVOCABLE TRUST  
PO BOX 129  
KETCHUM ID 83340-0130

Re: Transfer No: 89341  
Water Right No(s): 37-11724

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

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) 736-3033.

Sincerely,



Corey Skinner  
Southern Regional Manager

Enclosure

c:

HEATHER O'LEARY  
LAWSON LASKI CLARK PLLC  
PO BOX 3310  
KETCHUM ID 83340-3301

## CERTIFICATE OF SERVICE

I hereby certify that on October 2, 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.: 89341  
Water Right No(s): 37-11724

SHEILA G WITMER  
PO BOX 129  
KETCHUM ID 83340-0130

THE SHEILA G WITMER 2007 REVOCABLE TRUST  
PO BOX 129  
KETCHUM ID 83340-0130

HEATHER O'LEARY  
LAWSON LASKI CLARK PLLC  
PO BOX 3310  
KETCHUM ID 83340-3301



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

### **REQUEST FOR HEARING**

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

### **ORAL ARGUMENT**

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

## **CERTIFICATE OF SERVICE**

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

## **FINAL ORDER**

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

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

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

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

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

# MEMORANDUM

**Date:** September 27, 2024  
**To:** The Sheila G. Witmer 2007 Revocable Trust; Sheila G. Witmer - transfer 89341 File  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Application for transfer proposes to correct the place of use (POU) and point of diversion (POD) descriptions for domestic right 37-11724 (0.04 cfs). The POD and POU are located approximately 4.4 miles north and 1.2 miles west of the intersection of Main Street and Sun Valley Road in Ketchum.

This is a paper correction of the POD and POU; no physical changes have occurred, so advertising is not necessary. The transfer qualifies for the \$50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical changes in the locations have occurred. The area is unsurveyed and IDWR has updated the PLSS placement from the previous version.

Water Master comments will not be sought, as the right is excluded from Water District 37 and not administered by the Water District.

- **Authority to File:**  
The Department's database indicates that water right 37-11724 is owned by Sheila Witmer and the Sheila G. Witmer 2007 Revocable Trust, the applicants. The application was signed by Sheila Witmer, trustee of the Trust.
- **Water Right Validity:**  
The water right was decreed in 2000; a home is present on the property, so recent use is highly likely.
- **Injury to Other Water Rights:**  
None anticipated or foreseen. This is a paper correction only.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No issues anticipated. Because the change to the POU and POD is a paper change only, the transfer was not advertised.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated
- **Effect of the Agricultural Base of the Area:**  
None Anticipated

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

## MEMORANDUM

**Date:** September 27, 2024  
**To:** Transfer 89341  
**From:** Jim Bitzenburg  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
9/27/2024

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

This is a paper change only to correct the location description.

## TRANSFER SYNOPSIS

**Date:** September 24, 2024  
**To:** The Sheila G. Witmer 2007 Revocable Trust; Sheila G. Witmer - transfer 89341 File  
**From:** Jim Bitzenburg  
**Re:** Summary of transfer

---

Application for transfer proposes to correct the place of use (POU) and point of diversion (POD) descriptions for domestic right 37-11724 (0.04 cfs). The POD and POU are located approximately 4.4 miles north and 1.2 miles west of the intersection of Main Street and Sun Valley Road in Ketchum.

This is a paper correction of the POD and POU; no physical changes have occurred, so advertising is not necessary. The transfer qualifies for the \$50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical changes in the locations have occurred. The area is unsurveyed and IDWR has updated the PLSS placement from the previous version.

Water Master comments will not be sought, as the right is excluded from Water District 37 and not administered by the Water District.

## FEE MEMORANDUM

**Date:** September 24, 2024

**To:** The Sheila G. Witmer 2007 Revocable Trust; Sheila G. Witmer - transfer 89341 File

**From:** Jim Bitzenburg

**Re:** Receipting/disposition of fees paid

---

This transfer was filed on September 23, 2024, and its purpose is to correct the point of diversion (POD) and place of use (POU) descriptions of domestic right 37-11724. The transfer qualifies for the \$50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the locations have occurred. The home and well locations have not changed; the area is unsurveyed and IDWR has updated the PLSS placement from the previous version. The fee was paid with check #631 from Heather E. O'Leary, IDWR receipt #S040371.

## Bitzenburg, James

---

**From:** Heather O'Leary <heo@lawsonlaski.com>  
**Sent:** Tuesday, September 24, 2024 10:08 AM  
**To:** Bitzenburg, James  
**Subject:** RE: Sheila Witmer transfer of domestic right 37-11724

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Sorry! Yes, if you could make the correction that would be great. Thanks so much!

**Heather E. O'Leary**  
**Lawson Laski Clark, PLLC**  
**675 Sun Valley Road, Suite A**  
**PO Box 3310**  
**Ketchum, ID 83340**  
**208-725-0055**  
**208-725-0076 fax**

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**From:** Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>  
**Sent:** Tuesday, September 24, 2024 9:59 AM  
**To:** Heather O'Leary <heo@lawsonlaski.com>  
**Subject:** RE: Sheila Witmer transfer of domestic right 37-11724

Well, actually there is something else (see attached). You marked the SENE instead of the NESE. I can mark the X on the form you sent down yesterday and refer to this email- it'd save you some time.

We're getting there. On the bright side, if this was California, we'd just now be discussing the environmental impact statement for the paper change. Thanks for your patience.

**From:** Heather O'Leary <[heo@lawsonlaski.com](mailto:heo@lawsonlaski.com)>  
**Sent:** Tuesday, September 24, 2024 9:30 AM  
**To:** Bitzenburg, James <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>  
**Subject:** RE: Sheila Witmer transfer of domestic right 37-11724

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

My apologies! See corrected page 3. Please let me know if you need anything else.

Thanks!

**Heather E. O'Leary**  
**Lawson Laski Clark, PLLC**  
**675 Sun Valley Road, Suite A**  
**PO Box 3310**  
**Ketchum, ID 83340**  
**208-725-0055**  
**208-725-0076 fax**

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**From:** Bitzenburg, James <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>  
**Sent:** Tuesday, September 24, 2024 9:09 AM  
**To:** Heather O'Leary <[heo@lawsonlaski.com](mailto:heo@lawsonlaski.com)>  
**Subject:** Sheila Witmer transfer of domestic right 37-11724

Heather-

I began the data entry on the Sheila Witmer domestic right transfer this morning, and it looks like the amended page 3 that you sent down yesterday has one small issue. On B., 4., Place of Use, we need to have the NESE box checked, as well as the SESE. You had them both checked on the original you mailed in, but only the SESE on the emailed version. You can either send down another page 3, or just email back to me that it is okay the check the NESE, and I'll get it done. Thanks,

Jim

**Jim Bitzenburg**  
**Water Rights Supervisor**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-293-9909**  
[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)

## Bitzenburg, James

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**From:** Heather O'Leary <heo@lawsonlaski.com>  
**Sent:** Monday, September 23, 2024 11:17 AM  
**To:** Bitzenburg, James  
**Subject:** witmer application  
**Attachments:** Witmer Application-page 3.pdf

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Hi Jim:

As we just discussed, I updated the legal description for water right no. 37-11724—see attached page 3 of the transfer application. Can you please amend the application that we previously submitted to add this page 3 in replacement of the original one?

Thanks for your help on this!

**Heather E. O'Leary**  
**Lawson Laski Clark, PLLC**  
**675 Sun Valley Road, Suite A**  
**PO Box 3310**  
**Ketchum, ID 83340**  
**208-725-0055**  
**208-725-0076 fax**

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HEATHER E. O'LEARY  
MEMBER

HEO@LAWSONLASKI.COM

  
**LAWSON LASKI CLARK**  
ATTORNEYS AT LAW

RECEIVED  
SEP 23 2024  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

September 18, 2024

James Bitzenburg  
IDWR Southern Regional Office  
650 Addison Ave. W., Ste. 500  
Twin Falls, Idaho 83301-5858

Re: Application for Transfer of Water Right No. 37-11724

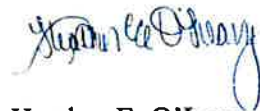
Dear Mr. Bitzenburg:

Per our recent email correspondence and phone conversation, enclosed herewith is an Application for Transfer of Water Right No. 37-11724 (along with a check for \$50.00) to correct the legal description of the place of use and point of diversion.

Once completed, please send me confirmation of the transfer. Thank you for your assistance in this matter and please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,

LAWSON LASKI CLARK, PLLC

  
Heather E. O'Leary

Enclosures