

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) HEIDI LEAVITT Phone 208.993.1276
2. MAILING ADDRESS PO BOX 48 City MANHATTAN
State NV Zip 89022-0048 Email heyhoho76@rocketmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 75-4016D

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x			SE	SW	7	24N	19E	LEMHI	SPRING CREEK	

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:

POD will be moved from a shared ditch to a pump in the creek on private property. Pump intake will be fitted with IDFG approved screen and discharge fitted with a control valve.

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

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 1/4 1/4 of section information. The *Map Tool*, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Heidi Leavitt
Signature of applicant or authorized agent

HEIDI LEAVITT
Print name and title if applicable

9/24/18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by AL

Date 10-1-18

Fee paid 200 Date 10-1-18

Receipted by AL

Receipt # C105734

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)

COPY

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:

POD will be moved from a shared ditch to a pump in the creek on private property. Pump intake will be fitted with IDFG approved screen and discharge fitted with a control valve.

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- 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)?

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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.

Heidi Leavitt
Signature of applicant or authorized agent

HEIDI LEAVITT
Print name and title if applicable

9/24/18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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FOR DEPARTMENT USE ONLY

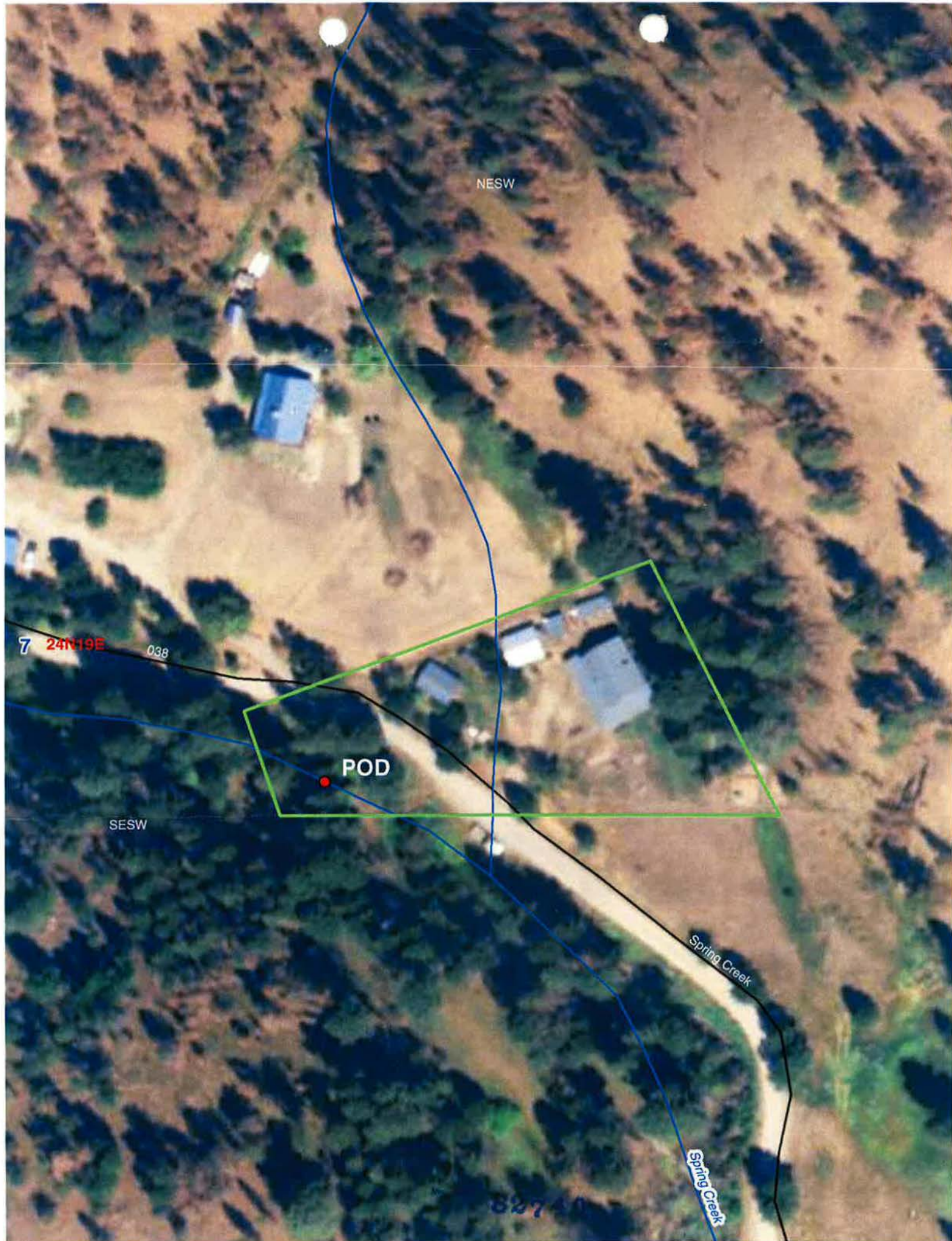
Transfer includes _____ pages of attachments. Received by [Signature] Date 10-1-18

Fee paid 200 Date 10-1-18 Received by [Signature] Receipt # C105734

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)



NESW

7 24N19E

038

POD

SESW

Spring Creek

Spring Creek

82740

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/24/2018

WATER RIGHT NO. 75-4016D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HEIDI LEAVITT PO BOX 48 MANHATTAN, NV 89022-0048 2089931276
Original Owner	ROBB RISHOR PO BOX 177 NORTH FORK, ID 83466 2083942131

Priority Date: 07/31/1928

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.02 CFS	
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

SPRING CREEK|NESE|Sec. 12|Township 24N|Range 18E|LEMHI County

82740

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
24N	19E	7		SESW	0.5									

Place of Use Legal Description: DOMESTIC LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
24N	19E	7		SESW										

Total Acres: 0.5

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. N14 | The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day. |

Dates:

Licensed Date:

Decreed Date: 11/17/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 8:47 AM
To: rhlegals@custertel.net
Subject: Legal Notices for your paper

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
October 12, 2018

208-756-2222 Page 1

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 November 5, 2018. 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:

75-14911

GREGORY P SCHOBY
WINDY N SCHOBY
25 SIOUX LN
CARMEN , ID 83462

Point of Diversion SWNW S17 T23N R22E LEMHI County

Source TOWER CREEK Tributary SALMON RIVER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 8/13/2018

Place Of Use: DOMESTIC

T23N R22E S17 SWNW

This application proposes the diversion and use of water from a tributary to the Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes. Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 11/05/2018. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82740

HEIDI LEAVITT, PO BOX 48, MANHATTAN, NV 89022-0048; has filed Application No. 82740 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4016D. The purpose of the transfer is to change a portion of the above rights as follows: change the point of diversion from NESE, S12, T24N, R18E about ½ mile downstream to the applicant's property in SESW, S7, T24N, R19E located on Spring Creek Rd between National Forest Development Rds 038 & 042 in Lemhi County. 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 11/05/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/18/2018 and 10/25/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 12, 2018

HEIDI LEAVITT
PO BOX 48
MANHATTAN, NV 89022-0048

RE: Transfer No. 82740
Water Right No(s). 75-4016D

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 10/18/2018 and 10/25/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 12, 2018

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

RE: Application for Permit No. 75-14911
Transfer No: 82740, Water right No: 75-4016D

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 this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 12, 2018

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

RE: Application for Permit No. 75-14911
Transfer No: 82740 Water right No: 75-4016D

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 application.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 8:56 AM
To: Jeff Richards
Subject: Application for Permit 75-14911 and Transfer 82740

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 application.

Sincerely,

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 8:56 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Skoro, Emily
Subject: Application for permit 75-14911 and transfer 82740 (75-4016D)

The above applications will be advertised on October 18 and 25 with the protest end date of November 5, 2018. Please let me know if you have any comments or concerns. 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: Friday, October 12, 2018 8:56 AM
To: Jeff Richards
Subject: Application for Permit 75-14911 and Transfer 82740

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

Sincerely,

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

MEMORANDUM

Date: October 9, 2018

To: Transfer 82740

From: Clay Webster

Re: Review & Evaluation of Sufficiency of Information

The department received this application from Heidi Leavitt on October 1, 2018. The application proposes to move the current Spring Creek point of diversion for water right 75-4016D from a shared ditch located in NESE of S12, T24N, R18E in Lemhi County about ½ mile downstream onto the applicant's property at a location in SESW of S7, T24N, R19E in Lemhi County. This location is NW of the corner of National Forest Development Rd 042 and Spring Creek Rd in Lemhi County.

Authority to File:

Current parcel data shows that the applicant is the owner of the property at the proposed point of diversion. She is also the owner of record on water right 75-4016D.

Water Right Validity:

75-4016D was decreed in the SRBA in November of 2008. The right is for domestic use and the irrigation of ½ acre. A review of aerial photos shows that there is ½ acre of ground being irrigated and there is a home located on this lot. I have no concerns of forfeiture at this time.

Injury to Other Water Rights:

This transfer application does not propose any additional diversion of water or increased beneficial use. The proposed new POD is southeast of the current location. There are two other water rights (75-4016C and 75-4015) diverting from the current point of diversion. There are three water rights which divert water between the current point of diversion and the proposed point of diversion (75-4015, 75-10943 and 75-14271) All of these rights have the same priority date of 7/31/1928. I have no concerns of injury.

Enlargement of Use:

This transfer will not authorize any additional diversion of water nor increased beneficial use. There are two domestic rights (75-4016C and 75-7520) with the nominal QQ shape in the system. 75-4016C is appurtenant to the property north of this place of use and 75-7520 is appurtenant to the property south of this place of use. I have no other enlargement concerns.

Local Public Interest:

There are no apparent issues identified. This application will be advertised to allow local concerns to be addressed.

Beneficial Use/Conservation of Water Resources:

This proposed transfer will not change the authorized beneficial use under this right. The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No effects are anticipated.

Effect on Agricultural Base of the Local Area:

This application will have no effect.

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.

Transfer 82740 Leavitt

