

RECEIVED

JUN 14 2023
AMENDED
WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88232

RECEIVED

AUG 30 2023

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) DERCK INVESTMENT CORPCheck 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 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) Ray G Kaufman Phone 208 841 1213
Mailing address 1444 N Knights Dr Boise Id 83712 Email RayKau@MSN.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.

<u>[Signature]</u> Signature of Applicant or Authorized Representative	<u>President Ray G Kaufman</u> Print Name and Title if applicable	<u>6-8-2023</u> Date
<u>Effie G Kaufman</u> Signature of Applicant or Authorized Representative	<u>Effie G Kaufman Sec</u> Print Name and Title if applicable	<u>6-8-2023</u> Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Add place of use
- Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Part 1A.3. WATER Right # 57-192 and 57-193 ARE COMBINED TO IRRIGATE 37 ACRES. The use of A Pivot IRRIGATION EXPANDS THE PLACE OF USE. These Two WR ARE Combined/pressurized INTO A New Pivot point, Page 2 The SNAKE River water 434 ACRES will be integrated with ground water to expand total IRRIGATED ACRES of 600. Additional ACRES covered by PERMIT APPL.

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					
☐	☐ 57-192	0.64 cfs	IRRIGATION	3/01 to 11/15	GW
☐	☐ 57-193	0.10 cfs	IRRIGATION	3/01 to 11/15	GW
☐	☐ 57-2194	2 cfs	IRRIGATION	3/01 to 11/15	GW
☐	☐ 2-70173	7.98 cfs	" "	" "	SNAKE RIVER
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	

Total authorized under rights 10.72 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 10.72 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34			0.4						12			18	0.3	30	38	5.6	104.3
02S	02W	2						7.6	33		24	34	38	38		03	20		18.9
02S	02W	3	27	40.4	19	32	41	0.5		7.8					40	141		39	260.7
02S	02W	11		14			31												45.0
Total Acres (for irrigation use)																			600

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	~~57-192~~	~~0.64~~	~~IRRIGATION~~	~~3/01 to 11/15~~	~~GW NWSE NW~~ <i>R6</i>
☒	~~57-193~~	~~0.10~~	~~IRRIGATION~~	~~3/01 to 11/15~~	~~SECTION 3 Twp 02S~~ <i>R6</i>
☐				to	Rge 02 W
☐				to	
☒	~~57-2194~~	~~2 cfs~~	~~IRRIGATION~~	~~3/01 to 11/15~~	~~GW Pumped~~ <i>R6</i>
☐				to	into water
☐				to	Chamber
☒	2-7017 B	7.98 cfs	IRRIGATION	3/01 to 11/15	SNAKE RIVER
☐				to	

Total authorized under rights 10.72 ^{7.98} cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 10.72 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34									26						4		4.0
02S	02W	2						26	33		24	34	30	30		20			189.9
02S	02W	3		35	16	32									40	14.8		39	195.1
02S	02W	11		14			31												45.0
Total Acres (for irrigation use)																			434

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The SNAKE RIVER water is diverted by pump into
water Chambers AND mixed with Ground water and
Distributed to 600 acres.

- b. Who owns the property at the point(s) of diversion? DERCK INVESTMENT CORP (Ray Kaufman owner)
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: None

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:

WR # 57-192, 57-193 and 57-2194^{2-7017B} ARE PRESERVED mixed
into A WATER chamber AND Repumped thru out
the FARM ground.

- 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

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

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

Insert Part 2A reports into the application following Part 1.

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

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

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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

- 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.

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:

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 2-7017b

Current Owner: DERCK INVESTMENT CORP
Priority Date: 8/24/1967
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 12/01	7.98 CFS	2275 AF
STOCKWATER	01/01 to 12/31	0.09 CFS	5.4 AF
	<u>Total Diversion</u>	7.98 CFS	2280.4 AF

Location of Point(s) of Diversion

SNAKE RIVER L1(NE1/4NE1/4) Sec. 34, Twp 01S, Rge 02W B.M.
OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T01S R02W S34	SESW	3.00	T01S R02W S34	NWSE	13.00
T01S R02W S34	SWSE	9.00	T01S R02W S34	SESE	9.00
T02S R02W S2	SWNW	25.00	T02S R02W S2	NESW	14.00
T02S R02W S2	NWSW	27.00	T02S R02W S2	SWSW	25.00
T02S R02W S2	SESW	33.00	T02S R02W S2	SWSE	12.00
T02S R02W S3	Lot 1 NENE	19.00	T02S R02W S3	Lot 2 NWNE	28.00
T02S R02W S3	SWNE	36.00	T02S R02W S3	SENE	14.00
T02S R02W S3	Lot 3 NENW	19.00	T02S R02W S3	SENW	6.00
T02S R02W S3	NESE	36.00	T02S R02W S3	NWSE	35.00
T02S R02W S3	SESE	39.00	T02S R02W S11	NWNE	19.00
T02S R02W S11	NENW	13.00			

Total Acres: 434

Place of Use: STOCKWATER same as IRRIGATION

Page _____ of _____

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 434 acres in a single irrigation season. Combined Right Nos.: 2-7017B, 57-192, 57-193, 57-2194.
2. E54 The rights listed below are limited for irrigation use to a total combined annual diversion volume of 2275 af. Combined Right Nos.: 2-7017B, 57-192, 57-193, 57-2194.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 6/15/2009

Page _____ of _____

Conditions of Approval:

1. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6), IDAHO CODE.
4. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

Decreed Date: 12/24/2002

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

Current Water Right No.: 57-192

Current Owner: DERCK INVESTMENT CORP
Priority Date: 9/1/1935
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	0.64 CFS	
DOMESTIC	1/01 to 12/31	0.04 CFS	
STOCKWATER	1/01 to 12/31	0.19 CFS	
	<u>Total Diversion</u>	0.64 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4NW1/4 Sec. 3, Twp 02S, Rge 02W B.M.
OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T01S R02W S34	SESW	3.00	T01S R02W S34	SWSE	2.00
T02S R02W S3	NWNE	3.00	T02S R02W S3	Lot 3	NENW 25.00
T02S R02W S3	SENW	4.00			

Total Acres: 37

STOCKWATER Within OWYHEE County

T02S R02W S3 Lot 3 NENW

DOMESTIC Within OWYHEE County

T02S R02W S3 Lot 3 NENW

Page _____ of _____

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. USE OF THIS RIGHT WITH RIGHT NO. 57-00193 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.74 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 57-00193 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 166.5 AF.
4. USE OF THIS RIGHT WITH RIGHT NO. 57-00193 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37.0 ACRES IN A SINGLE IRRIGATION SEASON.
5. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. STOCKWATER, 1800 RANGE CATTLE

Decreed Date: 12/24/2002

Page _____ of _____

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

Current Water Right No.: 57-193

Current Owner: DERCK INVESTMENT CORP

Priority Date: 6/1/1940

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	0.1 CFS	
STOCKWATER	1/01 to 12/31	0.1 CFS	
	<u>Total Diversion</u>	0.1 CFS	

Location of Point(s) of Diversion

GROUND WATER
OWYHEE County

SW1/4SE1/4NW1/4 Sec. 3, Twp 02S, Rge 02W B.M.

Place of Use

IRRIGATION Within OWYHEE County

T01S R02W S34	SESW	3.00	T01S R02W S34	SWSE	2.00
T02S R02W S3	NWNE	3.00	T02S R02W S3	Lot 3 NENW	25.00
T02S R02W S3	SENW	4.00			

Total Acres: 37

STOCKWATER Within OWYHEE County

T02S R02W S3 Lot 3 NENW

Page _____ of _____

Conditions of Approval:

1. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. 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.
3. USE OF THIS RIGHT WITH RIGHT NO. 57-00192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.74 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 57-00192 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 166.5 AF.
4. STOCKWATER, 1800 RANGE CATTLE
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. USE OF THIS RIGHT WITH RIGHT NO. 57-00192 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37.0 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/24/2002

Derck Investment Corp - POU Analysis

System 1			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34			0.4						12			18	0.3	30	34	5.6	100.3
02S	02W	3	8	5.4	3		41	0.5		7.8									65.7
			L1	L2			L3	L4											

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System 2			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34															4		4
02S	02W	2							33		26	34	38	38			20		189
02S	02W	3	20	35	16	32									40	14		39	196
			L1	L2															
02S	02W	11		14			31												45

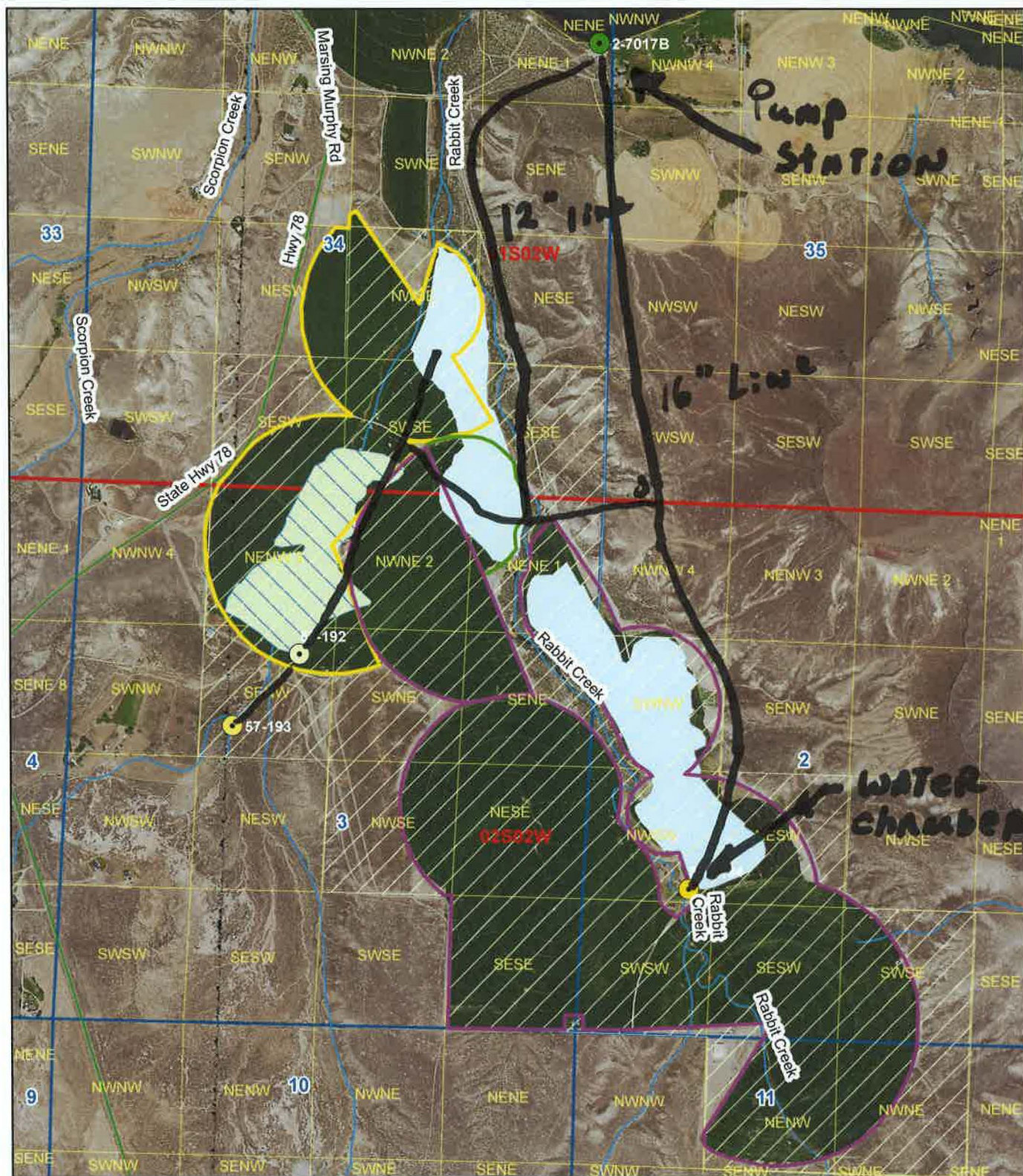
434

Combined Acres of Irrigation			Twn	Rng	Sec	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Acres
			01S	02W	34			0.4						12			18	0.3	30	38	5.6	104.3
			02S	02W	2							33		26	34	38	38			20		189.0
			02S	02W	3	28	40.4	19	32	41	0.5		7.8					40	14		39	261.7
			02S	02W	11		14			31												45.0

600.0

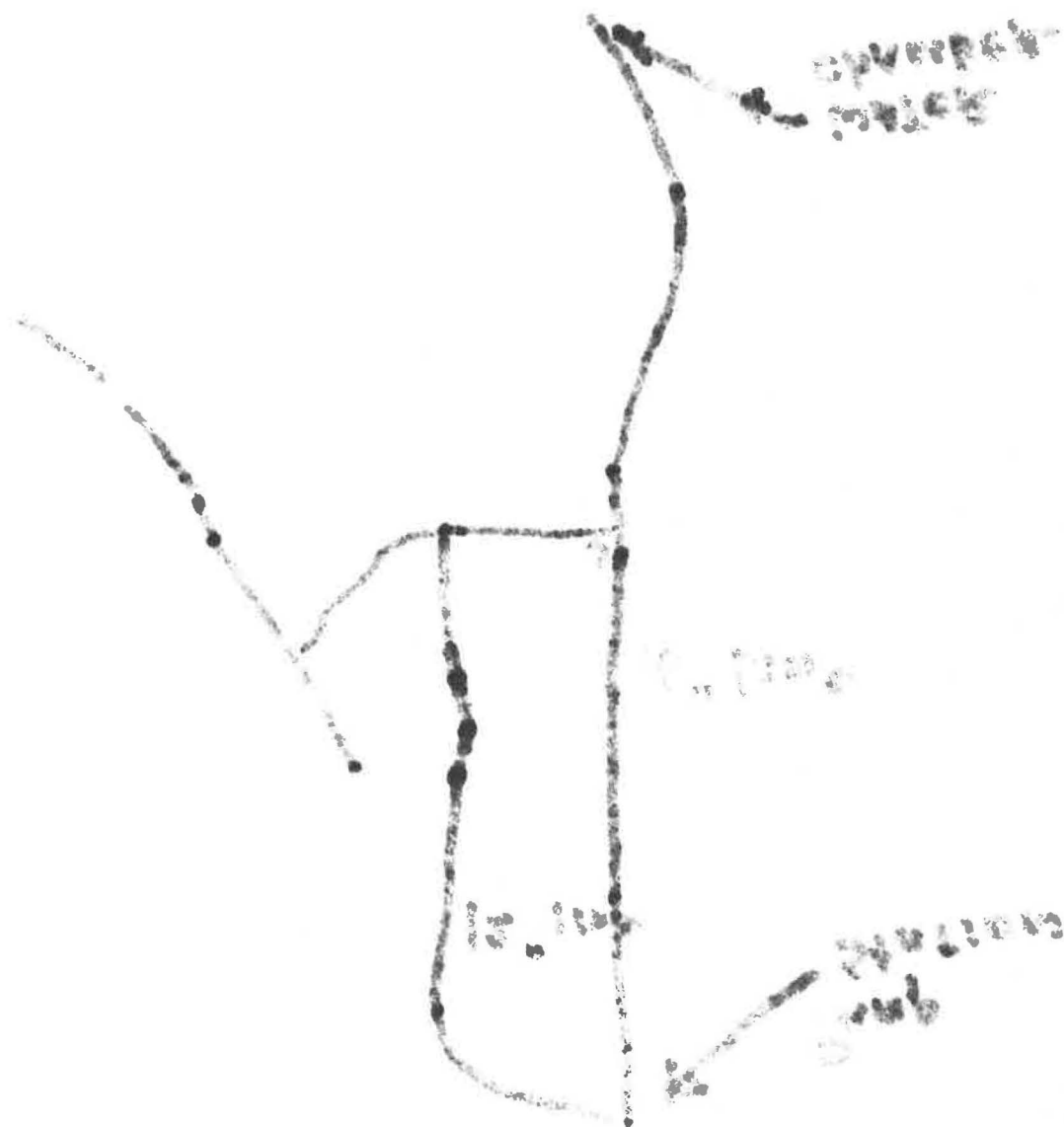
Derck Investments LLC

Irrigated Acres, Snake River (SR) Acres, & Groundwater (GW) Acres per Quarter-Quarter



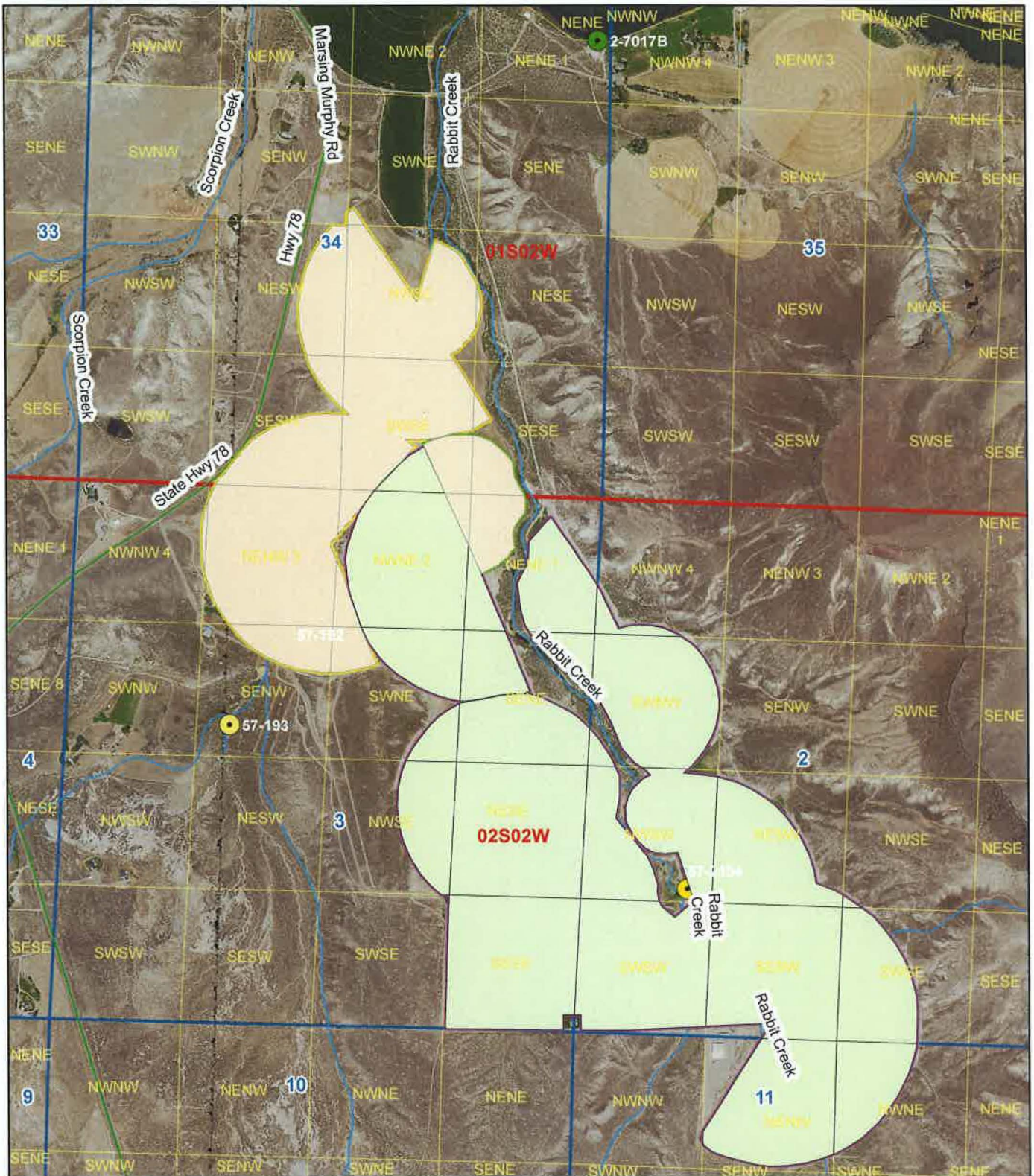
- 57-2194_GW-POD
- 57-193_GW-POD
- 57-192_GW-POD
- 2-7017B_SnakeR-POD
- 57-192_GW-POU
- 57-193_GW-POU
- 57-2194_GW-POU

0 0.3 0.6 Miles



Derck Investments LLC

Irrigated Acres, Snake River (SR) Acres, & Groundwater (GW) Acres per Quarter-Quarter



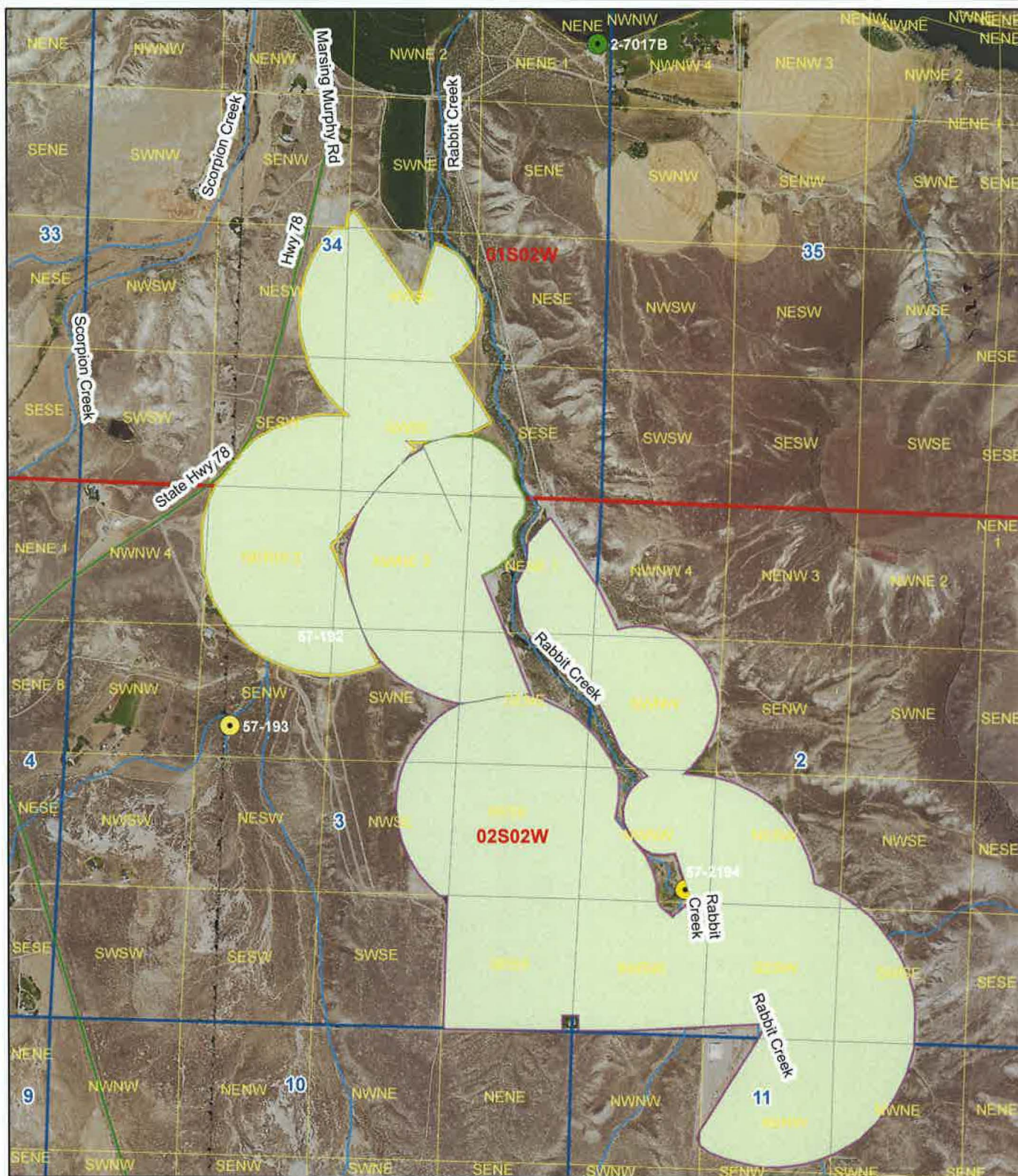
- 57-2194_GW-POD
- 57-193_GW-POD
- 57-192_GW-POD
- 2-7017B_SnakeR-POD

- System 1
- System 2

0 0.3 0.6 Miles

Derck Investment Corp

Irrigated Acres, Snake River (SR) Acres, & Groundwater (GW) Acres per Quarter-Quarter



- 57-2194_GW-POD
- 57-193_GW-POD
- 57-192_GW-POD
- 2-7017B_SnakeR-POD
- 600 acre PPU

0 0.3 0.6 Miles



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

November 9, 2023

DERCK INVESTMENT CORP
1444 N KNIGHTS DR
BOISE ID 83712-6557

RE: Transfer No. 88232
Water Right No(s). 2-7017B, 57-192, 57-193, 57-2194

Dear Applicant(s):

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 OWYHEE AVALANCHE on 11/15/2023 and 11/22/2023. 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,

Lynne Evans
Administrative Assistant I



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Governor Brad Little

Director Mathew Weaver

November 9, 2023

LAMONT AND LYNN KOUBA
13563 GUFFEY LN
MELBA ID 83641-4238

RE: Application for Permit No. 2-10651
Application for Transfer No. 88232

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comments regarding the above referenced water right applications. You can find more information about the applications online at:

<https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If you wish to formally protest the approval of an application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Lynne Evans
Administrative Assistant I

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, November 9, 2023 3:57 PM
To: IWRB Water Use Reviews
Subject: Application for Permit No. 2-10651; Application for Transfer No. 88232

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from the IDWR Planning Bureau and/or Idaho Water Resource Board regarding the above referenced water right applications. You can find more information about the applications

at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

Evans, Lynne

From: Evans, Lynne
Sent: Wednesday, November 8, 2023 4:18 PM
To: Jon Brown; office@owyhee.com
Subject: Legal Notice: Application for Permit No. 2-10651; Transfer No. 88232
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Owyhee Avalanche on the dates indicated (11/15/23 & 11/22/23, 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 12/4/2023. Your cooperation is appreciated.

Thank you,

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

2-10651

DERCK INVESTMENT CORP

1444 N KNIGHTS DR

BOISE, ID 83712-6557

Point of Diversion L1 (NENE) S34 T01S R02W OWYHEE County

Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION

03/01 to 11/15; 3.32 CFS

Total Diversion: 3.32 CFS

Date Filed: 04-26-2023

Place Of Use: IRRIGATION

T01S R02W S34 SWNE, NESW, SESW, NESE, NWSE, SWSE, SESE

T02S R02W S3 L1 (NENE), L2 (NWNE), SWNE, L3 (NENW), L4 (NWNW), SENW

Total Acres: 166

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 12/4/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 11/15/2023 and 11/22/2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 88232

DERCK INVESTMENT CORP, 1444 N KNIGHTS DR, BOISE, ID 83712-6557 has filed Application No. 88232 for changes to the following water rights within OWYHEE County(s): Right No(s): 2-7017B, 57-192, 57-193, 57-2194; 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:

To change the place of use for water right 2-7017B by reconciling differences between the recorded places of use and the actual places of use for 434 acres of irrigation from the Snake River. In addition, a 600-acre permissible place of use (PPU) for irrigation will be created through the combined use of ground water rights 57-192, 57-193, 57-2194 and 2-7017B. Water will be used at the current place of use near the intersection of Hwy 78 (Marsing Murphy Highway) and Guffey Lane, approximately 4 miles north of Murphy, ID, in Owyhee County.

For additional information concerning the property location, contact the Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 12/4/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 11/15/2023 and 11/22/2023

MEMORANDUM

Date: August 29, 2023
To: Transfer 88232
From: Allen Bradbury
Re: Legal Notice Remarks

The purpose of the transfer is to change the place of use for water right 2-7017B by reconciling differences between the recorded places of use and the actual places of use for 434 acres of irrigation from the Snake River. In addition, a 600-acre permissible place of use (PPU) for irrigation will be created through the combined use of ground water rights 57-192, 57-193, 57-2194 and 2-7017B. Water will be used at the current place of use near the intersection of Hwy 78 (Marsing Murphy Highway and Guffey Lane., approximately 4 miles north of Murphy, ID, in Owyhee County.