



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

March 25, 2019

LESLIE E LANDRY
PATRICIA S LANDRY
PO BOX 1381
SALMON ID 83467-1381

Re: Application for Transfer No.: 83015
Water Right No(s): 74-646D

Withdrawal of Application

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of the application for transfer referenced above. The withdrawal removes your application from any further consideration or action by the Department.

The filing fee for your request is \$200. The Department received \$250. A refund request for \$50 has been requested and will be sent to you under separate cover from the State Controller's Office. Department resources were expended in order to provide a full review of your application. Therefore, the application filing fees will not be refunded, only the overpayment.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure

REPLICATION FOR ARA

WINTER

☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.0.8. Attach an explanation and any supporting documentation.

City Salmon

State ID Zip 83467-1381 Email LandryLE@gmail.com

- 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) 74-00646D

WITHDRAWN

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.06 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 idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

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:
Single electric pump mainlined to 1,500 gal cistern and then distributed to drip irrigation system for tree nursery.
Controller and measuring device may be installed at pump.

- b. Who owns the property at the point(s) of diversion? Applicant owns property at the proposed POD
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:

- 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. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

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.

Leslie E Landry
Signature of applicant or authorized agent

Leslie E Landry
Print name and title if applicable

January 1, 2019
Date

Patricia S Landry
Signature of applicant or authorized agent

Patricia S Landry
Print name and title if applicable

January 1, 2019
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are 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 _____ Date _____

Fee paid \$250 Date 2/11/19

Received by SC

Receipt # 6044702

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Will refund \$50.00

SC

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

Current Water Right No.: 74-00646D

Current Owner: LESLIE LANDRY
PATRICIA LANDRY

Priority Date: 4/1/1930

Origin: Water Right

Status: Active

Basis: Decreed

Source

WIMPEY CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.06 CFS

Annual Volume

Total Diversion

0.06 CFS

Location of Point(s) of Diversion

WIMPEY CREEK

LEMHI County

SE1/4SE1/4

Sec. 26, Twp 21N, Rge 23E B.M.

Place of Use

IRRIGATION Within LEMHI County

T21N R23E S35

NENE

2.50

T21N R23E S35

SENE

0.30

Total Acres: 2.8

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: 7/9/2007

Application for Water Right



1/1/2019 11:33:58 AM

Points

● Proposed Diversion

■ Existing Diversion

□ Irrigated Area

□ Counties

□ Quarter Quarter

□ Section

□ Township/Range

— Idaho Outline

Idaho Mask

1:4,800

0 0.04 0.07 0.15 mi
0 0.05 0.1 0.2 km

83015

Esri, HERE, Garmin, © OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: March 25, 2019
RE: **Refund: Transfer fee overpayment**

Please refund \$50. Overpayment of application fee.

NAME: LESLIE E LANDRY
PATRICIA A LANDRY
PO BOX 1381
SALMON ID 83467-1381

RECEIPT #: E044702

Thank you.

Jean

RECEIVED
MAR 14 2019
DEPARTMENT OF
WATER RESOURCES

Leslie and Patricia Landry
PO Box 1381
Salmon, ID 83467-1381
(208) 756-1161
LandryLE@gmail.com
March 11, 2019

State of Idaho
Department of Water Resources
ATTN: Alex Dalglish
PO Box 83720
Boise, ID 83720-0098

RE: APPLICATION FOR TRANSFER 83015 OF WATER RIGHT 74-646D

Dear Mr. Dalglish:

This letter is to confirm our telephone conversation earlier today, March 11, 2019. As we discussed, in response to your letter dated March 6, effective immediately, we would like to withdraw the application for transfer of water right which we originally submitted on February 14, 2019.

Sincerely,

A handwritten signature in black ink, appearing to be "Leslie and Patricia Landry", written over a horizontal line.

Leslie and Patricia Landry



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 6, 2019

LESLIE AND PATRICIA LANDRY
PO BOX 1381
SALMON ID 83467-1381

RE: APPLICATION FOR TRANSFER 83015 OF WATER RIGHT 74-646D

Dear Applicant(s):

The Department of Water Resources (Department) received your transfer application on February 14, 2019. The Department is required to evaluate the validity of a water right in accordance with Idaho Code § 42-222(2). Which states in pertinent part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated.

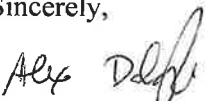
Upon preliminary review of the application, the Department is unable to confirm the validity of water right 74-646D. When viewing satellite imagery it appears that the place of use has not been irrigated for the last 5 consecutive years. Your water right authorizes 0.06 cfs for the irrigation of 2.5 acres within the NENE and 0.3 acres in the SENE, Section 35, T21N, R23E.

There are three options for moving forward with this application.

1. Provide additional information to show beneficial use has occurred.
2. Provide additional information to show a defense to forfeiture in accordance with Idaho Code § 42-223.
3. Withdraw your application.

If the requested information is not received within 30 days of this letter, the Department will reject your application. If you have any questions, contact me at 208-287-4913 or email me at alex.dalglish@idwr.idaho.gov. Thank you for your attention to this matter.

Sincerely,


ALEX DALGLEISH
Water Resource Agent
IDWR State Office

Dalglish, Alex

From: Les Landry <landryle@gmail.com>
Sent: Tuesday, March 5, 2019 1:49 PM
To: Dalglish, Alex
Subject: Re: Transfer 83015 for right 74-646D

Not ours, must be the prior owner.

On Tue, Mar 5, 2019, 13:44 Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov> wrote:

Les,

I just received your water right back from a supervisor. There is an attorney listed on the water right. His name is James E. Siebe. Is this your attorney or the previous water right owner's?

Thanks,

Alex Dalglish

Water Resource Agent

Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov

From: Les Landry [mailto:landryle@gmail.com]
Sent: Tuesday, March 5, 2019 12:56 PM
To: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Subject: Re: Transfer 83015 for right 74-646D

Alex,

I just wanted to touch base and make sure that I addressed your earlier questions and that we are good to go. Do let me know if there is anything else you need to proceed.

Thanks,

Les Landry

155 Wimpey Creek Rd

Salmon, ID 83467

On Sat, Feb 23, 2019, 11:48 Les Landry <landryle@gmail.com> wrote:

Thanks Alex,

It appears that my map confused the issue. We do not wish to change the shape/scope of the irrigated area. The area designated for trees is contained within the original shapefile on the flat area north of the South property line. The map I submitted with the application includes the "homestead" area and is not reflective of the irrigated land. The home water supply is from a natural spring and covered by a separate water right.

Since we acquired the property there has been no irrigation activity. We completed the home in 2017 and have been engaged in land contouring and preparation and we hope to plant in 2020 pending the resolution of the diversion question.

I hope this clarifies your concerns. Thanks,

Les Landry

On Fri, Feb 22, 2019, 16:58 Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov> wrote:

Leslie and Patricia,

I am processing the transfer application you submitted to the Department to change the point of diversion for water right 74-646D. Earlier this afternoon when I spoke with Leslie on the phone, I said that the application

looked good and I did not see concerns. However, I need a few more pieces of information to continue processing the application.

- First, the map included with the application shows an irrigated place of use of 2.8 acres in the NENE and SENE of T21N R23E Sec. 35. The shape of the place of use does not equal 2.8 acres. Please see the attached image from ArcMap representing the place of use and acres for right 74-646D. The Dept. cannot change the shapefile unless you submit a transfer application for right 74-646D to change the place of use.
- Next, I am having difficulty seeing past irrigation use for right 74-646D based on aerial imagery. Can you tell me what you have been using the irrigation right for in the past years?
- You say in the application irrigation is for a tree nursery. Can you please send me a map or describe in detail where you want to irrigate with the new point of diversion?

Please feel free to call or email me if you have any concerns or questions.

Thank you,

Alex Dalglish

Water Resource Agent

Idaho Dept. of Water Resources

State Office

208-287-4913