

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

80918
RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

MAY 16 2016
DEPARTMENT OF
WATER RESOURCES

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) USDI Bureau of Land Management

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

Name of Applicant(s) USDI Bureau of Land Management Phone (208) 879-6215

Mailing address 1387 S. Vinnell Way Email mwhitson@blm.gov

- ☐ 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.

Gary A. Maderford
Signature of Applicant or Authorized Representative

Gary A. Maderford
Print Name and Title if applicable
Water Rights Team Leader

May 16, 2016
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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 Correct Source & Tributary

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**.

This transfer is being filed to provide a reliable stockwater source after improvements to existing P-16 Ditch. This transfer seeks to move beginning point POD 520 ft upstream within the same 10ac track (SENESEW), remove ending point POD (SWNENW), and change the POU to describe the location of one new trough (T14N, R22E, S26, SENW).

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 ☒ ☐	73-11501	0.02 cfs	stockwater	0101 to 1231	unmd strm/ Pahsimeroi R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 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 #
Y		SE	NE	SW	35	14N	22E	Lemhi	Pahsimeroi River	

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	
14N	22E	26								X									
Total Acres (for irrigation use)																			

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:
Diverted water is commingled with irrigation water, routed through fish screen and into buried pipeline. Right 73-11501 is then diverted via standpipe from buried mainline and routed to a single stockwater trough T14N, R22E, Sec 26, SENW (see attached map)
- b. Who owns the property at the point(s) of diversion? USDI-BLM
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A
- 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: N/A
- 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:
N/A
- 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 are no other stockwater rights for the same purpose or land. The following irrigation rights use the same POD and underground pipeline; 73-152A, 73-10061, 73-10100, 73-12045, 73-12046, 73-12081, and 73-12252.
Commingling of this stockwater right is expected to have no affect on other rights. (See attached map)
- 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.: 73-11501

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH

Priority Date: 6/28/1934

Origin: Water Right

Status: Active

Basis: Decreed

Source

UNNAMED STREAM

Tributary

PAHSIMEROI RIVER

Beneficial Use

STOCKWATER

From To

1/01 to 12/31

Diversion Rate

0.02 CFS

Annual Volume

Total Diversion

0.02 CFS

Location of Point(s) of Diversion

UNNAMED STREAM

SE1/4NE1/4SW1/4 Sec. 35, Twp 14N, Rge 22E B.M.
(Beginning of Reach)

CUSTER County

UNNAMED STREAM

SW1/4NE1/4NW1/4 Sec. 35, Twp 14N, Rge 22E B.M.
(End of Reach)

CUSTER County

Place of Use

STOCKWATER Within CUSTER County

T14N R22E S35

NENW

T14N R22E S35

SENE

T14N R22E S35

NESW

Conditions of Approval:

1. BLM RECORD ID = 7304583823 STOCKWATER, 544 RANGE CATTLE;
WILDLIFE VAR. AMT.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

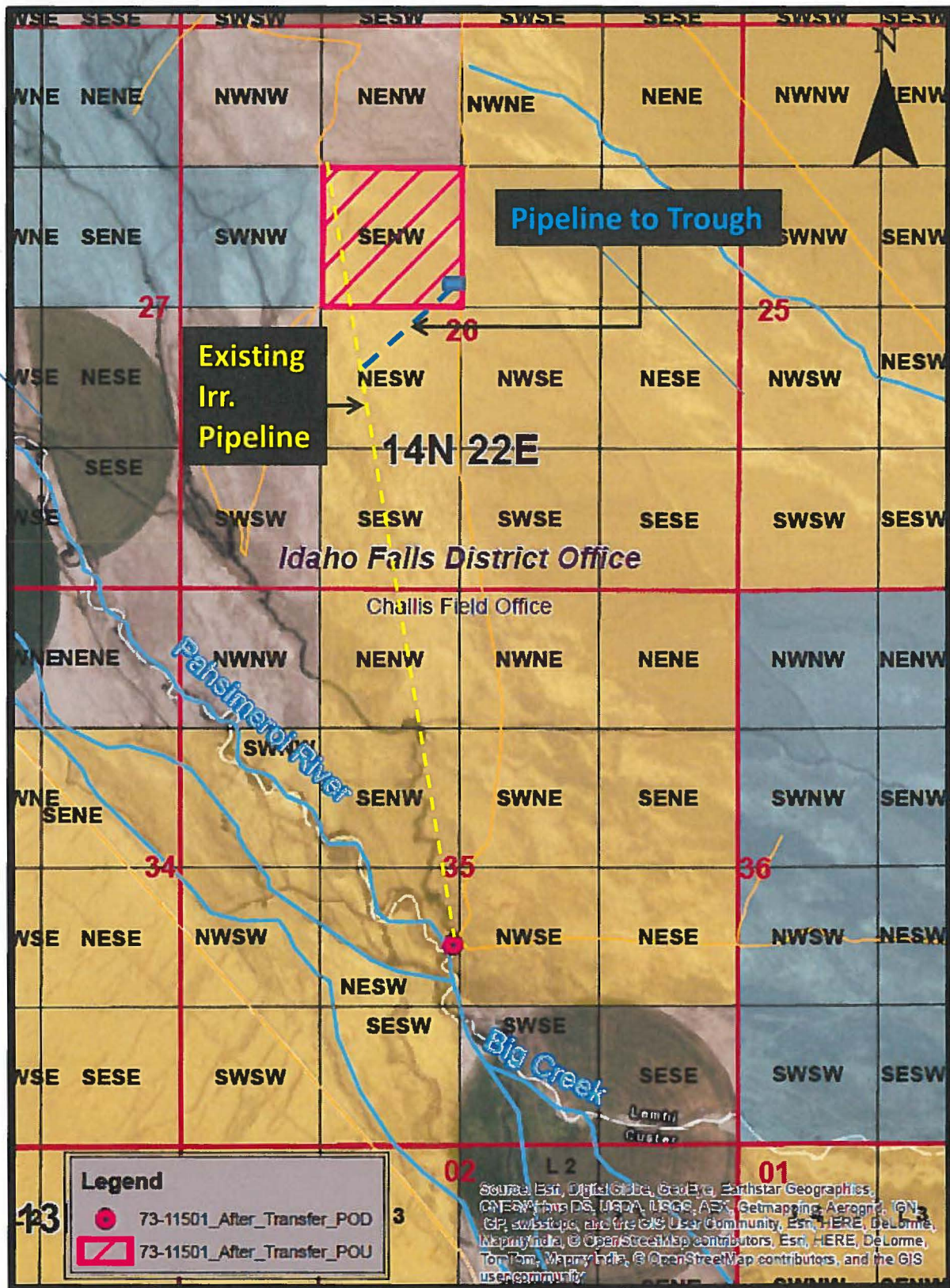
Decreed Date: 1/7/2000

Legend

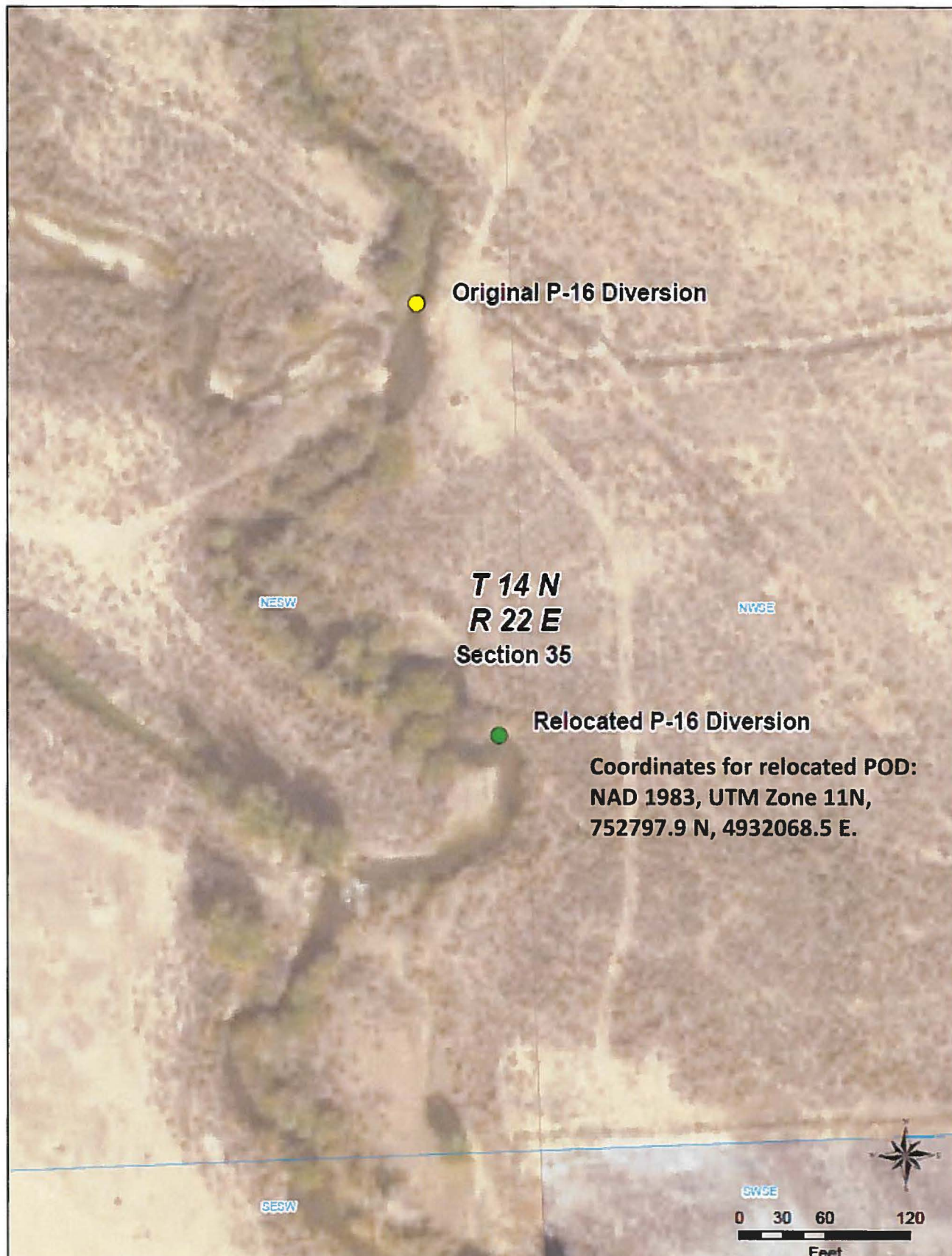
- 73-11501_wrPOD
- 73-11501_wrPOU

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/SWIRUS DS, USDA/USGS, Aerial, GeoEye, AeroGRID, IGN, IPR, swisstopo, and the GIS User Community; -st, H, -R, Delorme, Mapmy India, © OpenStreetMap contributors, H, H, -R, Delorme, TomTom, Mapmy India, © OpenStreetMap contributors, and the GIS user community

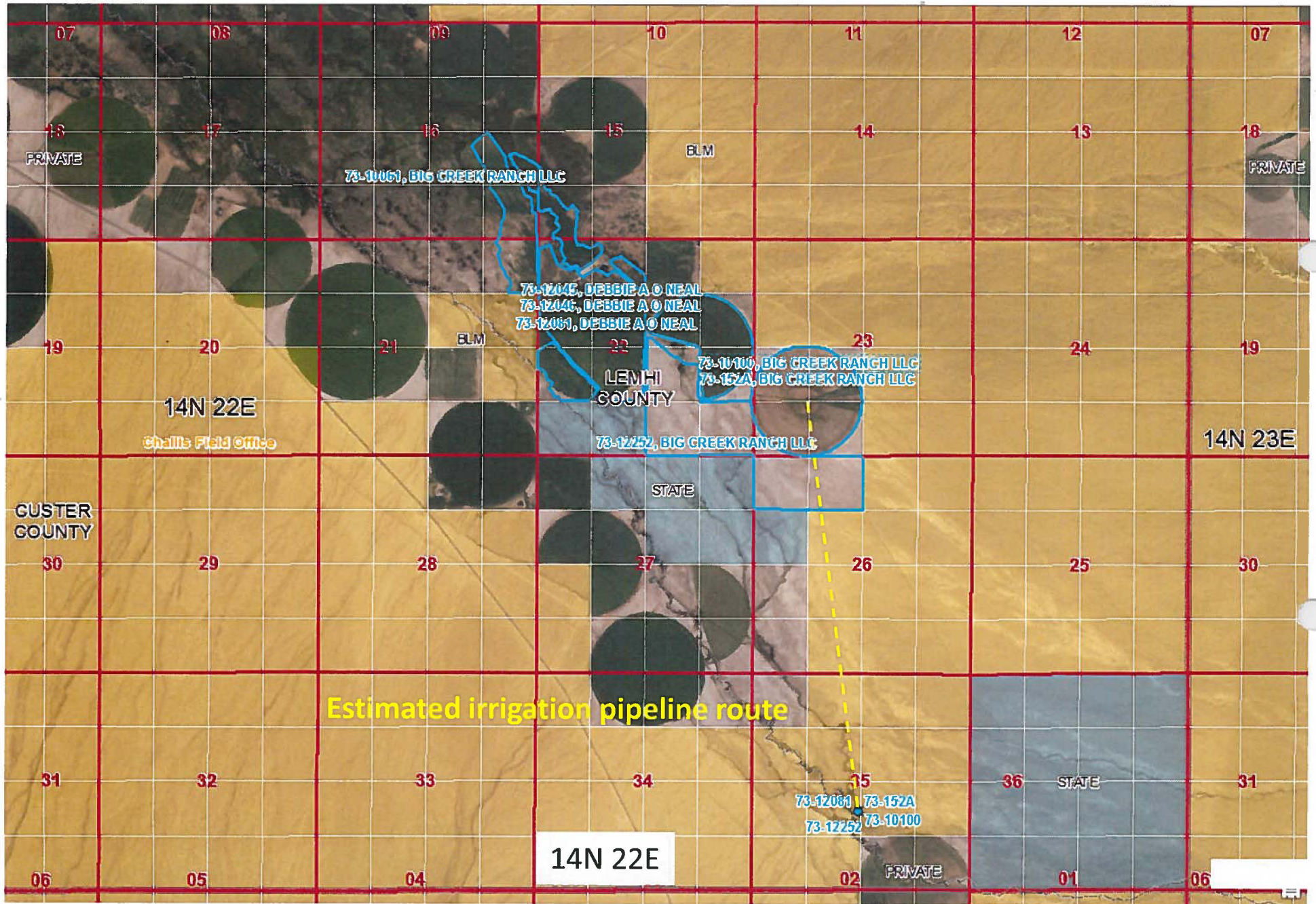
Map 7A: 73-11501 After Transfer



Map 7A: POD Close-up Map



Irr. Rights that share pipeline with same POD (T14N, T22E, S35, SENESW)



80618

<<< Idaho | Programs | Soil | Water | Air | Fisheries | Aquatic Habitat Projects

Furey Lane Water Conservation and Reconnect Project

WHY THIS MATTERS? There are 4 threatened and endangered species and this is their habitat - Snake River Sockeye Salmon (NMFS), Threatened, Snake River Chinook Salmon (NMFS), Snake River Steelhead (NMFS) and the Columbia River Bull Trout (FWS). This project was completed in 2015.

Overview if BLM Challis Riparian and Fisheries Habitat Restoration 2015 (pdf)



BLM has received a right-of-way application from the Furey Lane/P-16 Irrigation Company for installation of and access to an irrigation point of diversion, ditch, and underground pipeline to convey decreed Pahsimeroi River water rights across BLM-administered land to private lands in the vicinity of Furey Lane. Additionally, BLM has also received a right-of-way application from the Idaho Department of Fish and Game (IDFG) Screen Program for installation and maintenance of the associated fish screen, access road, and bypass pipe, which would be installed as part of the irrigation infrastructure improvements. For purposes of compliance with ESA consultation for this project, the Project Sponsor is Custer Soil and Water Conservation District (CWSCD).

Background Information

This environmental assessment was prepared to analyze the impacts to the natural and human environment that may occur from removal and minor relocation of the existing P-16 diversion and abandonment of two associated unscreened conveyance ditches, and construction of improved irrigation headworks, fish screen, and pipeline. The project will relocate and improve the existing diversion structure, and convert an open ditch to a buried pipeline. The project is proposed to improve efficiency of the irrigation system that provides decreed water rights to two private landowners southwest of the town of Patterson, located in the Pahsimeroi Valley in Lemhi County, Idaho. The proponents have requested to upgrade the irrigation infrastructure as a part of ongoing Endangered Species Act (ESA) stream channel and flow restoration activities, which have been occurring in the Pahsimeroi River subbasin since the mid 1990's. The proposed project would upgrade irrigation infrastructure, allowing for lower rates of diversion from the P-16 POD on the Pahsimeroi River and cessation of use of water rights from Big Creek that are conveyed via the Hamilton ditch to the existing P-16 ditch. Additionally, the project would provide a lockable and measurable diversion structure at the P-16 POD, remove an instream fish passage barrier, and eliminate fish entrainment within the irrigation system.

Two landowners currently use Big Creek and Pahsimeroi River water for irrigation of private lands in the vicinity of Furey Lane. Decreed water rights totaling 18.72 cubic feet per second (cfs) are currently diverted from the Pahsimeroi River and conveyed via the P-16 ditch, and decreed water rights totaling 9.54 cfs are diverted from Big Creek and conveyed via the Hamilton ditch to the P-16 ditch. A portion of the Big Creek water is used to irrigate land on the north side of the Pahsimeroi River; the remainder is conveyed back to the Pahsimeroi River where it is re-diverted at the P-15 diversion to irrigate land on the south side of the Pahsimeroi River. This continues as long as Big Creek water is available, typically from spring into summer. When Big Creek flow decreases, the water rights are met solely through 18.72 cfs of Pahsimeroi River water diverted at P-16. Current diversion practices require annual installation of instream push-up dams, using heavy equipment, on both Big Creek and the Pahsimeroi River. For at least a portion of the growing season, these structures divert the entirety of the streamflow into the Hamilton and P-16 ditches, respectively; creating complete barriers to fish passage (Figure 1 and Figure 2).



This project would result in a maximum of 8.0 cfs being diverted at the reconstructed P-16 POD, and a cessation of Big Creek water diversion (9.54 cfs) and its associated use of the Hamilton ditch. Of the total 8.0 cfs diverted at P-16, a maximum of 7.2 cfs would be delivered to the proponent's acreage via an improved irrigation system, and 0.8 cfs would be returned to the river via a fish screen bypass pipe, resulting in an approximate minimum water savings of 11.52 cfs over the current authorized use. Additionally, the diversion rate at P-16 would be decreased from 8.0 cfs to 4.6 cfs, beginning each year in July, when one landowner would stop diverting until the start of the next irrigation season. The second landowner would continue to divert 4.6 cfs, including the 0.8 cfs for fish return (using 3.8 cfs for irrigation), through the remainder of the irrigation season. During this period, when the Pahsimeroi River typically experiences its annual lowest flows, the total water savings would be 14.92 cfs.

Currently, the Pahsimeroi River, and the existing irrigation ditches (P-16 and Hamilton) are the primary sources of livestock/wildlife water within the western (P-16) and central (Hamilton) portions of the BLM County Line grazing allotment. As a result of implementation of the project, these ditches would no longer be used, and the Pahsimeroi River would be completely excluded from livestock access within the allotment. Without these water sources, there could be decreased utilization in the central and western parts of the allotment, and a correspondent increase in utilization in the northern and southern parts of the allotment near the existing County Line pipeline and Big Creek channel, respectively. The Pahsimeroi River and the abandoned ditches would need to be replaced in order to provide livestock water sources in these parts of the allotment, and to benefit wildlife that have become dependent on the Hamilton ditch.

Type of Action

The ROW applicant, the Furey Lane/P-16 Irrigation Company, is requesting a ROW authorization (IDI-37646) across BLM administered land to install and maintain an irrigation diversion and associated infrastructure, including a ditch and adjacent maintenance access road, bubbler, overflow, and pipeline.

The IDFG Fish Screen Program is requesting a separate ROW authorization (IDI-37700) to construct and maintain a National Marine Fishery Service (NMFS) compliant fish screen. The ROW application would also allow IDFG access to use and improve (grading) approximately 1.7 miles of existing designated roads across BLM administered land to maintain the fish screen and associated infrastructure.

Purpose and Need for the Action

The purpose of this action is to provide access to the ROW applicants to install and maintain an irrigation diversion and associated infrastructure, including a ditch and adjacent maintenance access road, bubbler, overflow, pipeline, NMFS compliant fish screen, and to allow access across existing designated roads to the POD and associated infrastructure. This action would provide resource benefits consistent with the Challis Resource Management Plan (RMP; BLM 1999) by: 1) removing a known fish passage barrier, 2) eliminating fish entrainment in the P-16 and Hamilton ditches, 3) improving riparian habitat on the Pahsimeroi River, and 4) augmenting instream flow in the Pahsimeroi River and Big Creek.

The need for the action is established by the BLM's responsibility under the FLPMA to respond to requests for legal access across public lands administered by the BLM, and is in accordance with the FLPMA and consistent with the Challis RMP.

**Location of the Proposed Action**

The proposed reconstructed P-16 diversion and fish screen are located on the Pahsimeroi River, approximately 5.6 miles west southwest of Patterson, Idaho at: Boise Meridian, T. 14 N., R. 22 E., Sec. 35, NESW. The reconstructed POD would be located approximately 520 feet upstream from the existing POD in order to facilitate construction of the diversion headworks and fish screen, and to provide adequate head for operation of the pipeline and associated irrigation infrastructure. The reconstructed POD would remain in the same 40 acre parcel as it is currently located and described in the water rights. The irrigation pipeline would begin in Section 35 on BLM administered land and extend approximately 1.37 miles (7,228 feet) to private land located at: Boise Meridian, T. 14 N., R. 22 E., Sec. 26 (Figure 4).

Last updated: 01-21-2016

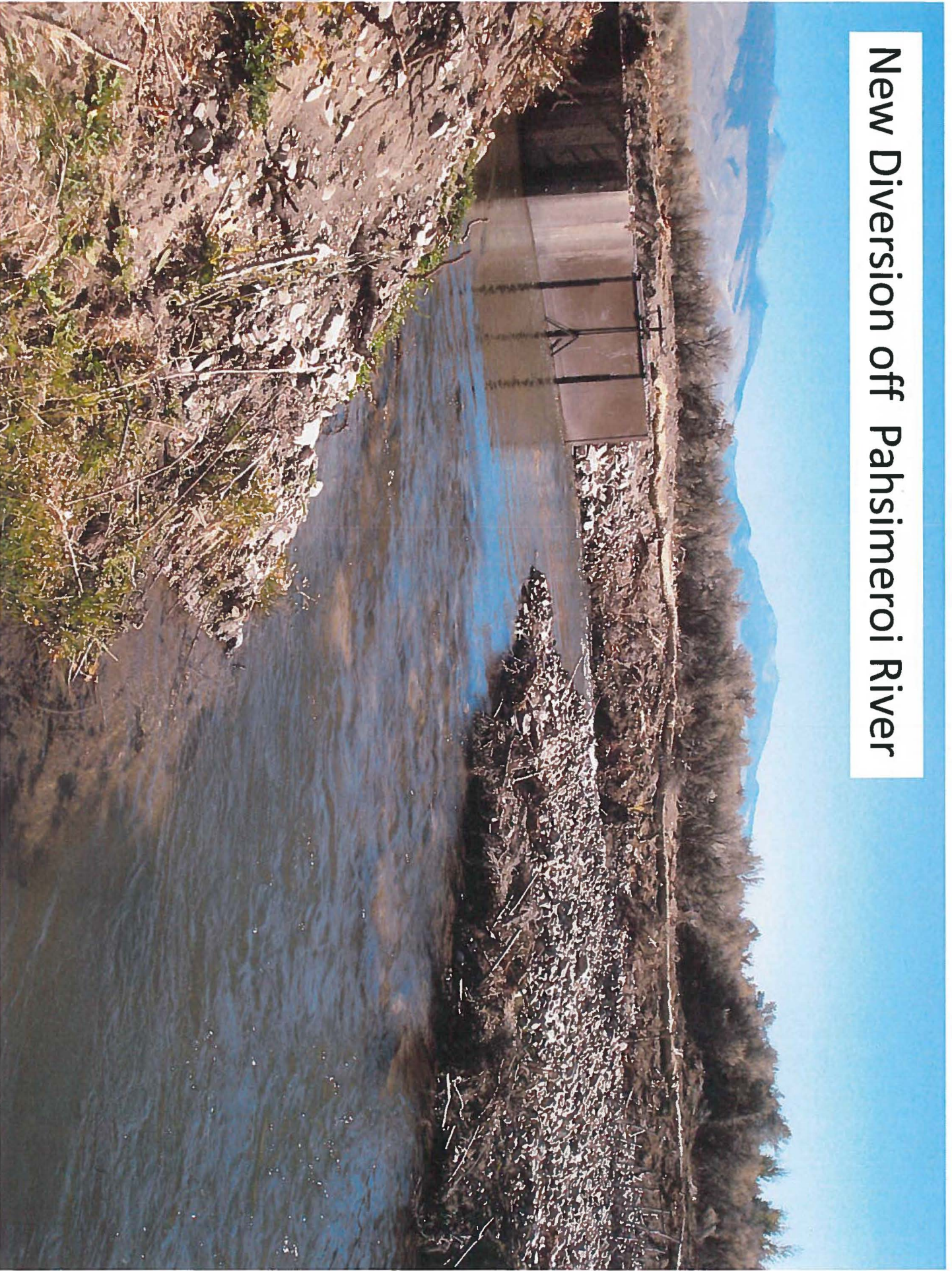
[USA.GOV](#) | [No Fear Act](#) | [DOI](#) | [Disclaimer](#) | [About BLM](#) | [Notices](#) | [Social Media Policy](#)
[Privacy Policy](#) | [FOIA](#) | [Kids Policy](#) | [Contact Us](#) | [Accessibility](#) | [Site Map](#) | [Home](#)

P-16 Pipe Project

Post Pics

(1st week of May 2016)

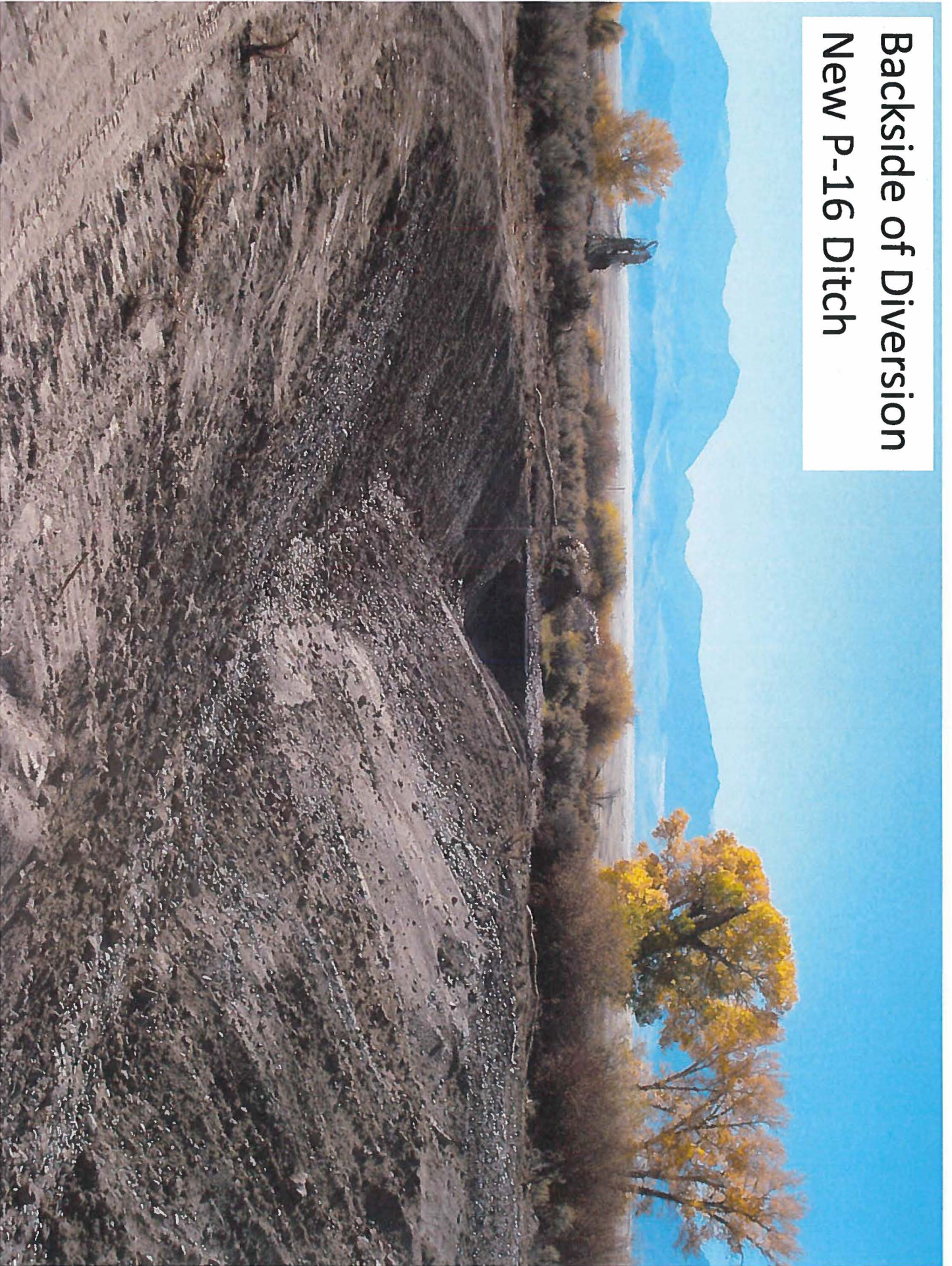
New Diversion off Pahsimeroi River



New Diversion off Pahsimeroi River

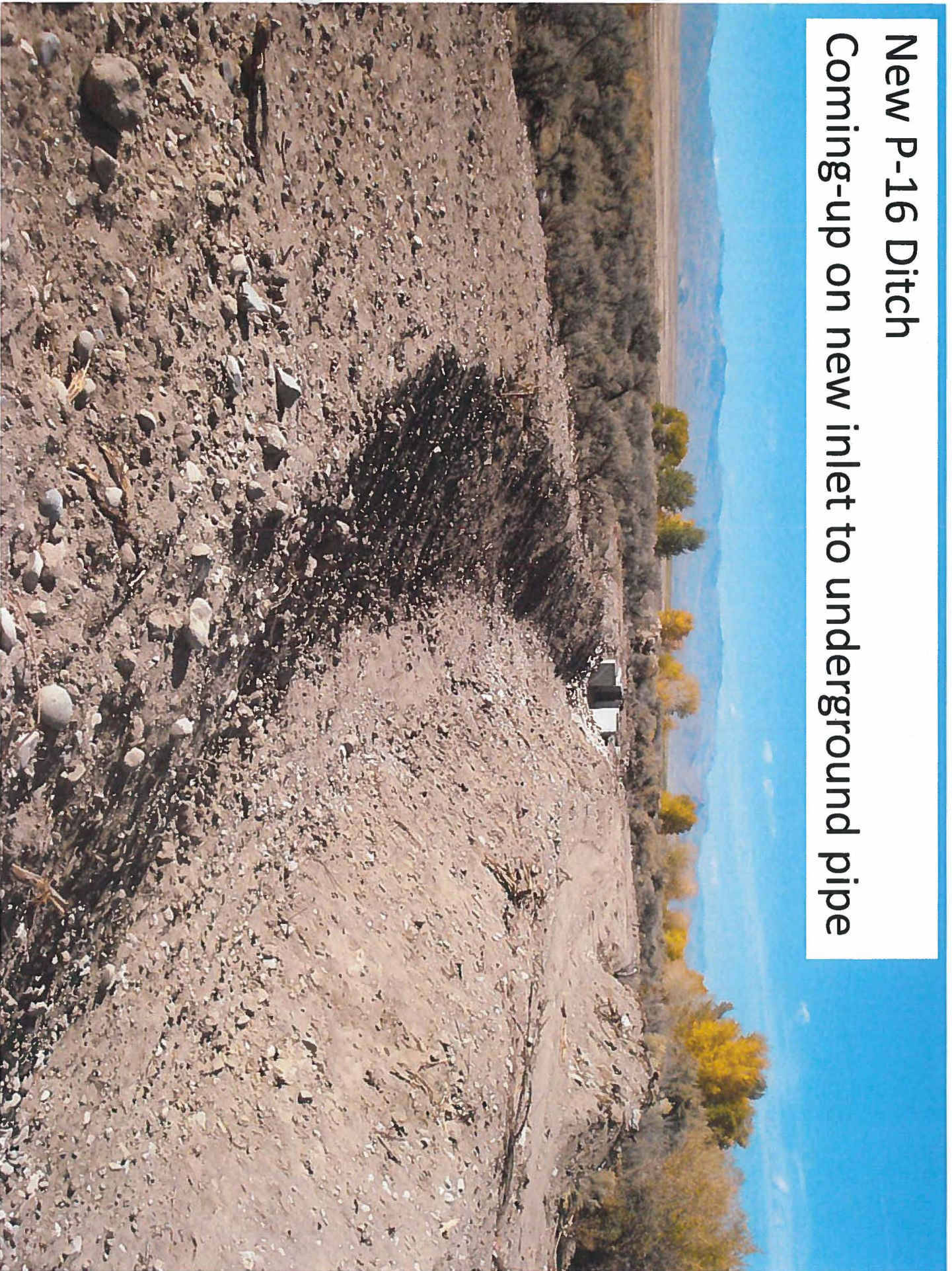


Backside of Diversion New P-16 Ditch

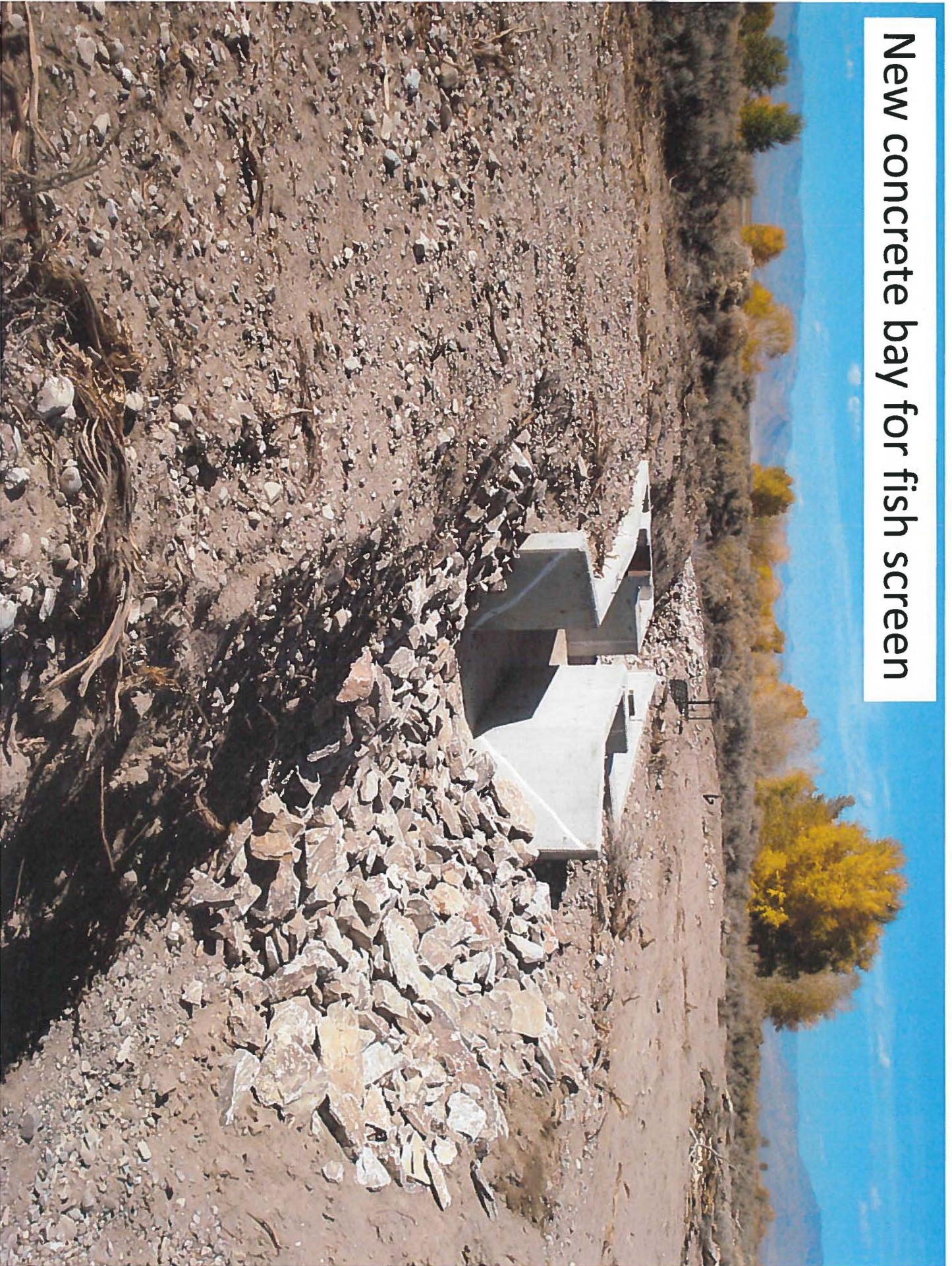


New P-16 Ditch

Coming-up on new inlet to underground pipe



New concrete bay for fish screen





Concrete bay for new fish screen

Underground pipe

Underground pipe





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 27, 2017

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE, ID 83709-1657

RE: Transfer No. 80918
Water Right No(s). 73-11501

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 CHALLIS MESSENGER on 2/2/2017 and 2/9/2017. 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,

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, January 27, 2017 8:39 AM
To: 'Anna Means'
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean

208-879-5276 Page 1

January 27, 2017

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

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 before February 20, 2017. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80918**

UNITED STATES OF AMERICA ACTING THROUGH, USDI BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY, BOISE, ID 83709-1657; has filed Application No. 80918 for changes to the following water rights within CUSTER County(s): Right No(s). 73-11501; The purpose of the transfer is to change a portion of the above rights as follows: change instream stockwater use in an Unnamed Stream tributary to Pahsimeroi River to a diversion from the Pahsimeroi River in the same 10-acre track of SENESW, Sec. 35, T14N, R22E into the P-16 pipeline to serve a single trough located in the SENW, Sec. 26, T14N, 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 www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx 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 **2/20/2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/2/2017 and 2/9/2017

Jean Hersley

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



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 27, 2017

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

RE: Application for Transfer: 80918
Water Right: 73-11501

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 for transfer. 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

January 27, 2017

IDAHO DEPARTMENT OF FISH & GAME
ATTN: TOM BASSISTA
4279 COMMERCE WAY
IDAHO FALLS ID 83401

RE: Application for Transfer: 80918
Water Right: 73-11501

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 for transfer. 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 application.

Sincerely,

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

Jean Hersley
Technical Records Specialist II

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c: Dept of Fish & Game- Salmon office



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January 27, 2017

TED ONEAL
WATER DISTRICT #73
11 ONEAL LN
MAY ID 83253

RE: Application for Transfer: 80918
Water Right: 73-11501

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 copies 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: Friday, January 27, 2017 8:47 AM
To: Yenter, Cindy; Clark, Cynthia (Bridge)
Subject: Application for Transfer 80918 water right 73-11501

This application will be advertised on February 2nd and 9th. Documents will be scanned by the end of the day. Please let the state office know if you have any comments or concerns. Protest deadline is February 20th, 2017.

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

MEMORANDUM

Date: January 12, 2017
To: Transfer 80918
From: Michele Edl
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to authorize the applicant to implement changes in water right 73-11501 which improves or restores riparian and fisheries habitat in Pahsimeroi River. The transfer proposes to change the POU from an in-stream stock watering scenario to stock watering from a trough thereby eliminating the end-of-reach and beginning-of-reach points associated with the right. The transfer will also change the POD and the source. The new POD will divert from the Pahsimeroi River rather than from a tributary unnamed stream.

Authority to File: The applicant is the owner-of-record for decreed water right 73-11501. According to available Lemhi County taxlot information the BLM administers the land where the stock watering trough will be located, the land which contains the new POD structure on the Pahsimer River and the land traversed by the pipeline conveying the water from the diversion to the trough. Gary A. Madenford (water rights team leader, USDI BLM) signed the application.

Water Right Validity: The water right is presumed valid. The partial decree was issued by the SRBA on 1/07/2000. A review of aerial photography is inconclusive. Historical and continued beneficial use for stock watering is difficult to confirm because the BLM doesn't own the stock. However, IDWR will process this application for transfer.

Injury to Other Water Rights: No injury is expected. The diversion is for an existing use and will continue to be under watermaster control. The new diversion structure will be lockable and will provide a measurement structure as well as fish screening. The stockwater use will share the diversion structure and the buried conveyance pipeline with several irrigation water rights.

Enlargement of Use: No enlargement is anticipated. The right will be conditioned such that it is not bettered by the change in source.

Local Public interest: No negative impact is anticipated. The application will be advertised.

Beneficial Use/Conservation of Water Resources: The applicant proposes a beneficial use consistent with conservation of water resources in Idaho.

Effect on Economy the Local Area: Review staff has no information to suggest that 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 that 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.