

RECEIVED

MAY 07 2019

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 83234MINIMUM 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 www.idwr.idaho.gov.

Name of Applicant(s) Mark and Jody M WisnerCheck 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 #1-10.

- ☐ ☒ #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 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).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 07 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Mark and Jody M Wisner Phone 208-879-5925
Mailing address 4500 Challis creek rd Challis Idaho 83226 Email ovis@custertel.net

- ☐ 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 _____

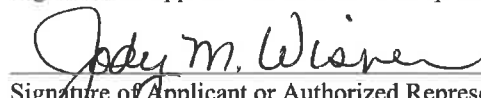
- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ 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

Mark Wisner
Print Name and Title if applicable

5-6-19
Date


Signature of Applicant or Authorized Representative

Jody Wisner
Print Name and Title if applicable

5-6-2019
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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**.
Water is diverted from Challis creek into the Challis highline. Application changes point of redirection and place of use to applicant's property.

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESMAY 08 2019 ^{via email}**APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1 ContinuedDEPT OF WATER RESOURCES
SOUTHERN REGION**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	72-16976	.01	irrigation	04/01 to 10/31	Challis Creek-Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 01 cfs and/or acre-feet.2. Total amount of water proposed to be transferred or changed .01 cubic feet per second and/or acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	10				7	14N	19E	Custer	Challis creek	Challis Highline
yes		SW	NE	SW	8	14N	19E	Custer	Challis Creek	Challis Highline

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	~~8~~					~~04~~				04								.4

I agree to all changes made *alw* — 5-8-19Total Acres (for irrigation use) .4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	72-16976	.01	irrigation	04/01 to 10/31	Challis Creek-Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .01 cfs and/or 01 acre-feet.

2. Total amount of water proposed to be transferred or changed 01 cubic feet per second and/or 01 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
	10				7	14N	19E	Custer	Challis creek	Challis Highline
yes		SW	NE	SW	8	14N	19E	Custer	Challis Creek	Challis Highline

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	9					.04												.4
Total Acres (for irrigation use)																			.4

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:

Water will be pumped from ditch directly by 3/4 hp pump into irrigation sprinkler system.

- b. Who owns the property at the point(s) of diversion? Mark and Jody Wisner

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Property will no longer be irrigated. This right was recently split from water right 72-10066 pursuant to an ownership change. See attached map for location of 0.4 acres that will no longer be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. 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:

A. DESCRIPTION OF RIGHT(S) AS RECORDED

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- Right Number: 72-16976

2. ~~Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)~~

Page 5

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

Current Water Right No.: 72-16976

Current Owner: MARK WISNER
 JODY M WISNER

Priority Date: 5/1/1879

Origin: Water Right

Status: Active

Basis: Decreed

Source

CHALLIS CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.01 CFS

Annual Volume

Total Diversion

0.01 CFS

Location of Point(s) of Diversion

CHALLIS CREEK

L10(SW1/4NW1/4NW1/4)

Sec. 7, Twp 14N, Rge 19E B.M.

CUSTER County

CHALLIS CREEK

SW1/4NE1/4SW1/4

Sec. 8, Twp 14N, Rge 19E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R19E S9

NENW

0.40

Total Acres: 7.4

Conditions of Approval:

1. THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-A.
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.

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

- If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

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

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:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or worksheet page.

Page ~~6~~ 7

Transfer 83234



Water Right

Legend

- 4500 Challis crk rd
- POD
- POU

14N 19E Sec 8 NESW

-----POD

-----4500 Challis crk rd

Challis Creek Rd

Google Earth

© 2018 Google

500 ft

N

Transfer 83234

Non Use area

0.4 Acres

A Hachment 76

Legend

Feature 1

14N 19E Sec 9 NENW

Stevens Lane Challis

N

1000 ft

Google Earth

© 2018 Google

Transfer 83234

State of Idaho
Department of Water Resources
Water Right License
72-10066

After Split



0 0.0375 0.075 0.15 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections



transfer 03234



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

May 10, 2019

MARK WISNER
JODY M WISNER
4500 CHALLIS CREEK RD
CHALLIS, ID 83226-4942

RE: Transfer No. 83234
Water Right No(s). 72-16976

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 **5/16/2019** and **5/23/2019**. 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 **June 3, 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,


Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Friday, May 10, 2019 11:16 AM
To: Cindy Yenter
Subject: Comment Letter - Transfer 83234
Attachments: Transfer 83234 Wisner.pdf

Good morning,

Attached is an application for transfer 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 72A.

This application is being published on May 16th & 23rd, 2019. Protest deadline will be Monday June 3, 2019.

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

Thank you in advance,

Denise



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

May 10, 2019

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

RE: Transfer No. 83234 (*Mark & Jody Wisner*)
Water Right No(s): 72-16976

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, and provide any necessary comments 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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 10, 2019

WATER DISTRICT #72A
DAVID PHILPS
PO BOX 910
CHALLIS ID 83226-0910

RE: Transfer No. 83234
Water Right No(s): 72-16976

Dear David:

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: Friday, May 10, 2019 11:26 AM
To: 'sbauchman@challiscrk.com'
Subject: Comment Letter for Transfer 83234 - Mark & Jody Wisner
Attachments: Comment letter to Highline Canal Co for 83234.docx; Transfer 83234 Wisner.pdf

Good morning,

Attached is cover letter & application for transfer currently being processed by the Department, which may be of interest to you. 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) 736-3033

denise.maline@idwr.idaho.gov



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

May 10, 2019

HIGHLINE CANAL CO
ATTN: STEVE BAUCHMAN (*via e-mail*)
CHALLIS ID 83226

RE: Transfer No. 83234 (Mark & Jody Wisner)
Water Right No(s): 72-16976

Dear Mr. Bauchman:

The Department of Water Resources is seeking written comments and/or recommendations from your agency regarding the above referenced water right transfer application. A copy of the application is enclosed for your reference. In addition, detailed information regarding this application(s) can be found on our website at www.idwr.idaho.gov.

Please review the application, and submit any necessary comments to this office within 21 days. If the department has not received your written comments within 21 days; we will presume that you do not oppose approval of the application and that you have no comments for the department to consider.

In addition, if you desire to formally protest the approval of this application, you may do so by filing a written protest with this office, on or before **June 3, 2019**.

Please contact this office if you have any questions regarding this information.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 09, 2019 4:34 PM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger ad.doc; Challis Messenger cover letter.docx

Attached please find (1) legal notice being submitted for publication on May 16th & 23rd, 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) 736-3033
denise.maline@idwr.idaho.gov



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

May 9, 2019

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226

RE: Transfer No. 83234
Water Right No(s): 72-16976

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 June 3, 2019. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83234**

MARK WISNER and JODY M WISNER, 4500 CHALLIS CREEK RD, CHALLIS, ID 83226-4942; has filed Application No. 83234 for changes to the following water rights within CUSTER County(s): Right No(s). 72-16976; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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 (POR) and place of use (POU) for a Challis Creek water right that allows for the diversion of 0.01 cfs delivered through the Highline Canal for irrigation of 0.4 acre. The proposed POR out of the Highline Canal is approximately 300 feet upstream of the current POR. The proposed POU is approximately 1.1 miles west and 0.5 mile south of the current POU. The proposed POR and POU are located approximately 3.5 miles north and 0.8 mile west of the center of Challis.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, 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 June 3, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 16th & 23rd, 2019

Inouye, Allison

From: Inouye, Allison
Sent: Wednesday, May 08, 2019 12:22 PM
To: Clark, Cynthia Bridge
Subject: Water Right Transfer in Basin 72 from Challis Creek (72-16976)

Hi Cynthia,
Transfer 83234, involving water right 72-16976, will be advertised in the next couple weeks.

Application for transfer proposes to change the point of diversion (POR) and place of use (POU) for a Challis Creek water right that allows for the diversion of 0.01 cfs delivered through the Highline Canal for irrigation of 0.4 acre. The proposed POR out of the Highline Canal is approximately 300 feet upstream of the current POR. The proposed POU is approximately 1.1 miles west and 0.5 mile south of the current POU. The proposed POR and POU are located approximately 3.5 miles north and 0.8 mile west of the center of Challis.

Please feel free to contact me with any questions or concerns.
Best,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

MEMORANDUM

Date: May 8, 2019
To: Transfer 83234
From: Allison Inouye
Re: Transfer Synopsis

Application for transfer proposes to change the point of diversion (POR) and place of use (POU) for Challis Creek water right 72-16976 which allows for the diversion of 0.01 cfs delivered through the Highline Canal for irrigation of 0.4 acre. This application follows a recently processed ownership change split. The proposed POR moves the location where the water is diverted out of the Highline Canal approximately 300 feet upstream. The proposed place of use is approximately 1.1 miles west and 0.5 mile south of the current place of use. The proposed POR and POU are located approximately 3.5 miles north and 0.8 miles west of the center of Challis. The POR and POU are located within Water Districts 72A and 170 so watermaster comments will be solicited.

MEMORANDUM

Date: May 8, 2019

To: Transfer 83234

From: Allison Inouye

Re: Filing Fee

The filing fee for this transfer is based on the total amount of water being transferred, 0.01 cfs. The transfer fee schedule indicates that the filing fee is \$200 for a transfer involving 0.0 – 0.2 cfs. (Receipt No. S037309)

Inouye, Allison

From: Mark Wisner <ovis@custertel.net>
Sent: Wednesday, May 08, 2019 10:45 AM
To: Inouye, Allison
Subject: FW: Water right
Attachments: SCAN0002.JPG

Number 2 document. Thanks

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

From: Mark Wisner <ovis@custertel.net>
Sent: Wednesday, May 8, 2019 10:36 AM
To: ovis@custertel.net
Subject: Water right

Inouye, Allison

From: Mark Wisner <ovis@custertel.net>
Sent: Wednesday, May 08, 2019 10:44 AM
To: Inouye, Allison
Subject: FW: Water right
Attachments: SCAN0001.JPG

Thanks for all the help. I had to split the docs up into two emails.

From: Mark Wisner <ovis@custertel.net>
Sent: Wednesday, May 8, 2019 10:41 AM
To: ovis@custertel.net
Subject: Water right

Inouye, Allison

From: Inouye, Allison
Sent: Tuesday, May 07, 2019 4:48 PM
To: 'Mark Wisner'
Subject: Transfer Application - corrections needed
Attachments: WisnerTransferAmendments.pdf

Hi Mark –

I looked over your transfer application for water right 72-16976. It looks good, but I found a couple items that I believe need to be corrected.

- On Page 3, item number 4 (Place of Use), the application lists the description where the water right is currently used. I believe you intended it to identify the location of where you want to move the right to which would be your property in 14N, 19E, Section 8, NESW.
- On Page 5, Part 2B is only applicable if you want to change a portion of a water right. In this case, since you already split off this water right, I believe you intend to change all of right 72-16976. If that's correct, then Part 2B is not applicable.

Since these are minor corrections and don't change the intent of the transfer, you don't have to resubmit an entire new application. I marked the changes on the attached document. If they look ok to you, can you please sign and date both pages indicating you concur with the changes? If possible, to speed up processing, email me a copy of the pages after you sign them and then drop the originals in the mail with a note indicating that you want us to replace these pages in your transfer application with the amended pages to (regular mail is fine). I can start processing it based on the emailed copy until the hard copy arrives.

Give me a call or email me and let me know if you got this message. I am hoping to get this into advertising ASAP for you and my deadline is Thursday morning.

Thanks,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov