

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89440**

This is to certify that: **FRANK POWELL**
1069 W APPLE PINE ST
MERIDIAN, ID 83646-6563

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>
65-24075	WR/DECREED	7/1/1873	0.020 cfs	N/A	N/A	2.4	WARM SPRINGS CREEK
65-24076	WR/DECREED	6/1/1866	0.020 cfs	N/A	N/A	2.4	WARM SPRINGS CREEK

Purpose of Transfer (Changes Proposed)

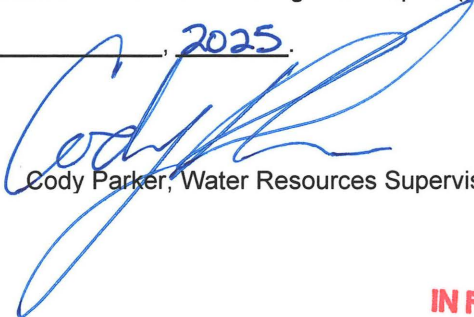
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-24075	NO	NO	NO	NO	NO	YES
65-24076	NO	NO	NO	NO	NO	YES

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>
65-24075	65-24075	0.020 cfs	N/A	N/A	1.2	N/A	N/A	N/A	N/A	N/A
65-24076	65-24076	0.020 cfs	N/A	N/A	1.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.020 cfs	N/A	N/A	1.2		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 5th day of December, 2025.


Cody Parker, Water Resources Supervisor

SUPPORT DATA
IN FILE #65-24075

Transfer No. 89440

WATER RIGHT NO. 65-24076
As Modified by Transfer No. 89440

In accordance with the approval of Transfer No. 89440, Water Right No. 65-24076 is now described as follows:

Right Holder: FRANK POWELL
 1069 W APPLE PINE ST
 MERIDIAN, ID 83646-6563

Priority Date: 6/1/1866

Source: WARM SPRINGS CREEK

Tributary: MIDDLE FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	0.010 cfs	
AESTHETIC STORAGE	01/01	to 12/31		2.4 af
DIVERSION TO STORAGE	04/01	to 11/01	0.010 cfs	
			0.020 cfs	

LOCATION OF POINT(S) OF DIVERSION

WARM SPRINGS CREEK NWSW Sec 34 Twp 10N Rge 04E BOISE County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3					X												
							L 3												0

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3					0.6	0.6											1.2
							L 3	L 4											

POU Total Acres: 1.2

CONDITIONS OF APPROVAL

- Right(s) 65-24075 and 65-24076 authorize total annual storage volume of 2.4 acre-feet, 1.5 acre-feet to be used for the initial filling or carryover storage of the pond and 0.9 acre-feet for the replacement of losses caused by seepage and evaporation.
- The pond established by the storage of water under this right shall not exceed a total capacity of 1.5 acre-feet or a total surface area of 0.3 acre(s).
- Rights 65-24075 and 65-24076 when combined shall not exceed the irrigation of 1.2 acres.

Transfer No. 89440

WATER RIGHT NO. 65-24076
As Modified by Transfer No. 89440

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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. 65-24075
As Modified by Transfer No. 89440

In accordance with the approval of Transfer No. 89440, Water Right No. 65-24075 is now described as follows:

Right Holder: FRANK E POWELL
 7496 N MATLOCK AVE
 BOISE, ID 83714-4047

Priority Date: 7/1/1873

Source: WARM SPRINGS CREEK

Tributary: MIDDLE FORK PAYETTE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to 11/01	0.010 cfs	
AESTHETIC STORAGE	01/01	to 12/31		2.4 af
DIVERSION TO STORAGE	04/01	to 11/01	0.010 cfs	
			0.020 cfs	

LOCATION OF POINT(S) OF DIVERSION

WARM SPRINGS CREEK NWSW Sec 34 Twp 10N Rge 04E BOISE County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3					X												
							L 3												0

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3					0.6	0.6											1.2
							L 3	L 4											

POU Total Acres: 1.2

CONDITIONS OF APPROVAL

1. Right(s) 65-24075 and 65-24076 authorize total annual storage volume of 2.4 acre-feet, 1.5 acre-feet to be used for the initial filling or carryover storage of the pond and 0.9 acre-feet for the replacement of losses caused by seepage and evaporation.
2. The pond established by the storage of water under this right shall not exceed a total capacity of 1.5 acre-feet or a total surface area of 0.3 acre(s).
3. Rights 65-24075 and 65-24076 when combined shall not exceed the irrigation of 1.2 acres.

Transfer No. 89440

WATER RIGHT NO. 65-24075
As Modified by Transfer No. 89440

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



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

December 08, 2025

FRANK POWELL
1069 W APPLE PINE ST
MERIDIAN ID 83646-6563

Re: Transfer No: 89440
Water Right Nos: 65-24075, 65-24076

Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Rights 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, 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 Cody Parker at (208) 334-2190.

Sincerely,

Susy Hobson
Technical Records Specialist

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on December 08, 2025 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer No.: 89440

Water Right Nos.: 65-24075, 65-24076

FRANK POWELL
1069 W APPLE PINE ST
MERIDIAN ID 83646-6563

JEFFREY E BASS AND LINDA J BASS
350 MIDDLEFORK RD
GARDEN VALLEY ID 83622-5022

RODNEY BORGEMAN AND VERONICA BORGEMAN
352 MIDDLEFORK RD
GARDEN VALLEY ID 83622-5022



Susy Hobson
Technical Records Specialist

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.

Hobson, Susy

From: Hobson, Susy
Sent: Monday, December 8, 2025 9:51 AM
To: 'frankpowell17@gmail.com'
Subject: transfer 89440, 65-24075 & 65-24076
Attachments: Transfer Approval cover letter 89440 Powell.pdf; Transfer 89440 Powell.pdf; Yellow 2 pgs Explanatory Information to a Preliminary Order.pdf

Good morning Frank,

Attached are the approval of transfer 89440, the cover letter and Preliminary Order information sheet.

The hard copies are in the mail today.

Kind Regards,

Susy

Susy Hobson
Technical Records Specialist



Western Region
2735 W. Airport Way, Boise ID 83705
(208) 605-4631 susy.hobson@idwr.idaho.gov

Hobson, Susy

From: Megann E. Meier <mem@givenspursley.com>
Sent: Wednesday, December 17, 2025 3:04 PM
To: Hobson, Susy; Michael P. Lawrence
Subject: RE: Transfer 89440 Powel

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.

Received. Thank you Susy!

MEGANN E. MEIER

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

P.O. Box 2720 (83701)

main 208-388-1200

direct 208-388-1251

fax 208-388-1300

mem@givenspursley.com

www.givenspursley.com

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From: Hobson, Susy <susy.hobson@idwr.idaho.gov>
Sent: Wednesday, December 17, 2025 12:41 PM
To: Michael P. Lawrence <mpl@givenspursley.com>; Megann E. Meier <mem@givenspursley.com>
Subject: Transfer 89440 Powel

EXTERNAL

Good morning Michael and Megann,

Attached you will find the approval documents for transfer 89440 (Frank Powell), and the cover letter sent with the approval. Hard copies of both will be in today's mail. Documents associated with this transfer can be found on IDWR's website through the Water Right Research Tool, [Idaho Department of Water Resources](#)

Our sincere apologies for not getting these to you quicker.

Kind Regards,

Susy

Susy Hobson

Parker, Cody

From: Megann E. Meier <mem@givenspursley.com>
Sent: Monday, October 6, 2025 11:56 AM
To: Miller, Nick
Cc: Parker, Cody
Subject: RE: Powell transfer quantities [GP-DMS.016462.0003.FID1286954]

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.

Oh, whoops. Yes, I agree that 0.33 is the correct value.

Thanks so much for double checking me.

MEGANN E. MEIER

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

P.O. Box 2720 (83701)

main 208-388-1200

direct 208-388-1251

fax 208-388-1300

mem@givenspursley.com

www.givenspursley.com

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From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Monday, October 6, 2025 10:47 AM
To: Megann E. Meier <mem@givenspursley.com>
Cc: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Subject: RE: Powell transfer quantities [GP-DMS.016462.0003.FID1286954]

EXTERNAL

Hi Megann,

See Cody's edit below. Otherwise, based on the information we have, we agree with those numbers.

Nick.

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Monday, October 06, 2025 10:35 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: Re: Powell transfer quantities [GP-DMS.016462.0003.FID1286954]

Sure, assuming that the pond has a surface area of 0.33 acres rather than 1.33 acres, everything checks out.

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Monday, October 6, 2025 10:30 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Subject: FW: Powell transfer quantities [GP-DMS.016462.0003.FID1286954]

Can you look at this?

From: Megann E. Meier <mem@givenspursley.com>
Sent: Monday, October 06, 2025 10:16 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: Powell transfer quantities [GP-DMS.016462.0003.FID1286954]

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Hi Nick,

I have notes of the quantities and calculations from last week's meeting. Can you take a quick look at these and confirm whether this is what you have on your end as well? Thanks so much!

Pond = 1.33 surface acres

Max depth = 11 feet

Average depth = 4.4 feet

Evaporation and seepage = 0.9 AF per year
Annual consumptive use of grassland pasture = 1.96 AF/acre

Total pond capacity = 1.5 acre feet

2.4 AF needed for aesthetic storage

2.4 AF storage ÷ 1.96 AF/acre = 1.2 acres (to be dried out)

So....

WR#	Purpose of Use	cfs	Acres	AF/year
65-24075	irrigation	0.01	1.2	
	diversion to storage	0.01		
	aesthetic storage			2.4
65-24076	irrigation	0.01	1.2	
	diversion to storage	0.01		
	aesthetic storage			2.4

MEGANN E. MEIER

GIVENS PURSLEY LLP

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August 11, 2025

FRANK POWELL
1069 W APPLE PINE ST
MERIDIAN ID 83646-6563

JEFF AND LINDA BASS
350 MIDDLEFORK RD
GARDEN VALLEY ID 83622-5022

RODNEY AND VERONICA BORGEMAN
352 MIDDLEFORK RD
GARDEN VALLEY ID 83622-5022

RE: Application for Transfer No. 89440

Dear Parties:

This letter acknowledges receipt of protests filed against Application for Transfer No. 89440. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protests and to attempt to resolve the protests. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protests.
- Discussions at an informal settlement conference between Department staff, the applicant, and the protestants. The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months using the enclosed calendar.** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected. The Department may schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protests, water rights, and other matters administered by the Department is available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Evans', written in a cursive style.

Lynne Evans
Administrative Assistant I
208-605-4622
Lynne.Evans@idwr.idaho.gov

Enclosures:

Informal Settlement Conference Procedure
August – October 2025 Calendar
Copies of Protests

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR TRANSFER

ISSUES

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues that the Idaho Department of Water Resources (Department) considers in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original water right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. Is the proposed transfer consistent with the requirements for municipal providers, if applicable?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 4 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

THE IDAHO WORLD

P.O. Box 220
Idaho City, ID 83631
(208) 202-9288

State of Idaho)
County of Boise)

Eileen Capson, being duly sworn, deposes and says: that she is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with May 7, 2025 and ending with the issue of May 14, 2025.

Eileen K. Capson

State of Idaho)
County of Ada)

On this 21 day of May in the year 2025, before me, a notary public, personally appeared Eileen Capson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Elise Capson
Notary Public for Idaho
Residing at Idaho City, Idaho
Commission Expires 8-18-29

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 89440

FRANK POWELL, 1069 W APPLE PINE ST, MERIDIAN, ID 83646-6563 has filed Application No. 89440 for changes to the following water right within BOISE County: Right No. 65-24076; to see a full description of the right and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterri-ghts/querynewtransfers>. The purpose of the transfer is to change a portion of the above right as follows:

to change part of the irriga- tion use to aesthetic storage. The applicant proposes to con- vert 1.3 acres of irrigation to aesthetic storage within a 0.3 acre pond. Water will be used at the current place of use in Govt. Lots 3 and 4 of Section 3, Township 09 North Range 04E.

For additional information concerning the property lo- cation, 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 5/27/2025. The protes- tant must also send a copy of the protest to the applicant. MATHEW WEAVER, Director
Published in the Idaho World on 5/7/2025 and 5/14/2025.

RECEIVED

MAY 30 2025

WATER RESOURCES
WESTERN REGION

✓ on
1625

ELISE KATHERINE CAPSON
Notary Public - State of Idaho
Commission Number 20233432
My Commission Expires Aug 18, 2029



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

May 6, 2025

FRANK POWELL
1069 W APPLE PINE ST
MERIDIAN ID 83646-6563

RE: Transfer No. 89440
Water Right No. 65-24076

Dear Applicant:

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 IDAHO WORLD on 5/7/2025 and 5/14/2025. 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

SCANNED

MAY 08 2025

Evans, Lynne

From: Evans, Lynne
Sent: Tuesday, May 6, 2025 5:21 PM
To: neil.waterdistrict65@gmail.com
Subject: Application for Transfer No. 89440; Application for Permit No. 65-24350
Attachments: 89440 WM.docx; 65-24350 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 applications. You can find copies of the applications at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>. Please review the applications, then complete the attached recommendation forms and return them to this office by May 27, 2025.

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 May 27, 2025, 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 | (208) 605-4622

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Transfer No. 89440
Water Right No. 65-24076

Transfer Applicant's Name: FRANK POWELL
1069 W APPLE PINE ST
MERIDIAN, ID 83646-6563

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

SCANNED

MAY 08 2025

Evans, Lynne

From: Evans, Lynne
Sent: Friday, May 2, 2025 4:20 PM
To: Idaho World
Subject: Legal Notice: Transfer No. 89440
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Idaho World on the dates indicated (5/7 & 5/14, 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 5/27/2025. Your cooperation is appreciated.

Thank you,



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622