

RECEIVED

JUN 18 2018

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82323

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 <http://www.idwr.idaho.gov/>.

Name of Applicant WILLIAM S DARLING; DARLENE M DARLING
(s)

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 #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant WILLIAM S DARLING Phone (208) 865-2134

Mailing Address 282 FOURTH OF JULY CREEK RD, NORTH FORK ID 83226 Email _____

Name of Applicant DARLENE M DARLING Phone (208) 865-2134

Mailing Address 282 FOURTH OF JULY CREEK RD, NORTH FORK ID 83226 Email _____

- ☐ 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.

William S Darling
Signature of Applicant or Authorized Representative

WILLIAM S DARLING 6-6-18
Print Name and Title if applicable Date

Darlene M Darling
Signature of Applicant or Authorized Representative

Darlene M Darling 6-6-18
Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	75-14797	No	Yes	No	No	No	No
	75-14798	No	Yes	Yes	No	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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**

Change & add a point of diversion to each right, and modify the location of the 3.0 irrigated acres on
our property.

B. **DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
75-14797	0.090 cfs	N/A	2.5	3.0					
75-14798	0.110 cfs	N/A	2.9	3.0		N/A	N/A	N/A	N/A
						N/A	N/A	N/A	N/A
COMBINE D TOTALS	0.200 cfs	N/A	3.0	3.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.2 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer After Requested Changes**

Proposed Water Right No. 75-14797

Current Water Right Owner

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

Priority Date: 5/1/1968

Origin: Water Right

Basis: Decreed

Status Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	08/01	0.090 CFS	
IRRIGATION	08/02	11/01	0.080 CFS	
Total Diversion			0.090 CFS	

Source and 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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 75-14798

Current Water Right Owner

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

Priority Date: 4/1/1896

Origin: Water Right

Basis: Decreed

Status Active

Source: FOURTH OF JULY CREEK

Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	08/01	0.110 CFS	
IRRIGATION	08/02	11/01	0.080 CFS	
Total Diversion			0.110 CFS	

Source and 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:						2.9													
POU Total Acres:						3.0													

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

1 1/2 hp electric pump with hose, that is 110 volts
we will add a measuring device if needed.

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

William S Darling and Darlene M Darling

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

There shouldn't be any effect, the north side is a hill, other than less erosion.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

There are no other water rights

- f. 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. 75-14797

Current Water Right Owner

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

And

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

Priority Date: 5/1/1968

Origin: Water Right

Basis: Decreed

Status: Active

Source: FOURTH OF JULY CREEK

Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	08/01	0.100 CFS	
IRRIGATION	08/02	11/01	0.080 CFS	
Total Diversion			0.100 CFS	

Source and Point(s) of Diversion:

FOURTH OF JULY CREEK

SENE

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													2.5				2.5

POU Total Acres: 2.5

Conditions/Remarks:

1. 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.

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

Current Water Right No. 75-14798

Current Water Right Owner

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

And

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

Priority Date: 4/1/1896

Origin: Water Right

Basis: Decreed

Status: Active

Source: FOURTH OF JULY CREEK

Tributary: SALMON RIVER

Beneficial Use

From

To

Diversion Rate

Subuse Code

IRRIGATION

04/01

08/01

0.110 CFS

IRRIGATION

08/02

11/01

0.080 CFS

Total Diversion

0.110 CFS

Source and Point(s) of Diversion:

FOURTH OF JULY CREEK

NENW

Sec. 29 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				0.1									2.8				2.9

POU Total Acres: 2.9

Conditions/Remarks:

1. THIS RIGHT IS A SPLIT FROM RIGHT 75-14145.
2. 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

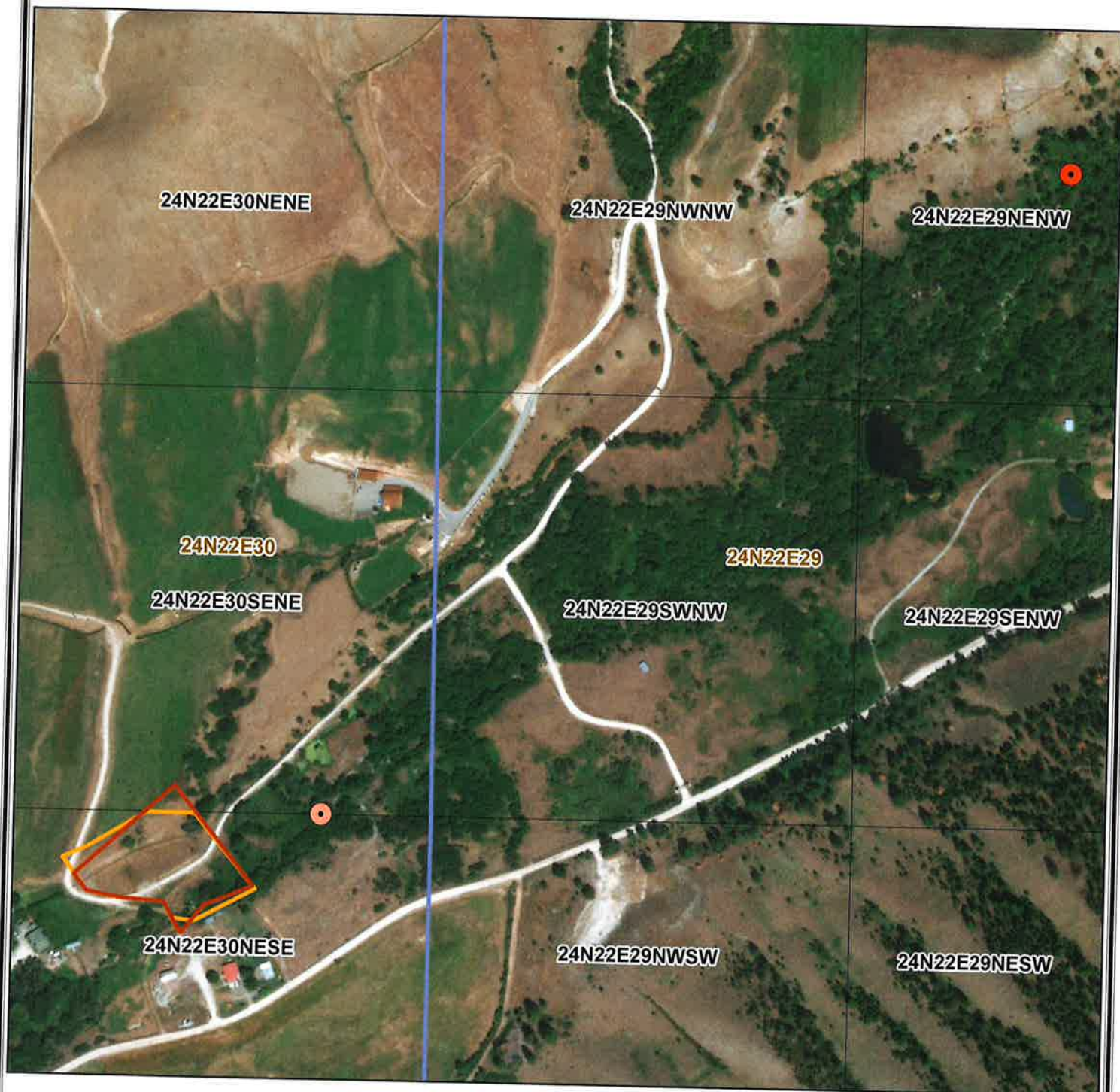
☐

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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

Received By	_____	Date	4/27/2018	Prelim. Check By	_____	Date	_____
Fee Paid	_____	Date	_____	Received	_____	Receipt #	C105026
Add'l Fee Paid	_____	Date	_____	By	_____		
	_____		_____	Received	_____	Receipt	_____
	_____		_____	By	_____	#	_____

Idaho Department of Water Resources
Water Rights 75-14797 and 75-14798
Before Transfer



- | | | | |
|--|----------|--|------------------|
| | 75-14797 | | Quarter Quarters |
| | 75-14798 | | PLS Sections |
| | 75-14797 | | Townships |
| | 75-14798 | | |



0 Miles
0.25



* areas in red will be use of water rights

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 27 2018

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)** WILLIAM S AND DARLENE M DARLING Phone 208.865.2134
 2. **MAILING ADDRESS** 282 FOURTH OF JULY CREEK RD City NORTH FORK
 State ID Zip 83466 Email stlh2o@centruylink.net

- ☐ 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) 75-14797, 75-14798

Note: total transferred flow rate reduced slightly to avoid additional fees

- ☒ 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 0.20 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*.

[illegible]

Superseded by application Received June 18, 2018

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:

Portable pump which may be used at either pump station for sprinkler irrigation. When notified, pump will be fitted with a control valve and measuring device which will move with the pump.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ 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.

William S Darling
Signature of applicant or authorized agent

William S Darling
Print name and title if applicable

4-23-18
Date

Darlene M Darling
Signature of applicant or authorized agent

Darlene M Darling
Print name and title if applicable

4-23-18
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

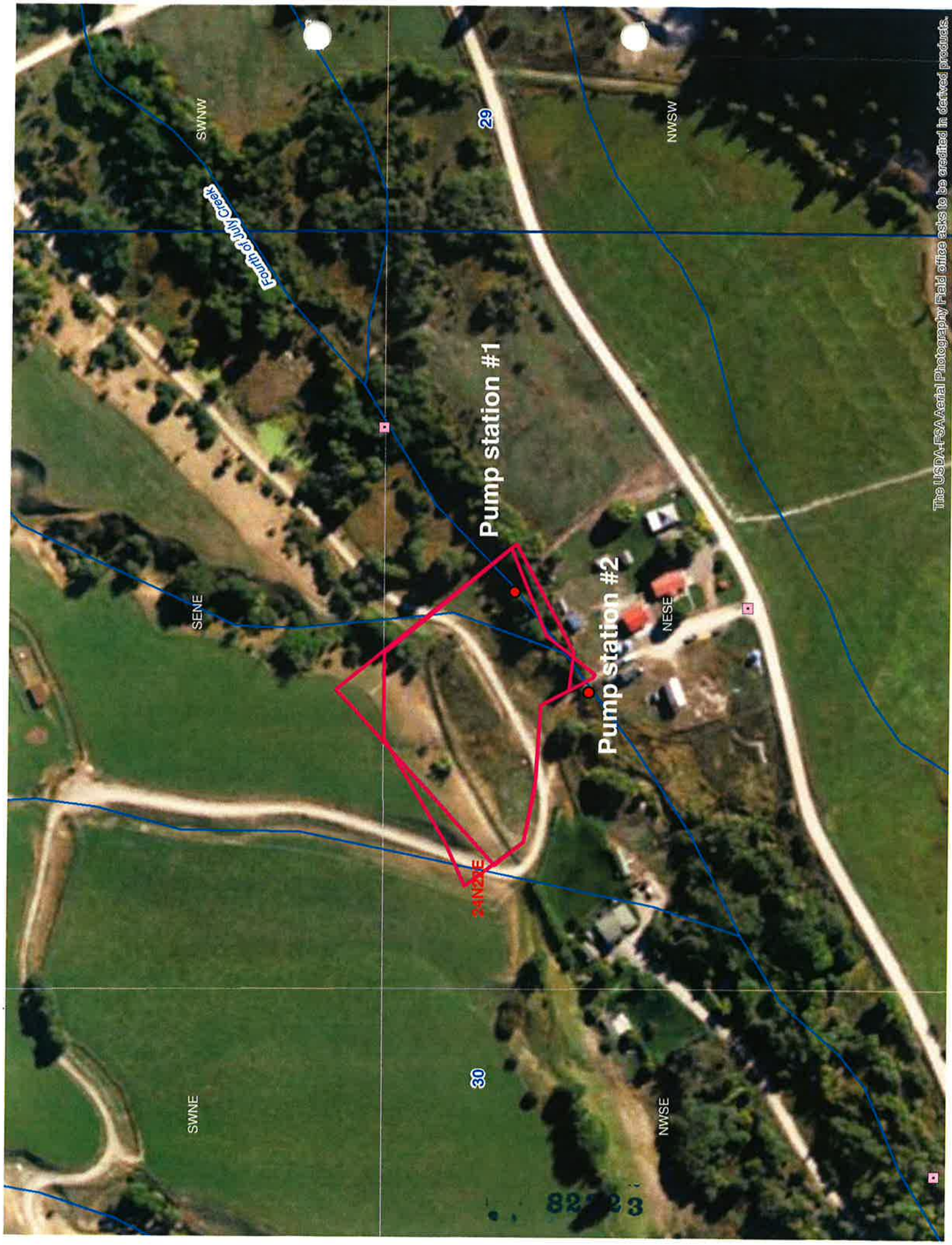
Transfer includes 4 pages of attachments. Received by TD Date 4/27/2018

Fee paid 200.00 Date 4/27/2018 Received by TD Receipt # C105026

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)



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/12/2018

WATER RIGHT NO. 75-14798

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARLENE M DARLING
Current Owner	WILLIAM S DARLING 282 FOURTH OF JULY CREEK RD NORTH FORK, ID 83226 2088652134
Original Owner	JACK R COPELAND HCR 10 BOX 40 CARMEN, ID 83462 2088652451
Original Owner	SHIRLEY COPELAND HCR 10 BOX 40 NORTH FORK, ID 83466

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FOURTH OF JULY CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	08/01	0.11 CFS	
IRRIGATION	08/02	11/01	0.08 CFS	
Total Diversion			0.11 CFS	

Location of Point(s) of Diversion:

82323

FOURTH OF JULY CREEK|NENW|Sec. 29|Township 24N|Range 22E|LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	22E	30		SENE	0.1									
				NESE	2.8									

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	22E	30		SENE	0.1									
				NESE	2.8									

Total Acres: 5.8

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM RIGHT 75-14145.
2. 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.

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

75-138

Other Information:

State or Federal: S

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/12/2018

WATER RIGHT NO. 75-14797

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARLENE M DARLING
Current Owner	WILLIAM S DARLING 282 FOURTH OF JULY CREEK RD NORTH FORK, ID 83226 2088652134
Original Owner	WELLS FARGO BANK NORTHWEST NA LOAN SUPPORT TEAM 999 MAIN ST BOISE, ID 83702 2083935545
Original Owner	JACK R COPELAND HCR 10 BOX 40 CARMEN, ID 83462 2088652451
Original Owner	SHIRLEY COPELAND HCR 10 BOX 40 NORTH FORK, ID 83466

Priority Date: 05/01/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FOURTH OF JULY CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	08/01	0.1 CFS	
IRRIGATION	08/02	11/01	0.08 CFS	

82323

Total Diversion | | 0.1 CFS |

Location of Point(s) of Diversion:

FOURTH OF JULY CREEK|SENE|Sec. 30|Township 24N|Range 22E|LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	22E	30		NESE	2.5									

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	22E	30		NESE	2.5									

Total Acres: 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.

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

75-141

Hersley, Jean

From: Hersley, Jean
Sent: Friday, June 29, 2018 8:47 AM
To: rhlegals@custertel.net
Subject: Legal Notice
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 July 23, 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

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 <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

Published on 7/5/2018 and 7/12/2018



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

June 29, 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

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 7/5/2018 and 7/12/2018. 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,

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

June 29, 2018

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

RE: Application for Transfer No. 82323

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. You can find a copy of the application 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,

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

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, June 29, 2018 9:04 AM
To: Jeff Richards
Subject: Application for Transfer 82323

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. You can find a copy of the application 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, June 29, 2018 9:02 AM
To: Yenter, Cindy; Clark, Cynthia Bridge
Subject: Transfer 82323 in the name of Darling

This transfer will be advertised on July 5 and 12th. Protest end date is July 23, 2018. Documents will be scanned by the end of the day. Please let me know if you have any comments or concerns.

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

Transfer 82323 Memorandum

Date: May 25, 2018

To: Transfer 82323 Darling Water Rights 75-14797 and 75-14798

From: Sandra Thiel

Re: Review & Evaluation of Sufficiency of Information

June 18, 2018 On June 1, 2018, I sent the Darlings a transfer application generated by the transfer software. The correspondence included a map and a letter explaining that we needed more accurate delineation of the proposed post-transfer place of use. On June 18 the Darlings returned the updated transfer application and the map with the place of use highlighted.

Purpose: The application for transfer Points of Diversion does not specifically state a purpose. However, the applicants included a map that identifies two points of diversion as pump station #1 and #2. Neither of these points of diversion are authorized under rights 75-14797 and 75-14798. The source for each of these rights is currently Fourth of July Creek.

Place of Use: On May 7, 2018, I spoke with Darlene Darling about the place of use and point of diversion. There is a road through the north of the Darling's property. North of the road is a ditch that diverts from Fourth of July Creek. According to Ms. Darling, they divert from the ditch, pipe the water under the road and irrigate on the south side of the road. They have not irrigated the approximately one acre to the north of the ditch.

The Darlings irrigate land between two roads, Fourth of July Creek road to the south and an unnamed road to the north. They irrigate around the house primarily with their domestic well. The irrigated land includes 1.4 acres. The Fourth of July Creek water will irrigate the land around the house and the out buildings. They intend to irrigate a total of three acres, the same number of acres as the authorized place of use for rights 75-14797 and 75-14798. All of the post transfer place of use falls within the NESE quarter quarter.

The southeastern portion of the parcel appears to fall within the place of use for domestic right 75-10573. This right is currently in the name of Jack and Kyle Copeland. The Copelands were the original owners of the property. The Darlings should file a *Notice of Change in Water Right Ownership* to put right 75-10573 into their name.

Point of Diversion: Both rights divert from Fourth of July Creek. The two proposed pump stations are also along the creek. Pump station #1, furthest upstream is approximately 335 feet downstream from 75-14797 and approximately 0.6 miles downstream from 75-14798

Authority to File: William S. and Darlene M. Darling submitted an application on April 27, 2018. Both Darlings own rights 75-14797 and 75-14798. According to the February 2018 Lemhi County parcel data, William S Darling owns both the post transfer point of diversion and place of use.

Water Right Validity: Satellite imagery within the past five years shows some evidence of irrigation in 2015 so there are no concerns of forfeiture.

Right 75-14797 was split from 75-141, and 75-14798 from 75-14145, each split was the result of a change in ownership. Rights 75-141 and 75-14145 overlapped at the current place of use. After the split, the place of use for rights 75-14797 and 75-14798 was three acres total in the northwestern portion of the Darling's parcel. Combined these rights provide 0.21 cfs for those three acres or 0.07 cfs per acre from April 1 through August 1. Both rights have a reduced rate during second season of use. From August 2 through November 1 the rate is 0.05 cfs per acre. Both rates far exceed the standard 0.03 cfs per acre for under five acres. Right 75-14798 was delivered through the ditch. The higher than standard rate may be the result of carriage loss.

Injury to Other Water Rights: The priority date for right 75-14798 is 1896. The point of diversion will be moved downstream. Two junior rights fall between the current authorized point of diversion and the requested point of diversion. Currently there is no water master for Fourth of July Creek.

Enlargement of Use: Rights 75-14797 and 75-14798 together allow a diversion rate of 0.21 cfs. There are no combined use limit conditions. The applicants request a total amount of 0.20 cfs to avoid additional fees. The post transfer rights will also include conditions limiting the diversion rate to 0.03 cfs per acre since the total number of acres will be less than five. Taken together this is a significant rate reduction authorized under the two rights combined.

Local Public interest: There are no apparent issues with local public interest.

Beneficial Use/Conservation of Water Resources: This transfer appears to be consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No adverse impacts are anticipated.

Effect on Agricultural Base of the Local Area: The transfer shows no negative impacts on the local agriculture.

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.



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2018

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

RE: Application of Transfer of Water Rights 75-14797 and 75-14798 – Transfer 82323

Dear Applicant:

The enclosed document is a new transfer application for rights 75-14797 and 75-14798. Please review the document carefully and complete items that are highlighted. If we have correctly described the transfer of your rights, please sign the document and return it to the address shown at the top of this letter. I have also enclosed a map showing your property. Please show your intended place of use after the transfer on the map and return it with the application within 14 days, by June 15, 2018. There is no additional fee.

If you have any questions please contact me at (208) 287-4881. Thank you for your help with this.

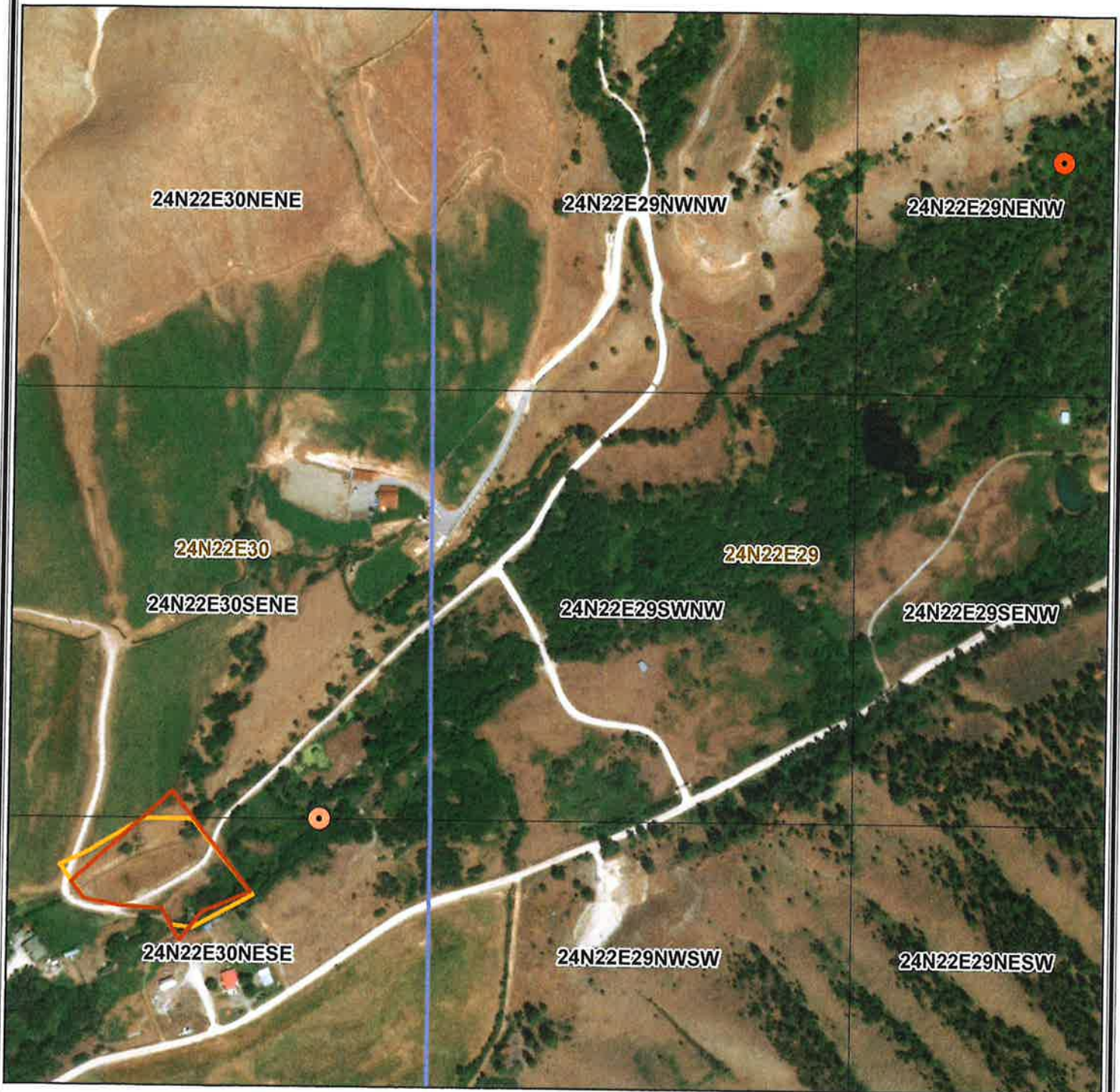
Sincerely,

Sandra Thiel
Sr. Water Resource Agent

Enclosures

Idaho Department of Water Resources
Water Rights 75-14797 and 75-14798

Before Transfer



- | | | | |
|---|----------|---|------------------|
|  | 75-14797 |  | Quarter Quarters |
|  | 75-14798 |  | PLS Sections |
|  | 75-14797 |  | Townships |
|  | 75-14798 | | |

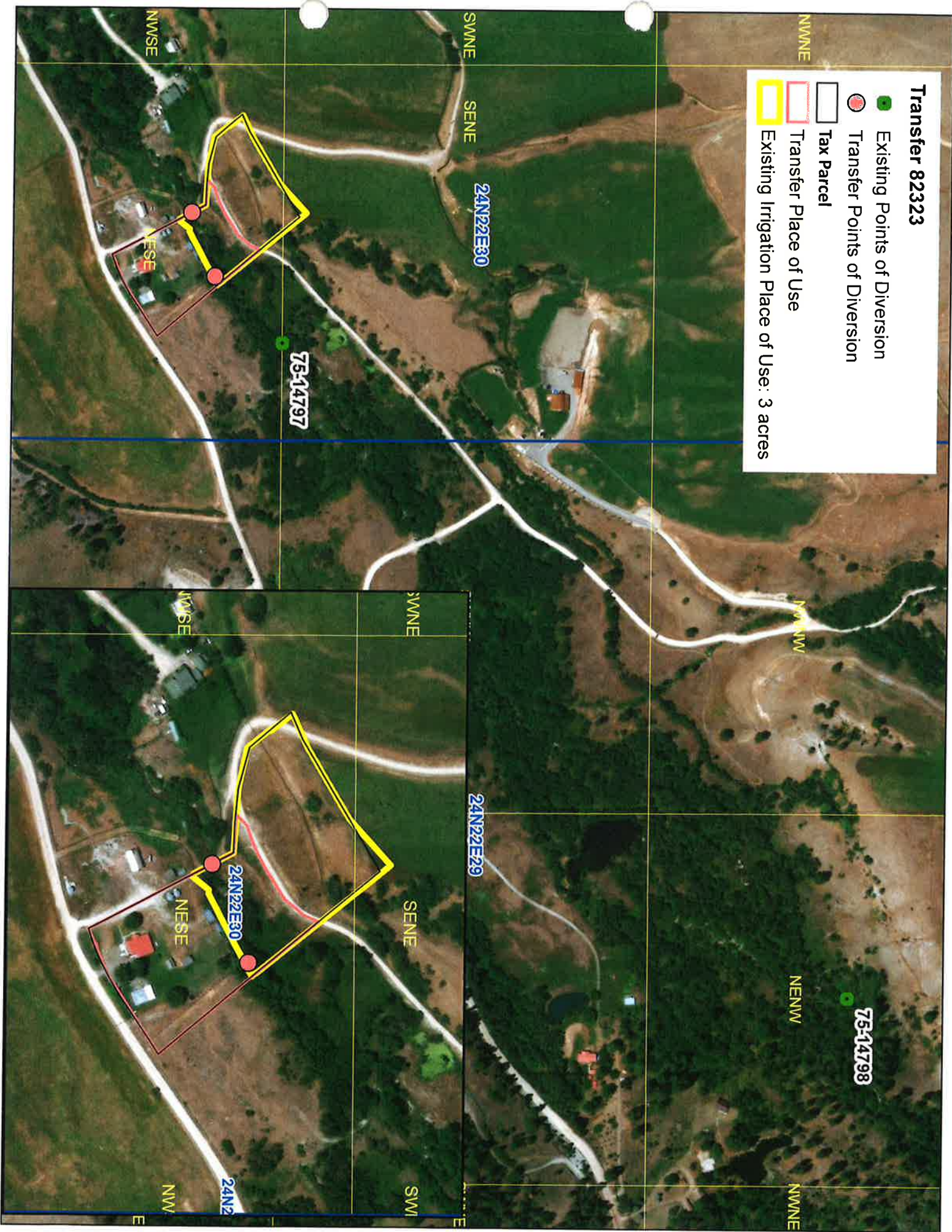


0 Miles 0.25

Transfer 82323

- Existing Points of Diversion
- Transfer Points of Diversion
- Tax Parcel
- Transfer Place of Use
- Existing Irrigation Place of Use: 3 acres

- Transfer 82323**
-  Existing Points of Diversion
 -  Transfer Points of Diversion
 -  Tax Parcel
 -  Transfer Place of Use
 -  Existing Irrigation Place of Use: 3 acres





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

May 4, 2018

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

RE: Application of Transfer of Water Rights 75-14797 and 75-14798 - Transfer 82323

Dear Applicant:

On April 27, 2018, the Department of Water Resources (Department) received your application to transfer the points of diversion for rights 75-14797 and 75-14798. Water rights 75-14797 and 75-14798 were decreed in the Snake River Basin Adjudication in 2008. Right 75-14797 was split from 75-141, and 75-14798 from 75-14145, through changes of ownership that put these rights into your name. Rights 75-141 and 75-14145 overlapped at the current place of use.

After the split, the place of use authorized for overlapping rights 75-14797 and 75-14798 is three acres total in the northwestern portion of your property (Please see the attached map). There appear to be 1.4 acres of irrigation in the southeast portion of your property not covered by a water right. Are these acres also irrigated from Fourth of July Creek?

Do you have a domestic well that you use for irrigation? The southeastern portion of the parcel appears to fall within the place of use for domestic right 75-10573. This right is currently in the name of Jack and Kyle Copeland. Idaho Code allows up to one-half an acre of irrigation under a domestic water right.

Please provide information addressing the following:

How are the acres to the southeast, around the house and other buildings irrigated?

What is the source of that irrigation?

Do you have a domestic well? If so, do you use the well for irrigation?

Please respond within 14 days, by **May 18, 2018**. If you have any questions please contact me at (208) 287-4881 or by email at sandra.thiel@idwr.idaho.gov.

Sincerely,

Sandra Thiel
Sr. Water Resource Agent

Enclosure



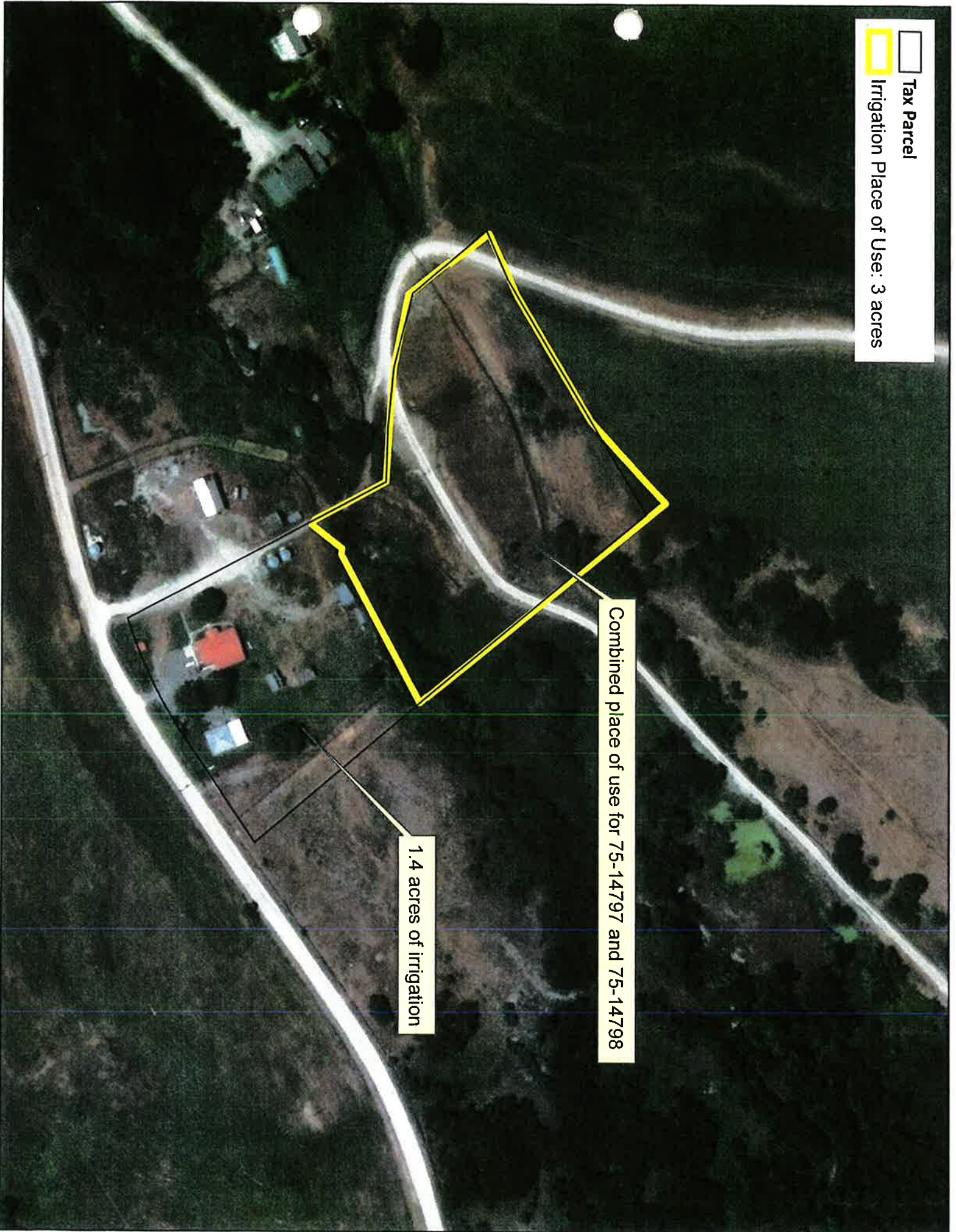
Tax Parcel



Irrigation Place of Use: 3 acres

Combined place of use for 75-14797 and 75-14798

1.4 acres of irrigation



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

Current Water Right No.: 75-14797

Current Owner: WILLIAM S DARLING
DARLENE M DARLING
Priority Date: 5/1/1968
Origin: Water Right
Status: Active
Basis: Decreed

Source

FOURTH OF JULY CREEK

Tributary

SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 08/01	0.1 CFS	
IRRIGATION	08/02 to 11/01	0.08 CFS	
	<u>Total Diversion</u>	0.1 CFS	

Location of Point(s) of Diversion

FOURTH OF JULY CREEK

LEMHI County

SE1/4NE1/4

Sec. 30, Twp 24N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

T24N R22E S30 NESE 2.50

Total Acres: 2.5

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.

Decreed Date: 11/17/2008

IDWR