

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 28 2020
Department of Water Resources
Eastern Region

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)** Susan K Kozacek Living Trust Phone 520-979-9100

2. **MAILING ADDRESS** 7850 N Silverbell Rd Ste 114-316 City Tucson

State AZ Zip 85743 Email susankozacek@gmail.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)** 75-10392

☒ 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 .16 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 #
yes		SE	NE	NE	21	25	21	Lemhi	spring	
no		SE	SW	SW	15	25	21	Lemhi	spring	
no		NE	NW	NW	22	25	21	Lemhi	NorthFork SalmonRiver	NF7

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:

At the corrected diversion point there is an existing lockable metal head gate to a ditch from the spring fed stream. The diversion has always been at this location, not higher on the stream. A measuring device can be installed.

- b. Who owns the property at the point(s) of diversion? Michael and Janet Reese

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

Existing diversion, no physical change.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Susan K Kozacek, trustee Susan K Kozacek, Trustee 12/20/2020
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

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-foot 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 50.00 Date 12-28-20 Received by m. pettis Receipt # E046534
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)

Appl fee: \$150.00 1/25/21 CA H E046588

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

Current Water Right No.: 75-10392

Current Owner: SUSAN K KOZACEK LIVING TRUST

Priority Date: 5/1/1887

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRING
NORTH FORK SALMON RIVER

Tributary

NORTH FORK SALMON RIVER
SALMON RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

STOCKWATER 01/01 to 12/31

0.04 CFS

IRRIGATION 04/01 to 10/31

0.12 CFS

Total Diversion

0.16 CFS

Location of Point(s) of Diversion

NORTH FORK SALMON RIVER LEMHI County	NE1/4NW1/4NW1/4	Sec. 22,	Twp 25N,	Rge 21E B.M.
SPRING LEMHI County	SE1/4SW1/4SW1/4	Sec. 15,	Twp 25N,	Rge 21E B.M.
SPRING LEMHI County	SE1/4SW1/4SW1/4	Sec. 15,	Twp 25N,	Rge 21E B.M.

Place of UseIRRIGATION Within LEMHI County

T25N R21E S21	NENE	2.91	T25N R21E S21	SENE	0.09
Total Acres: 3					

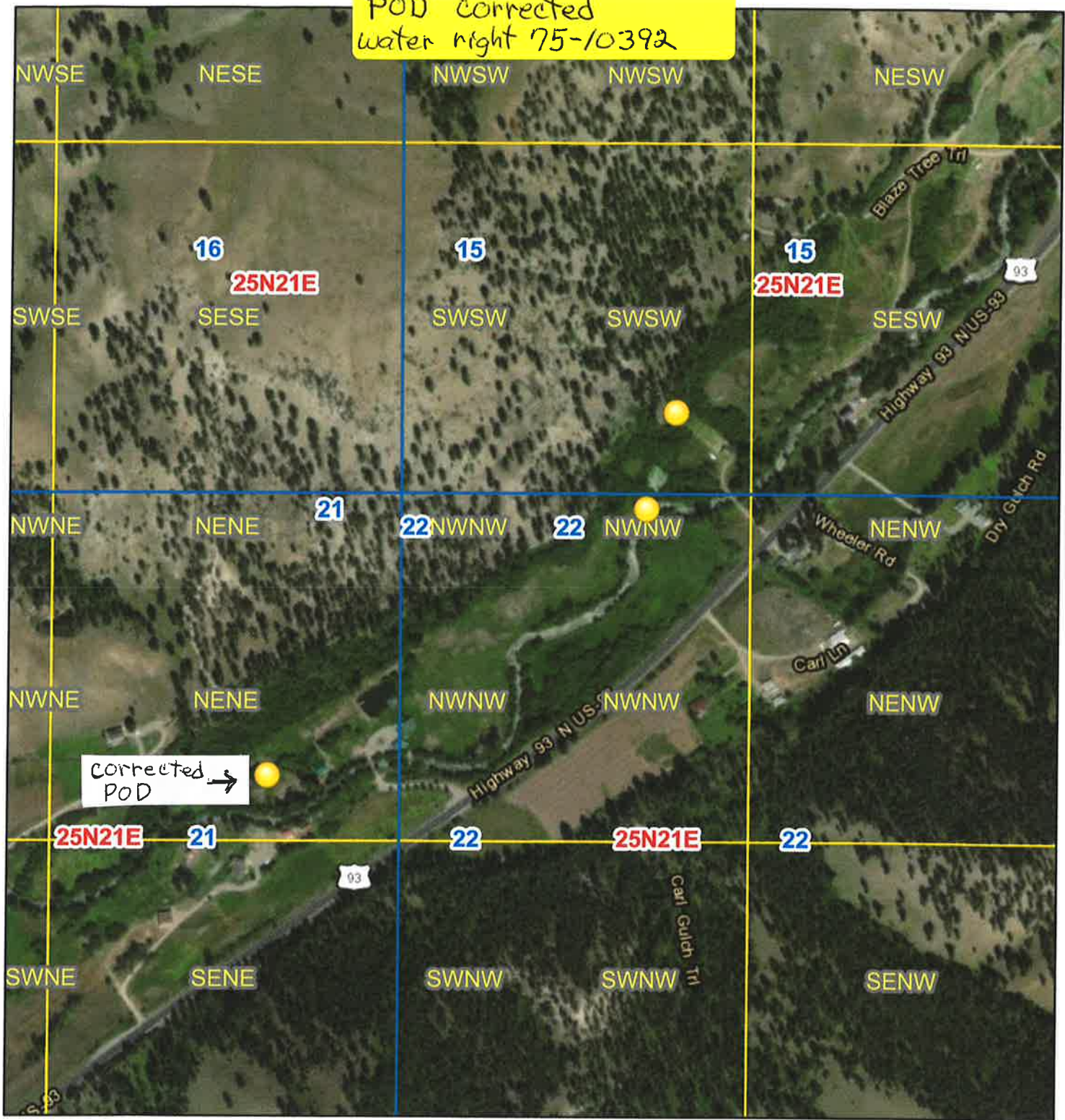
Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
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.
3. E55 Right Nos. 75-10392 and 75-10400 are limited to the irrigation of a combined total of 6.5 acres.
4. N14 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. E51 Right Nos. 75-10392 and 75-10400 are limited to a total combined diversion rate of 0.3 cfs.

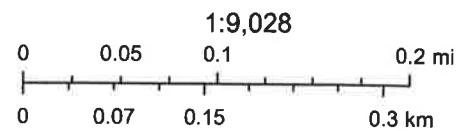
Application for Transfer

POD corrected
water right 75-10392



12/21/2020, 7:20:15 PM

-  POD
-  Section
-  Township/Range
-  Counties
-  Quarter Quarter
-  Idaho Outline
-  Idaho Mask

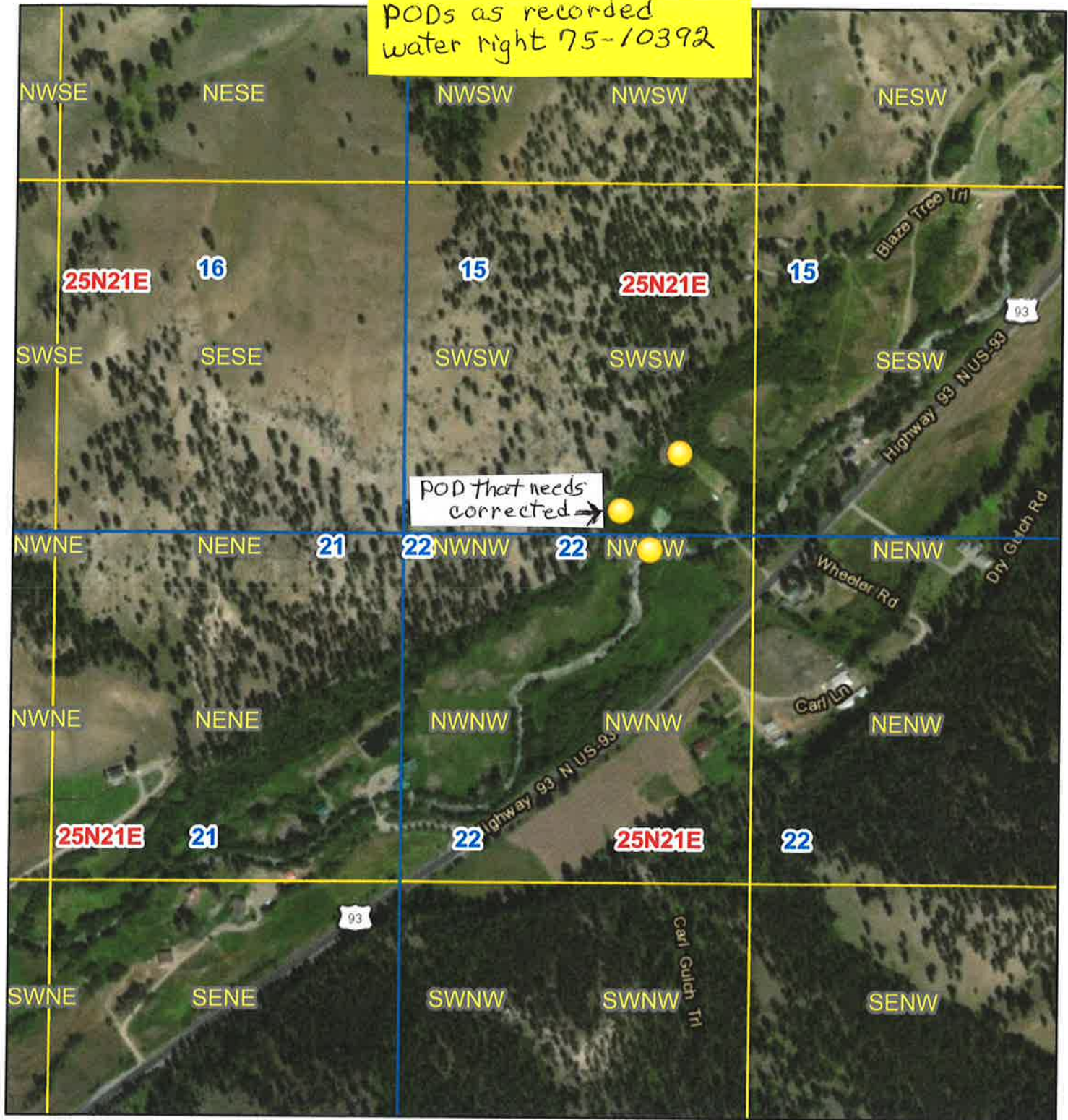


Esri, HERE, Earthstar Geographics, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources

84626

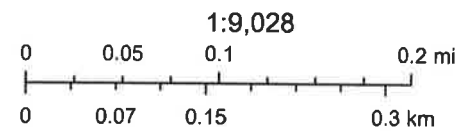
Application for Transfer

PODs as recorded
water right 75-10392



12/21/2020, 7:31:00 PM

- pod
- Section
- Township/Range
- Counties
- Quarter Quarter
- Idaho Outline
- Idaho Mask



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

84626

SUSAN K. KOZACEK

LIVING TRUST

Dated

January 3, 2012

Susan K. Kozacek
Trustor and Trustee

CONTENTS

Living Trust
Pourover Will
Living Will
Health Care Power of Attorney
Durable Power of Attorney

December 20, 2020

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Dr
Suite A
Idaho Falls, ID 83402

To Whom It May Concern:

I am submitting an application to make a correction in the location of one of my points of diversion for water right 75-10392. This is not a physical change in the POD. The headgate has always been in this location in Section 21 (see attached map) and not higher up the stream in Section 15. The point indicated in IDWR records in Section 15 is actually a spring that is a source of the stream not the POD.

I would simply like to correct this error and since there is no hydrologic change, I request that my application be processed without advertising and at a reduced amount. I am enclosing a check for \$50.00 for filing fees.

Thank you,

A handwritten signature in cursive script that reads "Susan K. Kozacek".

Susan K Kozacek

January 20, 2021

Idaho Department of Water Resources
Eastern Regional Office
c/o Michael Holiday
900 North Skyline Dr.
Suite A
Idaho Falls, ID 83402

RECEIVED
JAN 25 2021
Department of Water Resources
Eastern Region

Dear Michael:

Enclosed is my check for \$150.00 as per our
conversation today.

Please forgive this handwritten cover letter. My
printer is down.

Thank you,

Susan K. Kozacek

Susan K. Kozacek



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

January 27, 2021

SUSAN K KOZACEK LIVING TRUST
7850 N SILVERBELL RD STE 114-316
TUCSON, AZ 85743

RE: Transfer No. 84626
Water Right No(s). 75-10392

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 2/4/2021 and 2/11/2021. 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,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 27, 2021 4:43 PM
To: RECORDER HERALD (Rhlegals@custertel.net)
Subject: Legal Notice for Recorder Herald
Attachments: 84626, 75-15001, 75-15002, 75-15003 Recorder Herald.docx

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

RE: Transfer No. 84626
Water Right No(s). 75-10392

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. *Attachment is multiple pages*

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 2/22/2021. 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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84626**

SUSAN K KOZACEK LIVING TRUST, 7850 N SILVERBELL RD STE 114-316, TUCSON, AZ 85743 has filed Application No. 84626 for changes to the following water rights within LEMHI County(s): Right No(s). 75-10392; 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 points of diversion are SESWSW Sec 15 (existing Spring diversion), SENENE Sec 21 (new Spring diversion), and NENWNW Sec 22 (NF7), T25N R21E for 0.16 cfs from Springs and North Fork Salmon 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 2/22/2021. The protestant must also send a copy of the protest to the applicant.

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

75-15001

MICHAEL J CLEEVES
PO BOX 542
SALMON, ID 83467-0542
Point of Diversion L2(NWNE) S36 T20N R21E LEMHI County
Source SALMON RIVER Tributary SNAKE RIVER
Use: IRRIGATION
04/01 to 10/31
0.1 CFS
Total Diversion:
0.1 CFS
Date Filed: 12-14-2020
Place Of Use: IRRIGATION
T20N R21E S36
NENW,L2(NWNE)
Total Acres: 5

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

75-15002

IDAHO FISH AND GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion L2(NWNE) S2 T20N R21E LEMHI County
Source PERREAU CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 12-21-2020
Place Of Use: FISH PROPAGATION
T20N R21E S2
L2(NWNE)

This application proposes the diversion and use of water from 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 non-consumptive fish propagation purposes.

75-15003

LEE NESTOR
PO BOX 103
NORTH FORK, ID 83466-0103
Point of Diversion NESE S8 T25N R21E LEMHI County
Source DITCH CREEK Tributary HUGHES CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.06 CFS

Date Filed: 11-18-2020

Place Of Use: DOMESTIC,STOCKWATER

T25N R21E S8

NESE,NWSE,SWSE,SESE

This application proposes the diversion and use of water from Ditch 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 domestic and 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 2/22/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/4/2021 and 2/11/2021