

RECEIVED

RECEIVED

42-222 POD - 07/18

JUN 23 2023

JUL 06 2023

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDEPARTMENT 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.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Frazer Peterson Phone 208-642-3838  
 2. MAILING ADDRESS 2075 Killebrew Dr City Payette  
 State Idaho Zip 83661 Email frazerpeterson@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) 65-5817C

- ☐ 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 0.075 cubic feet per second and/or ~~22 acres~~ 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 # |
|------|-----|------|----|----|-----|-----|-----|---------|---------------|---------------------|
|      |     | null | NW | NW | 14  | 08N | 05W | Payette | Payette River | None                |
|      |     |      |    |    |     |     |     |         |               |                     |
|      |     |      |    |    |     |     |     |         |               |                     |
|      |     |      |    |    |     |     |     |         |               |                     |
|      |     |      |    |    |     |     |     |         |               |                     |
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|      |     |      |    |    |     |     |     |         |               |                     |
|      |     |      |    |    |     |     |     |         |               |                     |
|      |     |      |    |    |     |     |     |         |               |                     |

## 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:

There is a pump over an opening of the well that is only into the ground water. It is approximately 22 feet deep.

- b. Who owns the property at the point(s) of diversion? Fradonson Family Trust which is Frazer and Donna Peterson

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 ¼ ¼ of section information. You may create a map at [idwr.idaho.gov](http://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.

Frazer Peterson  
Signature of applicant or authorized agent

Frazer Peterson  
Print name and title if applicable

6/1/2023  
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](http://www.idwr.idaho.gov), [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

### FOR DEPARTMENT USE ONLY

Transfer includes 3 pages of attachments. Received by DM Date 6-23-23  
Fee paid \$35, \$165 Date 6-23-23, 7-5-23 Received by DM, KM Receipt # W051331, C116705  
Preliminary review by AB Date 06.26.23 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)

State of Idaho  
Department of Water Resources

**Water Right**  
**65-5817C**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

05W



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

0 0.035 0.07 0.14 Miles



88223

**SUBJECT**  
2075 Killebrew Dr

**New point of diversion**

**SUBJECT**  
2075 Killebrew Dr

**SUBJECT**  
2075 Killebrew Dr

**New point of diversion**

JACKSON OWNS THE EAST 503 FT OF THE  
7.4 ACRE FIELDS ABOVE THE SLOUGH. PER  
WARRANTY DEED TO PETERSON.

7.4/10 ACRES = .74 FACTOR

WRITTEN STATEMENT BY JACKSON ALLOWED  
3 OF 10 ACRES THOUGHT TO BE TRANSFERRED  
& 7 OF 10 ACRES TO REMAIN OF HIS OWN.  
THUS  $(3)(.74) = 2.2$  ACRES FOR PETERSON  
&  $(7)(.74) = 5.2$  ACRES FOR JACKSON

SPLIT "C"  
2.2 ACRES  
PETERSON

SPLIT "A"  
5.2 ACRES  
JACKSON

SPLIT "B"  
15.6 ACRES  
CROCKETT

ORIGINAL FIELD MAP SHOWS 21.5 ACRES  
STIPULATION ALLOWS 23 IRR ACRES  
THUS 1/2 ACRE IS ADDED TO EA FIELD  
MAKING ABOVE FIELDS TOTAL 7.4 ACRES &  
LOWER FIELD 15.6 ACRE

MICROFILMED

APR 31 1986

NOT TO SCALE

88225

FROM PAVETTE  
FILE 45-03817



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](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

August 5, 2024

FRAZER PETERSON  
2075 KILLEBREW DR  
PAYETTE ID 83661-5553

RE: Transfer No. 88223  
Water Right No(s). 65-5817C

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 ARGUS OBSERVER on 8/7/2024 and 8/14/2024. 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

## Evans, Lynne

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**From:** Evans, Lynne  
**Sent:** Monday, August 5, 2024 11:41 AM  
**To:** neil.waterdistrict65@gmail.com  
**Subject:** Application for Transfer No. 88223  
**Attachments:** 88223 WM.docx; 88223 Transfer Application.pdf

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 more information about the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>. I have also attached a copy of the application for your reference. Please review the application, then complete the attached recommendation form and return it to this office by August 26, 2024.

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 August 26, 2024, 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** (she/her)  
Administrative Assistant I  
IDWR – Western Region  
2735 W Airport Way, Boise ID 83705  
[lynne.evans@idwr.idaho.gov](mailto:lynne.evans@idwr.idaho.gov) | (208) 605-4622

State of Idaho  
Department of Water Resources  
RECOMMENDATION FORM

RE: Transfer No. 88223  
Water Right No(s). 65-5817C

Transfer Applicant's Name: FRAZER PETERSON  
2075 KILLEBREW DR  
PAYETTE, ID 83661

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



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Argus Observer Payette** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(208) 642-3357**.

Notice ID: LbZRPr9c3mbbtFpgx6wP | **Proof Updated: Aug. 02, 2024 at 09:37am MDT**  
Notice Name: 88223 Peterson

See Proof on Next Page

**This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.**

| FILER                      | FILING FOR             |
|----------------------------|------------------------|
| Lynne Evans                | Argus Observer Payette |
| lynne.evans@idwr.idaho.gov |                        |
| (208) 334-2190             |                        |

|                      |      |                  |
|----------------------|------|------------------|
| Columns Wide:        | 2    | Ad Class: Legals |
| Total Column Inches: | 7.13 |                  |
| Number of Lines:     | 31   |                  |

|                           |       |
|---------------------------|-------|
| 08/07/2024: Public Notice | 51.83 |
| 08/14/2024: Public Notice | 51.83 |

|                |                 |
|----------------|-----------------|
| Subtotal       | \$103.66        |
| Tax            | \$0.00          |
| Processing Fee | \$0.00          |
| <b>Total</b>   | <b>\$103.66</b> |

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 88223**

FRAZER PETERSON, 2075 KILLEBREW DR, PAYETTE, ID 83661 has filed Application No. 88223 for changes to the following water rights within PAYETTE County(s): Right No(s). 65-5817C; 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 the Payette River to a shallow well 400 feet downstream at 2075 Killebrew Drive, Payette, Idaho 83661 in Payette County, near river mile 5 of the Payette River. Analysis shows direct hydraulic connection between the shallow well and the Payette River.

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 8/26/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

**Legal Number #####  
August 7, 14, 2024**

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 88223

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MATHEW WEAVER, Director

Published on 8/7/2024 and 8/14/2024

6/29/2023

RECEIVED

JUL 06 2023

WATER RESOURCES  
WESTERN REGION

Before Ron Shirtliff retired in Payette, we had been working together to establish a new point of diversion for our water right because the water is drawn from the slough off the Payette River which is now filled with silt and vegetation and very seldom ever flows. It was Ron's suggestion, because I had a shallow pond proximally 10 feet deep on the property, to put in a monitoring system and monitor the level of the pond at the same time of the rise and fall of the Payette River to establish that the water in the gravel layer below our property is coming from the Payette River. We completed the study over several months and it was well-established that the rise and fall of the pond was in unison with the rise and fall of the Payette River water level. Therefore, the description stating that the water is now being drawn from the well is simply to describe that the water source is coming from the Payette River. If the Payette River is extremely low then there is very little if any water to draw from as well as it is only approximately 22 feet deep. If the water level is high in the Payette River then there is plenty of water to draw from. All of this is to say that the water that is being drawn is from the Payette River and not considered as separate groundwater. I have spoken to Mr. Shirtliff concerning this process and he said he would be more than happy to write any documentation that you may need.

Thank you,

Frazer Peterson



Governor Brad Little

Director Gary Spackman

June 26, 2023

FRAZER PETERSON  
2075 KILLEBREW DR  
PAYETTE, ID 83661

**RE: Water Right Transfer Application Incomplete – Returned**

Dear Mr. Peterson,

This office received your application for transfer on June 23, 2023. The application for transfer cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- **Insufficient Fees.** The processing fee is based on the total quantity to be transferred. See the enclosed fee schedule and submit the additional portion of the fee.
- **Item 4.** Total amount of water transferred. Please fill in a diversion rate. If you are transferring the full diversion rate from your water right number 65-5817C, use that rate.
- Please cross out the number entered in the storage volume space.
- **Item 6.** The description of your diversion system indicates that you will be accessing ground water from a well, however water right 65-5817C lists the source of water as the Payette River.

*Section 42-222, Idaho Code* does not provide for a change from a ground water to surface water source, or from a surface water to ground water source. An application for transfer proposing such a change in source is not approvable unless the ground water and surface water sources are so interconnected that they constitute the same source for purposes of a proposed change in point of diversion. The ground water and surface water sources must have a direct and immediate hydraulic connection (at least 50 percent depletion in original source from depletion at proposed point of diversion in one day). The existing point of diversion and proposed point of diversion must be proximate such that diversion and use of water from the proposed point of diversion would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original point of diversion.

The original incomplete application for transfer is enclosed. Please make the necessary changes to the original form and re-submit within the next **thirty (30) days**. If IDWR does not receive your written response within thirty (30) days, a refund will be issued for this filing. IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please consult the IDWR website or contact this office at 208-334-2190 and ask for the "office day person" if you have any questions about the necessary information or fee.

Sincerely,

Western Region Water Rights Staff

Enclosure(s): Original Application for Transfer  
Fee Schedule