

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82778**

This is to certify that: LOUANN MCCUNE AND/OR
LOWELL E LULL
PO BOX 344
RIGGINS, ID 83549-0344

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
78-12507	WR/LICENSE	6/2/1988	0.010 cfs	2.0 af	N/A	0.5	LITTLE SALMON RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
78-12507	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
78-12507	78-12507	0.010 cfs	2.0 af	N/A	0.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.010 cfs	2.0 af	N/A	0.5		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of April, 2019.



CLAY WEBSTER, Water Rights Supervisor

WATER RIGHT NO. 78-12507

As Modified by Transfer No. 82778

In accordance with the approval of Transfer No. 82778, Water Right No. 78-12507 is now described as follows:

Right Holder: LOWELL E LULL AND/OR
LOUANN MCCUNE
PO BOX 344
RIGGINS, ID 83549-0344

Priority Date: 6/2/1988

Source: LITTLE SALMON RIVER

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From
3/01

To
to 11/30

Diversion Rate
0.040 cfs
0.010 cfs

Diversion Volume
8.0 af
2.0 af

LOCATION OF POINT(S) OF DIVERSION

LITTLE SALMON RIVER SWNE Sec 32 Twp 23N Rge 01E IDAHO County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	32			0.1	0.4													0.5

POU Total Acres: 0.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.

State of Idaho
Department of Water Resources
Attachment to Transfer 82778
78-12507

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.01 0.02 0.04 Miles





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

April 18, 2019

LOWELL E LULL
LOUANN MCCUNE
PO BOX 344
RIGGINS ID 83549-0344

Re: Transfer No: 82778
Water Right No(s): 78-12507

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,



Clay Webster

Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 82778
Water Right No(s): 78-12507**

**LOWELL E LULL
PO BOX 344
RIGGINS ID 83549-0344**

**LOUANN MCCUNE
PO BOX 344
RIGGINS ID 83549-0344**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: The petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

APR 01 2019

DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

*OK
H-2-19*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82778
LOWELL E LULL and
LOUANN MCCUNE, PO
BOX 344, RIGGINS, ID
83549-0344; has filed Appli-
cation No. 82778 for changes
to the following water rights
within IDAHO County(s):
Right No(s). 78-12507; The
purpose of the transfer is to
change a portion of the above

rights as follows:
authorize irrigation of a maxi-
mum of 0.5 acres in the SWNE
and SENE quarter-quarters of
Sec 32, Township 23N, Range
01E, from a point of diversion
on the Little Salmon River, in
the SWNE QQ of Sec 32,
Township 23N, Range 01E.
For additional information
concerning the property loca-
tion, 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 pro-
posed 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
4/8/2019. The protestant must
also send a copy of the protest
to the applicant.
GARY SPACKMAN, Director
Published on 3/20/2019 and
3/27/2019

Sarah S. Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 20th day of March, 2019; and the last publication on the 27th day of March, 2019; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

[Signature]

STATE OF IDAHO)
COUNTY OF IDAHO)

On this 27th day of March in the year of 2019, before me a Notary Public personally appeared Sarah S. Klement, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Jolene Rupp
Notary Public for Idaho
Residing at Grangeville, ID.
My commission expires: 1-29-25

JOLENE RUPP
COMMISSION NO. 35483
NOTARY PUBLIC
STATE OF IDAHO

RECEIVED

APR 01 2019

FISCAL