

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85008
RECEIVED
MAY 17 2021

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT OF WATER RESOURCES
SOUTHERN REGION

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.

Name of Applicant(s) STATE OF IDAHO, Idaho Dept. Fish and Game Commission

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

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

- ☒ * 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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☐ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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

MAY 17 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) STATE OF IDAHO, Idaho Dept. of Fish and Game Commission Phone 208-334-3700

Mailing address P.O.Box 25, Boise, ID 83707 Email _____

- ☐ 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 Mike Demick, IDFG Easement Specialist, Salmon Region Phone 208-756-6022

Mailing address 97 Highway 93 North, Salmon, ID 83467 Email mike.demick@idfg.idaho.gov

- ☐ 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.

Tom Curet
Signature of Applicant or Authorized Representative

Tom Curet Regional Supervisor
Print Name and Title if applicable

6/10/21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- 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**.
- 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**.

The EF-16 POD and POU have been abandoned on the East Fork Salmon River and moved to new locations upstream in a different quarter/quarter. This right will then utilize the new POD as the only point of diversion and new POU as actual place of use. Note: Quarter/Quarter error in decreed POD location (lists SWNE but is in SENW)

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	72-10529	.8	fish propagation	04/01 to 10/31	East Fork Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .8 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .8 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 #
yes		NE	NE	SW	11	09N	17E	Custer	East Fork Salmon River	EF-16

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	
09N	17E	11									H								0
Total Acres (for irrigation use)																			0

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:

New lockable headgate and measuring device will be installed during construction on diversion above new fish screen/bypass. New ditch section will include replacing non-criteria fish screen with new double-bay, rotary drum screen with 10-inch bypass pipe that allows fish entrained in ditch to return to river. Tie new ditch to old.

- b. Who owns the property at the point(s) of diversion? Baker Family Trust, C/O Edwin Baker Jr and/or Lura Baker

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

IDFG holds recorded easement from landowners for egress/ingress to construct, operate and maintain fish screen/bypass on property.

- 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: _____

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:

N/A

- 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:

All other rights have been transferred to new POD with no changes to their POU's. This right transfer is the only other right authorized to use EF-16 and new POD. The new fish screen/bypass serves as actual POU for this right.

- 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:



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

5/6/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 72-10529

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME C/O OFFICE OF THE ATTORNEY GENERAL MICHAEL ORR PO BOX 83720 BOISE, ID 83720-0010 (208) 334-2400

Priority Date: 04/01/1963

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK SALMON RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	4/01	10/31	0.8 CFS	
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

SALMON RIVER | SWSWNE | Sec. 11 | Township 09N | Range 17E | CUSTER County

Place(s) of use:

Place of Use Legal Description: FISH PROPAGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09N	17E	11		SWNE										

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. USE IS FOR A BYPASS PIPE AT FISH SCREEN.

Dates:

Licensed Date:

Decreed Date: 12/01/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 72D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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 (Water Balance)

- ☐ 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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and is set against a dark background.**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

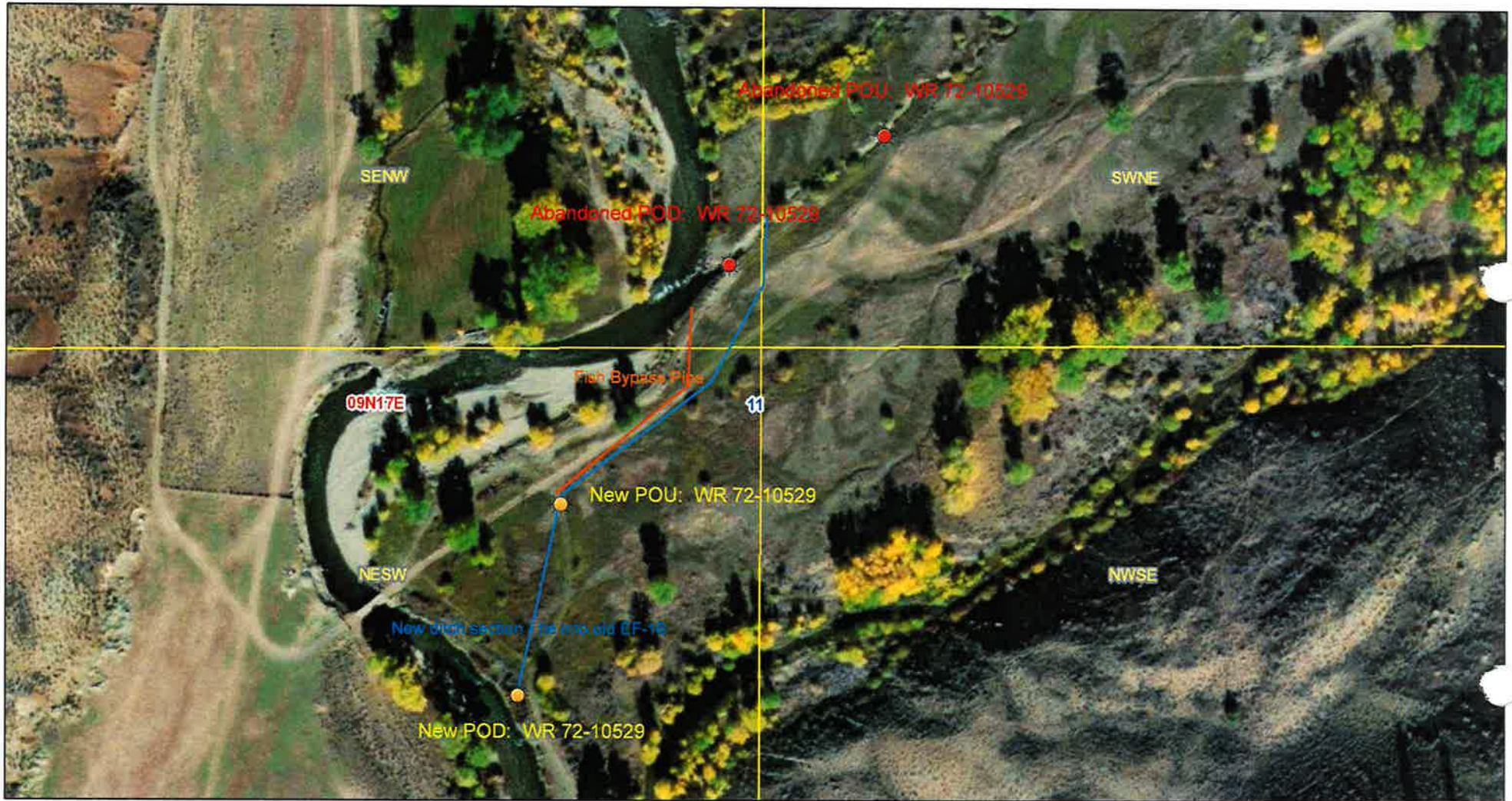
Received by SG Date 5/17/21 Preliminary check by _____ Date _____

Fee paid \$500.00 Date 5/25/2021 Received by BILL 073401 Receipt # _____

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

App. for Transfer Right 72-10529 to new POD & POU



5/10/2021, 1:39:31 PM

Lines Points
 — Override 1 ☀ Override 1
 — Override 2 ☀ Override 2
 : Counties □ Township/Range
 □ Quarter Quarter — Idaho Outline
 □ Section — Idaho Mask

1:2,257
 0 0.02 0.04 0.08 mi
 0 0.03 0.06 0.12 km

Maxar, Microsoft, Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, iPC, Idaho Department of Water Resources

Idaho Department of Water Resources
 Maxar, Microsoft | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources | USDA, Natural Resources Conservation Services | Esri, HERE, iPC |

TRANSFER 85008



THE JEFFERSON
STAR

THE CHALLIS
Messenger

PROFORMA INVOICE

PO Box 1800,
Idaho Falls, ID 83401
Ph. (208) 522-1800 Fax: (907) 452-5054

BILLING DATE: ACCOUNT NO:

06/11/21

12622

Denise Maline
IDWR SOUTHERN REGION
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85008

STATE OF IDAHO, FISH AND
GAME COMMISSION, PO
BOX 25, BOISE, ID 83707-
0025 has filed Application
No. 85008 for changes to the
following water rights within
CLUSTER County(s): Right
No(s). 72-10529; 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: Application for transfer proposes to change the point of diversion (POD) and place of use (POU) of fish propagation right 72-10529 (0.80 cfs, East Fork Salmon River). The existing POD is located approximately 9.4 miles south and 1.1 mile west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River. The POU (fish screen/bypass) will move into the adjacent quarter-quarter to correspond to the location change of the POD.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, 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 6, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 16th &
23rd, 2021 (110674-12622)

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
110674	85008	06/17/21	06/24/21	2	\$83.30

Proof of legal notice received
from Challis Messenger 6/11/2021

✓
DM
6-11-2021

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
------	--------	-----------	---------------	-------	--------

Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$83.30
Paid Amount: \$0.00

Amount Due: \$83.30

We Appreciate Your Business!



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Gary Spackman
Director

June 10, 2021

STATE OF IDAHO
FISH AND GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025

RE: Transfer No. 85008
Water Right No(s). 72-10529

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 **CHALLIS MESSENGER** on **6/16/2021** and **6/23/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **July 6, 2021**.

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,

Denise Maline

Denise Maline
Administrative Assistant

c: Mike Demick, IDFG Salmon Region

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 10, 2021 3:23 PM
To: Cindy Yenter
Subject: Comment Letter for Transfer 85008 (F&G Commission)
Attachments: Comment Letter to WD170 for 85008.docx; Transfer 85008 Fish & Game Comm..pdf

Good afternoon Cindy,

Attached is an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days. Comments have also been solicited from sub-district 72D.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 10, 2021

WATER DISTRICT #170
CINDY YENTER
102 S WARPETH
SALMON ID 83467

RE: Application for Transfer No. 85008 (Idaho Fish & Game Commission)

Dear Cindy:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 10, 2021

WATER DISTRICT 72D
BRENT CUTLER
45 BUCKBOARD LN
CHALLIS ID 83226-4998

RE: Transfer No. 85008 (Idaho Fish & Game Commission)

Dear Brent:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 10, 2021 11:35 AM
To: Challis Messenger
Subject: LEGAL NOTICE FOR CHALLIS MESSENGER
Attachments: Challis Messenger cover letter.docx; Challis Messenger Ad.docx

Attached please find (1) legal notice being submitted for publication in the Challis Messenger on June 16th & 23rd, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 10, 2021

LEGAL NOTICE DEPARTMENT

CHALLIS MESSENGER

PO BOX 405

CHALLIS, ID 83226-0405

RE: Transfer No. 85008
Water Right No(s). 72-10529

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 July 6, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85008**

STATE OF IDAHO, FISH AND GAME COMMISSION, PO BOX 25, BOISE, ID 83707-0025 has filed Application No. 85008 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10529; 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: Application for transfer proposes to change the point of diversion (POD) and place of use (POU) of fish propagation right 72-10529 (0.80 cfs, East Fork Salmon River). The existing POD is located approximately 9.4 miles south and 1.1 mile west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River. The POU (fish screen/bypass) will move into the adjacent quarter-quarter to correspond to the location change of the POD.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, 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 6, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 16th & 23rd, 2021

Bitzenburg, James

From: Cassel, Amy
Sent: Wednesday, June 9, 2021 3:27 PM
To: Bitzenburg, James
Subject: RE: Fish screen/bypass POD/POU transfer on East Fork Salmon River #85008

Hi Jim,

Got it, thanks. I see a lot of these and I have no concerns, comments, or questions.

Thanks for sending my way.

Amy

From: Bitzenburg, James
Sent: Wednesday, June 9, 2021 3:25 PM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Subject: RE: Fish screen/bypass POD/POU transfer on East Fork Salmon River #85008

Amy-

I'll give it a shot. Let me know if you don't get it. And let me know if you need anything else.

Jim

From: Cassel, Amy
Sent: Wednesday, June 9, 2021 3:23 PM
To: Golden, Kala <Kala.Golden@idwr.idaho.gov>; Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>; Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>
Subject: RE: Fish screen/bypass POD/POU transfer on East Fork Salmon River #85008

Hi Jim,

The attachment is not showing up in the forwarded email – can you please email that to me?

Thanks,

Amy Cassel | Program Manager
Idaho Water Transactions Program
Idaho Department of Water Resources
102 S. Warpath | Salmon, ID 83467
tel: (208) 742-0656 cell: (208) 577-1565

From: Golden, Kala
Sent: Wednesday, June 9, 2021 3:16 PM
To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>; Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>

Cc: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>

Subject: RE: Fish screen/bypass POD/POU transfer on East Fork Salmon River #85008

Hi Jim,

Thank you for the opportunity to comment. Amy Cassel with our group handles review of anything related to the Salmon area (roughly anything in 70-78); and I generally handle all others. I have included her on this email so that she can assist with this review and provide any comments if necessary.

Cheers,

Kala

From: Bitzenburg, James

Sent: Wednesday, June 9, 2021 3:09 PM

To: Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>

Cc: Golden, Kala <Kala.Golden@idwr.idaho.gov>

Subject: Fish screen/bypass POD/POU transfer on East Fork Salmon River #85008

Cynthia and Kala-

Today I will give a transfer (copy attached) to Denise for advertising which changes the POD and POU of a fish screen/bypass on the East Fork of the Salmon River. It is a follow-up to last year's transfer for Eddie Baker (83908) which moved the POD of four of his water rights a short distance upstream. We would like to solicit your comments on the proposal. Let me know if you have any questions or need further information, and thank you for your assistance.

Jim

Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

TRANSFER SYNOPSIS

Date: June 8, 2021
To: Transfer 85008- State of Idaho, Fish and Game Commission Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change the point of diversion (POD) and place of use (POU) of fish propagation right 72-10529 (0.80 cfs, East Fork Salmon River). The existing POD is located approximately 9.4 miles south and 1.1 mile west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River. The POU (fish screen/bypass) will move into the adjacent quarter-quarter to correspond to the location change of the POD.

This transfer was made necessary due to a 2020 transfer which changed the point of diversion for irrigation rights 72-10302A, 72-10303, 72-10304, and 72-16779, and right 72-10529 provided the fish screen and bypass for that diversion.

Because the transfer involves changing a POD on a stream, it will be advertised and public comment will be sought. The transfer is located within Water District 170 and Subdistrict 72D, so Watermaster comments will be solicited from both Water Districts.

FEE MEMORANDUM

Date: June 8, 2021
To: State of Idaho, Fish and Game Commission Transfer #85008 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on May 17, 2021 and changes the point of diversion (POD) and place of use of fish propagation (fish screen) right 72-10529. Because the POD is changing and the entire flow could be diverted from the POD, the fee of \$500.00 is based on the 0.80 cfs flow rate. The fee was paid by the State of Idaho Fish and Game Commission with interagency bill BILL73401 on May 25, 2021.

George, Suzanne

From: Corbett, Brenda
Sent: Monday, May 17, 2021 3:10 PM
To: Rau, Kim
Cc: Marston, Sascha; George, Suzanne
Subject: RE: Interagency Billing Request
Attachments: BILL073401 Transfer Application EF Salmon River.pdf

Hi Kim,

Attached is an interagency bill. If you have any questions please let me know.

Thanks and have a good day,
Brenda

From: Marston, Sascha
Sent: Monday, May 17, 2021 2:37 PM
To: Corbett, Brenda <Brenda.Corbett@idwr.idaho.gov>
Subject: FW: Interagency Billing Request

Brenda,

Will you please create another interagency bill for Fish & Game?

Thanks,
Sascha

From: George, Suzanne
Sent: Monday, May 17, 2021 2:31 PM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Subject: Interagency Billing Request

Hello Sascha,

I have another Interagency Billing Request from IDFG. This one is for the following:

Application for Transfer from: State of ID, IDFG Commission.

WR#72-10529 – a new POD and POU on the EF Salmon River.

The processing fee is for the amount of \$500.00
PCA: 35798, CODE C1NX

Please send billing documents to the Attn: Kim Rau, IDFG Headquarters Office, P.O. Box 25, Boise ID 83707.

Please send a copy of the approved Transfer to IDFG, Attn: Mike Demick, 97 Hwy 93 N, Salmon ID 83467.
Mike's Phone #208-756-6022.

Thank you for all your help.

Suzanne George
Office Specialist 2
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
208-736-3033

**STATE OF IDAHO - STARS
INTERAGENCY BILLING INPUT**

SECTION A - AGENCY NAME (BILLING AGY)						AGENCY CODE	CONTACT NAME	PHONE #	DOCUMENT DATE	CUR DOCUMENT #/SFX
Department of Water Resources						360	Brenda Corbett	287-4818	5/17/2021	BILL073401
SFX	T/C	GAAP	INDEX/PC A	SEC AGY	SUBSIDIARY	REV SUBOBJ	AMOUNT	INVOICE DESCRIPTION		
01	130		64106	260	2600000	1155 -	\$500.00	Application for Transfer - WR 72-10529 EF Salmon River		
						-				
						-				
SECTION B - THIS SECTION CONTAINS THE DESCRIPTION AND PRICE OF MATERIALS AND SERVICES SUPPLIED										
DESCRIPTION									AMOUNT	
Application for Transfer - WR 72-10529 EF Salmon River									\$ 500.00	
TOTAL									\$ 500.00	

SECTION C - AGENCY NAME (PAYING AGY)						AGENCY CODE	CONTACT NAME	PHONE #	DATE	CUR DOCUMENT #/SFX	
Department of Fish & Game (826000952-64)						260	Kim Rau				
SFX	T/C	RVS	INDEX/PC A	SEC AGY	SUBSIDIARY	EXP SUBOBJ	AMOUNT	PROP NO/COMP NO.	INVOICE NO.	VENDOR NO./SFX	G=GRANT/PH P=PROJECT/PH
01	240			360	3600000	-	\$ 500.00		BILL073401	826000952-DP	
						-					
						-					
						-					
						-					
TOTAL							\$ 500.00				

PAYING AGENCY'S AUTHORIZED SIGNATURE _____

DATE _____



RECEIVED
MAY 17 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

Brad Little / Governor
Ed Schriever / Director

May 13, 2021

IDWR Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858

Dear IDWR:

Enclosed please find an "Application for Transfer of Water Right" involving Water Right 72-10529 to a new POD and POU on the East Fork Salmon River.

Please initiate the Interagency Billing Process for the \$500 fee for this application. When processing this application, use PCA 35798 and code C1NX.

Please send the billing documents to the attention of Kim Rau, IDFG Headquarters Office, P.O. Box 25 Boise, ID 83707.

Please send a copy of the approved transfer to IDFG, Attn: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call me if you have any questions at 208-756-6022.

Sincerely,

A handwritten signature in blue ink that reads "Mike Demick".

Mike Demick
Easement Specialist

Enc: 1 "Application for Transfer of Water Right"

Keeping Idaho's Wildlife Heritage