

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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)** Andrew M Knight and Kathleen M Knight Phone 208-940-1265
2. **MAILING ADDRESS** P.O. Box 71 City Lemhi
State ID Zip 83465-0071 Email knightranchvf@yahoo.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)** 74-1078

- ☒ 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 0.96 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 #
No		NE	NW	NW	28	18N	24E	Lemhi	Lemhi River	L-41/42

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:

A new headbox with a lockable measuring device will be designed by the Bureau of Reclamation and installed as a part of the larger Split River restoration project managed by Trout Unlimited and the Lemhi SWCD.

- b. Who owns the property at the point(s) of diversion? State of Idaho
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
L-41/42 Point of Diversion has an existing access road

- 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.

Andrew M. Knight
Signature of applicant or authorized agent

Andrew M Knight
Print name and title if applicable

6-14-21
Date

Kathleen M Knight
Signature of applicant or authorized agent

Kathleen M Knight
Print name and title if applicable

6-14-21
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 \$500 Date 7/21/21

Received by DIRECT BILLING Receipt # B1110130

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

12/29/2021

Water Right 74-1078

Owner Type **Name**
Current Owner KATHLEEN M KNIGHT
Current Owner ANDREW M KNIGHT
Priority Date: 2/12/1875
Basis: Decreed
Status: Active

Source **Tributary**
LEMHI RIVER SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.960 CFS	
	Total Diversion		0.960 CFS	

Source and Point(s) of Diversion
LEMHI RIVER NENE Sec. 20, Twp 18N, Rge 24E, LEMHI County

Place Of Use
IRRIGATION within LEMHI 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	
18N	24E	16										22.0	6.0						28.0
18N	24E	17																3.0	3.0

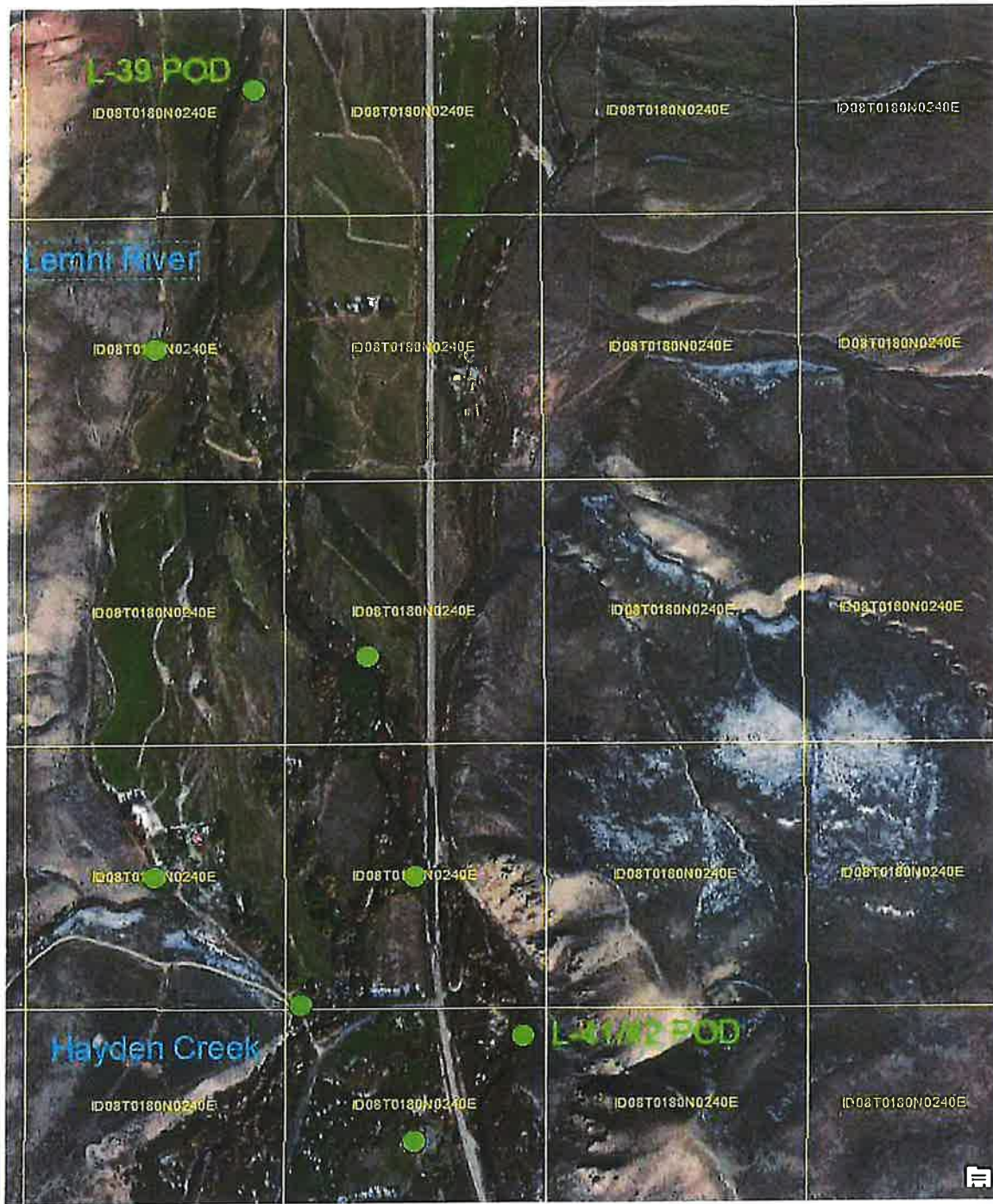
POU Total Acres: 31.0

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.
2. E64 This right authorizes the irrigation of 31.8 total acres.

Dates and Other Information

Decreed Date: 7/9/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 74
Mitigation Plan: False



-113.626 44.878 Decimal Degrees



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

December 29, 2021

ANDREW M KNIGHT
KATHLEEN M KNIGHT
PO BOX 71
LEMHI, ID 83465-0071

RE: Transfer No. 85117
Water Right No(s). 74-1078

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 1/6/2022 and 1/13/2022. 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

CC:
STATE OF IDAHO
OFFICE OF SPECIES CONSERVATION
UPPER SALMON BASIN WATERSHED PROGRAM
955 RIVERFRONT DR STE B
SALMON, ID 83467

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 29, 2021 12:31 PM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 74-16255, 75-15030, 85117 Recorder Herald.docx

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

RE: Application for Permit No. 75-15030, 74-16255

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 1/24/2022. 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

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

75-15030

TIMOTHY & VALERIE ONEILL, PO BOX 1452, CARMEN, ID 83462-1452

Point of Diversion NWNE S17 T23N R22E LEMHI County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 11-22-2021

Place Of Use: DOMESTIC

T23N R22E S17

NWNE

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 it is for Domestic purposes.

74-16255

MCFARLAND LIVESTOCK CO INC, PO BOX 50, LEMHI, ID 83465-0050

Point of Diversion NENW S31 T16N R27E LEMHI County

Source HAWLEY CREEK Tributary EIGHTEENMILE CREEK

Point of Diversion L1(NWNW) S31 T16N R27E LEMHI County

Source HAWLEY CREEK Tributary EIGHTEENMILE CREEK

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 12-02-2021

Place Of Use: STOCKWATER

T16N R27E S31

NENW,L1(NWNW)

This application proposes the diversion and use of water from Hawley Creek a 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 it is for stockwater purposes.

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 1/24/2022. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85117

ANDREW M and KATHLEEN M KNIGHT, PO BOX 71, LEMHI, ID 83465-0071 has filed Application No. 85117 for changes to the following water rights within LEMHI County(s): Right No(s). 74-1078; 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 NENWNW Sec 28 T18N R24E for 0.96 cfs from Lemhi River.

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 1/24/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/6/2022 and 1/13/2022

Holliday, Michael

From: Chris Gaughan
Sent: Monday, September 27, 2021 2:12 PM
To: Novak, Shilynn
Cc: knightranchvf@yahoo.com
Subject: Transfer number 85117 POD update request
Attachments: L-39_IDFG Support Letter_WNS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: important

Hi Shilynn,

I met with Andy and Kathleen Knight this morning. They have asked me to assist in responding to your questions concerning transfer number 85117 Rule 40 (additional information request). The Knights are cc'd to this written response. The two items which need to be addressed are:

1. **Effect on existing water rights** - There will be no effect on existing water rights. The Knights Water Right from L-39 (74-1078) will have no change in flow rate, nor will any existing flow rates be changed in the L 41/42 Point of Diversion (POD). The POD change is for the purpose of a Lemhi River anadromous fish restoration project which is sponsored by Trout Unlimited, The Lemhi Soil and Water Conservation District, and supported by the Idaho Governors Office of Species Conservation. Both the Idaho Fish and Game Screen Program Manager and Screen Program Engineer have been contacted and they assured the project sponsors that the IDFG fish screen at the L 41/42 POD is built to accommodate all users including the L-39 water right, thus there will be no injury to users off this diversion. This project would not have been moved forward through the Upper Salmon Basin Watershed Technical Team without assurance that the L 41/42 diversion and screen capacity will take the extra flow being transferred from L-39 without injury to any other users on L-41/42. Any minor changes to the existing L 41/42 POD infrastructure will be designed by the Natural Resource Conservation Service and Bureau of Reclamation to meet legal standards of water use and do no injury to any of the users on this diversion.
2. **Provide evidence of authority to locate a new point of diversion on land owned by the State of Idaho:** The land in question is managed by Idaho Fish and Game (State of Idaho). There is an existing POD on this land (L-41/42) which the transferred water will be moved into. IDFG is in favor of this transfer for the benefits it will have for anadromous ESA listed fish (see attached letter of support). This POD transfer and the closing of L-39 will be paid for with fish restoration funds which are vetted through the Upper Salmon Basin Technical Team. IDFG has a large presence on this Technical Team and is in favor of this transfer on the land they manage at this location. This area of the Lemhi River has been identified by IDFG fish biologists as critical for anadromous Chinook salmon and steelhead rearing thus support this action to benefit ESA listed fish.

Please let me know if you need any additional information -

Chris Gaughan
Project Planner
Upper Salmon Basin Watershed Program
955 Riverfront Dr. Suite B
Salmon, ID 83467
Office (208) 756-6322
Cell (208) 515-6484



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

Brad Little / Governor
Ed Schriever / Director

April 29, 2021

Daniel Bertram
Upper Salmon Basin Watershed Program
955 Riverfront Dr. Suite B
Salmon, ID 83467

Re: Support for Split River Reach Irrigation Consolidation for River Restoration Project

Dear Lemhi Soil and Water Conservation District,

The Idaho Department of Fish and Game is fully supportive of the proposed irrigation consolidation which will make a Lemhi River restoration project possible. The department has a vested interest in seeing the irrigation consolidation, the instream habitat improvement, and the riparian condition improved in this reach to benefit habitat for fish and wildlife. We hope that your groups find a way to get this project on the ground.

If you need any additional information please don't hesitate to contact me.

Sincerely
Windy Schoby

A handwritten signature in black ink, appearing to read "Windy Schoby", written over a horizontal line.

Staff Biologist
Idaho Department of Fish and Game
97 Hwy 93 North
Salmon, ID 83467
(208) 756-6022
Windy.schoby@idfg.idaho.gov

Keeping Idaho's Wildlife Heritage

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IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 22, 2021

ANDREW M KNIGHT
KATHLEEN M KNIGHT
PO BOX 71
LEMHI, ID 83465-0071

Re: Transfer 85117 Rule 40 Additional Information Request

Dear Applicants:

The Idaho Department of Water Resources ("IDWR") is processing your recent application for transfer regarding change in point of diversion for water right 74-1078. To assist IDWR in completing the initial processing steps, please submit additional information required by IDAPA 37.03.08.040.05. This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g (copy enclosed):

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest.

For the proposed change in point of diversion, only the following items need to be addressed:

1. Effect on existing water rights
2. Provide evidence of authority to locate a new point of diversion on land owned by the State of Idaho.

Please submit the requested information for application processing to continue. **Your written response is required within the next thirty (30) days.** You may seek additional time to provide the information if necessary. The application will be voided without a timely written reply. Refunds are not available for voided applications.

IDWR rules, forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at Shilynn.Novak@idwr.idaho.gov or 208-287-4915 if you need more information. Thank you for your attention to these matters.

Sincerely,

Shilynn Novak
Water Resource Agent, Sr.

Water Appropriation Rules 40.05.c through 40.05.g

c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.