

AUG 04 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 03 2023

WATER RESOURCES
WESTERN REGIONDEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.0.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Steven N. Mulberry, Ellie Mulberry Phone 208 316-1617
 2. MAILING ADDRESS 1662 S. Thacker Rd City Hammett
 State Idaho Zip 83627 Email mtnmulberry@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 2-10358 2-10360

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.14 cubic feet per second and/or 39.0 acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Y		SW	NE		3	063	08E	Elmore	Snake River	

88295

6. 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:

can accommodate as required if necessary

- b. Who owns the property at the point(s) of diversion? Steven N and Elina "Ellie" Mulberry
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Steven N. Mulberry
Signature of applicant or authorized agent

Steven N. Mulberry
Print name and title if applicable

7/28/2023
Date

Ellie Mulberry
Signature of applicant or authorized agent

Ellie Mulberry
Print name and title if applicable

7/28/2023
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 9 pages of attachments. Received by KM Date 8.3.23

Fee paid \$200 Date 8.3.23 Receipted by KM Receipt # C116838

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Additional info for Steven N and Ellie Mulberry:

The reason for the requested new POD is that we would like to have our own pump. The current POD pump has multiple users and 8 water rights, including ours.

We would like to move our two water rights to a much closer POD location on our own property.

The new POD would be more beneficial for all users on the current POD and will not have a negative impact on others on the system. We would be eliminating congestion and stream lining the current POD system by our transferring two water rights to a new POD and pump. The current POD is overloaded with users and an inefficient use of water.

The new POD would result in a more conservative use of Snake River water.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/19/2023

Water Right 2-10358

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN N MULBERRY 1662 S THACKER RD HAMMETT, ID 83627-6442 (208) 316-1617
Current Owner	ELLIE MULBERRY 1662 S THACKER RD HAMMETT, ID 83627-6442 (208) 316-1617
Original Owner	WES LEE W HOALST 385 MONTVUE DR MERIDIAN, ID 83642 (208) 888-1455
Original Owner	JULIANNE S KING STAR RT BOX 21 HAMMETT, ID 83627 (208) 366-7350
Original Owner	JOSEPH KING JR STAR RT BOX 21 HAMMETT, ID 83627 (208) 366-7350
Previous Owner	CONRAD THOMAS PO BOX 62 HAMMETT, ID 83627
Previous Owner	JEREMY THOMAS PO BOX 62 HAMMETT, ID 83627 (208) 599-4395

Priority Date: 9/16/1970

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/01	10/31	0.040 CFS
<u>Total Diversion</u>		0.040 CFS

<u>Volume</u>
12.0 AF
12.0 AF

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

7/19/2023

Source and Point(s) of Diversion:

SNAKE RIVER

SWNE

Sec. 3, Twp 06S, Rge 08E, ELMORE County

Place Of Use:

IRRIGATION within ELMORE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	08E	3		2.4 L2	0.1														2.5

POU Total Acres: 2.5

Conditions of Approval:

1. X36 Rights 2-10229, 2-10341 and 02-10505 are also diverted through the point of diversion described above.
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. This right is a split from former right 2-10250.
4. X61 The period of use for the irrigation for this right may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. This right is a split from former right 2-10342.
6. Property is Lot 5, Block 1, Mesa View Estates.

Dates and Other Information:

Decreed Date: 5/12/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 02

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 5.0

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
0.080	23.0	4.6	2-10358 ,2-10505

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/19/2023

Water Right 2-10360

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN N MULBERRY 1662 S THACKER RD HAMMETT, ID 83627-6442 (208) 316-1617
Current Owner	ELLIE MULBERRY 1662 S THACKER RD HAMMETT, ID 83627-6442 (208) 316-1617
Original Owner	JOSEPH KING JR STAR RT BOX 21 HAMMETT, ID 83627 (208) 366-7350
Original Owner	WES LEE W HOALST 385 MONTVUE DR MERIDIAN, ID 83642 (208) 888-1455
Original Owner	JULIANNE S KING STAR RT BOX 21 HAMMETT, ID 83627 (208) 366-7350
Previous Owner	T R INVESTMENTS PO BOX 5 HAMMETT, ID 83627 (208) 366-2118

Priority Date: 9/16/1970

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.100 CFS	27.0 AF
	<u>Total Diversion</u>		0.100 CFS	27.0 AF

Source and Point(s) of Diversion:

SNAKE RIVER SWNE

Sec. 3, Twp 06S, Rge 08E, ELMORE County

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/19/2023

Place Of Use:

IRRIGATION within ELMORE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	08E	3			5.4 L2														5.4

POU Total Acres: 5.4

Conditions of Approval:

1. X61 The period of use for the irrigation for this right may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. This right is a split from former right 2-10250.
3. This right is a split from former right 2-10342.
4. X36 Rights 2-10229 and 2-10341 are also diverted through the point of diversion described above.
5. 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.
6. Property is Lot 3 and Lot 4, Block 1, Mesa View Estates.

Dates and Other Information:

Decreed Date: 5/12/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 02
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 5.0
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

Map for Transfer of POD 2-10358 and 2-10260



Requested New POD Location

Current POD Location

Legend

- 2-10358 POU
- 2-10360 POU
- Parcels
- Township/Range
- Sections
- QQ



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

September 15, 2023

STEVEN N. MULBERRY AND ELLIE MULBERRY
1662 S THACKER RD
HAMMETT ID 83627-6442

RE: Transfer No. 88295
Water Right No(s). 2-10358, 2-10360

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 MOUNTAIN HOME NEWS on 9/20/2023 and 9/27/2023. 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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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Governor Brad Little

Director Mathew Weaver

September 15, 2023

SCOTT PARRISH
1873 S JOE KING RD
HAMMETT ID 83627-9739

ORLA AND LLOYD KNIGHT
PO BOX 47
HAMMETT ID 83627-0047

DENNIS A. YOUNG
1866 S THACKER RD
HAMMETT ID 83627-6442

NICOLE AND ALAN KRANZ
10331 W MESA
HAMMETT ID 83627-4902

RE: Transfer No. 88295

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application 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.

Sincerely,

Lynne Evans
Administrative Assistant I

Evans, Lynne

From: Evans, Lynne
Sent: Friday, September 15, 2023 10:51 AM
To: Whitney, Rob
Subject: Application for Permit No. 2-10556; Application for Transfer No. 88295
Attachments: 2-10556 WM.docx; 88295 WM.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office by October 10, 2023.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by October 10, 2023, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Transfer No. 88295
Water Right No(s). 2-10358, 2-10360

Transfer Applicant's Name: STEVEN N MULBERRY
 ELLIE MULBERRY
 1662 S THACKER RD
 HAMMETT, ID 83627-6442

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned
 as follows:
- c) _____ I oppose approval of this application for the following
 reasons:
- d) _____ Additional comments:

Dated this _____ day of _____.

Watermaster's Signature

Evans, Lynne

From: Evans, Lynne
Sent: Wednesday, September 13, 2023 11:02 AM
To: legaldept@mountainhomenews.com
Subject: Legal Notice: Application for Permit No. 2-10556, Transfer No. 88295
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Mountain Home News on the dates indicated (9/20/23 & 9/27/23, 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 10/10/2023. 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:

2-10556

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

C/O CYNTHIA BRIDGE CLARK

PO BOX 83720

BOISE, ID 83720-0098

Point of Diversion L4 (SWSW) S22 T05S R04E ELMORE County

Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: MUNICIPAL

11/01 to 03/31; 2.47 CFS

Total Diversion: 2.47 CFS

Date Filed: 01-29-2018

Place Of Use: MUNICIPAL

T04S R05E S16 NESW, NWSW, SWSW, SESW, NWSE, SWSE

T04S R05E S17 L19 (SESE)

T04S R05E S20, S21, S22, S27, S28, S29, S32, S33, S34

Municipal use is for applicant's service area for the Mountain Home Air Force Base.

This application proposes to appropriate trust water and will be evaluated in compliance with Idaho Code § 42-203C and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

The applicant asserts the application meets the public interest exception outlined in the October 21, 2022 Amended Snake River Moratorium Order and should be processed.

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 10/10/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 9/20/2023 and 9/27/2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88295

STEVEN N MULBERRY & ELLIE MULBERRY, 1662 S THACKER RD, HAMMETT, ID 83627-6442 have filed Application No. 88295 for changes to the following water rights within ELMORE County: Right Nos. 2-10358, 2-10360; 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 point of diversion from Snake River in SWNE, Sec 3, T06S, R08E to a point on the Snake River approximately 900 feet down stream in the same SWNE, Sec 3, T06S, R08E.

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 10/10/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 9/20/2023 and 9/27/2023