

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

RECEIVED

MAY 22 2017

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

ON DEPARTMENT OF  
WATER RESOURCES

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)      ☐ Add diversion point(s)      ☐ Ownership change      ☐ Ownership split

1. APPLICANT(S) ANTHONY F FIORI Phone 208.894.4595

2. MAILING ADDRESS 40 KELSEY RD City SALMON

State ID Zip 83467-5129 Email

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes: see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 75-4024

- ☒ Attach a copy of the water right(s) as recorded, available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.18 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)

**5. POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Online Resources*.

[illegible]

## 6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Small pump from the river to a mainline, risers to movable sprinklers or pods. The pumping plant will be designed to accommodate a flow meter in the future.

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

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

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

Land appears unirrigated on aerial images but was last irrigated in 2013. A landslide has closed the Rattlesnake creek ditch and lands have not been irrigated since 2013.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and  $\frac{1}{4}$   $\frac{1}{4}$  of section information. The *Map Tool*, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](http://maps.idwr.idaho.gov/TransferApplicationLayouts/) provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

x Anthony F. Fiani  
Signature of applicant or authorized agent

\_\_\_\_\_  
Print name and title if applicable

5/17/2017  
Date

\_\_\_\_\_  
Signature of applicant or authorized agent

\_\_\_\_\_  
Print name and title if applicable

\_\_\_\_\_  
Date

9. **FEE** – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

## FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by VC Date 5/22/17

Fee paid \$200 Date 5/22/17 Received by VC Receipt # C103605

Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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

**Current Water Right No.:** 75-4024

**Current Owner:** ANTHONY <sup>6</sup> FIORI

**Priority Date:** 6/25/1923

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

RATTLESNAKE CREEK

**Tributary**

SALMON RIVER

**Beneficial Use**

**From To**

**Diversion Rate**

**Annual Volume**

STOCKWATER

01/01 to 12/31

0.02 CFS

IRRIGATION

04/01 to 10/31

0.16 CFS

Total Diversion

0.18 CFS

**Location of Point(s) of Diversion**

RATTLESNAKE CREEK

L2(NE1/4NW1/4)

Sec. 34, Twp 19N, Rge 21E B.M.

LEMHI County

**Place of Use**

**IRRIGATION Within LEMHI County**

T19N R21E S27

Lot 7

SESW

7.00

T19N R21E S27

Lot 9

NWSE

1.00

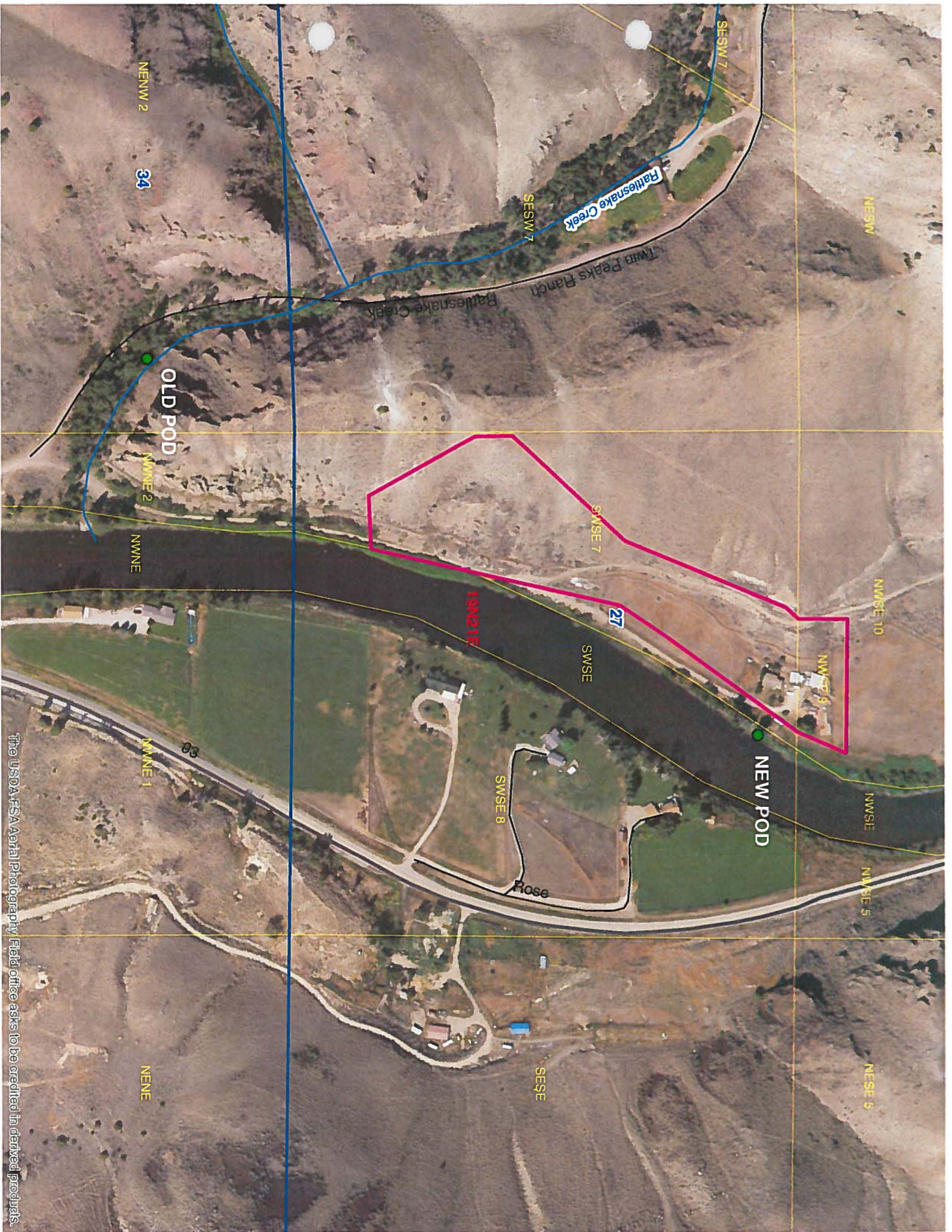
Total Acres: 8

Place of Use: STOCKWATER same as IRRIGATION

**Conditions of Approval:**

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
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.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. U42 Place of use does not include federal public lands.

Decreed Date: 10/28/2009



**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 notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before July 24, 2017. 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

.....  
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

**74-16070**

JUDITH A BAILEY JACKSON  
CECIL T JACKSON  
1705 LEMHI RD  
SALMON, ID 83467  
Point of Diversion NWSWSW S29 T20N R24E LEMHI County  
Source SPRINGS Tributary KENNEY CREEK  
Use: STOCKWATER  
01/01 to 12/31  
0.04 CFS  
Total Diversion:  
0.04 CFS  
Date Filed: 5/15/2017  
Place of Use: STOCKWATER  
T20N R24E S30 SESE

This application proposes the diversion and use of water from a spring tributary to Kenney Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for stockwater purposes.

**75-14861**

RUTH ANDERSEN  
14 BEE HAVEN LN  
SALMON, ID 83467  
Point of Diversion L8(SESW) S34 T19N R21E LEMHI County  
Source GROUND WATER  
Point of Diversion L8(SESW) S34 T19N R21E LEMHI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
0.04 CFS  
Use: IRRIGATION  
04/01 to 10/31  
0.15 CFS

Total Diversion:

0.19 CFS

Date Filed: 5/10/2017

Place of Use: IRRIGATION

T19N R21E S34 L8(SESW) L8(SWSE)

Place of Use: DOMESTIC

T19N R21E S34 L8(SESW)

Total Acres: 5

This application proposes the diversion and use of water from ground water tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

**75-14862**

RUTH ANDERSEN

14 BEE HAVEN LN

SALMON, ID 83467

Point of Diversion L8(NWSWSE) S34 T19N R21E LEMHI County

Source SPRING Tributary SALMON RIVER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: IRRIGATION

04/01 to 10/31

0.15 CFS

Total Diversion:

0.19 CFS

Date Filed: 5/10/2017

Place of Use: IRRIGATION

T19N R21E S34 L8(SESW) L8(SWSE)

Place of Use: DOMESTIC

T19N R21E S34 L8(SESW)

Total Acres: 5

**75-14863**

RUTH ANDERSEN

14 BEE HAVEN LN

SALMON, ID 83467

Point of Diversion L8(SESW) S34 T19N R21E LEMHI County

Source SALMON RIVER Tributary SNAKE RIVER

Use: IRRIGATION

04/01 to 10/31

0.15 CFS

Total Diversion:

0.15 CFS

Date Filed: 5/10/2017

Place of Use: IRRIGATION

T19N R21E S34 L8(SESW) L8(SWSE)

Total Acres: 5

These applications propose the diversion and use of water from the Salmon River tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see

[www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 7/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2017 and 7/13/2017

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 81604**

KERRIE N CHENEY, 27 CHENEY LN, SALMON, ID 83467; JANIS S CHENEY, 27 CHENEY LANE, SALMON, ID 83467; has filed Application No. 81604 for changes to the following water rights within LEMHI County(s): Right No(s). 74-16084; to

see a full description of these rights and the proposed transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>. The purpose of the transfer is to change a portion of the above rights as follows: to change the place of use for 0.9 acres of irrigation use from the Salmon River to the existing location on the applicant's property in Lot 17, Bar Lazy V Ranch Subdivision located in the SESW, Sec 10, T21N R22E.

**TRANSFER NO. 81518**

PRATT CREEK RANCH LP, 178 PRATT CREEK RD, SALMON, ID 83467; has filed Application No. 81518 for changes to the following water rights within LEMHI County(s): Right No(s). 74-1857, 74-195, 74-196, 74-2019, 74-753, 74-754; to see a full description of these rights and the proposed transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to consolidate and change the points of diversion for the rights to single pipeline intake located in L1(NENE), Sec 6, T20N, R24E and to change the place of use by creating a 188.2 acre permissible place of use within Sec 1, T20N, R23E and Sec 6, T20N, R24.

**TRANSFER NO. 81674**

ANTHONY F FIORI, 40 KELSEY RD, SALMON, ID 83467; has filed Application No. 81674 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4024; to see a full description of these rights and the proposed transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>. The purpose of the transfer is to change a portion of the above rights as follows: to change the point of diversion from Rattlesnake Creek near the confluence with the Salmon River in L2(NENW) of Sec 34, T19N, R21E to a point on the Salmon River approximately 1/3 mile downstream in the SWSE of Sec 27, T19N, R21E.

For additional information concerning the property locations, contact IDWR State office at (208) 287-4800.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 7/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2017 and 7/13/2017



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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

June 29, 2017

ANTHONY F FIORI  
40 KELSEY RD  
SALMON, ID 83467

RE: Transfer No. 81674  
Water Right No(s). 75-4024

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 7/6/2017 and 7/13/2017. 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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

June 29, 2017

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

RE: Applications for Permit No. 74-16070, 75-14861, 75-14862 & 75-14863  
Applications for Transfer No. 81604 (74-16084), 81674 (75-4024) & 81518 (74-195, 74-196,  
74-753, 74-754, 74-1857 & 74-2019)

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 for permit and applications for transfer. You can find copies of the applications at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/> and  
<https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley  
Technical Records Specialist II

Enclosure(s)

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, June 29, 2017 11:56 AM  
**To:** Yenter, Cindy; Clark, Cynthia (Bridge)  
**Subject:** Applications for permit and transfer

Applications for Permit No. 74-16070, 75-14861, 75-14862 & 75-14863

Applications for Transfer No. 81604 (74-16084), 81674 (75-4024) & 81518 (74-195, 74-196, 74-753, 74-754, 74-1857 & 74-2019)

These applications will be advertised on July 6 and July 13. 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*

## MEMORANDUM

**Date:** June 16, 2017  
**To:** Transfer 81674  
**From:** Michele Edl  
**Re:** Review & Evaluation of Sufficiency of Information

This application for transfer proposes to change the POD for water right 75-4024, which is held by the applicant. The proposed new POD is located closer to the applicant's property. The diverted water will be piped to the POU instead of conveyed through a ditch.

Authority to File: Available Lemhi County taxlot information shows that the POU is property held by the Anthony F Fiori Revocable Trust. Mr. Fiori provided a copy of the document which identifies him as a trustee.

The proposed POD will be located within the Salmon River's floodplain on the west bank of the Salmon River and adjacent to the Fiori Trust property in gov't lot 7.

Water Right Validity: The water right was decreed in the SRBA on 10/28/2009 with Rattlesnake Creek as the source. A review of aerial photography indicates that the irrigation use has not been exercised recently. The applicant states that the land was last irrigated in 2013. However, the POU appears to have been irrigated sparsely in 2014. (see the attached screen-shot)

The authorized POD for the right is located on BLM land and will be retired. I created the new diversion point shape based on the application map.

Injury to Other Water Rights: Review staff has no information indicating that other water rights will be injured. No other rights divert from the Salmon River between the confluence of Rattlesnake Creek, which is the authorized source, and the new POD location.

The right is not currently under watermaster control but the department anticipates that it will be. The transfer approval will be conditioned to require measuring devices and controlling works.

Enlargement of Use: No enlargement is evident through this transfer. The proposed POD is downstream of the decreed point but will divert from a different source; the main Salmon River. The transfer approval will require that the new POD be used only when the water would be available from Rattlesnake Creek.

Local Public interest: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

Effect on Economy the Local Area: Review staff has no information to suggest this transfer will negatively impact the economy of the local area.

Effect on Agricultural Base of the Local Area: Review staff has no information to suggest this transfer will negatively impact the agricultural base of the local area.

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.

## Edl, Michele

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**From:** Correa, Viviana  
**Sent:** Friday, June 16, 2017 2:44 PM  
**To:** Edl, Michele  
**Subject:** FW: Fax Forward *Transfer 816 74*  
**Attachments:** Fax.pdf

-----Original Message-----

**From:** idwr.fax@idwr.idaho.gov [mailto:idwr.fax@idwr.idaho.gov]  
**Sent:** Friday, June 16, 2017 1:56 PM  
**To:** IDWR Fax <IDWR.Fax@idwr.idaho.gov>  
**Subject:** Fax Forward

Three steps above stone tablets, I present to you a fax from days gone by.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: Water Rights 8R904  
Device Name: Copier\_507

**REVOCABLE TRUST**  
**OF**  
**ANTHONY F. FIORI**

ANTHONY F. FIORI, a resident of the State of Idaho, County of Lemhi, desires to set forth a Trust upon the conditions and for the purposes hereafter set forth. This Trust will be known as the "ANTHONY F. FIORI REVOCABLE TRUST DATED FEBRUARY 28<sup>th</sup>, 2010."

**ARTICLE ONE**

**Section 1.01 Trust Estate**

All property hereafter transferred or conveyed to and received by the trustee to be held pursuant to the terms of this instrument is herein called the "Trust Estate" and shall be held, administered, and distributed by the Trustee as provided in this Declaration of Trust.

**Section 1.02 Meaning of Words**

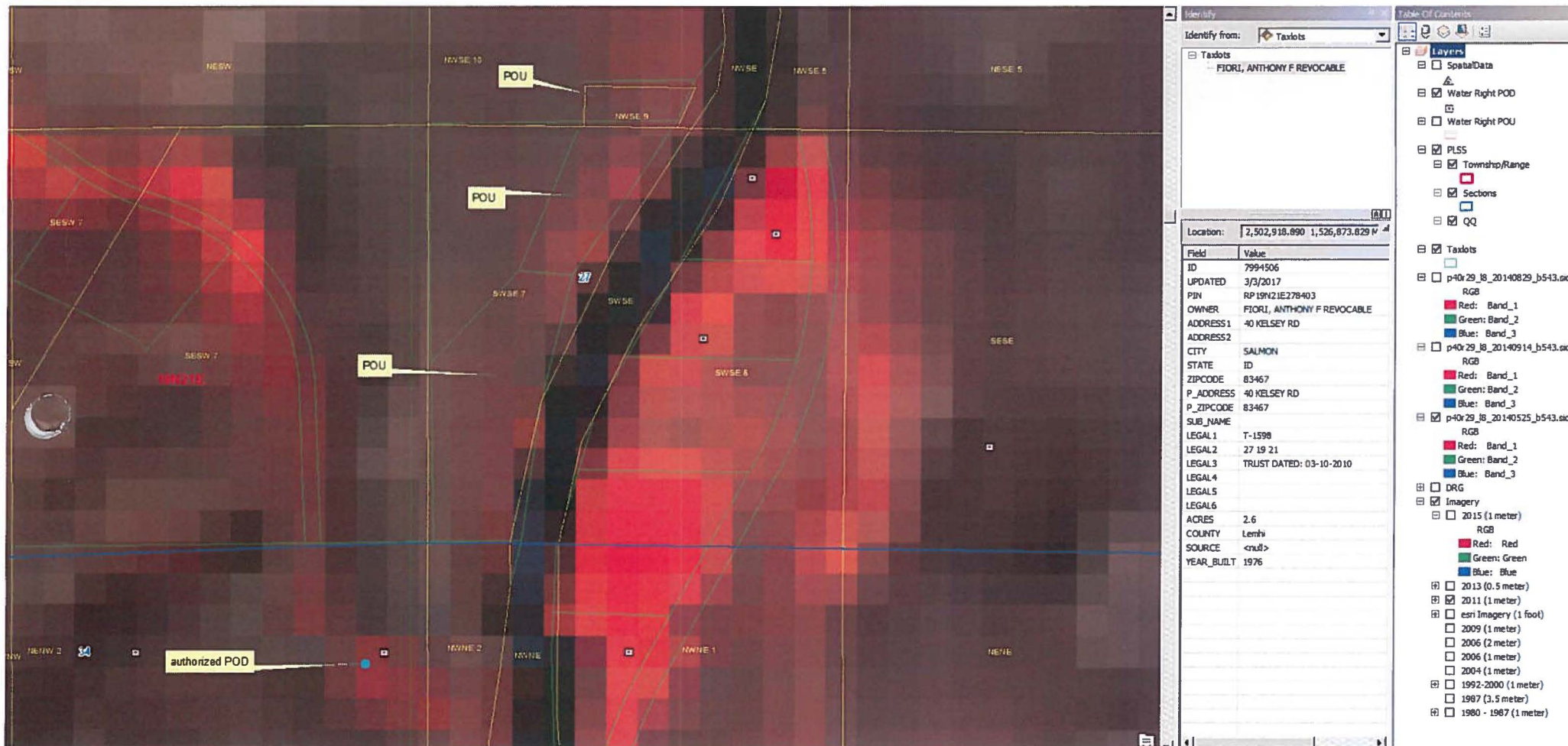
a) The term "Trustor" shall refer to ANTHONY F. FIORI.

**Section 1.03 Trustee Designation**

ANTHONY F. FIORI is hereby designated Trustee.

**Section 1.04 Additions to Trust Properties**

At any time during the continuance of any trust hereunder, its Trustee, in Trustee's sole discretion after consideration of the possible tax consequences thereof to all concerned, is authorized to receive additions of cash or other properties to such trust, subject to any conditions to which such Trustee may agree, from any source whatsoever without limitation, whether by gift, will, or otherwise.



Transfer 81674