

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82323**

This is to certify that: **DARLENE M DARLING AND
WILLIAM S DARLING
282 FOURTH OF JULY CREEK RD
NORTH FORK, ID 83226**

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>
75-14797	WR/DECREED	5/1/1968	0.100 cfs	N/A	N/A	2.5	FOURTH OF JULY CREEK
75-14798	WR/DECREED	4/1/1896	0.110 cfs	N/A	N/A	2.9	FOURTH OF JULY CREEK

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>
75-14797	NO	YES	NO	YES	NO	NO
75-14798	NO	YES	YES	YES	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>
75-14797	75-14797	0.100 cfs	N/A	2.5	3.0	N/A	N/A	N/A	N/A	N/A
75-14798	75-14798	0.110 cfs	N/A	2.9	3.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.200 cfs	N/A	3.0	3.0		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 26th day of July, 2018.



PAMELA S. SKAGGS, Water Rights Supervisor

WATER RIGHT NO. 75-14797

As Modified by Transfer No. 82323

In accordance with the approval of Transfer No. 82323, Water Right No. 75-14797 is now described as follows:

Right Holder: WILLIAM S DARLING AND
DARLENE M DARLING
282 FOURTH OF JULY CREEK RD
NORTH FORK, ID 83226

Priority Date: 5/1/1968

Source: FOURTH OF JULY CREEK **Tributary:** SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 08/01	0.100 cfs
IRRIGATION	08/02	to 11/01	0.080 cfs
			0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

FOURTH OF JULY CREEK	NESE	Sec 30 Twp 24N Rge 22E	LEMHI County
FOURTH OF JULY CREEK	NESE	Sec 30 Twp 24N Rge 22E	LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	22E	30													3.0				3.0

Right Acre Limit: 2.5

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.5 acres within the authorized place of use in a single irrigation season.
2. Rights 75-14797 and 75-14798 when combined shall not exceed a total diversion rate of 0.20 cfs and the irrigation of 3.0 acres.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre when delivered via pump and pressurized irrigation system, nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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 the watermaster suitable control of the diversion.

Transfer No. 82323

WATER RIGHT NO. 75-14797

As Modified by Transfer No. 82323

CONDITIONS OF APPROVAL

5. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 75-14798**As Modified by Transfer No. 82323**

In accordance with the approval of Transfer No. 82323, Water Right No. 75-14798 is now described as follows:

Right Holder: WILLIAM S DARLING AND
DARLENE M DARLING
282 FOURTH OF JULY CREEK RD
NORTH FORK, ID 83226

Priority Date: 4/1/1896

Source: FOURTH OF JULY CREEK **Tributary:** SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 08/01	0.110 cfs
IRRIGATION	08/02	to 11/01	0.080 cfs
			0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

FOURTH OF JULY CREEK	NESE	Sec 30 Twp 24N Rge 22E	LEMHI County
FOURTH OF JULY CREEK	NESE	Sec 30 Twp 24N Rge 22E	LEMHI 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	
24N	22E	30													3.0				3.0

Right Acre Limit: 2.9

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.9 acres within the authorized place of use in a single irrigation season.
2. Rights 75-14797 and 75-14798 when combined shall not exceed a total diversion rate of 0.20 cfs and the irrigation of 3.0 acres.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre when delivered via pump and pressurized irrigation system, nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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 the watermaster suitable control of the diversion.

Transfer No. 82323

WATER RIGHT NO. 75-14798

As Modified by Transfer No. 82323

CONDITIONS OF APPROVAL

5. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 82323

75-14797 and 75-14798

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.



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



0 250 500 750 Feet



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

July 26, 2018

WILLIAM S DARLING
DARLENE M DARLING
282 FOURTH OF JULY CREEK RD
NORTH FORK ID 83226

Re: Transfer No: 82323
Water Right No(s): 75-14797, 75-14798

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) 287-4800.

Sincerely,

A handwritten signature in blue ink that reads "Pamela S. Skaggs". The signature is written in a cursive style with a large, stylized 'P' and 'S'.

Pamela S. Skaggs

Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2018 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.: 82323
Water Right No(s): 75-14797, 75-14798

WILLIAM S DARLING
282 FOURTH OF JULY CREEK RD
NORTH FORK ID 83226

DARLENE M DARLING
282 FOURTH OF JULY CREEK RD
NORTH FORK ID 83226



Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **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 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director 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 Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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.

Hersley, Jean

From: Yenter, Cindy
Sent: Monday, July 16, 2018 5:18 PM
To: Richards, Jeff
Cc: Hersley, Jean
Subject: RE: Transfer # 82323 (Darling - Fourth of July Creek)

The protest deadline is July 23. I am forwarding your comment to Jean for the file.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

From: Richards, Jeff [mailto:jeff.richards@idfg.idaho.gov]
Sent: Monday, July 16, 2018 3:30 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Transfer # 82323 (Darling - Fourth of July Creek)

Cindy:

I don't know if the comment period has pass on this yet, but IDFG would request that a NOAA criteria screen be a condition of the water right transfer.

Sincerely,

Jeff Richards

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 82323**

WILLIAM S DARLING and DARLENE M DARLING, 282 FOURTH OF JULY CREEK RD, NORTH FORK, ID 83226; has filed Application No. 82323 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14797, 75-14798;. The purpose of the transfer is to change a portion of the above rights as follows:

to add & change the points of diversion on Fourth of July Creek from the NENW of Sec 29, T24N, R22E approximately 0.6 mile downstream & from SENE of Sec 30, T24N, R22E approximately 0.1 mile downstream to 2 points of diversion adjacent to the place of use all in the NESE of Sec 30, T24N, R22E.

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 HYPERLINK "<http://www.idwr.idaho.gov/water-rights/transfers/search.html>" <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 7/23/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 7-5-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED CHANGE**, a true printed copy of which is attached to the margin hereat, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **7-5-2018** and ending with the issue dated **7-12-2018**.

STATE OF IDAHO

County of Lemhi

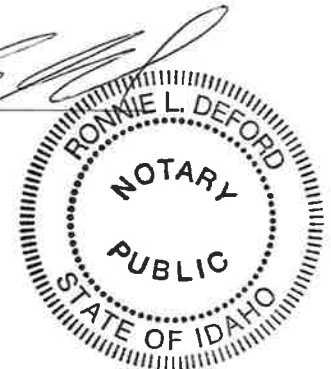
ss.

On this **12th day of July** in this year of 2018 before me, A Notary Public, personally appeared RICKY G. HODGES, 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 he executed the same.

Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 4-10-2023



RECEIVED

JUL 16 2018

DEPARTMENT OF
WATER RESOURCES

gph
7-17-18

Publication Fee \$86.40

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