

RECEIVED

42-222 POD - 07/18

JAN 24 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
JAN 23 2024
DEPARTMENT OF
WATER RESOURCESWATER RESOURCES
WESTERN REGION

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.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Weitz Properties LLC Phone 208.739.3899
2. **MAILING ADDRESS** 22200 Papa Whiskey Rd City Caldwell
State ID Zip 83606 Email dave@tvmrecycling.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)** 63-3264

- ☒ 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 1.86 cubic feet per second and/or _____ 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SW	24	3N	4W	Canon	Ground Water	New Well
N			NE	SW	24	3N	4W	Canyon	Ground Water	Original Well - (proposed to keep)

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:

2-well irrigation system. Measuring devices and lockable controlling works will be accommodated upon Department request. See Attachment A for additional information.

- 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. 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:

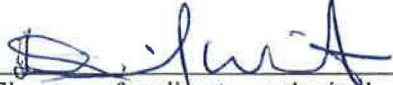
- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ 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.


Signature of applicant or authorized agent

David Weitz
Print name and title if applicable

1/22/2024
Date

Signature of applicant or authorized agent

Print name and title if applicable

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 6 pages of attachments. Received by KM Date 1.23.24
Fee paid 580 Date 1.23.24 Received by KM Receipt # C117682
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)

Attachment A

Transfer Narrative

Water right 63-3264 currently authorizes irrigation of 145 acres from a single well that has decreased production due to sanding problems. Applicant has hired Riverside Inc. to drill a replacement well prior to the start of the 2024 irrigation season. The new well will be located within the same forty-acre tract as the original well, thereby not requiring a water right action if the original well is permanently abandoned. This application is being filed to allow applicant to keep the original well as a back-up well in case sanding problems are experienced in the new well during the irrigation season. Upon transfer approval, water right 63-3264 will list two points of diversion in the NENW quarter rather than just one.

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

Current Water Right No.: 63-3264

Current Owner: WEITZ PROPERTIES LLC

Priority Date: 11/7/1961

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	03/15 to 11/15	1.86 CFS	652.5 AF
	<u>Total Diversion</u>	1.86 CFS	652.5 AF

Location of Point(s) of Diversion

GROUND WATER
CANYON County

NE1/4SW1/4 Sec. 24, Twp 03N, Rge 04W B.M.

Place of Use

IRRIGATION Within CANYON County

T03N R04W S24	NESW	24.00	T03N R04W S24	NWSW	36.00
T03N R04W S24	SESW	40.00	T03N R04W S24	NWSE	9.00
T03N R04W S24	SWSE	36.00			

Total Acres: 145

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark 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.
3. W59 Use of this right is combined with water from Wilder Irrigation District.
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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 2/6/2009

LEGEND



New Well



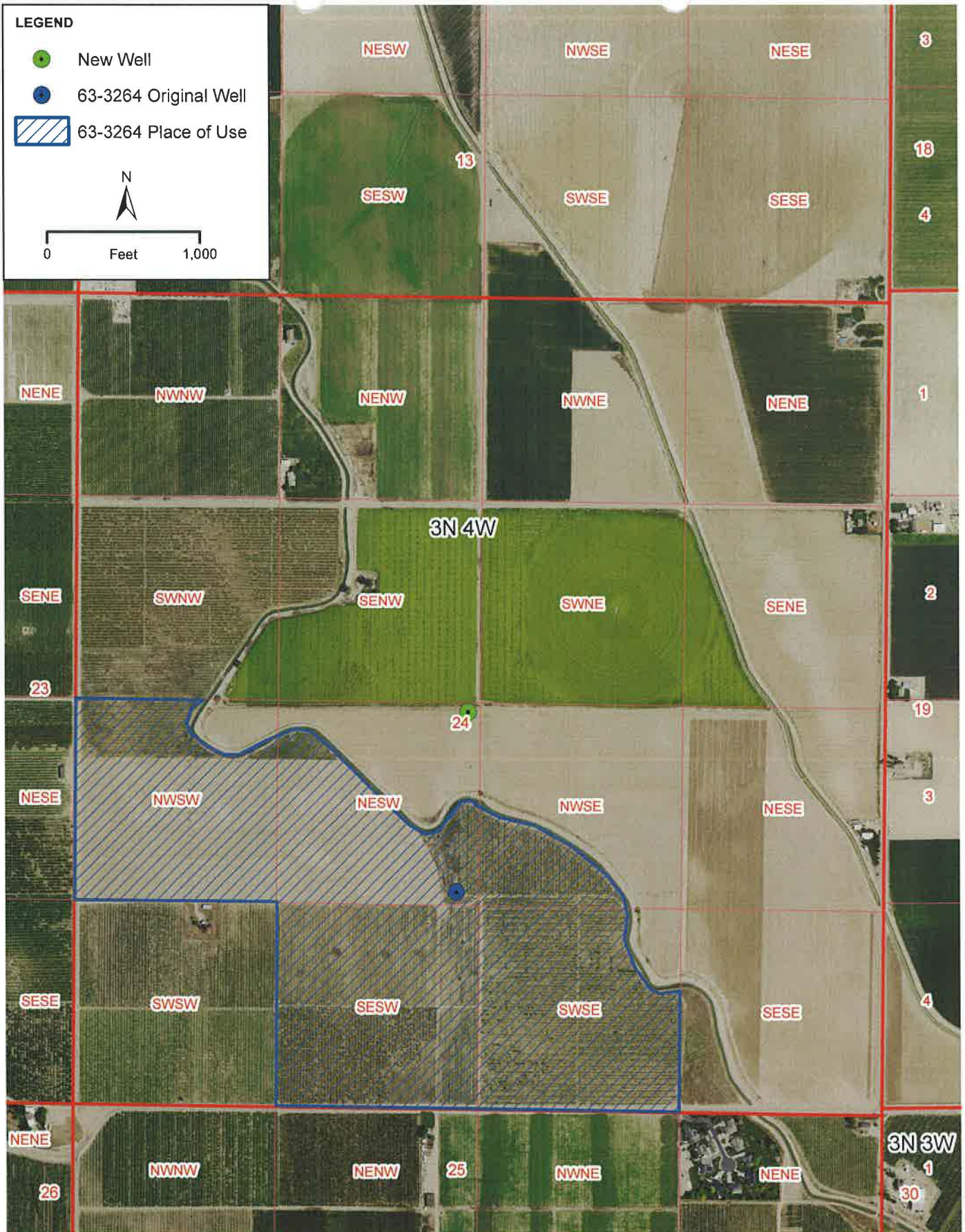
63-3264 Original Well



63-3264 Place of Use



0 Feet 1,000



APPLICATION FOR TRANSFER

WATER RIGHT 63-3264

WEITZ PROPERTIES LLC



0005410887



STATE OF IDAHO
Office of the secretary of state, Phil McGrane
**CERTIFICATE OF ORGANIZATION LIMITED
LIABILITY COMPANY**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$100.00

For Office Use Only

-FILED-

File #: 0005410887

Date Filed: 9/26/2023 9:30:51 AM

Certificate of Organization Limited Liability Company					
Select one: Standard, Expedited or Same Day Service (see descriptions below) Expedited (+\$40; filing fee \$140)					
1. Limited Liability Company Name					
Type of Limited Liability Company	Limited Liability Company				
Entity name	Weitz Properties, LLC				
2. The complete street address of the principal office is:					
Principal Office Address	DAVID M. WEITZ 22200 PAPA WHISKEY LANE CALDWELL, ID 83607				
3. The mailing address of the principal office is:					
Mailing Address	DAVID M. WEITZ 22200 PAPA WHISKEY LN CALDWELL, ID 83607-4818				
4. Registered Agent Name and Address					
Registered Agent	DAVID M WEITZ Registered Agent Physical Address 22200 PAPA WHISKEY LN CALDWELL, ID 83607 Mailing Address 22200 PAPA WHISKEY LN CALDWELL, ID 83607				
☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.					
5. Governors					
<table border="1"><thead><tr><th>Name</th><th>Address</th></tr></thead><tbody><tr><td>DAVID M WEITZ</td><td>22200 PAPA WHISKEY LANE CALDWELL, ID 83607</td></tr></tbody></table>		Name	Address	DAVID M WEITZ	22200 PAPA WHISKEY LANE CALDWELL, ID 83607
Name	Address				
DAVID M WEITZ	22200 PAPA WHISKEY LANE CALDWELL, ID 83607				
Signature of Organizer:					
<i>Michael O. Roe</i>	<i>09/26/2023</i>				
Sign Here	Date				

B0840-7539 09/26/2023 9:36 AM Received by Office of the Idaho Secretary of State



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

March 1, 2024

WEITZ PROPERTIES LLC
22200 PAPA WHISKEY RD
CALDWELL ID 83607-4818

RE: Transfer No. 88751
Water Right No(s). 63-3264

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 PRESS TRIBUNE on 3/7/2024 and 3/14/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Lynne Evans
Administrative Assistant I

CC: LORI GRAVES, HDR INC

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, February 29, 2024 12:40 PM
To: Legals@idahopress.com
Subject: Legal Notice: Application for Permit No. 63-35517, Transfer No. 88751
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Press Tribune on the dates indicated (3/7 & 3/14, 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 3/25/2024. 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:

63-35517

SYNGENTA SEEDS LLC

6338 HIGHWAY 20/26

NAMPA, ID 83687-8116

Point of Diversion SWSE S24 T04N R02W CANYON County

Source GROUND WATER

Use: IRRIGATION

03/01 to 11/15; 0.98 CFS

Total Diversion: 0.98 CFS

Date Filed: 01-26-2024

Place Of Use: IRRIGATION

T04N R02W S24 NESW, NWSW

Total Acres: 49

Water bearing zone to be appropriated is from 38 to 208 feet.

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 3/25/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/7/2024 and 3/14/2024

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88751

WEITZ PROPERTIES LLC, 22200 PAPA WHISKEY RD, CALDWELL, ID 83606 has filed Application No. 88751 for changes to the following water rights within CANYON County(s): Right No(s). 63-3264; 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:
add point of diversion. The points of diversion are in NESW, Sec 24, T3N, R4W for 1.86 cfs from ground water.

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 3/25/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/7/2024 and 3/14/2024

MEMORANDUM

Date: February 15, 2024
To: Transfer 88751
From: Jared Adamson
Re: Legal Notice Remarks

Add point of diversion. The points of diversion are in NESW, Sec 24, T3N, R34E for 1.86 cfs from ground water.



RECEIVED

JAN 23 2024

DEPARTMENT OF
WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

January 23, 2024

Scott Storms and Aaron Skinner
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Weitz Properties Transfer Application

Dear Scott and Aaron,

Enclosed on behalf of Weitz Properties LLC is an *Application for Transfer* proposing authorization for two irrigation wells under water right 63-3264 rather than just one. Please see the application narrative for more information. Expedited processing of the application would be greatly appreciated since Riverside Drilling is ready to proceed. The \$580 application filing fee is being paid with a credit card upon submittal.

Thank you very much for your consideration and assistance in this matter. Please contact me if you have any questions regarding the application or Terry Daugherty at Riverside Drilling if you have any questions regarding the new well.

Sincerely,

HDR Engineering, Inc.

Lori Graves

Lori Graves
Sr. Water Rights Specialist

Cc via email: Dave Weitz, Terry Daugherty