

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83908**

This is to certify that: **BAKER FAMILY TRUST**
C/O EDWIN BAKER JR TRUSTEE
LURA HELAINA BAKER TRUSTEE
HC 68 BOX 379
CLAYTON, ID 83227-9601
AND
EDDIE BAKER JR
HC 68 BOX 379
CLAYTON, ID 83227-9601

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>
72-10302A	WR/DECREED	5/1/1896	1.500 cfs	N/A	24.0	229.9	BIG BOULDER CREEK, BLUETT CREEK, EAST FORK SALMON RIVER
72-10303	WR/DECREED	5/1/1885	6.400 cfs	N/A	24.0	334.0	EAST FORK SALMON RIVER
72-10304	WR/DECREED	5/1/1936	2.200 cfs	N/A	338.0	369.0	BIG BOULDER CREEK, EAST FORK SALMON RIVER
72-16779	WR/DECREED	4/1/1938	54.600 cfs	N/A	370.3	375.9	EAST FORK 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>
72-10302A	NO	YES	NO	NO	NO	NO
72-10303	NO	YES	NO	NO	NO	NO
72-10304	NO	YES	NO	NO	NO	NO
72-16779	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>
72-10302A	72-10302A	1.500 cfs	N/A	24.0	229.9	N/A	N/A	N/A	N/A	N/A
72-10303	72-10303	6.400 cfs	N/A	24.0	334.0	N/A	N/A	N/A	N/A	N/A
72-10304	72-10304	2.200 cfs	N/A	338.0	369.0	N/A	N/A	N/A	N/A	N/A
72-16779	72-16779	54.600 cfs	N/A	N/A	375.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		64.700 cfs	N/A	N/A	394.5		N/A	N/A	N/A	N/A

Transfer No. 83908

SUPPORT DATA
IN FILE # 72-10302A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83908

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 15th day of July, 2020.


Southern Region Manager



WATER RIGHT NO. 72-10302A**As Modified by Transfer No. 83908**

In accordance with the approval of Transfer No. 83908, Water Right No. 72-10302A is now described as follows:

Right Holder: EDDIE BAKER JR
 HC 68 BOX 379
 CLAYTON, ID 83227-9601
 AND
 BAKER FAMILY TRUST
 C/O EDWIN BAKER JR TRUSTEE
 LURA HELAINA BAKER TRUSTEE
 HC 68 BOX 379
 CLAYTON, ID 83227-9601

Priority Date: 5/1/1896

Source: EAST FORK SALMON RIVER **Tributary:** SALMON RIVER
Source: BLUETT CREEK **Tributary:** EAST FORK SALMON RIVER
Source: BIG BOULDER CREEK **Tributary:** EAST FORK SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

1,500 cfs

1,500 cfs

LOCATION OF POINT(S) OF DIVERSION

EAST FORK SALMON RIVER	NENWNE	Sec 11 Twp 09N Rge 17E	CUSTER County
BLUETT CREEK	NENENW	Sec 11 Twp 09N Rge 17E	CUSTER County
EAST FORK SALMON RIVER	NESW	Sec 11 Twp 09N Rge 17E	CUSTER County
BIG BOULDER CREEK	L1 (NWNENE)	Sec 15 Twp 09N 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	
09N	17E	1	3.4	19.0	12.0		5.0		19.0	35.0	5.0	39.0	5.7						143.1
			L 1	L 2			L 6												
09N	17E	2													20.0			25.0	45.0
09N	17E	11	1.1	17.0	6.1		7.6			10.0									41.8

Right Acre Limit: 24.0

POU Total Acres: 229.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 24.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 83908

WATER RIGHT NO. 72-10302A
As Modified by Transfer No. 83908

CONDITIONS OF APPROVAL

2. Rights 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-204, and 72-2048 when combined shall not exceed a total diversion rate of 13.8 cfs and the irrigation of 393.0 acres.
3. Rights 72-204, 72-2048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-16778, 72-16779 and 72-16780A when combined shall not exceed the irrigation of 394.5 acres.
4. 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.
5. 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).
6. Right Nos. 72-2048, 72-10303 and 72-16779 are limited to a maximum combined diversion rate of 9.60 cfs at the East Fork-14 Diversion located in T09N, R17E, S01, SWSWNE.

Right Nos. 72-2048, 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 19.20 cfs at the East Fork-15 Diversion located in T09N, R17E, S11, NENWNE.

Right Nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the East Fork-17 Diversion located in T09N, R17E, S11, NENESW.

Right Nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the East Fork-16 Diversion located in T09N, R17E, S11, NESW.

Right Nos. 72-204, 72-10302B, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 9.00 cfs at the East Fork-18 Diversion located in T09N, R17E, S15, SWSE.

The diversion rates listed are peak measured values during maximum discharge periods. Actual diversion rates vary seasonally through the year and are proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

7. 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.
8. This right is limited to a diversion rate of 1.10 cfs from the Salmon River, East Fork; 0.3 cfs from Big Boulder Creek; and 0.10 cfs from Bluett Creek.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 72-10302A

As Modified by Transfer No. 83908

CONDITIONS OF APPROVAL

11. 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.



WATER RIGHT NO. 72-10303**As Modified by Transfer No. 83908**

In accordance with the approval of Transfer No. 83908, Water Right No. 72-10303 is now described as follows:

Right Holder: EDDIE BAKER JR
 HC 68 BOX 379
 CLAYTON, ID 83227-9601
 AND
 BAKER FAMILY TRUST
 C/O EDWIN BAKER JR TRUSTEE
 LURA HELAINA BAKER TRUSTEE
 HC 68 BOX 379
 CLAYTON, ID 83227-9601

Priority Date: 5/1/1885

Source: EAST FORK SALMON RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

6.400 cfs

6.400 cfs

LOCATION OF POINT(S) OF DIVERSION

EAST FORK SALMON RIVER SWSWNE
 EAST FORK SALMON RIVER NENWNE
 EAST FORK SALMON RIVER NESW
 EAST FORK SALMON RIVER NENESW

Sec 1 Twp 09N Rge 17E CUSTER County
 Sec 11 Twp 09N Rge 17E CUSTER County
 Sec 11 Twp 09N Rge 17E CUSTER County
 Sec 11 Twp 09N 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	
09N	17E	1	20.0	19.0	16.0		5.0		19.0	35.0	18.0	39.0	27.0						198.0
			L 1	L 2			L 6												
09N	17E	2													20.0			28.0	48.0
09N	17E	11	28.0	26.0	16.0		8.0			10.0									88.0

Right Acre Limit: 24.0

POU Total Acres: 334.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 24.0 acres within the authorized place of use in a single irrigation season.
2. Rights 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-204, and 72-2048 when combined shall not exceed a total diversion rate of 13.8 cfs and the irrigation of 393.0 acres.

Transfer No. 83908

WATER RIGHT NO. 72-10303

As Modified by Transfer No. 83908

CONDITIONS OF APPROVAL

3. Rights 72-204, 72-2048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-16778, 72-16779 and 72-16780A when combined shall not exceed the irrigation of 394.5 acres.
4. 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.
5. 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).
6. Right Nos. 72-2048, 72-10303 and 72-16779 are limited to a maximum combined diversion rate of 9.60 cfs at the East Fork-14 Diversion located in T09N, R17E, S01, SWSWNE.

Right Nos. 72-2048, 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 19.20 cfs at the East Fork-15 Diversion located in T09N, R17E, S11, NENWNE.

Right Nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the East Fork-17 Diversion located in T09N, R17E, S11, NENESW.

Right Nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the East Fork-16 Diversion located in T09N, R17E, S11, NESW.

Right Nos. 72-204, 72-10302B, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 9.00 cfs at the East Fork-18 Diversion located in T09N, R17E, S15, SWSE.

The diversion rates listed are peak measured values during maximum discharge periods. Actual diversion rates vary seasonally through the year and are proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

7. 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.
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.

WATER RIGHT NO. 72-10304**As Modified by Transfer No. 83908**

In accordance with the approval of Transfer No. 83908, Water Right No. 72-10304 is now described as follows:

Right Holder: EDDIE BAKER JR
 HC 68 BOX 379
 CLAYTON, ID 83227-9601
 AND
 BAKER FAMILY TRUST
 C/O EDWIN BAKER JR TRUSTEE
 LURA HELAINA BAKER TRUSTEE
 HC 68 BOX 379
 CLAYTON, ID 83227-9601

Priority Date: 5/1/1936

Source: EAST FORK SALMON RIVER
Source: BIG BOULDER CREEK

Tributary: SALMON RIVER
Tributary: EAST FORK SALMON RIVER

BENEFICIAL USE

IRRIGATION

From 4/01 **To** 10/31 **Diversion Rate**
 2.200 cfs
 2.200 cfs

LOCATION OF POINT(S) OF DIVERSION

EAST FORK SALMON RIVER NENWNE	Sec 11 Twp 09N Rge 17E	CUSTER County
EAST FORK SALMON RIVER NESW	Sec 11 Twp 09N Rge 17E	CUSTER County
EAST FORK SALMON RIVER NENESW	Sec 11 Twp 09N Rge 17E	CUSTER County
BIG BOULDER CREEK L1 (NWNENE)	Sec 15 Twp 09N Rge 17E	CUSTER County
BIG BOULDER CREEK L2 (SENWNE)	Sec 15 Twp 09N Rge 17E	CUSTER County
EAST FORK SALMON RIVER NESWSE	Sec 15 Twp 09N 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	
09N	17E	1	3.4	19.0	12.0		5.0		19.0	35.0	18.0	39.0	27.0						177.4
			L 1	L 2			L 6												
09N	17E	2													20.0			28.0	48.0
09N	17E	11	28.0	26.0	16.0		8.0			10.0				17.0					105.0
09N	17E	14							13.0										13.0
09N	17E	15	15.0			5.2									5.4				25.6
			L 1			L 5								L 6					

Right Acre Limit: 338.0

POU Total Acres: 369.0

Transfer No. 83908

WATER RIGHT NO. 72-10304

As Modified by Transfer No. 83908

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 338.0 acres within the authorized place of use in a single irrigation season.
2. Rights 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-204, and 72-2048 when combined shall not exceed a total diversion rate of 13.8 cfs and the irrigation of 393.0 acres.
3. Rights 72-204, 72-2048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-16778, 72-16779 and 72-16780A when combined shall not exceed the irrigation of 394.5 acres.
4. 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.
5. 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).
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.
7. This right is limited to a maximum diversion rate of 0.60 cfs from Big Boulder Creek.
8. Right Nos. 72-2048, 72-10303 and 72-16779 are limited to a maximum combined diversion rate of 9.60 cfs at the East Fork-14 Diversion located in T09N, R17E, S01, SWSWNE.

Right Nos. 72-2048, 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 19.20 cfs at the East Fork-15 Diversion located in T09N, R17E, S11, NENWNE.

Right Nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the East Fork-17 Diversion located in T09N, R17E, S11, NENSW.

Right Nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the East Fork-16 Diversion located in T09N, R17E, S11, NESW.

Right Nos. 72-204, 72-10302B, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 9.00 cfs at the East Fork-18 Diversion located in T09N, R17E, S15, SWSE.

The diversion rates listed are peak measured values during maximum discharge periods. Actual diversion rates vary seasonally through the year and are proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 72-10304

As Modified by Transfer No. 83908

CONDITIONS OF APPROVAL

11. 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.



WATER RIGHT NO. 72-16779**As Modified by Transfer No. 83908**

In accordance with the approval of Transfer No. 83908, Water Right No. 72-16779 is now described as follows:

Right Holder: EDDIE BAKER JR
 HC 68 BOX 379
 CLAYTON, ID 83227-9601
 AND
 BAKER FAMILY TRUST
 C/O EDWIN BAKER JR TRUSTEE
 LURA HELAINA BAKER TRUSTEE
 HC 68 BOX 379
 CLAYTON, ID 83227-9601

Priority Date: 4/1/1938

Source: EAST FORK SALMON RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31 **Diversion Rate**
 54.600 cfs
 54.600 cfs

LOCATION OF POINT(S) OF DIVERSION

EAST FORK SALMON RIVER SWSWNE	Sec 1 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER NENWNE	Sec 11 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER NESW	Sec 11 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER NENESW	Sec 11 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER SWSE	Sec 15 Twp 09N 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	
09N	17E	1	20.0	19.0	16.0		5.3		19.0	35.0	18.0	39.0	27.0						198.3
			L 1	L 2			L 6												
09N	17E	2				0.8									20.0			28.0	48.8
09N	17E	11	28.0	26.0	16.0		8.0			10.0				17.0					105.0
09N	17E	14							13.0										13.0
09N	17E	15				5.4									5.4				10.8
						L 5									L 6				

POU Total Acres: 375.9

CONDITIONS OF APPROVAL

1. Rights 72-204, 72-2048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-16778, 72-16779 and 72-16780A when combined shall not exceed the irrigation of 394.5 acres.

Transfer No. 83908

WATER RIGHT NO. 72-16779
As Modified by Transfer No. 83908

CONDITIONS OF APPROVAL

2. 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.
3. 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).
4. Right Nos. 72-2048, 72-10303 and 72-16779 are limited to a maximum combined diversion rate of 9.60 cfs at the East Fork-14 Diversion located in T09N, R17E, S01, SWSWNE.

Right Nos. 72-2048, 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 19.20 cfs at the East Fork-15 Diversion located in T09N, R17E, S11, NENWNE.

Right Nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the East Fork-17 Diversion located in T09N, R17E, S11, NENESW.

Right Nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the East Fork-16 Diversion located in T09N, R17E, S11, NESW.

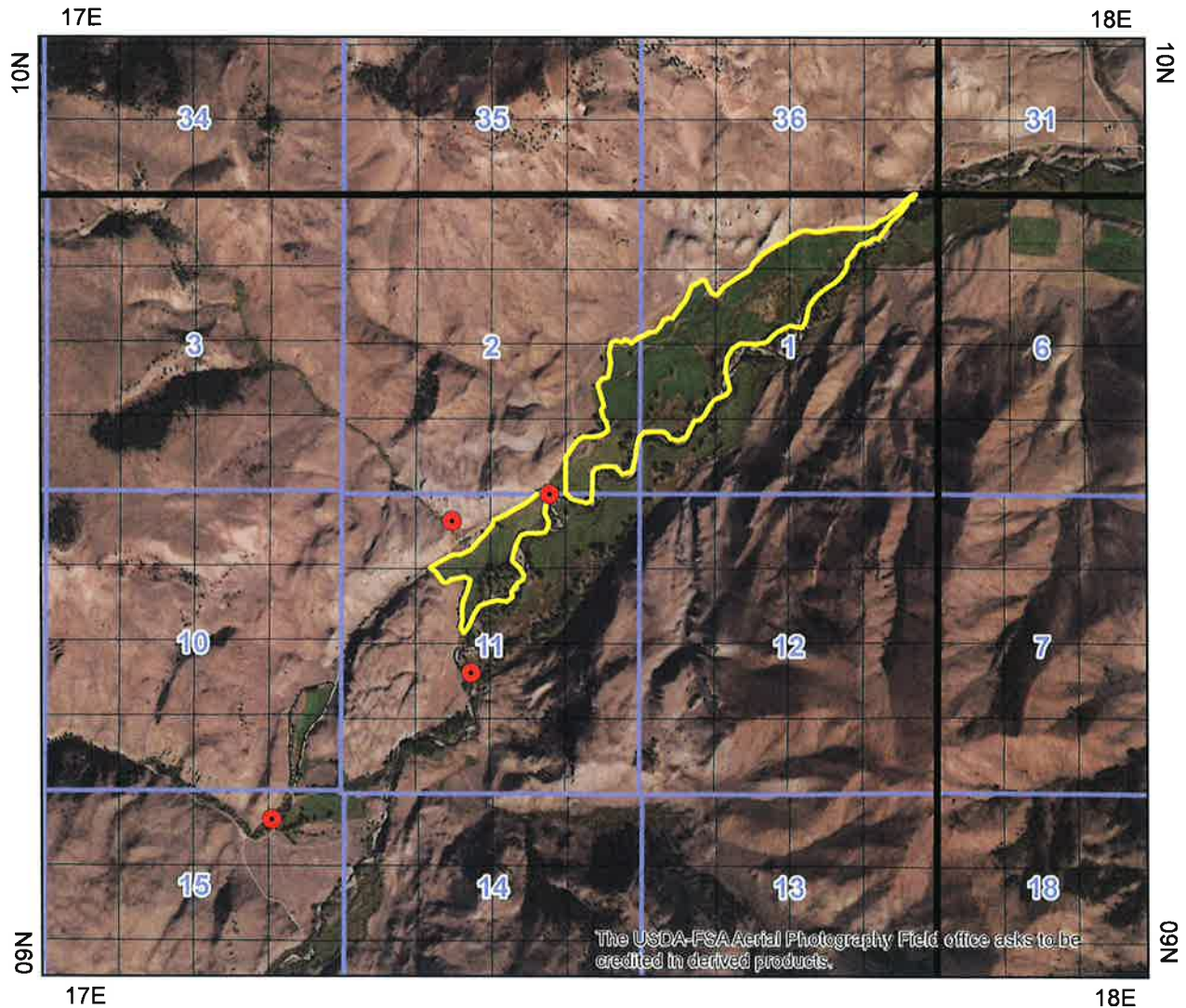
Right Nos. 72-204, 72-10302B, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 9.00 cfs at the East Fork-18 Diversion located in T09N, R17E, S15, SWSE.






The diversion rates listed are peak measured values during maximum discharge periods. Actual diversion rates vary seasonally through the year and are proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

5. 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.
6. The place of use does not include federal land.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 # 83908
72-10302A

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.



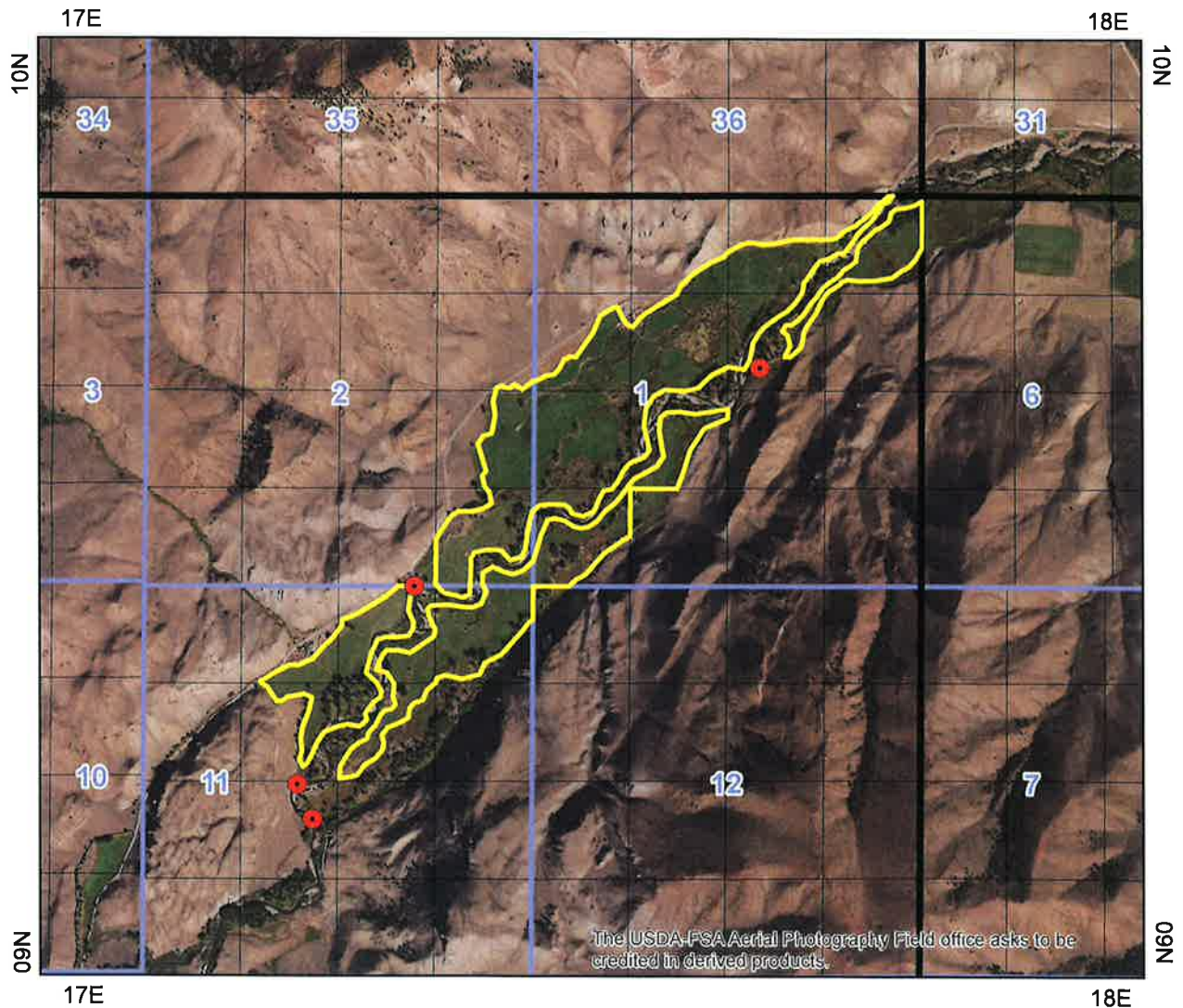
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters






0 0.375 0.75 1.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 83908
72-10303

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 0.275 0.55 1.1 Miles

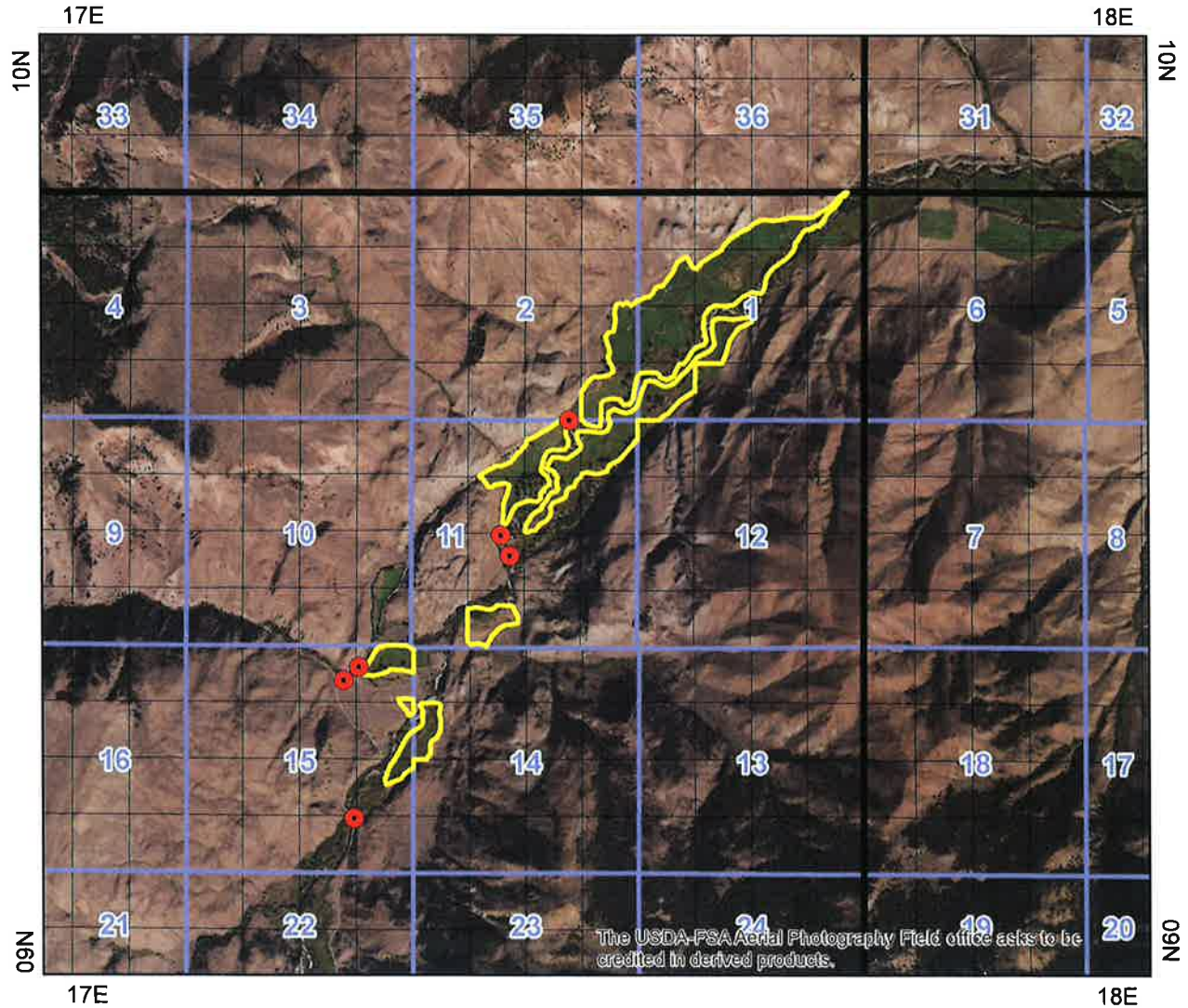


State of Idaho
Department of Water Resources

Attachment to Transfer # 83908

72-10304

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 0.5 1 2 Miles

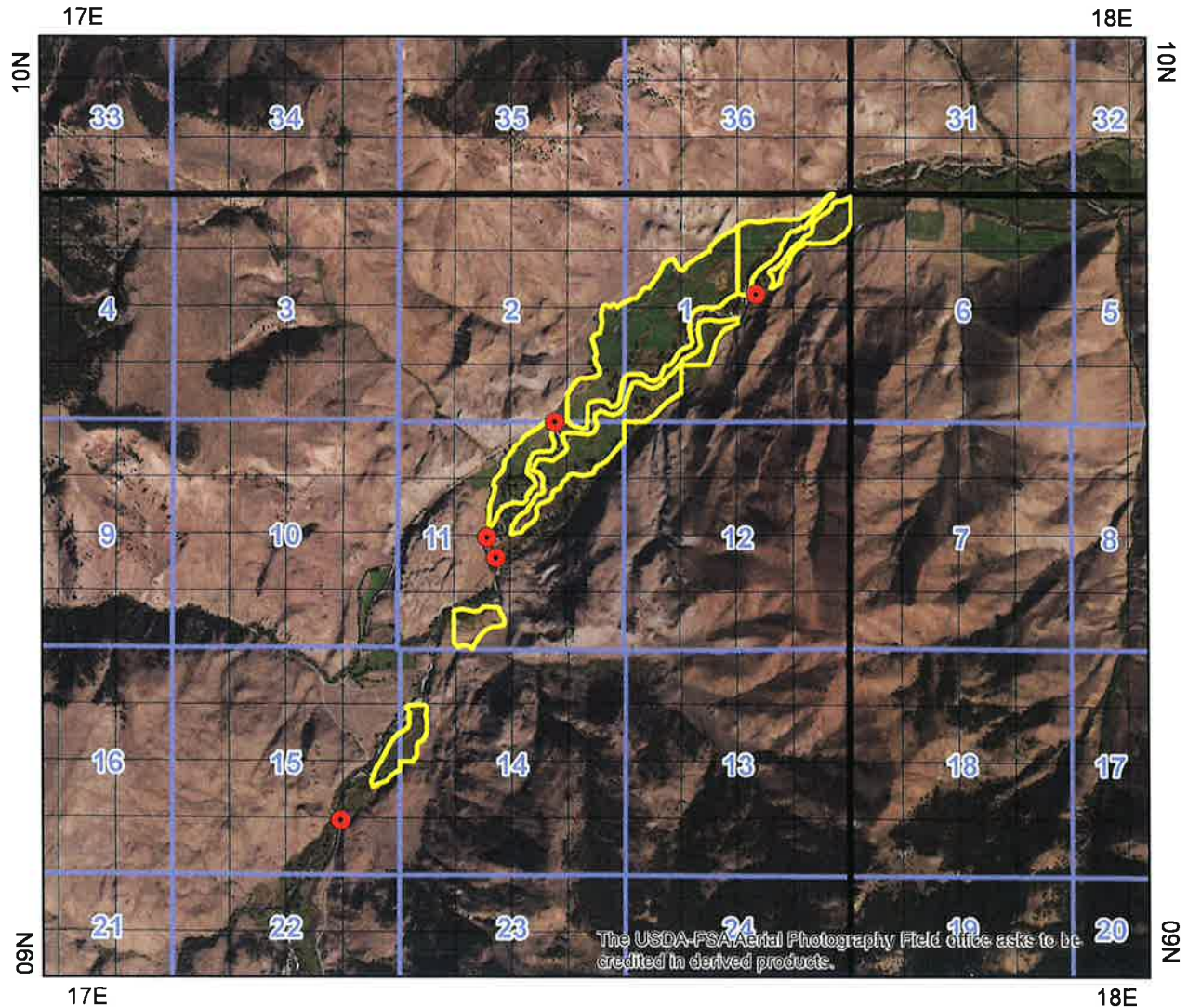


State of Idaho
Department of Water Resources

Attachment to Transfer # 83908

72-16779

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 0.5 1 2 Miles





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

July 17, 2020

EDDIE BAKER JR
HC 68 BOX 379
CLAYTON ID 83227-9601

BAKER FAMILY TRUST
C/O EDWIN BAKER JR TRUSTEE
LURA HELAINA BAKER TRUSTEE
HC 68 BOX 379
CLAYTON ID 83227-9601

Re: Transfer No: 83908
Water Right No(s): 72-10302A, 72-10303, 72-10304, 72-16779

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:

CINDY YENTER
WATER DISTRICT 170
102 S WARPATH
SALMON ID 83467

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

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 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.: 83908

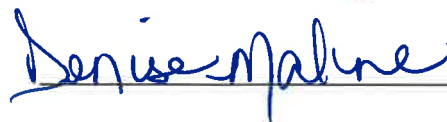
Water Right No(s): 72-10302A, 72-10303, 72-10304, 72-16779

EDDIE BAKER JR
HC 68 BOX 379
CLAYTON ID 83227-9601

BAKER FAMILY TRUST
C/O EDWIN BAKER JR TRUSTEE
LURA HELAINA BAKER TRUSTEE
HC 68 BOX 379
CLAYTON ID 83227-9601

CINDY YENTER
WATER DISTRICT 170
102 S WARPATH
SALMON ID 83467

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

A handwritten signature in blue ink that reads "Denise Maline". The signature is written in a cursive style and is positioned above a horizontal line.

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.

RECEIVED

JUL 09 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Statesman

Keeping you connected | IdahoStatesman.com

RECEIVED

JUN 26 2020

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263982	0004659413	NOTICE OF PROPOSED CHANGE OF WATER	insfer 83908 ad (Custer & statew	\$115.48	1	6.44 In

Attention: Denise MalineIDAHO DEPT OF WATER RESOURCES / SOUTH
2735 W AIRPORT WAY
BOISE, ID 83705**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 83908**

EDDIE BAKER JR; BAKER FAMILY TRUST, C/O EDWIN BAKER JR TRUSTEE & LURA HELAINA BAKER TRUSTEE, HC 68 BOX 379, CLAYTON, ID 83227-9601 has filed Application No. 83908 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10302A, 72-10303, 72-10304, 72-16779; 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 for transfer proposes to change one of the points of diversion (POD) for a group of four irrigation rights with a combined flow rate of 10.2 cfs from the existing POD located on the East Fork of the Salmon River. The existing POD is located approximately 9.4 miles south and 1.2 miles west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, 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 June 22, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published in Challis Messenger on June 3rd & 10th & Times News, Idaho Statesman, Post Register & Lewiston Tribune on June 4th & 11th, 2020

0004659413-01

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 InsertionsBeginning issue of: 06/04/2020Ending issue of: 06/11/2020

(Legals Clerk)

On this 11th day of June in the year of 2020 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

✓ Sm 7/9/2020

MEMORANDUM

Date: July 2, 2020
To: Transfer #83908, Eddie Baker Jr.; Baker Family Trust file
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change one of the points of diversion (POD) for a group of four irrigation rights with a combined flow rate of 10.2 cfs from the existing POD located on the East Fork of the Salmon River. The existing POD is located approximately 9.4 miles south and 1.2 miles west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River.

Because the transfer involves changing a POD on a stream, it was advertised and public comment was sought. It was also advertised statewide. There were no protests filed. The transfer is located within Water District 170 and Subdistrict 72D, so Watermaster comments were solicited from both Water Districts. No comment was received from WD-72D. The WD-170 Watermaster did provide comment, and it is included within the file.

- **Authority to File:**
The Department's database indicates that the water rights involved are owned by Eddie Baker Jr., and the Baker Family Trust. The application was signed by Eddie Baker Jr., and Lura Helaina Baker, trustees of the Baker Family Trust. Documentation of the trust was noted in a recent ownership change involving the rights.
- **Water Right Validity:**
The cropland covered by the rights appears to be fully irrigated within recent years, so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. The POD will move less than ¼ mile upstream, and the only POD it will move upstream of is one the Baker's other East Fork PODs.
- **Enlargement of Use:**
None anticipated. This transfer is for a change of POD location only.
- **Local Public Interest:**
No issues anticipated. The application was advertised, and no protests were filed.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the 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

JUN 19 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 at Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Challis Messenger for 2, first publication having been made on 06/10/2020 last publication having been made on 06/17/2020, 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 17th day of June, 2020



Notary Public
My commission expires:

attached jurat

STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 17th day of June, 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:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83908

EDDIE BAKER JR; BAKER FAMILY TRUST, C/O EDWIN BAKER JR TRUSTEE & LURA HELAINA BAKER TRUSTEE, HC 68 BOX 379, CLAYTON, ID 83227-9601 has filed Application No. 83908 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10302A, 72-10303, 72-10304, 72-16779; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/water/rights/querynewtransfers>.

The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change one of the points of diversion (POD) for a group of four irrigation rights with a combined flow rate of 10.2 cfs from the existing POD located on the East Fork of the Salmon River. The existing POD is located approximately 9.4 miles south and 1.2 miles west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, 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 June 29, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published: 6/10, 6/17, 2020
(14742-12622)

✓ DM 6/25/2020

***** Proof of Publication *****

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 102182

RECEIVED

JUN 17 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 11th day of June in the year of 2020 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 06/04/2020, 06/11/2020

TOTAL AD COST: 294.18

FILED ON: 6/11/2020

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓
36-17169
IDAHO POWER COMPANY
PO BOX 70
BOISE, ID 83707-0070
Point of Diversion L9(NESENE) S10 T09S R15E GOODING
County Source GROUND WATER Tributary
Use: IRRIGATION 03/15 to 11/15 0.27 CFS
Total Diversion: 0.27 CFS
Date Filed: 05-08-2020
Place Of Use: IRRIGATION
T09S R15E S10 L1(NENE), L9(SENE), L9(NENE)
T09S R15E S11 L11(NWNW), L11(SWNW)
Total Acres: 7
Application for permit proposes diverting up to 0.27 cfs from a proposed well for the irrigation of 4.5 acres within a 7.0 acre permissible place of use. A mitigation plan was submitted proposing to cease irrigation under water right 36-7104 and irrigation under water right 36-2704. Place of use and point of diversion are located approximately 4.2 to 4.5 miles north and 4.3 to 4.5 miles east of Buhl. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓
47-17716
AMALGAMATED SUGAR COMPANY
PO BOX 127
TWIN FALLS, ID 83303-0127
Point of Diversion SWSENE S26 T10S R17E TWIN FALLS
County Source DRAIN TUNNEL Tributary ROCK CREEK
Use: INDUSTRIAL 06/02 to 09/14 7.4 CFS
Total Diversion: 7.4 CFS
Date Filed: 04-24-2020
Place Of Use: INDUSTRIAL
T10S R17E S26 NENW
Application for permit proposes diversion of up to 7.4 cfs from a drain tunnel located approximately 1.5 miles south and 0.3 mile east of the intersection of Eastland Drive and Kimberly Road in Twin Falls. Non-consumptive Industrial use is at an adjacent sugar beet processing plant with a proposed season of use from 6/2 to 9/14. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓
47-17717
AMALGAMATED SUGAR COMPANY
PO BOX 127
TWIN FALLS, ID 83303-0127
Point of Diversion NESENE S26 T10S R17E TWIN FALLS
County Source ROCK CREEK Tributary SNAKE RIVER
Use: INDUSTRIAL
06/02 to 09/14 7.4 CFS
Total Diversion: 7.4 CFS
Date Filed: 04-24-2020
Place Of Use: INDUSTRIAL
T10S R17E S26 NENW
Application for permit proposes diversion of up to 7.4 cfs from Rock Creek at a point located approximately 1.3 miles south and 0.5 mile east of the intersection of Eastland Drive and Kimberly Road in Twin Falls. Non-consumptive Industrial use is at an adjacent sugar beet processing plant with a proposed season of use from 6/2 to 9/14. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓ ok sm
6-18-2020 →

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83908**

✓
EDDIE BAKER JR; BAKER FAMILY TRUST, C/O EDWIN BAKER JR TRUSTEE; LURA HELAINA BAKER TRUSTEEHC 68 BOX 379, CLAYTON, ID 83227-9601 has filed Application No. 83908 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10302A, 72-10303, 72-10304, 72-16779. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change one of the points of diversion (POD) for a group of four irrigation rights with a combined flow rate of 10.2 cfs from the existing POD located on the East Fork of the Salmon River. The existing POD is located approximately 9.4 miles south and 1.2 miles west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River. Published in Challis Messenger on June 3rd & 10th & Times News, Idaho Statesman, Post Register & Lewiston Tribune on June 4th & 11th, 2020

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 June 22, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 4th & 11th, 2020

✓ ok DM 6-18-2020

TRIBUNE PUBLISHING COMPANY INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date: 06/11/2020

INVOICE NO. 158235

Account No. 446620

Description 158235 NOTICE O

**LEGAL ADVERTISING
INVOICE**

Times 2

Lines 68

Tab. lines

\$ 96.90

Sold To: DEPT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

RECEIVED
JUN 15 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

PO#

Maline, Denise

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

**NOTICE OF
PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 83908

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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 **June 22, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

Published in Challis Messenger on June 3rd & 10th & Times News, Idaho Statesman, Post Register & Lewiston Tribune on June 4th & 11th, 2020

AFFIDAVIT OF PUBLICATION

Hollie K Posey, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 158235 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 06/04, or once a Week for 2 consecutive Week, the first publication thereof being on the 06/04/2020, and the last publication thereof being on the 06/11/2020, and said 158235 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Hollie K. Posey

State of Idaho

S.S.

County of Nez Perce

On this 11 day of June in the year of 2020, before me, a Notary Public, personally appeared Hollie K Posey, known or identified to me to be the person whose name 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 executed the same.

Teresa M Nitzy
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 12/31/22



✓ dm 6/19/2020

Proof of Publication The Post Register

RECEIVED

JUN 15 2020

DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
County of Bonneville

I, ~~Dawn Giannini~~ Collins Crapo, first being duly sworn, depose and say: That I am the ~~Classified Manager~~ or Processing Clerk of The Post Register, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published 5 days, Tuesday-Friday and Sunday, in Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 day(s), first publication having been made on 06/04/2020 and last publication having been made on 06/11/2020, and that 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 11th day of June 2020



Notary Public

My commission expires:

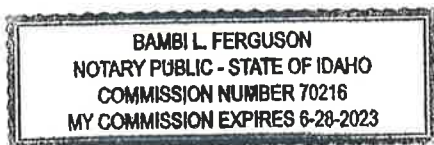
attached jurat

STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

On this 11th day of June 2020, before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ 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 # 14700

✓ DM
6/25/2020

✓ DM 6/25/2020

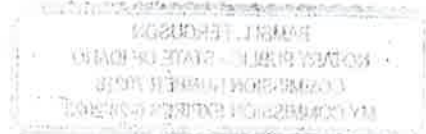
**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 83908**

EDDIE BAKER JR; BAKER
FAMILY TRUST, C/O ED-
WIN BAKER JR TRUSTEE
& LURA HELAINA BAKER
TRUSTEE, HC 68 BOX 379,
CLAYTON, ID 83227-9601
has filed Application No.
83908 for changes to the
following water rights within
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72-10304, 72-16779; to see a
full description of these rights
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please see [https://research.
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of four irrigation rights with a
combined flow rate of 10.2 cfs
from the existing POD located
on the East Fork of the Salm-
on River. The existing POD
is located approximately 9.4
miles south and 1.2 miles west
of Clayton and the new POD
will be located approximately
0.2 mile upstream on the East
Fork of the Salmon River.

For additional information
concerning the property loca-
tion, contact Southern Region
office at (208)736-3033. Pro-
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 Depart-
ment of Water Resources,
Southern Region, 650 ADDI-
SON AVE W STE 500, TWIN
FALLS ID 83301-5858 togeth-
er with a protest fee of \$25.00
for each application on or be-
fore June 22, 2020. The prot-
estant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director
Published: 6/4, 6/11, 2020
(14700-12622)



State of Idaho
Department of Water Resources
RECOMMENDATION FORM

Rec'd via email
6.10.2020
RECEIVED
JUN 12 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Transfer No. 83908

Water Right No(s): 72-10302A, etc.

Transfer Applicant's Name:

EDDIE BAKER JR. / BAKER FAMILY TRUST
HC 68 BOX 379
CLAYTON, ID 83227-9601

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 10 day of June, 2020

Dept of Fish & Game



Signature



Printed Name

Maline, Denise

From: Yenter, Cindy
Sent: Wednesday, June 03, 2020 12:39 PM
To: Maline, Denise
Cc: Bitzenburg, James; Brent Cutler
Subject: Watermaster comment, X83908 Baker

WD170 has no objections to this approval.

Conditions of approval in 72-16779 must be updated as part of transfer approval. The transfer application caught the error in the decreed conditions and correctly limited the transfer to 10.2 cfs at EF16... suggested text for corrections follows.

Existing: Right nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the East Fork-16 Diversion located in T09N, R17E, S11, NENESW.

Should be changed to: Right nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the **East Fork-17** Diversion located in T09N, R17E, S11, NENESW.

Existing: Right nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the East Fork-17 Diversion located in T09N, R17E, S11, SESENW.

Should be changed to: Right nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the **East Fork-16** Diversion located in T09N, R17E, S11, **NESW**.

Because old EF16 diversion will be abandoned and not retained on the rights, the EF16 diversion name will be moved to the new POD. This name will apply to the diversion and to the new screen. Water right for the screen is the responsibility of IDFG. There are some discrepancies with existing screen rights in this general location. I am working with IDFG to get these straightened out and a right identified or established for the new screen.

*Cindy Yenter
Watermaster, Water District 170
IDWR Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*



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

Brad Little
Governor

Gary Spackman
Director

June 2, 2020

EDDIE BAKER JR
BAKER FAMILY TRUST
C/O EDWIN BAKER JR TRUSTEE
LURA HELAINA BAKER TRUSTEE
HC 68 BOX 379
CLAYTON, ID 83227-9601

RE: Transfer No. 83908
Water Right No(s). 72-10302A, 72-10303, 72-10304, 72-16779

Dear Applicant(s):

The Department of Water Resources is currently processing your application for transfer, referenced above. You should have recently received a letter regarding the dates of legal publication in the necessary newspapers.

On June 1, the department received notification that there was an error made by the Challis Messenger and the publication would not be advertised on June 3 & 10, as originally scheduled. The publication will now advertise in the Challis Messenger on **June 10 & 17, 2020**, which will advance the protest deadline to **June 29, 2020**.

Please note, this error does not affect the publication scheduled to advertise in the Times News, Idaho Statesman, Post Register & Lewiston Tribune.

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.

Thank you for your understanding. Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant



THE JEFFERSON
STAR

THE CHALLIS
Messenger

ADVERTISING RECEIPT

333 Northgate Mile,
Idaho Falls, ID 83401
Ph. (208) 522-1800 Fax: (907) 452-5054

IDWR Southern Region
650 Addison Ave. West
Suite 500
Twin Falls, ID 83301

BILLING DATE:	ACCOUNT NO:
06/02/20	12622

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83908

EDDIE BAKER JR; BAKER FAMILY TRUST, C/O EDWIN BAKER JR TRUSTEE & LURA HELAINA BAKER TRUSTEE, HC 68 BOX 379, CLAYTON, ID 83227-9601 has filed Application No. 83908 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10302A, 72-10303, 72-10304, 72-16779; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/water_rights/querynewtransfers.

The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change one of the points of diversion (POD) for a group of four irrigation rights with a combined flow rate of 10.2 cfs from the existing POD located on the East Fork of the Salmon River. The existing POD is located approximately 9.4 miles south and 1.2 miles west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, 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 June 29, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published: 6/10, 6/17, 2020
(14742-12622)

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
14742	TRANSFER NO. 83908	06/10/20	06/17/20	2	\$80.04

Proof of legal notice from Challis
Messenger (with amended dates)
Rec'd 6/2/2020

✓
DM

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$80.04
Paid Amount: \$0.00

Amount Due: **\$80.04**

✓
DM
New total to be
reflected after advertising.

We Appreciate Your Business!

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83908**

EDDIE BAKER JR; BAKER FAMILY TRUST, C/O EDWIN BAKER JR TRUSTEE & LURA HELAINA BAKER TRUSTEE, HC 68 BOX 379, CLAYTON, ID 83227-9601 has filed Application No. 83908 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10302A, 72-10303, 72-10304, 72-16779; 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: Application for transfer proposes to change one of the points of diversion (POD) for a group of four irrigation rights with a combined flow rate of 10.2 cfs from the existing POD located on the East Fork of the Salmon River. The existing POD is located approximately 9.4 miles south and 1.2 miles west of Clayton and the new POD will be located approximately 0.2 mile upstream on the East Fork of the Salmon River.

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GARY SPACKMAN, Director

Published in Challis Messenger on June 10th & 17th, 2020

Maline, Denise

From: Maline, Denise
Sent: Monday, June 01, 2020 5:59 PM
To: Taylor Winger
Subject: RE: LEGAL NOTICE
Attachments: Transfer 83908 for Challis Messenger (adjusted dates).docx

Here is the ad again, with the adjusted dates. Please let me know if there are questions.

Have a good night,

Denise @ IDWR

From: Taylor Winger [mailto:twinger@postregister.com]
Sent: Monday, June 01, 2020 4:24 PM
To: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Subject: Re: LEGAL NOTICE

Denise - I made a mistake. I missed inputting this ad in time for Challis Messenger. I archived it instead of processing the notice. I only noticed today when I input the item for the Post Register that Challis dates were included.

Is there any way this can publish the 10th and 17th? I will only charge for one date due to my error if you can accommodate my incompetence.

Please review any attachments to ensure their accuracy.

APG Media of the Rockies LLC is not responsible for any obligations imposed by law. Concerns should be directed to appropriate legal counsel.

Taylor Winger, APG Media of the Rockies LLC
208-716-8112

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Thursday, May 28, 2020 11:03 AM
To: Info Challis Messenger <info@challismessenger.com>; Challis Legals <legals@challismessenger.com>
Subject: LEGAL NOTICE

Attached please find (1) legal notice being submitted for publication on June 3rd & 10th, 2020. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



THE JEFFERSON
STAR

Messenger
THE CHALLIS

ADVERTISING RECEIPT

333 Northgate Mile,
Idaho Falls, ID 83401
Ph. (208) 522-1800 Fax: (907) 452-5054

IDWR Southern Region
650 Addison Ave. West
Suite 500
Twin Falls, ID 83301

BILLING DATE:	ACCOUNT NO:
06/01/20	12622

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83908

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GARY SPACKMAN, Director
Published: 6/4, 6/11, 2020
(14700-12622)

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
14700	TRANSFER NO. 83908	06/04/20	06/11/20	2	\$80.04

**Proof of legal notice from
Post Register 6/1/2020**

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$80.04
Paid Amount: \$0.00

Amount Due: \$80.04

We Appreciate Your Business!