



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 1, 2010

Re: Order Requiring Measuring Devices and Controlling Works in Water District 13-A; Inclusion of Worm Creek Drainage in Water District 13-A

Dear Water User,

The Idaho Department of Water Resources (Department or IDWR) has issued the enclosed preliminary order requiring installation of measuring devices and lockable controlling works for diversions in Water District No. 13-A, Cub River and Worm Creek drainages. Pursuant to Section 67-5243, Idaho Code, the preliminary order will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as explained in the enclosed information sheet.

The Order applies to any active diversion of water from the Cub River and tributaries, and Worm Creek and tributaries. The Worm Creek drainage was added to Water District 13-A by an order of the Department in 1983 but the water district has not formally administered and/or assessed water rights in the Worm Creek drainage since it was added to the district. Additionally, the water district has not traditionally administered water rights on several Cub River tributaries, including Maple Creek and Sugar Creek. This letter therefore provides notice that water rights and diversions in the Worm Creek drainage and all Cub River tributaries are included in Water District 13-A and will be subject to watermaster regulation and assessments beginning in 2011. IDWR will give notice to right holders in both the Worm Creek and Cub River drainages regarding the date, time and location of the 2011 Water District 13-A meeting (normally held the first Monday of March).

Water users with diversions in Water District 13-A must submit plans for measuring devices and lockable controlling works or head gates to the Department on or before December 15, 2010. Measuring devices and controlling works must be installed prior to the 2011 irrigation season. Please refer to the enclosed document "*Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*" for information on types of measuring devices acceptable to IDWR. This document and other information on the topic are available on the Department's web site as follows: http://www.idwr.idaho.gov/water/districts/water_measurement.htm

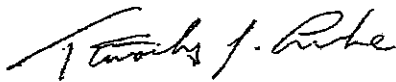
The written plans that are to be submitted to the Department by December 15, 2011 should include a written description and diagram of the proposed measuring devices and controlling works, and show the locations of planned installations. The Preliminary Order applies to the control and measurement of water at the head of the main canal, pumps, or points of diversions from the Cub River, Worm Creek or their tributaries, and where water is injected to and re-diverted from those sources, not the points of re-diversion or laterals from those main ditches or main pipelines. However, the Preliminary Order also requires owners of certain reservoirs to maintain measuring devices and controlling works for reservoir discharges, as well as maintenance of reservoir staff gages to monitor reservoir levels and volumes.

The Department has sent a copy of this letter and enclosed Preliminary Order to those individuals or entities shown on the enclosed Service List. Some of the individuals shown on the Service List are current owners of land that have appurtenant water rights that appear to match diversions described by water rights on file at IDWR and found pursuant to an inventory of diversions by IDWR staff over the past year. Current land owners and addresses were obtained from records on file at the Franklin County Assessor's office. Some of the individuals on the Service List are also the current water right holders, but many are not. Attachment A of this letter is a list of individual owned water rights and diversions from Worm Creek and tributaries that show the water right owner names as recorded with IDWR and the current land owners. A change in water right ownership should be filed with IDWR for any water right on Attachment A where the current land owner is different than the water right owner of record unless the water right is owned by a canal company. For convenience, a water right ownership form and instructions is included with this letter. Forms and instructions may also be obtained from the following IDWR web site address:

www.idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm

If you have questions concerning this Preliminary Order, please contact Tim Luke directly at 208-287-4959 or the Water District 13-A watermaster, Troy Foster at 208-339-5953.

Respectfully,



Tim Luke
Water Distribution Section Manager

Enclosures: a) *Preliminary Order Requiring Measuring Devices and Controlling Works from Diversions on the Cub River and Tributaries, Including Worm Creek and Tributaries, Water District 13-A, dated August 31, 2010*
b) *Preliminary Order Service List*
b) *Explanatory Information to Accompany a Preliminary Order (2 pages)*
c) *Minimum Acceptable Standards for Open Channel Closed Conduit Measuring Devices*
d) *Notice of Change in Water Right Ownership form and Instructions*

Cc: Troy Foster, Watermaster, Water District 13A
IDWR Eastern Region
Scott Campbell, Attorney for Spring Creek Water Users
Rob Harris, Attorney for Preston Whitney Irrigation Co.
TJ Budge, Attorney for Cub River Irrigation Company

Attachment A
Water Right Owners of Record and Current Land Owners
Worm Creek and Spring Creek Rights Only

Current Land Owner	<u>Water Right Owner(s) Name</u>	<u>Water Rt No.</u>	<u>Source</u>	<u>Priority Date</u>	<u>IDWR Inventory Diversion Name or IDWR Site Tag No</u>
Alder, Lan; Beckstead, Scott; Don A Hampton Family Trust; James L Hampton	ALDER, KARL G (Current); ALDER, REO G (Current)	13-266	WORM CREEK	1940/01/01	Uncertain or may not be used - may be Tanner Beckstead Ditch; POU north of 4th St.
Beckstead, Anne B Trust	BECKSTEAD, ANNE (Current); BECKSTEAD, LINDEN (Current)	13-239	SPRING CREEK	1930/04/01	Ditch abandoned
Beckstead, David; Winzler, Diane	TANNER BECKSTEAD DITCH CO (Current)	13-207	WORM CREEK	1894-12-08	Tanner-Beckstead Ditch (Diversion 7/A0012034)
Beckstead, David; Winzler, Diane	TANNER BECKSTEAD DITCH CO (Current)	13-208	WORM CREEK	1895-03-22	Tanner-Beckstead Ditch (Diversion 7/A0012034)
Beckstead, David; Winzler, Diane	TANNER BECKSTEAD DITCH CO (Current)	13-325	THORN HOLLOW CREEK	1894-12-08	Diverted at Tanner-Beckstead Ditch?
Beckstead, Scott	Hennington, Mack	13-289	Academy Hollow Ck	12/8/1927	May be pump from pond north of 4th St.
Burnett, Carl James % Wheatley Ellen Life Ins	WHEATLEY, BERT (Current); WHEATLEY, ELLEN (Current)	13-224	WORM CREEK	1959/04/01	Div Not Found
Chadwick Enterprises	CHADWICK, MAY S (Current)	13-258	SPRING CREEK	1903/08/31	Spring Ck at Hull Crossing (A0012016)
CUB RIVER IRRIGATION CO (Current)	CUB RIVER IRRIGATION CO (Current)	13-222	WORM CREEK	1872-04-01	A0018977
Dahle, Larry	HALL, BURTIS R (Current)	13-294	WORM CREEK	1960/08/30	A0018981
Golightly, Eldon; E&M Trust; Wheatley Properties	GOLIGHTLY, DONALD D & GOLIGHTLY, NONA (Current)	13-62	SPRING CREEK	1902/05/15	Spring Ck at Hull Crossing (A0012016)
Golightly, Eldon; E&M Trust; Wheatley Properties	GOLIGHTLY, DONALD D & GOLIGHTLY, NONA (Current)	13-216	SPRING CREEK	1903/08/31	Spring Ck at Hull Crossing (A0012016)
Goodsell, Susan	HULSE, ESTHER C (Current); OLIVERSON, JULIA C (Current)	13-279	WORM CREEK	1881-06-01	Diversion 5
Griffith, Debbie & Kent; Petersen, Randy & Harris; Sharp, Val	RALLISON, FREDRICK W (Current)	13-237	SPRING CREEK	1900/04/01	Spring Ck at Hull Crossing (A0012016) Rt not used

Attachment A
Water Right Owners of Record and Current Land Owners
Worm Creek and Spring Creek Rights Only

Current Land Owner	<u>Water Right Owner(s) Name</u>	<u>Water Rt No.</u>	<u>Source</u>	<u>Priority Date</u>	<u>IDWR Inventory Diversion Name or IDWR Site Tag No</u>
Griffith, Debbie & Kent; Petersen, Randy & Harris; Sharp, Val	RALLISON, FREDRICK (Current)	13-273	SPRING CREEK	1903/09/01	Spring Ck at Hull Crossing (A0012016) Rt not used
Griffith, Debbie & Kent; Petersen, Randy & Harris; Sharp, Val	RALLISON, FREDRICK W (Current)	13-60A	SPRING CREEK	1886/05/15	Spring Ck at Hull Crossing (A0012016) Rt not used
Griffith, Debbie & Kent; Petersen, Randy & Harris; Sharp, Val	RALLISON, FREDRICK W (Current)	13-61A	SPRING CREEK	1888/05/15	Spring Ck at Hull Crossing (A0012016) Rt not used
Hansen, Larry; Brown, Robert; Hyer Family Trust	NELSON, VERN (Current)	13-7757	WORM CREEK	1896-04-01	Lamont-Johnson Ditch
Hobbs, Larrel G	GILBERT, CAROLYN R (Current); GILBERT, MELVIN RAY (Current)	13-63	WORM CREEK	1923/06/09	A0018990
Hull, Gilbert	HULL, GILBERT (Current); HULL, HAROLD M (Current); HULL, ROBERT M (Current)	13-311	SPRING CREEK	1893/02/04	Hull Ditch
Joyce P Smith Family Trust	SMITH, JOYCE (Current); SMITH, ROBERT O (Current)	13-267	WORM CREEK	1900/06/07	Diversion 1
Larsen V Elliot; Max & Connie Gilbert Trust	GILBERT, DONA C (Current); GILBERT, MERLIN J (Current)	13-65	WORM CREEK	1923/06/09	A0018985
Larsen V Elliot; Max & Connie Gilbert Trust	LARSEN, GENEVA B (Current); LARSEN, VAUGHN J (Current)	13-67	WORM CREEK	1923/06/09	A0018985
Larsen, V Elliot	LARSEN, GENEVA B (Current); LARSEN, VAUGHN J (Current)	13-64	WORM CREEK	1923/06/09	A0018985
Larsen, V Elliot	LARSEN, GENEVA B (Current); LARSEN, VAUGHN J (Current)	13-66	WORM CREEK	1923/06/09	A0018985
Larsen, V Elliot	LARSEN, LYNN J (Current)	13-68	WORM CREEK	1923/06/09	A0018985
Moser, Monte C Living Trust; Moser, Kent; Carter, Trent	MOSER, JOSEPH L (Current)	13-144	SPRING CREEK	1903/08/31	Spring Ck at Hull Crossing (A0012016) Rt not used
MURPHY, NADENE	MURPHY, NADENE	13-7766	WORM CREEK	1896-04-01	Lamont-Johnson Ditch

Attachment A
Water Right Owners of Record and Current Land Owners
Worm Creek and Spring Creek Rights Only

Current Land Owner	<u>Water Right Owner(s) Name</u>	<u>Water Rt No.</u>	<u>Source</u>	<u>Priority Date</u>	<u>IDWR Inventory Diversion Name or IDWR Site Tag No</u>
Nielson, Maurice; C Craig Nielson Family Trust	NIELSON, MAURICE (Current)	13-280	WORM CREEK	1871-04-01	Uses Check dams in creek & flood irrigates fr checks
OWEN, MARK W (Current)	OWEN, MARK W (Current)	13-7657	WORM CREEK	1900/01/01	Diversion not found
Owen, Neal	OWEN, CLARENCE L (Current); OWEN, ODESSA G (Current)	13-305A	WORM CREEK	1893-04-01	Diversion 1
Porter Farms LLC	PORTER, BLAINE P (Current); PORTER, FERN S (Current)	13-262	WORM CREEK	1871-04-01	Diversion 6 (A0012037)
Porter, Lyle W	PORTER, LYLE W (Current); PORTER, TEREESA H (Current)	13-253	WORM CREEK	1871-04-01	Diversion 6 (A0012037)
Randall, Ronald; Nielsen, Maurice	GREGORY, PEARL (Current)	13-203	WORM CREEK	1880-10-01	Div not found; may be used w.rt 13-280?
ROSE MARIE NICHOLS FAMILY LIVING TRUST	ROSE MARIE NICHOLS FAMILY LIVING TRUST AGREEMENT	13-7765	WORM CREEK	1896-04-01	Lamont-Johnson Ditch
Sharp, Val; Hobbs, Randall	SHARP, LYMAN L (Current)	13-274	SPRING CREEK	1903/09/01	Spring Ck at Hull Crossing (A0012016) Rt not used
Sharp, Val; Hobbs, Randall	SHARP, LYMAN J (Current)	13-60B	SPRING CREEK	1886/05/15	Spring Ck at Hull Crossing (A0012016) Rt not used
Sharp, Val; Hobbs, Randall	SHARP, LYMAN J (Current)	13-61B	SPRING CREEK	1888/05/15	Spring Ck at Hull Crossing (A0012016) Rt not used
SMITH, TERRY	SMITH, TERRY	13-7758	WORM CREEK	1896-04-01	Lamont-Johnson Ditch
Tanner, Alan	OLIVERSON, KENNETH W (Current)	13-213	WORM CREEK	1966/06/01	A0018991
The Don A and Jesse Hampton Family Trust	The Don A and Jesse Hampton Family Trust	13-200	Academy Hollow Ck	4/1/1959	May be pump from pond south of 4th St.
The Don A and Jesse Hampton Family Trust	The Don A and Jesse Hampton Family Trust	13-201	Academy Hollow Ck	5/1/1955	May be pump from pond south of 4th St.
The Don A and Jesse Hampton Family Trust	The Don A and Jesse Hampton Family Trust	13-290	Academy Hollow Ck	6/1/1920	May be pump from pond south of 4th St.

Attachment A
Water Right Owners of Record and Current Land Owners
Worm Creek and Spring Creek Rights Only

Current Land Owner	<u>Water Right Owner(s) Name</u>	<u>Water Rt No.</u>	<u>Source</u>	<u>Priority Date</u>	<u>IDWR Inventory Diversion Name or IDWR Site Tag No</u>
Van Orden, Neal; Bingham, Sid; Chadwick, Grant; Wanner, Randy	VAN ORDEN, ERVIN (Current); VAN ORDEN, NEAL (Current)	13-2161	WORM CREEK	1952/03/07	A0018989
Van Orden, Neal; Bingham, Sid; Chadwick, Grant; Wanner, Randy	VAN ORDEN, ERVIN (Current); VAN ORDEN, NEAL (Current)	13-314	WORM CREEK	1965/03/09	A0018989
Webster Farm LLC	WEBSTER, BLAINE M (Current); WEBSTER, DENNIS H (Current)	13-299	WORM CREEK	1909/07/01	Diversion 1
Webster Farm LLC	WEBSTER, BLAINE M (Current); WEBSTER, DENNIS H (Current)	13-300	WORM CREEK	1879-06-14	Diversion 1
Winzler, Diane	TANNER, GLEN C (Current); TANNER, WILLIAM K (Current)	13-209	WORM CREEK	1896-04-01	Tanner-Beckstead Ditch (Diversion 7 A0012034)
	DUNKLEY, BERNELL (Current); DUNKLEY, LESLIE L (Current)	13-210	SPRING CREEK	1930/04/01	listed per records from assessor's office)
	BAKER, ILA L (Current)	13-247	SPRING CREEK	1878/04/01	Diversion not found

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REQUIRING MEASURING)	
DEVICES AND CONTROLLING WORKS ON)	
DIVERSIONS FROM THE CUB RIVER AND)	PRELIMINARY
TRIBUTARIES, INCLUDING WORM CREEK)	ORDER
AND TRIBUTARIES, WATER DISTRICT 13-A)	
_____)	

A primary purpose of a water district is the administration of water rights within the water district by a watermaster. A watermaster administers water rights in part by measuring diversions and adjusting controlling works to deliver the authorized flow rate and/or volume of water to the water right holder. The Idaho Department of Water Resources (Department or IDWR) finds that it is necessary to require the installation of measuring devices and controlling works for surface water diversions within Water District No. 13-A, Cub River and tributaries (Water District 13-A), including Worm Creek and tributaries. The Worm Creek drainage was added to Water District 13-A pursuant to the *Order Amending Water District 13-A to Include Worm Creek and Tributaries*, issued by IDWR on February 25, 1983.

Section 42-701, Idaho Code, provides in pertinent part:

**42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING
WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS – PROCEDURE
UPON FAILURE TO INSTALL AND MAINTAIN – MEASURING AND REPORTING OF
DIVERSIONS – PENALTY FOR FAILURE TO COMPLY – REPORT FILING FEE.**

1. The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of

public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

3. Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices..., upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

4. The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. Holders of water rights in Water District 13-A with points of diversion from the Cub River and tributaries, and Worm Creek and tributaries, shall install a measuring device and lockable controlling works of a type acceptable to the Department at each point of diversion or re-diversion from the natural channel of said water source prior to diverting water during the 2011 irrigation season.

2. Holders of water rights in Water District 13-A that divert and inject water from one water source into the natural channel of another water source within the water district shall install a measuring device acceptable to the Department at or near the point of injection. Specifically, water diverted by the Preston Whitney Irrigation Company from the Cub River via the Worm Creek-Cub River Canal and injected to Worm Creek shall be measured in the canal near the point of injection to Worm Creek. Water injected to Worm Creek from Mink Creek by the Preston Riverdale and Mink Creek Company is currently measured with a standard measuring device acceptable to the Department.

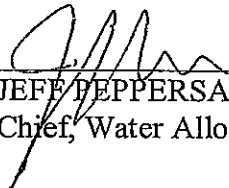
3. Holders of water rights subject to this Order must submit written plans for measuring devices and lockable controlling works to the Department no later than December 15, 2010.

Plans shall be reviewed by the Department to determine whether proposed measuring devices and lockable controlling works are of a type acceptable to the Department.

4. The Preston Whitney Irrigation Company, and the Preston Whitney Reservoir Company, who are the owners of storage water rights and reservoirs in Water District 13-A, shall maintain acceptable measuring devices at the outlet of each reservoir for the purpose of measuring discharge from each reservoir. The Preston Whitney Irrigation Company shall also maintain the existing controlling works or spill structure from the Glendale Reservoir to Worm Creek as well as the measuring device in Worm Creek below the controlling works. Both companies shall also maintain existing reservoir staff gages to monitor and record reservoir levels and storage volumes.

5. The watermaster shall shut off and refuse to deliver water to any diversion if measuring devices and lockable controlling works are not installed or adequately maintained at any and all times, beginning in the 2011 irrigation season.

Dated this 15th day of September, 2010.

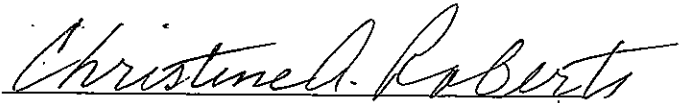


JEFF PEPPERSACK
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 2010, a true and correct copy of the above and foregoing documents were served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the in the United States mail, postage prepaid and properly addressed.

Document(s) Served: Preliminary Order in the matter of requiring measuring devices and Controlling Works on Diversions from the Cub River and Tributaries, including Worm Creek and tributaries, Water District 13A.

A handwritten signature in cursive script, reading "Christine A. Roberts", written in dark ink.

Christine Roberts

Technical Records Specialist

Idaho Department of Water Resources

LAN ALDER
1551 BALDYVIEW DR
PO BOX 2317
HAILEY ID 8333

REO ALDER
1548 E 100 S
PRESTON ID 83263

BLAKE ATKIN
837 S 500 W
BOUNTIFUL UT 84010

SCOTT BECKSTEAD-ETUX
711 E 4TH S
PRESTON ID 83263

LINDEN BECKSTEAD
1433 E 1400 S
PRESTON ID 83263

ANNE B BECKSTEAD TRUST
1433 EAST 1400 SOUTH
PRESTON ID 83263

SID BINGHAM
5155 S 800 E
PRESTON ID 83263

STEPHEN BODILY
810 S MAIN
LEWISTON UT 84320

CLAIR D BOSEN
PO BOX 468
PRESTON ID 83263

RANDALL BUDGE
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
201 E CENTER
PO BOX 1391
POCATELLO ID 83204-1391

CARL JAMES BURNETT
C/O WHEATLEY, ELLEN LIFE-EST
1234 S 1200 E
PRESTON ID 83263

SCOTT CAMPBELL ATTORNEY
MOFFAT, THOMAS, BARRETT, ROCK
& FIELDS
PO BOX 829
BOISE ID 83701

TRENT CARTER ETUX
1838 SOUTH HULLS CROSSING
PRESTON ID 83263

JAMES CEFALO
IDWR EASTERN

GRANT CHADWICK
185 W 300 S
LEWISTON UT 84320

CHATTERTON LAND & LIVESTOCK
5203 MAPLECREEK RD
FRANKLIN ID 83237

JERRY & JANEAL CHATTERTON
2085 N 1600 E
LOGAN UT 84321

JUNE S & JACK A CHERRINGTON
572 E ONEIDA
PRESTON ID 83263

CITY OF FRANKLIN
PO BOX 69
128 E MAIN ST
FRANKLIN ID 83237

DALE WADE CLARK
1508 EAST 2200 SOUTH
PRESTON ID 83263

CUB RIVER ACRES
1224 S HWY 34
PRESTON ID 83263

CUB RIVER IRRIGATION CO
PO BOX 215
LEWISTON UT 84320

LARRY DAHLE
995 N FAIRWAY DR
PRESTON ID 83263

DAVID & MELBA DUNN
C/O MARK F DUNN
7870 S 2450 E
PRESTON ID 83263

TROY FOSTER WM13A
2063 E 1600 S
PRESTON ID 83263

FRANKLIN MAPLE CREEK PIONEER IRR
CO
4087 S PARKINSON RD
FRANKLIN ID 83237

BLAINE GAMBLE
845 W 100 S
PRESTON ID 83263

BLAINE GAMBLE
845 W 1200 S
PRESTON ID 83263

DALLAS H GILBERT
4657 S HWY 34
PRESTON ID 83263

MAX & CONNIE GILBERT TRUST
82W 4800 S
PRESTON ID 83263

CAROLYN R & MELVIN RAY GILBERT
495 E CENTER
LEWISTON UT 84320

ELDON AND MARY GOLIGHTLY
2414 S 1600 E
PRESTON ID 83263

SUSAN GOODSSELL
1265 N 1600 E
PRESTON ID 83263

PEARL GREGORY
68 E 25
PRESTON ID 83263

DEBBIE J & KENT B GRIFFETH
2214 SOUTH HULLS CROSSING
PRESTON ID 83263

DON A HAMPTON FAMILY TRUST
650 E 4TH S
PRESTON ID 83263

JAMES LEWIS HAMPTON
670 E 400 S
PRESTON ID 83263

THE DON A AND JESSIE HAMPTON
FAMILY TRUST
650 EAST 4TH SOUTH
PRESTON ID 83263

LARRY & LADAWN HANSEN
3175 E GLENDALE RD
PRESTON ID 83263

ROB HARRIS ATTORNEY
HOLDEN KIDWELL HAHN & CRAPO
1000 RIVERWALK DR
PO BOX 50130
IDAHO FALLS ID 83405-0130

LARREL G HOBBS ETUX
3384 S PARKINSON RD
FRANKLIN ID 83237

RANDALL L HOBBS ETUX
PO BOX 57
FRANKLIN ID 83237

JOHN HOMAN
IDWR STATE

GILBERT, HAROLD & ROBERT HULL
1308 CANYON RD
LOGAN UT 84321

WN C JENSEN FAMILY TRUST
14399 N MOUNTAIN HOME RD
COVE UT 84320

DAVID JOHNSON
3333 E GLENDALE RD
PO BOX 455
PRESTON ID 83263

MACK H KENNINGTON
1113 N PARK
POMONA

V ELLIOT LARSEN
3704 S STATE
PRESTON ID 83263

JUDITH A & ARLO LARSEN
582 N 2200 E
PRESTON ID 83263

GREGORY MORRIS FAMILY TRUST
5514 E SUGAR CRK RD
PRESTON ID 83263

KENT E MOSER ETUX
1934 SOUTH HULLS CROSSING
PRESTON ID 83263

MONTE C MOSER LIVING TRUST
1998 S HULLS CROSSING
PRESTON ID 83263

VERDA & VERN NELSON
295 N 1ST E
PRESTON ID 83263

MURRY NICHOLS
140 N 100 W
PRESTON ID 83263

MAURICE NIELSON
1097 E ONEIDA
PRESTON ID 83263

CRAIG NIELSON FAMILY TRUST
893 E ONEIDA ST
PRESTON ID 83263

ELMER E OLIVERSON
627 E 400 N
PRESTON ID 83263

MARK OWEN
1352 N 2200 E
PRESTON ID 83263

NEAL OWEN
1929 WORM CREEK RD
PRESTON ID 83263

CLARENCE & ODESSA OWEN
155 E VALLEY VIEW DR
PRESTON ID 83263

MARK W OWEN
1352 N 2200 E
PRESTON ID 83263

HARRIS PETERSEN ETUX
1494 E 2200 S
PRESTON ID 83263

RANDY D PETERSEN ETUX
1483 EAST 2200 SOUTH
PRESTON ID 83263

BRENT B PORTER
3465 SAN CARLOS
AMMON ID 83406

LYLE PORTER
1477 E 800 N
PRESTON ID 83263

PORTER FARM LLC
297 E DEPOT ST
PRESTON ID 83263

PRESTON GOLF & COUNTRY CLUB
PO BOX 88
PRESTON ID 83263

PRESTON RIVERDALE & MINK CRK CO.
PO BOX 308
PRESTON ID 83263

PRESTON WHITNEY IRR CO.
ATTN: LYLE PORTER
PO BOX 311
PRESTON ID 83263

PRESTON WHITNEY RESERVOIR CO
1127 S 2400 E
PRESTON ID 83263

ORVAL RALLISON
285 E MAIN
FRANKLIN ID 83237

VAL B SHARP
1208 EAST 2200 SOUTH
PRESTON ID 83263

SILCOCK WARD PROPERTIES
C/O RICHARD SILCOCK
515 E 300 S
BURLEY ID 83318

TERRY SMITH
3987 E GLENDALE RD
PRESTON ID 83263

JOYCE P SMITH FAMILY TRUST
199 W 5300 S
ROY UT 84067

ALAN TANNER
1414 S 1300 E
PRESTON ID 83263

TANNER BECKSTEAD DITCH CO
C/O GLEN C TANNER
624 E 60 S
PRESTON ID 83263

TANNER BECKSTEAD DITCH CO
C/O GLEN C TANNER
1444 S 1300 E
PRESTON ID 83263

NEAL VAN ORDEN
1170 N MAIN
LEWISTON UT 84320

RANDER WANNER
1008 E 4800 S
PRESTON ID 83263

WEBSTER FARM LLC
4323 E GLENDALE RD
PRESTON ID 83263

BERT & LAURA WHEATLEY
1534 E 3200 S
PRESTON ID 83263

WHEATLEY PROPERTIES
1598 E 3200 S
PRESTON ID 83263

DIANE WINZLER
14955 FOOTHILL AVE
SAN MARTIN CA 95046

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
DEPARTMENT OF WATER RESOURCES (IDWR)**

**MINIMUM ACCEPTABLE STANDARDS FOR
OPEN CHANNEL AND CLOSED CONDUIT
MEASURING DEVICES**

The source and means of diversion of water, whether surface or ground water, generally affects the selection of a measuring device. Surface water sources such as streams, springs and waste channels are normally diverted into open channels (ditches or canals), but closed conduits (pipes or culverts) are also used. Ground water is usually diverted into pipes (which may also discharge into open channels).

Measuring devices when required by IDWR are to be installed at or near the point of diversion from the public water source.

Open Channel

I. SURFACE WATER DIVERSIONS

The following discussion is applicable only to diversions from surface water sources. Measurement of a ground water diversion with an open channel measuring device must be pre-approved by the IDWR.

A. Standard Open Channel Measuring Devices

All open channel surface water diversions should be measured using one of the following standard open channel flow measuring devices commonly used in Idaho:

- contracted rectangular weir
- suppressed rectangular weir
- Cipolletti weir
- 90 degree V-notch weir
- Parshall flume
- trapezoidal flume
- submerged rectangular orifice
- constant head orifice
- ramped broad crested weir (or ramped flume)
- acoustic Doppler flow meter (ADFM)

Construction and installation of these devices should follow published guidelines. References are available upon request.

B. Non-standard open channel devices: Rated Structures or Rated Sections

IDWR may authorize the use of non-standard devices and rated sections provided the device or section is rated or calibrated against a set of flow measurements using an acceptable open channel current meter or a standard portable measuring device. Further restrictions and requirements are available from IDWR upon request.

II. CLOSED CONDUIT MEASURING DEVICES

New installations for closed conduit or pipe line diversions require installation of a magnetic type flow meter. There are many flow meters on the market, with costs ranging from several hundred dollars to several thousand dollars. In general, the higher priced meters are more accurate and require less maintenance. Most meters on the market have an acceptable accuracy rating for IDWR's guidelines. For existing mechanical type flow meters IDWR will allow for a variance if the existing flow meter is shown to meet the minimum requirements in section B of the Flow meter specifications in this document.

A. Flow Meter Specifications

Currently there are two types of magnetic flow meters available. Full profile magnetic type flow meters are flanged into the piping system and measures across the velocity profile. Insertion type magnetic meters are installed through a small diameter hole in the piping system and attempt to measure the average velocity (determined by pipe diameter and insertion depth of sensor) in the flow profile. Small diameter (< 12" in diameter) pipes should be fitted with a full profile magnetic type meter due to higher accuracy and less straight pipe requirements for installation. Larger pipe diameters may use insertion type meters but must meet the standards for accuracy listed below. Insertion type magnetic meters will require larger straight distances of pipe to minimize turbulence above and below the measurement point.

Listed below are the flow meter requirements and specifications for full-flowing closed conduits or pipes. These specifications apply to all irrigation and non-irrigation water uses except domestic systems as defined in Section 42-111, Idaho Code. Water users may apply to IDWR for a variance to these specifications in accordance with Criteria for Request for Variance of measuring Device Requirements of Section II C. of this document

Meters shall be magnetic flow meters meeting the following minimum specifications:

- 1) Flow range of 0.1 to 33 feet per second (fps).
- 2) Listed manufacturer accuracy of $\pm 2\%$ of flow rate from 0.1 to 33 feet per second (fps), with a repeatability of $\pm 0.5\%$ of reading.
- 3) The register or display unit shall:
 - a) Have a waterproof and tamperproof seal.
 - b) Have an LCD backlit display showing instantaneous flow rate and totalized volume.
 - c) Have a minimum of six (6) digits for flow rate.
 - d) Have a minimum of eight (8) digits for totalized volume display or a sufficient number of digits so that "rolling over" will not occur within two years operation, based on the maximum rate of flow and annual volume elements of the authorizing water rights. For totalizing data, IDWR recommends using the attached guidelines (see Table 1) for proper meter (totalizing units) selection for the intended use.
 - e) Have password or similar protection of all settings and data to protect against unauthorized change or accidental loss of data.
 - f) Contain a back up battery (according to manufacturers specifications) to prevent loss of data in the case of primary power failure.
 - g) The display unit must contain user programmable features that allow the selection of flow units. Available flow units must include, but are not limited to, gallons per minute (gpm) or cubic feet per second (cfs). The meter flow rate display must also

allow decimal display formatting of up to three (3) places when using cubic feet per second units.

- h) The volume totalizer display must contain user programmable features that allow the selection of volumetric units that must include but are not limited to, total gallons or acre feet. The meter must also allow decimal display formatting of up to four (4) places, and the application of unit multipliers ranging from .0001 to 10,000. See Table 1 below for examples of appropriate meter multipliers based on expected annual volume use.
- 4) Signal Output when Data Logger is Required
- Data loggers are required only for magnetic flow meters installed as per conditions of approval for water right transfers in the Eastern Snake Plain Aquifer, or as may be required by specific water right conditions of approval in other locations.*
- Scaled pulse frequency output (or pulse counting) is required for continuous recording of totalized volume data on data loggers. Output signals must be compatible with data logger inputs. Analog output signal for flow rate (usually 4-20mA) is also optional (most magnetic flow meters provide both analog and pulse frequency as standard output signals).

B. Meter Installation and Diversion System Requirements

Meters required under Section II A. above shall meet the following installation requirements:

- 1) The minimum and maximum system operating flows and pressures must be fully within the range of measurable flows and pressures identified in the meter specifications.
- 2) Pipes must be full flowing.
- 3) The installed flow rate accuracy of the installed magnetic flow meter must be $\pm 5.0\%$ as compared to a second, standard flow meter. The installed flow rate accuracy for mechanical flow meters is $\pm 10\%$ of rate of as compared to a second, standard flow meter.
- 4) Meters must be installed according to manufacturer's specifications. Most manufacturers' recommend that meters be installed a certain distance from turbulence-causing bends and fittings such as discharge heads, single elbows, and valves. Industry standards for such distances are listed below, but larger distances may be required if the turbulence is severe.
 - a. Full profile magnetic flow meters require three (3) pipe diameters upstream of the meter and two (2) downstream.
 - b. Insertion magnetic flow meters require (10) pipe diameters upstream of the meter and five (5) pipe diameters downstream.
- 5) Meter Certification: IDWR will certify the installed flow meter for accuracy using a second, standard flow meter. A location for measuring flow with a second standard meter must be provided as close to the installed meter as possible. A section of straight pipe with a minimum of 24 inches in length (for pipe diameters 16 inches and smaller) of unobstructed exposed pipe shall be provided for calibration purposes. The calibration section must be free of elbows, valves and other fittings, and must contain the same flows that are passing through the meter. The 24-inch certification section may be incorporated into the manufacturer's pipe requirements above or below the flow meter.

Table 1: Use for proper meter selection based on water right volume.

Volume Acre Feet (AF)	Multiplier X gallons (gal)	Multiplier X Acre Feet (AF)
0-150	1, 10, 100	.0001, .001
150-1000	10, 100, 1000	.001, .01
>1000	100, 1000	.001, .01

C. Requests for Variance of Closed Conduit Measuring Device Requirements

Owners of closed conduit diversions may request a variance of the standard magnetic flow meter requirements of section II A. above for the following reasons:

- a) An operable flow meter is already installed
- b) Installation and maintenance of the standard meter would be burdensome

If a meter is already installed, that meter may be used if the meter is field-tested by IDWR staff and/or the water district watermaster using a portable certified standard flow meter and upon a determination that the meter is installed properly and accurate to within $\pm 10\%$ of actual rate of flow and volume. ***IDWR or the water district watermaster should apply a calibration factor to flow meters whenever the calibration measurement is greater than $\pm 1.0\%$.***

If a user demonstrates that installation and maintenance of the standard meter would be burdensome, then IDWR may consider alternate measurement options including:

- a) Development of Power Consumption Coefficient to estimate water use volumes (generally acceptable for simple ground water irrigation diversion systems only)
- b) Installation of one or more time clocks or hour meters (requires periodic flow measurements and recording of hours of water use from meter or clock).
- c) Installation of an alternative flow meter as shown in Table 2 below. Alternative flow meters may vary with respect to straight pipe length requirements. Mechanical flow meters require ten (10) pipe diameters upstream of the meter and five (5) pipe diameters downstream.

Users considering making a variance request may contact IDWR or the local water master for further information.

1. Use of Power Records as an Alternative Measurement Method

An alternative to installing flow meters is the use of power records and other information to estimate the annual diversion from a pump. Estimating total water diversion from power records requires the derivation of a relationship between power demand and flow under normal operating conditions. This relationship, called a power consumption coefficient (PCC), is a ratio of the number of kilowatt hours needed to pump an acre-foot of water. This number is unique to each well or pumping plant due to the physical attributes of the system and can be applied to the year end power records to determine the total acre-feet pumped.

Total power consumption at individual irrigation pumping plants is supplied to the Department by electric utilities. To determine the rate of flow, a portable measuring device, such as a non-invasive ultrasonic flow meter can be used. Simultaneous with the flow measurement, power is measured using the utility's kilowatt-hour meter. A qualified individual with the necessary equipment will be required to perform these measurements.

Some complex systems cannot use this method due to the potential for large errors. See the discussion in the following section to see if this method can be used.

Because systems wear and water levels change, it is necessary to occasionally verify the flow to power ratio. Therefore, the power consumption coefficient must be re-calibrated at least once every three years.

2. Can Power Records be used to Estimate My Diversion?

Only irrigation water users may use power records to estimate their diversion because the utilities will only provide consumption information for irrigation uses. If you are not an irrigation user, but want to use power records, you must propose a method of reporting your power consumption data.

Owners of **surface water diversions** must have a flow measuring device in most cases. The alternate method of estimating water withdrawals with power records cannot be used unless you pump from a public water source and can show the Department that it will yield reliable results (case by case determination).

Owners of **ground water diversions** can either install a totalizing flow meter or ask the Department to use power records to estimate withdrawals. If the pump discharges to an open channel, an open channel measuring device can be employed to measure the water diverted if the device and a method of tracking hours of operation are pre-approved by the Department. Flow meters which register only instantaneous flow rate are not acceptable unless the water user can demonstrate a reliable method of tracking the number of hours the pump operates through the season (the flow measuring device must then be read and flow rate recorded at least once per week).

The total water diverted can be accurately estimated from the PCC method if the system configuration or operation is not complex. Unfortunately, the PCC or power records will not always yield acceptable results, and it will be necessary to install a flow meter. **Flow meters must be installed if any of the following conditions exist:**

- The well flows (artesian) so that water can be diverted when the pump is off.
- The energy consumption meter that records power used by the pump also records power used by other devices not integral to the irrigation system. For example, if the meter also records power used by a home, shop, cellar, re-lift pumps from surface water sources etc., a flow meter must be installed because power used by the pump cannot be isolated from the other devices. However, if the meter also records power used by center pivots, booster pumps, or other devices which operate as part of the well pumping system, the alternate method may be acceptable.

- The electrical meter records the power used by more than one well pump. If a deep well pump which discharges to an open pond or ditch and a re-lift pump are both connected to the same electrical meter, the discharge from the well pump can be measured, and a time clock can be installed to record the total number of hours of pump operation which can be multiplied by the flow rate to determine the total volume of water diverted.
- Variable frequency drives (VFD) operate the pumping plant. This includes both drives for the well motor and the booster system. Variable frequency drives generally indicate that multiple operating conditions exist in the system where large kilowatt and pressure changes are present.
- The energy supplied to the pump cannot be accurately and reliably measured. For example, most diesel and propane driven pumps do not have provisions to measure the fuel used by the engine.
- The flow rate from the pump varies significantly due to changes in demand or operation. For example, pumps that discharge into a pressurized system some times and then open discharge at other times, or pumps that supply multiple pivots and/or other discharge points, would likely have flow rates that change considerably. These changes generally alter the flow to power ratio, causing inaccurate estimates of diversions. The alternate method of estimating water withdrawals with power records may only be used if the water user can propose an acceptable method of tracking these changes in operation.
- Changing water levels that cause the flow to vary more than 25% (or pressures to vary more than 15%) over the irrigation season.

Table 2: Types of Alternative Measuring Devices for Closed Conduits

Types	Pipe Sizes	Maintenance Required	Relative Purchase Price
Differential Head <ul style="list-style-type: none"> • Orifice • Venturi • Annubar 	small to large	Low to high. Sand wears on sharp edges, and particles can plug small orifices and tubes.	low to medium
Force Velocity <ul style="list-style-type: none"> • Turbine • Propeller • Impeller 	small to large	Typically moderate to high. Often problematic when exposed to sand or moss. Some cannot measure low velocities	low to medium
Ultrasonic or Acoustic Doppler	small to large	Low. Typically non-invasive with no moving parts to wear	high
Vortex	small to medium (about 12 to 14 inch maximum pipe diameter)	Low. Few or no moving parts to wear.	High

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>		Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>		Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>		Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>		Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>		Yes <input type="checkbox"/>

2. Previous Owner's Name: _____

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): _____

Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

Mailing address

City

State

ZIP

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Approved by _____ Processed by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the "Search Tools" and "Water Right & Adjudication Search" links at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.

4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.
5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the Create a Map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

7. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you.**

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800