

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85893

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

RECEIVEDName of Applicant(s) Richard Hussey

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer. July 22 2022

Yes N/A * Means the item is always required and must be included with the application.

Department of Water Resources
Eastern Region

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

JUL 22 2022

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Name of Applicant(s) Richard Hussey

Phone _____

Mailing address 275 Iron Creek Road, Salmon, ID 83467Email selway@custertel.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

RECEIVED

JUL 22 2022

Department of Water Resources
Eastern Region

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Richard L Hussey
Signature of Applicant or Authorized Representative

Richard L Hussey
Print Name and Title if applicable

7/17/22
Date

Fran M. McVay
Signature of Applicant or Authorized Representative

FRAN M MCVAY
Print Name and Title if applicable

7/17/22
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Update Ownership Records

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
- This application proposes to correct the point of diversion and place of use for water right 75-11615. The spring, located in the NENW of Section 8 has always been used for domestic use at the home in Lot 2 (SWNW) of Section 8 since the right was originally develop. Water right ownership will be updated to Richard Hussey.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or ☐ Part	75-11615	0.04 cfs	Domestic	1/1 to 12/31	Spring tributary to Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.04 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	NW	8	18N	21E	Lemhi	Springs tributary to Sinks	Corrected POD

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	21E	8							D										
									L2										
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
The spring is collected and diverted with a PVC pipe that runs into a 500-gallon tank. Water for the house is gravity fed from the tank to the home.

- b. Who owns the property at the point(s) of diversion? BLM
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The BLM allows access to the spring for maintenance. Spring box and pipeline have been in place for many years.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A Water rights are not being moved off of property.

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
There will not be any physical changes. This application simply corrects the POD and POU descriptions to match the system that has always been in place.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None. Richard Hussey and Fran McVay have filed applications for permit to cover the irrigation use on the property. Irrigation water is diverted from a separate spring that flows into Iron Creek.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by Eastern Date 2/14/22 Preliminary check by _____ Date _____

Fee paid \$50 Date 2/14/22 Received by E047806 Receipt # _____

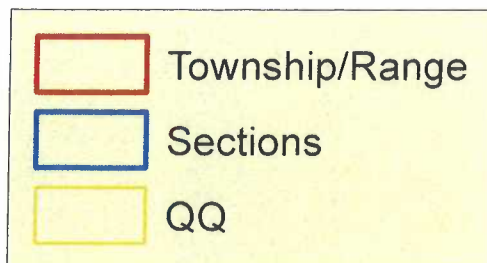
Add'l fee paid \$25 Date 2/14/22 Received by E047807 Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Amended Application for Transfer 85893



2013 Imagery



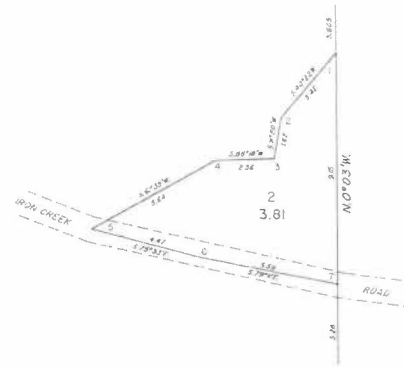
0 125 250 500 Feet



85893

TOWNSHIP 18 NORTH, RANGE 21 EAST, OF THE BOISE MERIDIAN, IDAHO.

DEPENDENT RESURVEY, SUBDIVISION & METES-AND-BOUNDS SURVEY



ENLARGED DIAGRAM
Not to Scale

A history of surveys is contained in the field notes.

This plat represents the dependent resurvey of portions of the west boundary, subdivisional lines, and 1910 meanders of the left bank of the Salmon River, designed to restore the corners in their true original locations according to the best available evidence, and the subdivision of section 7, 8, and 9, and a metes-and-bounds survey in section 8, T. 18 N., R. 21 E., Boise Meridian, Idaho.

Except as indicated herein, the lottings and areas are as shown on the plat approved May 15, 1911.

For those surveyed lines not showing bearings and distances, refer to the official records of 1911 and 1991.

Survey executed by Douglas A. Welman, Cadastral Surveyor beginning May 12, 1992, and completed November 9, 1992, pursuant to Special Instructions dated September 4, 1990 and Supplemental Special Instructions dated July 27, 1992, for Group No. 605, Idaho.



GPS, BLM NAD 1983
Latitude 44°54'14.90"N
Longitude 116°02'05.95"W

GPS, BLM NAD 1983
Latitude 44°53'48.86"N
Longitude 116°02'26.54"W

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Boise, Idaho July 26, 1993

This plat is strictly conformable to the approved field notes and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Dan T. Oviatt

Acting Chief Cadastral Surveyor for Idaho

85893

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
75-11615	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Eugene Hussey
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Richard L. Hussey
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

275 Iron Cr Rd SALMON Id 83467
Mailing address City State ZIP

208 894-2451 Solway @ Customer - MEY
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: 6/23/1996

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. 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.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Richard L. Hussey 2/10/22
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 OW Date 2/14/22 Receipt No. E047807 Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

85893

The United States of America
To all to whom these presents shall come, Greeting:

IDI-31385 F1

WHEREAS

Richard L. Hussey

is entitled to a land patent pursuant to Section 206, Act of October 21, 1976, as amended (43 U.S.C. 1716) for the following described land:

Boise Meridian, Idaho
T. 18 N., R. 21 E.,
sec. 8: lot 2.
Containing 3.81 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimant, the land described above; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto said claimant, and to his heirs and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).
2. A right-of-way for road purposes as reserved under Right-of-Way No. IDI 17380, pursuant to Title V of the Act of October 21, 1976 (43 U.S.C. 1767), and the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew or extend it upon its termination.

SUBJECT TO:

1. Those rights held by Lemhi County, its successors or assigns, for an existing road exercised under RS 2477 and noted under Serial No. IDI 20154.
2. Richard L. Hussey, his heirs or assigns, shall assume all liability for and shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability (hereinafter referred to in this clause as claims) resulting from, brought for, or on

Patent No. 11-96-0032

account of, any personal injury, threat of personal injury, or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring, or attributable directly or indirectly, to the disposal of solid waste on, or the release of hazardous substances from lot 2, section 8, T. 18 N., R. 21 E., Boise Meridian, Idaho, regardless of whether such claims shall be attributable to: (1) the concurrent, contributory, or partial fault, failure, or negligence of the United States, or (2) the sole fault, failure, or negligence of the United States.

State of Idaho)
County of Lemhi)

SS No. 230949

This instrument was filed for record at the request of Rembe Latta

at 3:40 o'clock pm 8-23 1996

and duly filed and indexed in the records of Lemhi County

Albarta Waderrick
Ex-Officio Recorder

Terry J. Morton Deputy

Fee 6.00

Return to _____



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the TWENTIETH day of AUGUST in the year of our Lord one thousand nine hundred and NINETY SIX and of the Independence of the United States the two hundred and TWENTY-FIRST.

By

[Signature]
Branch Chief, Lands and Minerals
Resource Services Division

Patent Number 1-96-0032

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by **BILL ALLEN**, as Personal Representative of the Estate of **EUGENE G. HUSSEY**, deceased, Grantor, to **FRAN McVAY**, a single person, Grantee, whose address is 275 Iron Creek Rd., Salmon, Idaho 83467.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate No. CV-09-328, in Lemhi County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantees the following described real property in Lemhi County, Idaho:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT "A".

EXECUTED this 25th day of JUNE, 2010.



Bill Allen, Personal Representative
for the Estate of Eugene G. Hussey

STATE OF IDAHO)
) ss.
County of Lemhi)

On this 25 day of June, 2010, before me, a Notary Public in and for said State, personally appeared **BILL ALLEN**, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of **EUGENE G. HUSSEY**, and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year first above written.




Notary Public
Residing at Salmon, ID
Commission Expires: 6-2-2012

Order No.: 3071005472L-G

**LEGAL DESCRIPTION
EXHIBIT 'A'**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER NORTHWEST QUARTER, SECTION 8, T. 18 N., R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER NORTHWEST QUARTER FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER NORTHWEST QUARTER BEARS S. 00° 03' E. THE BASIS OF BEARING OF THIS DESCRIPTION. RUN THENCE N. 89° 59' 15" E. ALONG THE NORTHERLY BOUNDARY OF SAID SOUTHEAST QUARTER NORTHWEST QUARTER A DISTANCE OF 1318.57 FT. TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER NORTHWEST QUARTER;

THENCE S. 00° 05' 01" W. ALONG THE EASTERLY BOUNDARY OF SAID SOUTHEAST QUARTER NORTHWEST QUARTER A DISTANCE OF 1198.32 FT. TO A POINT ON THE CENTERLINE OF IRON CREEK ROAD;
THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE:

603.24 FT. ALONG A CURVE TO THE LEFT HAVING A CHORD OF N. 65° 54' 06" W. 596.05 FT. A DELTA OF 30° 43' 06" AND A RADIUS OF 1125.17 FT.; N. 81° 15' 39" W. 121.92 FT.; 227.58 FT. ALONG A CURVE TO THE LEFT HAVING A CHORD OF S. 89° 46' 41" W. 226.65 FT., A DELTA OF 17° 55' 19" AND A RADIUS OF 727.55 FT.; S. 80° 49' 02" W. 157.06 FT.; S. 83° 17' 41" W. 79.41 FT., 191.23 FT. ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S. 89° 51' 08" W. 190.81 FT., A DELTA OF 13° 06' 54" AND A RADIUS OF 835.43 FT. TO A POINT ON THE WESTERLY BOUNDARY OF SAID SOUTHEAST QUARTER NORTHWEST QUARTER;

THENCE N. 00° 03' 00" W. ALONG SAID BOUNDARY A DISTANCE OF 971.85 FT. TO THE POINT OF BEGINNING.

283384
County of Lemhi) SS No. _____
This instrument was filed for record at the request
of Alliance Title
at 3:27 clock, p.m. 10-28 2010
and duly filed and indexed in the records of Lemhi
County
Tern J. Morton
Ex-Officio Recorder,
By Cynthia Carden Deputy
Fee 6.00
Return to A.T.

85893

DEPENDENT RESURVEY, SUBDIVISION & METES-AND-BOUNDS SURVEY



This plat represents the dependent resurvey of portions of the west boundary, subdivisional lines, and ISIO meanders of the left bank of the Salmon River, designed to restore the corners in their true original locations according to the best available evidence, and the subdivision of section 7, 8, and 9, and a mates-and-bounds survey in section 8, T. 18 N., R. 21 E., Boise Meridian, Idaho.

Except as indicated hereon, the lottings and areas are as shown on the plat approved May 15, 1911.

For those surveyed lines not showing bearings and distances, refer to the official records of 1911 and 1991.

Survey executed by Douglas A. Welman, Cadastral Surveyor beginning May 12, 1992, and completed November 9, 1992, pursuant to Special Instructions dated September 4, 1990 and Supplemental Special Instructions dated July 27, 1992, for Group No. 805, Idaho.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Boise, Idaho July 26, 1993

This plot is strictly conformable to the approved field notes and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Acting Chief Cadastral Surveyor for Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 14 2022

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resource
Eastern Region

Name of Applicant(s) Richard Hussey Phone 208-894-2451
Mailing address 275 FROM CR RD SALMON ID 83461 Email Solway Cc@stintel.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

SUPERCEDED

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Richard Hussey Richard Hussey 2/16/12
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

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

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☒ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or ☐ Part	75-11615	0.04 cfs	Domestic	1/01 to 12/31	Spring & Sinks
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights _____ cfs and/or _____ acre-feet.

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

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

SUPERCEDED

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	21E	8							D										
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

The spring is collected and diverted with a PVC pipe that runs into a 500 gallon reservoir. Water for my house is gravity fed out of the reservoir.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The BLM allows access for to the property for maintenance of the diversion.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

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

SUPERCEDED

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

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

There will not be any physical changes

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

None

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/17/2022

Water Right 75-11615

Owner Type
Current Owner

Name
EUGENE G HUSSEY

Priority Date: 5/1/1927

Basis: Decreed

Status: Active

Source
SPRING

Tributary
SINKS

Beneficial Use
DOMESTIC

From
1/01

To
12/31

Diversion Rate
0.040 CFS

Volume

Total Diversion 0.040 CFS

Source and Point(s) of Diversion:

SPRING

NWSENW

Sec. 8, Twp 18N, Rge 21E, LEMHI County

Place Of Use:

DOMESTIC within LEMHI County

T18N R21E S8

SENW

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP 18N21E084200

Dates and Other Information:

Decreed Date: 11/10/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: NWD

Mitigation Plan: False

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$50.00 Date 2/14/22 Received by C.H. Receipt # E047806

Add'l fee paid	Date	Received by	Receipt #
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Page 6

85893

Part 1A.2.

This application for transfer is needed to correct the place of use for the domestic water right 75-11615. The water right was decreed with the POU located at 18N21E 8 SENW. There will not be any physical change in the POU of this water right. The POU/house is and has always been located at 18N21E 8 SWNW.

7.a.

Water Right 75-11615 Place of Use Map



 POU



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 24, 2022

RICHARD L HUSSEY
FRAN M MCVAY
275 IRON CREEK RD
SALMON, ID 83467-5121

RE: Transfer No. 85893
Water Right No(s). 75-11615

Dear Applicants:

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 RECORDER HERALD on 9/1/2022 and 9/8/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 24, 2022 11:04 AM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 75-15051, 75-15052, 75-15055, 85893 Recorder Herald.docx

LEGAL NOTICE DEPARTMENT
RECORDER HERALD
PO BOX 310
SALMON, ID 83467

RE: Application for Permit No. 75-15051, 75-15052, 75-15055 & Transfer No. 85893

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 9/19/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85893**

RICHARD L HUSSEY and FRAN M MCVAY, 275 IRON CREEK RD, SALMON, ID 83467-5121 has filed Application No. 85893 for changes to the following water rights within LEMHI County(s): Right No(s). 75-11615; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: correct point of diversion and place of use to reflect actual location of spring box and house. Proposed point of diversion is in SWNENW Sec 8 T18N R21E for 0.04 cfs from a spring tributary to sinks. Proposed place of use is in Lot 2 (SWNW) Sec 8 T18N R21E for domestic use at one home.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/19/2022. The protestant must also send a copy of the protest to the applicant.

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

75-15051

FRAN M MCVAY, 275 IRON CREEK RD, SALMON, ID 83467-5121

Point of Diversion L1(SWSWNW) S8 T18N R21E LEMHI County

Source SPRING Tributary IRON CREEK

Use: IRRIGATION

04/01 to 10/31

0.09 CFS

Total Diversion:

0.09 CFS

Date Filed: 07-22-2022

Place Of Use: IRRIGATION

T18N R21E S8

SENW

Total Acres: 3

This application proposes the diversion and use of water from a spring tributary to the Salmon 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-15052

RICHARD L HUSSEY, 275 IRON CREEK RD, SALMON, ID 83467-5121

Point of Diversion L1(SWSWNW) S8 T18N R21E LEMHI County

Source SPRING Tributary IRON CREEK

Use: IRRIGATION

04/01 to 10/31

0.06 CFS

Total Diversion:

0.06 CFS

Date Filed: 07-22-2022

Place Of Use: IRRIGATION

T18N R21E S8

L2(SWNW)

Total Acres: 2

This application proposes the diversion and use of water from a spring tributary to the Salmon 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-15055

TERRY A & CYNTHIA PETERSEN, PO BOX 143, CARMEN, ID 83462-0143

Point of Diversion NENW S10 T23N R22E LEMHI County

Source TOWER CREEK Tributary SALMON RIVER

Use: IRRIGATION

04/01 to 10/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 08-01-2022

Place Of Use: IRRIGATION

T23N R22E S10

NENW

Total Acres: 2

This application proposes the diversion and use of water from East Fork Tower Creek, tributary of the Salmon 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 the diversion rate and acres will be applied to the subordination amounts specified in the

decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/19/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/1/2022 and 9/8/2022



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 1, 2022

Richard L. Hussey
Fran M. McVay
275 Iron Creek Road
Salmon, ID 83467

RE: Request for Action on Applications

Dear Mr. Hussey and Ms. McVay:

Earlier this year you filed three applications for permit, one application for transfer and a notice of change in water right ownership. All of these filings contained errors or were missing information. Department staff have tried to contact you multiple times over the last six months, but the deficiencies have not been addressed. This letter is meant to summarize the various filings and propose amendments to address the deficiencies.

On January 5, 2022, you filed an application, seeking a permit to divert 0.05 cfs from a spring for domestic use at your home. The application described the point of diversion in the NENE of Section 8, T18N, R21E, but the map depicted the point of diversion in the NENW of Section 8. The application described the place of use in the SENE of Section 8, but the map depicted the place of use in Lot 1 (SWNW) of Section 8.

Shortly after the application was filed, you spoke with Anna Kaiser in our office and determined that the application for permit was not needed and could be withdrawn. Anna discovered that there was an existing domestic water right (75-11615) in the area that should have been associated with your home but contained an error in the place of use. Your original application (dated January 5, 2022) is no longer needed. I have asked our administrative assistant to request a refund of the \$100 filing fee associated with that application (Receipt No. 047677). A refund check from the state should arrive in the next couple of weeks.

Anna prepared a draft transfer application, which would update the place of use and ownership for water right 75-11615. You filed that transfer application on February 14, 2022. After the transfer was filed, there was a question raised about the actual location of the spring box. The water right records show the spring box in the NWSNW of Section 8, on property owned by Fran McVay. The application, however, states that the spring box is located in the NENW of Section 8, on BLM ground. You offered to collect a gps location of the spring box, but the gps coordinates have never been provided. Based on your description of the point of diversion and the apparent spring location in aerial imagery, I think we should move forward describing the point of diversion on BLM ground. Enclosed in an amended transfer application and map. If the changes proposed in the amended application are correct, please sign the amended transfer application (on page 2) and return it to our Idaho Falls office.

On February 14, 2022, you also filed a Notice of Change in Water Right Ownership, proposing to update the ownership of water right 75-11615 from Eugene Hussey to Richard Hussey. Richard Hussey owns the property where the home is located. The deed provided with the notice, however, does not support the ownership change. You provided a Personal Representatives Deed from the Estate of Eugene Hussey to Fran McVay (for Fran's property) and a Land Patent in the name of Richard Hussey (for Richard's property). It is not clear whether Eugene ever owned Richard's property. Ultimately, the ownership can be updated to Richard, but Fran must provide written acknowledgement of that change. Please have Fran sign the Amended Transfer Application (on page 2). By doing so, Fran acknowledges that she agrees with the proposed changes and that water right 75-11615 should be in the name of Richard, consistent with the actual location of the home.

On February 14, 2022, you filed two applications (one for Richard's property and one for Fran's) proposing to divert water from a spring tributary to Iron Creek for irrigation use. The spring (which I believe is known as Bill's Spring) has been used for irrigation for many years but has never been covered by a recorded water right. The applications look pretty good but contain an error in the legal description for the point of diversion description. I have prepared amended applications and an amended map to address the error. Please review the amended applications. If they are correct, please sign the respective amended permit applications and return them to the Idaho Falls office.

I have attempted to call you to discuss the applications, but the phone number listed on the applications has been disconnected. You have not responded to email requests either. Please update your phone number on the applications. If you do not respond to this letter (by contacting me or filing the amended applications) within 30 days, I will return all of your applications and refund all associated filing fees. Feel free to call if you have any questions.

Sincerely,

James Cefalo
208-525-7161