

RECEIVED

AUG 05 2022

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPT OF WATER RESOURCES
SOUTHERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Kathy Noble Phone 208-720-3975
2. MAILING ADDRESS 86 Freedom Loop City Bellevue
State Idaho Zip 83313 Email 86knoble@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

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

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 37-22253

- ☐ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.18 CFS cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

magnetic flow meter in main line & power switch
can be turned off

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☒ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Katherine L. Nohle
Signature of applicant or authorized agent

Katherine L. Nohle
Print name and title if applicable

8/5/2022
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by KA Date 8-5-2022

Fee paid \$200- Date 8-5-2022 Received by bm Receipt # 5039371

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

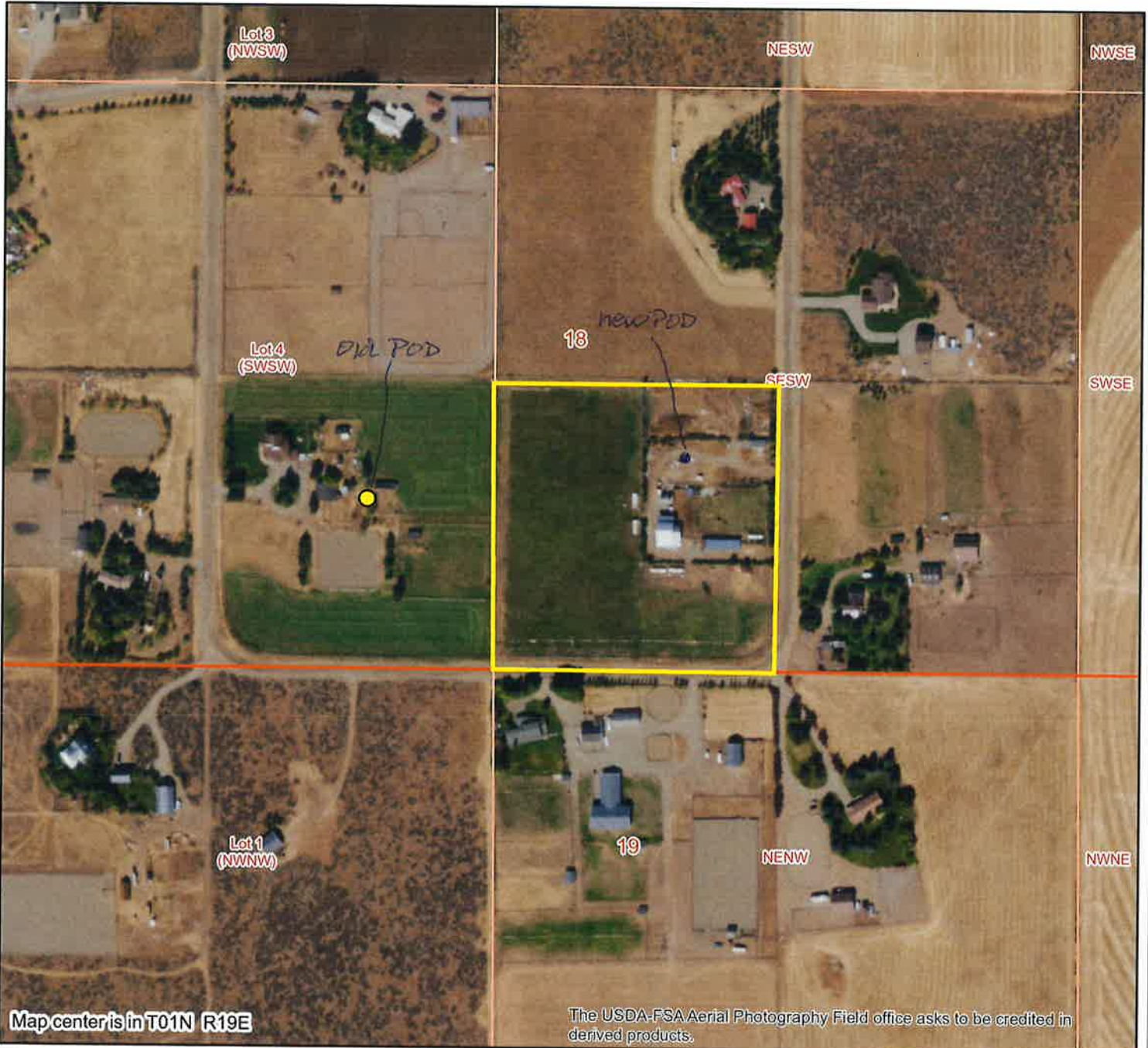
State of Idaho
Department of Water Resources

Water Right

37-22253

IRRIGATION

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



Date created: 8/5/2022

86626

Legend

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





IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Gary Spackman

September 1, 2022

KATHY NOBLE
86 FREEDOM LOOP
BELLEVUE, ID 83313-5012

RE: Transfer No. 86626
Water Right No(s). 37-22253

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **9/7/2022 and 9/14/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 26, 2022**.

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,

Denise Maline

Denise Maline
Administrative Assistant 1

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 1, 2022 12:59 PM
To: Cyndi or Sunny (WD37)
Subject: Comment Letter for Transfer No. 86626 (Kathy Noble)
Attachments: Comment letter to WD37 for 86626.docx; App. for Transfer 86626 (Kathy Noble).pdf

Good afternoon,

Attached is an application for transfer currently being processed by the department, within WD37. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Kent Aasa at our office.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I

Idaho Dept. of Water Resources

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

denise.maline@idwr.idaho.gov



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Governor Brad Little

Director Gary Spackman

September 1, 2022

WATER DISTRICT 37
107 W 1ST
SHOSHONE, ID 83352

RE: Transfer No(s). 86626 (Kathy Noble)

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 1, 2022 12:21 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express cover letter.docx; Idaho Mountain Express ad.docx

Attached please find **(1)** legal notice being submitted for publication on September 7th & 14th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



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Director Gary Spackman

September 1, 2022

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340-0990

RE: Application for Permit No. 71-11018

RE: Transfer No. 86626
Water Right No(s). 37-22253

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (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 September 26, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

71-11018

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NESE S27 T07N R14E BLAINE County Source SMILEY CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T07N R14E S27 NESE

Application for permit proposes diversion of up to 0.80 cfs from Smiley Creek for use at a fish screen / bypass located approximately 21.7 miles south and 6.7 mile east of Stanley. This application proposes the diversion and use of water from Smiley Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86626

KATHY NOBLE, 86 FREEDOM LOOP, BELLEVUE, ID 83313-5012 has filed Application No. 86626 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22253. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the POD for an irrigation ground water right (0.18 cfs and 9.0 acres) located on an adjacent parcel to an existing well on the applicant's parcel. The currently recorded and proposed locations are located approximately 3.0 miles south and 0.8 miles east of the Highway 75 & Gannet Road intersection in Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 26, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 7th & 14th, 2022

MEMORANDUM

Date: August 22, 2022

To: Transfer 86626

From: Kent Aasa

Re: Synopsis

Synopsis
8/22/2022

Application for transfer proposes to change the POD for an irrigation ground water right (0.18 cfs and 9.0 acres) located on an adjacent parcel to an existing well on the applicant's parcel. The currently recorded and proposed locations are located approximately 3.0 miles south and 0.8 miles east of the Highway 75/Gannet Road intersection in Bellevue. A drilling permit fee upgrade will be required. The place of use and the point of diversion are in Water District 37 so Watermaster comments will be solicited.

MEMORANDUM

TO: Transfer # 86626 File

FROM: Kent Aasa

DATE: August 22, 2022

SUBJECT: Filing Fee Memo

The filing fee for this transfer is based on the current transfer fee schedule of \$200.00 for the 0.18 cfs associated with a POD change. The applicant, Kathy Noble, submitted a check in the amount of \$200.00 (receipt number S039371).