

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81666**

This is to certify that: **BEVERLY WHITE AND
WILLIAM WHITE
18138 OREANA LOOP RD
MURPHY, ID 83650**

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>
57-38	WR/DECREED	4/1/1866	2.840 cfs	N/A	N/A	125.0	HART CREEK
57-39	WR/DECREED	4/1/1868	0.610 cfs	N/A	N/A	24.0	CATHERINE 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>
57-38	NO	NO	YES	NO	NO	NO
57-39	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>
57-38	57-38	2.840 cfs	N/A	125.0	135.0	N/A	N/A	N/A	N/A	N/A
57-39	57-39	0.610 cfs	N/A	24.0	135.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.450 cfs	N/A	125.0	135.0		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 30 day of January, 2019.

SUPPORT DATA

IN FILE #

57-38


Chief, Water Allocation Bureau

Transfer No. 81666

SCANNED
JAN 03 2019

WATER RIGHT NO. 57-38**As Modified by Transfer No. 81666**

In accordance with the approval of Transfer No. 81666, Water Right No. 57-38 is now described as follows:

Right Holder: BEVERLY WHITE
WILLIAM WHITE
18138 OREANA LOOP RD
MURPHY, ID 83650

Priority Date: 4/1/1866

Source: HART CREEK

Tributary: CATHERINE CREEK

BENEFICIAL USE

IRRIGATION

From

3/01

To

to 11/15

Diversion Rate

2.840 cfs

2.840 cfs

LOCATION OF POINT(S) OF DIVERSION

HART CREEK

NENE

Sec 35 Twp 04S Rge 01W OWYHEE County

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	
04S	01E	30									9.0	19.0	26.0	24.0	6.0	5.0	21.0	25.0	135.0
												L 3	L 4						

Right Acre Limit: 125.0

POU Total Acres: 135.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 125 acres within the authorized place of use in a single irrigation season.
2. Rights 57-38 and 57-39 when combined shall not exceed the irrigation of 125 acres.
3. Rights 57-38, 57-39, 57-60, 57-2181 and 57-7043 when combined shall not exceed a total diversion rate of 5.72 cfs, and the irrigation of 286 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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).

Transfer No. 81666

SCANNED

JAN 03 2019

WATER RIGHT NO. 57-38
As Modified by Transfer No. 81666

CONDITIONS OF APPROVAL

6. 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. 57B.
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.
9. Pursuant to Section 42-1412(6), Idaho Code, 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. 57-39

As Modified by Transfer No. 81666

In accordance with the approval of Transfer No. 81666, Water Right No. 57-39 is now described as follows:

Right Holder: BEVERLY WHITE
WILLIAM WHITE
18138 OREANA LOOP RD
MURPHY, ID 83650

Priority Date: 4/1/1868

Source: CATHERINE CREEK

Tributary: CASTLE CREEK

BENEFICIAL USE

IRRIGATION

From

3/01

to

To

11/15

Diversion Rate

0.610 cfs

0.610 cfs

LOCATION OF POINT(S) OF DIVERSION

CATHERINE CREEK

L3 (NWSW)

Sec 30 Twp 04S Rge 01E OWYHEE County

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	
04S	01E	30									9.0	19.0	26.0	24.0	6.0	5.0	21.0	25.0	135.0
												L3	L4						

Right Acre Limit: 24.0

POU Total Acres: 135.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 24 acres within the authorized place of use in a single irrigation season.
2. Rights 57-38 and 57-39 when combined shall not exceed the irrigation of 125 acres.
3. Rights 57-38, 57-39, 57-60, 57-2181 and 57-7043 when combined shall not exceed a total diversion rate of 5.72 cfs, and the irrigation of 286 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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).

Transfer No. 81666

SCANNED

JAN 03 2019

WATER RIGHT NO. 57-39
As Modified by Transfer No. 81666

CONDITIONS OF APPROVAL

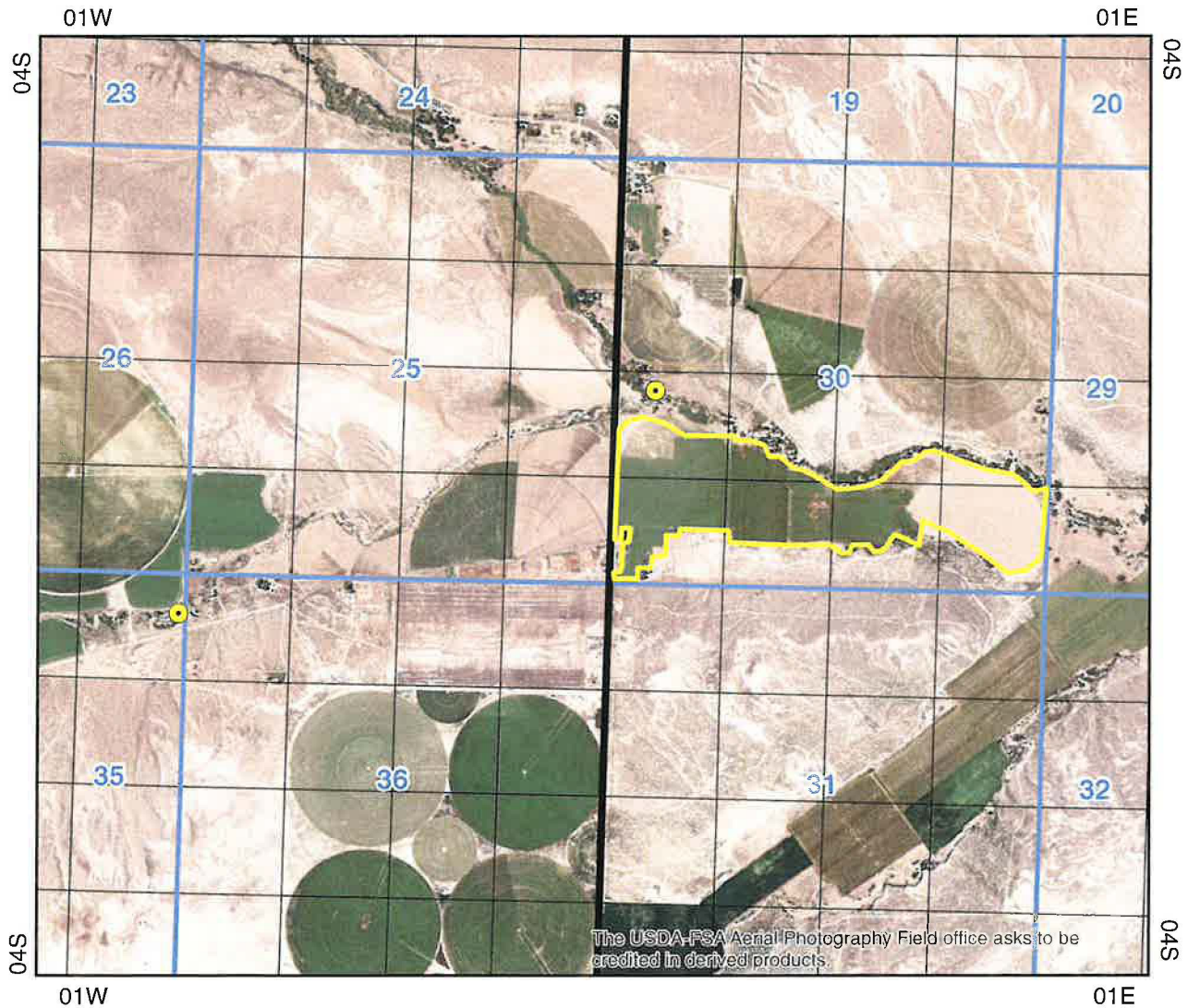
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57B.
7. The right holder shall accomplish the change authorized 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.
9. Pursuant to Section 42-1412(6), Idaho Code, 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 Water Right Transfer 81666

57-38 and 57-39

This map depicts the IRRIGATION 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.



- Points of Diversion
- Place of Use
- Townships
- PLS Sections

0 0.275 0.55 1.1 Miles

SCANNED
JAN 03 2019





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2019

WILLIAM WHITE
BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83650

Re: Transfer Nos.: 81664, 81665, 81666
Water Right Nos: 57-38, 57-39, 57-41B, 57-60, 57-2181, 57-7043

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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.

Each Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. Each 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.

SCANNED

JAN 03 2019

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) 334-2190

Sincerely,


Anna Kaiser

For Nick Miller
Regional Manager

Enclosure

SCANNED
JAN 03 2019

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer Nos.: 81664, 81665, 81666

Water Right Nos.: 57-38, 57-39, 57-41B, 57-60, 57-2181, 57-7043

WILLIAM WHITE
BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83650

A handwritten signature in blue ink, reading "Anna Kaiser", is written over a horizontal line.

Anna Kaiser
Administrative Assistant

SCANNED

JAN 03 2019

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.



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 20, 2018

WILLIAM AND BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83651

RECEIVED

APR 04 2018

WATER RESOURCES
WESTERN REGION

RE: Amendment Required for Applications

Dear Applicant,

In spring of 2017, you began to file applications for permits to add acres to your farm in Section 30, Township 4 South, Range 1 East. Transfers were also filed on your existing water right to correct the POU and POD legal descriptions. After review of the document an amendment is required to complete the application processes.

The permit applications and transfer applications propose acres that overlap, or acres that serve the same ground. Acres within the legal descriptions should match across all applications. After drafting approval documents for your water rights, it was brought to my attention that the places of use between the applications do not match. Small discrepancies between acre descriptions need correction.

Attached to this letter is a map that was made showing the Place of Use boundary and acres labeled within each quarter-quarter. I have created a table below which describes all of the acres on the farm described above.

Place Of Use

IRRIGATION within OWYHEE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	30	8.0	7.0	38.0	39.0	27.0			31.0	18.0	25.0	26.0	24.0	26.0	14.0	21.0	25.0	329.0
												L3	L4						

POU Total Acres: 329.0

Please take a moment to compare the Place of Use description with the map that I have provided. If you concur with the description above, please respond in writing within the next 30 days. Contact me at 208-334-2190 if more information is needed. Thank you for your attention to these matters.

Sincerely,

Patrick Kelly

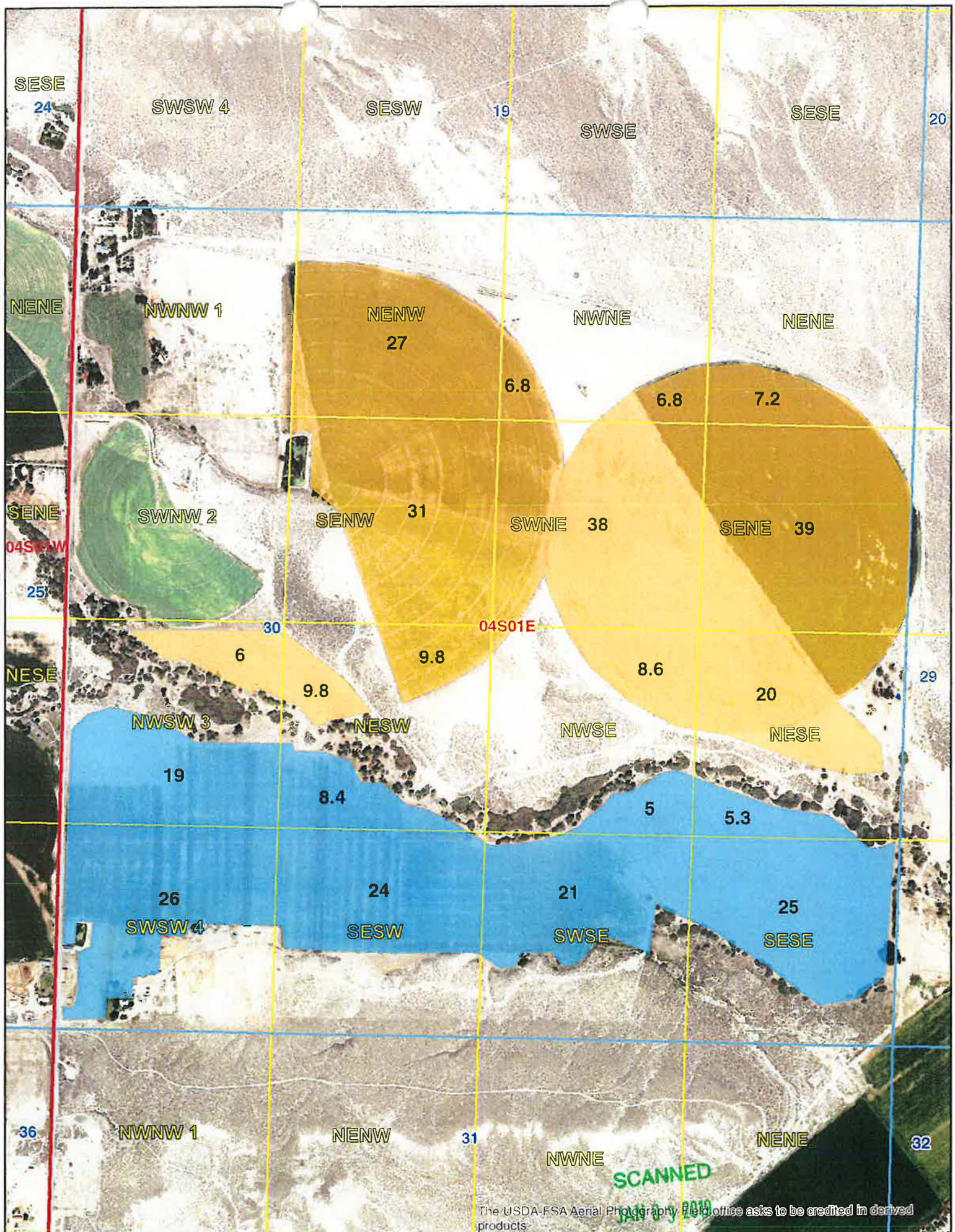
Patrick Kelly
Water Resource Agent, Sr.

Patrick Kelly:

*I look over the map, it looks OK with the acres you have listed.
It is OK with me the way it is.*

*Thank You
William J. White*

SCANNED
JAN 03 2019





State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 20, 2018

COPY

WILLIAM AND BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY ID 83651

RE: Amendment Required for Applications

Dear Applicant,

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Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	30	8.0	7.0	38.0	39.0	27.0			31.0	18.0	25.0 L3	26.0 L4	24.0	26.0	14.0	21.0	25.0	329.0

POU Total Acres: 329.0

Please take a moment to compare the Place of Use description with the map that I have provided. If you concur with the description above, please respond in writing within the next 30 days. Contact me at 208-334-2190 if more information is needed. Thank you for your attention to these matters.

Sincerely,

Patrick Kelly
Water Resource Agent, Sr.

SCANNED
JAN 03 2019