

AUG 15 2019

DEPARTMENT OF
WATER RESOURCESSTATE 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) CHARLES W MUALEM Phone 208-756-7939
 2. MAILING ADDRESS 74 SAVAGE RANCH RD City SALMON
 State ID Zip 83467 Email cmualem@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) 75-14551, 74-14552

- ☒ 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 0.07 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 #
	7		NW	SW	6	22N	22E	LEMHI	WALLACE CREEK	A0015064
X			NW	NE	6	22N	22E	LEMHI	SALMON RIVER	

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:

Ditch has washed out and no longer reaches property. Pump will have a control valve and measurement will be installed if ordered.

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

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:

Ditch was breeched by a slide in 2005 and has not been repaired. I purchased in 2016. Due to circumstances beyond my control I feel this is a defense to forfeiture of this right.

- 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.


Signature of applicant or authorized agent

CHARLES MUALEM
Print name and title if applicable

8/12/2019
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 AW

Date 8/15/19

Fee paid 200

Date 8/15/19

Received by AW

Receipt # C107390

Preliminary review by AD

Date 9/3/19

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.: 75-14551

Current Owner: CHARLES W MUALEM
Priority Date: 5/13/1898
Origin: Water Right
Status: Active
Basis: Decreed

Source

WALLACE CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.03 CFS

0.03 CFS

Annual Volume

Location of Point(s) of Diversion

WALLACE CREEK

LEMHI County

L7(NW1/4SW1/4)

Sec. 6, Twp 22N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

T22N R22E S6

NWNE

2.10

T22N R22E S6

Lot 3

NWNE

0.70

T22N R22E S6

Lot 4

NENW

0.60

Total Acres: 3.4

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. E56 The rights listed below are limited to the irrigation of a combined total of 3.4 acres in a single irrigation season. Combined Right Nos.: 75-14551 and 75-14552.

Decreed Date: 12/29/2010

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

Current Water Right No.: 75-14552

Current Owner: CHARLES W MUALEM
Priority Date: 6/1/1902
Origin: Water Right
Status: Active
Basis: Decreed

Source

WALLACE 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

WALLACE CREEK

LEMHI County

L7(NW1/4SW1/4)

Sec. 6, Twp 22N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

T22N R22E S6

NWNE

2.10

T22N R22E S6

Lot 3

NWNE

0.70

T22N R22E S6

Lot 4

NENW

0.60

Total Acres: 3.4

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 3.5 acres in a single irrigation season. Combined Right Nos.: 75-14551, 75-14552, 75-14553
2. 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: 12/29/2010

83533



23N22E

POU

NEW POD (PUMP)

22N22E

EXISTING POD (DITCH)

Wallace Creek

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 October 21, 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:

74-16220

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467-5045
Point of Diversion NWNENW S28 T21N R23E LEMHI County
Source SPRING Tributary BOHANNON CREEK
Point of Diversion SWNENW S28 T21N R23E LEMHI County
Source SPRING Tributary BOHANNON CREEK
Point of Diversion SENWNW S28 T21N R23E LEMHI County
Source SPRING Tributary BOHANNON CREEK
Use: STOCKWATER
01/01 to 12/31
0.07 CFS

Total Diversion:

0.07 CFS

Date Filed: 8/16/2019

Place Of Use: STOCKWATER

T21N R23E S28 NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW

T21N R23E S29 NESE

This application proposes the diversion and use of water from 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 Stockwater purposes.

75-14948

DAVID PARMENTER
JEFFREY PARMENTER
LAYNE PARMENTER
JAN PARMENTER
MICHELLE LIDDIARD
139 CEMETERY LN
SALMON, ID 83467-5058
Point of Diversion SENE S17 T21N R22E LEMHI County
Source WASTE WATER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.34 CFS

Total Diversion:
0.34 CFS
Date Filed: 5/20/2019
Place Of Use: IRRIGATION
T21N R22E S17 SENE
Total Acres: 17

This application proposes the diversion and use of waste from wastewater, which is tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14964

STANLEY W POTEET
DONNA J POTEET
456 NICKMAN ST
CHULA VISTA, CA 91911-1911
Point of Diversion SWNW S34 T20N R21E LEMHI County
Source WILLIAMS LAKE Tributary LAKE CREEK
Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 8/22/2019

Place Of Use: DOMESTIC

T20N R21E S34 L1(SWNW)

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

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 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/3/2019 and 10/10/2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83533

CHARLES W MUALEM, 74 SAVAGE RANCH RD, SALMON, ID 83467; has filed Application No. 83533 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14551, 75-14552; The purpose of the transfer is to change a portion of the above rights as follows:

to add a point of diversion on the Salmon River in the NWNE, Sec. 6, T22N, R22E. This is approximately 1.0 mile downstream from the existing point of diversion on Wallace Creek.

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 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/3/2019 and 10/10/2019

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 26, 2019 9:36 AM
To: rhlegals@custertel.net
Subject: legal notices 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 October 21, 2019. Your cooperation is appreciated.

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 26, 2019 9:36 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Cassel, Amy; Golden, Kala
Subject: Applications for Permit 74-16220, 75-14948 & 75-14964 & Application for Transfer 83533

These application will be published on October 3 & 10. The protest end date is October 21. 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*

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From: Hersley, Jean
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*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

September 26, 2019

CHARLES W MUALEM
74 SAVAGE RANCH RD
SALMON, ID 83467

RE: Transfer No. 83533
Water Right No(s). 75-14551, 75-14552

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 10/3/2019 and 10/10/2019. 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

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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 26, 2019

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

RE: Applications for Permit No. 74-16220, 75-14948, 75-14965
Application for Transfer No. 83533

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".

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 26, 2019 9:36 AM
To: Jeff Richards
Subject: Comment Request

Applications for Permit: 74-16220, 75-14948 & 75-14964 and Application for Transfer 83533
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
Technical Records Specialist II

*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

September 26, 2019

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS ID 83402

RE: Applications for Permit No. 74-16220, 75-14948, 75-14965
Application for Transfer No. 83533

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 copies of the applications 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 these applications, 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, appearing to read 'Jean Hersley', is written in black ink.

Jean Hersley
Technical Records Specialist II



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

September 26, 2019

WATER DISTRICT #75E *via e-mail*
STEVE ADAMS
1411 BRYAN AVE
SALMON ID 83467

RE: Transfer No. 83533
Water Right No(s): 75-14551 & 75-14552

Dear Steve:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for transfer. You can find a copy of the application at:
<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the 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,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 83533

Water Right No(s): 75-14551 & 75-14552

Transfer Applicant's Name: CHARLES W MUALEM
74 SAVAGE RANCH RD
SALMON ID 83467

Water master's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2018

Water District No. 75E

Water master's Signature

Printed Name

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 26, 2019 9:36 AM
To: 'sadams1411@gmail.com'
Subject: Comment Letter for Application for Transfer 83533
Attachments: Letter via email to watermaster App for Transfer.docx

Please see the attached letter requesting comments for Application for Transfer 83533. Let me know if you have any questions. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 26, 2019 9:36 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Cassel, Amy; Golden, Kala
Subject: Applications for Permit 74-16220, 75-14948 & 75-14964 & Application for Transfer 83533

These application will be published on October 3 & 10. The protest end date is October 21. 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*

MEMORANDUM

Date: September 19, 2019
To: Transfer 83533
From: Alex Dalglish
Re: Review & Evaluation of Sufficiency of Information

Purpose:

The Department received a transfer application from Charles W. Mualem on August 15, 2019. The application requests to add a single point of diversion (POD) to rights 75-14551 and 75-14552 for the irrigation at the place of use (POU). The proposed additional POD is on the Salmon River, adjacent to property owned by the applicant.

POUs:

There will be no change to the POU for rights 75-14551 and 75-14552 under this proposed transfer.

PODs:

The existing POD for rights 75-14551 and 75-14552 authorizes diversion from Wallace Creek. A ditch carries water from the POD on Wallace Creek to the POU along the Salmon River. The POD on Wallace Creek is located in Govt. Lot 7 in the NWSW quarter-quarter Sec. 6, T22N, R 22E. Wallace Creek is a tributary to the Salmon River. The additional POD requested under this transfer is located in the NWNE quarter-quarter Sec. 6, T22N, R22E.

Authority to File:

The application was signed by Charles Mualem. He owns both rights in this transfer as well as the property at the place of use. According to Department records, the property at the POD on Wallace Creek is owned by William Robert Maxwell. No agreement was included with the transfer application between the applicant and Mr. Maxwell.

However, right 75-14461 shares the POD on Wallace Creek with the rights in this transfer. Right 75-14461 was licensed in 2017. The licensing documents for this right includes a memo from Nick Miller in 2012 detailing his visit to the Wallace Creek drainage. In this memo, Mr. Maxwell is described as the representative for users on the ditch that carries water to the place of use for the rights 75-14551 and 75-14552. Nick also referred to this ditch as the Lower Wallace Creek Ditch. No concerns regarding the authority to file are present.

Water Right Validity:

Rights 75-14551 and 75-14552 were partially decreed to the Wong-McClain Family Trust in December of 2010 with Wallace Creek as the source. The Department recorded an ownership change between the Wong-McClain Family Trust and Mr. Mualem in 2017. Mr. Mualem stated on the ownership change form that he and his wife Myriam acquired the property in 2014. A warranty deed included with the ownership change confirms this. Mr. Mualem stated on the transfer application that rights 75-14551 and 75-14552 have undergone a period of 5 or more years of non-use. According to Mr. Mualem, the ditch was breached by a (land) slide in 2005 and has not been repaired. Therefore, water no longer reaches his property. Review of aerial imagery confirms that the property has not been irrigated over the last 5 years. Although forfeiture is an issue, Section 42-223 (6) of Idaho Code protects against forfeiture of a water right for "*circumstances over which the water right owner has no*

control". I believe the slide in 2005 impairing the ability of the ditch to deliver water qualifies for a reason beyond the water right owner's control.

Injury to Other Water Rights:

If the transfer is approved, the water right record will more accurately reflect irrigation use. The additional POD is proposed approximately 1 mile downstream from the existing POD on Wallace Creek. The transfer application does not propose any additional diversion of water or increased beneficial use.

The use of Wallace Creek water under the rights in this transfer could presumably flow to the Salmon River if not diverted through the Lower Wallace Creek Ditch. Even though the Ditch is not currently delivering water to the POU, adding a POD downstream would not take additional water away from other rights between the current POD and proposed POD on the Salmon River. Below is a table of rights that divert surface water between the POD on Wallace Creek and the proposed POD. The transfer will be advertised and comments will be requested from the watermaster of Water District 75E to help assess whether injury to other water rights is anticipated as a result of this transfer.

Basin Seq	Priority	Use	Source	Rate	Acres
75 14137	5/15/1920	Irr/Stock	Salmon River	2.08	77.8
75 14138	5/16/1920	irrigation	Salmon River	0.43	14.8
75 14847	4/1/1923	irrigation	Salmon River	0.4	14
75 4183	4/2/1923	irrigation	Salmon River	1.6	56
75 14269	6/1/1902	Irrigation	Salmon River	0.1	4.6

Enlargement of Use:

There will not be an increase in irrigated acres. A combined acre limit condition will be carried over from the water rights in this transfer to prevent an enlargement of use.

Local Public interest:

There are no apparent issues with local public interest. IDWR will advertise this transfer and send comment letters to the IDFG and DEQ.

Beneficial Use/Conservation of Water Resources:

This proposed transfer appears to be consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No adverse impacts are anticipated.

Effect on Agricultural Base of the Local Area:

The proposed transfer shows no negative impacts on the local agriculture.