

\$740

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82751

RECEIVED

OCT 10 2018

DEPARTMENT OF
WATER RESOURCES

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 www.idwr.idaho.gov.

Name of Applicant(s) DAVID L WISY

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 #1-10.

- ☐ ☒ #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

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DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) DAVID L UDY Phone 208.940.0807

Mailing address PO BOX 87, LEADORE ID 83464-0087 Email ludy ranches@gmail.com

- ☐ 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.

David L. Udy
Signature of Applicant or Authorized Representative

DAVID L. UDY
Print Name and Title if applicable

10/3/18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**.

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 ☒ ☐	74-49	2.9	Irrigation	03/15 to 11/15	Little Timber Creek
☒ ☐	74-379	0.2	Irrigation	03/15 to 11/15	Milk Creek
☒ ☐	74-1856	0.1	Irrigation	03/15 to 11/15	Springs
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.2 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.2 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 #

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	
15N	25E	11															40		40
15N	25E	14		32			35	25											92
Total Acres (for irrigation use)																			132

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 measured diversion ditch from Little Timber. Milk Creek and springs enter this ditch near the irrigated lands.
- b. Who owns the property at the point(s) of diversion? Applicant and Whittaker Two Dot Ranch
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing diversions from Little Timber and Milk Creek on Whittaker property will not change.
- 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:
A total of 72 acres under these rights will be irrigated within the permissible place of use. Other lands will remain dry or will be irrigated under a new water right.
- 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:
None
- 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:

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

Current Water Right No.: 74-49

Current Owner: DAVID L UDY
Priority Date: 8/21/1909
Origin: Water Right
Status: Active
Basis: Decreed

Source

LITTLE TIMBER CREEK

Tributary

BIG TIMBER CREEK

Beneficial Use **From To**
IRRIGATION 03/15 to 11/15
 Total Diversion

Diversion Rate **Annual Volume**
 2.9 CFS
 2.9 CFS

Location of Point(s) of Diversion

LITTLE TIMBER CREEK
LEMHI County

SW1/4NW1/4 Sec. 24, Twp 15N, Rge 25E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R25E S11	SWSE	3.00	T15N R25E S14	NWNE	3.00
T15N R25E S14	NENW	40.00	T15N R25E S14	NWNW	26.00

Total Acres: 72

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.

Decreed Date: 4/3/2012

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

Current Water Right No.: 74-379

Current Owner: DAVID L UDY
Priority Date: 8/21/1909
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILK CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

0.2 CFS

0.2 CFS

Annual Volume

Location of Point(s) of Diversion

MILK CREEK

LEMHI County

NE1/4NE1/4

Sec. 22, Twp 15N, Rge 25E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R25E S11	SWSE	3.00	T15N R25E S14	NWNE	3.00
T15N R25E S14	NENW	40.00	T15N R25E S14	NWNW	25.00

Total Acres: 71

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. E64 This right authorizes the irrigation of 72 total acres.

Decreed Date: 4/3/2012

Page _____ of _____

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

Current Water Right No.: 74-1856

Current Owner: DAVID L UDY
Priority Date: 12/20/1915
Origin: Water Right
Status: Active
Basis: Decreed

Source

SPRINGS

Tributary

MILK CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 3/15 to 11/15
STOCKWATER 1/01 to 12/31
Total Diversion

0.1 CFS
0.04 CFS
0.1 CFS

Location of Point(s) of Diversion

SPRINGS
LEMHI County

NW1/4NE1/4 Sec. 14, Twp 15N, Rge 25E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R25E S11	SWSE	1.00	T15N R25E S14	NWNE	4.00
Total Acres: 5					

Place of Use: STOCKWATER same as IRRIGATION

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.

Decreed Date: 4/3/2012

82751

Coleman

Milk Creek

10

11

Existing POU

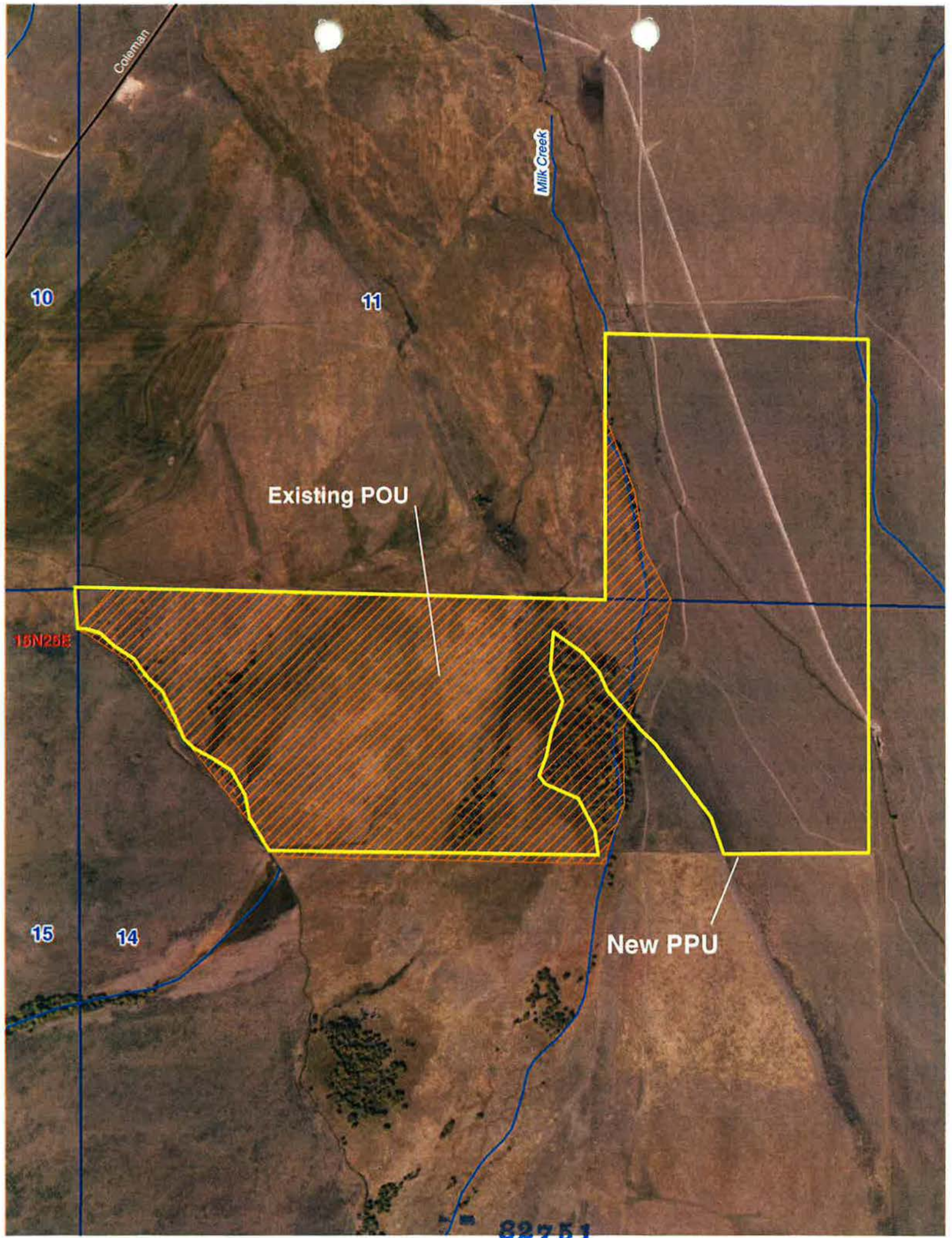
15N25E

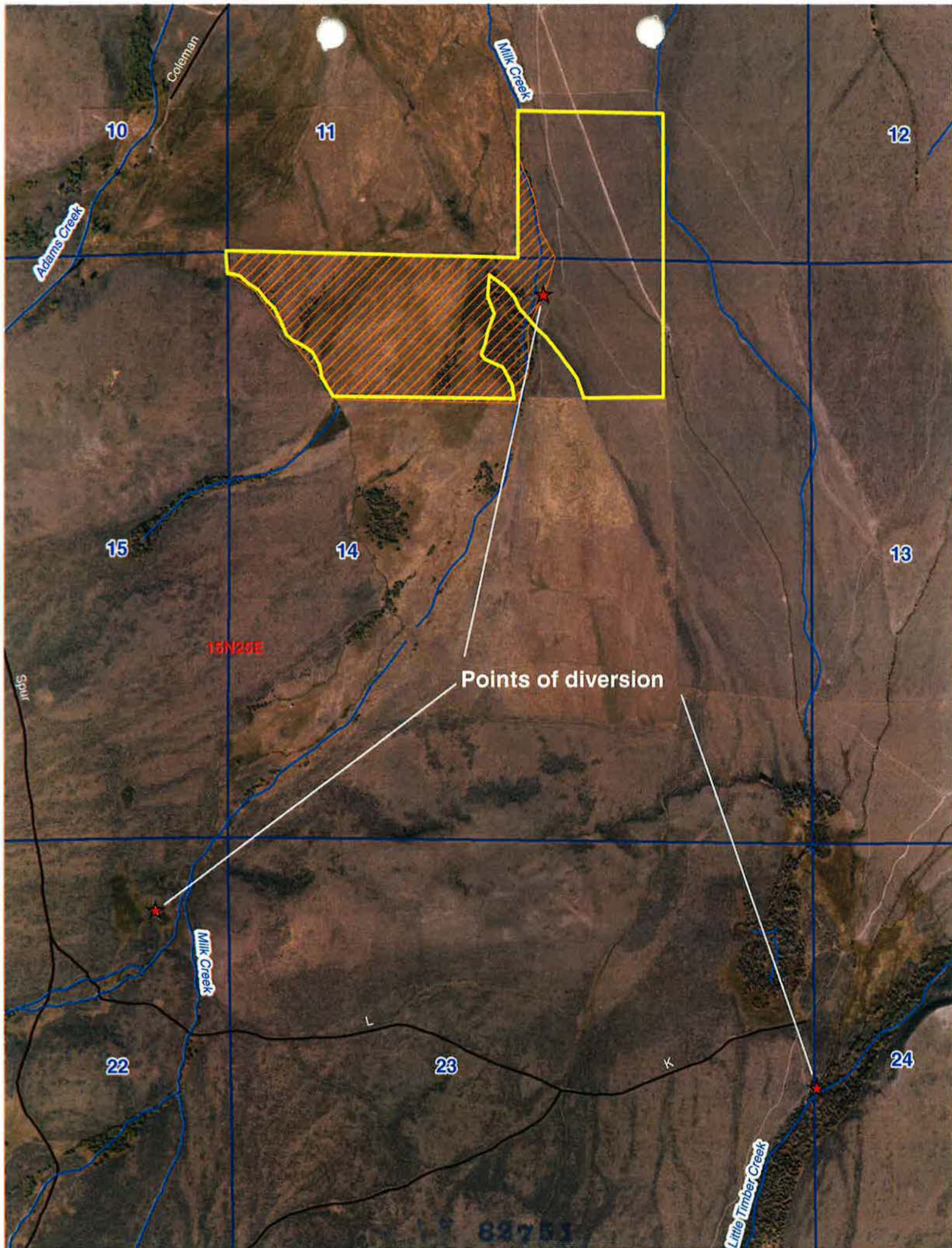
15

14

New PPU

82751





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 May 20, 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:

74-16205

DAVID L UDY
PO BOX 87
LEADORE, ID 83464-0087
Point of Diversion SWNW S24 T15N R25E LEMHI County
Source LITTLE TIMBER CREEK Tributary BIG TIMBER CREEK
Use: IRRIGATION
03/15 to 11/15
1 CFS
Total Diversion:
1 CFS
Date Filed: 11/9/2018
Place Of Use: IRRIGATION
T15N R25E S11SWSE
T15N R25E S14 NWNE NENW NWNW
Total Acres: 132

This application proposes the diversion and use of water from 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

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 5/20/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/2/2019 and 5/9/2019

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82751**

DAVID L UDY, PO BOX 87, LEADORE, ID 83464-0087; has filed Application No. 82751 for changes to the following water rights within LEMHI County(s): Right No(s). 74-1856, 74-379, 74-49; The purpose of the transfer is to change a portion of the above rights as follows: to expand the places of use of 72 acres of irrigation to a permissible place of use of 132 acres located in Sections 11 & 14, T15N, R25E, along Milk Creek and approximately 6 miles southwest of Leadore.

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 5/20/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/2/2019 and 5/9/2019

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 25, 2019 10:14 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 May 20, 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



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 25, 2019

DAVID L UDY
PO BOX 87
LEADORE, ID 83464-0087

Application For Permit No. 74-16205
Application for Transfer 82751
Water Right No(s). 74-1856, 74-379, 74-49

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the applications has been prepared and is scheduled for publication in the RECORDER HERALD on 5/2/2019 and 5/9/2019. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the permit and transfer approval.

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

Sincerely,

Jean Hersley
Technical Records Specialist

CC: BROCKWAY ENGINEERING PLLC



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 25, 2019

WATER DISTRICT #74W
DEREK PAPATHEODORE
PO BOX 82
LEADORE ID 83464-0082

RE: Application for Permit: 74-16205
Application for Transfer: 82751
Water Right Nos. 74-49, 74-379 & 74-1856

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. 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 watermaster, 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 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

Enclosure(s)

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Application No.: 74-16205

Applicant's Name: DAVID UDY
PO BOX 87
LEADORE ID 83464-0087

Watermaster'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 _____, 2019

Water District No. 74W

Watermaster's Signature _____

Printed Name: _____

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Application for Transfer: 82751
Water Right Nos. 74-49, 74-379 & 74-1856

Applicant's Name: DAVID UDY
PO BOX 87
LEADORE ID 83464-0087

Watermaster'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 _____, 2019

Water District No. 74W

Watermaster's Signature _____

Printed Name: _____

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 25, 2019 10:35 AM
To: Jeff Richards
Subject: Application for permit and Application for Transfer

RE: Application for Permit No. 74-16205
Application for Transfer No. 82751
Water Right Nos. 74-49, 74-379 & 74-1856

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 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 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*



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 25, 2019

WATER DISTRICT #74
RICK SAGER
PO BOX 744
SALMON ID 83467-0744

via e-mail

RE: Transfer No. 82751
Water Right No(s): 74-49, 74-379 & 74-1856

Dear Kevin:

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.: 82751
74-1856

Water Right No(s): 74-49, 74-379 &

Transfer Applicant's Name: DAVID UDY
PO BOX 87
LEADORE ID 83464-0087

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. 74

Water master's Signature

Printed Name

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 25, 2019 10:53 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Skoro, Emily; Cassel, Amy
Subject: Application for Permit and Application for Transfer in the name of Udy

Application for Permit 74-16205 and application for transfer 82751, water rights 74-49, 74-379 & 74-1856, will be advertised on May 2 & 9 with the protest end date of May 20, 2019. Please let me know if you have any comments or concerns with the applications. Documents will be scanned by the end of the day.

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 25, 2019 10:46 AM
To: 'RICK375@CENTURYTEL.NET'
Subject: Comment Letter via email to watermaster App for Transfer
Attachments: Letter via email to watermaster App for Transfer.docx

Please see attached letter.

*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

April 25, 2019

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

RE: Application for Permit No. 74-16205
Application for Transfer No. 82751
Water Right Nos. 74-49, 74-379 & 74-1856

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 black ink that reads 'Jean Hersley'. The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II



State of Idaho

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 25, 2019

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

RE: Application for Permit No. 74-16205
Application for Transfer No. 82751
Water Right Nos. 74-49, 74-379 & 74-1856

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 applications at:

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

Sincerely,

A handwritten signature in black ink that reads 'Jean Hersley'. The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

MEMORANDUM

Date: April 12, 2019
To: Transfer 82751
From: David Betts
Re: Review & Evaluation of Sufficiency of Information

Background: David L. Udy filed an Application for Transfer of Water Right for water rights 74-49 (72 acre limit), 74-379 (72 acre limit within 71 acre legal description), and 74-1856 (5 acre limit) which was received on October 10, 2018. The place of use ("POU") for water right no. 74-49 appears to contain the entire POUs of the other two water rights. The application for transfer is a request to modify and expand the POUs for all three water rights to a single 132 acre permissible place of use ("PPU"), which overlaps with the majority of the original POU of 74-49. Mr. Udy has also applied for an additional water right (Application for Permit 74-16205) to irrigate the remaining 60 acres within the proposed PPU.

The applicant did not request a change to the stockwater portion of 74-1856

Authority to File: The application was submitted and signed by David L. Udy. Mr. Udy is the owner of the three water rights listed in the application for transfer. According to Lemhi County tax parcel data, Mr. Udy is the owner of the land containing the proposed PPU.

Mr. Udy paid the fee of \$740 for the combined diversion rate of 3.2 cfs for the three water rights.

Water Right Validity: The rights are presumed to be valid. The three rights were decreed on April 3, 2012. General satellite imagery confirms that water has been applied to the POUs associated with this transfer during the last 5 years. Forfeiture is not a concern.

Injury to Other Water Rights: The applicant does not propose any changes to the points of diversion ("PODs"), therefore there is no concern for injury with respect to the PODs.

If the transfer is approved, the water rights will maintain the same diversion rates and nature of use as their decrees. Because water rights in the region were reviewed during the SRBA adjudication, with time allowed for protests, injury is not a concern with respect to the nature of use of these water rights.

The proposed PPU overlaps with most of the area of the existing places of use. The requested acres to add to the proposed PPU are adjacent to the existing POUs and within the same drainage. As long as conditions are set to prevent enlargement, there is no evidence that other water rights will be injured if this transfer is approved to modify the POUs.

Enlargement of Use: The places of use of the three rights are overlapping and limited to a 72 acre boundary. If the transfer is approved, water rights 74-49, 74-379, and 74-1856 should have a combined use limit of 72 acres to prevent enlargement. The applicant states that the remaining 60 acres within the proposed PPU will be irrigated by a proposed water right (Application for Permit 74-16205) or will remain dry.

Local Public interest: Comments will be requested from Water District 74W, and IDWR Eastern Regional office to address any concerns. Watermaster Cindy Yenter of WD170 will be notified per her request regarding transfers in Basin #74. Because of the local interest in other applications for permit that were filed at the same time as Application for Permit 74-16205, this application for transfer will be advertised to allow for comments from the public.

Beneficial Use/Conservation of Water Resources: Irrigation is a recognized beneficial use and no concerns about water conservation were identified during this review.

The proposed transfer would not change the quantity of water or nature of use of the decreed water rights. The assessments of beneficial use and conservation of water resources for the original decrees still stand.

Effect on Economy the Local Area: No change to local economy if this transfer is approved.

Effect on Agricultural Base of the Local Area: No proposed changes that would affect the local agricultural base.

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.