

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82146

This is to certify that: **BETTY W STOKES**
19 N BARRACKS LN
SALMON, ID 83467-5171

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>
74-15890	WR/DECREED	3/9/1912	1.000 cfs	N/A	N/A	105.1	BOHANNON CREEK
74-179D	WR/DECREED	6/1/1897	2.000 cfs	N/A	N/A	105.1	BOHANNON CREEK
74-4006	WR/DECREED	4/1/1959	2.570 cfs	N/A	N/A	105.1	LEMHI RIVER

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>
74-15890	NO	NO	YES	YES	NO	NO
74-179D	NO	NO	YES	YES	NO	NO
74-4006	NO	NO	YES	NO	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>
74-15890	74-15890	0.950 cfs	N/A	N/A	99.7	N/A	N/A	N/A	N/A	N/A
74-179D	74-179D	1.900 cfs	N/A	N/A	99.7	N/A	N/A	N/A	N/A	N/A
74-4006	74-4006	2.440 cfs	N/A	N/A	99.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.290 cfs			99.7		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 25th day of April, 2018.



PAMELA S. SKAGGS, Water Rights Supervisor

WATER RIGHT NO. 74-179D
As Modified by Transfer No. 82146

In accordance with the approval of Transfer No. 82146, Water Right No. 74-179D is now described as follows:

Right Holder: BETTY W STOKES
 19 N BARRACKS LN
 SALMON, ID 83467-5171

Priority Date: 6/1/1897

Source: BOHANNON CREEK **Tributary:** LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.900 cfs
			1.900 cfs

LOCATION OF POINT(S) OF DIVERSION

BOHANNON CREEK	SESE	Sec 15 Twp 21N Rge 23E LEMHI County
BOHANNON CREEK	SENE	Sec 28 Twp 21N Rge 23E LEMHI County
BOHANNON CREEK	SESE	Sec 29 Twp 21N Rge 23E 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	
21N	23E	29			12.2				4.0	24.2	12.7	4.6			11.4	28.6	0.2	1.8	99.7

POU Total Acres: 99.7

CONDITIONS OF APPROVAL

1. Rights 74-179D, 74-4006 and 74-15890 when combined are limited to the irrigation of a combined total of 99.7 acres in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District Nos. 74, Lemhi River and 74C, Bohannon Creek.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Diversion from the Lemhi River is limited to those times water is available for diversion under this right and priority from Bohannon Creek and is actually delivered to the Lemhi River.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Bohannon Creek at the original point of diversion and at the confluence with the Lemhi River.

Transfer No. 82146

WATER RIGHT NO. 74-179D
As Modified by Transfer No. 82146

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 74-4006

As Modified by Transfer No. 82146

In accordance with the approval of Transfer No. 82146, Water Right No. 74-4006 is now described as follows:

Right Holder: BETTY W STOKES
19 N BARRACKS LN
SALMON, ID 83467-5171

Priority Date: 4/1/1959

Source: LEMHI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

3/15

to

To

11/15

Diversion Rate

2.440 cfs

2.440 cfs

LOCATION OF POINT(S) OF DIVERSION

LEMHI RIVER

SESESE

Sec 29 Twp 21N Rge 23E 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	
21N	23E	29			12.2				4.0	24.2	12.7	4.6			11.4	28.6	0.2	1.8	99.7

POU Total Acres: 99.7

CONDITIONS OF APPROVAL

1. Rights 74-179D, 74-4006 and 74-15890 when combined are limited to the irrigation of a combined total of 99.7 acres in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74, Lemhi River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. This right when combined with all other rights shall provide no more than 0.02 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.

Transfer No. 82146

WATER RIGHT NO. 74-4006
As Modified by Transfer No. 82146

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. 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.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 74-15890

As Modified by Transfer No. 82146

In accordance with the approval of Transfer No. 82146, Water Right No. 74-15890 is now described as follows:

Right Holder: BETTY W STOKES
19 N BARRACKS LN
SALMON, ID 83467-5171

Priority Date: 3/9/1912

Source: BOHANNON CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

to 11/15

To

Diversion Rate

0.950 cfs

0.950 cfs

LOCATION OF POINT(S) OF DIVERSION

BOHANNON CREEK SENE
BOHANNON CREEK SESE

Sec 28 Twp 21N Rge 23E LEMHI County
Sec 29 Twp 21N Rge 23E 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	
21N	23E	29			12.2				4.0	24.2	12.7	4.6			11.4	28.6	0.2	1.8	99.7

POU Total Acres: 99.7

CONDITIONS OF APPROVAL

1. Rights 74-179D, 74-4006 and 74-15890 when combined are limited to the irrigation of a combined total of 99.7 acres in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District Nos. 74, Lemhi River and 74C, Bohannon Creek.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Diversion from the Lemhi River is limited to those times water is available for diversion under this right and priority from Bohannon Creek and is actually delivered to the Lemhi River.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Bohannon Creek at the original point of diversion and at the confluence with the Lemhi River.

Transfer No. 82146

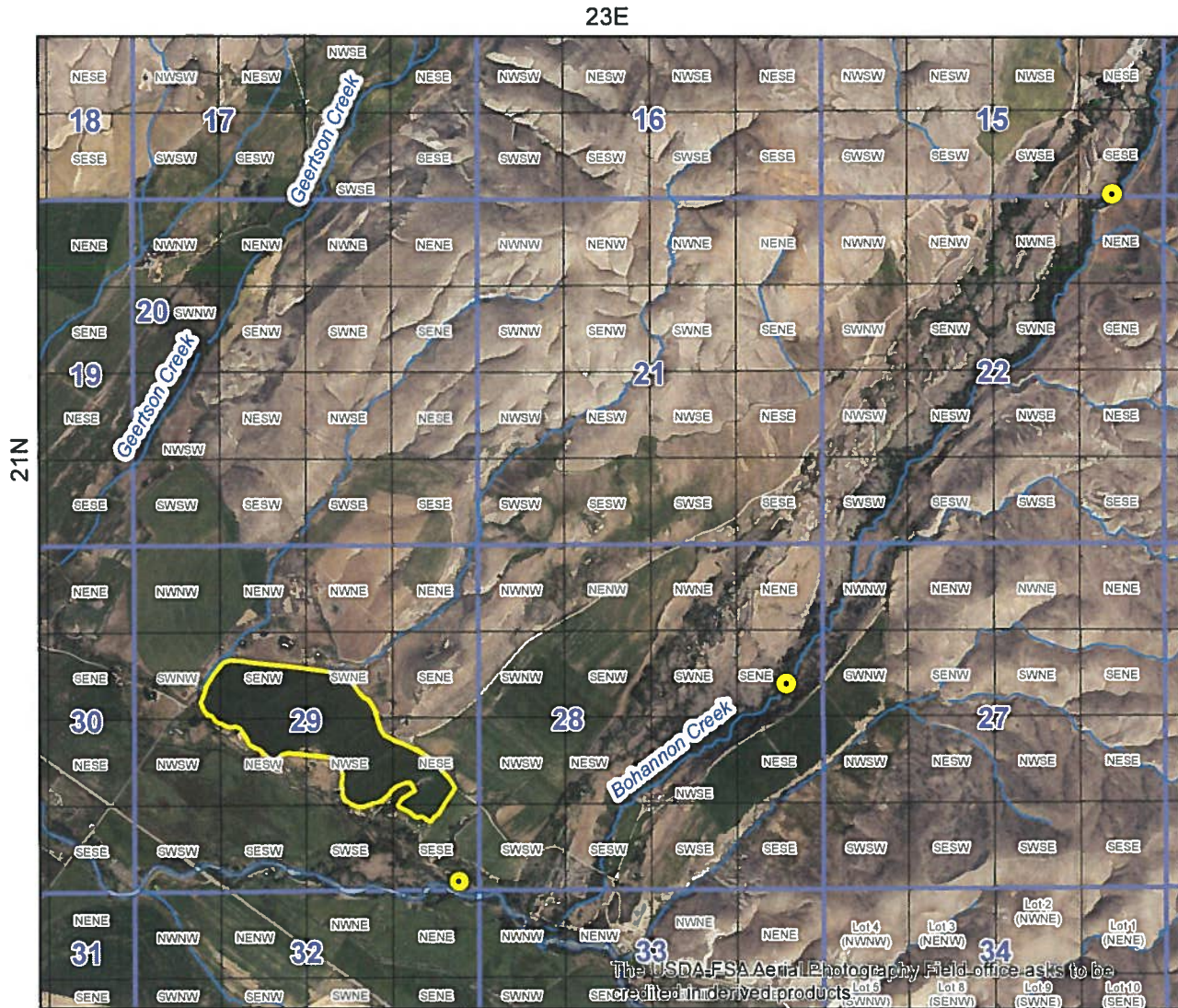
WATER RIGHT NO. 74-15890
As Modified by Transfer No. 82146

CONDITIONS OF APPROVAL

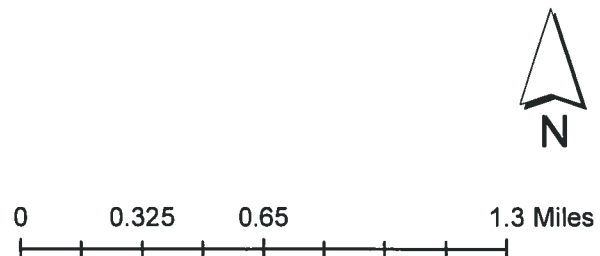
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre when delivered via pump and pressurized irrigation system nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 82146
Water Right No. 74-179D

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
- Townships
- PLS Sections



State of Idaho
Department of Water Resources
Attachment to Transfer No. 82146
Water Right No. 74-4006

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.



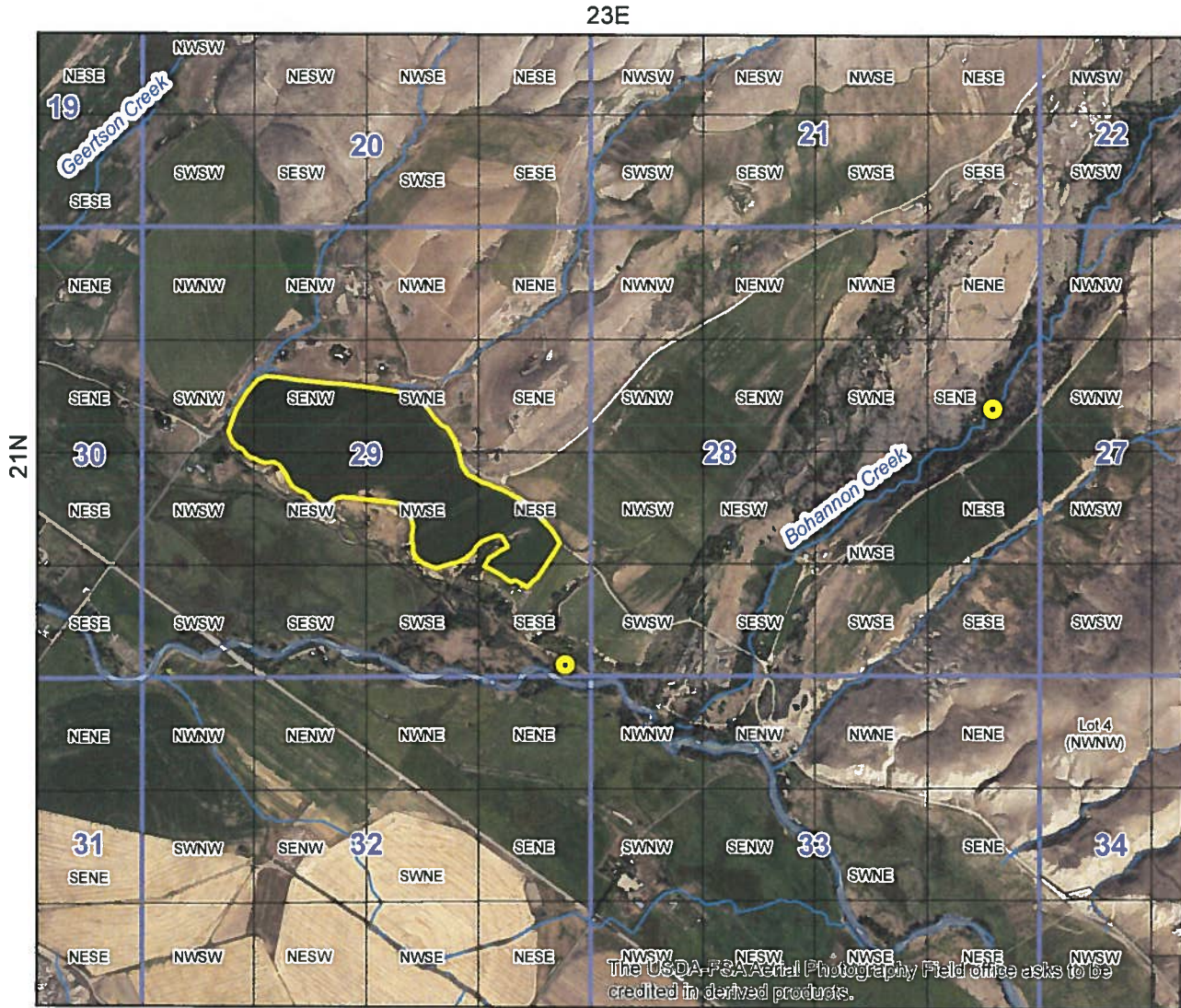
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



0 0.275 0.55 1.1 Miles

State of Idaho
Department of Water Resources
Attachment to Transfer No. 82146
Water Right No. 74-15890

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
- Townships
- PLS Sections



0 0.25 0.5 1 Miles



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

April 30, 2018

BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467-5171

Re: Transfer No: 82146
Water Right No(s): 74-179D , 74-4006, 74-15890
Transfer Approval Notice

Dear Water Right Holder and other Interested Parties:

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) 287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Pamela S. Skaggs". The signature is fluid and cursive, with the first name "Pamela" being more prominent.

Pamela S. Skaggs

Water Rights Supervisor

Enclosure

c: STATE OF IDAHO DEPT OF FISH & GAME

WATER DISTRICT #74

WATER DISTRICT #74C

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 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.: 82146
Water Right No(s): 74-179D , 74-4006, 74-15890

BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467-5171

STATE OF IDAHO
DEPT OF FISH & GAME
99 HWY 93 N
SALMON ID 83467-1336

WATER DISTRICT #74
RICK SAGER
985 HWY 28
SALMON ID 83467

WATER DISTRICT #74C
JERRY ELZINGA
700 MONROE
SALMON ID 83467



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.

RECEIVED

APR 16 2018

DEPARTMENT OF
WATER RESOURCES

Affidavit of Publication

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82146

BETTY W STOKES, 19 N BARRACKS LN, SALMON, ID 83467-5171; has filed Application No. 82146 for changes to the following water rights within LEMHI County(s): Right No(s). 74-15890, 74-179D, 74-4006; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

to add a point of diversion from the Lemhi River known locally as L-8A to Bohannon Creek Rights 74-179D & 74-15890, & change the place of use on the applicant's property located east of State Hwy 28 between Barracks Lane and Old Lemhi Road within Section 29, T21N, R23E.

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 4/23/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 4-5-2tc

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 hereof, 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 **4-5-2018** and ending with the issue dated **4-12-2018**.

STATE OF IDAHO

County of Lemhi

ss.

On this **12th day of April** 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.

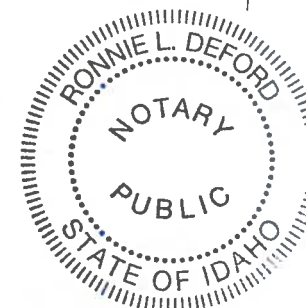
Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 4-10-2023

Publication Fee \$86.40

gmk
4-16-18
56105



4



RECEIVED

APR 12 2018

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

April 9, 2018

State of Idaho Department of Water Resources
ATTN: Jean Hersley, Technical Records Specialist II
322 East Front Street
P.O. Box 83720
Boise, ID 83720

Betty W. Stokes
19 N Barracks Lane
Salmon, ID 83467-5171

RE: Application for Transfer of Water Rights-Transfer No. 82146 (Water Right Nos. 74-15890, 74-179D, 74-4006) Betty W. Stokes – Bohannon Creek, tributary to Lemhi River

Dear Jean and Betty:

Idaho Department of Fish and Game has reviewed the above referenced Applications for Transfer of Water Rights by Betty W. Stokes (Applicant). The Applicant seeks to exchange and/or change existing water rights (adding a point of diversion) from Bohannon Creek, tributary to the Lemhi River, to support a proposed restructured irrigation system that will enhance stream flow in Bohannon Creek and maintain a perennial connection to the Lemhi River. We are very familiar with water use and aquatic habitat conditions of Bohannon Creek and spend considerable time and financial resources with many collaborative partners monitoring and improving anadromous and resident fish populations in the Upper Salmon River basin.

This Transfer is in conjunction with an ongoing conservation project which the Department is currently working on. Based on the nature of this Transfer and parties involved in this conservation project, the Department has no additional comments pertaining to this application. If you have any questions, please contact the Region's Environmental Staff Biologist, Jeff Richards at (208) 756-2271.

Sincerely,

Tom Curet
Regional Supervisor

TC: md

Keeping Idaho's Wildlife Heritage

State of Idaho
Department of Water Resources
Application for Permit

RECEIVED
APR 03 2018
DEPT OF WATER RESOURCES

RECOMMENDATION FORM

Application No.: 82146

Applicant's Name:
Betty Stokes

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 2 day of April, 2018

Water District No. 74

Watermaster's Signature

Rick Stokes