

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 30 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

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)** Gloria Schwarting Phone 208-940-0131
2. **MAILING ADDRESS** 409 River St. City Salmon
State ID Zip 83467 Email gloriasch1948@gmail.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)** 72-4052B

- ☒ 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*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X			NE	NW	25	11N	15E	Custer	Peach Creek	PEC1A

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:

Rock dam and 4 inch pipeline in creek, reduces to 2 inch at irrigation valve. Gravity pressurized sprinklers around cabin and in pasture. Control is at valve. Measuring device will be installed if required.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Have applied for special use permit.

- 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:

A portion of the place of use is not accessible from my diversion. The original property has been split and I no longer have access to the upper diversion. This is a defense to forfeiture.

- 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.

Gloria Schwarting
Signature of applicant or authorized agent

GLORIA SCHWARTING
Print name and title if applicable

9-23-19
Date

Signature of applicant or authorized agent

Print name and title if applicable

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by SG

Date 9-30-2019

Fee paid \$200.00 Date 9/30/19

Received by SG

Receipt # 5037562

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.: 72-4052b

Current Owner: GLORIA BAIRD SCHWARTING
Priority Date: 6/11/1900
Origin: Water Right
Status: Active
Basis: Decreed

Source

PEACH CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/31

Diversion Rate

0.15 CFS

Annual Volume

Total Diversion

0.15 CFS

Location of Point(s) of Diversion

PEACH CREEK

CUSTER County

NW1/4NE1/4NW1/4

Sec. 25, Twp 11N, Rge 15E B.M.

PEACH CREEK

CUSTER County

NW1/4SE1/4NW1/4

Sec. 25, Twp 11N, Rge 15E B.M.

Place of Use

IRRIGATION Within CUSTER County

T11N R15E S25

SWNE

1.40

T11N R15E S25

SENE

2.60

T11N R15E S25

NESW

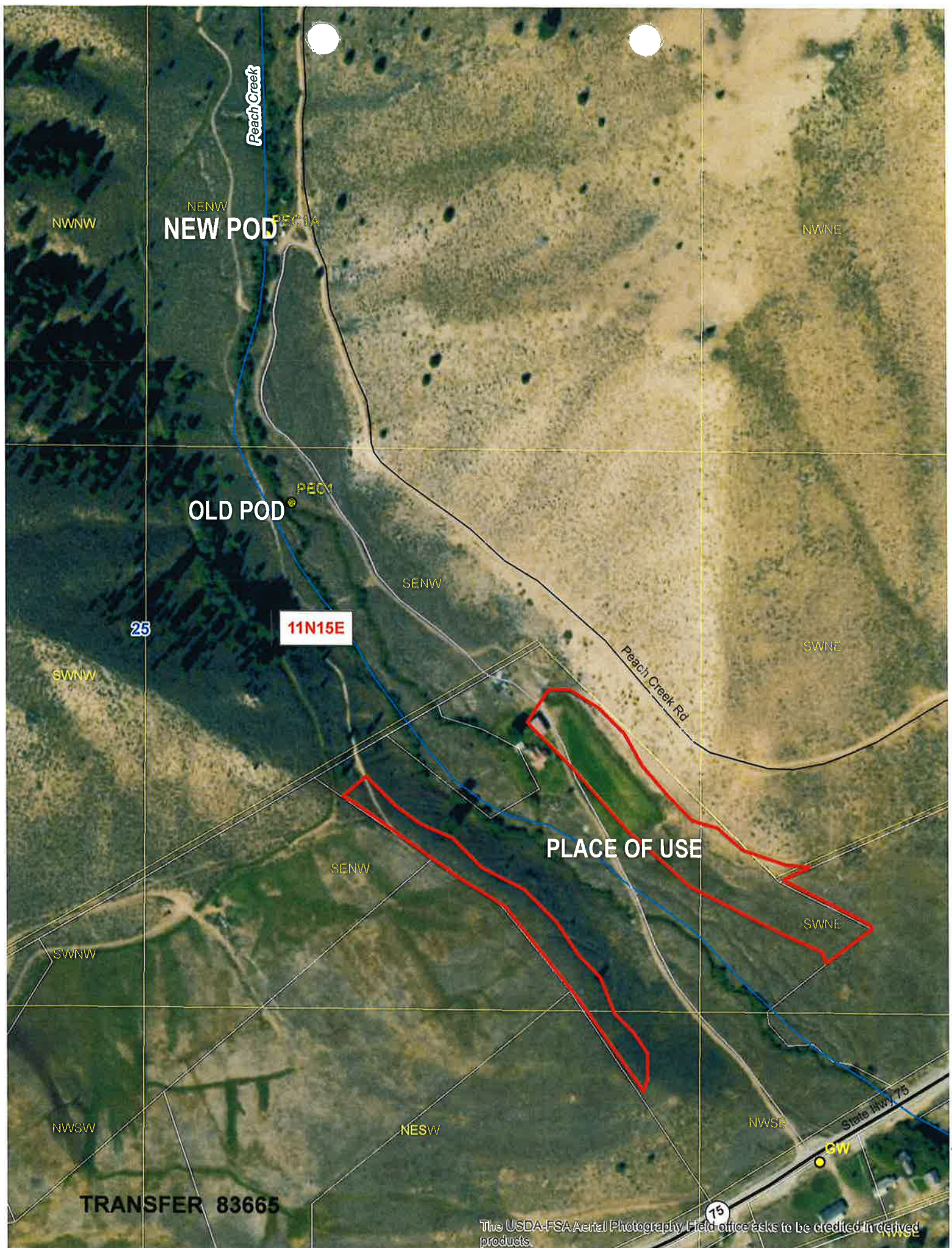
0.20

Total Acres: 4.2

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.
2. PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY NO. 136.

Decreed Date: 8/18/2005



APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS



NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant (include zip code)

GLORIA SCHWARTING
409 RIVER ST.
SALMON IDAHO 83447
gloriasch1948@gmail.com

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

landline @ Peach Creek
208 838 2281

3. Telephone (area code)

208-946-0131

Applicant

Authorized Agent

4. As applicant are you? (check one)

- a. ☒ Individual
b. ☐ Corporation*
c. ☐ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

5. Specify what application is for: (check one)

- a. ☐ New authorization
b. ☒ Renewing existing authorization No.
c. ☐ Amend existing authorization No.
d. ☐ Assign existing authorization No.
e. ☐ Existing use for which no authorization has been received *
f. ☐ Other*

* If checked, complete supplemental page

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? ☒ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

a. Irrigation ditch - existing
b. Water measuring device
c.
d. perpetuity
e. May thru October
f. 1.5 cfs
g. N/A
h. n/a

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: ☒ Attached ☐ Applied for ☐ Not Required

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

Water right

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal Lands.

diversion is on Federal Land.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

n/a

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

n/a

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

None

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

none

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

None

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear

or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

none

20. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Debra Schwarting

Date

4/15/19

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building,
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office
Federal Building Annex
9109 Mendenhall Mall Road, Suite 5
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Bureau of Land Management
222 West 7th Avenue
P.O. Box 13
Anchorage, Alaska 99513-7599
Telephone: (907) 271-5477 (or a local BLM Office)

U.S. Fish & Wildlife Service (FWS) Office of the Regional Director 1011 East Tudor Road Anchorage, Alaska 99503 Telephone: (907) 786-3440	National Park Service (NPA) Alaska Regional Office, 2225 Gambell St., Rm. 107 Anchorage, Alaska 99502-2892 Telephone: (907) 786-3440
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Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 9513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

7. Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
8. Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12. The responsible agency will provide additional instructions.
13. Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
14. The responsible agency will provide instructions.
15. Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19. Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 10, 2019

GLORIA BAIRD SCHWARTING
409 RIVER ST
SALMON, ID 83467-4162

RE: Transfer No. 83665
Water Right No(s). 72-4052B

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 **10/16/2019 and 10/23/2019**. 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 **November 4, 2019**.

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,

A handwritten signature in blue ink that reads "Denise Maline". The signature is fluid and cursive, with the first name "Denise" and last name "Maline" clearly distinguishable.

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 10, 2019 5:04 PM
To: Cindy Yenter
Subject: Comment Letters for Woolley Ranch (71-10999) and Schwarting (T#83665)
Attachments: Transfer 83665 Schwarting.pdf; 71-10999 Woolley Ranch LLC.pdf

Hi Cindy,

Attached is an application for transfer & application for permit, currently being processed within your Water District. Please review the information and provide any necessary comments within 21 days. Comments have also been solicited from Water District 71 for the application for permit.

These applications will be published on October 16 & 23, 2019. Protest deadline will be Monday November 4, 2019.

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

Thank you in advance,

Denise



State of Idaho

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 10, 2019

WATER DISTRICT #170 *via e-mail*
CINDY YENTER
102 S WARPATH
SALMON ID 83467

RE: Application for Permit No. 71-10999

RE: Transfer No. 83665
Water Right No(s). 72-4052B

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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 water master, 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's regional offices 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
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 10, 2019 4:57 PM
To: Jeff Richards
Subject: Comment Letter for 71-10999 & Transfer 83665
Attachments: Comment letter to F&G for 71-10999 & 83665.docx; 71-10999 Woolley Ranch LLC.pdf; Transfer 83665 Schwarting.pdf

Good afternoon,

Attached is an application for transfer, and application for permit which are 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 in advance,

Denise Maline, 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

October 10, 2019

IDAHO DEPT OF FISH & GAME *via e-mail*
JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Application for Permit No. 71-10999

RE: Transfer No. 83665
Water Right No(s). 72-4052B

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days. In addition, detailed information regarding this application(s) can be found on our website at www.idwr.idaho.gov.

The Department can publish notice of the 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 (**on or before November 4, 2019**).

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

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 10, 2019 11:26 AM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger cover letter.docx; Challis Messenger ad.doc

Attached please find **(1)** legal notice being submitted for publication on October 16 & 23, 2019. 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

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Director

October 10, 2019

LEGAL NOTICE DEPARTMENT

CHALLIS MESSENGER

PO BOX 405

CHALLIS, ID 83226

RE: Transfer No. 83665

Water Right No(s): 72-4052B

RE: Application For Permit No.(s): 71-10999

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 **November 4, 2019**. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

71-10999

WOOLLEY RANCH LLC

PO BOX 23

STANLEY, ID 83278-0023

Point of Diversion L2(SENW) S35 T11N R13E CUSTER County Source GROUND WATER Tributary

Use: IRRIGATION 05/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 6/13/2019

Place Of Use: IRRIGATION

T11N R13E S35 L2(SENW) L2(NESW) L7(NWSW)

Total Acres: 10

Application for permit proposes to divert 0.20 cfs of ground water from a shallow well for the irrigation of 10 acres. The point of diversion and the place of use is on property located down river from Lower Stanley approximately 1.5 miles north and 0.9 miles east of the Highway 21 & Highway 75 intersection at Stanley. This application proposes the diversion and use of water from ground water tributary to 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 the diversion rate of 0.20 cfs and 10 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83665

GLORIA BAIRD SCHWARTING, 409 RIVER ST, SALMON, ID 83467-4162; has filed Application No. 83665 for changes to the following water rights within CUSTER County(s): Right No(s). 72-4052B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for irrigation water right 72-4052B (0.15 cfs, 4.2 acres) which is currently diverted from two PODs on Peach Creek located approximately 12.2 miles west of Clayton. The proposed POD will also be located on Peach Creek, about midway between the two existing PODs.

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 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 **November 4, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 16th & 23rd, 2019

FEE MEMORANDUM

Date: October 8, 2019
To: Gloria Schwarting Transfer #83665 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on September 30, 2019 and proposes to change the POD for a single right from two existing PODs to a different POD, so the fee is based on the entire flow rate being diverted from the new POD. The flow rate of the right is 0.15 cfs, therefore, from the fee schedule, the fee is \$200.00, which was paid by Gloria Schwarting with check #2371 on the day of filing. See IDWR receipt #S037562.

TRANSFER SYNOPSIS

Date: October 8, 2019
To: Gloria Schwarting, Transfer #83665 file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change the point of diversion (POD) for irrigation water right 72-4052B (0.15 cfs, 4.2 acres) which is currently diverted from two PODs on Peach Creek located approximately 12.2 miles west of Clayton. The proposed POD will also be located on Peach Creek, about midway between the two existing PODs.

The transfer will be advertised and public comment sought. The transfer is located within Water District 170, so Watermaster comments will be solicited.

The new POD will be on public land administered by the United States Forest Service; the applicant has applied for a Special Use Permit to authorize the diversion.

Maline, Denise

From: Yenter, Cindy
Sent: Tuesday, September 24, 2019 4:15 PM
To: Bitzenburg, James
Cc: Maline, Denise
Subject: FW: Peach Creek Diversion
Attachments: Peach Creek Schwarting SUP application.pdf

Jim, the region should be receiving an application for permit and application for transfer from Gloria Schwarting of Salmon, for her Peach Creek property in B72. I expect you will process them....? If not, I've copied Denise. The water applications are associated with a pending Special Use Permit from USFS. The application for SUP is attached. Gloria didn't have a copy so I requested it from the Forest. This should enable you to proceed with processing. The apps are described below.

I'll save this in case it goes missing again. I'm hoping Gloria will have those apps in the mail today or tomorrow.

From: Kuentz, Karen -FS [mailto:karen.kuentz@usda.gov]
Sent: Tuesday, September 24, 2019 3:14 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Peach Creek Diversion

Hi Cindy – here is the application for a FS special use permit. I handed a copy to Gloria this morning.

Gloria said she would be mailing the applications as soon as possible.

We'll be in touch! Karen



Karen Kuentz
Realty Specialist (detail)
Forest Service
Salmon-Challis National Forest

p: 208-756-5128
karen.kuentz@usda.gov

1206 S. Challis Street
Salmon, ID 83467

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From: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Sent: Monday, September 23, 2019 5:19 PM
To: Kuentz, Karen -FS <karen.kuentz@usda.gov>
Cc: Baer, Gail -FS <gail.baer@usda.gov>
Subject: RE: Peach Creek Diversion

Hi Karen –I got busy after Gloria’s visit and didn’t get you called. This will probably pass your voice message in cyberspace.....We prepared the attached applications which Gloria will be mailing to our Twin Falls regional office for processing.

The Application for Transfer moves the irrigation point of diversion under 72-4052B to the pipeline at the middle diversion, which I have named Peach Ck 1A. The original PODs will be removed from the right.

The Application for Permit seeks to appropriate a new water right at the lower diversion, Peach Ck 1, which will not be closed. The new diversion will be for aesthetic purposes and would allow a small stream of water to flow past the cabin and back into the creek.

Do you have a copy of Gloria’s application for SUP? She’ll need that for her water right applications and she indicated she did not keep one. If you can send me a scanned copy I’ll be happy to forward it to the correct hands.

Both diversions will be required by IDWR to have a lockable controllable diverting works. There is an existing valve on the irrigation pipeline. Gloria indicates she’ll install a culvert and headgate at the lower ditch. Both diversions will be waived from measurement requirements under the terms of the 2008 Water District 170 measurement order. They will still be operated under jurisdiction of the water district and certain use data could be collected or required to be submitted if that helps satisfy the terms of the SUP. Let’s talk about that....

FYI, the lower diversion is also an authorized diversion for 72-4052C in the name of Wood River Land Trust. This right is under conservation easement and has been placed in the state water supply bank through 2020. I don’t expect that irrigation will resume any time in the near future. Gloria intends to block the lower ditch just past her place.

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

From: Kuentz, Karen -FS [<mailto:karen.kuentz@usda.gov>]
Sent: Monday, September 23, 2019 9:21 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Cc: Baer, Gail -FS <gail.baer@usda.gov>
Subject: RE: Peach Creek Diversion

Hi Cindy – I am using Gail’s phone number.



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From: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Sent: Monday, September 23, 2019 8:15 AM
To: Baer, Gail -FS <gail.baer@usda.gov>; Stewart, Christine T -FS <christine.stewart@usda.gov>; Pindel, Kurt - FS <kurt.pindel@usda.gov>; Kuentz, Karen -FS <karen.kuentz@usda.gov>; Krieger, Karryl -FS <karryl.krieger@usda.gov>
Subject: RE: Peach Creek Diversion

And if I do see Gloria today I'll call or email Karen. I don't have Karen's phone number. Karen will you or someone please send it to me?

From: Baer, Gail -FS [<mailto:gail.baer@usda.gov>]
Sent: Sunday, September 22, 2019 1:58 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>; Stewart, Christine T -FS <christine.stewart@usda.gov>; Pindel, Kurt - FS <kurt.pindel@usda.gov>; Kuentz, Karen -FS <karen.kuentz@usda.gov>; Krieger, Karryl -FS <karryl.krieger@usda.gov>
Subject: RE: Peach Creek Diversion

Hi All,

I contacted Gloria today to let her know that Cindy was under the impression that she was not going to move her POD to the middle diversion (pipe and screen).

She stated that she would go visit Cindy at her office on Monday and then contact Karen to let her know if the field trip to the diversion should still occur on Tuesday. I feel that it may be premature for Karen to visit the diversion until Gloria has decided which POD she will utilize. Which really means, that until she files to move her POD, the only valid POD and water right she has is the lower one.

Karen, I'll talk to you about this on Tuesday, and I'm hoping that Gloria will call you tomorrow to try and sort it out.

Thanks, Gail



**Gail Baer, Natural Resource Specialist
Diversion Coordinator, Non-recreation Special Uses Permit
Administrator**

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From: Yenter, Cindy [<mailto:Cindy.Yenter@idwr.idaho.gov>]

Sent: Tuesday, September 17, 2019 3:45 PM

To: Baer, Gail -FS <gail.baer@usda.gov>; Stewart, Christine T -FS <christine.stewart@usda.gov>; Pindel, Kurt - FS <kurt.pindel@usda.gov>; Kuentz, Karen -FS <karen.kuentz@usda.gov>; Krieger, Karryl -FS <karryl.krieger@usda.gov>

Subject: RE: Peach Creek Diversion

If Gloria needs an additional water right to authorize diversions for aesthetic uses, shouldn't that also be filed prior to the SUP processing so both rights can be included?

I'm not sure Gloria fully understands the necessary changes to the water rights. Christine and I met her son Jason and I think he had a better understanding of what needed to happen. So please fill me in after your meeting then ask Gloria to make an appointment with me ASAP so we can get started on the water right work. Thanks!

From: Baer, Gail -FS [<mailto:gail.baer@usda.gov>]

Sent: Tuesday, September 17, 2019 2:39 PM

To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>; Stewart, Christine T -FS <christine.stewart@usda.gov>; Pindel, Kurt - FS <kurt.pindel@usda.gov>; Kuentz, Karen -FS <karen.kuentz@usda.gov>; Krieger, Karryl -FS <karryl.krieger@usda.gov>

Subject: RE: Peach Creek Diversion

I planned a field date out at Peach Creek for next Tuesday (Sept 24) to familiarize Karen with the area and diversions. Gloria said she'll meet us out there. I'll see if she sticks with the story I thought I'd heard yesterday and then let Karen take it from there...

Thanks for the info Cindy, it's helpful, albeit, confusing!

Gail



Gail Baer, Natural Resource Specialist
Diversion Coordinator, Non-recreation Special Uses Permit
Administrator

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From: Yenter, Cindy [<mailto:Cindy.Yenter@idwr.idaho.gov>]

Sent: Tuesday, September 17, 2019 8:29 AM

To: Baer, Gail -FS <gail.baer@usda.gov>; Stewart, Christine T -FS <christine.stewart@usda.gov>; Pindel, Kurt - FS <kurt.pindel@usda.gov>; Kuentz, Karen -FS <karen.kuentz@usda.gov>; Krieger, Karryl -FS <karryl.krieger@usda.gov>

Subject: RE: Peach Creek Diversion

Hi Karen. This is a bit of a deviation from what Gloria indicated to Christine and I last month. I recall at the time she wanted to use both the middle and lower diversions. The lower diversion is used only for aesthetic purposes, but I told them it would also need to be controlled and measured, and closed in the winter. This is where the largest unauthorized

diversion is occurring. Perhaps they've reconsidered that idea. The pipeline can be discharged into the aesthetic ditch at the house, so a single diversion is possible.

To authorize the aesthetic use, Gloria is going to have to file a slightly more complex transfer, and possibly a new water right for additional aesthetic flow. She did not come in here yesterday.

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From: Baer, Gail -FS [<mailto:gail.baer@usda.gov>]
Sent: Monday, September 16, 2019 12:33 PM
To: Stewart, Christine T -FS <christine.stewart@usda.gov>; Pindel, Kurt - FS <kurt.pindel@usda.gov>; Baer, Gail -FS <gail.baer@usda.gov>; Kuentz, Karen -FS <karen.kuentz@usda.gov>; Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>; Krieger, Karryl -FS <karryl.krieger@usda.gov>
Subject: Peach Creek Diversion

Hi All, I just spoke with Gloria Schwarting, the owner of the Peach Creek #1 and #2 diversions.

She said she met with Christine and Cindy about a month ago at the diversion and had decided to move her official point of diversion and water right to the #2 location where the screened pipe is located. She has not officially applied to move the pod as yet but was probably going to go visit Cindy today to discuss it.

I had thought we could start to move forward with issuing the SUP, but not until she at least applies to move the POD.

If you have any updates on this, please contact Karen Kuentz, my replacement through December.

Thanks, Gail



Gail Baer, Natural Resource Specialist
Diversion Coordinator, Non-recreation Special Uses Permit
Administrator

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