

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 86302**

This is to certify that: RAY A VARNEY AND/OR
REBECCA VARNEY
345 ROD AND GUN CLUB LOOP
CHALLIS, ID 83226-4728

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-16628	WR/DECREED	7/22/1910	0.820 cfs	N/A	N/A	37.0	CHALLIS CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-16628	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-16628	72-16999	0.090 cfs	N/A	N/A	4.0	72-16628	0.730 cfs	N/A	N/A	33.0
COMBINED TOTALS		0.090 cfs	N/A	N/A	4.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 9th day of August, 2022.


Southern Region Manager

SUPPORT DATA

IN FILE # 72-16628

Transfer No. 86302

WATER RIGHT NO. 72-16628
As Modified by Transfer No. 86302

In accordance with the approval of Transfer No. 86302, Water Right No. 72-16628 is now described as follows:

Right Holder: CHALLIS CREEK CATTLE CO LLC
 PO BOX 10
 CHALLIS, ID 83226-0010

Priority Date: 7/22/1910

Source: CHALLIS CREEK

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.730 cfs

0.730 cfs

LOCATION OF POINT(S) OF DIVERSION

CHALLIS CREEK NWNWNW Sec 28 Twp 14N Rge 19E CUSTER County (R)
 CHALLIS CREEK L10 (SWNWNW) Sec 7 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	21																33.0	33.0

POU Total Acres: 33.0

CONDITIONS OF APPROVAL

1. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 72-32F.
2. THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C.
3. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
4. Approval of this transfer does not confirm the validity of this water right.

Transfer No. 86302

WATER RIGHT NO. 72-16999

As Modified by Transfer No. 86302

In accordance with the approval of Transfer No. 86302, Water Right No. 72-16999 is now described as follows:

Right Holder: RAY A VARNEY AND/OR
REBECCA VARNEY
345 ROD AND GUN CLUB LOOP
CHALLIS, ID 83226-4728

Priority Date: 7/22/1910

Source: CHALLIS CREEK

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.090 cfs
0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

CHALLIS CREEK NESWSE Sec 17 Twp 14N Rge 19E CUSTER County (R)
CHALLIS CREEK L10 (SWNWNW) Sec 7 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	17													4.0				4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 72A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86302

WATER RIGHT NO. 72-16999

As Modified by Transfer No. 86302

CONDITIONS OF APPROVAL

6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources

Attachment to Transfer # 86302

72-16999

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



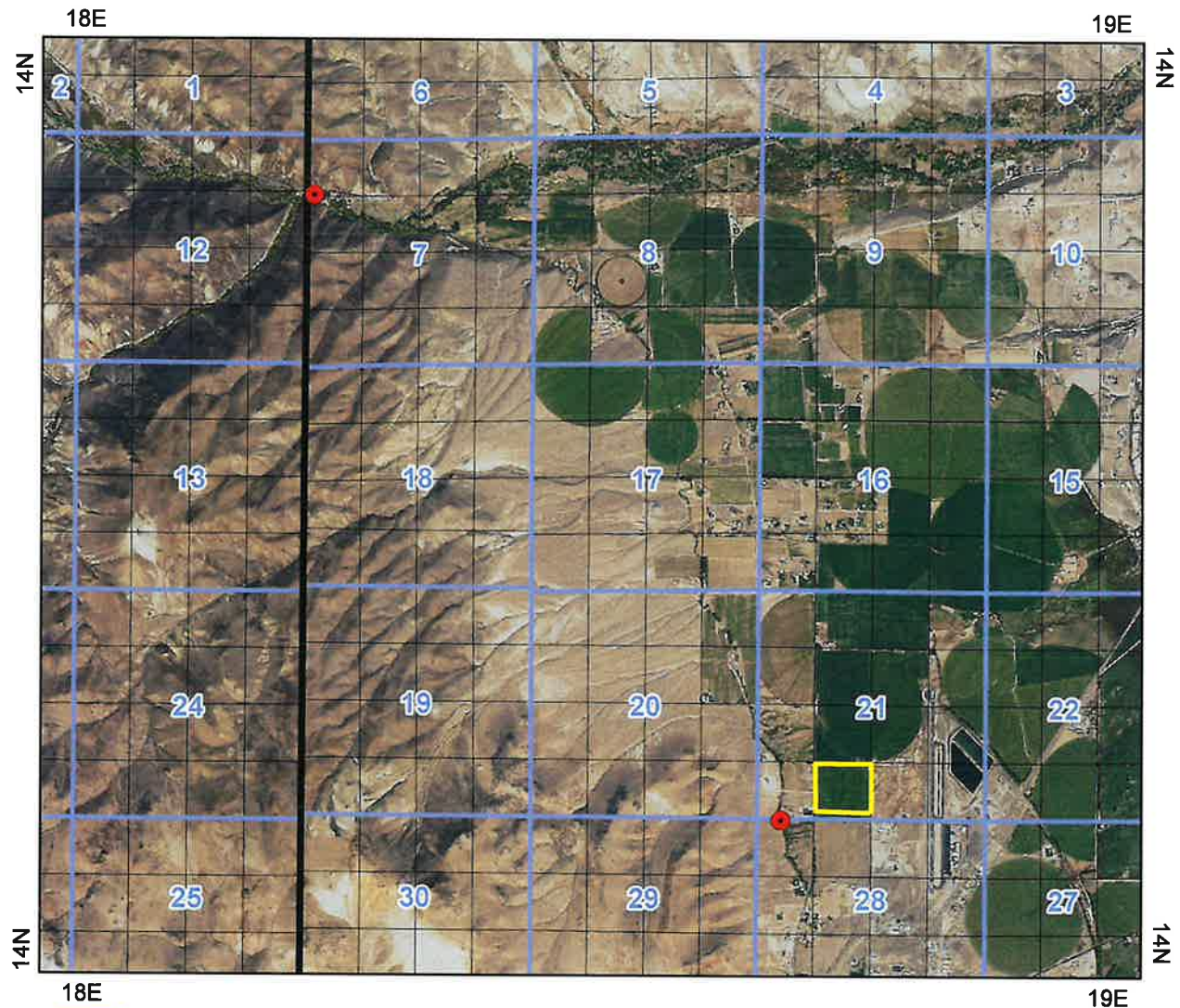
- 18E 19E
- Place Of Use Boundary
 - Point of Diversion
 - Townships
 - PLS Sections
 - Quarter Quarters

0 0.275 0.55 1.1 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 86302
72-16628

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- 18E
- 14N
- 14N
- 18E
- 19E
- Place Of Use Boundary
 - Point of Diversion
 - Townships
 - PLS Sections
 - Quarter Quarters

0 0.5 1 2 Miles





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

August 10, 2022

RAY A VARNEY
REBECCA VARNEY
345 ROD AND GUN CLUB LOOP
CHALLIS ID 83226-4728

Re: Transfer No: 86302
Water Right No(s): 72-16628

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

HDR INC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

CHALLIS CREEK CATTLE CO LLC
PO BOX 10
CHALLIS ID 83226-0010

THE BANK OF COMMERCE (Security Interest Holder for Challis Creek Cattle Co LLC)
C/O WESTERN AGCREDIT
PO BOX 95850
SOUTH JORDAN UT 84095-0850

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPATH
SALMON ID 83467

WATER DISTRICT 72A
DAVID PHILPS
PO BOX 910
CHALLIS ID 83226-0910

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 86302
Water Right No(s): 72-16628

RAY A VARNEY
REBECCA VARNEY
345 ROD AND GUN CLUB LOOP
CHALLIS ID 83226-4728

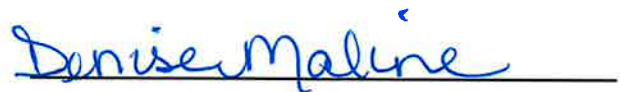
HDR INC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

CHALLIS CREEK CATTLE CO LLC
PO BOX 10
CHALLIS ID 83226-0010

THE BANK OF COMMERCE
C/O WESTERN AGCREDIT
PO BOX 95850
SOUTH JORDAN UT 84095-0850

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPATH
SALMON ID 83467

WATER DISTRICT 72A
DAVID PHILPS
PO BOX 910
CHALLIS ID 83226-0910



Denise Maline
Administrative Assistant

MEMORANDUM

Date: August 3, 2022
To: Transfer 86302 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing a point of diversion (POR) and place of use (POU) for a 0.09 cfs, 4 acre portion of a Challis Creek irrigation right. The current POR is located on the Highline Canal approximately 1 mile north and 0.4 miles west of the intersection of Main St and Hwy 93 in Challis. Current POU is located approximately 1.0 to 1.3 miles north and 0.0 to 0.2 miles west of the intersection of Main St. and Hwy 93 in Challis. Proposed POR is an existing diversion on the Highline Canal located approximately 1.2 miles north and 0.3 miles west of current POR. New POU is located approximately 1.2 to 1.3 miles north and 0.1 to 0.2 miles west of the current POR.

All PORs and POUs are within Water District 72A and 170. Watermaster comments were solicited, and no response was received. Idaho Department of Fish and Game comments were also solicited, and no response was received.

- **Authority to File:**

Applicants provided proof of ownership of the properties the 0.09 cfs portion of this right is being transferred to and IDWR records indicate they own the property.

- **Water Right Validity:**

Water right 72-16628 was decreed in the SRBA on 5/6/2003. Recent aerial imagery indicates the property

currently associated with this right appears to be irrigated.

- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application was subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



PROOF OF PUBLICATION The Challis Messenger

RECEIVED
JUL 18 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

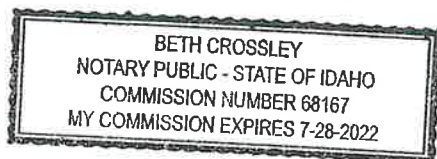
State of Idaho
County of Custer

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Challis Messenger, a newspaper of general circulation, published 1 day, Thursday at Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Challis Messenger for 2, first publication having been made on 07/07/2022 last publication having been made on 07/14/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Signature]

Subscribed and sworn to before me, on this 14th day of July, 2022



Beth Crossley

Notary Public
My commission expires:

attached jurat

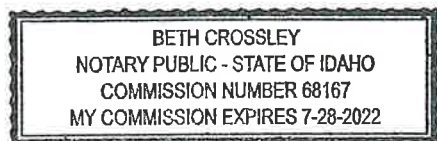
STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 14th day of July, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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



Beth Crossley

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ DM
7-26-2022

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

71-11009

CITY OF STANLEY

PO BOX 53

STANLEY, ID 83278-0053

Point of Diversion SWNW S3 T10N R13E CUSTER County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 05-11-2022

Place Of Use: DOMESTIC

T10N R13E S3 SWNW, NWSW

Application proposes to divert 0.20 cfs ground water for domestic uses for employee housing. The proposed POD and POU are located approximately 0.6 miles north and 0.1 miles west of the Highway 75 & Highway 21 intersection in Stanley. This application proposes the diversion and use of water from ground water 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 of 0.20 cfs will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86302**

RAY A VARNEY and REBECCA VARNEY, 345 ROD AND GUN CLUB LOOP, CHALLIS, ID 83226-4728 has filed Application No. 86302 for changes to the following water rights within CUSTER County(s): Right No(s). 72-16628. The purpose of the transfer is to change a portion of the above rights as follows:

Application proposes changing a point of redirection (POR) and place of use (POU) for a 0.09 cfs, 4 acre portion of a Challis Creek irrigation right. The current POR is located on the Highline Canal approximately 1 mile north and 0.4 miles west of the intersection of Main St and Hwy 93 in Challis. Current POU is located approximately 1.0 to 1.3 miles north and 0.0 to 0.2 miles west of the intersection of Main St. and Hwy 93 in Challis. Proposed POR is an existing diversion on the Highline Canal located approximately 1.2 miles north and 0.3 miles west of current POR. New POU is located approximately 1.2 to 1.3 miles north and 0.1 to 0.2 miles west of the current POR.

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 July 25, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published July 7 and 14, 2022 (CM12622-255174)

✓ OK dm 7-26-2022