

RECEIVED

OCT 16 2019

DEPARTMENT OF  
WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)      ☐ Add diversion point(s)      ☐ Ownership change      ☐ Ownership split

1. **APPLICANT(S)** Kimberly and/or Rick Brown Phone 208-754-8891

2. MAILING ADDRESS 3585 E 200 N City Rigby

State      ID      Zip 83442 Email kditto2@aol.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 75-4379B

- ☒ Attach a copy of the water right(s) as recorded, available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.08 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Online Resources*.

[illegible]

## 6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Screened pipeline from a higher elevation to enable gravity pressure. System will be fitted with a lockable control and measuring device as required.

- b. Who owns the property at the point(s) of diversion? Vessey Fishing and Trading

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

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. The Map Tool, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](http://maps.idwr.idaho.gov/TransferApplicationLayouts/) provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]  
Signature of applicant or authorized agent

Rick Brown  
Print name and title if applicable

9/28/19  
Date

[Signature]  
Signature of applicant or authorized agent

Kimberly Brown  
Print name and title if applicable

9/28/19  
Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

### FOR DEPARTMENT USE ONLY

Transfer includes 10 pages of attachments.

Received by [Signature]

Date 10/16/19

Fee paid 200 Date 10/16/19

Received by [Signature]

Receipt # C107848

Preliminary review by D. Betts

Date Dec. 10, 2019

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9 \_\_\_\_\_

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 75-4379B**

10/17/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICK DUANE BROWN 3585 E 200 N RIGBY, ID 83442 (208) 754-8891
Current Owner	KIMBERLY FAYE BROWN 3585 E 200 N RIGBY, ID 83442 (208) 754-8891
Original Owner	INDIAN CREEK RANCH INC 67 INDIAN CREEK RD NORTH FORK, ID 83466-7504 (208) 756-0070
Previous Owner	LINDA WASIA 54 N 50 E BLACKFOOT, ID 83221 (208) 785-1921
Previous Owner	DICK WASIA 54 N 50 E BLACKFOOT, ID 83221 (208) 785-1921
Previous Owner	B GREER RADCLIFF 11515 RADCLIFF LN FAIRHOPE, AL 36532 (251) 928-5211

**Priority Date:** 8/14/1917

**Basis:** Decreed

**Status:** Active

**Source**  
INDIAN CREEK

**Tributary**  
SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.080 CFS	
	<b><u>Total Diversion</u></b>		0.080 CFS	

**Source and Point(s) of Diversion**

INDIAN CREEK                      NWNE                      Sec. 13, Twp 24N, Rge 19E, LEMHI County

**Place Of Use**

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right 75-4379B

10/17/2019

24N	19E	13			4.0												4.0
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POU Total Acres: 4.0

**Conditions of Approval:**

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

**Comments:**

**Dates and Other Information**

Decreed Date: 11/17/2008  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Owner Name Connector: AND  
Water District Number: NWD  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A




**CHANGE OF WATER RIGHT DIVERSION REQUEST**

Vessey Fishing and Trading Company, LLC, "Landowner", provides consent for five applicants: Robert and Lisa Shively, Rick and Kimberly Brown, John Francis Harrington and Debra Sue Harrington, Joel David Bender and Nancy Esther Bender, Robert W Meadville and Roberta J Meadville to construct a water right point of diversion (POD) on the property owned by the Landowner.

Vessey Fishing and Trading Company, LLC is granting this request for a POD to these five water right holders on Indian Creek to provide a new POD that will allow these water rights to be conveyed via underground gravity pressurized pipe to their respective Points of Use.

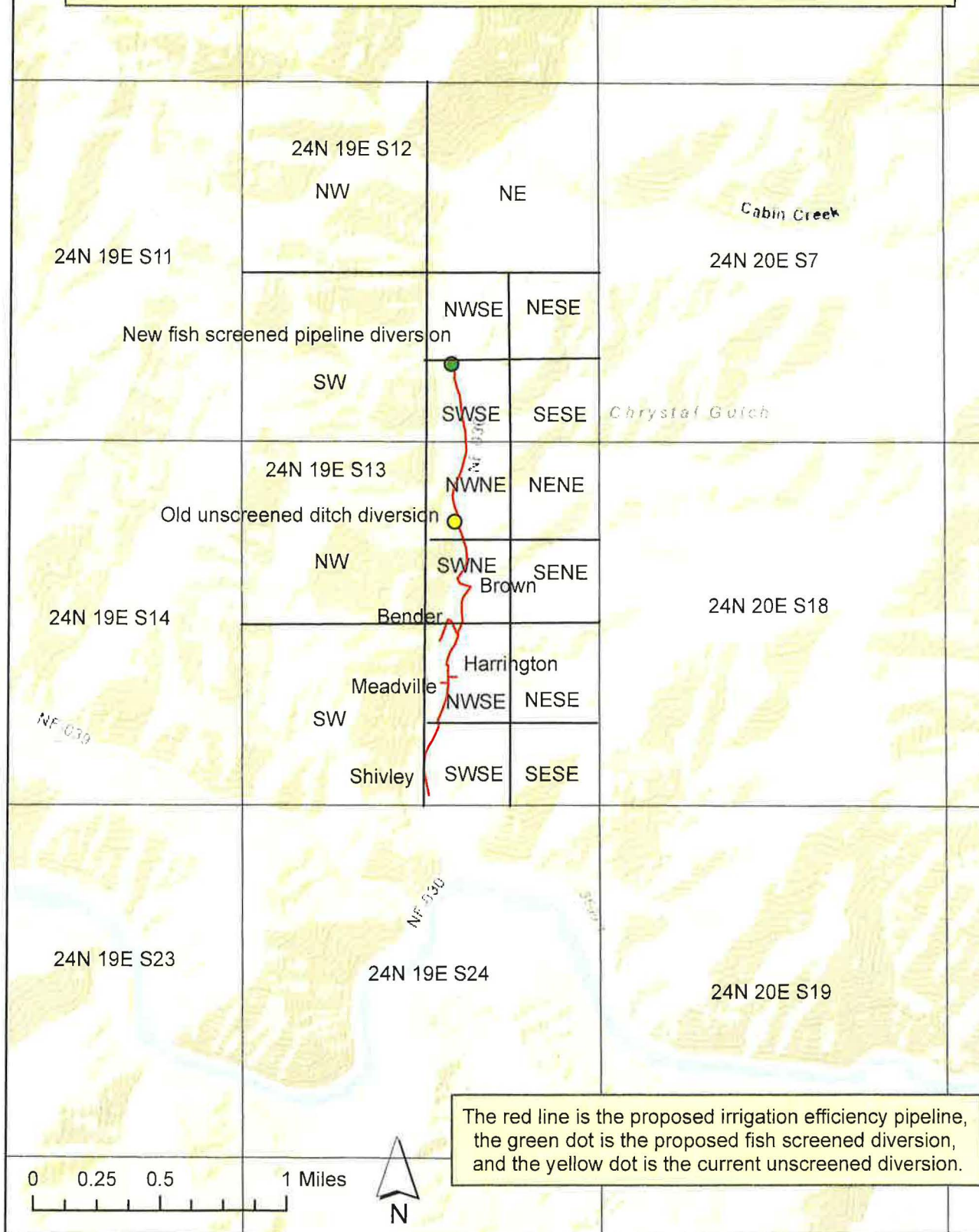
The existing POD location is: W114 10' 02.84" N45 24' 52.04"

The new proposed POD location is: W114 10' 04.33" N45 25' 15.21"

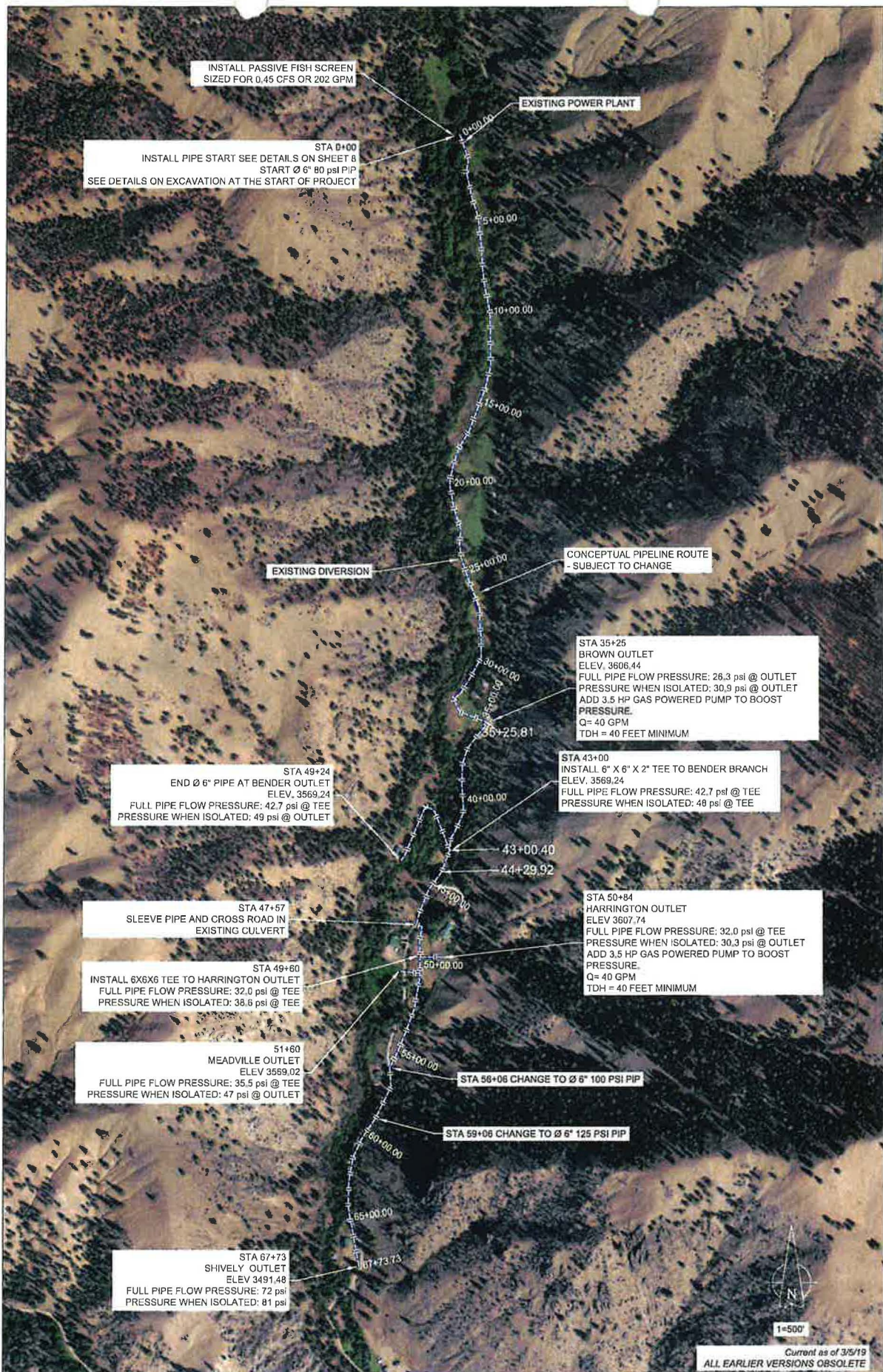
  
\_\_\_\_\_ for Vessey Fishing and Trading Company, LLC

10/8/19  
\_\_\_\_\_ Date

# Indian Creek Water Right Proposed Exchange

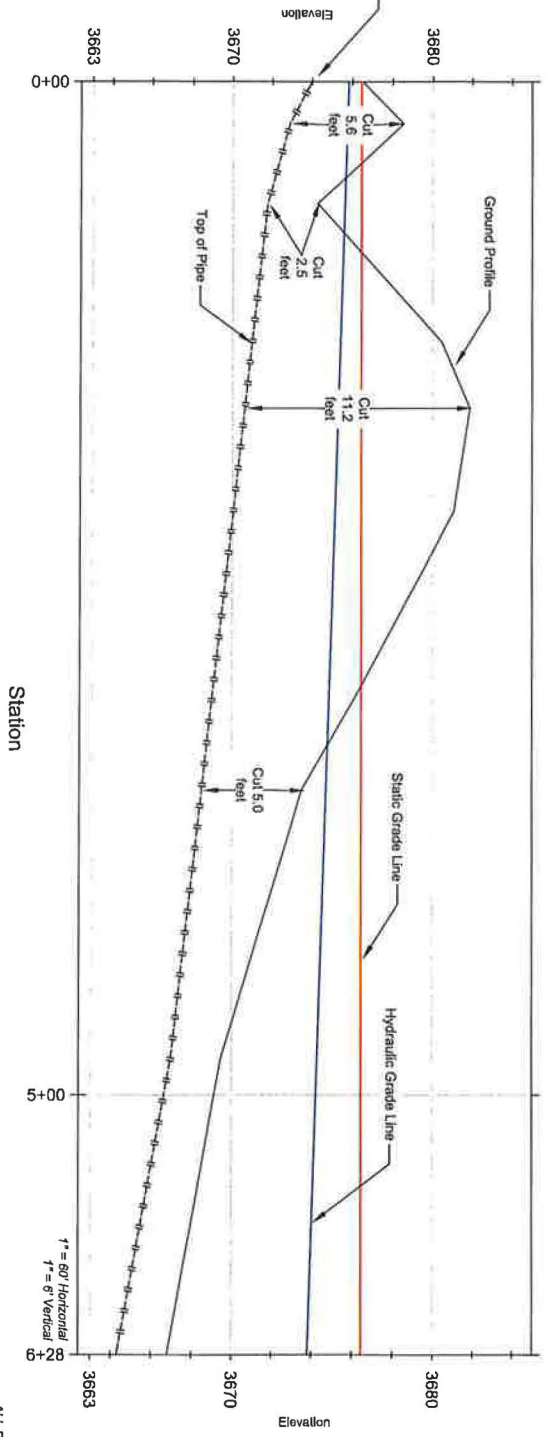
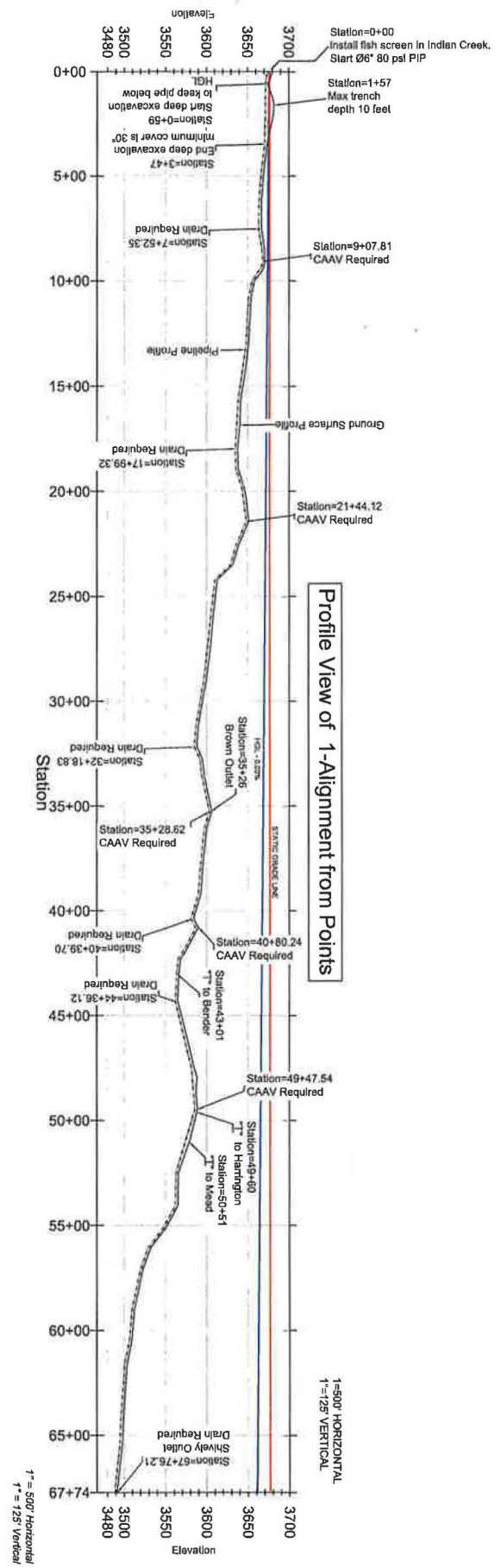






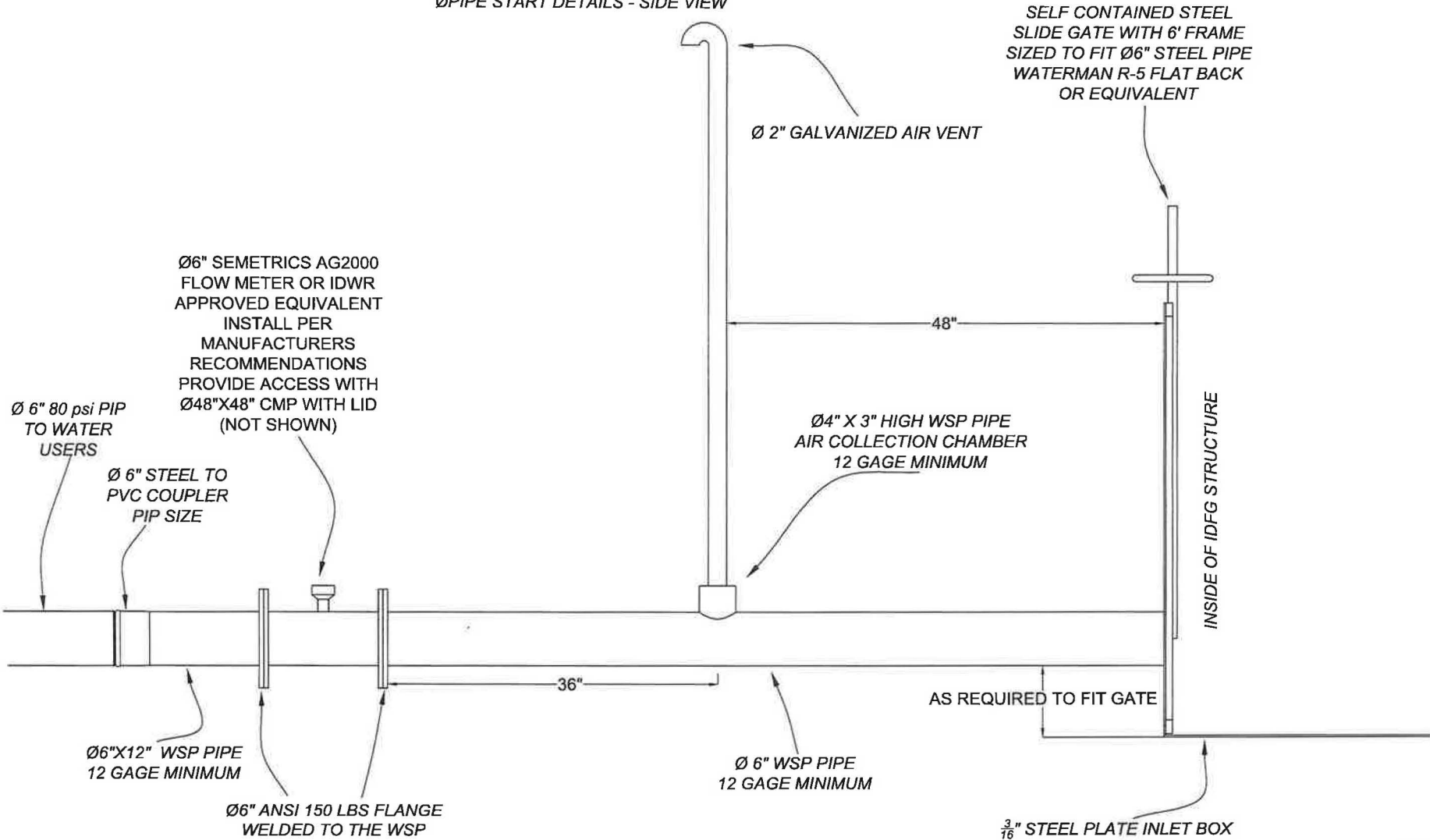
83683



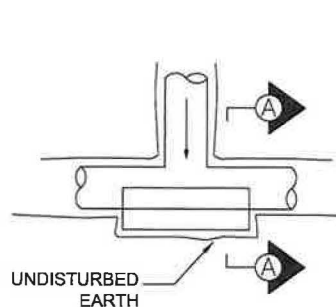




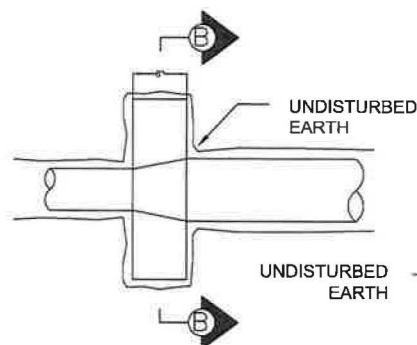
# ØPIPE START DETAILS - SIDE VIEW



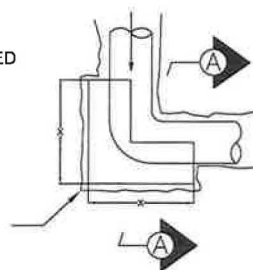
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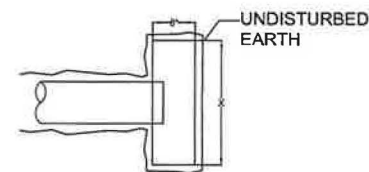
PLAN VIEW  
TEE OR WYE



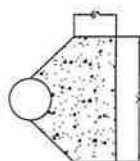
PLAN VIEW  
REDUCTION



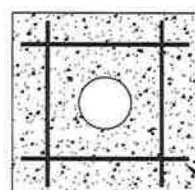
PLAN VIEW  
BEND



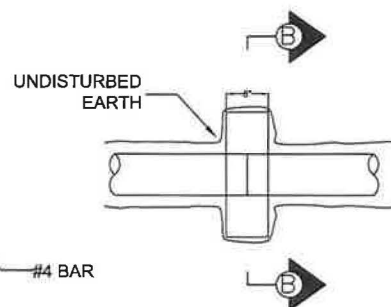
PLAN VIEW  
END BLOCK



SECTION A-A



SECTION B-B



PLAN VIEW

NOTE: THRUST BLOCKS ARE REQUIRED ON ALL UNDER GROUND PIPE AT REDUCERS, TEES, DEAD ENDS, ENDS, OUTDIPS AND BENDS EXCEEDING 5".  
FOR REDUCERS, TEES, AND DEAD ENDS USE 60° BEND BLOCK.

REINFORCING STEEL IS REQUIRED IN ALL BLOCKS THAT EXTEND MORE THAN 6" BEYOND THE EDGE OF THE PIPE.

MAXIMUM THRUST BLOCK SIZES TO NOT REQUIRE STEEL

PIPE SIZE	BLOCK TYPE	DIMENSIONS	X
4" IPS	BENDS AND TEES	16" X 16" X 8"	16
6" IPS	BENDS AND TEES	18" X 18" X 8"	18
8" PIP	BENDS AND TEES	20" X 20" X 8"	20
10" PIP	BENDS AND TEES	22" X 22" X 8"	22
12" PIP	BENDS AND TEES	24" X 24" X 8"	24

Indian Creek Water Users Pipeline Project - Thrustblock Schedule

Station	Head (feet)	I.I. (feet)	B	Deflection Angle	I-Hook Area	Side in feet	Side in In	Minimum Size	Max Size not require rebar (13+12) D=10 (ft)	Desc
3277.83	70.5	3.49	1200	74	0.84	0.57	7.38	77x77x6	22	Bend
3355.81	68.1	3.49	1200	41	0.47	0.69	0.24	22x22x6	22	Bend
3525.81	58.2	3.49	1200	96	0.81	0.95	3.92	22x22x6	22	Brown Tee
4300.4	58.6	3.49	1200	96	1.34	1.16	3.88	77x77x6	22	Isendie Tee
4758.12	75.3	3.49	1200	96	1.05	1.03	2.31	22x22x6	22	Bend
4793.21	72.6	3.49	1200	96	1.01	1.0	2.08	22x22x6	22	Bend
4860	71.5	3.48	1200	96	1.06	1.09	1.99	77x77x6	22	Intersection Tee
5054	76.5	3.49	1200	96	1.11	1.05	2.84	22x22x6	22	Miscellaneous Tee
5712.33	132.29	3.49	1200	31	3.7	0.8	10.9	22x22x6	22	Bend
6773.73	163.77	3.48	1200	45	1.7	1.1	13.7	77x77x6	22	Schwey Outlet
6825	67.5	3.49	1200	45	0.50	0.7	8.49	22x22x6	22	Harrison Outlet
5105	108.2	3.49	1200	45	0.79	0.69	3.64	22x22x6	22	Meadow Outlet
465	108.1	3.49	1200	96	1.48	1.22	4.06	22x22x6	22	Bend on Bend Line
4525	110.6	3.49	1200	45	0.82	0.69	3.66	22x22x6	22	Bend on Bend Line

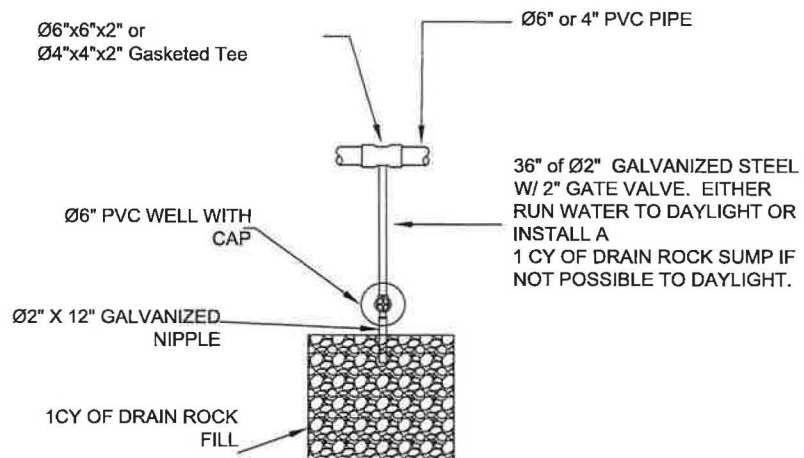
Current as of 3/5/2019, 3:37:PM  
ALL EARLIER VERSIONS OBSOLETE

Date	03/05/2019
Drawn	IED
Checked	IED
Approved	

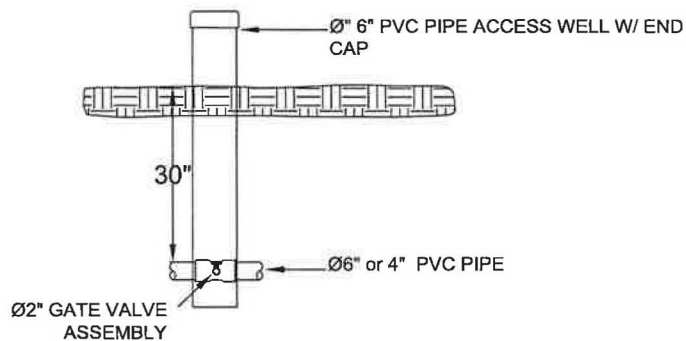
INDIAN CREEK WATER USERS PIPELINE SYSTEM  
DRAIN AND PIPE END DETAIL



Project Name	Indian Creek Integration (mg)
Project Number	
Project Location	

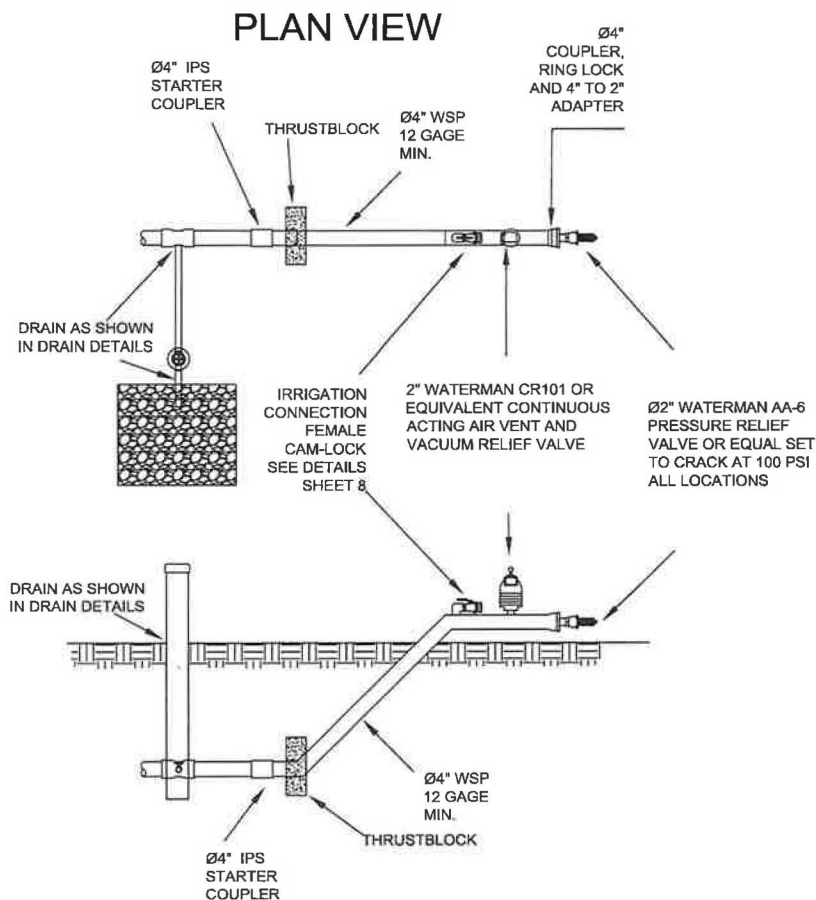


PLAN VIEW



SIDE VIEW

## DRAIN DETAILS



SECTION VIEW

## PIPE END DETAILS

Current as of 3/5/2019, 3:42:PM  
ALL EARLIER VERSIONS OBSOLETE

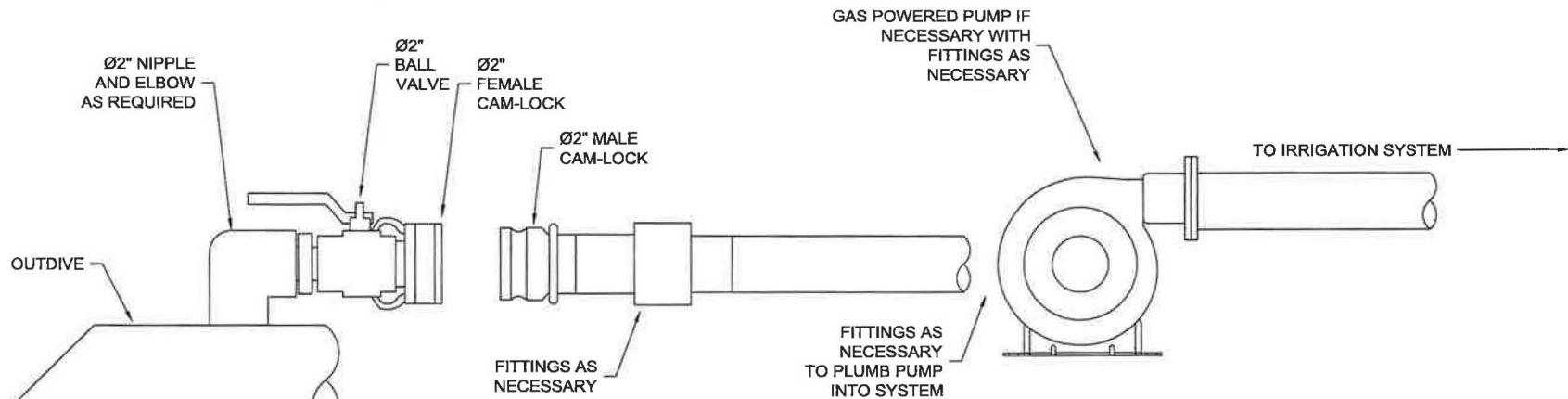
Drawn	03/05/2019
Checked	03/05/2019
Reviewed	
Approved	

INDIAN CREEK WATER USERS PIPELINE SYSTEM  
DRAIN AND PIPE END DETAIL



File Name	
Drawing Name	
Location	Indian Creek Irrigation
Sheet	10

# OUTLET DETAILS - SIDE VIEW



NO SCALE  
Current as of 3/5/2019, 3:58:PM  
ALL EARLIER VERSIONS OBSOLETE



INDIAN CREEK WATER USERS PIPELINE SYSTEM  
OUTLET DETAILS - SIDE VIEW

Design	IED	03/05/2019
Drawn	IED	03/05/2019
Checked		
Approved		



**Legal Notice Department**

Recorder Herald  
PO Box 310  
Salmon ID 83467

RE: Legal Ad for your paper

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notices which we wish to have published in your newspaper on the dates indicated (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, PO Box 83720, Boise, Idaho, 83720-0098 before April 6, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley  
Technical Records Specialist II  
IDWR State Office  
322 E Front St  
Boise ID 83720  
208-287-4942  
jean.hersley@idwr.idaho.gov

\*\*\*\*\*  
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 83622**

EAGLE VALLEY RANCH LLC, 446 BOHANNON CREEK RD, SALMON, ID 83467-5045 has filed Application No. 83622 for changes to the following water rights within LEMHI County(s): Right No(s). 74-15740, 74-15891, 74-173, 74-179C, 74-215, 74-2348; 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:

This transfer application proposes adding a diversion of water from Bohannon Creek a tributary of the Lemhi River located in Twp 21N, Rge 23E, Sec 15, SE1/4SE1/4, commonly known as LBC-6 to exisiting surface water irrigation rights 74-15740, 74-173, 74-2348, 74-179C, & 74-15891.

**TRANSFER NO. 83682**

JOEL BENDER and NANCY BENDER, 633 FISH HATCHERY RD, HAMILTON, MT 59840 has filed Application No. 83682 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4409; 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:

move the point of diversion for 0.08 cfs from Indian Creek approximately 0.75 miles upstream to a point near the power plant owned by Vessey Fishing & Trading Co. The transfer is for the purpose of getting elevation for an irrigation efficiency project. The project would close an unscreened ditch and install a fish screen on a closed system pipeline.

**TRANSFER NO. 83683**

RICK DUANE BROWN and KIMBERLY FAYE BROWN, 3585 E 200 N, RIGBY, ID 83442 has filed Application No. 83683 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4379B; 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:

move the point of diversion for 0.08 cfs from Indian Creek approximately 0.5 miles upstream to a point near the power plant owned by Vessey Fishing & Trading Co. The transfer is for the purpose of getting elevation for an irrigation efficiency project. The project would close an unscreened ditch and install a fish screen on a closed system pipeline.

**TRANSFER NO. 83684**

JOHN F HARRINGTON and DEBRA SUE HARRINGTON, 54 WAGON SPRINGS RD, GARDEN VALLEY, ID 83622 has filed Application No. 83684 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14244; 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:

move the point of diversion for 0.13 cfs from Indian Creek approximately 0.5 miles upstream for the purpose of getting elevation for an irrigation efficiency project. The project will close an unscreened ditch and install a fish screen on a closed system pipeline.

**TRANSFER NO. 83685**

ROBERTA MEADVILLE and RONALD W MEADVILLE, 60 INDIAN CREEK RD

PO BOX 55, NORTH FORK, ID 83466 has filed Application No. 83685 for changes to the following water rights within LEMHI County(s): Right No(s): 75-14245; 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:

move the point of diversion for 0.10 cfs from Indian Creek approximately 0.5 miles upstream to a point near the power plant owned by Vessey Fishing & Trading Co. The transfer is for the purpose of getting elevation for an irrigation efficiency project. The project would close an unscreened ditch and install a fish screen on a closed system pipeline.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 4/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/19/2020 and 3/26/2020

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

**75-14971**

ROBERT SHIVELY

LISA SHIVELY

1037 E 1700 N

TERRETON, ID 83450-5057

Point of Diversion SWSE S12 T24N R19E LEMHI County

Source INDIAN CREEK Tributary SALMON RIVER

Use: DOMESTIC

04/01 to 10/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 10-16-2019

Place Of Use: DOMESTIC

T24N R19E S13 SWSE

This application proposes the diversion and use of water from a tributary of the Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

**74-16224**

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWSW S24 T16N R26E LEMHI County

Source CANYON CREEK Tributary LEMHI RIVER

Use: WILDLIFE

03/15 to 11/15

0.8 CFS

Total Diversion:

0.8 CFS

Date Filed: 12-20-2019

Place Of Use: WILDLIFE

T16N R26E S24 NWSW

This application proposes the diversion and use of water from Canyon Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.

**74-16225**

STATE OF IDAHO

FISH AND GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion L4(SWSW) S7 T15N R27E LEMHI County

Source EIGHTEENMILE CREEK Tributary LEMHI RIVER

Use: WILDLIFE

03/15 to 11/15

0.8 CFS

Total Diversion:

0.8 CFS

Date Filed: 12-20-2019

Place Of Use: WILDLIFE

T15N R27E S7 L4(SWSW)

This application proposes the diversion and use of water from Eighteen Mile Creek tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.

**74-16226**

STATE OF IDAHO  
IDAHO FISH & GAME COMMISSION  
PO BOX 25  
BOISE, ID 83707-0025  
Point of Diversion L1(NENE) S6 T20N R24E LEMHI County  
Source PRATT CREEK Tributary LEMHI RIVER  
Use: WILDLIFE  
03/15 to 11/15  
0.8 CFS  
Total Diversion:  
0.8 CFS  
Date Filed: 12-20-2019  
Place Of Use: WILDLIFE  
T20N R24E S6 L1(NENE),

This application proposes the diversion and use of water from Pratt Creek tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.

**74-16227**

STATE OF IDAHO  
IDAHO FISH & GAME COMMISSION  
PO BOX 25  
BOISE, ID 83707-0025  
Point of Diversion NWSW S32 T21N R24E LEMHI County  
Source PRATT CREEK Tributary LEMHI RIVER  
Use: WILDLIFE  
03/15 to 11/15  
0.8 CFS  
Total Diversion:  
0.8 CFS  
Date Filed: 12-20-2019  
Place Of Use: WILDLIFE  
T21N R24E S32 NWSW

This application proposes the diversion and use of water from Pratt Creek a tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see

<https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 4/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/19/2020 and 3/26/2020

**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Thursday, March 12, 2020 8:11 AM  
**To:** rhlegals@custertel.net  
**Subject:** Legal Ad for your paper  
**Attachments:** Recorder Herald.doc

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before April 6, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley  
Technical Records Specialist II  
IDWR State Office  
322 E Front St  
Boise ID 83720  
208-287-4942  
jean.hersley@idwr.idaho.gov





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

March 12, 2020

RICK DUANE BROWN  
KIMBERLY FAYE BROWN  
3585 E 200 N  
RIGBY, ID 83442

RE: Transfer No. 83683  
Water Right No(s). 75-4379B

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 3/19/2020 and 3/26/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Jean Hersley  
Technical Records Specialist

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, March 12, 2020 11:41 AM  
**To:** Yenter, Cindy  
**Subject:** Comments or Concerns

Big day for advertising!

Please let me know if you have comments or concerns about the following applications.

Applications for Permit: 74-16224, 74-16225, 74-16226, 74-16227 & 75-14971

Transfers: 83682, 83683, 83684, 83685 & 83622

The applications will be advertised on March 19 & 26, 2020 with the protest end date of April 6, 2020. The documents will be scanned by end of day tomorrow.

*Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942*

**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Thursday, March 12, 2020 11:17 AM  
**To:** Jeff Richards  
**Subject:** Comments for Applications

Application for permit 75-14971

Transfer No. 83682-Water right 75-4409, 83683- water right 75-4379B, 83684- water right 75-14244, 83685- water right 75-14245 & 83622-water rights 74-173, 74-179C, 74-215, 74-2348 & 74-15740

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find a copy of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency 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.

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

*Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942*

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, March 12, 2020 11:11 AM  
**To:** Clark, Cynthia Bridge; Golden, Kala  
**Cc:** Cassel, Amy  
**Subject:** Applications being advertised

Application for Permit 74-16224-74-16227, 75-14971, 84-12302  
Transfer No. 83682, 83683, 83684, 83685 & 83622

These applications will be advertised either on March 18 & 25 or March 19 & 26. The protest end date is April 6, 2020. Please let me know if you have any comments or concerns. Documents will be scanned by the end of the day.

*Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942*



**Betts, David**

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**From:** kditto2 <kditto2@aol.com>  
**Sent:** Tuesday, December 10, 2019 7:03 AM  
**To:** Betts, David  
**Subject:** Picture of irrigation for water right 75-4379B  
**Attachments:** doc02828320191210065457.pdf

David, attached is an picture with mark-ups on our property of where we irrigate. We have been using our full water right each summer. Please let me know if you have any questions. 208.351.8979

Thanks  
Kim & Rick Brown

Sent from my Verizon 4G LTE smartphone

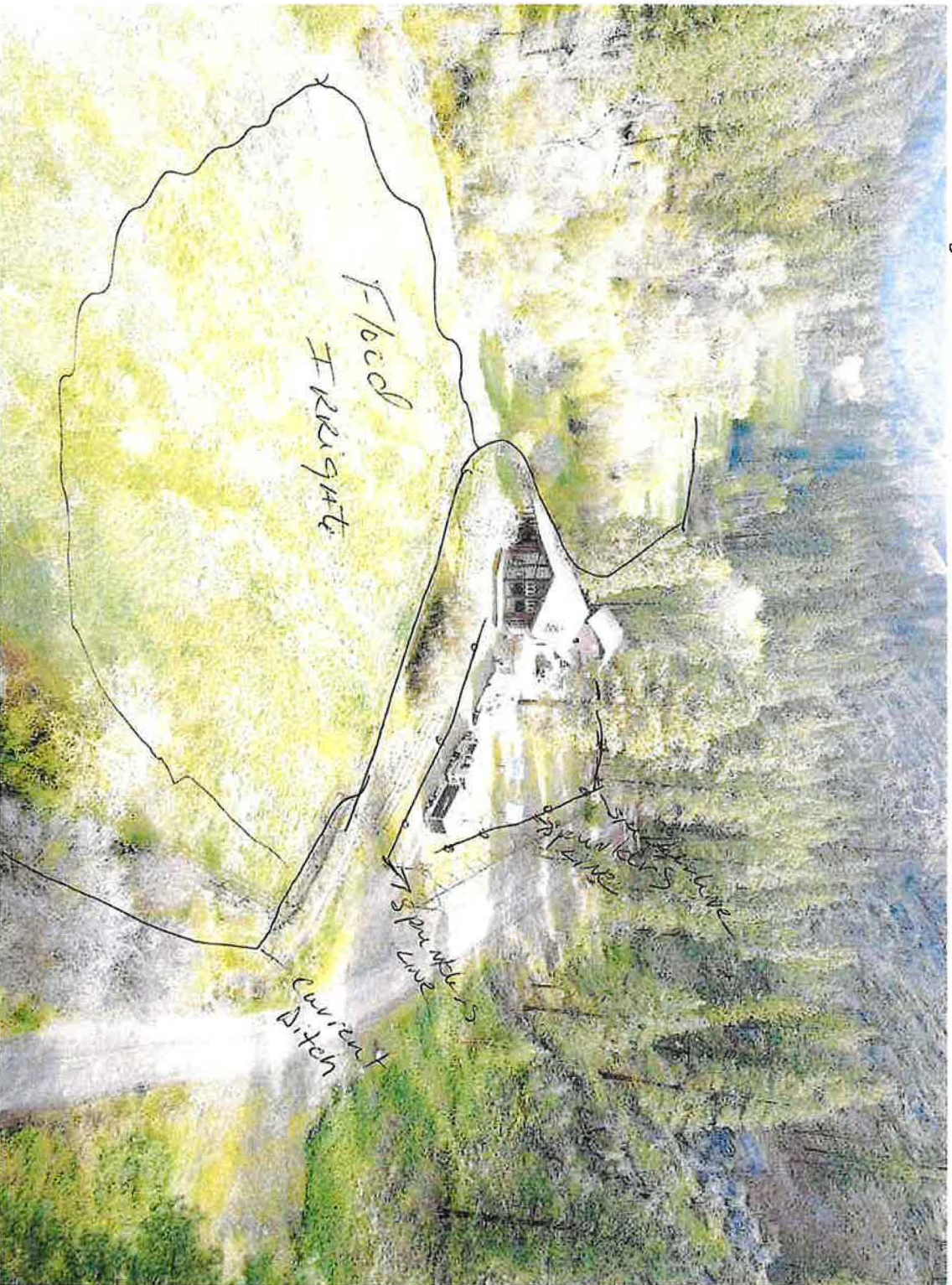
----- Original message -----

From: "Kimberly F. Brown" <kimberly.brown@inl.gov>  
Date: 12/10/19 06:51 (GMT-07:00)  
To: kditto2@aol.com  
Subject: FW:

-----Original Message-----

\*\*\* INL Scanned Document from INL Scanner TASKalfa 3552ci. If yo u did not scan a document, do not open the file and contact 6-1000 to report. \*\*\*

Property of Ricki Kimberly Brown  
water right 75-4379 B



This is the ground we try to irrigate with our water but it is not very level and flooding does not work well. It is pasture in front of the house. we water this the best we can every summer.

## **Betts, David**

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**From:** Betts, David  
**Sent:** Monday, November 18, 2019 1:08 PM  
**To:** 'kditto2@aol.com'  
**Cc:** 'Chris Gaughan'  
**Subject:** Verification of recent water use (Water Right 75-4379B)  
**Attachments:** RequestInfo\_83683\_Brown.pdf; POU\_blank\_83683\_Brown.pdf

Dear Kimberly and Rick,

The attached letter went out in today's mail. Please review the letter and send your response within 30 days.

As a portion of your response, you can use the attached map ("POU\_blank\_83683\_Brown.pdf") to diagram the locations where you have put water to beneficial use over the last five years. Or, you can draw the map online to print for submission using the following link: [Create and Print a Map for Water Right Applications](#).

- The buttons in the top right of the screen can help you with the creation of a map.

In the letter I refer to two portions of Idaho Code. Here are links to those sections:

- [§ 42-222\(2\)](#)
- [§ 42-223](#)

If you have any questions, please contact me by phone or email.

Thank you,

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

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





State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

November 18, 2019

KIMBERLY AND RICK BROWN  
3585 E 200 N  
RIGBY ID 83442

RE: Verification of recent water use authorized under water right no. 75-4379B

Dear Kimberly and Rick:

I am in the process of reviewing your application for transfer to move the point of diversion for water right 75-4379B. I need additional information to confirm how the water right has been put to use within the last five (5) years. Without additional information there is a risk of forfeiting a portion of your water right according to Idaho Code § 42-222(2).

Typically the Department can use aerial imagery to confirm the use of irrigation rights. Your water right authorizes the irrigation of 4.0 acres. There appears to be evidence of irrigation, but I am unable to determine the full extent of your water use. Due to the limitations of the available satellite imagery, please provide any additional information you may have that can be used to demonstrate the extent of your water use as authorized by water right 75-4379B.

The information you provide could include documentation or descriptions of what and how you have been irrigating, documentation of the use and/or the maintenance of the current irrigation system, photographs of the water use, and/or drawing the boundaries of what has been irrigated on the enclosed aerial photograph of your property. If the water right has not been used to its full extent, you may want to describe the circumstances that have limited your water use. You may also want to consider the exceptions or defenses to forfeiture as listed in Idaho Code § 42-223.

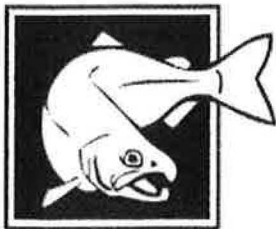
**Within 30 days, please submit any additional information you believe the Department may need to verify your use of water right 75-4379B during the previous five (5) years.** If the requested information is not provided within 30 days, the Department will continue with the review of your application for transfer as it stands, with the risk of forfeiting a portion of your water right.

If you have any questions, please call me at 208-287-4826, or email me at [david.betts@idwr.idaho.gov](mailto:david.betts@idwr.idaho.gov).

Sincerely,

Dave Betts  
Water Resource Agent, Senior

Enclosure: Aerial photograph of designated place of use of water right 75-4379B



## Upper Salmon Basin Watershed Program

Homegrown, Common-Sense  
Conservation

Coordinated by:

Idaho Governor's Office of  
Species Conservation  
Scott Pugrud, Administrator

Mike Edmondson  
Program Manager  
[Mike.Edmondson@osc.idaho.gov](mailto:Mike.Edmondson@osc.idaho.gov)

Daniel Bertram  
Project Coordinator  
[Daniel.bertram@osc.idaho.gov](mailto:Daniel.bertram@osc.idaho.gov)

USBWP Advisory Committee  
Bruce Mulkey, Chairman

955 Riverfront Drive, Suite B  
Salmon, Idaho 83467

Phone 208-756-6322

Facsimile 208-756-6376

[www.modelwatershed.org](http://www.modelwatershed.org)

October 8, 2019

Re: Indian Creek Irrigation Project

The Upper Salmon Basin Watershed Program is assisting Trout Unlimited and five landowners on Indian Creek in the attached applications for one new water right and four new point of diversion transfers for the purpose of getting elevation for an irrigation efficiency project.

The project will close an unscreened ditch. The new POD will have an IDFG fish screen installed to feed a closed system pipeline designed for the cumulative water right for the five downstream landowners.

The system is being designed by the NRCS Salmon Field Office.

Please let me know if you have any questions.

Sincerely,

Chris Gaughan  
USBWP Project Planner  
955 Riverfront Dr. Suite B  
Salmon, Idaho 83467  
(208)756-6322  
[Chris.Gaughan@osc.idaho.gov](mailto:Chris.Gaughan@osc.idaho.gov)

Attachments: NRCS engineering design, POD landowner consent letter, overview map, four transfer applications, and one new water right application

RECEIVED

OCT 16 2019

DEPARTMENT OF  
WATER RESOURCES

83683