

RECEIVED**JAN 16 2018****DEPARTMENT OF
WATER RESOURCES****STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**Transfer No. 82146**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 www.idwr.idaho.gov.

Name of Applicant(s) Betty Stokes

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 #1-10.

- ☐ ☒ #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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 14 2018

APPLICATION FOR TRANSFER OF WATER RIGHT

DEPT OF WATER RESOURCES

PART 1

Name of Applicant(s) Betty Stokes Phone _____

Mailing address 19 N. Barracks Lane, Salmon, ID Email _____

83467

- ☐ 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 Jeff DiLuccia Phone (208) 756-2271

Mailing address IDFG 99 Highway 93 N. Salmon, ID Email jeff.diluccia@idfg.

83467

idaho.gov

- ☐ 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.

Betty Stokes
Signature of Applicant or Authorized Representative

Betty Stokes/ Owner
Print Name and Title if applicable

1-10-18
Date

Jeff DiLuccia
Signature of Applicant or Authorized Representative

JEFF DI LUCCIA
Print Name and Title if applicable

1/10/18
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 16 2018

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Betty Stokes Phone _____Mailing address 19 N. Barracks Lane, Salmon, ID 83467 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.


 Signature of Applicant or Authorized Representative

Betty Stokes/ Owner

Print Name and Title if applicable

Date

1-10-18

 Signature of Applicant or Authorized Representative


 Print Name and Title if applicable

Date

1/10/18**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**.
 See Attachment

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	74-179D	2 cfs	Irrigation	03/15 to 11/15	Bohannon Creek/Lemhi Ri
☒ ☐	74-15890	1 cfs	Irrigation	03/15 to 11/15	Bohannon Creek/Lemhi Ri
☒ ☐	74-4006	2.57 cfs	Irrigation	3/15 to 11/15	Lemhi River/Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐			(105.1-6.25=98.85 acre)	to	

Total authorized under rights 5.57 cfs cfs and/or 345.98 acre-feet.

2. Total amount of water proposed to be transferred or changed 5.57 cubic feet per second and/or 345.98 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X			SE	SE	29	21N	23E	Lemhi	Lemhi River	L-8A

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	29			12.2				4	24.2	12.7	4.6			11.4	28.6	0.2	1.8	99.7
Total Acres (for irrigation use)																			99.7

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:

See Attachment

- b. Who owns the property at the point(s) of diversion? Eagle Valley Ranch LLC

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?

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The POU will primarily be under pivot sprinkler with a few hand lines.

- f. Describe the use of any other water right(s) for the same purpose or land, or the 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 is an existing water right (74-4006) at L-8A Lemhi River water that is stacked with 74-179D and 74-15890 at 98.85 acres.

- g. 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:

N/A

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

Current Water Right No.: 74-4006

Current Owner: EARL DEAN STOKES
BETTY W STOKES

Priority Date: 4/1/1959

Origin: Water Right

Status: Active

Basis: Decreed

Source

LEMHI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

2.57 CFS

Annual Volume

Total Diversion

2.57 CFS

Location of Point(s) of Diversion

LEMHI RIVER

SE1/4SE1/4SE1/4

Sec. 29, Twp 21N, Rge 23E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T21N R23E S29	SWNE	14.80	T21N R23E S29	SWNW	3.00
T21N R23E S29	SENE	24.30	T21N R23E S29	NESW	13.00
T21N R23E S29	NESE	13.00	T21N R23E S29	NWSE	30.00
T21N R23E S29	SESE	7.00			

Total Acres: 105.1

Conditions of Approval:

1. Use of this right with Right Nos. 74-179C and 74-15890 are limited to the irrigation of a combined total of 105.1 acres in a single irrigation season.
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.

Decreed Date: 8/5/2010

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

Current Water Right No.: 74-15890

Current Owner: BETTY W STOKES
EARL DEAN STOKES
Priority Date: 3/9/1912
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOHANNON CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

1 CFS

Annual Volume

Total Diversion

1 CFS

Location of Point(s) of Diversion

BOHANNON CREEK

SE1/4NE1/4

Sec. 28, Twp 21N, Rge 23E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T21N R23E S29	SWNE	14.80	T21N R23E S29	SWNW	3.00
T21N R23E S29	SENE	24.30	T21N R23E S29	NESW	13.00
T21N R23E S29	NESE	13.00	T21N R23E S29	NWSE	30.00
T21N R23E S29	SESE	7.00			

Total Acres: 105.1

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. E56 The rights listed below are limited to the irrigation of a combined total of 105.1 acres in a single irrigation season. Combined Right Nos.: 74-179D, 74-4006 & 74-15890
3. This right is a split from former right 74-180B.

Decreed Date: 8/5/2010

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

Current Water Right No.: 74-179D

Current Owner: EARL DEAN STOKES
BETTY W STOKES

Priority Date: 6/1/1897

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOHANNON CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

2 CFS

2 CFS

Annual Volume

Location of Point(s) of Diversion

BOHANNON CREEK

LEMHI County

SE1/4SE1/4

Sec. 15, Twp 21N, Rge 23E B.M.

BOHANNON CREEK

LEMHI County

SE1/4NE1/4

Sec. 28, Twp 21N, Rge 23E B.M.

Place of Use

IRRIGATION Within LEMHI County

T21N R23E S29	SWNE	14.80	T21N R23E S29	SWNW	3.00
T21N R23E S29	SENE	24.30	T21N R23E S29	NESW	13.00
T21N R23E S29	NESE	13.00	T21N R23E S29	NWSE	30.00
T21N R23E S29	SESE	7.00			

Total Acres: 105.1

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. E56 The rights listed below are limited to the irrigation of a combined total of 105.1 acres in a single irrigation season. Combined Right Nos.: 74-179D, 74-4006 & 74-15890

Decreed Date: 8/5/2010

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Page 6

Attachment to Application for Transfer of Water Right

Part 1 A.2.

The Bohannon Creek-3 diversion (BHC-3) currently diverts into a 3.2 mile-long ditch and irrigates the current place of use under the water rights described in this application. BHC-3 can de-water the lowest reach of Bohannon Creek and the overall objective of this transfer is to maintain a perennial connection between Bohannon Creek and the Lemhi River. Irrigation efficiencies are part of the project outcomes and therefore a change in the POU is proposed to accommodate the new irrigation footprint. One of the water rights, 74-4006, is currently decreed at L-8A and no change to that POD is proposed. The remaining water rights, 74-179D and 74-15890, are submitted in this application for an additional POD at L-8A.

Part 1.B.5.a.

L8-A is an open ditch with a lockable, controllable head gate and a fish screen. After the fish screen the ditch continues for approximately 250 yards and flows through a weir that has a staff plate for the WD74 watermaster to read flows. A pump station will be installed on L8A ditch downstream of the diversion. A 12" mainline will distribute flow to a primary pivot, and a combination of 6" and 8" PVC line will distribute irrigation water to two additional pivots. Mainline rivers will allow for placement of hand lines to irrigate acreage not covered by the pivot footprints. The variable speed pumps will be adjusted to the appropriate flow rate (GPM), based on what is being spilled at BHC-3. To manage this water, the pumps will have a Seametric flow meter attached that will provide data to the pump controls.



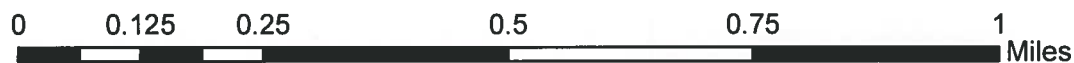
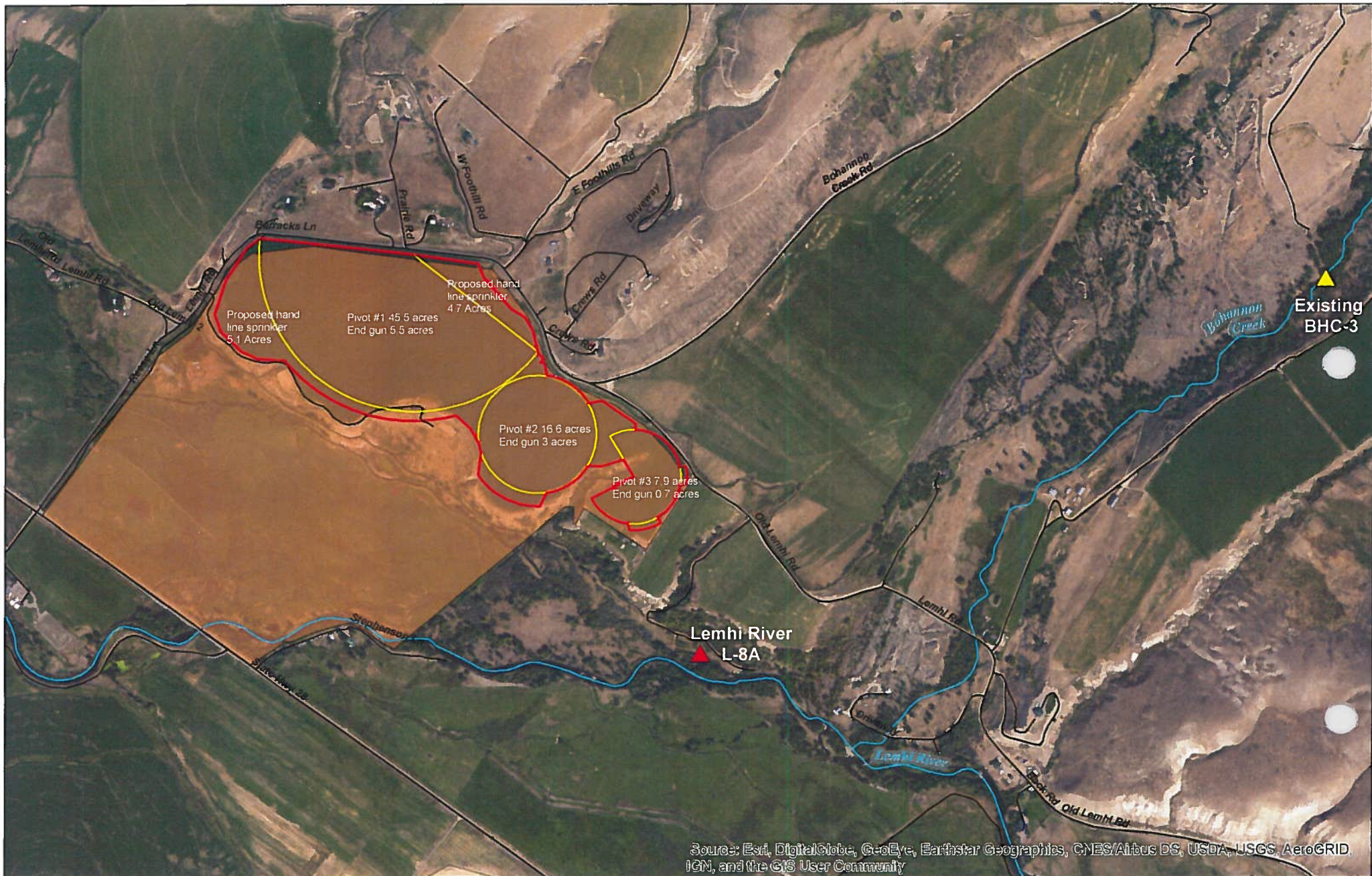
Attachment #7a

0 0.125 0.25 0.5 0.75 1 Miles

Map Date: 8/31/2017

Imagery: 2015 NAIP

-  Existing_POD
-  Proposed_POD
-  Proposed_POU
-  B_Stokes Ranch
-  Pivots
-  Streams



- ▲ Existing_POD
- ▲ Proposed_POD
- + Proposed_POU
- B_Stokes Ranch
- Roads
- Streams
- Pivots

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, March 28, 2018 8:00 AM
To: rhlegals@custertel.net
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
March 28, 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 April 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. 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

Published on 4/5/2018 and 4/12/2018



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

March 28, 2018

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

RE: Transfer No. 82146
Water Right No(s). 74-15890, 74-179D, 74-4006

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 4/5/2018 and 4/12/2018. 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,

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

Jean Hersley
Technical Records Specialist

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



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

March 28, 2018

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

RE: Applications for Transfer No: 82146
Water Right Nos.: 74-179D, 74-4006 and 74-15890

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

March 28, 2018

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

RE: Application for Transfer No. 82146
Water Right Nos. 74-179D, 74-4006 and 74-15890

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. You can find a copy of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist

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

March 28, 2018

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

RE: Application for Transfer No. 82146
Water Right Nos. 74-179D, 74-4006 and 74-15890

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. You can find a copy of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, March 28, 2018 7:56 AM
To: Yenter, Cindy; Clark, Cynthia Bridge
Subject: Application for Transfer 82146 in the name of Betty Stokes

Application for Transfer No. 82146 (74-179D, 74-4006 & 74-15890)

This application will be advertised on April 5th and 12th. The protest end date is April 23. The files will be scanned by the end of the day. Please let me know if you have any comments or concerns. Thank you.

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

DEPT OF WATER RESOURCES

Betty Stokes

MEMORANDUM

Date: March 8, 2018

To: Transfer 82146 Stokes

From: Rachael Smith

Re: Review & Evaluation of Sufficiency of Information

Purpose: The transfer proposes modifying the current place of use for water rights 74-179D, 74-15890 and 74-4006 to reflect irrigation use and to add a point of diversion to water rights 74-179D and 74-15890. The three water rights are currently stacked at the same POU and will remain stacked after the transfer of POU. No POD change is proposed for water right 74-4006; however, the transfer proposes adding a POD for water rights 74-170D and 74-5890. This will allow diversion from both Bohannon Creek and the Lemhi River.

POUs: Existing POUs- Water rights 74-179D, 74-4006 and 74-15890 were limited to the irrigation of a combined total of 105.1 acres in a single irrigation season. The rights after transfer will be conditioned with appropriate combined limits.

Proposed POU – The proposed POU shown in the application map included the entire 105.1 acres authorized by the water rights; however, historical irrigation use of the rights verified by Landsat imagery only includes 99.7 acres. The transferred POU will include these 99.7 acres which were not subject to forfeiture. There are no other overlapping rights at the proposed POU.

PODs: There are multiple rights that overlap at the current and proposed POD locations. The existing, authorized POD for water right 74-4006 (also called L-8A) will not change; however, the transfer proposes adding POD L-8A to water rights 74-170D and 74-5890 in addition to the current POD BHC-3. The L-8A diversion where water right 74-4006 currently diverts is located on property owned by Eagle Valley Ranch LLC. The transfer will include a condition that the water right does not grant any right-of-way or easement across the land of another.

Authority to File: An application for transfer was received from Betty Stokes on January 16, 2018. On March 7, 2018, the application fee was approved to be paid by the Idaho Department of Fish and Game as part of habitat enhancement activities occurring in the area. The water rights are owned by Betty Stokes. The POU portion that will be removed as a result of the transfer is owned by Eagle Valley Ranch. The water rights backfile was reviewed regarding water right ownership questions in this location and ownership by the Stokes was verified.

The entire place of use (POU) for the transfer is owned by Betty Stokes as shown on County tax parcel maps. Eagle Valley Ranch is the owner of the point of diversion (POD). There are no ownership concerns for the transfer application.

Water Right Validity: Satellite imagery within the past five years shows that the transfer POU for the above listed water rights has been irrigated so there are no concerns of forfeiture.

Injury to Other Water Rights: After the transfer, the water right record will more accurately reflect irrigation use at the property. POD overlap exists with other rights and the transfer will be advertised.

Junior water rights on Bohannon Creek could benefit from adding a POD at the Lemhi River for water rights 74-170D and 74-5890. Between the POD on Bohannon Creek (also known as BHC-3) and the Lemhi River, there are diversions from the Bohannon Creek for at least four other rights. Comments will be requested from the watermaster to assess whether injury to other water rights is anticipated as a result of this transfer.

Enlargement of Use: The diversion rates and volumes for each right will be proportionately adjusted with the change of acreage as a result of this transfer. Overlapping rights will be conditioned with appropriate combined limits. The portion of the POU that will be moved is currently stacked with rights 74-173, 74-215, 74-778, 74-779, 74-2348 and 74-15740

but does not have any combined limits with the rights it will be split from. This portion of the water right has never been used by the Stokes at that location so there are no concerns of enlargement.

Water rights sourced from Bohannon Creek will now be authorized to divert from the Lemhi River at a location downstream of the confluence of Bohannon Creek with the Lemhi River. L-8A is an open ditch with a lockable, controllable head gate and fish screen, followed by a weir with a staff plate. A pump station will be installed on the L-8A ditch downstream of the diversion and from there it will be pumped to the proposed POU.

Local Public interest: There are no apparent issues with local public interest. IDWR will advertise the transfer. The POD and POU are located in Water Districts 74C and 74 and comments will be requested from the watermaster.

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.



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
P.O. Box 1336
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Cal Groen / Director

8 March 2018

Rachael Smith
Sr. Water Resource Agent
Idaho Department of Water Resources
322 E. Front Street, PO Box 83720
Boise, ID 83720

Dear Ms. Smith,

The Idaho Department of Fish and Game (IDFG) collaborated with Betty Stokes, owner of the Stokes Ranch, to submit a water rights transfer for the purpose of supporting a proposed restructured irrigation system that will enhance stream flow in Bohannon Creek. IDFG has agreed to cover expenses associated with this application. Please initiate the Interagency Billing Process for all applicable fees, and use PCA 38713 and ABC code C1NX. Please send the billing documents to IDFG Headquarters Office, Attention Walt Poole, P.O. Box 25, Boise, ID 83707.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey DiLuccia".

Jeffrey DiLuccia
Regional Fishery Biologist

cc: Mr. Walt Poole

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-756-2271 • Fax 208-756-6274 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov/>

Hersley, Jean

From: Diluccia, Jeff <jeff.diluccia@idfg.idaho.gov>
Sent: Tuesday, February 20, 2018 11:09 AM
To: Hersley, Jean
Subject: Automatic reply: Stokes Transfer

I will be out of the office from February 5 - February 21. I will respond to your email when I return.

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, February 20, 2018 11:09 AM
To: 'Diluccia,Jeff'
Subject: Stokes Transfer

I have received the paperwork from Betty and updated the ownership of the water rights. The transfer will be assigned to an agent for processing. However, a fee has not been received for this transfer. The letter that accompanied this application indicated that Fish and Game would be paying the \$900 fee. The Department needs the PCA and other information to initiate an interagency billing for the fee. Please let me know if you have any questions. Thank you.

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

Hersley, Jean

From: Cassel, Amy
Sent: Wednesday, February 14, 2018 2:24 PM
To: Hersley, Jean
Subject: RE: B. Stokes transfer application

Yes, I can do that.

Amy

From: Hersley, Jean
Sent: Wednesday, February 14, 2018 12:13 PM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Subject: RE: B. Stokes transfer application

Thank you. Can you drop the originals in the mail, please?

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

From: Cassel, Amy
Sent: Wednesday, February 14, 2018 11:21 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: B. Stokes transfer application

Hi Jean,

Please see the attached documents you requested for the Betty Stokes transfer application. Please let me know if you need anything else.

Thanks,

Amy Cassel
Program Manager, Water Transaction Program
Idaho Department of Water Resources
102 S. Warpath
Salmon, ID 83467
O: (208) 742-0656
C: (208) 577-1565



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

January 17, 2018

BETTY W STOKES
EARL DEAN STOKES
19 N BARRACKS LN
SALMON, ID 83467

Re: Application for Transfer of Water Right(s)

Dear Applicant(s):

The Department of Water Resources has received your Application for Transfer. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. The required information is described below.

- Signature of applicant or authorized representative was not provided correctly. Include printed name, title if applicant is not an individual, and date of signature. Earl Dean Stokes needs to sign the application since he is listed as a current owner. I have enclosed a signature page from the Application for Transfer of Water Right. Please have Earl sign and date the highlighted area.

The Department cannot process your request for a transfer until the requested information is provided. Please provide the information within 30 days or the Department will return your application unprocessed.

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

Sincerely,

Jean Hersley

Technical Records Specialist II

Enclosure

c: Idaho Department of Fish & Game

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, January 17, 2018 1:44 PM
To: 'jeff.diluccia@idfg.idaho.gov'
Subject: Transfer application for Betty Stokes

The Department of Water Resources received an Application for Transfer to add a point of diversion to water rights 74-179D, 74-15890 and 74-4006. The cover letter that accompanied the application stated that Fish and Game would be paying the application fee for this transfer. The fee is \$900. We will need the Interagency Billing Information to request payment from Fish and Game.

If you have any questions, please contact me. Thank you.

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



IDAHO WATER RESOURCE BOARD

RECEIVED

JAN 16 2018

DEPARTMENT OF
WATER RESOURCES

C.L. "Butch" Otter
Governor

September 5, 2017

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Orofino
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Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

Dale Van Stone
Hope
District 1

RE: Application for Transfer – Betty Stokes

Enclosed please find an application for transfer for Betty Stokes. The applicant is working on a project with the Idaho Water Resource Board and Idaho Fish and Game to move a point of diversion from Bohannon Creek to the Lemhi River. Bohannon is listed as a high-priority stream for ESA-listed steelhead and the goal of this project is to maintain perennial connectivity between Bohannon Creek and the Lemhi River.

Currently a telemetered gage is located at the Bohannon Creek-3 diversion discussed in this transfer application. That gage will continue to operate to assist the watermaster in administering the Bohannon Creek water to the new, proposed point of diversion on the Lemhi River.

The transfer application fee is estimated to be \$900.00. That fee will be covered by Idaho Fish and Game and payment will occur through the Interagency Billing Process as done on previous transfer applications.

If you have any questions or need clarification regarding the transfer application, please contact me. Also, a shapefile of the proposed permissible place of use is available and can be shared upon request.

Sincerely,

Amy Cassel
Program Manager, Water Transaction Program
Idaho Department of Water Resources
102 S. Warpath
Salmon, ID 83467