

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 83545**

This is to certify that: CHRISTOPHER TAMBE  
PO BOX 222  
CARMEN, ID 83462-0222

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>
75-10504	WR/DECREED	12/10/1909	0.020 cfs	N/A	N/A	0.5	TOWER CREEK

**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>
75-10504	NO	NO	YES	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>
75-10504	75-10504	0.020 cfs	N/A	N/A	0.5	N/A	N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>		0.020 cfs	N/A	N/A	0.5		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 27<sup>th</sup> day of AUGUST, 2020.

  
ANGELA GRIMM, Water Rights Section Manager

# **WATER RIGHT NO. 75-10504**

## **As Modified by Transfer No. 83545**

In accordance with the approval of Transfer No. 83545, Water Right No. 75-10504 is now described as follows:

**Right Holder:** CHRISTOPHER TAMBE  
PO BOX 222  
CARMEN, ID 83462-0222

**Priority Date:** 12/10/1909

**Source:** TOWER CREEK

**Tributary:** SALMON RIVER

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/01

### **To**

to 10/31

### **Diversion Rate**

0.020 cfs

0.020 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

TOWER CREEK

SWSE

Sec 33 Twp 24N Rge 22E LEMHI County

### **PLACE OF USE: IRRIGATION**

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	22E	33															0.5		0.5

POU Total Acres: 0.5

### **CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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.
3. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
4. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83545

**WATER RIGHT NO. 75-10504**

**As Modified by Transfer No. 83545**

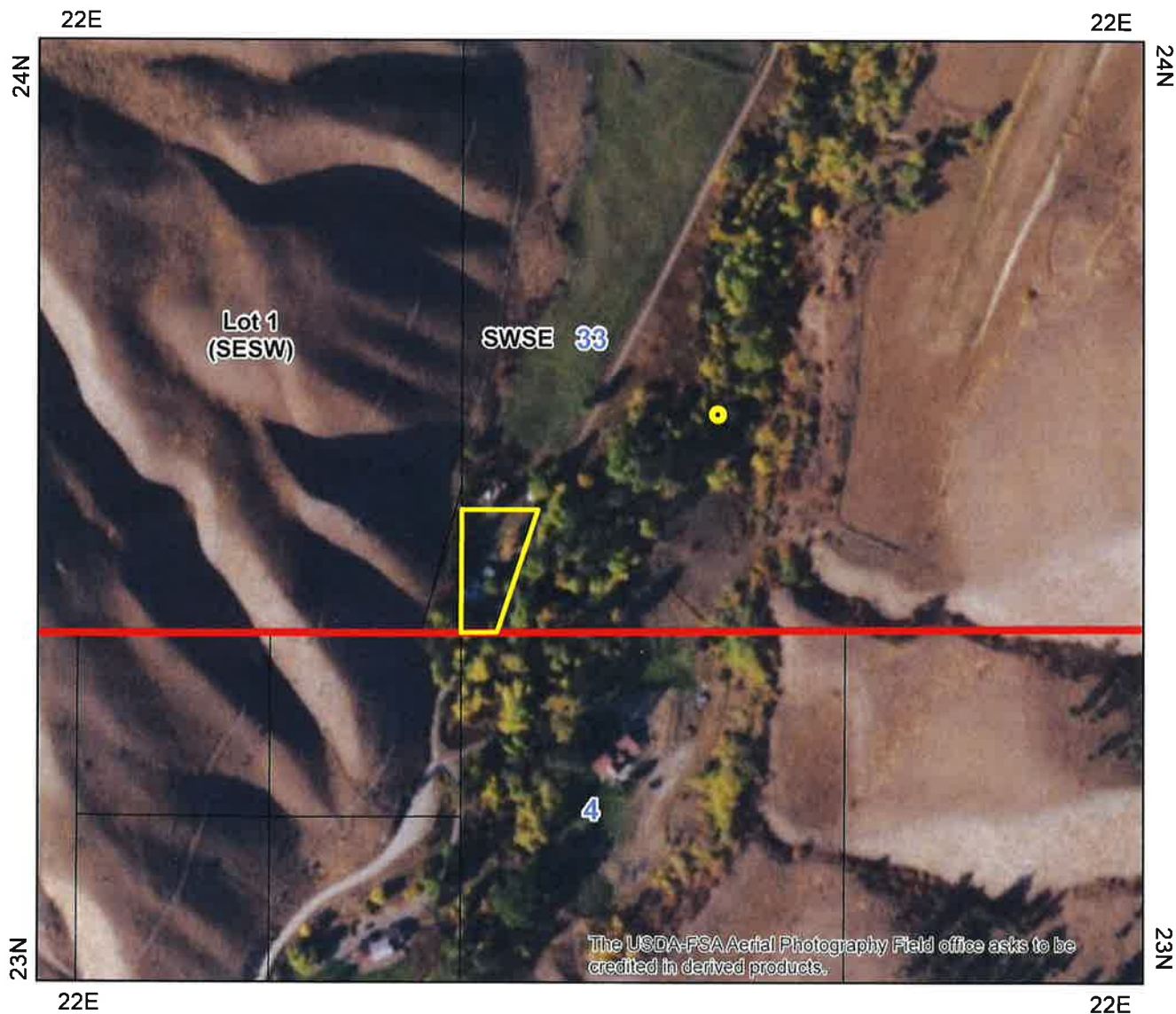
**CONDITIONS OF APPROVAL**






7. 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 83545**  
75-10504

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.



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

0 0.035 0.07 0.14 Miles



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
AUG 19 2019  
DEPARTMENT OF  
WATER RESOURCES

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

Name of Applicant(s) Christopher Tambe

**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 [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #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: \_\_\_\_\_



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 19 2019

DEPARTMENT OF  
WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Christopher Tambe Phone 208-940-0248  
Mailing address PO Box 222, Carmen ID 83462 Email ctambe@centurylink.net

- ☐ 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 \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ 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.

 \_\_\_\_\_ 3/14/2019  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

### A. PURPOSE OF TRANSFER

- ☐ Change point of diversion      ☐ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_
- 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.2**.  
 Place of use was decreed incorrectly. Use remains as claimed in SRBA and has not changed. Some misinterpretation of lot lines and QQ lines seems to have resulted in an incorrect recommendation.

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 <input type="checkbox"/> <input type="checkbox"/>	75-10504	0.02	irrigation	04/01 to 10/31	Tower Creek
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.02 cfs and/or        acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or        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 #

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	33															0.5		0.5
Total Acres (for irrigation use)																			0.5

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:  
Shared ditch to small pump pond on my property. Ditch exits the pond and flows south to other water users.  
Control gate and measuring device will be installed above my pond when required.
- b. Who owns the property at the point(s) of diversion? Salmon Idaho's Sky Ranch LLC (Rob Radcliffe)  
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
existing ditch no change to pod
- 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: N/A
- 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:  
No change. This transfer is to correct POU only. No portion of this property is located or has ever been located in 23N22E Sec 4.
- 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:  
None. Existing unrecorded domestic well is not used for irrigation.
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:  
**Yes No**
- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

**If yes, describe:**



Page \_\_\_\_\_ of \_\_\_\_\_

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

**Current Water Right No.: 75-10504**

Current Owner: PAUL HENNIG  
MARGARET A HENNIG  
Priority Date: 12/10/1909  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

TOWER CREEK

**Tributary**

SALMON RIVER

**Beneficial Use**

IRRIGATION

**From To**

04/01 to 10/31

**Diversion Rate**

0.02 CFS

**Annual Volume**

**Total Diversion**

0.02 CFS

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

TOWER CREEK

SW1/4SE1/4

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

LEMHI County

**Place of Use**

**IRRIGATION Within LEMHI County**

T23N R22E S4

NWNE

0.20

T24N R22E S33

SWSE

0.30

Total Acres: 0.5

**Conditions of Approval:**

1. U42 Place of use does not include federal public lands
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: 10/15/2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

### A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

### FOR DEPARTMENT USE ONLY

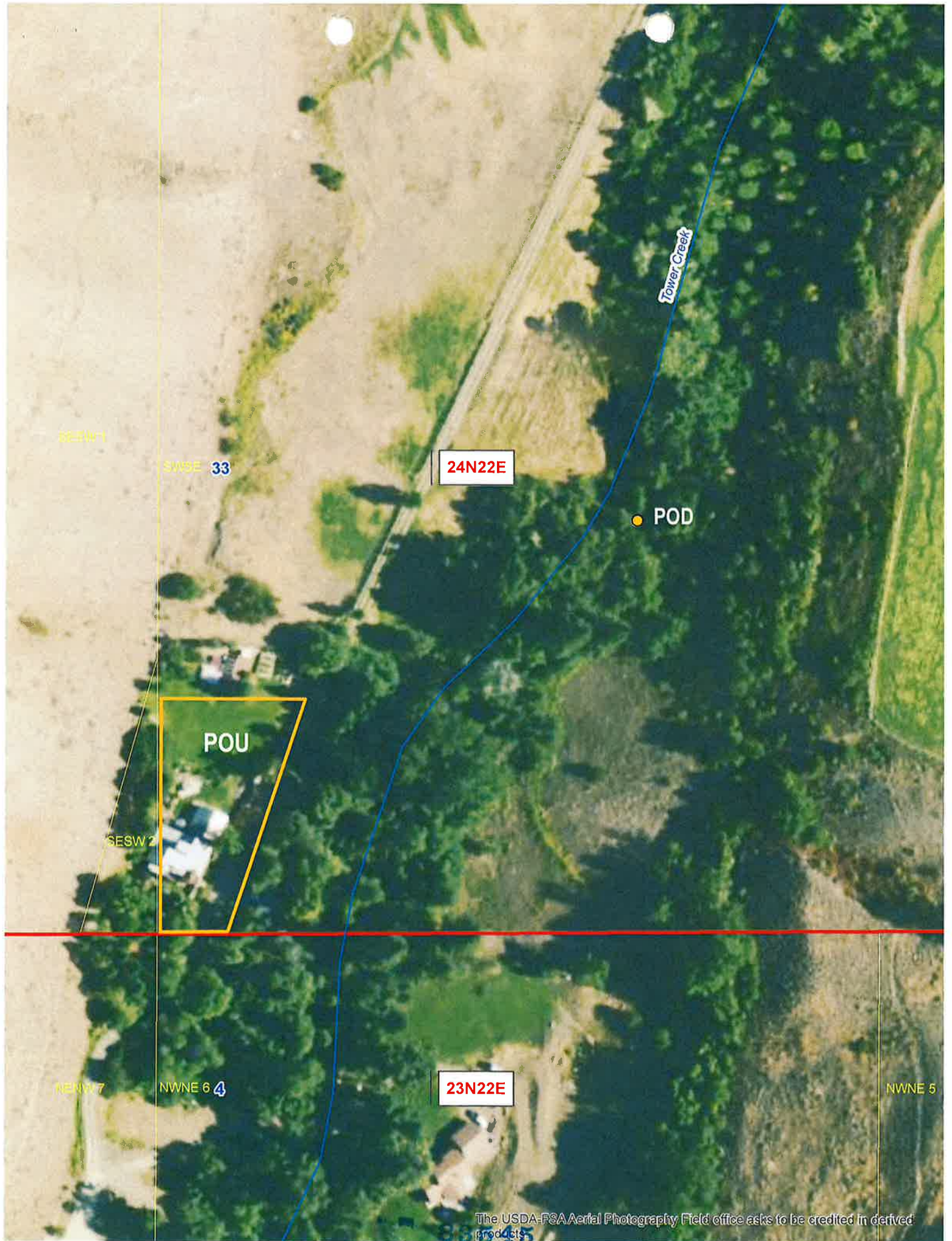
Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by AW Date 8/19/19 Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 50 Date 8/19/19 Received by AW Receipt # C107417

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)







## 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

August 28, 2020

CHRISTOPHER TAMBE  
PO BOX 222  
CARMEN ID 83462-0222

Re: Transfer No: 83545  
Water Right No.: 75-10504  
Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Right is a PRELIMINARY ORDER issued by the Department pursuant to Idaho Code § 67-5243. 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 Idaho Code § 42-1701A(3). 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) 287-4800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angela M. Grimm". The signature is fluid and cursive, with a large initial "A" and a stylized "G".

Angela Grimm

Water Rights Section Manager

Enclosure



## **CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person listed below:

**Re: Transfer No.: 83545**  
**Water Right No.: 75-10504**

**CHRISTOPHER TAMBE**  
**PO BOX 222**  
**CARMEN ID 83462-0222**



---

**Debbi Judd**  
**Technical Records Specialist**

## MEMORANDUM

**Date:** December 14, 2019  
**To:** Transfer 83545  
**From:** David Betts  
**Re:** Review & Evaluation of Sufficiency of Information

### **Background:**

Christopher Tambe filed an Application for Transfer of Water Right on August 19, 2019 to change the place of use (POU). In Part I, item A.2, the Mr. Tambe states that the place of use was decreed incorrectly, and that the use "remains as claimed in SRBA and has not changed".

The initial claim for this water right was filed in the Snake River Basin Adjudication (SRBA) by Lorrain N. or Calvin W. Barrett. Paul and Margaret Hennig filed a change of ownership for the claim in 2006, prior to the recommendation of the claim. At the time of recommendation, Mr. Hennig filed a notice of error that shifted the POU to the south to include 0.2 acres of the NWNE of Section 4, Township 23N, Range 22E. Mr. Hennig appears to have based his decision on the alignment of the satellite imagery of the property with the PLS boundaries as represented in the map provided by the Department for the SRBA Recommendation. The final decree for the water right agrees with the change requested by Mr. Hennig, but disagrees with the location of the property as described in the deeds of ownership.

According to the documents for the original claim, the Barretts based the location of the POU on their deed for the property. The metes and bounds of the deed place the entire property within the SWSE of Section 33, Township 24N, Range 22E. Mr. Tambe filed a change of ownership for the water right on August 19, 2019, which included a copy of his deed for the property. The deed records the sale of the property from Paul and Margaret Hennig to Christopher Tambe, and has the same metes and bounds as the deed for the Barretts. On September 26, 2019, I sent an email to Mr. Tambe requesting a copy of the deed of ownership of the property for the Hennigs, who completed the claim in the SRBA. Mr. Tambe submitted a copy of the requested deed to the Salmon Field Office (IDWR), which was forwarded to me by email on September 30, 2019. The deed of ownership of the property for the Hennigs has the same metes and bounds as the other two deeds mentioned above.

This transfer will be processed as a correction to the POU. The original claim and subsequent deeds on file all describe the property boundaries with the same metes and bounds within the SWSE of Section 33, Township 24N, Range 22E. Based on the information provided, the place of use appears to have always been in the SWSE of Section 33. The alignment of satellite imagery with PLS data is not a reliable source for determining location information, and should not have been used to make corrections to the claim.

A transfer to correct the location description of the POU does not need to be advertised. The Department did send a notification of the proposed change to water right 75-10504 to Joel R. Griffith, who is the owner of the property in the NWNE of Section 4, Township 23N, Range 22E. I sent a letter to Mr. Griffith on October 8, 2019, informing him of the proposed transfer, and requested any comments he may have. Mr. Griffith was given 14 days to respond to the letter. As of the date of this memo, Mr. Griffith has not provided a response to the letter.

### **Authority to File:**

Mr. Tambe is the owner of record for the water right, and signed the application for transfer. Mr. Tambe paid the \$50 dollar filing fee for this type of transfer, according to I.C. § 42-221 (O.8).

**Water Right Validity:**

The water right is presumed to be valid. The right was decreed in 2008. The tax parcel that contains the POU is 0.5 acres, which includes the location of the home. Satellite imagery indicates that the majority of the property has been regularly irrigated since before the time the water right was decreed. After rounding to the nearest tenth of an acre, the total number of acres irrigated may be equal to 0.5 acres.

**Injury to Other Water Rights:**

The location description of the POU is the only proposed change. The point of diversion (POD), POU, and nature of use will remain the same. If the transfer is approved, there should be no injury to other water rights.

**Enlargement of Use:**

This transfer proposes only to correct to the POU description. There is no risk of enlargement of use.

**Local Public Interest:**

The claim to this water right was reviewed and decreed as part of the SRBA. The proposed transfer is assumed to be in the local public interest based on the SRBA decision and recognition of the water right.

**Beneficial Use/Conservation of Water Resources:**

The application proposes beneficial uses consistent with conservation of water resources in Idaho.

**Effect on Economy the Local Area:**

This transfer proposes only to correct to the POU description, and should have no effect on the local economy.

**Effect on Agricultural Base of the Local Area:**

The transfer proposes to correct the location description of the POU of an existing use. If the transfer is approved there should be no effect on the local agricultural base.

*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.*



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

October 8, 2019

JOEL R. GRIFFITH  
349 TOWER CREEK RD  
CARMEN ID 83462

RE: Corrections to the place of use of Water Right 75-10504

Dear Mr. Griffith:

The Department of Water Resources (Department) is in the process of making corrections to the location records for the place of use (POU) of water right 75-10504. Christopher Tambe is the owner of record for this water right. I am sending you this letter because a portion of the original water right overlapped with your property.

It appears that when the water right was decreed to the previous owner, Paul Hennig, 0.2 acres of the POU were incorrectly identified in the NWNE of Section 4, Township 23N, Range 22E. Mr. Tambe is requesting a change that would place the entire POU within the boundaries of his property in the SWSE of Section 33, Township 24N, Range 22E.

If you have any questions or concerns with respect to the change requested by Mr. Tambe, please contact me directly within fourteen (14) days. My contact information is below. If I do not receive a response from you within the 14 days, I will continue processing the change as requested by Mr. Tambe.

Thank you for taking the time to review this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Dave Betts'.

Dave Betts  
Senior Water Resource Agent

Phone: (208) 287-4826  
Email: [david.betts@idwr.idaho.gov](mailto:david.betts@idwr.idaho.gov)

## MEMORANDUM

**Date:** October 7, 2019  
**To:** Transfer 83545  
**From:** David Betts  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
10/7/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.



**Betts, David**

---

**From:** Yenter, Cindy  
**Sent:** Monday, September 30, 2019 2:42 PM  
**To:** Betts, David  
**Subject:** Tambe transfer B75  
**Attachments:** 20190930141440.pdf

Attached is a warranty deed conveying the parcel from Sherman to Hennig. We aren't sure where Barretts fit in. The parcel description is the same. Chris is going to forward your email in case I've missed something.

*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*

## WARRANTY DEED

For Value Received

THOMAS SHERMAN AND CHRISTINE SHERMAN, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

PAUL B. HENNIG, a single person

whose current address is

605 Lena St.  
Salmon, Idaho 83467the grantee, the following described premises, in LEMHI County Idaho, to wit:

A FRACTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE TWENTY-TWO (22) EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION THIRTY-THREE (33) RUN THENCE NORTH ALONG THE WESTERLY BOUNDARY OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION THIRTY-THREE (33) A DISTANCE OF 210.0 FEET; THENCE EAST 130.0 FEET; THENCE SOUTH 18° 20' WEST 221.4 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION THIRTY-THREE (33); THENCE WEST 50.0 FEET TO THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 22, 1989



THOMAS SHERMAN



CHRISTINE SHERMAN

STATE OF IDAHO, COUNTY OF LEMHI

On this 22ND day of August, 1989,  
before me, a notary public in and for said State, personally  
appeared

THOMAS SHERMAN AND CHRISTINE  
SHERMAN, husband and wife

known to me, and whose names are  
subscribed to this instrument, and acknowledged to  
me that they executed the same.

Residing at  
Comm. Expires

Notary Public  
, Idaho

State of Idaho }  
County of Lemhi }

es No. 202723

This instrument was filed for record  
at the request of American Land Title  
at 2:01 o'clock on 13 August 22, 1989  
and duly filed and indexed in the  
records of Lemhi County.

Alberta Westmark  
Ex-Officio Secretary

By Virginia Duxley Deputy  
Recorded 309 pp

**Betts, David**

---

**From:** Betts, David  
**Sent:** Thursday, September 26, 2019 12:07 PM  
**To:** 'ctambe@centurylink.net'  
**Subject:** Water Right 75-10504: property records

Dear Mr. Tambe,

I am in the process of reviewing your application for transfer of water right 75-10504.

In order to help establish the place of use of your water right, would you please provide the Department with a copy of the deed for the sale of the property from Calvin & Lorraine Barrett to Paul and Margaret Hennig? A copy of this deed will provide evidence that the place of use has been in the location described in your application for transfer. You may need to contact the county assessor to get instrument number for the deed, and then contact the county recorder for the copy of the deed.

The Department has a copy of the deed when the Barretts purchased the property and a copy of your deed from your purchase of the property from the Hennigs. A copy of the deed from when the Hennigs purchased the property from the Barretts will complete the chain of records for the ownership of your property, and will help to provide evidence of the location of the water use of 75-10504. This deed is particularly important because the Hennigs owned the property at the time that the courts decreed the water right. A Notice of Error from Paul Hennig prior to the decree is also responsible for the error that you are asking to correct with your application for transfer.

Thank you for your assistance. Feel free to contact me if you have any questions.

Dave Betts  
*Water Resource Agent*  
**Water Rights Section**  
**Idaho Department of Water Resources**  
322 East Front St., PO Box 83720  
Boise, ID 83720-0098

Phone: (208) 287-4826  
Fax: (208) 287-6700

## Hersley, Jean

---

**From:** Yenter, Cindy  
**Sent:** Friday, August 16, 2019 12:21 PM  
**To:** Hersley, Jean; Grimm, Angie  
**Subject:** Correction transfers, reduced fees

I've recently helped draft several transfers in Basin 75 which request corrections to incorrect SRBA decrees, and describe historical locations for POD and/or POU. I have recommended that these be submitted with the reduced \$50 fee per water right. There are no physical changes proposed on any of these. Please be on the lookout for them and let me know if you have any questions or issues processing as corrections.

Fourth of July Ck – will be filed in the name of Bellamy (75-14641, 119) and Dougherty (75-14313, 14641). They should all come in together. PODs for four right are way off. Dougherty and I both collected GIS coordinates for the correct pod locations, and his were better so he's supposed to send that info. If he does not, I have it. Bellamy also has POU corrections on 75-119 and 120. I have the shape files for both corrected irrigation pous, and am happy to send that to the reviewing agent.

Tower Creek – POU transfer and ownership change filed in the name of Tambe. Hint – look in the claim file and at the submitted warranty deed. Lemhi Co parcel layer is way off in this area. The metes and bounds puts the entire property in the correct location in SWSE S33. During claim review it appears someone mistook a parcel line for a section line, and part of this recommendation landed in Sec 4 where it doesn't belong it. The claim was filed correctly in SWSE, albeit for too many acres (5 as opposed to 0.5). Total 0.5 acres is correct.

*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*