

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82018**

This is to certify that: CYNTHIA MURPHY AND
DEAN MURPHY
PO BOX 1089
SALMON, ID 83467-1089

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>
74-15999	WR/DECREED	6/1/1914	8.340 cfs	N/A	N/A	169.8	LEMHI RIVER
74-16000	WR/DECREED	11/27/1919	3.080 cfs	N/A	N/A	169.8	AGENCY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-15999	NO	NO	YES	NO	NO	NO
74-16000	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>
74-15999	74-15999	8.050 cfs	N/A	N/A	163.8	N/A	N/A	N/A	N/A	N/A
74-16000	74-16000	2.970 cfs	N/A	N/A	163.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.020 cfs	N/A	163.8	163.8		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 22nd day of February, 2018.



PAMELA S. SKAGGS, Water Rights Supervisor

WATER RIGHT NO. 74-15999

As Modified by Transfer No. 82018

In accordance with the approval of Transfer No. 82018, Water Right No. 74-15999 is now described as follows:

Right Holder: CYNTHIA MURPHY
DEAN MURPHY
PO BOX 1089
SALMON, ID 83467-1089

Priority Date: 6/1/1914

Source: LEMHI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
8.050 cfs
8.050 cfs

LOCATION OF POINT(S) OF DIVERSION

LEMHI RIVER SENE Sec 5 Twp 18N Rge 24E 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	
19N	24E	17			7.2											25.2	5.0		37.4
19N	24E	20			32.2	31.2									31.0	32.0			126.4

POU Total Acres: 163.8

CONDITIONS OF APPROVAL

1. Rights 74-15999 and 74-16000 when combined shall not exceed the irrigation of 163.8 acres.
2. Water Right 74-16000 is supplemental to Right 74-15999 and may only be diverted when Right 74-15999 cannot be diverted due to its relative priority when considered together with other rights diverted from the Lemhi River, and shall be limited to the use of one inch of water per acre.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82018

WATER RIGHT NO. 74-15999
As Modified by Transfer No. 82018

CONDITIONS OF APPROVAL

4. 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.
5. 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).
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 74-16000

As Modified by Transfer No. 82018

In accordance with the approval of Transfer No. 82018, Water Right No. 74-16000 is now described as follows:

Right Holder: CYNTHIA MURPHY
DEAN MURPHY
PO BOX 1089
SALMON, ID 83467-1089

Priority Date: 11/27/1919

Source: AGENCY CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
2.970 cfs
2.970 cfs

LOCATION OF POINT(S) OF DIVERSION

AGENCY CREEK L1 (NWNW) Sec 28 Twp 19N Rge 24E 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	
19N	24E	17			7.2											25.2	5.0		37.4
19N	24E	20			32.2	31.2									31.0	32.0			126.4

POU Total Acres: 163.8

CONDITIONS OF APPROVAL

1. Rights 74-15999 and 74-16000 when combined shall not exceed the irrigation of 163.8 acres.
2. Water Right 74-16000 is supplemental to Right 74-15999 and may only be diverted when Right 74-15999 cannot be diverted due to its relative priority when considered together with other rights diverted from the Lemhi River, and shall be limited to the use of one inch of water per acre.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82018

WATER RIGHT NO. 74-16000

As Modified by Transfer No. 82018

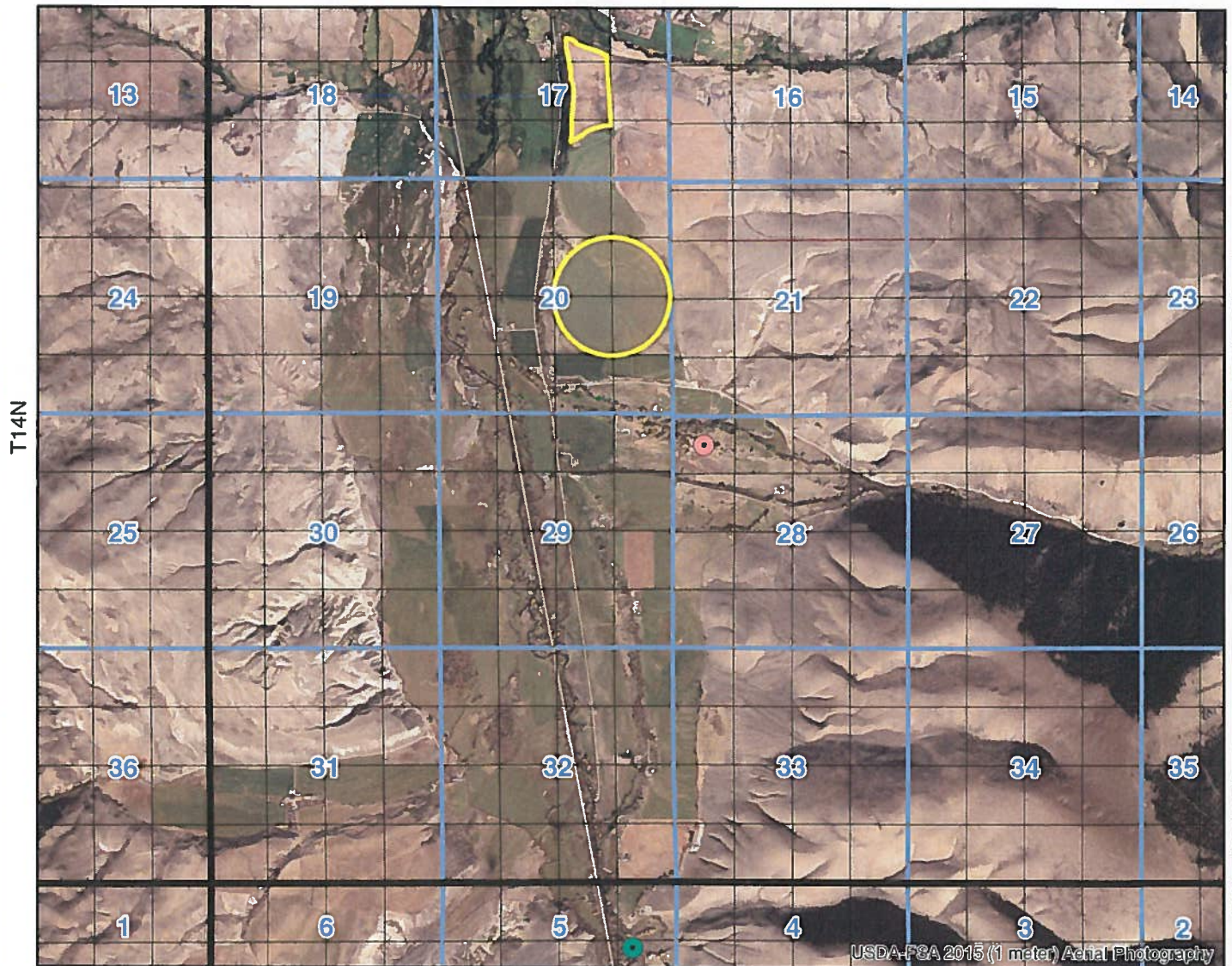
CONDITIONS OF APPROVAL

4. Use of water under this right will 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. 74M.
5. 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).
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 82018
74-15999 and 74-16000

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.

R22E



Points of Diversion

-  Lemhi River
-  Agency Creek
-  Place Of Use Boundary
-  Townships
-  PLS Sections



0 0.5 1 1.5 2 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

February 22, 2018

DEAN MURPHY
CYNTHIA MURPHY
PO BOX 1089
SALMON ID 83467-1089

Re: Transfer No: 82018
Water Right No(s): 74-15999, 74-16000

Transfer Approval Notice

Dear Water Right Holders and other Interested Persons:

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,



Pam Skaggs

Water Rights Supervisor

Enclosure

c:

BROOKS MURPHY

SNAKE RIVER MANAGEMENT INC C/O STAN HAYE

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 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.: 82018
Water Right No(s): 74-15999, 74-16000**

**DEAN MURPHY
PO BOX 1089
SALMON ID 83467-1089**

**CYNTHIA MURPHY
PO BOX 1089
SALMON ID 83467-1089**

**SNAKE RIVER MANAGEMENT INC
STAN HAYE
4875 W ATHENS CT
EAGLE ID 83616**

**BROOKS MURPHY
2158 LEMHI BACKROAD
TENDON 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.

Date: February 21, 2018

To: Transfer 82018

From: Sandra Thiel

Re: Water master comment

On February 20, 2018, Jerry Eastman, water master for 74M (Agency Creek) submitted a comment to the Department concerning the priority date on the water rights following the transfer. The points of diversion for both Agency Creek and the Lemhi River will remain the same after the transfer. Consequently, no change is necessary. Additionally, the transfer includes a condition that defines right 74-16000 as supplemental and limits its diversion to times when right 74-15999 cannot be diverted. The conditional also limits the two rights to a combined rate of one inch per acre.

State of Idaho
Department of Water Resources
Application for Permit

RECEIVED

FEB 20 2018

DEPARTMENT OF
WATER RESOURCES

RECOMMENDATION FORM

Application No.: 82018

Applicant's Name:
DEAN & CYNTHIA MURPHY

Watermaster's Recommendation:

- a) _____ 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 14 day of Feb, 2018

Water District No. 74M

Watermaster's Signature



If this application was to be approved it should not carry any of its priority water right's dates. It would become a junior right.

RECEIVED

FEB 12 2018

DEPARTMENT OF
WATER RESOURCES

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

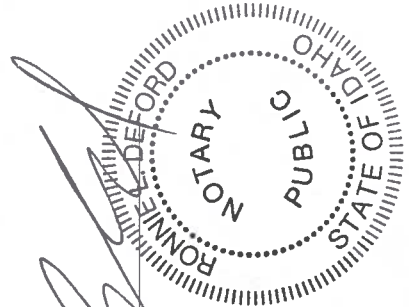
RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **PROPOSED CHANGE OF WATER RIGHTS**, a true printed copy of which is attached 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 **2-1-2018** and ending with the issue dated **2-8-2018**.

STATE OF IDAHO }
County of Lemhi } ss.

On this **8th day of February** in this year of 2018 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho
Notary Public for Idaho

My Commission expires: 4-10-2023



RECEIVED

FEB 12 2018

FISCAL

Publication Fee \$81.00

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82018

DEAN MURPHY and CYNTHIA MURPHY, PO BOX 1089, SALMON, ID 83467; has filed Application No. 82018 for changes to the following water rights within LEMHI County(s): Right No(s). 74-15999, 74-16000; 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 change the place of use of 37.4 acres of irrigation use to a field located in Section 17, T19N, R24E, south of Pattee Creek and east of the Lemhi River, approximately a mile north of Tendoy.

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 2/20/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 2-1-2tc

Accepted
2-8-18

HP