

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 14 2020

DEPARTMENT OF  
WATER RESOURCES

## 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)** William Bernt and Peggy Jo Bernt Phone 208-756-4167

2. **MAILING ADDRESS** P.O. Box 425 City Salmon

State ID Zip 83467 Email bill@aggipah.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)** 75-14516 and 75-14517

0.270 fraction of existing water right 75-14516 and 75-14517 are being moved to the west-most diversion of 75-14521

- ☒ 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 0.15 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 #
no			NE	SW	04	23N	22E	Lemhi	N. Tower Creek	NA

## 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:

An existing pump drives a hand-line at diversion, and a new hand-line will be added for acquired property. No measuring device exists, but if/when required, same device will service rights 75-14521, 75-14516 & 75-14517

- b. Who owns the property at the point(s) of diversion? William Bernt and Peggy Jo Bernt

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

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

Yes No

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


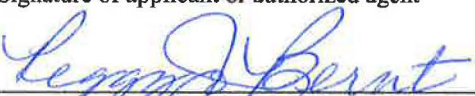
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and  $\frac{1}{4}$   $\frac{1}{4}$  of section information. You may create a map at [idwr.idaho.gov](http://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.

	William Bernt	1/8/2020
Signature of applicant or authorized agent	Print name and title if applicable	Date
	Peggy Jo Bernt	1/8/2020
Signature of applicant or authorized agent	Print name and title if applicable	Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://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 KM Date 1-14-2020  
Fee paid 200 Date 1-14-2020 Received by Ku Receipt # C 108 224  
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  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 75-14516**

Current Owner: KORD S SMITH  
MARY ANN H SMITH  
Priority Date: 6/29/1899  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

TOWER CREEK

**Tributary**

SALMON CREEK

**Beneficial Use**

IRRIGATION

**From To**

04/01 to 10/31

Total Diversion

**Diversion Rate**

0.41 CFS

0.41 CFS

**Annual Volume**

**Location of Point(s) of Diversion**

TOWER CREEK

LEMHI County

NE1/4NW1/4

Sec. 4, Twp 23N, Rge 22E B.M.

TOWER CREEK

LEMHI County

SW1/4SE1/4

Sec. 33, Twp 24N, Rge 22E B.M.

TOWER CREEK

LEMHI County

NE1/4NW1/4

Sec. 4, Twp 23N, Rge 22E B.M.

**Place of Use**

IRRIGATION Within LEMHI County

T23N R22E S4

NENW 2.80

T23N R22E S4

SENW 15.00

T23N R22E S4

NESW 4.10

Total Acres: 21.9

**Conditions of Approval:**

1. E55 Right Nos. 75-14516 and 75-14517 are limited to the Irrigation of a combined total of 21.9 acres in a single irrigation season.
2. U42 Place of use does not include federal public lands.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 2/19/2009



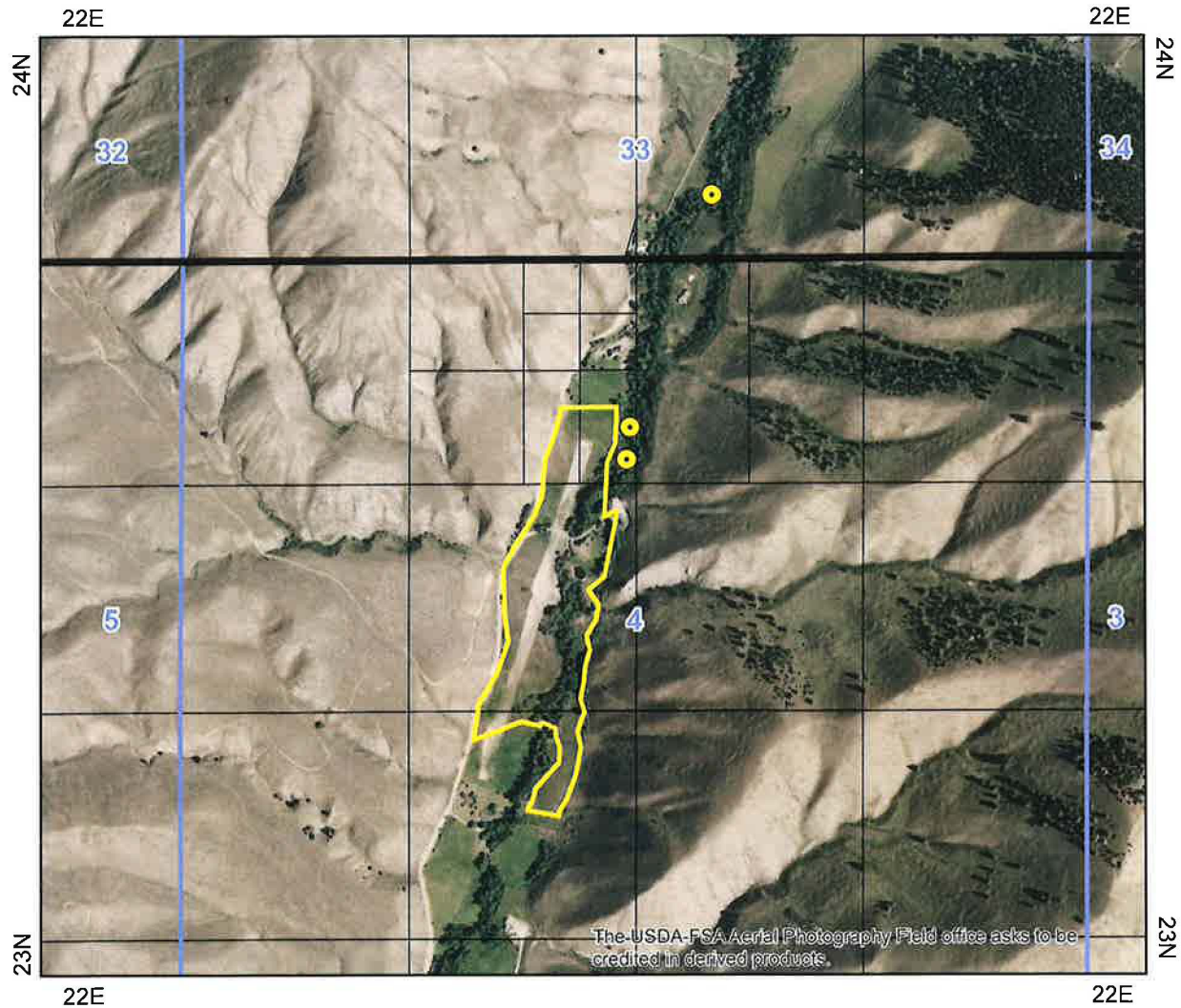
State of Idaho  
Department of Water Resources






# Water Right

75-14517

## 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 0.125 0.25 0.5 Miles



Map produced on January 01, 2020

83851

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

**Current Water Right No.: 75-14517**

Current Owner: MARY ANN H SMITH  
KORD S SMITH  
Priority Date: 12/10/1909  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

TOWER CREEK

**Tributary**

SALMON CREEK

**Beneficial Use**

IRRIGATION

**From To**

04/01 to 10/31

**Total Diversion**

**Diversion Rate**

0.15 CFS

0.15 CFS

**Annual Volume**

**Location of Point(s) of Diversion**

TOWER CREEK

LEMHI County

NE1/4NW1/4

Sec. 4, Twp 23N, Rge 22E B.M.

TOWER CREEK

LEMHI County

SW1/4SE1/4

Sec. 33, Twp 24N, Rge 22E B.M.

TOWER CREEK

LEMHI County

NE1/4NW1/4

Sec. 4, Twp 23N, Rge 22E B.M.

**Place of Use**

**IRRIGATION Within LEMHI County**

T23N R22E S4

NENW

2.80

T23N R22E S4

SENW

15.00

T23N R22E S4

NESW

4.10

Total Acres: 21.9

**Conditions of Approval:**

1. E55 Right Nos. 75-14516 and 75-14517 are limited to the irrigation of a combined total of 21.9 acres in a single irrigation season.
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. U42 Place of use does not include federal public lands.

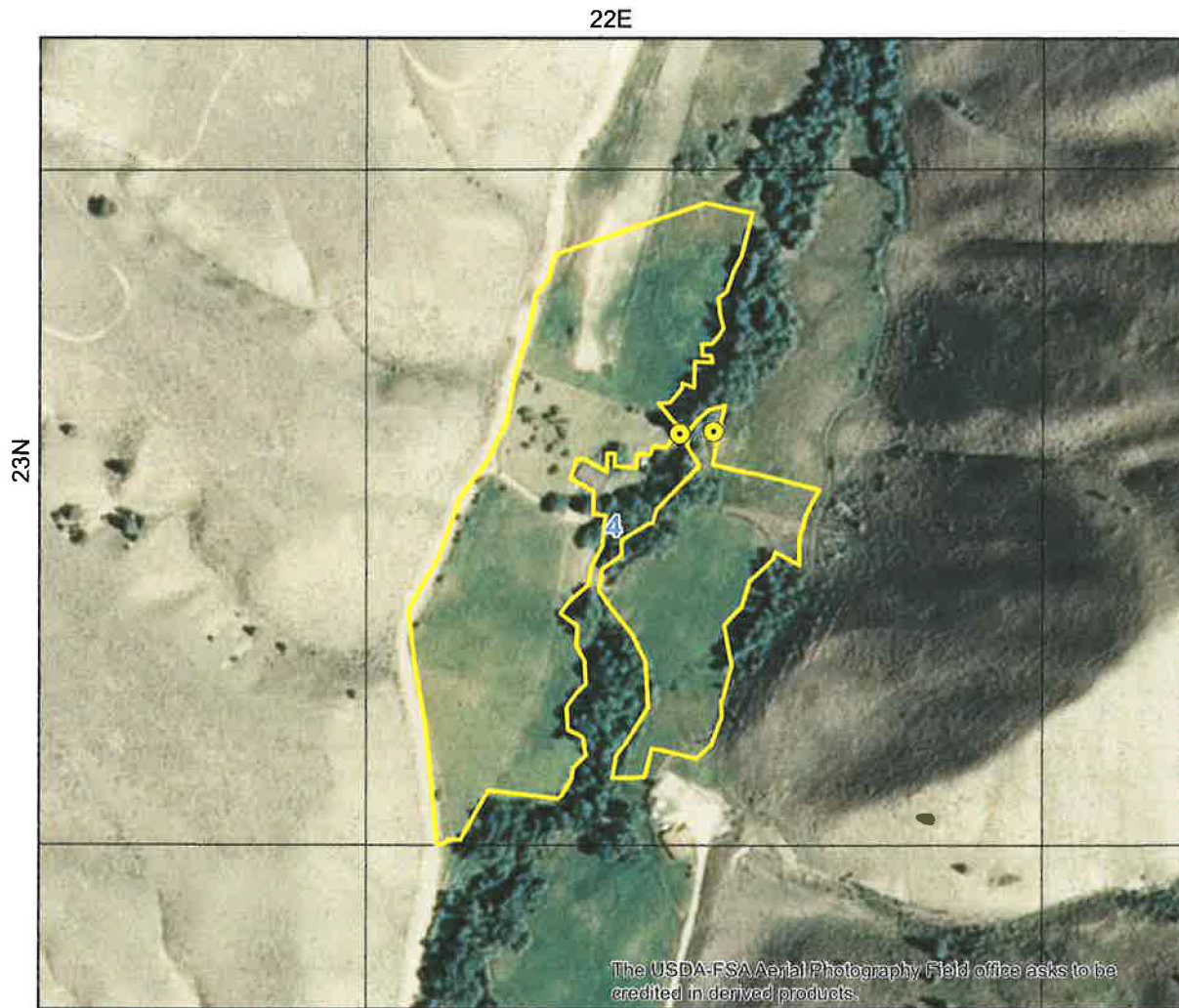
Decreed Date: 2/19/2009






State of Idaho  
Department of Water Resources

**Water Right**  
**75-14521**

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 0.0425 0.085 0.17 Miles



Map produced on January 05, 2020

83851

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

**Current Water Right No.: 75-14521**

Current Owner: PEGGY JO BERNT  
WILLIAM C BERNT  
  
Priority Date: 12/10/1909  
  
Origin: Water Right  
  
Status: Active  
  
Basis: Decreed

**Source**

NORTH FORK TOWER CREEK

**Tributary**

SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.22 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
	<u>Total Diversion</u>	0.22 CFS	

**Location of Point(s) of Diversion**

NORTH FORK TOWER CREEK	NE1/4SW1/4	Sec. 4,	Twp 23N,	Rge 22E B.M.
LEMHI County				
NORTH FORK TOWER CREEK	NE1/4SW1/4	Sec. 4,	Twp 23N,	Rge 22E B.M.
LEMHI County				

**Place of Use**

**IRRIGATION Within LEMHI County**

T23N R22E S4                      NESW      11.00

Total Acres: 11

**STOCKWATER Within LEMHI County**

T23N R22E S4                      NESW

**Conditions of Approval:**

1. E55 Right Nos. 75-14520 and 75-14521 are limited to the irrigation of a combined total of 11 acres in a single irrigation season.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. 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.
5. This right is a split from former right 75-10027 .





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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 10, 2020

WILLIAM C BERNT  
PEGGY JO BERNT  
PO BOX 425  
SALMON, ID 83467-0425

RE: Transfer No. 83851  
Water Right No(s). 75-14972, 75-14973

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 9/17/2020 and 9/24/2020. 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,

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 (9/17/2020 & 9/24/2020). 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 October 5, 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. 83851**

WILLIAM C BERNT and PEGGY JO BERNT, PO BOX 425, SALMON, ID 83467-0425 has filed Application No. 83851 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14972, 75-14973; 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 move the point of diversion from from three diversions on Tower Creek, one located in the SWSE of Sec. 33, T24N, R22E, and two located in the NENW of Sec. 4, T23N, R22E, to a single point of diversion further downstream located in the NESW of Sec. 4, T23N, R22E.

**TRANSFER NO. 83953**

MYRNA R HARRIS and O JERRY HARRIS, 100 WILLIAMS CREEK RD, SALMON, ID 83467 has filed Application No. 83953 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14263; 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 move the point of diversion from a shared ditch diversion located in Lot 2 (NWNE) of Sec. 2, T20N, R21E, to a different shared ditch diversion located 0.6 mile downstream in Lot 4 (NWNW) of Sec. 1, T20N, R21E.

For additional information concerning the property locations, contact IDWR 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, 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 10/5/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/17/2020 and 9/24/2020

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, September 10, 2020 1:58 PM  
**To:** rhlegals@custertel.net  
**Subject:** Legal Notice for your paper  
**Attachments:** Recorder Herald.doc

**Dear LEGAL NOTICE DEPARTMENT:**

Attached you will find a legal notices which we wish to have published in your newspaper on the dates indicated (9/17/2020 & 9/24/2020). 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 October 5, 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



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

September 11, 2020

MICHAEL R WILCOX  
VICKI LYNN WILCOX  
516 MAIN ST PMB 329  
SALMON, ID 83467

JOEL GRIFFITH  
WILLOW GRIFFITH  
PO BOX 1543  
FLAGSTAFF, AZ 86002

ROBERT NEUWAY  
CARLY NEUWAY  
CHRISTY MERRITT  
182 BLUE HERON DR  
SALMON, ID 83467-5040

CHRISTOPHER TAMBE  
PO BOX 222  
CARMEN, ID 83462-0222

KORD S SMITH  
PO BOX 1082  
SALMON, ID 83467-1082

RE: Transfer No. 83851 in the name of William Bernt & Peggy Jo Bernt

Dear Interested Party:

The Department of Water Resources is notifying you of an application for transfer that may be of interest to you. A full description concerning property location may be found at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. The Department is sending this notice as the proposed point of diversion (POD) is part of a shared ditch diversion that your water rights pull from.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25 protest fee for each application protested must be received by October 5, 2020.

Please contact this office at (208) 287-4800 if you have any questions regarding the application.

Sincerely,

Jean Hersley  
Technical Records Specialist II

Enclosure(s)

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, September 10, 2020 1:58 PM  
**To:** Yenter, Cindy; Clark, Cynthia Bridge; Golden, Kala; Cassel, Amy  
**Subject:** Transfers 83851 & 83953

These transfers will be advertised on Sept. 17 & 24 with a protest end date of October 5, 2020. Please let me know by October 5, 2020 if you have any comments or concerns. Documents will be scanned by the end of day. Thank you.

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



## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, September 10, 2020 1:58 PM  
**To:** 'jeff.richards@idfg.idaho.gov'  
**Subject:** Application for Transfer No. 83953 & Application for Transfer 83851

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 applications. You can find a copy of the applications at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested applications 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 these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee per application within 10 days of the final publication.

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

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

## MEMORANDUM

**Date:** February 12, 2020  
**To:** Water Right File 75-14972, 75-14973  
**From:** Scott Storms  
**Re:** Ownership Change Processed Prior to Transfer No. 83851

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Ownership change (including applicable fee) requested with transfer filing. A separate Notice of Ownership Change form was not received nor required. Ownership change processed prior to transfer resulting in a split of the following two rights:

WR 75-14516 to:

75-14972 (William and Peggy Jo Bernt)

75-14516 (Kord S and Marry Ann H Smith)

WR 75-14517 to:

75-14973 (William and Peggy Jo Bernt)

75-14517 (Kord S and Marry Ann H Smith)

Transfer no. 83851 will affect WRs 75-14972 and 75-14973. The transfer applicant was not required to amend the transfer application form.

William Bernt  
P.O. Box 425  
Salmon, ID 83467

Jan. 7, 2020

Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

RECEIVED

JAN 14 2020

DEPARTMENT OF  
WATER RESOURCES

**SUBJECT: Change of Ownership and a new Point of Diversion for Idaho water rights 75-14516 and 75-14517**

Dear Sir,

I have recently acquired 18.23 acres of land in North Tower Creek (near Salmon, Idaho) from my neighbor, Kord Smith. The packet of information accompanying this letter provides the information needed to implement an ownership change for my newly acquired fraction of existing water rights 75-14516 and 75-14517 and to change the point of diversion to my existing pump diversion of water right 75-14521.

Following discussions that Kord has had with Bob Peck (Idaho Falls IDWR) and Kord and I have had with Cindy Yenter (Salmon IDWR), Bob suggested that I send this cover letter to outline the basis for the fractional ownership change that Kord and I have agreed upon.

I acquired 18.23 acres of Kord's southern 22.45 acre parcel (one portion of Kord's two-parcel 56 acres tract) that currently have associated "stacked" water rights for 21.9 acres of Kord's irrigated land with priority dates of 6/29/1899 (75-14516) and 12/10/1909 (75-14517). The 21.9 acres was estimated by IDWR as part of the Snake River Basin Adjudication, and I attach the Split Memo (from the IDWR website) to this letter. As one can see, **the irrigated acreage was estimated by IDWR by not including the riparian lands of North Tower Creek.**

Kord and I have similarly used GIS to estimate that 5.91 acres of my newly acquired land falls into the 21.9 acres of Kord's irrigated lands, and I attach two GIS-generated plats that show how we estimated the 5.91 acres of irrigated non-riparian land on my new 18.23 acres. Using this data, we computed that **my fraction of the water right is 0.270** (i.e., 5.91 acres / 21.9 acres). Based on this fraction, I am submitting the Change in Water Right Ownership form to move a 0.270 fraction of water rights 75-14516 and 75-14517 to my (and my wife's) name. This transfer will provide me with 0.11 cfs ( $0.270 \times 0.41$  cfs) of 75-14516 and 0.04 cfs ( $0.270 \times 0.15$  cfs) of 75-14517, for a total of 0.15 cfs on my new 5.91 acres of irrigated land. I also attach, later in this letter, a copy of the Excel spreadsheet that was

used to compute my fractional water rights. When my new water rights have been implemented by IDWR, **Kord will retain 0.30 cfs on 75-14516 and 0.11 cfs on 75-14517, for a total of 0.41 cfs of water diversion for his 15.99 acres (21.9 acres - 5.91 acres) of irrigated land.** All of my newly-acquired irrigated land falls within Kord's original 21.9 irrigated acres, so there are no enlargement-of-acreage issues. I include the corresponding water-right-transfer **QuitClaim Deed** and the land-transfer **Warranty Deed** to you as part of my transfer documentation, along with the land survey map that accompanied the Deeds as filed with Lemhi County.


It is interesting to note that the net effect of this water right transfer is nearly identical in water diversion cfs to Kord's original proposal to avoid splitting of water rights - by having Kord retain all of 75-14516 and transferring all of 75-14517 to me. While Kord's proposal for water rights transfer is much easier for naïve laymen to understand, we have chosen to follow IDWR staff's recommendation that we avoid the complexity of "unstacking" the two water rights, as would be needed by IDWR to implement Kord's original proposal.

I also include an **Application for Transfer of Water Right-Point of Diversion** form to move the diversion for my new water rights to my existing pump station (the West-most diversion point of water right 75-14521), so I will not need access to Kord's land to utilize my new water rights.

I include a check for \$400.00 to cover the \$200.00 transfer fee (i.e., transfers <0.20 cfs), as well as the \$100.00 change of ownership fee for each of the two split water rights.

I hope that we have successfully filled out the forms needed for these transfers, and we would be happy to answer any questions that might arise. Feel free to contact me at 208-756-7468 (cell) and 208-756-4167 (home) or Kord at 208-757-8103 (cell) and 208-756-2338 (home).

Thanks for your assistance in this matter,

  
William (Bill) Bernt

CC: Kord Smith  
[kord@mit.edu](mailto:kord@mit.edu)

Bob Peck  
[robert.peck@idwr.idaho.gov](mailto:robert.peck@idwr.idaho.gov)

Cindy Yenter  
[cindy.yenter@idwr.idaho.gov](mailto:cindy.yenter@idwr.idaho.gov)



## Split Memo

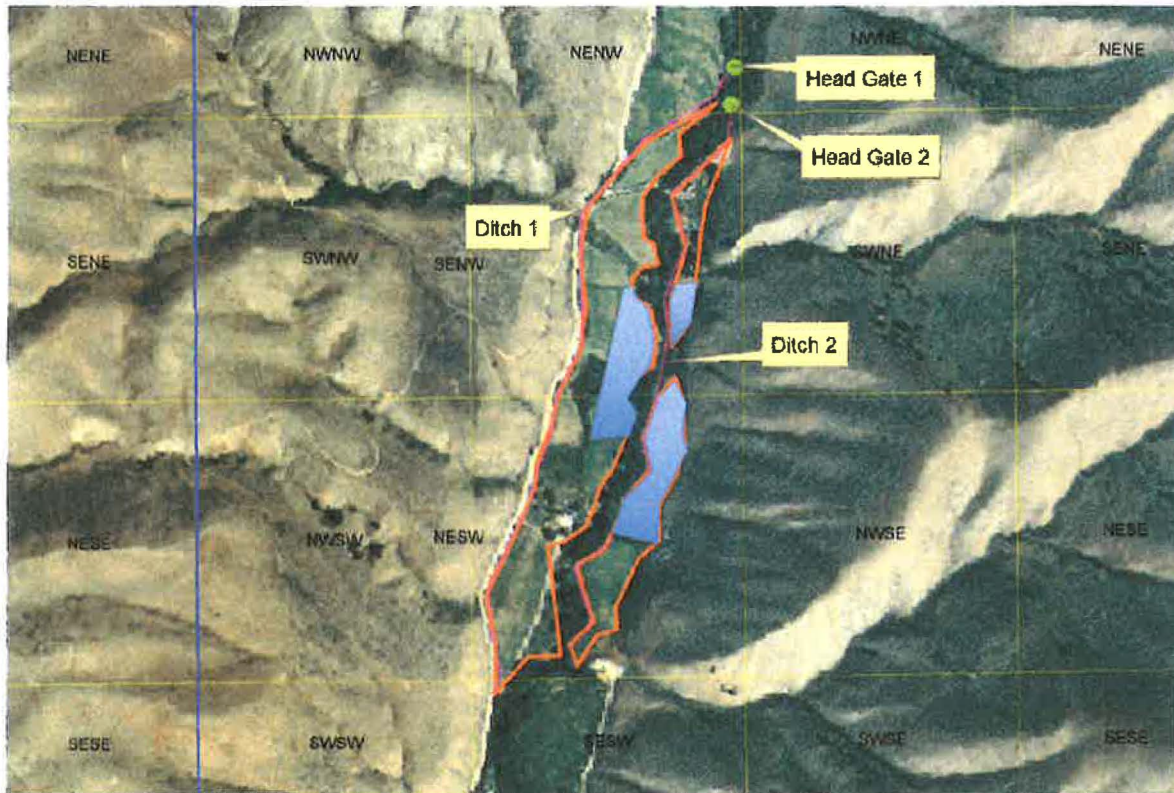
Water right 75-14036 was split into water rights 75-14516 and 75-14517. The purpose of this split is to partition the two water rights between an 1899 priority and a 1909 priority. The 1909 is based upon a land patent which describes the acres irrigated in 1909. Submitted with this patent were three affidavits, and in these documents there are statements regarding irrigated acres and hay produced. Specifically that 2-2 ½ tons of hay per acre were produced with an average of 40 tons per year. From this information I deduced that the approximate irrigated acres during the initial season of settlement would be approximately 20 acres. I met with Kord Smith at 8:30 am on April 29, 2008.



During this meeting Mr. Smith assisted me diagramming the place of use for the original homestead based upon the location of the original ditches. The original ditches were inferred base upon the topography of the land being irrigated as well as the maturity of the vegetation lining the ditches. This Place of Use is shown in the Figure Above. The resulting acreage was 24.5 acres. In 1899 the only method of irrigation used on this location was flood. The duty of water required to irrigate sandy loam soil with flood irrigation is 0.03 cfs/acre. Thus a total diversion of  $(0.03 \text{ cfs/acre} * 24.5 \text{ acres} =) 0.72 \text{ cfs}$  would have been diverted in 1899. During the following 10 years the remainder of the land described in the patent was developed. This additional development would constitute the 1909 priority date. The place of use reported in the land patent was for 49 acres. Through the utilization of GIS I was able to determine that this acreage was actually 46.4 acres. Water right 75-14036 has a place of use for 21.9 acres within the original 46.4 acre place of use or 47.2% and thus is entitled to this same quantity of the 1899 water. As a result water right 75-14516 has a priority of 1899 and a diversion rate of 0.34 cfs, and water right 75-14517 has a priority of 1909 and a priority of 1909. It should be noted that existing water rights on the ditch have a priority date of 6-28-1899; water right 75-14516 was given a priority of 6-29-1899 in order to make this right junior to prior established rights.

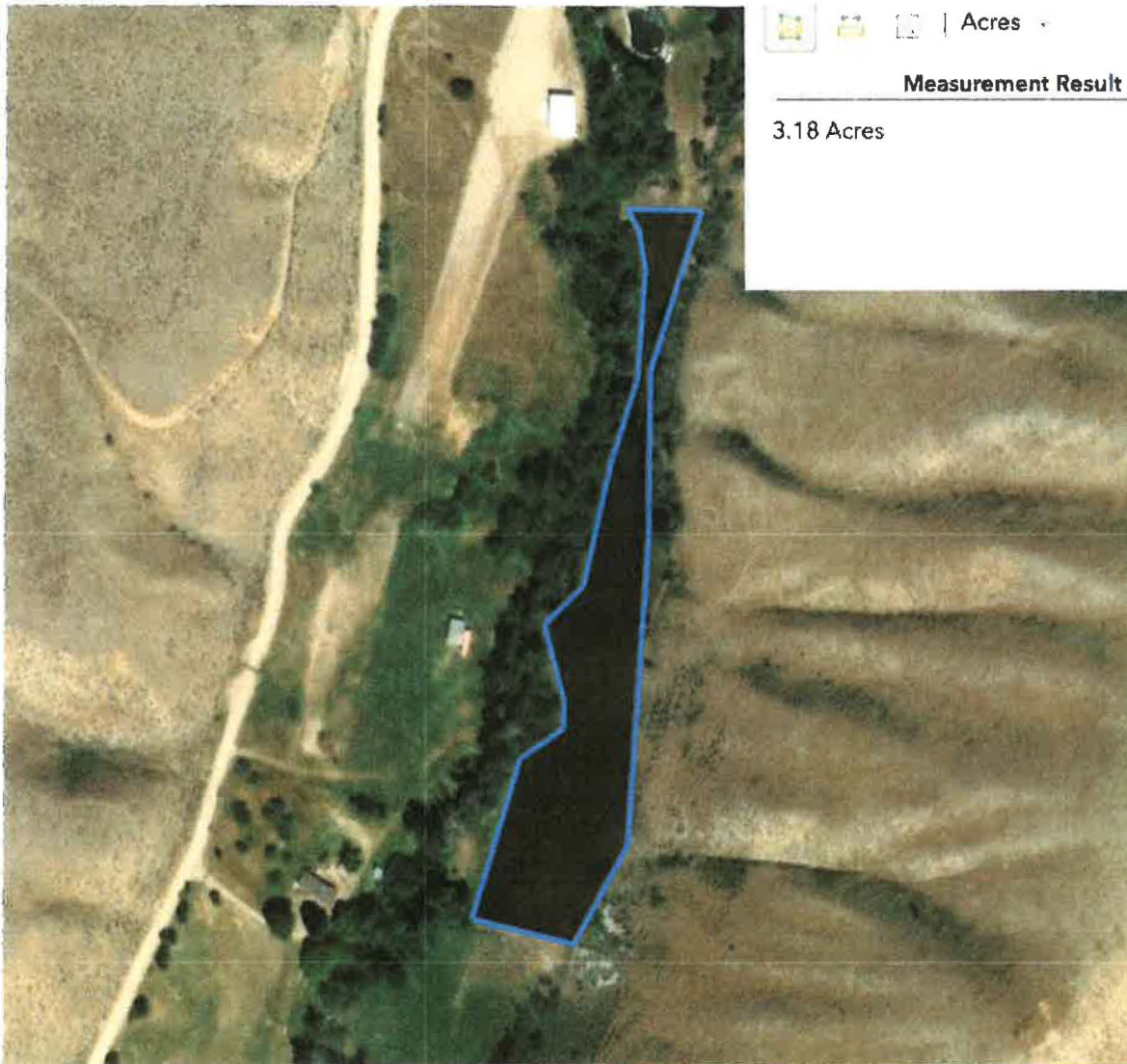
## Notes

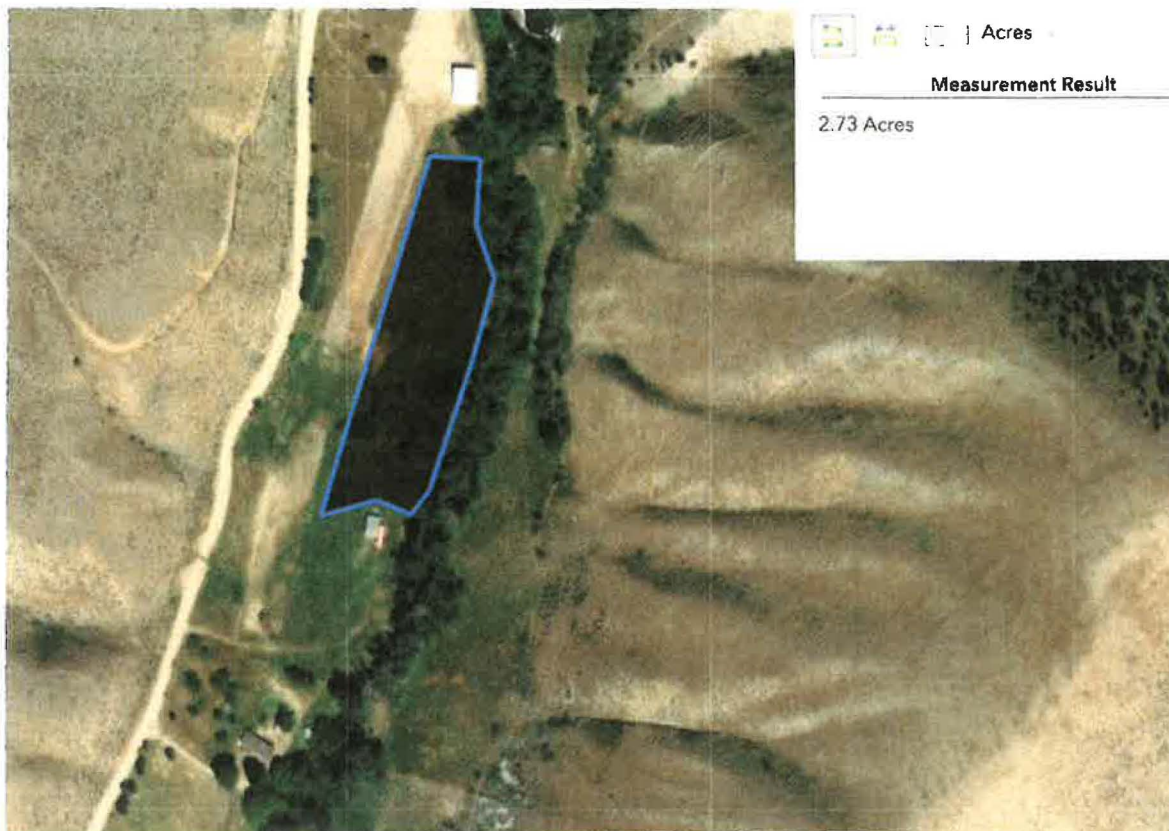
Approximate irrigated land transferred from Kord Smith to Bill Bernt (depicted in [Blue](#)) laid on the IDWR Split Memo (GIS estimated) plat of original homestead irrigated acres.





## GIS Notes





### Excel Spreadsheet

2020 Split of Water Rights 75-14516 and 75-14517						
Acres Irrigated			Water Right	cfs old	cfs to Bill	cfs Kord
21.9	Kord's original		75-14516	0.4100	0.1106	0.2994
2.73	Bill's west		75-14517	0.1500	0.0405	0.1095
3.18	Bill's east	Bill's fraction				
5.91	Bill's total	0.270			0.151	0.409
						total



# Warranty Deed Survey Plat

Part of  
Section 4, T 23 N, R 22 E, BM  
Lemhi County, Idaho.

## Narrative

The purpose of this survey is to do a simple Lot Split, splitting the existing parcel into two parcels. Deeds of record where used as well as Records of Surveys listed below.

Record information used for this survey—

BLM 1995 Resurvey for section breakdown  
Record of Survey - Instrument No. 247946, dated, Aug. 16, 2000.  
Record of Survey - Instrument No. 244543, dated, June 15, 2000.  
Record of Survey - Instrument No. 240353, dated, April 20, 1999.  
PARCELS ARE NOT IN A FLOOD ZONE

