

RECEIVED**SEP 05 2019****DEPARTMENT OF
WATER RESOURCES****STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**Transfer No. 83265**MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) SHARON A JONES AND/OR MARCIA PAMILLE BERG**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b 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).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b 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.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant SHARON A JONES Phone (208) 394-2112

Mailing Address 245 SPRING CREEK RD, NORTH FORK ID 83466-7503 Email _____

Name of Applicant MARCIA PAMILLE BERG Phone (208) 394-2112

Mailing Address 245 SPRING CREEK RD, NORTH FORK ID 83466 Email _____

- ☐ 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.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Marcia Pamille Berg

MARCIA PAMILLE BERG

1 SEPTEMBER 2019

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	75-4016C	No	Yes	Yes	Yes	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant SHARON A JONES Phone (208) 394-2112
Mailing Address 245 SPRING CREEK RD, NORTH FORK ID 83466-7503 Email _____
Name of Applicant MARCIA PAMILLE BERG Phone (208) 394-2112
Mailing Address 245 SPRING CREEK RD, NORTH FORK ID 83466 Email _____

- ☐ 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**.
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- ☐ 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**.

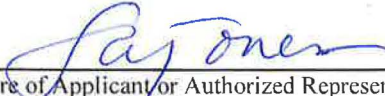
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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.

 SHARON A. JONES 9/2/19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	75-4016C	No	Yes	Yes	Yes	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**

Correct the PLS description of the existing POD and POU and add a POD, a new pump that will allow us to divert water from our own property in lieu of the diversion ditch. The existing POD is a ditch diversion on Forest Service property with an easement agreement. Updated PLS surveys have created a shift in the PLS description for the POU and the existing POD. Changes to these elements are simply to update the descriptions to match current PLS information.

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
75-4016C	0.120 cfs	N/A	N/A	3.0		N/A	N/A	N/A	N/A

COMBINED TOTALS

0.120 cfs	N/A	N/A	3.0	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 0.12 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.

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

Proposed Water Right No. 75-4016C

Current Water Right Owner

MARCIA PAMILLE BERG
245 SPRING CREEK RD AND
NORTH FORK, ID 83466

SHARON A JONES
245 SPRING CREEK RD
NORTH FORK, ID 83466-7503

Priority Date: 8/1/1928

Origin: Water Right

Basis: Decreed

Status Active

Source: SPRING CREEK **Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.040 CFS	
IRRIGATION	04/01	10/31	0.080 CFS	
Total Diversion			0.120 CFS	

Source and Point(s) of Diversion:

SPRING CREEK	SESE	Sec. 12 Twp 24N Rge 18E LEMHI County
SPRING CREEK	SESW	Sec. 7 Twp 24N Rge 19E LEMHI County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	19E	7									X			X					

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	
24N	19E	7									0.8			2.2					3.0

POU Total Acres: 3.0

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

Existing ditch (CORRECTED POD) has headgate and measuring device will be installed when required. New pump station will allow us to divert from our own property in lieu of the ditch diversion.

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

Ditch - USFS. Pump - Applicant

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

Easement agreement with USFS

- 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:

No Change

- 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:

N/A

- 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: N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☒ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ 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.: _____

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 7 pages and _____ attachments.

Received By _____ Date 5/21/2019 Prelim. Check By _____ Date _____

Fee Paid _____ Date _____ Received By _____ Receipt # C106861

Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 75-4016C

4/29/2019

Owner Type **Name and Address**
 Current Owner MARCIA PAMILLE BERG
 245 SPRING CREEK RD
 NORTH FORK, ID 83466
 (208) 394-2112

Current Owner SHARON A JONES
 245 SPRING CREEK RD
 NORTH FORK, ID 83466
 (208) 394-2112

Priority Date: 7/31/1928

Basis: Decreed

Status: Active

Source
 SPRING CREEK

Tributary
 SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.080 CFS	
DOMESTIC	01/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.120 CFS	

Source and Point(s) of Diversion

SPRING CREEK NESE Sec. 12, Twp 24N, Rge 18E, LEMHI County

Place Of Use

DOMESTIC 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	
24N	19E	7												X					

IRRIGATION within LEMHI County

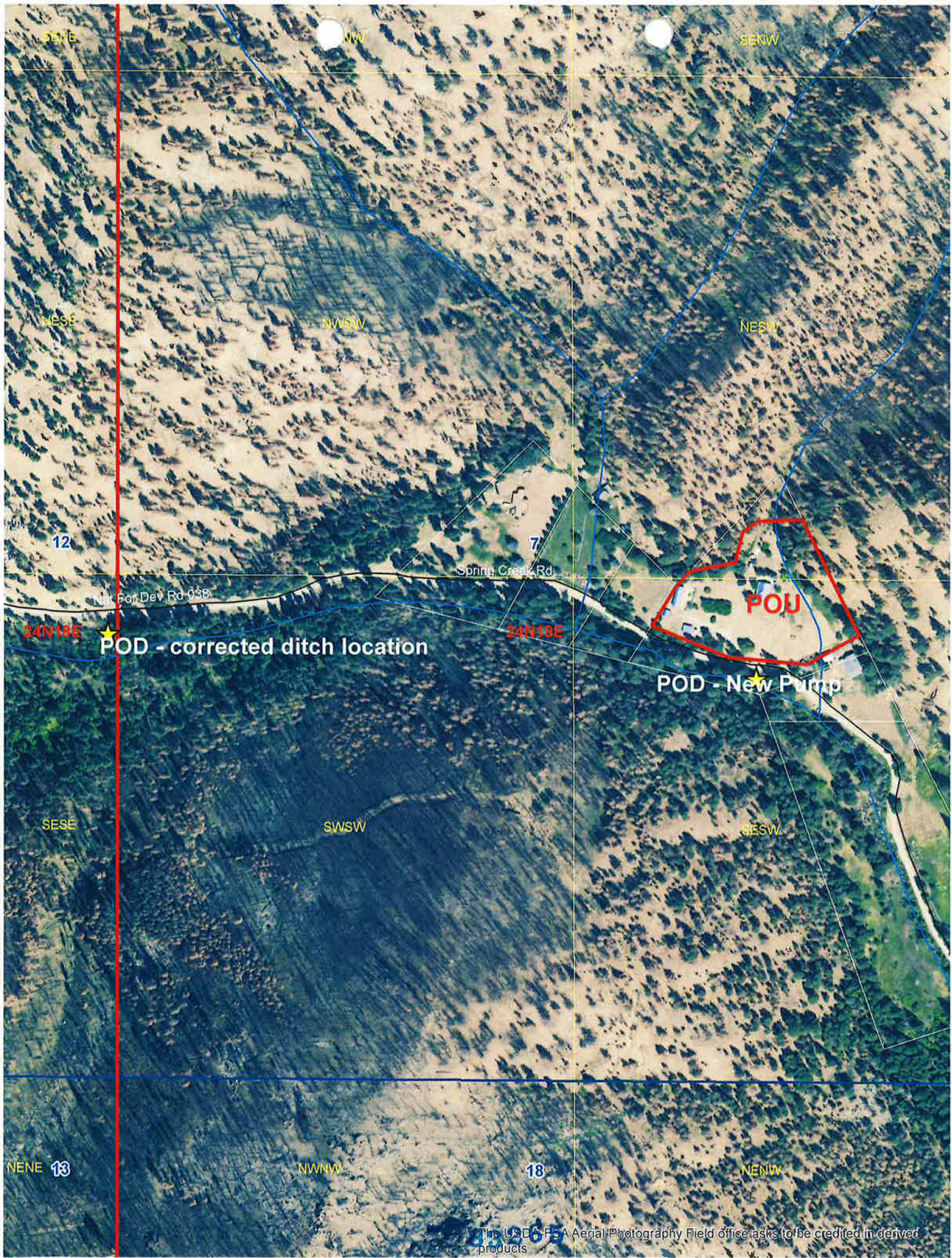
			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	19E	7									3.0								3.0

POU Total Acres: 3.0

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.
2. N14 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

Comments:



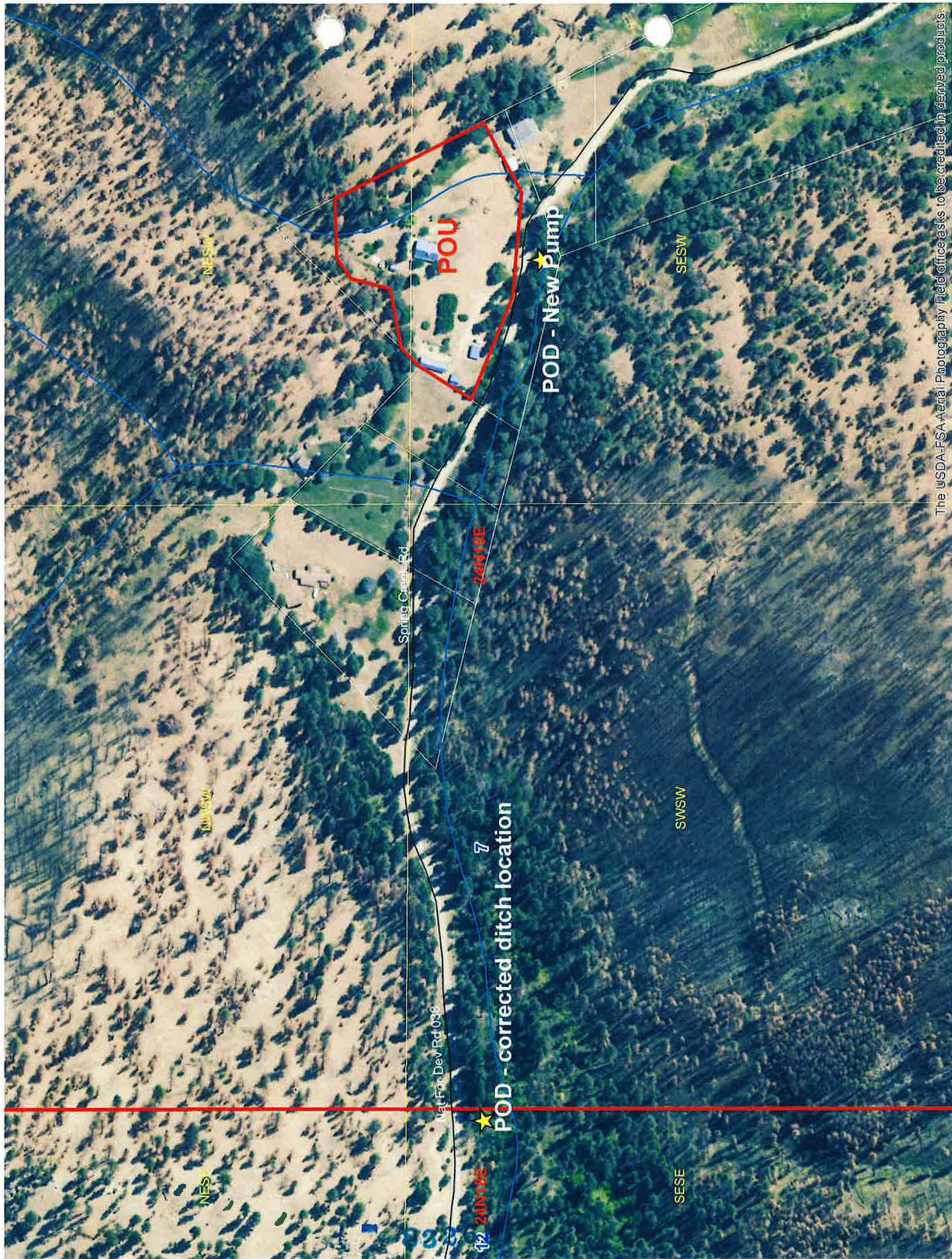
POD - corrected ditch location

POD - New Pump

POU

Spring Creek Rd

Nat For Dev Rd 038



MAY 21 2019

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
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)** Marcia Pamille Berg, Sharon A Jones Phone 208.394.2112

2. MAILING ADDRESS 245 Spring Creek Rd City North Fork

State _____ ID _____ Zip 83466 Email _____

- ☐ 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) 75-4016C

- ☒ 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 0.12 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]

83265

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:

Existing ditch (CORRECTED POD) has headgate and measuring device will be installed when required. New pump station will allow us to divert from our own property in lieu of the ditch diversion.

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

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

- 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 $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ 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.

Sharon Jones
Signature of applicant or authorized agent

SHARON ANN JONES
Print name and title if applicable

5/17/19
Date

Marcia Pamille Berg
Signature of applicant or authorized agent

MARCIA PAMILIE BERG
Print name and title if applicable

17 May 2019
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 [Signature]

Date 5/21/19

Fee paid 200 Date 5/21/19

Received by [Signature]

Receipt # C106861

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)

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 November 4, 2019. 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

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

75-14966

RANDALL CALL

KIM CALL

105 OLD STAGE RD

SALMON, ID 83467-5179

Point of Diversion NWNWNE S17 T23N R22E LEMHI County

Source SPRING Tributary TOWER CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 9/6/2019

Place Of Use: DOMESTIC

T23N R22E S17 NWNE

This application proposes the diversion and use of water from tributary to 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 for Domestic purposes.

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 11/4/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/17/2019 and 10/24/2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83265

SHARON A JONES & MARCIA PAMILLE BERG, 245 SPRING CREEK RD, NORTH FORK, ID 83466; has filed Application No. 83265 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4016C; The purpose of the transfer is to change a portion of the above rights as follows:

to correct the legal description of the original point of diversion to the SESE, sec. 12, T24N, R18E, and to add a pump as a point of diversion in Spring Creek in the SESW, sec. 7, T24N, R19E, on the SE corner of the applicants' property on Spring Creek Rd. For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>. 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 11/4/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/17/2019 and 10/24/2019

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, October 10, 2019 10:39 AM
To: rhlegals@custertel.net
Subject: Legal Notice 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 November 4, 2019. Your cooperation is appreciated.

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



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 • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 10, 2019

SHARON A JONES
MARCIA PAMILLE BERG
245 SPRING CREEK RD
NORTH FORK, ID 83466

RE: Transfer No. 83265
Water Right No(s). 75-4016C

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 10/17/2019 and 10/24/2019. 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 10, 2019

IDAHO DEPT FISH AND GAME
ATTN: JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Applications for Permit No. 75-14966
Application for Transfer No. 83265
Water Right No. 75-4016C

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 the applications 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.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, October 10, 2019 10:41 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Golden, Kala; Cassel, Amy
Subject: App for Permit 75-14966 & App for Transfer 83265-water right 75-4016C

These applications will be published on October 17 & 24. The protest end date is November 4. Please let me know if you have any questions. The documents will be scanned by the end of the day. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, October 10, 2019 10:42 AM
To: Jeff Richards
Subject: App for Permit 75-14966 & Transfer 83265 (Water right No. 75-4016C)

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 the applications 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.

Sincerely,

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

MEMORANDUM

Date: September 20, 2019
To: Transfer 83265
From: Scott Storms
Re: Review & Evaluation of Sufficiency of Information

Idaho Department of Water Resources (the Department) received application for Transfer from Marcia Pamille Berg and Sharon A. Jones on May 21, 2019. The transfer is to correct the PLSS description on the current point of diversion (POD), a ditch diversion on Forest Service property, and to add another POD, a pump to be located on the applicant's property.

During review it became apparent that an updated survey that had taken place since this right was decreed in 2008 and that survey has shifted the PLS description for both the original POD and the place of use (POU). According to Transfer Processing Memo No. 24, updating this information is not necessary however, because the submitted application requested an update to the original POD description, I contacted the right owner to discuss whether or not they would like to update the POU descriptions as well. Per a phone conversation with Sharon Jones on June 18, 2019, she determined she would like to include changes to the POU description as well, to align with current PLSS information. On June 19, 2019, I mailed a letter to both Sharon Jones and Pamille Berg, along with an amended application for transfer that included the proper description for the POU. The completed and signed copy was received from Sharon on September 5, 2019, and the signed page 2 was received from Pamille on September 17, 2019.

Authority to File:

Department records list Sharon A. Jones and Marcia Pamille Berg as owners of water right (WR) 75-4016C. The most current parcel data maintained by the Department lists Sharon A. Jones as the owner of the parcel at the place of use (POU). No concerns of authority to file.

Water Right Validity:

This water right was licensed August 8, 1956 and decreed March 4, 2011. Aerial and satellite imagery review show no indications that the POU hadn't been irrigated at any point since the decree date. There are no concerns over the validity of the right.

Injury to Other Water Rights:

The existing POD is a ditch diversion shared with WR 75-4015. WR 75-4015 is for 0.12 cfs for irrigation and also has two other POD's in the area. It is unclear how much flow 75-4015 actually uses from this shared diversion. The proposed pump location on the application is about a half mile downstream of the existing POD. There was no mention in the application as to how much water would still be diverted from the ditch and how much would come from the proposed pump. There are three water rights between the original POD and the proposed pump POD. All three of these rights have the exact same priority date (7/31/1928) as the application WR and therefore the applicant would not be able to call for curtailment of these rights if water were not reaching the new POD regardless of whether or not enough water was reaching the original POD. WR 75-4016A is sourced from a tributary of Spring Creek that enters just downstream of the original POD for this transfer, however it also has the 7/31/1928 priority date and would not be subject to any curtailment call by the applicants. This transfer will be advertised to allow local interested parties to protest based on potential injury.

Enlargement of Use:

There are no indications the applicants would divert any additional water or irrigate any additional acres if the new POD is approved. There are no concerns over enlargement of use.

Local Public interest:

This transfer will be advertised to allow for local interest comments. No concern over local interest is apparent. If approved, conditioning should be added to ensure proper a proper fish screen, meeting Department of Fish and Game standards, is installed on the new pump POD.

Beneficial Use/Conservation of Water Resources:

This application proposes beneficial use consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No effect anticipated

Effect on Agricultural Base of the Local Area: No effect anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

M. Pamille Berg
124 Blowhole Road
Eaglehawk Neck, TAS 7179
Australia

RECEIVED

SEP 17 2019

**DEPARTMENT OF
WATER RESOURCES**

Mr. Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720
U.S.A.

Dear Scott:

JONES & BERG: APPLICATION OF TRANSFER OF WATER RIGHT – SIGNATURE PAGE ENCLOSED

I refer to your letter dated 19 June 2019 sent to me here in Australia and providing me with the "Application for Transfer of Water Right" relating to the water rights at the property on Spring Creek Road near North Fork, Idaho which is owned jointly by my sister, Sharon Ann Jones, and myself.

I regret being slow in responding, but I was awaiting the outcome of my sister's discussions with the local DWR representative in Salmon and yourself by telephone to be sure that we understand the implications of the change of use description in the application you have sent us.

My understanding is that in lodging this application, we are seeking to receive approval to use a direct diversion from Spring Creek by which to receive our water use allocation, should we decide at some time in the future not to utilise the long-standing Spring Creek Ditch through our property via its Forest Service easement for the delivery of the water. We currently obtain our water via the ditch, and Sharon, who is the permanent resident on the property, plans to continue to do for the immediately foreseeable future.

Under the assumption that our understanding is correct, please find attached the signed "page 2 of 7" of the Application, Part 1, as requested.

My sister Sharon will include the full application in returning her signature on the duplicate signature page, as requested.

I look forward to the next step in this process. Should you need to email me rather than communicate by post, my email address is: pamille@pamillebergconsulting.com.

With regards and thanks,



Marcia Pamille Berg



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 19, 2019

SHARON A. JONES
245 SPRING CREEK RD
NORTH FORK, ID 83466

RE: Phone conversation regarding transfer application and place of use description

Dear Sharon,

Per our conversation regarding Public Land Survey (PLS) records updates and how it has changed the legal descriptions of elements of your water right, I am sending you an amended application form reflecting those updates. This is the full transfer application form rather than the shortened point of diversion form you first submitted. The only change I made was to update the place of use description (POU) found on page 4 of the application. There are still a total of 3 acres for irrigation, however according to the updated PLS records, 2.2 acres are in the SESW quarter quarter and 0.8 acres are in the NESW quarter quarter of sec. 7, T24N, R19E. I also included this update for the domestic use so that your entire property is included for that use (domestic does not require acre descriptions). All fees are already paid so all I need is for you and Pamille to review the application to make sure it looks correct, and sign on page 2. If you do feel you need to make changes, please be sure to initial next to those changes.

Also, after a brief discussion with my supervisor, I found out you do not need to both sign on the same page 2 of the application. You can sign and return the form sent to you, and Pamille can sign and return the one she receives. I will need at least one of you to return the entire application with your signed page 2. The forms can be returned to the following address:

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720

If you have any questions, please call me at 208-287-4915, or email me at scott.storms@idwr.idaho.gov.

Sincerely,

Scott Storms
Senior Water Resource Agent

Enclosure: Application for Transfer of a Water Right

Cc: Marcia Pamille Berg