

AMENDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**RECEIVED**

JUN 21 2021

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSIONDepartment of Water Resources
Eastern Region

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

Check all that apply:

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

1. **APPLICANT(S)** U.S. Fish and Wildlife Service Phone 503-231-2057
 2. **MAILING ADDRESS** 911 NE 11th Avenue City Portland
 State OR Zip 97232 Email brian_wehausen@fws.gov, mary_lindenberg@fws.gov

- ☐ 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)** 31-07324

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

4. **TOTAL AMOUNT OF WATER** transferred is 1.33 cubic feet per second and/or 240 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 #
Yes			NE	NW	25	07	35	Jefferson	Groundwater	Well #10

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:

These diversions are all ground water wells. In-line flow meters will be installed according to IDWR requirements for each well to measure output.

- b. Who owns the property at the point(s) of diversion? Department of Interior, U.S. Fish and Wildlife Service
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

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

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 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.

MARY LINDENBERG
Digitally signed by MARY
LINDENBERG
Date: 2021.06.21 16:03:55 -07'00'
Signature of applicant or authorized agent

Hydrologist, acting Water Resources Chief
Print name and title if applicable

June 21, 2021
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 \$3240.00 Date 5/11/21

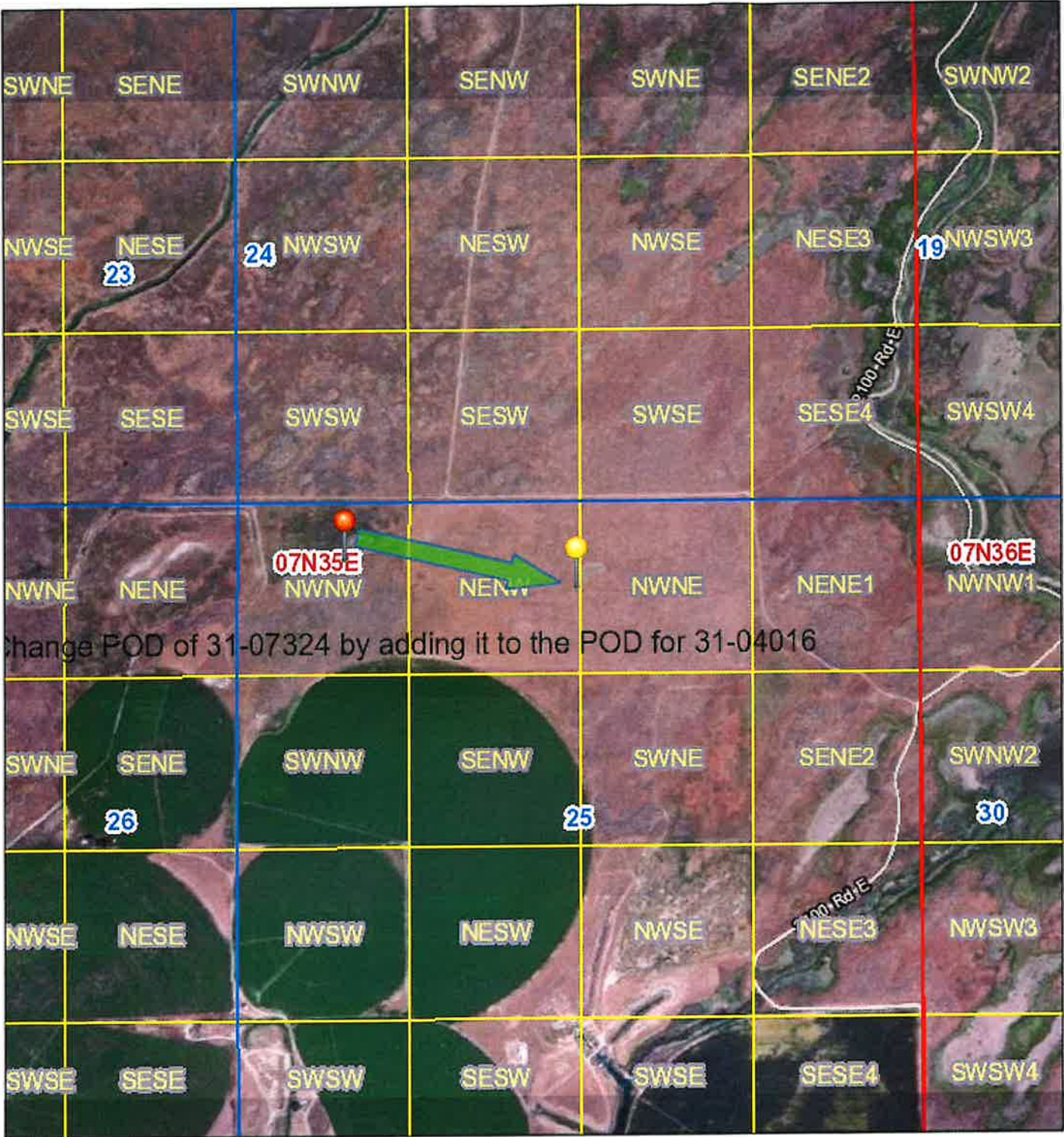
Received by M. Pettis Receipt # E046935

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

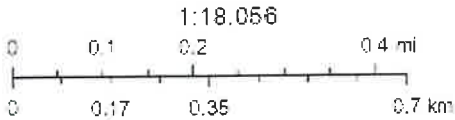
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

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

POD Change for 31-07324



5/10/2021, 10:28:03 AM



Created by NRCS from 1:24,000 scale USGS topographic maps. Esri
HERE (PO) Idaho Department of Water Resources, Moscow

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 31-07324

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH
Priority Date: 8/24/1979
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.33 CFS	240 AF
	<u>Total Diversion</u>	1.33 CFS	240 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NW1/4 Sec. 25, Twp 07N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T07N R35E S25	NWNW	40.00	T07N R35E S26	NENE	40.00
Total Acres: 80					

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.

Decreed Date: 2/22/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 11 2021

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Division of Water Resources
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SUPERCEDED

Check all that apply:

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☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** U.S. Fish and Wildlife Service, C/O Brian Wehausen Phone 208-662-54232. **MAILING ADDRESS** 2150 East 2350 North City HamerState ID Zip 83425 Email brian_wehausen@fws.gov

- ☐ 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.
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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.

Signature of applicant or authorized agent

Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$240.00 Date 5-11-21

Received by M. Pettis Receipt # E046935

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 30, 2021

U.S. FISH AND WILDLIFE SERVICE
911 NE 11 AVENUE
PORTLAND, OR 97232

RE: Transfer No. 85001, 85002

Dear Applicant:

The Department of Water Resources has received your water right transfers. Please refer to the transfer numbers referenced above in all future correspondence regarding the applications.

A legal notice of application 85001 has been prepared and is scheduled for publication in the JEFFERSON STAR on 7/7/2021 and 7/14/2021. A legal notice of application 85002 is scheduled for publication in the JEFFERSON STAR and POST REGISER on 7/7/2021 and 7/14/2021 and in the TIMES NEWS, IDAHO STATESMAN, and LEWISTON TRIBUNE on 7/8/2021 and 7/15/2021. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on them. If your applications are approved, the Department will send you a copy of the approval documents.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 30, 2021 2:24 PM
To: 'info@jeffersonstarnews.com'
Subject: Legal Notice for Jefferson Star
Attachments: 25-14494, 85001, 85002 Jefferson Star.docx

LEGAL NOTICE DEPARTMENT
JEFFERSON STAR
PO BOX 37
RIGBY, ID 83442

RE: Application for Permit No. 25-14494, Transfers No. 85001, 85002

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 7/26/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

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

25-14494

TLC DEVELOPMENT LLC

346 N 4456 E

RIGBY, ID 83442-4954

Point of Diversion NWSESE S29 T04N R40E JEFFERSON County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31

0.45 CFS

Total Diversion:

0.45 CFS

Date Filed: 06-04-2021

Place Of Use: DOMESTIC

T04N R40E S29

SESE

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 7/26/2021. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85001

U.S. FISH AND WILDLIFE SERVICE, 911 NE 11TH AVENUE, PORTLAND, OR 97232 has filed Application No. 85001 for changes to the following water rights within JEFFERSON County(s): Right No(s). 31-7324; 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 NENW Sec 25 T07N R35E for 1.33 cfs from Ground water.

TRANSFER NO. 85002

U.S. FISH AND WILDLIFE SERVICE, 911 NE 11TH AVENUE, PORTLAND, OR 97232 has filed Application No. 85002 for changes to the following water rights within JEFFERSON County(s): Right No(s). 31-11230, 31-11231, 31-2350, 31-2362, 31-7301; 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 and add points of diversion. The proposed points of diversion are in SESW Sec 13 T07N R35E; and SENW Sec 29 and NWNW Sec 20, T07N R36E for 35.54 cfs from Ground water.

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 7/26/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/7/2021 and 7/14/2021