

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88960**

This is to certify that: **PENELOPE F TURNER**
923 PIONEER RD
HAGERMAN, ID 83332-5436

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-6	WR/DECREED	4/1/1885	3.500 cfs	N/A	N/A	21.0	BILLINGSLEY CREEK
36-7	WR/DECREED	4/1/1907	1.080 cfs	N/A	N/A	21.0	BILLINGSLEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-6	NO	NO	YES	NO	NO	NO
36-7	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-6	36-6	3.500 cfs	N/A	N/A	21.0	N/A	N/A	N/A	N/A	N/A
36-7	36-7	1.080 cfs	N/A	N/A	21.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.580 cfs	N/A	N/A	21.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 6th day of March, 2025.



Southern Region Manager

SUPPORT DATA

IN FILE # 36-6

Transfer No. 88960

WATER RIGHT NO. 36-6
As Modified by Transfer No. 88960

In accordance with the approval of Transfer No. 88960, Water Right No. 36-6 is now described as follows:

Right Holder: PENELOPE F TURNER AND
 BRET TURNER
 923 PIONEER RD
 HAGERMAN, ID 83332-5436

Priority Date: 4/1/1885

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/15	to 11/30	3.500 cfs
STOCKWATER	01/01	to 12/31	0.030 cfs
WILDLIFE	01/01	to 12/31	3.500 cfs
			3.500 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NWSWNE Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											6						6
07S	13E	14						15											15

POU Total Acres: 21.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						
07S	13E	14						X											
07S	13E	15	X																
			L 1																

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						
07S	13E	14						X											
07S	13E	15	X																
			L 1																

Transfer No. 88960

WATER RIGHT NO. 36-6
As Modified by Transfer No. 88960

CONDITIONS OF APPROVAL

1. Rights 36-6 and 36-7 when combined shall not exceed the irrigation of 21 acres.
2. The portion of this right in excess of 1.08 cfs for irrigation is subordinated to all water rights with priority dates earlier than December 31, 1999.
3. The subordinated portion of this water right shall not be asserted, delivered, honored, used, enforced, effective or otherwise recognized as valid if it would cause or require, either directly or indirectly, curtailment of, injury to, or mitigation from any water rights with priority dates earlier than December 31, 1999. The subordinations shall run with and be perpetual servitudes upon this water right and the associated lands, including any new lands to which all or any portions of this water right is transferred.
4. The portion of this right for wildlife use is subordinated to all water rights with priority dates earlier than December 31, 1999.
5. 0.08 cfs of the unsubordinated irrigation portion of this right is limited to use for conveyance losses in the delivery of this right.
6. The irrigation use under this right in excess of 1.08 cfs is subordinated to all water rights with priority dates earlier than December 31, 1999.
7. The wildlife use under this right is subordinated to all water rights with priority dates earlier than December 31, 1999.
8. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
9. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
10. Water is delivered through the Sands Ditch.
11. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-6
As Modified by Transfer No. 88960

CONDITIONS OF APPROVAL

15. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-7
As Modified by Transfer No. 88960

In accordance with the approval of Transfer No. 88960, Water Right No. 36-7 is now described as follows:

Right Holder: PENELOPE F TURNER AND
 BRET TURNER
 923 PIONEER RD
 HAGERMAN, ID 83332-5436

Priority Date: 4/1/1907

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.080 cfs
WILDLIFE	01/01	to 12/31	1.080 cfs
			1.080 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NWSWNE Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											6						6
07S	13E	14						15											15

POU Total Acres: 21

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						
07S	13E	14						X											
07S	13E	15	X																
			L 1																

CONDITIONS OF APPROVAL

1. Rights 36-6 and 36-7 when combined shall not exceed the irrigation of 21 acres.
2. Water is delivered through Sands Ditch.
3. The wildlife use under this right is subordinated to all water rights with priority dates earlier than December 31, 1999.

Transfer No. 88960

WATER RIGHT NO. 36-7
As Modified by Transfer No. 88960

CONDITIONS OF APPROVAL

4. This water right is subordinated to all water rights with priority dates earlier than December 31, 1999.
5. The irrigation use under this right is subordinated to all water rights with priority dates earlier than December 31, 1999.
6. This subordinated water right shall not be asserted, delivered, honored, used, enforced, effective or otherwise recognized as valid if it would cause or require, either directly or indirectly, curtailment of, injury to, or mitigation from any water rights with priority dates earlier than December 31, 1999. The subordination shall run with and be perpetual servitudes upon this water right and the associated lands, including any new lands to which all or any portions of this water right is transferred.
7. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 88960
36-6 & 36-7

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



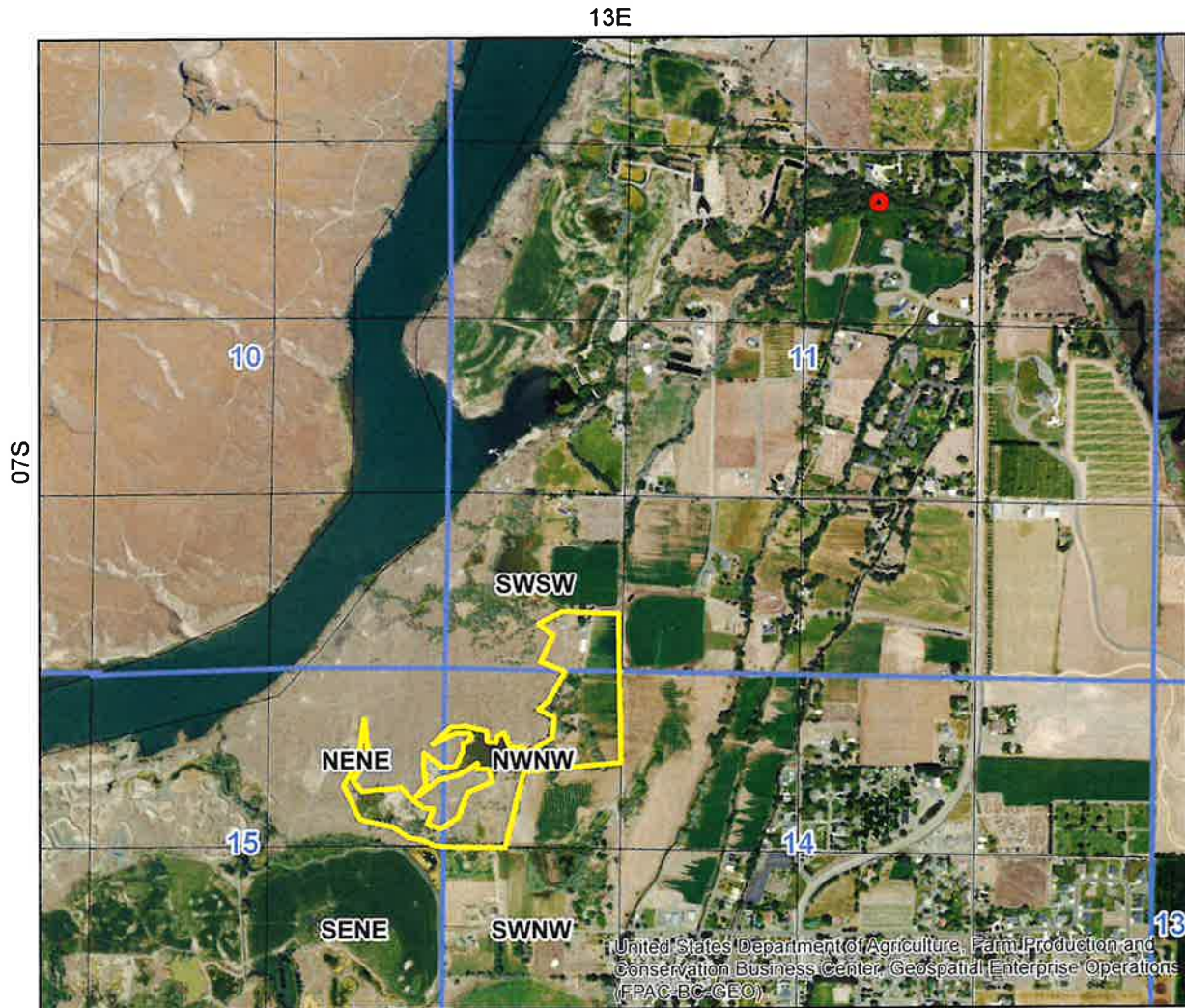
0 0.15 0.3 0.6 Miles

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



State of Idaho
Department of Water Resources
Attachment to Transfer # 88960
36-6 & 36-7

This map depicts the WILDLIFE place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



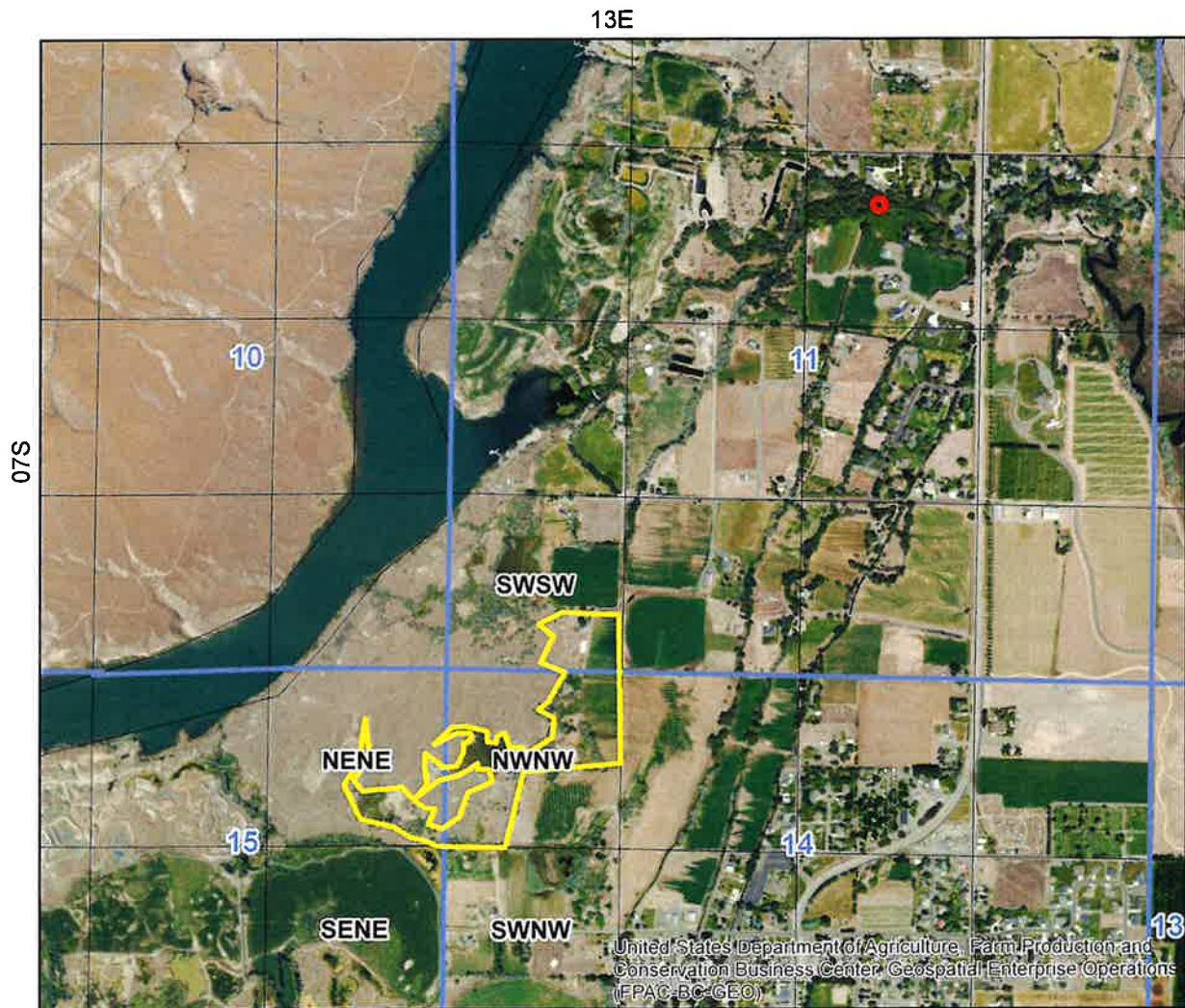
0 0.15 0.3 0.6 Miles

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



State of Idaho
Department of Water Resources
Attachment to Transfer # 88960
36-6

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.15 0.3 0.6 Miles

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



RECEIVED**FEB 14 2025**DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88960**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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) PENELOPE F TURNER**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 14 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant PENELOPE F TURNER Phone (208) 837-4767
Mailing Address 923 PIONEER RD, HAGERMAN ID 83332 Email _____

- ☐ 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**.

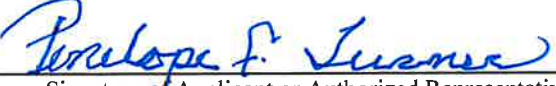
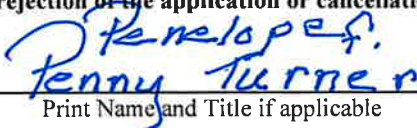
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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.

  2/14/25
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	36-6	No	No	Yes	No	No	No
	36-7	No	No	Yes	No	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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.2**

The place of use was decreed incorrectly in the SRBA (NWNW of Section 11 instead of NWNW of Section 14).

The Sands Ditch can not physically deliver water to the incorrect decreed location which is mostly land

under the Snake River. Application filed to reflect actual historical place of use (see 1987 aerial

imagery included). Applicant requests that filing fees be based on Idaho Code 42-221.O.8 and that Pat

Brown be removed as the attorney for these water rights.

- B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-6	3.500 cfs	N/A	N/A	21.0		N/A	N/A	N/A	N/A
36-7	1.080 cfs	N/A	N/A	21.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	4.580 cfs	N/A	N/A	21.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 4.58 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 36-6

Current Water Right Owner
 PENELOPE F TURNER
 923 PIONEER RD
 HAGERMAN, ID 83332

Priority Date: 4/1/1885

Origin: Water Right

Basis: Decreed

Status Active

Source: BILLINGSLEY CREEK Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	02/15	11/30	3.500 CFS	
STOCKWATER	01/01	12/31	0.030 CFS	
WILDLIFE	01/01	12/31	3.500 CFS	
Total Diversion			3.500 CFS	

Source and Point(s) of Diversion:

BILLINGSLEY CREEK NWSWNE Sec. 11 Twp 07S Rge 13E GOODING County

Describe the proposed diversion system

HEADGATE & SANDS DITCH, 12 IN. PIPELINE, GRAVITY IRRIGATION

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											6						6
07S	13E	14						15											15

POU Total Acres: 21.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						
07S	13E	14						X											0
07S	13E	15	X																
			L 1																

Place of Use: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						
07S	13E	14						X											
07S	13E	15	X																
			L 1																

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 36-7

Current Water Right Owner
 PENELOPE F TURNER
 923 PIONEER RD
 HAGERMAN, ID 83332

Priority Date: 4/1/1907

Origin: Water Right

Basis: Decreed

Status Active

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.080 CFS	
WILDLIFE	01/01	12/31	1.080 CFS	
Total Diversion			1.080 CFS	

Source and Point(s) of Diversion:
 BILLINGSLEY CREEK NWSWNE Sec. 11 Twp 07S Rge 13E GOODING County

Describe the proposed diversion system

HEADGATE & SANDS DITCH, GRAVITY IRRIGATION

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											6						6
07S	13E	14						15											15
POU Total Acres:			21.0																

Place of Use: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						
07S	13E	14						X											
07S	13E	15	X																
			L 1																

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

Diversion from Billingsley creek to Sands Ditch. Measuring device on Sands ditch.

- b. Who owns the property at the point(s) of diversion

N/A no change

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?
No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No change. Application filed to reflect actual historical use locations

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

just rights in this transfer

- f. 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:

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

Current Water Right No. 36-6

Current Water Right Owner
 PENELOPE F TURNER
 923 PIONEER RD
 HAGERMAN, ID 83332

Priority Date: 4/1/1885

Origin: Water Right

Basis: Decreed

Status: Active

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	02/15	11/30	3.500 CFS	
STOCKWATER	01/01	12/31	0.030 CFS	
WILDLIFE	01/01	12/31	3.500 CFS	
Total Diversion			3.500 CFS	

Source and Point(s) of Diversion:
 BILLINGSLEY CREEK NWSWNE Sec. 11 Twp 07S Rge 13E GOODING County

Describe the proposed diversion system

HEADGATE & SANDS DITCH, 12 IN. PIPELINE, GRAVITY IRRIGATION

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											2.0						2.0
07S	13E	14						19.0											19.0

POU Total Acres: 21.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						0.0
07S	13E	14						X											0.0

Place of Use: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11											X						0.0
07S	13E	14						X											0.0

Conditions/Remarks:

- 0.08 CFS OF THE UNSUBORDINATED IRRIGATION PORTION OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF THIS RIGHT
- THE PORTION OF THIS RIGHT FOR WILDLIFE USE IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

3. THE SUBORDINATED PORTION OF THIS WATER RIGHT SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999. THE SUBORDINATIONS SHALL RUN WITH AND BE PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF THIS WATER RIGHT IS TRANSFERRED.
4. THE WILDLIFE USE UNDER THIS RIGHT IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.
5. THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 1.08 CFS IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.
6. THE PORTION OF THIS RIGHT IN EXCESS OF 1.08 CFS FOR IRRIGATION IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.
7. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
8. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
9. 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.
10. WATER IS DELIVERED THROUGH THE SANDS DITCH.

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

Current Water Right No. 36-7

Current Water Right Owner
 PENELOPE F TURNER
 923 PIONEER RD
 HAGERMAN, ID 83332

Priority Date: 4/1/1907

Origin: Water Right

Basis: Decreed

Status: Active

Source: BILLINGSLEY CREEK Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.080 CFS	
WILDLIFE	01/01	12/31	1.080 CFS	
Total Diversion			1.080 CFS	

Source and Point(s) of Diversion:

BILLINGSLEY CREEK NWSWNE Sec. 11 Twp 07S Rge 13E GOODING County

Describe the proposed diversion system

HEADGATE & SANDS DITCH, GRAVITY IRRIGATION

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11						19.0					2.0						21.0

POU Total Acres: 21.0

Place of Use: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11						X					X						0.0

Conditions/Remarks:

1. THE WILDLIFE USE UNDER THIS RIGHT IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.
2. 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 WATER RIGHT IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.
4. THIS SUBORDINATED WATER RIGHT SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999. THE SUBORDINATION SHALL RUN WITH AND BE PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF THIS WATER RIGHT IS TRANSFERRED.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

5. WATER IS DELIVERED THROUGH SANDS DITCH.
6. THE IRRIGATION USE UNDER THIS RIGHT IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

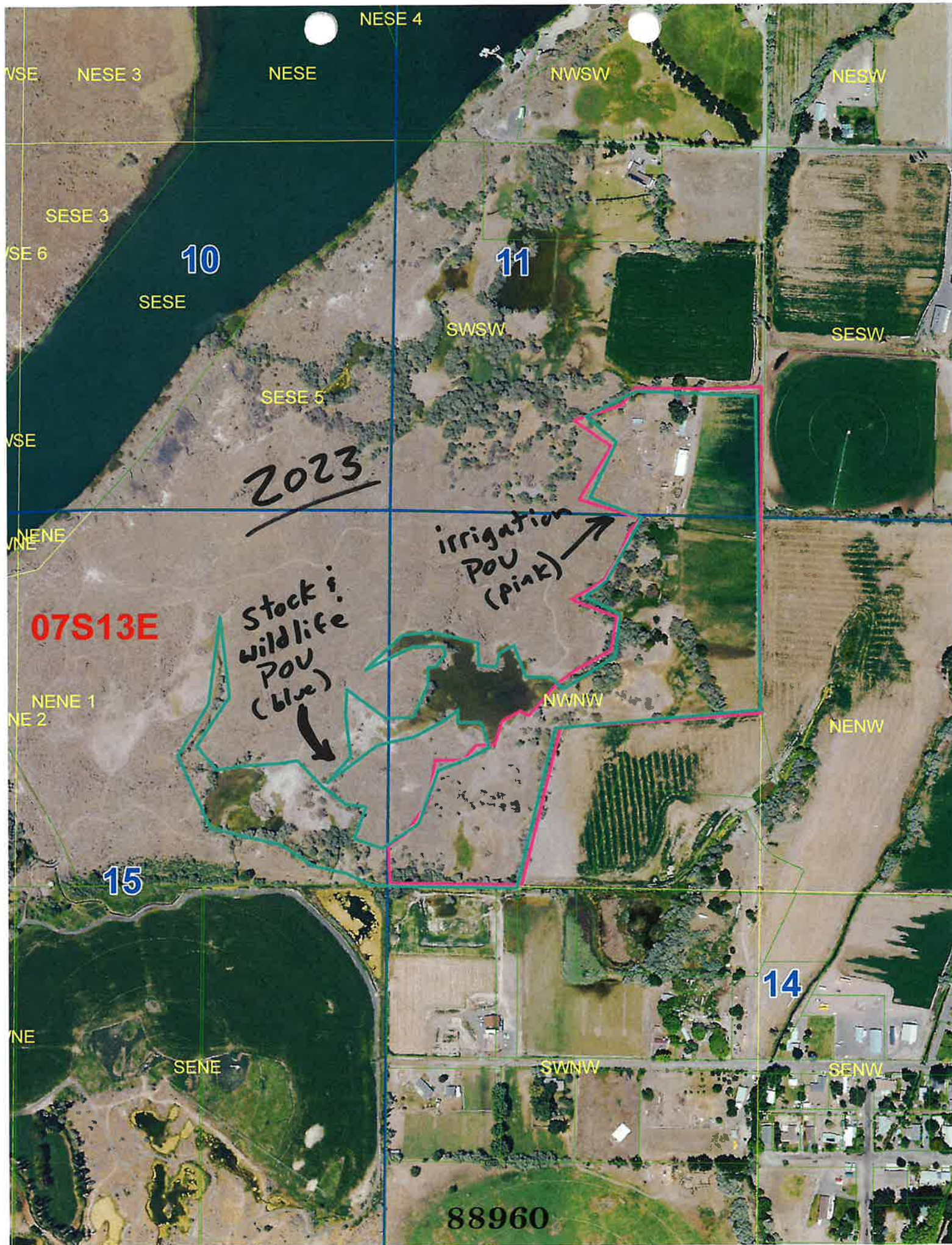
☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

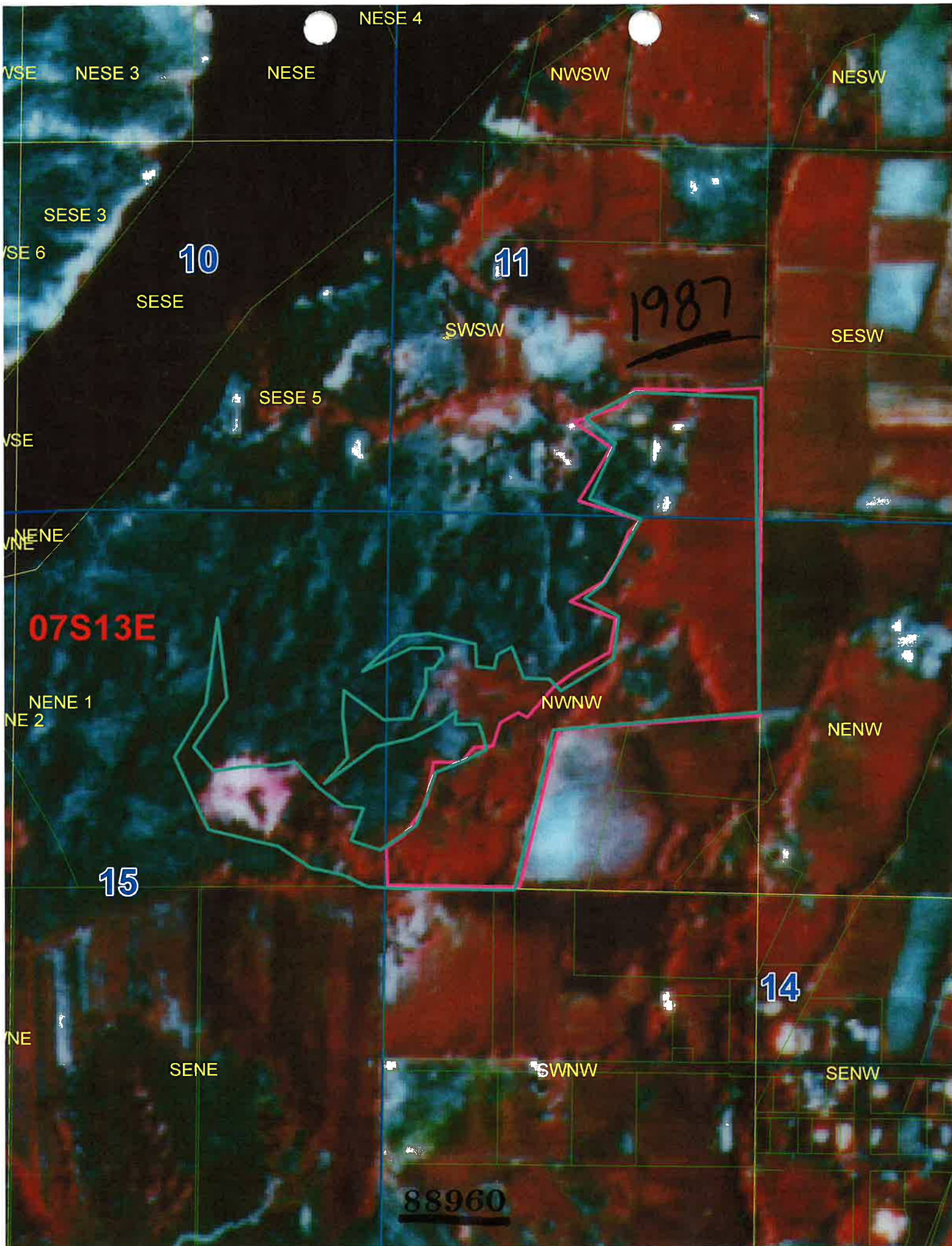
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

-
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

Transfer Contains 11 pages and attachments.
 Received By SG Date 2-14-2025 Prelim. Check By SG Date 2-14-2025
 Fee Paid \$100.- Date 2-14-2025 Received By SG Receipt # 5040523
 Add'l Fee Paid Date Received By Receipt #







IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 10, 2025

PENELOPE F TURNER
923 PIONEER RD
HAGERMAN ID 83332-5436

Re: Transfer No: 88960
Water Right No(s): 36-6, 36-7

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

BRET TURNER
923 PIONEER RD
HAGERMAN ID 83332-5436

WATER DISTRICT 36A
FRANK ERWIN
PO BOX 295
HAGERMAN ID 83332-0295

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2025 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88960
Water Right No(s): 36-6, 36-7

PENELOPE F TURNER
BRET TURNER
923 PIONEER RD
HAGERMAN ID 83332-5436

WATER DISTRICT 36A
FRANK ERWIN
PO BOX 295
HAGERMAN ID 83332-0295



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Maline, Denise

From: Skinner, Corey
Sent: Tuesday, March 4, 2025 5:24 PM
To: Maline, Denise
Subject: FW: Pat Brown

Denise,

I will take care of this for rights 36-6 and 36-7 as part of the Transfer #88960 approval. Can you remove Pat Brown from right 36-8?

Thanks,

Correy

From: Penny Turner <pennyfay@yahoo.com>
Sent: Tuesday, March 4, 2025 3:36 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: Pat Brown

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

In reference to water rights 36.6, 36.7 and 36.8 I wish to have attorney Pat Brown removed as our attorney of record.

Thank you
Penny Turner

Database updated by
DM & CG 3-5-2025 & 3-6-2025

DM

SUPPORT DATA
IN FILE # 36-6

SUFFICIENCY M E M O R A N D U M

Date: March 3, 2025
To: Penelope Turner, Transfer #89600 File
From: Collin Glass
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to correct the place of use (POU). The POD's for these water rights are located approximately 1.35 miles north and .1 mile east of Hagerman. The POU's are located approximately .5 mile north and .32 mile west of the intersection of S State street and W Salmon street in Hagerman.

This transfer is a paper correction of the POU; no physical changes have occurred, so advertising is not necessary. Water Master comments were solicited, and no objections were made.

- **Authority to File:**
The Department's database indicates that the water rights involved are owned by the applicant, Penelope Turner. During time of transfer a change of ownership was made and Penelope Turner is still the current owner but her son Bret Turner is now an additional owner of the water rights.
- **Water Right Validity:**
Both rights were decreed, and recent ariel imagery shows irrigated acres.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated. Volumes and rate will not change.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Uses are unchanged and are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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

RECEIVED

MAR 03 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

Re: Transfer No. 88960

Water Right No(s): 36-6, 36-7

Transfer Applicant's Name: PENELOPE TURNER
923 PIONEER RD
HAGERMAN ID 83332

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows:
*All conditions - remarks on 36-6 and 36-7
are included after requested changes.*
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 27 day of February, 2025

Water District 36A

Frank Erwin

Watermaster's Signature

Frank Erwin

Printed Name

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 20, 2025 1:18 PM
To: Frank Erwin
Cc: Linda Lemmon (WD36A); Skinner, Corey
Subject: Comment Letter for Transfer No. 88960 (Turner)
Attachments: Comment letter to WD36A for 88960.pdf; Application for Transfer 88960 (Turner).pdf

Good afternoon Frank,

Attached is an application for transfer located within WD36A currently being processed by the department. Please review the application and provide any necessary comments *within 14 days*. I will also mail a hard copy of this information for your records.

If you have any questions regarding this information, please feel free to contact Collin Glass or Corey Skinner at our office.

Thank you in advance,

Denise @ IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 20, 2025

FRANK ERWIN
WATER DISTRICT 36A
711 EAST AVE N
HAGERMAN ID 83332-5074

Re: Transfer No. 88960 (Penelope Turner)
Water Right No(s). 36-6, 36-7

Dear Frank:

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://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office *within 14 days of the date of this letter*.

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 within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)

FEE MEMORANDUM

Date: February 19, 2025
To: Penelope F Turner File Number 88960
From: Collin Glass
Re: Receipting/disposition of fees paid

This transfer was filed on February 19, 2025, and its purpose is to correct the place of use (POU) descriptions of ground water irrigation right 36-6 and 36-7. The transfer qualifies for the \$50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the location has occurred. The fee was paid by Bret Turner on Behalf of Penelope Turner under water resource receipt number S040523.

MEMORANDUM

Date: February 19, 2025
To: Penelope F Turner File Number 88960
From: Collin Glass
Re: Legal Notice Not Required

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

This is a clerical error that is being changed to reflect correct place of use.

TRANSFER SYNOPSIS

Date: February 19, 2025
To: Penelope F Turner File Number 88960
From: Collin Glass
Re: Summary of transfer

Application for transfer proposes to correct the place of use (POU). The POD's for these water rights are located approximately 1.35 miles north and .1 mile east of Hagerman. The POU's are located approximately .5 mile north and .32 mile west of the intersection of S State street and W Salmon street in Hagerman.

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

Water Master comments will be sought, as the right is located within Water District 36A and administered by the Water District.