

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAY 14 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant EDDIE BAKER JR Phone (208) 838-2318
Mailing Address HC 68 BOX 379, CLAYTON ID 83227-9601 Email jrbaker@custertel.net
Name of Applicant BAKER FAMILY TRUST Phone (208) 838-2318
C/O EDWIN BAKER JR TRUSTEE
LURA HELAINA BAKER TRUSTEE
Mailing Address HC 68 BOX 379, CLAYTON ID 83227-9601 Email jrbaker@custertel.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.

Eddie Baker JR. Trustee Eddie BAKER JR 5-3-20
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
Lura Helaina Baker Trustee LURA Helaina BAKER 5-3-20
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

I.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. 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**

Transfer will abandon POD EF-16 on the East Fork of the Salmon River, currently utilized by rights 72-10302A, 72-10303, 72-10304, and 72-16779, and move it to a new location upstream approximately 0.2 mile. The four rights will then utilize the new POD as one of their authorized points of diversion.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
72-10302A	1.500 cfs	N/A	24.0	229.9		N/A	N/A	N/A	N/A
72-10303	6.400 cfs	N/A	24.0	334.0		N/A	N/A	N/A	N/A
72-10304	2.200 cfs	N/A	338.0	369.0		N/A	N/A	N/A	N/A
72-16779	54.600 cfs	N/A	370.3	375.9		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

* 10.200 cfs N/A N/A N/A N/A N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 10.2 cubic feet per second and/or _____ acre-feet per annum
3. Points(s) of Diversion:
- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.
4. Place of Use:
- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

* The actual total flow rate of the 4 rights is 64.7 cfs

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 72-10302A

Current Water Right Owner

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

Origin: Water Right

Basis: Decreed

Status Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	1.500 CFS	
Total Diversion			1.500 CFS	

Source and 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
BIG BOULDER CREEK	L1(NWNENE)	Sec. 15 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER	NESW	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	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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 72-10303

Current Water Right Owner

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

Priority Date: 5/1/1885

Origin: Water Right

Basis: Decreed

Status Active

Source: EAST FORK SALMON RIVER

Tributary: SALMON RIVER

Beneficial Use

IRRIGATION

From

4/01

To

10/31

Diversion Rate

6.400 CFS

Subuse Code

Total Diversion

6.400 CFS

Source and 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

NENESW

Sec. 11 Twp 09N Rge 17E CUSTER County

EAST FORK SALMON RIVER

NESW

Sec. 11 Twp 09N Rge 17E CUSTER County

Describe the proposed diversion system

HEADGATES, DITCHES, GRAVITY IRRIGATION

HEADGATES, DITCHES, GRAVITY IRRIGATION

HEADGATES, DITCHES, GRAVITY IRRIGATION

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 72-10304

Current Water Right Owner

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

Priority Date: 5/1/1936

Origin: Water Right

Basis: Decreed

Status Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	2.200 CFS	
Total Diversion			2.200 CFS	

Source and Point(s) of Diversion:

EAST FORK SALMON RIVER	NENWNE	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
EAST FORK SALMON RIVER	NESW	Sec. 11 Twp 09N Rge 17E CUSTER County

Describe the proposed diversion system

HEADGATES, DITCHES, GRAVITY IRRIGATION
HEADGATES, DITCHES, GRAVITY IRRIGATION
HEADGATES, DITCHES, GRAVITY IRRIGATION
HEADGATES, DITCHES, GRAVITY IRRIGATION
HEADGATES, DITCHES, GRAVITY IRRIGATION

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 72-16779

Current Water Right Owner

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

Priority Date: 4/1/1938

Origin: Water Right

Basis: Decreed

Status Active

Source: EAST FORK SALMON RIVER

Tributary: SALMON RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

54.600 CFS

Subuse Code

Total Diversion

54.600 CFS

Source and Point(s) of Diversion:

EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER

SWSWNE
NENWNE
NESW
NENESW
SWSE

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
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				

Right Acre Limit: 370.3

POU Total Acres: 375.9

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

Lockable controlling works and measuring device will be installed during construction of diversion.

- b. Who owns the property at the point(s) of diversion

Applicants.

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ 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:

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

NA- POD change only.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Rights in transfer are the only rights authorized to use EF-16 and proposed POD.

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

Yes No

☐
☐
☐
☐

☒
☒
☒
☒

undergone a period of five or more consecutive years of non-use,
currently leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 72-10302A

Current Water Right Owner

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

Origin: Water Right

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	1.500 CFS	
Total Diversion			1.500 CFS	

Source and Point(s) of Diversion:

EAST FORK SALMON RIVER	NENWNE	Sec. 11 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER	SESENW	Sec. 11 Twp 09N Rge 17E CUSTER County
BIG BOULDER CREEK	L1(NWNENE)	Sec. 15 Twp 09N Rge 17E CUSTER County
BLUETT CREEK	NENENW	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	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/Remarks:

1. THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.8 CFS. COMBINED RIGHT NOS.: 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-00204, 72-02048.
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.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 393 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00204, 72-02048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

4. RIGHT NO. 72-10304 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE ON BIG BOULDER CREEK.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE AS EF-17 AND EF-15: 72-10304, 72-10303.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Current Water Right No. 72-10303

Current Water Right Owner

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

Priority Date: 5/1/1885

Origin: Water Right

Basis: Decreed

Status: Active

Source: EAST FORK SALMON RIVER

Tributary: SALMON RIVER

Beneficial Use
IRRIGATION

From
4/01

To
10/31

Diversion Rate
6.400 CFS
Total Diversion
6.400 CFS

Subuse Code

Source and Point(s) of Diversion:

EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER

NENWNE
SWSWNE
SESENW
NENESW

Sec. 11 Twp 09N Rge 17E CUSTER County
Sec. 1 Twp 09N Rge 17E CUSTER County
Sec. 11 Twp 09N Rge 17E CUSTER County
Sec. 11 Twp 09N Rge 17E CUSTER County

Describe the proposed diversion system

HEADGATES, DITCHES, GRAVITY IRRIGATION
HEADGATES, DITCHES, GRAVITY IRRIGATION
HEADGATES, DITCHES, GRAVITY IRRIGATION
HEADGATES, DITCHES, GRAVITY IRRIGATION

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/Remarks:

1. THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.8 CFS. COMBINED RIGHT NOS.: 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-00204, 72-02048.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 393 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00204, 72-02048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED AS EF-16 ABOVE: 72-10302C, 72-10304 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED AS EF-15 AND EF-17 ABOVE: 72-10302A, 72-10304

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

Current Water Right No. 72-10304

Current Water Right Owner

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

Priority Date: 5/1/1936

Origin: Water Right

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	2.200 CFS	
Total Diversion			2.200 CFS	

Source and Point(s) of Diversion:

EAST FORK SALMON RIVER	NESWSE	Sec. 15 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER	NENESW	Sec. 11 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER	SESENW	Sec. 11 Twp 09N Rge 17E CUSTER County
BIG BOULDER CREEK	L2(SENWNE)	Sec. 15 Twp 09N Rge 17E CUSTER County
BIG BOULDER CREEK	L1(NWNENE)	Sec. 15 Twp 09N Rge 17E CUSTER County
EAST FORK SALMON RIVER	NENWNE	Sec. 11 Twp 09N Rge 17E CUSTER County

Describe the proposed diversion system

HEADGATES, DITCHES, GRAVITY IRRIGATION
 HEADGATES, DITCHES, GRAVITY IRRIGATION
 HEADGATES, DITCHES, GRAVITY IRRIGATION
 HEADGATES, DITCHES, GRAVITY IRRIGATION
 HEADGATES, DITCHES, GRAVITY IRRIGATION
 HEADGATES, DITCHES, GRAVITY IRRIGATION

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	16.0	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

Conditions/Remarks:

- THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.8 CFS. COMBINED RIGHT NOS.: 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-00204 AND 72-02048. THIS RIGHT IS LIMITED TO A MAXIMUM DIVERSION RATE OF 0.60 CFS FROM BIG BOULDER CREEK.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Conditions/Remarks:

2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 338 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 393 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00204, 72-02048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304.
3. 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.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 72-10302A IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED AS BB-2 ABOVE.
RIGHT NO. 72-00204 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED AS BB-1 ABOVE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED AS EF-18 ABOVE: 72-10302B, 72-00204.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSIONS DESCRIBED AS EF-15 & EF-17 ABOVE: 72-10302A, 72-10303. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED AS EF-16 ABOVE: 72-10302C, 72-10203.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Current Water Right No. 72-16779

Current Water Right Owner

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

Priority Date: 4/1/1938

Origin: Water Right

Basis: Decreed

Status: Active

Source: EAST FORK SALMON RIVER

Tributary: SALMON RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

54.600 CFS

Subuse Code

Total Diversion

54.600 CFS

Source and Point(s) of Diversion:

EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER
EAST FORK SALMON RIVER

SWSWNE
NENWNE
NENESW
SESENW
SWSE

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
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				

Right Acre Limit: 370.3

POU Total Acres: 375.9

Conditions/Remarks:

- I. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

2. 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-16 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-17 Diversion located in T09N, R17E, S11, SESENW.

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.

3. Other water rights used at the same place and for the same purposes as described above: The following rights are for irrigation from these diversions: 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-204 and 72-2048.
4. The rights listed below are limited to the irrigation of a combined total of 394.5 acres in a single irrigation season. Combined Right Nos.: 72-204, 72-2048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-16778, 72-16779 and 72-16780A.
5. Place of use does not include federal public lands.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ **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.

☐

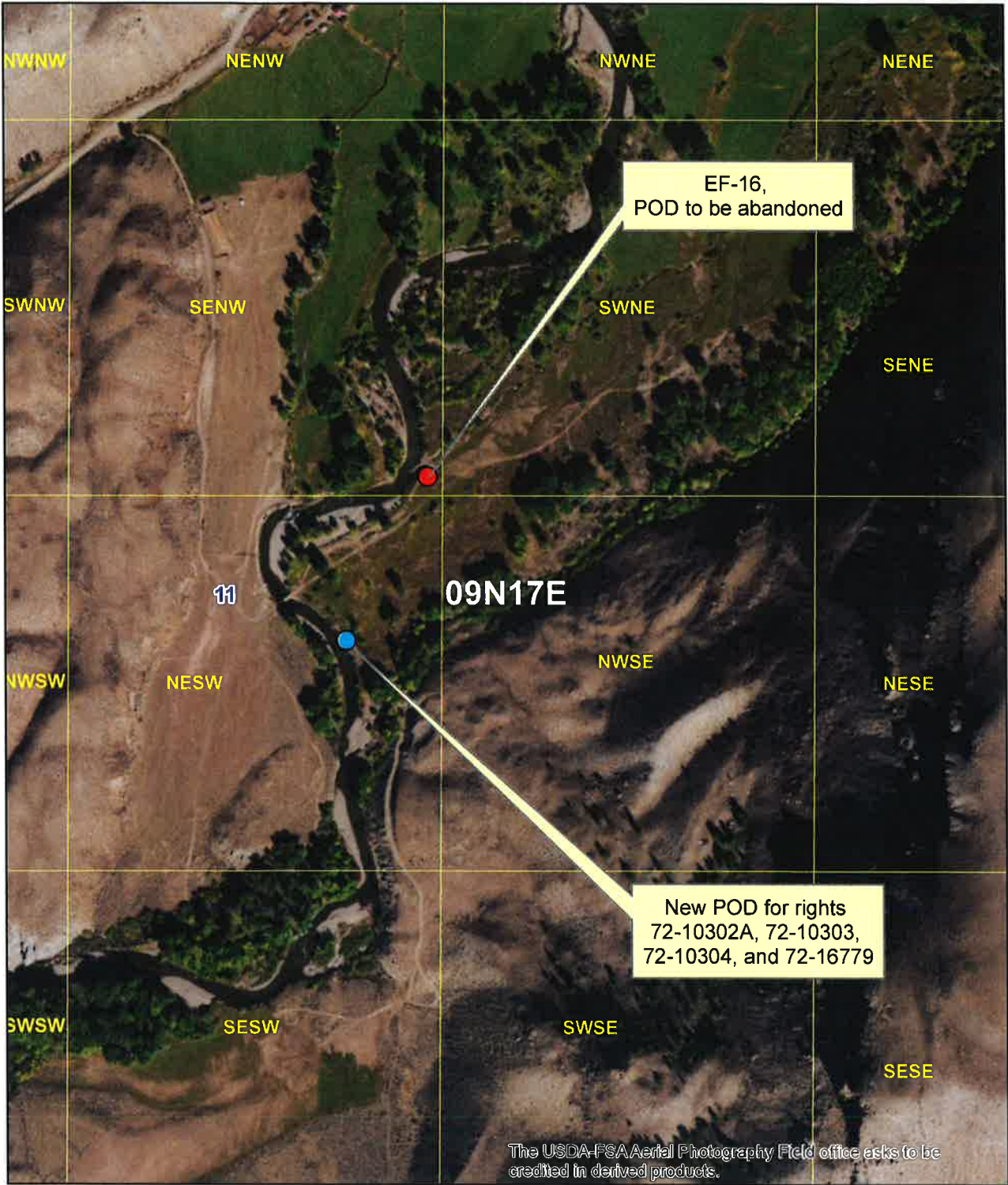
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the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

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

1. 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.

Received By SG Date 5/14/20 Prelim. Check By _____ Date _____
 Fee Paid \$1,300.00 Date 5/14/20 Received By SG Receipt # 5037925
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Eddie Baker, Jr.; Baker Family Trust PC Transfer #83908



Legend

- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles

TRANSFER 83908



Ad Order Information

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0004659413-01	BOI-Legal Liner	AdBooker	

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u>	<u>Pick Up</u>
		No	

<u>Ad Size</u>	<u>Color</u>
1 X 66 li	

<u>Product</u>	<u>Placement</u>	<u>Times Run</u>	<u>Schedule Cost</u>
BOI-Idaho Statesman	0300 - Legals Classified	2	\$115.48

<u>Run Schedule Invoice Text</u>	<u>Position</u>
NOTICE OF PROPOSED CHANGE OF WATER RIG	0301 - Legals & Public Notices

Run Dates
06/04/2020, 06/11/2020

Proof of legal notice received
from Idaho Statesman
5/28/2020 (2 pgs)

BM

**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



Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 102182

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	294.18
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	294.18
Fax			
Section	Legals	Start/End Dates	06/04/2020 - 06/11/2020
SubSection		Insertions	2
Category	50 Legal	Size	196
Ad Key	102182-1	Salesperson(s)	Ruby Aufderheide
Keywords	36-17169, 47-17716, 47-17717 Transfer 83908	Taken By	Ruby Aufderheide
Notes			

Ad Proof

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(SVNW)
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

Proof of legal notice
received from Times News
5/28/2020 (2 pgs)

DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 102182

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.

**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





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

May 28, 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 has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **CHALLIS MESSENGER** on 6/3/2020 & 6/10/2020; and **TIMES NEWS, IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER** on 6/4/2020 and 6/11/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **June 22, 2020**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2020 4:22 PM
To: Cindy Yenter
Subject: Comment Letter for Transfer 83908 (Baker)
Attachments: Transfer 83908 (Baker).pdf

Hi Cindy,

Attached is an application for transfer currently being processed within Water Districts 72D & 170. Please review the information and provide any necessary comments within 21 days. This transfer will be published in the first 2 weeks of June, with a protest deadline of June 22nd.

I will also be soliciting comment from WD72D, and Jeff Richards at IDFG.

Feel free to contact our office if you have any questions regarding this application.

Thank you,

Denise

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



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

May 28, 2020

WATER DISTRICT #170
CINDY YENTER
102 S WARPATH
SALMON ID 83467

RE: Transfer No. 83908 (Eddie Baker Jr. / Baker Family Trust)

Dear Cindy:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



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

May 28, 2020

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

RE: Transfer No. 83908 (Eddie Baker Jr.; Baker Family Trust)

Dear Brent:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2020 4:24 PM
To: Jeff Richards
Subject: Comment Letter for Transfer 83908 (Baker)
Attachments: Transfer 83908 (Baker).pdf; Comment Letter to F&G for 83908.docx

Hi Jeff,

Attached is an application for transfer currently being processed by the department. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding this application.

Thank you,

Denise

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



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

May 28, 2020

IDAHO DEPT OF FISH & GAME
JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Transfer No(s). 83908 (Eddie Baker Jr.; Baker Family Trust)

Dear Jeff:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before June 22, 2020**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2020 10:56 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on June 4th & 11th, 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



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

May 28, 2020

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 36-17169, 47-17716, 47-17717

RE: Transfer No. 83908

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 22, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

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 SWSNW 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.

**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. 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

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2020 11:04 AM
To: Challis Messenger; 'Challis Legals'
Subject: LEGAL NOTICE
Attachments: Challis Messenger cover letter.docx; Transfer 83908 ad (Custer & statewide).docx

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



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

May 28, 2020

LEGAL NOTICE DEPARTMENT

CHALLIS MESSENGER

PO BOX 405

CHALLIS, ID 83226

RE: Transfer No. 83908

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 22, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2020 10:57 AM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Idaho Statesman cover letter.docx; Transfer 83908 ad (Custer & statewide).docx

Attached please find **(1)** legal notice being submitted for publication on June 4th & 11th, 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Brad Little
Governor

Gary Spackman
Director

May 28, 2020

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN

PO BOX 40

BOISE, ID 83707

RE: Transfer No. 83908

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 22, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2020 10:58 AM
To: Post Register
Subject: LEGAL NOTICE
Attachments: Post Register cover letter.docx; Transfer 83908 ad (Custer & statewide).docx

Attached please find **(1)** legal notice being submitted for publication on June 4th & 11th, 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



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

May 28, 2020

LEGAL NOTICE DEPARTMENT

POST REGISTER

PO BOX 1800

IDAHO FALLS, ID 83402

RE: Transfer No. 83908

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 22, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2020 10:59 AM
To: Lewiston Tribune (legals@lmtribune.com)
Subject: LEGAL NOTICE
Attachments: Lewiston Tribune cover letter.docx; Transfer 83908 ad (Custer & statewide).docx

Attached please find **(1)** legal notice being submitted for publication on June 4th & 11th, 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



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

May 28, 2020

LEGAL NOTICE DEPARTMENT

LEWISTON TRIBUNE

505 C ST

PO BOX 957

LEWISTON, ID 83501

RE: Transfer No. 83908

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 22, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

**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.

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

TRANSFER SYNOPSIS

Date: May 15, 2020
To: Transfer 83908, Eddie Baker, Jr.; Baker Family Trust file
From: Jim Bitzenburg
Re: Summary of transfer

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 PODs on a stream, it will be advertised and public comment will be sought. It will also be advertised statewide. The transfer is located within Water District 170 and Subdistrict 72D, so Watermaster comments will be solicited from both Water Districts.

The rights involved in the transfer are:

72-10302A	1.50 cfs
72-10303	6.40 cfs
72-10304	2.20 cfs
72-16779	54.60 cfs

FEE MEMORANDUM

Date: May 15, 2020
To: Eddie Baker, Jr.; Baker Family Trust Transfer #83908 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on May 14, 2020 and its purpose is to change a POD for a group of four rights with a combined flow rate from the POD of 10.2 cfs. The old POD will be abandoned. The 10.2 cfs flow rate from the POD is the basis for the fee which is \$1300.00 and was paid by Old Baker Ranch, LLC; Eddie Baker, Jr.; and Lura Baker with check #2240, IDWR receipt #S037925, at the time of filing.