

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81251

This is to certify that: FRED H SNOOK
44 CEMETERY LANE
SALMON, ID 83467

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>
74-16061	WR/DECREED	6/1/1930	0.900 cfs	N/A	N/A	45.4	PRATT CREEK
74-198	WR/DECREED	5/1/1895	1.000 cfs	N/A	N/A	80.0	PRATT CREEK

Purpose of Transfer (Changes Proposed)

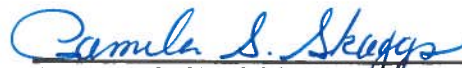
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-16061	NO	YES	YES	NO	NO	NO
74-198	NO	YES	YES	NO	NO	NO

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>
74-16061	74-16061	0.900 cfs	N/A	45.4	90.0	N/A	N/A	N/A	N/A	N/A
74-198	74-198	1.000 cfs	N/A	44.6	90.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.900 cfs	N/A	90.0	90.0		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 20th day of December, 2016.



PAMELA S. SKAGGS, Water Rights Supervisor

SUPPORT DATA
IN FILE # 74-198

Transfer No. 81251

WATER RIGHT NO. 74-198 **As Modified by Transfer No. 81251**

In accordance with the approval of Transfer No. 81251, Water Right No. 74-198 is now described as follows:

Right Holder: FRED H SNOOK
 44 CEMETERY LANE
 SALMON, ID 83467

Priority Date: 5/1/1895

Source: PRATT CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

1.000 cfs

1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

PRATT CREEK SWSE Sec 1 Twp 20N Rge 23E 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	
20N	23E	11			16.7	19.0									9.9	10.4			56.0
20N	23E	12						24.5	9.5										34.0

Right Acre Limit: 44.6

POU Total Acres: 90.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 44.6 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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. 74F.
4. 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).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81251

WATER RIGHT NO. 74-198
As Modified by Transfer No. 81251

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The diversion and use of water described in Transfer 81251 may be subject to additional conditions and limitations agreed to by the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the parties.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 74-16061
As Modified by Transfer No. 81251

In accordance with the approval of Transfer No. 81251, Water Right No. 74-16061 is now described as follows:

Right Holder: FRED H SNOOK
 44 CEMETERY LANE
 SALMON, ID 83467

Priority Date: 6/1/1930

Source: PRATT CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.900 cfs
 0.900 cfs

LOCATION OF POINT(S) OF DIVERSION

PRATT CREEK SWSE Sec 1 Twp 20N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	11			16.7	19.0									9.9	10.4			56.0
20N	23E	12						24.5	9.5										34.0

Right Acre Limit: 45.4

POU Total Acres: 90.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 45.4 acres within the authorized place of use in a single irrigation season.
2. 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. 74F.
3. 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).
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Transfer No. 81251

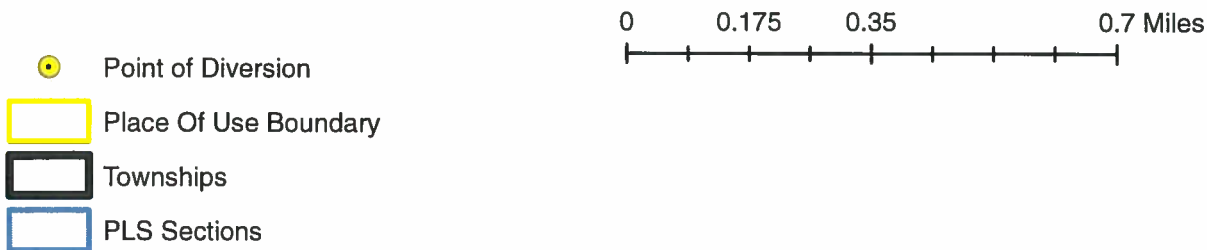
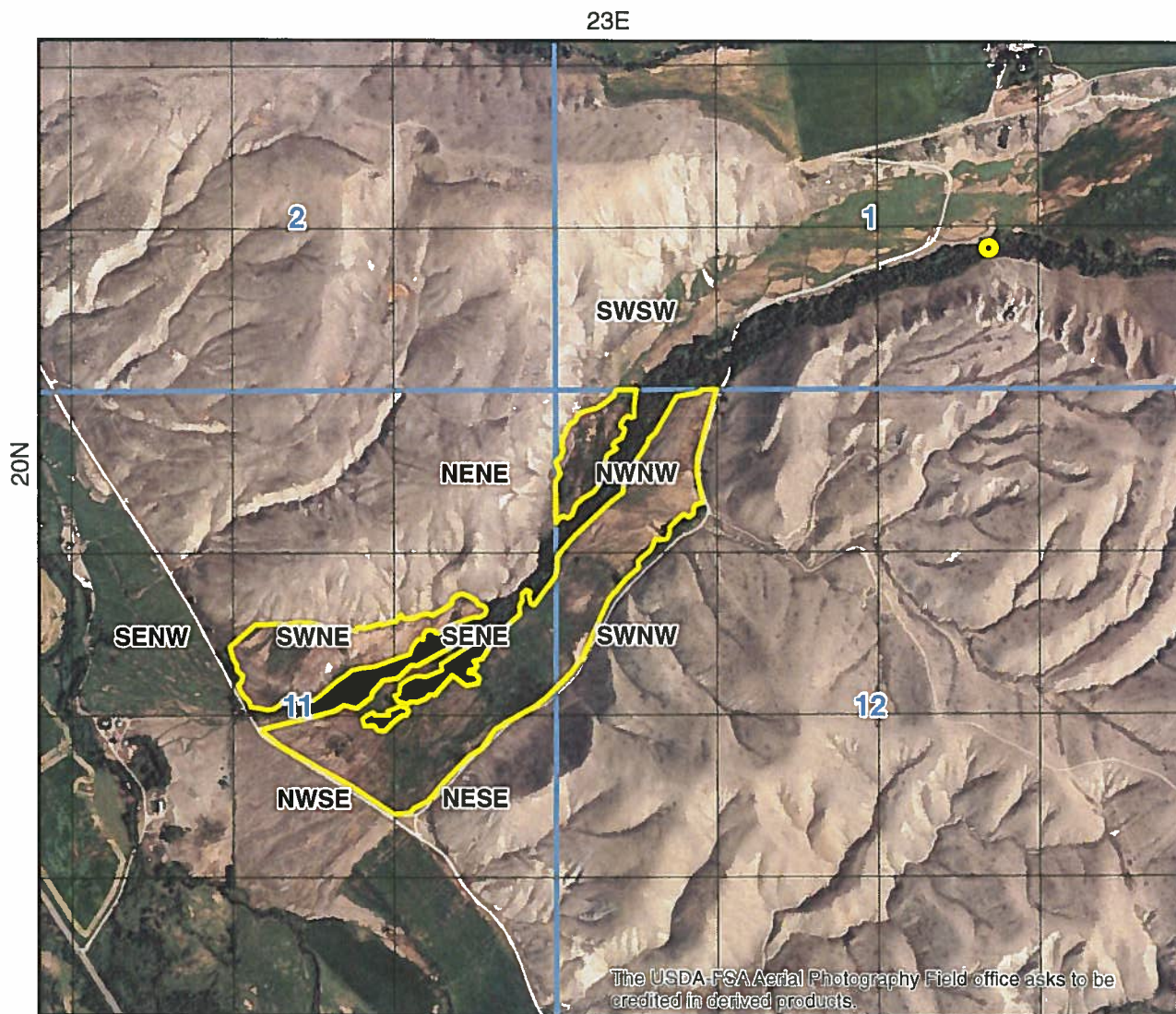
WATER RIGHT NO. 74-16061
As Modified by Transfer No. 81251

CONDITIONS OF APPROVAL

6. The diversion and use of water described in Transfer 81251 may be subject to additional conditions and limitations agreed to by the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the parties.
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 81251
74-198 & 74-16061

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.





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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 21, 2016

FRED H SNOOK
44 CEMETERY LANE
SALMON ID 83467

Re: Transfer No: 81251
Water Right No(s): 74-198, 74-16061

Transfer Approval Notice

Dear Water Right Holder 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,



Pamela Skaggs
Water Rights Supervisor

Enclosure

c: WATER DISTRICT #74F

STATE OF IDAHO
OFFICE OF SPECIES CONSERVATION
UPPER SALMON BASIN WATERSHED PROGRAM
955 RIVERFRONT DR STE B
SALMON ID 83467

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 81251
Water Right No(s): 74-198, 74-16061**

**FRED H SNOOK
44 CEMETERY LANE
SALMON ID 83467**

**STATE OF IDAHO
OFFICE OF SPECIES CONSERVATION
UPPER SALMON BASIN WATERSHED PROGRAM
955 RIVERFRONT DR STE B
SALMON ID 83467**

**WATER DISTRICT #74F
DAVID M ANTONELLI
17 SHOFIELD LN
SALMON 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.



RECEIVED

DEC 19 2016

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

December 15, 2016

State of Idaho Department of Water Resources
ATTN: Jean Hersley, Technical Records Specialist II
322 East Front Street
P.O. Box 83720
Boise, ID 83720

Fred H Snook
44 Cemetery Lane
Salmon, ID 83467

RE: Water Right Application for Transfer No. 81251 (WRs 74-198 & 74-16061)

Dear Jean and Fred:

The IDFG has reviewed the application for Transfer No. 81251 submitted by Fred H Snook (Applicant).

Based on the detail of the Water Right Transfer application, the IDFG has no environmental or wildlife comments relative to this application. If you have any questions, please contact the Region's Environmental Staff Biologist, Jeff Richards at (208) 756-2271.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Richards signed for" with a flourish.

Tom Curet
Regional Supervisor

TC: jr

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-334-3700 • Fax: 208-334-2114 • Idaho Relay (TDD) Service: 1-800-377-3529 •
<http://fishandgame.idaho.gov>

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 81251

FRED H SNOOK, 44 CEMETERY LANE,
SALMON, ID 83467; has filed Application
No. 81251 for changes to the following
water rights within LEMHI County(s): Right
No(s). 74-16061, 74-198; to see a full
description of these rights and the pro-
posed transfer, please see
[www.idwr.idaho.gov/apps/wr/
QueryNewTransfers/
QueryNewTransfers.aspx](http://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:

Transfer proposes to combine Rights
74-198 and 74-16061 on a 90 acre place
of use & divert water from Pratt Creek at a
single new point of diversion in the SWSE,
Section 1, Township 20N, Range 23E,
Lemhi County.

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/
WaterManagement/WaterRights/
WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm). Pro-
tests may be submitted based on the cri-
teria 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 12/19/2016. The
protestant must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director 12-1-2tc

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 (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and
of general circulation therein. That the **NOTICE OF PROPOSED CHANGE**, 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 **12-1-2016** and end-
ing with the issue dated **12-8-2016**.

STATE OF IDAHO }
County of Lemhi } ss.

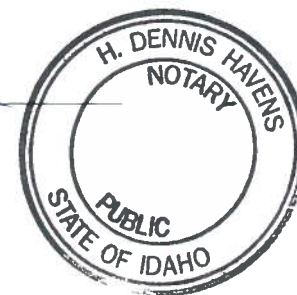
On this **8th day of December** in this year of 2016 before me, A Notary Public, personally
appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed
to the within instrument, and being by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 11-30-2018



Publication Fee \$86.40

RECEIVED

DEC 12 2016

DEPARTMENT OF
WATER RESOURCES

Handwritten:
12-14-16