

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 10 2022

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

Department of Water Resources

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)** Larry Wittier Phone 208-876-4474
 2. **MAILING ADDRESS** 4402 Pahsimeroi road City May
 State ID Zip 83253 Email marvalous55@hotmail.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)** 73-186

- ☐ 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 3.2 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*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NW	NW	20	13N	24E	Custer	Big Creek	

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:

Measuring device is installed. Headgate to wheel lines and hand lines.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Historical agreement.

- 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:

water undeliverable from current POD

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Larry D Whitworth
Signature of applicant or authorized agent

Larry D Whitworth
Print name and title if applicable

5-10-22
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 _____ Date _____

Fee paid 140.00 Date 5-10-22

Received by M. Pettus

Receipt # E048123

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)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/10/2022

Water Right 73-186

Owner Type **Name and Address**
Current Owner JUDI A WHITTIER
4402 PAHSIMEROI RD
MAY, ID 83253
(208) 876-4474

Current Owner LARRY D WHITTIER
4402 PAHSIMEROI RD
MAY, ID 83253
(208) 876-4474

Priority Date: 5/30/1908

Basis: Decreed

Status: Active

Source
BIG CREEK

Tributary
PAHSIMEROI RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	3.200 CFS	
	Total Diversion		3.200 CFS	

Source and Point(s) of Diversion:

BIG CREEK

NENW

Sec. 20, Twp 13N, Rge 24E, LEMHI County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	24E	19	24.0	38.0			38.0				38.0								138.0

POU Total Acres: 138.0

Conditions of Approval:

1. C18

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates and Other Information:

Decreed Date: 3/12/2010

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S



2019 Imagery

Legend

- New POD
- Old POD
- Township/Range
- Sections
- QQ



IDAHO DEPARTMENT OF
WATER RESOURCES

Creator: JNEBEKER

86387



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

June 22, 2022

LARRY D WHITTIER
4402 PAHSIMEROI RD
MAY, ID 83253-4913

RE: Transfer No. 86387
Water Right No(s). 73-186

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 RECORDER HERALD, CHALLIS MESSENGER on 6/30/2022 and 7/7/2022. 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, June 22, 2022 10:55 AM
To: 'rhlegals@custertel.net'
Subject: Legal Notice for Recorder Herald
Attachments: 86387 Recorder Herald, Challis Messenger.docx

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

RE: Transfer No. 86387
Water Right No(s). 73-186

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 7/18/2022. 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

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 22, 2022 10:55 AM
To: legalnotices@postregister.com
Subject: Legal Notice for Challis Messenger
Attachments: 86387 Recorder Herald, Challis Messenger.docx

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Transfer No. 86387
Water Right No(s). 73-186

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 7/18/2022. Your cooperation is appreciated.

Sincerely,

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. 86387**

LARRY D WHITTIER, 4402 PAHSIMEROI RD, MAY, ID 83253-4913 has filed Application No. 86387 for changes to the following water rights within LEMHI County(s): Right No(s). 73-186; 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: change point of diversion. The proposed point of diversion is in NVNW Sec 20 T13N R24E for 3.20 cfs from Big Creek.

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 7/18/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/30/2022 and 7/7/2022