

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

1. **APPLICANT(S)** Luke D Schlabach, Lyndon D Helmuth Phone 208.993.3493

2. MAILING ADDRESS 1136 Hwy 28 City Salmon

State ID Zip 83467 Email luke@idahologhomes.net

- ☐ 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) 74-485

Note: L Schlabach is local contact. Address on Helmuth split as shown on owner change notice.

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.52 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

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:

Existing ditch is not used but we desire to keep it as a point of diversion. River has incised and diversion is currently perched above river. Single pump station for both properties will have a flow meter installed.

- b. Who owns the property at the point(s) of diversion? Luke Schlabach (applicant)

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:

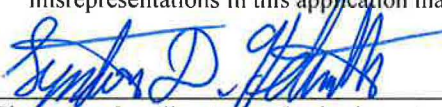
We just purchased these properties and found the ditch abandoned. This is a situation beyond our control and should be a defense to forfeiture of the water right.

- 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.)

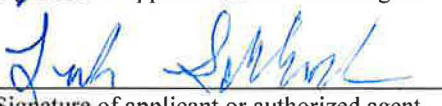
7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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

Lyndon D. Helmath
Print name and title if applicable

11-7-2019
Date


Signature of applicant or authorized agent

Luke D. Schlabach
Print name and title if applicable

11-7-2019
Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 4 pages of attachments. Received by LM Date 3-9-2020
Fee paid \$500 Date 3-9-2020 Received by LM Receipt # C10823108423
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
Water Right 74-485

11/7/2019

Owner Type **Name and Address**
Current Owner CHRISTINE WEBB
 PO BOX 706
 SPRINGVILLE, CA 93265
 (209) 783-4234

Current Owner JAMES WEBB
 PO BOX 522
 SALMON, ID 83467-0522
 (208) 993-0266

Priority Date: 6/28/1899

Basis: Decreed

Status: Active

Source
LEMHI RIVER

Tributary
SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.520 CFS	
	<u>Total Diversion</u>		0.520 CFS	

Source and Point(s) of Diversion

LEMHI RIVER SWNE Sec. 14, Twp 20N, Rge 23E, 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	
20N	23E	14					15.0	2.0											17.0

POU Total Acres: 17.0

Conditions of Approval:

1. E64 This right authorizes the irrigation of 17.4 total acres.
2. 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.

Comments:

1. awarntje 2/13/2004 recommendation
Based on Lemhi Decree

Dates and Other Information

Decreed Date: 7/9/2007

Civil Case Number: 39576

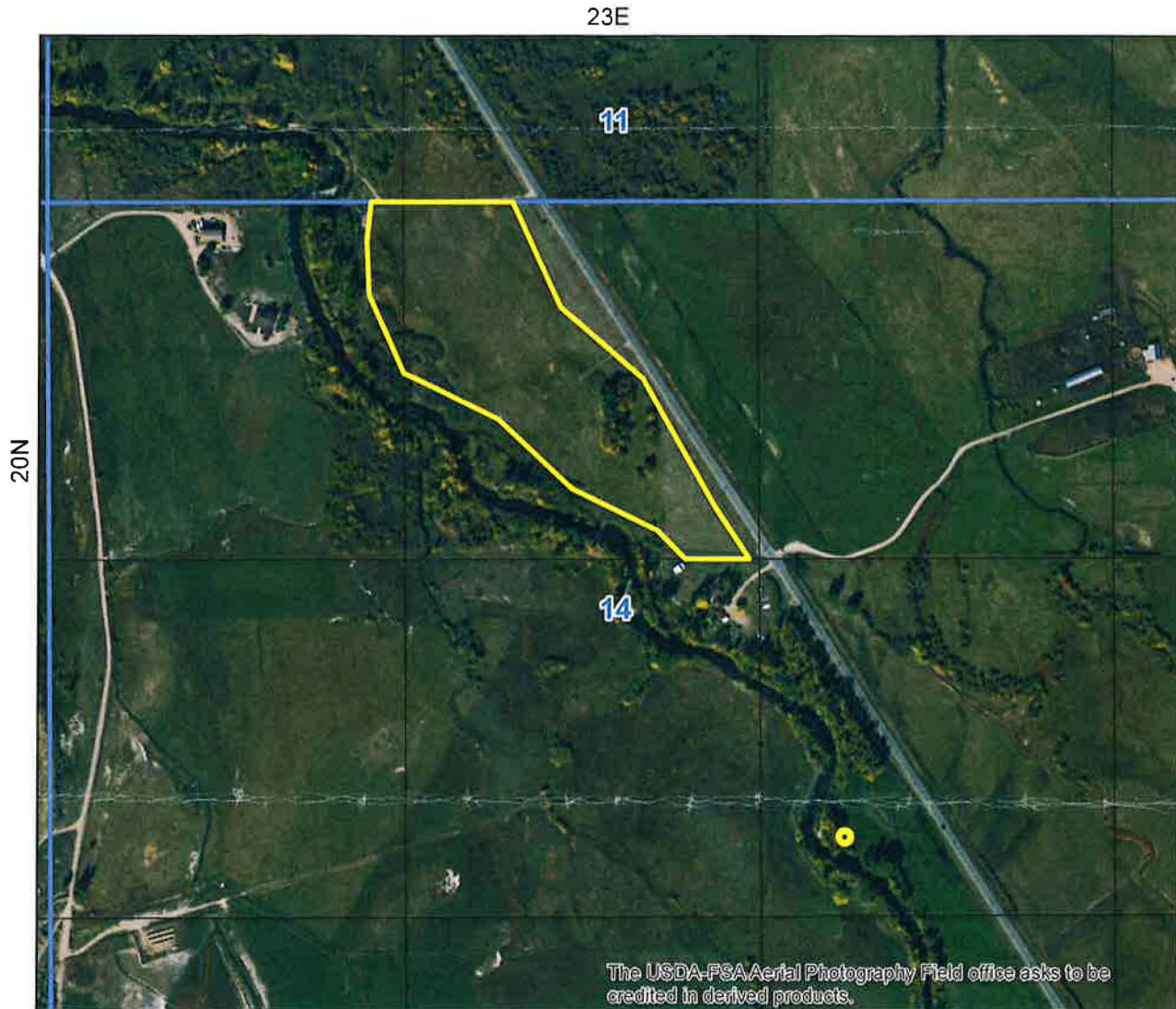
Judicial District: FIFTH

State of Idaho
Department of Water Resources

Water Right
74-485

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.075 0.15 0.3 Miles



84530





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 8, 2021

LYNDON HELMUTH
MARGARET HELMUTH
1111 HIGHWAY 28
SALMON, ID 83467

LUKE D SCHLABACH
1136 HIGHWAY 28
SALMON, ID 83467-5331

RE: Transfer No. 84530
Water Right No(s). 74-16234, 74-485

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 on 4/15/2021 and 4/22/2021. 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,

A handwritten signature in black ink, appearing to read 'Jean Hersley', is written over a horizontal line.

Jean Hersley
Technical Records Specialist

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before May 3, 2021. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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

75-15005

FREEMAN GOLD CORP

505 BURRARD ST STE 1570

VANCOUVER, BC BC V7X 1M5

Point of Diversion SWSW S28 T26N R21E LEMHI County

Source GROUND WATER

Use: MINING

01/01 to 12/31

0.54 CFS

Use: DOMESTIC

01/01 to 12/31

0.01 CFS

Total Diversion:

0.54 CFS

Date Filed: 02-22-2021

Place Of Use: DOMESTIC & MINING

T26N R21E S28

NENE,NENW,NESW,NESE,NWNE,NWNW,NWSW,NWSE,SWNE,SWNW,SWSW,SWSE,SENE,SENE,SENE,SESE

Place Of Use: DOMESTIC & MINING

T26N R21E S29

NENE,NENW,NESW,NESE,NWNE,NWNW,NWSW,NWSE,SWNE,SWNW,SWSW,SWSE,SENE,SENE,SENE,SESE

Place Of Use: DOMESTIC & MINING

T26N R21E S32

NENE,NENW,NESW,NESE,NWNE,NWNW,NWSW,NWSE,SWNE,SWNW,SWSW,SWSE,SENE,SENE,SENE,SESE

Place Of Use: DOMESTIC & MINING

T26N R21E S33

NENE,NENW,NESW,NESE,NWNE,NWNW,NWSW,NWSE,SWNE,SWNW,SWSW,SWSE,SENE,SENE,SENE,SESE

This application proposes the diversion and use of water from ground water tributary to 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 the diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see

<https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 05/03/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/15/2021 and 4/22/2021

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84530

LYNDON HELMUTH and MARGARET HELMUTH, 1111 HIGHWAY 28, SALMON, ID 83467; LUKE D SCHLABACH, 1136 HIGHWAY 28, SALMON, ID 83467-5331 has filed Application No. 84530 for changes to the following water rights within LEMHI County(s): Right No(s). 74-16234, 74-485; 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: to add a point of diversion from the Lemhi River to water rights 74-485 and 74-16234. Water will continue to be used at the current place of use, approximately 12.5 miles southeast of Salmon Idaho.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 05/03/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/15/2021 and 4/22/2021

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 8, 2021 8:22 AM
To: 'rhlegals@custertel.net'
Subject: Legal Notice for Your paper
Attachments: Recorder Herald.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before May 3, 2021. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 8, 2021

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS, ID 83402

RE: Application for Permit No. 75-15005
Application for Transfer No. 84530 Water Rights 74-485 & 74-16234

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization 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>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist 2

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 8, 2021 9:01 AM
To: 'jeff.richards@idfg.idaho.gov'
Subject: Application for Permit of 75-15005 and Application for Transfer 84530

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization 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>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 8, 2021 9:04 AM
To: 'rick375s@outlook.com'
Subject: Application for Transfer No. 84530
Attachments: RecommendationForm Transfer1.docx

Watermaster:

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 by May 3, 2021.

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 by May 3, 2021, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 8, 2021 9:05 AM
To: Yenter, Cindy
Subject: Application for Transfer No. 84530
Attachments: RecommendationForm Transfer0.docx

Watermaster:

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 by May 3, 2021.

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 by May 3, 2021, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 8, 2021 9:06 AM
To: Clark, Cynthia Bridge; Golden, Kala; Cassel, Amy; Yenter, Cindy
Subject: Application for Permit of 75-15005 Application for Transfer 84530

Dear Interested Party:

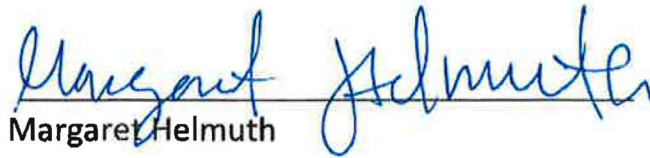
The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Transfer 84530 was originally submitted on March 5, 2020 by Lyndon Helmuth and Luke Schlabach. The transfer proposes to add a point of diversion to water rights 74-16234 and 74-485. As a co-owner of water right 74-16234, Lyndon Helmuth has the authority to submit transfer 84530 on my behalf.


Margaret Helmuth

RECEIVED

MAR 25 2021

**DEPT OF WATER RESOURCES
SALMON OFFICE**

MEMORANDUM

Date: February 26, 2021
To: Water Right 74-485 & 74-16234
From: Alex Dagleish
Re: Ownership Change Processed Prior to Transfer No. 84530

Two notices of Ownership Change were received and processed prior to the transfer. One ownership change resulted in the split of right 74-485 (creating new water right 74-16234) while a second ownership change simply updated the ownership of right 74-485

Before the ownership changes and split, water right 74-485 was owned by Christine and James Webb. It authorized the total irrigation of 0.52 cfs and 17.4 acres from the Lemhi River. After the split, right 74-485 authorized a total of 0.32 cfs and 6.7 acres.

Newly created right 74-16234, which is owned by Margaret and Lyndon Helmuth, authorizes the diversion of 0.20 cfs and the irrigation of 10.7 acres.

Transfer No. 84530 will affect both water rights 74-485 and 74-16234 by adding a new point of diversion.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 25, 2020

LUKE D SCHLABACH
1136 HWY 28
SALMON ID 83467

LYNDON D HELMUTH
MARGARET HELMUTH
9195 US HWY 68 N
RUSHSYLVANIA OH 43347-9720

RE: Water Right No(s): 74-485 & 74-16234

Dear Water Right holder(s):

The Department of Water Resources (Department) received an Application for Transfer for water right 74-485 (split into 74-485 & 74-16234) from you on June 24, 2020. This application contained corrected warranty deeds that I assume are for an update of the ownership of water rights 74-485 & 74-16230. This will require a Notice of Change in Water Right Ownership form (enclosed) and a filing fee of \$25 for each right or \$50 to update the ownership of these rights. The previous ownership change received by the Department on March 9, 2020, was completed.

Please sign the enclosed forms and return to the Department with the filing fee.

The transfer cannot be processed until the ownership issue is resolved.

If you have any questions concerning this letter, feel free to contact me at 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

84530