

MAR 09 2020

DEPARTMENT OF
WATER RESOURCES

42-222 POD - 09/14

STATE OF IDAHO
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

1. APPLICANT(S) O Jerry Harris, Myrna R Harris Phone 208-742-1040

2. MAILING ADDRESS 100 Williams Creek Rd City Salmon

State ID Zip 83467 Email _____

☐ 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) 75-14263

☒ 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 0.10 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*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X	4	SW	NW	NW	1	20N	21E	Lemhi	Perreau Creek	PerrC3

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 shared diversion ditch to bubbler and pipeline. A measuring device and headgate will be installed over the next year or two, prior to pending regulation.

- b. Who owns the property at the point(s) of diversion? Larry and Teri Weeks

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
written consent (attached)

- 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 ¼ ¼ 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.

Myrna R Harris
Signature of applicant or authorized agent

Myrna R Harris
Print name and title if applicable

Jan 12, 2020
Date

O. Jerry Harris
Signature of applicant or authorized agent

O. Jerry Harris
Print name and title if applicable

Jan 12, 2020
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 5 pages of attachments. Received by KU Date 3-9-2020

Fee paid 200 Date 3-9-2020 Receipted by KU Receipt # C108421

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.: 75-14263

Current Owner: MYRNA R HARRIS
O JERRY HARRIS

Priority Date: 4/1/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

PERREAU CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.1 CFS

Annual Volume

Total Diversion

0.1 CFS

Location of Point(s) of Diversion

PERREAU CREEK

L2(NW1/4NE1/4)

Sec. 2, Twp 20N, Rge 21E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T20N R22E S6

NWNW

5.00

Total Acres: 5

Conditions of Approval:

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

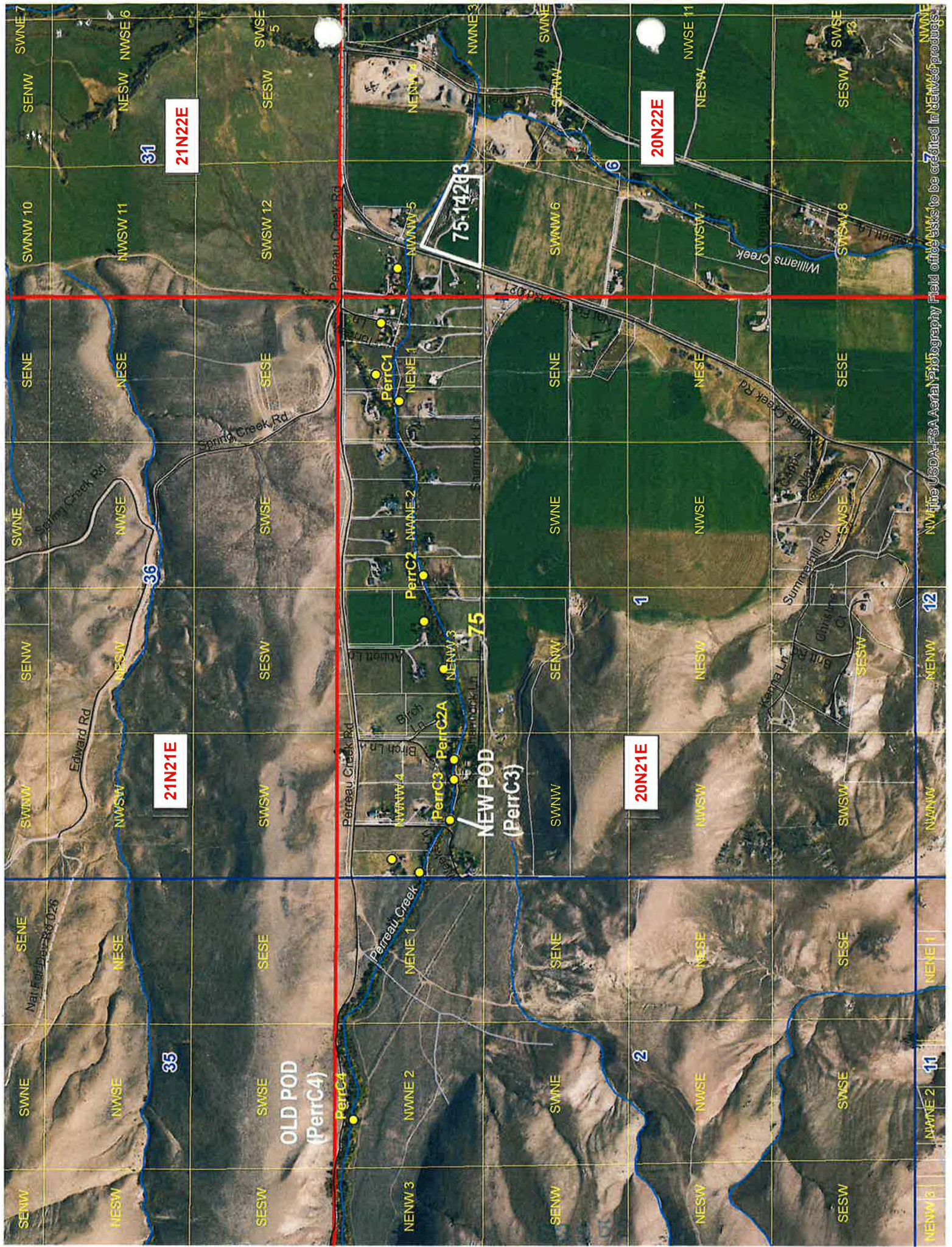
Decreed Date: 1/29/2009

I consent that Jerry and Myrna Harris may transfer the point of diversion of their water right 75-14263, to the Perreau Ck #3 ditch which diverts on my property.

Larry S Weeks
Larry Weeks

Terry Weeks
Teri Weeks

January 12, 2020
Date





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

September 10, 2020

MYRNA R HARRIS
O JERRY HARRIS
100 WILLIAMS CREEK RD
SALMON, ID 83467

RE: Transfer No. 83953
Water Right No(s). 75-14263

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

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 • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 11, 2020

WAYNE HAMBLIN
KRISTYN HAMBLIN
125 WILLIAMS CREEK RD
SALMON, ID 83467

NATE M HOGGAN
PAMELA K HOGGAN
119 E 560 N
BLACKFOOT, ID 83221

CARY SCHWARZ
ROSE SCHWARZ
10 SUMMER CREEK DR
SALMON, ID 83467

RE: Transfer No. 83953 in the name of O Jerry Harris & Myrna R Harris

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 a shared ditch diversion from Perreau Creek that is the same POD for your water rights.

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,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Hersley, Jean

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

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*