

b200 RECEIVED

FEB 07 2018

DEPARTMENT OF
WATER RESOURCES**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) YERDEN LIVING TRUST, THOMAS AND CAROL YERDEN, TRUSTEES

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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

CELL: 208, 303, 0173

Name of Applicant(s) YERDEN LIVING TRUST Phone 208.865.2400
Mailing address PO BOX 98, NORTH FORK, ID 83466 Email tyerden@aol.com

- ☐ 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**.

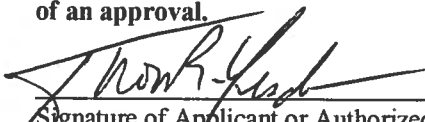
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

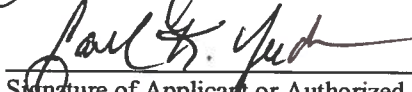
- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ 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

THOMAS R. YERDEN, TRUSTEE
Print Name and Title if applicable

11-8-2017
Date


Signature of Applicant or Authorized Representative

CAROL K. YERDEN, Trustee
Print Name and Title if applicable

11-8-17
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**.
change place of use to match current irrigation practices

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 ☒ ☐	75-13964	0.32			
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.32 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.076 cubic feet per second and/or _____ 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 #

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	
24N	22E	20															1.9		1.9
24N	22E	29		6.1															6.1
Total Acres (for irrigation use)																			8.0

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:

Shared ditch from Fourth of July Creek. A headgate and measuring device will be installed in the ditch when ordered.

- 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. 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: NO IV - HOWEVER I REACHED OUT TO WELLS FARGO AND REQUESTED LETTER (SEE ATTACHED) JUST TO ADD ADDITIONAL SUPPORT FOR YOUR FILES.

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:

Transfer describes the irrigation place of use as it has been used in the past 5 years. Some acres are situated in a different QQ than decreed.

- 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:

overlapping rights same place of use: none. overlapping rights same point of diversion: 75-126, 127, 128, 131, 134, 10040 all on other properties

- 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:

(ATTACHMENT 2A)

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2A

Current Water Right No.: 75-13964

Current Owner: YERDEN LIVING TRUST

Priority Date: 4/1/1896

Origin: Water Right

Status: Active

Basis: Decreed

Source

FOURTH OF JULY CREEK

Tributary

SALMON RIVER

Beneficial Use

	<u>From</u>	<u>To</u>
IRRIGATION	04/01	to 08/01
IRRIGATION	08/02	to 11/01

Total Diversion

Diversion Rate

0.32 CFS
0.24 CFS
0.32 CFS

Annual Volume

Location of Point(s) of Diversion

FOURTH OF JULY CREEK
LEMHI County

SW1/4SE1/4 Sec. 20, Twp 24N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

T24N R22E S29 NWNE 8.00

Total Acres: 8

Conditions of Approval:

1. This is a split of right no. 75-10252 which was a combination of right nos. of 75-122 and 75-123.
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: 11/17/2008

00082138



Wells Fargo Home Mortgage
MAC X3802-020
8480 Stagecoach Circle
Frederick, MD 21701

(5C) - NO LIENS, MORTGAGES, ETC. ASSOC.
WITH THIS TRANSFER - HOWEVER -
THIS LETTER WAS REQUESTED FOR
YOUR FILES.

TRY

January 10, 2018

Thomas R Yerden
Carol K Yerden
PO Box 98
North Fork ID 83466

Subject: Water Rights Transfer
Mortgage account number: 0503694978
Property address: 386 Fourth Of July
North Fork ID 83466

Dear Thomas R Yerden & Carol K Yerden :

We're writing to let you know that we've reviewed your request and have no objection to the Water Rights Transfer related to your property. We're executing this "no objection" letter, based on the conditions outlined in the enclosed document, on behalf of Wells Fargo Bank, N. A. . In addition, we will not require any of the proceeds from this transaction.

Please keep this letter to use as documentation of this decision, should it ever be required.

We're here to help

If you have any questions or need further assistance, please call us at the phone number listed below, Monday through Friday, 9:00 a.m. to 4:30 p.m., Eastern Time. If we're not available, please leave a voicemail message and we'll return your call.

Sincerely,

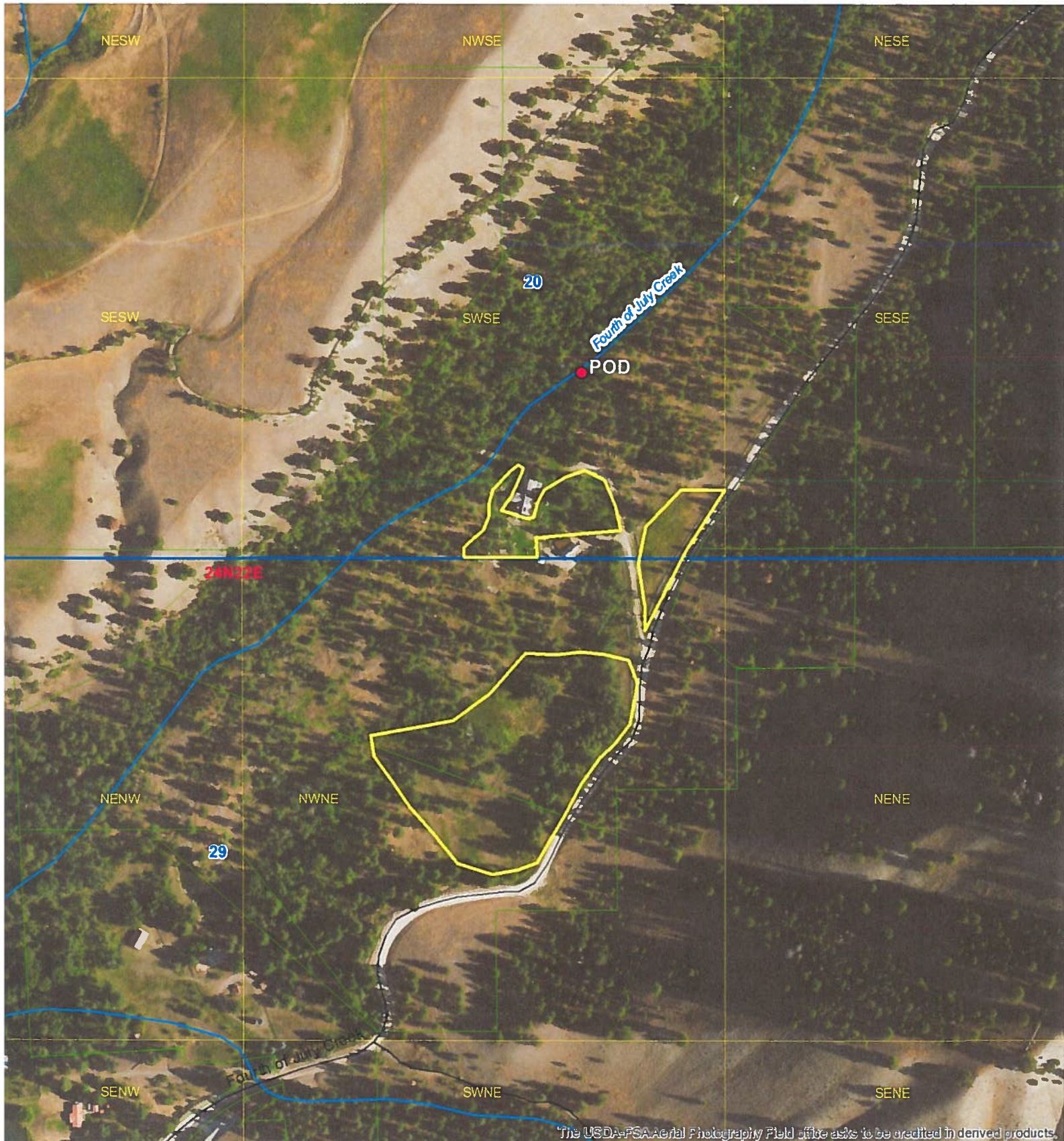
Hannah Mose
Hannah Mose

Land Transactions
Wells Fargo Home Mortgage
Phone: 240.651.2711
Fax: 240-651-2881

c: Wells Fargo Bank, N.A.

Enclosure

SO007/TBC





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 23, 2018

YERDEN LIVING TRUST
PO BOX 98
NORTH FORK, ID 83466-0098

RE: Transfer No. 82138
Water Right No(s). 75-13964

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 3/1/2018 and 3/8/2018. 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



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 23, 2018

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

RE: Application for Transfer No. 82138
Water Right No. 75-13964

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 application 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, February 23, 2018 8:07 AM
To: Jeff Richards
Subject: Comments for Application for Transfer

RE: Application for Transfer No. 82138
Water Right No. 75-13964

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 application 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.

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, February 23, 2018 8:00 AM
To: rhlegals@custertel.net
Subject: Legal Notice of Proposed Change of Water Right

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
February 23, 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 March 19, 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. 82138

YERDEN LIVING TRUST, PO BOX 98, NORTH FORK, ID 83466-0098; has filed Application No. 82138 for changes to the following water rights within LEMHI County(s): Right No(s). 75-13964; 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 irrigation place of use description to be consistent with the existing 8.0 acres of irrigated on the applicant's property located approximately 4 miles NW of US Hwy 93 on Fourth of July Creek Rd within the NWN, Sec 29, 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 3/19/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/1/2018 and 3/8/2018

Hersley, Jean

From: Hersley, Jean
Sent: Friday, February 23, 2018 8:09 AM
To: Yenter, Cindy; Clark, Cynthia Bridge
Subject: Transfer application 82138 Water Right 75-13964

This application will be advertised on March 1st and 8th. The file 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*

MEMORANDUM

Date: February 9, 2018

To: Transfer 82138 Yerden Living Trust

From: Rachael Smith

Re: Review & Evaluation of Sufficiency of Information

Purpose: The transfer proposes modifying the current place of use for water right 75-13964 to reflect irrigation practices that have been used there for the past five years.

Authority to File: An application for transfer was received from Yerden Living Trust on February 7, 2018. Thomas and Carol Yerden are Trustees under the Yerden Living Trust. Thomas Yerden is shown as the owner of the land at the point of diversion (POD) and place of use (POU) on County tax parcel maps. There are no ownership concerns for the permit application.

Water Right Validity: Satellite imagery within the past five years shows a combination of the POU for water right 75-13964 and the transfer POU as irrigated land 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. There will not be a change in consumption or POD. POD overlap exists with 75-126, 75-10040, 75-13964, 75-134, 75-134, 75-127 and 75-128. No injury is anticipated.

Enlargement of Use: There will not be a change in diversion rate or volume and there are no overlapping POUs. There are no concerns of enlargement of use.

Local Public interest: There are no apparent issues with local public interest. IDWR will advertise the transfer. The POU is not currently located within a water district, but will be incorporated into water district 170 in the future per the Wild and Scenic Settlement.

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.