

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84209**

This is to certify that: KATHRYN S SAVAGE
PO BOX 115
CLAYTON, ID 83227-0115

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-16834	WR/DECREED	6/1/1963	0.160 cfs	N/A	N/A	2.6	SALMON RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-16834	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-16834	72-16834	0.160 cfs	N/A	N/A	2.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.160 cfs	N/A	N/A	2.6		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of August, 2020.



Southern Region Manager

WATER RIGHT NO. 72-16834

As Modified by Transfer No. 84209

In accordance with the approval of Transfer No. 84209, Water Right No. 72-16834 is now described as follows:

Right Holder: KATHRYN S SAVAGE
PO BOX 115
CLAYTON, ID 83227-0115

Priority Date: 6/1/1963

Source: SALMON RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

0.160 cfs

0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER

L7 (SWSE)

Sec 28 Twp 11N Rge 17E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	17E	28															2.6		2.6
																	L 7		

POU Total Acres: 2.6

CONDITIONS OF APPROVAL

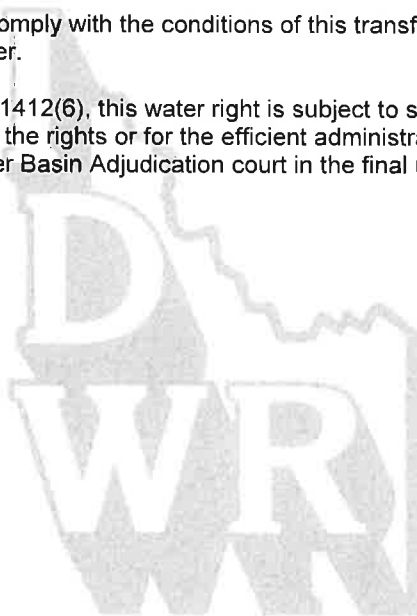
1. Rights 72-16834, 72-16835, and 72-16836 when combined shall not exceed a total diversion rate of 0.27 cfs, and the irrigation of 2.6 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 72D.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Place of use is located within Lot 11, Blk. 1, Osprey Bend Subdivision.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Transfer No. 84209

WATER RIGHT NO. 72-16834
As Modified by Transfer No. 84209

CONDITIONS OF APPROVAL

7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

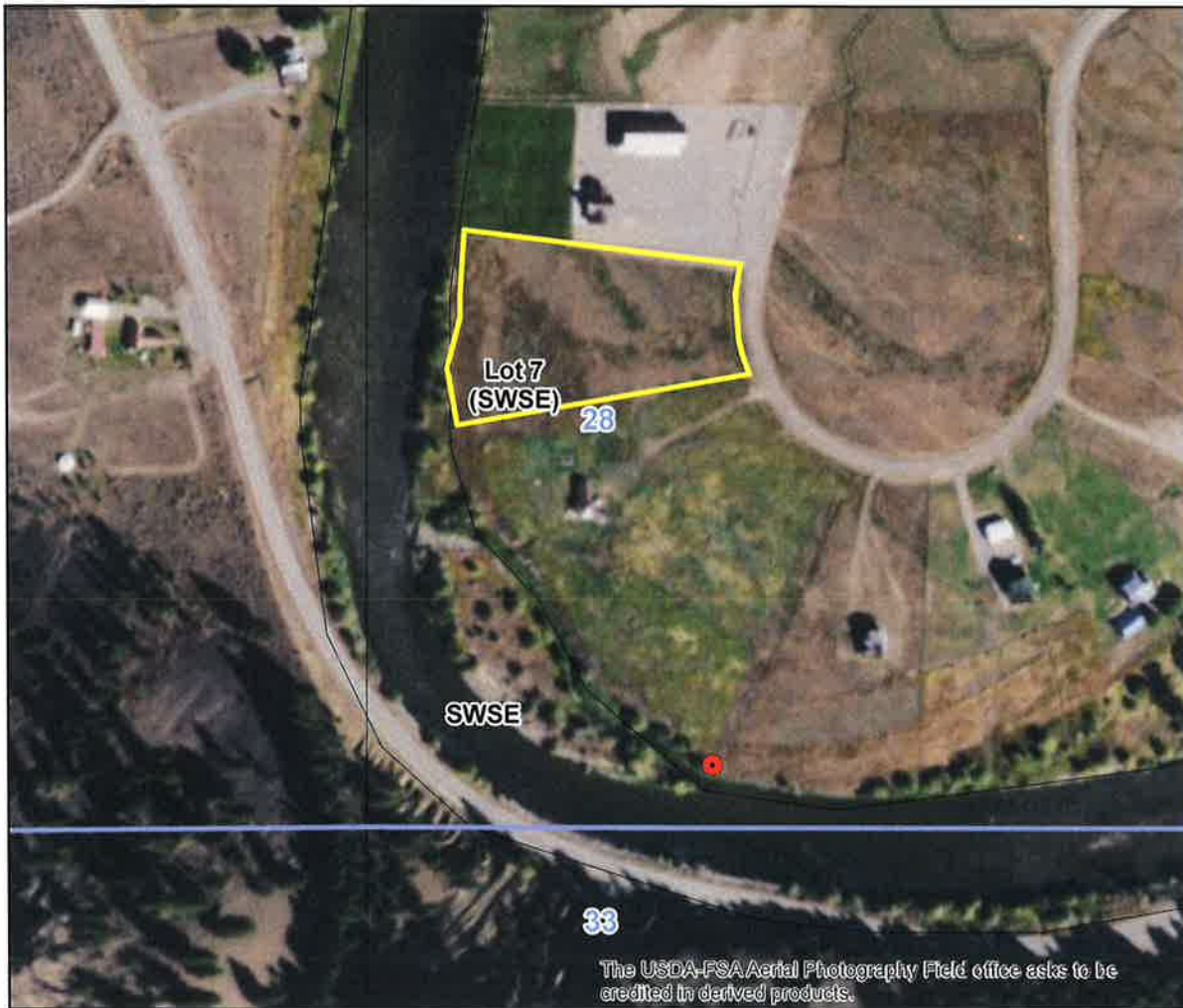


State of Idaho
Department of Water Resources
Attachment to Transfer # 84209
72-16834






This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

17E

11N



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

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

0 0.035 0.07 0.14 Miles



Maline, Denise

From: Maline, Denise
Sent: Wednesday, August 26, 2020 11:17 AM
To: Marston, Sascha
Subject: Refund Request
Attachments: Refund Request - Kathryn Savage.pdf

Hi Sascha,

Can you please process the attached refund request, due to overpayment of fees? Please let me know if there are any questions.

Thank you & have a good afternoon,

Denise

Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov

Idaho Department of Water Resources Receipt
Receipt ID: E045979

Payment Amount	\$575.00	Date Received	6/5/2020	Region	EASTERN
Payment Type	Check	Check Number	107		
Payer	Savage, Kathryn				
Comments	Application for Transfer Kathryn Savage 72-16834, 72-16835, 72-1836 DOCUMENT NUMBER: D200842				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$575.00	TRANSFERS	63105	0229	21		1155

*\$200- ↗
75- ownership change*

File Copy

Signature Line (Department Representative)

Transfer application fee = \$200.00 plus \$25.00 Ownership Change fee for 72-16834
\$225.00 total

Apply \$50.00 to Ownership Changes for 72-16835 & 72-16836 (separate filing / paperwork)

Receipt total = \$275.00

Please issue a \$300.00 refund to:

Kathryn Savage
PO Box 115
Clayton ID 83227-0115
(928) 606-8395

*DM
8/24/2020*



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 24, 2020

KATHRYN S SAVAGE
PO BOX 115
CLAYTON ID 83227-0115

Re: Transfer No: 84209
Water Right No(s): 72-16834

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 170
CINDY YENTER
102 S WARPATH
SALMON ID 83467

WATER DISTRICT 72D
BRENT CUTLER
45 BUCKBOARD LN
CHALLIS ID 83226-4998

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84209
Water Right No(s): 72-16834

KATHRYN S SAVAGE
PO BOX 115
CLAYTON ID 83227-0115

WATER DISTRICT 170
CINDY YENTER
102 S WARPATH
SALMON ID 83467

WATER DISTRICT 72D
BRENT CUTLER
45 BUCKBOARD LN
CHALLIS ID 83226-4998



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Maline, Denise

From: Yenter, Cindy
Sent: Friday, August 14, 2020 11:28 AM
To: Maline, Denise
Cc: Skinner, Corey
Subject: RE: Kathryn Savage transfer 84209

WD170 does not object to this transfer, subject to the following conditions:

Maintain combined acreage and flow with Squaw Creek rights.
01H, 215, 198 W&S for systems delivering more than 0.24 cfs and/or serving more than 5 acres total.

Additional information:

Squaw Creek rights have not been delivered to Osprey acres for several years. Ditch diversion from Salmon River (S35B) is no longer in use to the best of my knowledge.

From: Maline, Denise
Sent: Friday, August 14, 2020 8:13 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Kathryn Savage transfer

It hasn't been approved yet, so I don't see why not. Maybe cc Corey too, since he might have the file on his desk for approval.

From: Yenter, Cindy
Sent: Thursday, August 13, 2020 4:07 PM
To: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Subject: Kathryn Savage transfer

Do you think it's too late for me to comment on this? I have been in the field a lot and just forgot to review it. I don't think I have any real objections, but may want to suggest some conditions.

Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell

Sufficiency Memorandum

Date: August 7, 2020
To: Transfer 84209 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the authorized point of diversion (POD) for a 0.16 cfs water right from the Salmon River from its current location, to an existing POD located approximately 0.5 miles downstream on the applicant's property. This water right allows for the irrigation of 2.6 acres on Lot 11, BLK 1 of the Osprey Bend Subdivision located approximately 3.0 miles west and 0.9 miles south of the city center of Clayton. The application also proposes to update the ownership of the water right to the new owner.

The right involved with the application is located within Water District #72D. Therefore watermaster comments were solicited and no comments were received. Consequently IDWR presumes that the watermaster does not oppose approval of the application and has no comments for the Department to consider. Application was subject to notice and protest and no protest were received.

- **Authority to File:**
The applicant submitted the necessary deed conveying ownership with the appurtenances.
- **Water Right Validity:**
The water right involved in the transfer was decreed in 2000. Esri Imagery indicates that the land appears irrigated.
- **Injury to Other Water Rights:**
None anticipated. The application proposes moving water out of a shared ditch. Currently the rights in the ditch total 4.38 cfs. The applicant's right is 0.16 cfs, only 3.7% of the water in the ditch.
- **Enlargement of Use:**
None anticipated. The proposed place of use is limited to 2.6 irrigated acres.
- **Local Public Interest:**
No negative impacts anticipated. Watermaster comments were solicited and no response as noted above.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Proof of Publication The Challis Messenger

RECEIVED

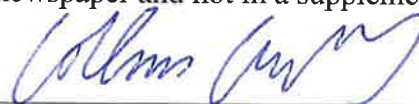
JUL 24 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
County of Custer

I, ~~Dawn Giannini~~ or Collins Crapo, first being duly sworn, depose and say: That I am the ~~Classified Manager~~ or Processing Clerk of The Challis Messenger, a corporation of Challis, Custer County, Idaho, publishers of The Challis Messenger, a newspaper of general circulation, published 1 day, Wednesday, in Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Challis Messenger for 2 day(s), first publication having been made on 07/15/2020 and last publication having been made on 07/22/2020, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, on this 22nd day of July 2020





Notary Public
My commission expires:

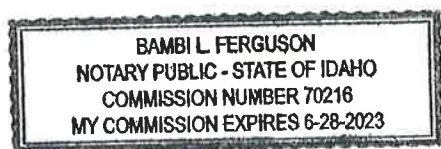
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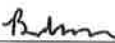
STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 22nd day of July 2020, before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same, IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires:

Ad # 18416

✓ OK DM 7/30/2020

Government

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84209

KATHRYN S SAVAGE,
PO BOX 115, CLAYTON, ID
83227-0115 has filed Application No. 84209 for changes to the following water rights within CUSTER County(s): Right No(s). 72-16834; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/que-rynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the authorized point of diversion (POD) for a 0.16 cfs water right from the Salmon River from its current location, to an existing POD located approximately 0.5 miles downstream on the applicant's property. This water right allows for the irrigation of 2.6 acres on Lot 11, BLK 1 of the Osprey Bend Subdivision located approximately 3.0 miles west and 0.9 miles south of the city center of Clayton.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Pro-

Government

tests 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before August 3, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN

Director

Published: 7/15, 7/22, 2020
(18416-12622)

✓ OK DM 7/30/2020

