

RECEIVED

JUN 15 2020

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

84146

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Fourth of July Creek, LLC

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: _____

84146

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 15 2020

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Fourth of July Creek, LLC Phone 208-756-2127
Mailing address 533 Main Street, Salmon, ID 83467 Email jpslaw@hotmail.com

- ☐ 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 SPF Water Engineering Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email lgraves@spfwater.com

☐ 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.

Jordan P. Smith
Signature of Applicant or Authorized Representative

JORDAN P. Smith, Mgr.
Print Name and Title if applicable

06/01/20
Date

Bill Allen
Signature of Applicant or Authorized Representative

BILL ALLEN, MGR
Print Name and Title if applicable

06/02/2020
Date

A. PURPOSE OF TRANSFER

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

2. 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**.

3. 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**.

Applicant wishes to distribute water right acres to five separate parcels as shown in Attachment 7b. Upon transfer approval, when each parcel is sold, water right ownership changes will be filed and the water right can be split accordingly. A second existing pod is also proposed for irrigation flexibility.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	75-14463	1.34 cfs	Irrigation	4/1 to 8/1	Fourth of July Creek
☐ ☐		1.06 cfs	Irrigation	8/2 to 11/1	Fourth of July Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.34 cfs and/or n/a acre-feet.

2. Total amount of water proposed to be transferred or changed 1.34 cubic feet per second and/or n/a 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 #
N			SE	NE	20	24N	22E	Lemhi	Fourth of July Creek	Authorized
N			NE	NW	29	24N	22E	Lemhi	Fourth of July Creek	Proposed Additional

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	
24N	22E	29						2.1											2.1
		30	3.5		11.3	10.7									1.1	5.9			32.5
Total Acres (for irrigation use)																			34.6

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:
Headgates, ditch systems, sprinklers. Measuring devices and lockable controlling works will be accommodated upon Department request if not already in place.
- b. Who owns the property at the point(s) of diversion? S20 pod: Don Bellamy, S29 pod: Stice Family Trust
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant is currently authorized for use of the pods under the following water right decrees: 75-14463 (SENE, S20); 75-14145 & 75-14146 (NENW, S29)
- 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:
Enlargement of total decreed water right acres and/or flow rate will not result from proposed acre redistribution. The 14.1 acres decreed to Parcel K under water right 75-14146 appears to directly overlap water right 75-14463. These overlapping acres will remain unchanged.
- 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:
Although water rights 75-14463 and 75-14146 overlap each other on Parcel K, the rights were not decreed with combined use limitations. Regardless, the 14.1 acres will remain overlapped as proposed to eliminate expansion concerns. Note, the proposed additional pod for 75-14463 is authorized under water right 75-14146.
- 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:

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

Current Water Right No.: 75-14463

Current Owner: FOURTH OF JULY CREEK LLC
Priority Date: 4/1/1896
Origin: Water Right
Status: Active
Basis: Decreed

Source

FOURTH OF JULY CREEK

Tributary

SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 08/01	1.34 CFS	
IRRIGATION	08/02 to 11/01	1.06 CFS	
	<u>Total Diversion</u>	1.34 CFS	

Location of Point(s) of Diversion

FOURTH OF JULY CREEK
LEMHI County

SE1/4NE1/4 Sec. 20, Twp 24N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

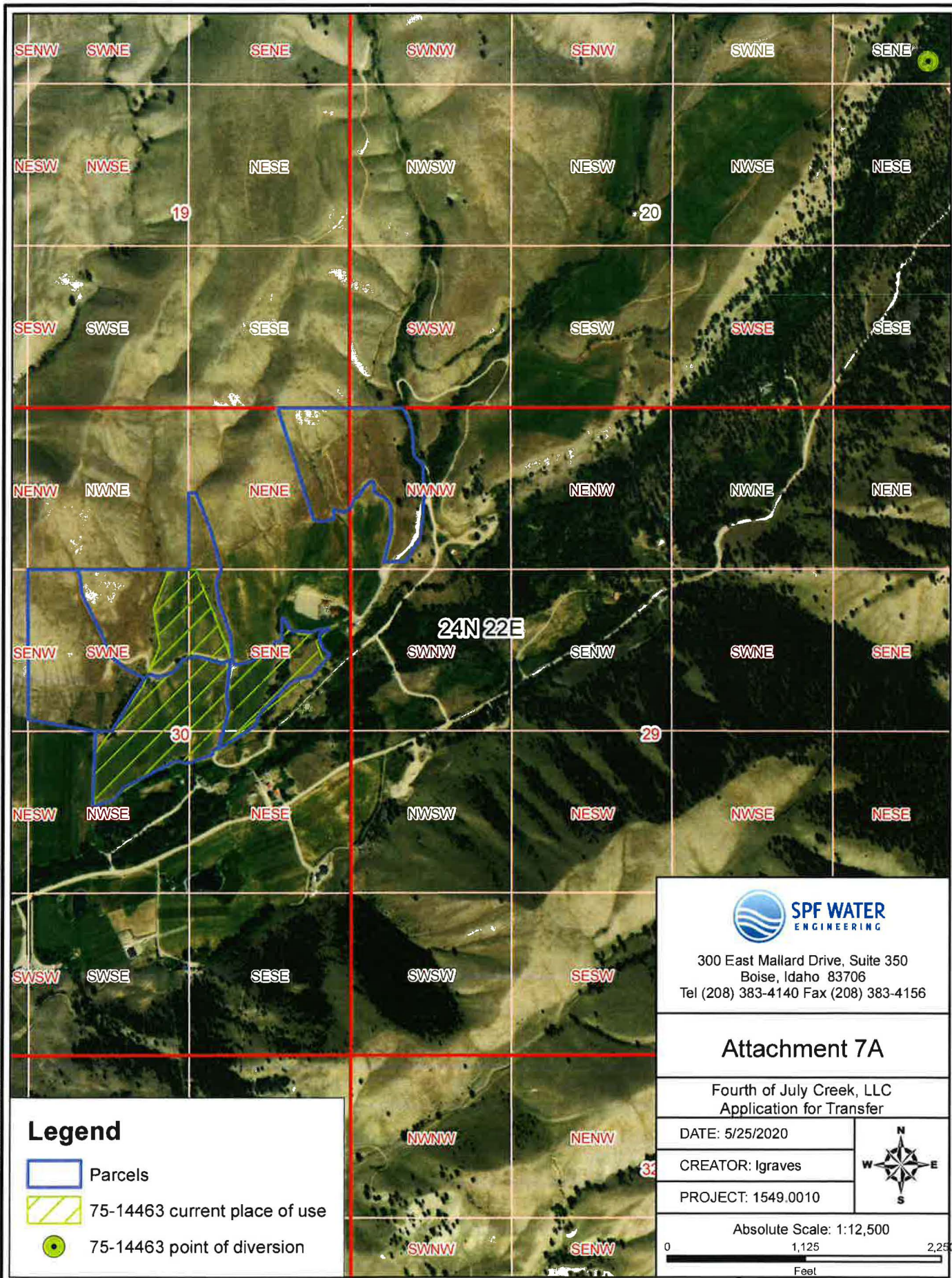
T24N R22E S30	NENE	1.00	T24N R22E S30	SWNE	15.00
T24N R22E S30	SENE	16.60	T24N R22E S30	NESE	1.00
T24N R22E S30	NWSE	1.00			

Total Acres: 34.6

Conditions of Approval:

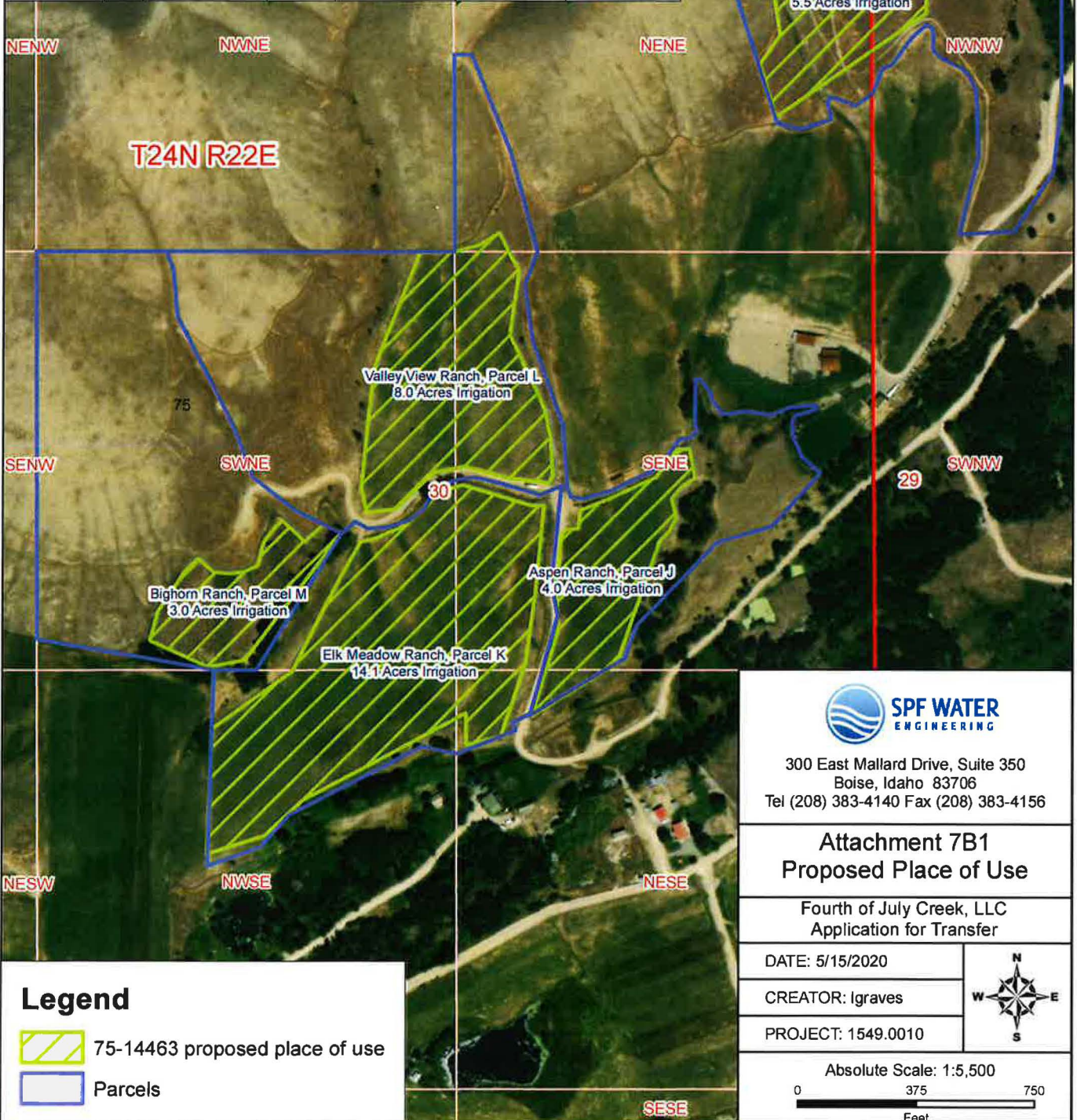
1. This right is a split from former right 75-135.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 3/30/2009



Water Right 75-14463 Irrigation Allocation

Parcel No.	Parcel Letter	Parcel Name	Water Right Acres	Water Right Acres Place of Use	Diversion Rate (cfs) 4/01 to 8/01	Diversion Rate (cfs) 8/2 to 11/01
RP24N22E293005	G	Whispering Pine Ranch	5.5	2.1 acres, S29, NWNW 3.4 acres, S30, NENE	0.21	0.17
RP24N22E301803	J	Aspen Ranch	4.0	3.7 acres, S30, SENE 0.3 acre, S30, NESE	0.15	0.12
RP24N22E301201	K	Elk Meadow Ranch	14.1	4.2 acres, S30, SWNE 3.2 acres, S30, SENE 0.8 acre, S30, NESE 5.9 acres, S30, NWSE	0.55	0.43
RP24N22E301202	L	Valley View Ranch	8.0	0.1 acre, S30, NENE 4.1 acres, S30, SWNE 3.8 acres, S30, SENE	0.31	0.25
RP24N22E301203	M	Bighorn Ranch	3.0	3.0 acres, S30, SWNE	0.12	0.09
TOTALS			34.6		1.34	1.06



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Attachment 7B1 Proposed Place of Use

Fourth of July Creek, LLC
Application for Transfer

DATE: 5/15/2020

CREATOR: Igraves

PROJECT: 1549.0010



Absolute Scale: 1:5,500



Legend

- 75-14463 proposed place of use
- Parcels

Path: S:\PROJECTS\NE thru H\Project\Fourth of July Creek LLC_1549\PROJECT\GIS\ArcMap_Projects\XFER_Map 7B2.mxd

T24N R22E

SENE

To upper ditch

19

20

To lower ditch

NENW

30

29

32

Legend

-  75-14463 authorized point of diversion
-  Proposed additional point of diversion
-  75-14463 proposed place of use V2
-  Parcels



SPF WATER
ENGINEERING

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Attachment 7B2 Proposed Points of Diversion

Fourth of July Creek, LLC
Application for Transfer

DATE: 5/25/2020

CREATOR: Igraves

PROJECT: 1549.0010



Absolute Scale: 1:13,000

0 850 1,700
Feet



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

October 9, 2020

FOURTH OF JULY CREEK LLC
533 MAIN ST
SALMON, ID 83467-4220

RE: Transfer No. 84146
Water Right No(s). 75-14463

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 10/15/2020 and 10/22/2020. 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 cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist

CC: SPF WATER ENGINEERING LLC

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 November 2, 2020. 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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84146**

FOURTH OF JULY CREEK LLC, 533 MAIN ST, SALMON, ID 83467-4220 has filed Application No. 84146 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14463; 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:

This transfer application proposes to add an additional point of diversion along Fourth of July Creek, tributary to the Lemhi River located approximately 2 miles NE of the intersection of 4th of July Creek Rd and Little 4th of July Creek Rd or approximately 0.24 miles NE from the confluence of Cottonwood Creek and Fourth of July Creek. The application also proposes to reconfigure the place of use for water right 75-14463 and be divided into separate parcels held by Fourth of July Creek, LLC.

For additional information concerning the property location, contact State office at (208)287-4800. 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, PO Box 83720, Boise, Idaho, 83720-0098 together with a protest fee of \$25.00 for each application on or before 11/2/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/15/2020 and 10/22/2020

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 9, 2020 7:37 AM
To: rhlegals@custertel.net
Subject: Legal Ad 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 November 2, 2020. Your cooperation is appreciated.

Sincerely

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 9, 2020 7:37 AM
To: 'jeff.richards@idfg.idaho.gov'
Subject: Application for Transfer No. 84146

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: Friday, October 9, 2020 7:41 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Golden, Kala; Cassel, Amy
Subject: application for transfer 84146 Water Right 75-14463

This application will be advertised on October 15 & 22 with the protest end November 2, 2020. Please let me know by November 2, 2020 if you have any comments or concerns with the application. Documents will be scanned by the end of the day.

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



SPF WATER
ENGINEERING

RECEIVED

JUN 15 2020

DEPARTMENT OF
WATER RESOURCES

June 11, 2020

Phil Hummer
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Application for Transfer, Water Right 75-14463

Dear Phil,

Enclosed on behalf of Fourth of July Creek, LLC, is an Application for Transfer for water right 75-14463. The purpose of the transfer application is to distribute the authorized water right acres to five separate parcels. Upon transfer approval, when each parcel is sold, water right ownership changes will be filed and the water right can be split accordingly. A second existing pod is also proposed for irrigation flexibility. As you recall, the applicant's representative, Jordan Smith, previously met with you and discussed the water right process required to achieve the changes proposed resulting in the enclosed transfer application.

Check No. 1077 is enclosed for the \$580 filing fee. Please let me know if there are any questions. Thanks Phil.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Jordan Smith

Enclosures

SPF file number: 1549.0010