

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 21 2019
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VERSION

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rt an ownership change
oly for changes to other
or mailing addresses of
addresses are to

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.

Note: water right ownership and addresses are to remain unchanged

Check all that apply:

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

1. **APPLICANT(S)** Vernon R Smith and/or Janelle M Huston and/or Shawn R Huston Phone 208-880-7843

2. **MAILING ADDRESS** c/o Shawn R Huston 515 Courthouse Drive City Salmon

State ID Zip 83467 Email huston_fam@yahoo.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) 75-4099B, 75-14956

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.15 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, *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:

Pumped diversion to an old existing ditch to places of use. A measuring device may be installed in the ditch when required.

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

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

- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at 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.

Vernon Smith
Signature of applicant or authorized agent

Vernon Smith
Print name and title if applicable

9/22/19
Date

Janelle M. Huston
Signature of applicant or authorized agent

Shawn R. Huston
Print name and title if applicable

9-22-19
Date

Janelle M. Huston

9-22-19

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, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by [Signature]

Date 10/1/19

Fee paid 200 Date 10/21/19

Received by [Signature]

Receipt # C107879

Preliminary review by _____

Date _____

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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 75-4099b

Current Owner: VERNON R SMITH
Priority Date: 6/28/1899
Origin: Water Right
Status: Active
Basis: Decreed

Source

TOWER CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.11 CFS

Annual Volume

Total Diversion

0.11 CFS

Location of Point(s) of Diversion

TOWER CREEK

LEMHI County

NW1/4SE1/4

Sec. 18, Twp 23N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

T23N R22E S18 Lot 5 NESW 2.90

Total Acres: 2.9

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.

Decreed Date: 11/17/2008

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

Current Water Right No.: 75-14956

Current Owner: SHAWN R HUSTON
JANELLE M HUSTON

Priority Date: 6/28/1899

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOWER CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.04 CFS

0.04 CFS

Annual Volume

Location of Point(s) of Diversion

TOWER CREEK

LEMHI County

NW1/4SE1/4

Sec. 18, Twp 23N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

T23N R22E S18 Lot 5 NESW 1.00

Total Acres: 1

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.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 2, 2020

VERNON R SMITH
976 HIGHWAY 93 N
CARMEN, ID 83462-4507

SHAWN R HUSTON
JANELLE M HUSTON
515 COURTHOUSE DR
SALMON, ID 83467-3344

RE: Transfer No. 83707
Water Right No(s). 75-14956, 75-4099B

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 1/9/2020 and 1/16/2020. 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,

Christina Henman
Administrative Assistant

January 2, 2020

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Transfer No. 83707,
Water Right No(s): 75-14956, 75-4099B

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 (**900 N Skyline Dr Ste A, Idaho Falls ID 83402**) along with the publication bill. Please send the affidavit and bill to this office before 1/27/2020. Your cooperation is appreciated.

Sincerely

Christina Henman
Idaho Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-497-3793 – telephone
208-525-7177 – Fax
Christina.Henman@idwr.idaho.gov

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83707**

VERNON R SMITH, 976 HIGHWAY 93 N, CARMEN, ID 83462-4507; SHAWN R HUSTON and JANELLE M HUSTON, 515 COURTHOUSE DR, SALMON, ID 83467-3344; has filed Application No. 83707 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14956, 75-4099B; 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: change point of diversion. The point of diversion will be in Lot 5 (NESW) Sec 18 T23N R22E for 0.15 cfs from Tower Creek.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 1/27/2020. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director Published on 1/9/2020 and 1/16/2020

Henman, Christina

From: Henman, Christina
Sent: Thursday, January 02, 2020 9:11 AM
To: RECORDER HERALD (Rhlegals@custertel.net)
Subject: Legal Ads for Recorder Herald
Attachments: 01-02-2020 83707 Recorder Herald.doc

Good Morning,

Please see attached document regarding a legal advertisement for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793