

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80850

This is to certify that: MICHELLE M YOUNG
WILLIAM YOUNG
PO BOX 98
HOPE, ID 83836-0098

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>
74-7363	WR/LICENSE	5/12/1995	0.060 cfs	N/A	N/A	N/A	MEADOW 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>
74-7363	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>
74-7363	74-7363	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	N/A	N/A	N/A		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 12th day of September, 2016.


Pamela S. Skaggs, Water Rights Supervisor

WATER RIGHT NO. 74-7363
As Modified by Transfer No. 80850

In accordance with the approval of Transfer No. 80850, Water Right No. 74-7363 is now described as follows:

Right Holder: MICHELLE M YOUNG And
WILLIAM YOUNG
PO BOX 98
HOPE, ID 83836-0098

Priority Date: 5/12/1995

Source: MEADOW CREEK

Tributary: HAYDEN CREEK

BENEFICIAL USE

DOMESTIC
STOCKWATER

From

01/01
01/01

to 12/31
to 12/31

To

Diversion Rate

0.040 cfs
0.020 cfs
0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

MEADOW CREEK SENE Sec 23 Twp 17N Rge 23E LEMHI County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	23E	14														X			

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	23E	14														X			

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. Domestic use is for 1 home.
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. 74.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 80850

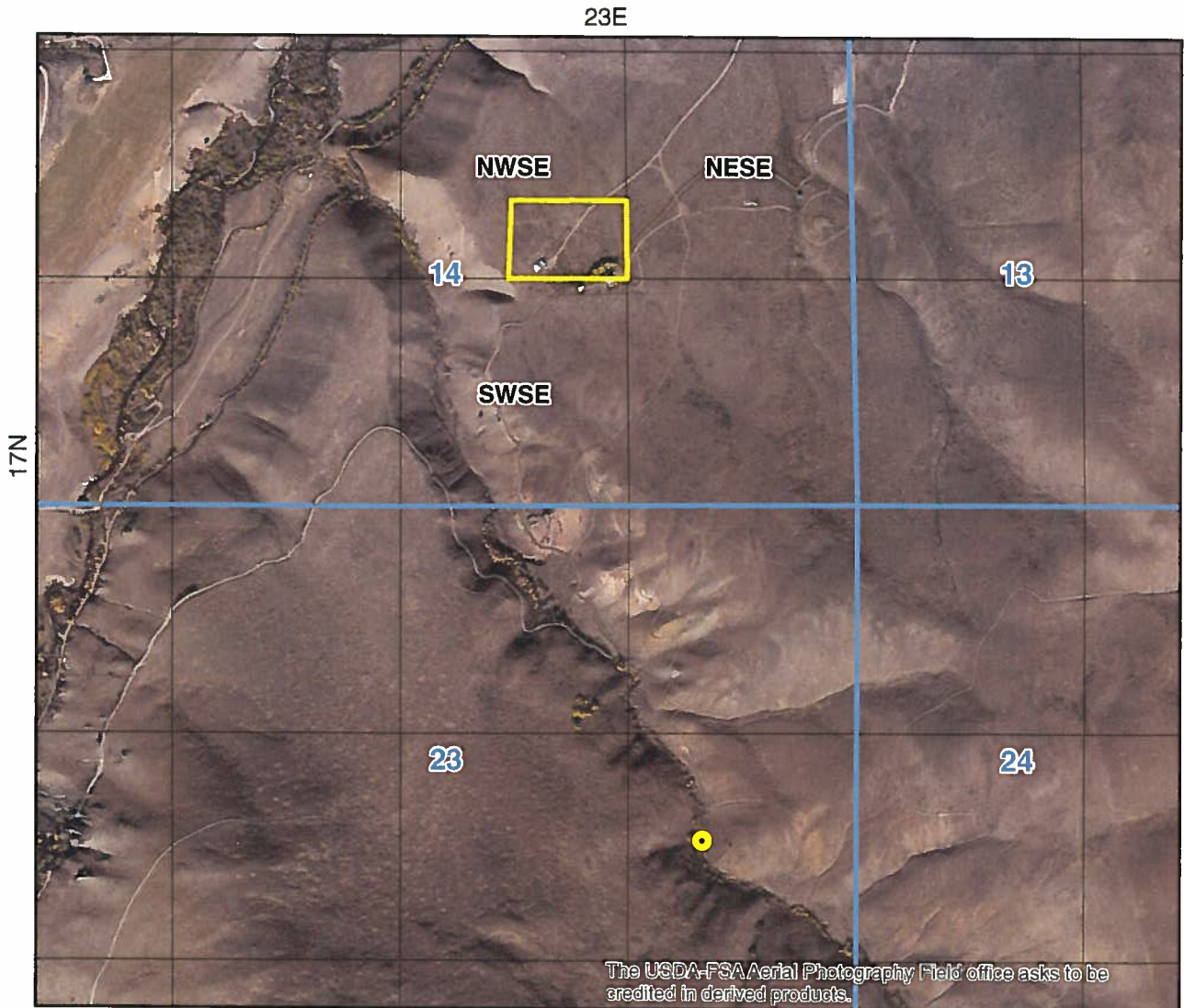
WATER RIGHT NO. 74-7363
As Modified by Transfer No. 80850

CONDITIONS OF APPROVAL

5. Place of use does not include federal public lands
6. This right does not grant any right-of-way or easement across the land of another.
7. 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.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 80850
Right 74-7363

This map depicts the DOMESTIC & STOCKWATER 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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 14, 2016

MICHELLE M YOUNG
WILLIAM YOUNG
PO BOX 98
HOPE ID 83836-0098

Re: Transfer No: 80850
Water Right No(s): 74-7363

Transfer Approval Notice

Dear Water Right Holders and other Interested Persons:

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. 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)287-4800.

Sincerely,



Pamela S. Skaggs

Water Rights Supervisor

Enclosure(s)

c: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
ATTN FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709-1657

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80850
Water Right No(s): 74-7363**

**MICHELLE M YOUNG
PO BOX 98
HOPE ID 83836-0098**

**WILLIAM YOUNG
PO BOX 98
HOPE ID 83836-0098**

**UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
ATTN FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709-1657**



**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.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>



RECEIVED

SEP 12 2016

DEPARTMENT OF
WATER RESOURCES

In Reply Refer To:
7250 (933b)

September 8, 2016

Pam Skaggs, Water Rights Supervisor
Idaho Department of Water Resources (IDWR)
State Office
Idaho Water Center
322 East Front Street
Boise, Idaho 83702-7374

Dear Ms. Skaggs:

RE: Withdrawal of BLM Protest:
Application for Transfer No. 80850 (74-07363) f/b William & Michelle Young

By this letter, I state that I have the authority to act on behalf of the United States Department of Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein.

BLM protested the Application for Transfer because it sought a Point of Diversion (POD) and described a Places of Use (POU) on BLM that were not authorized by the United States.

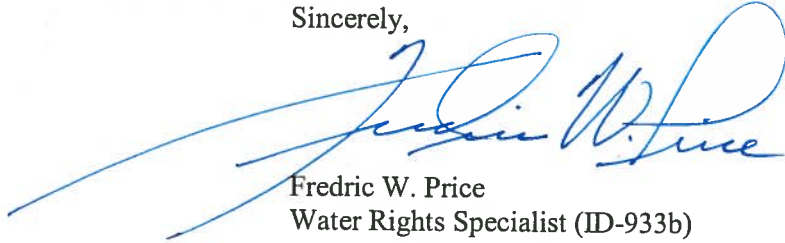
The Youngs have filed an Application for Right-of-Way (ROW) with the BLM (IDI-038197) in hopes of gaining access to the POD sought in the transfer (T17N, R23E, S23, SENE). At the Pre-Hearing Conference held on August 23, 2016, William Young agreed to consolidate the POU in this transfer to just the private land described as T17N, R23E, S14, NWSE; and thereby amend the transfer to remove the POU describing BLM land within T17N, R23E, S14, SWSE.

BLM's protest can be resolved by: (1) BLM granting ROW IDI-038197 and by IDWR including the following standard condition in the approved transfer that reads "This right does not grant any right-of-way or easement across the land of another"; and (2) The approved transfer does not include a POU on BLM land within T17N, R23E, S14, SWSE. Provided that the transfer is approved as described above, I hereby conditionally withdraw BLM's protest.

BLM requests that it receive notice of any subsequent amendments to this transfer and of any Approved Transfer issued by IDWR.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,



Fredric W. Price
Water Rights Specialist (ID-933b)

cc William & Michelle Young; P.O. Box 98; Hope, ID 83836-0098

Skaggs, Pam

From: Price, Fredric <fwprice@blm.gov>
Sent: Thursday, September 08, 2016 11:58 AM
To: Skaggs, Pam
Cc: Gary Madenford
Subject: Conditional Withdrawal of BLM's Protest: Transfer 80850 (74-07363), William & Michelle Young
Attachments: BLM-Protest-Withdrawal_Trans-80850_74-07363_09-08-2016.pdf

Pam,

RE: Conditional Withdrawal of BLM's Protest:
Transfer 80850 (74-07363), William & Michelle Young

Attached is a scanned copy of a letter conditionally withdrawing BLM's protest. Hardcopy original is in the mail.

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The Youngs have filed an Application for Right-of-Way (ROW) with the BLM (IDI-038197) in hopes of gaining access to the POD sought in the transfer (T17N, R23E, S23, SENE). At the Pre-Hearing Conference held on August 23, 2016, William Young agreed to consolidate the POU in this transfer to just the private land described as T17N, R23E, S14, NWSE; and thereby amend the transfer to remove the POU describing BLM land within T17N, R23E, S14, SWSE.

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(2) The approved transfer does not include a POU on BLM land within T17N, R23E, S14, SWSE.

Provided that the transfer is approved as described above, the attached letter conditionally withdraws BLM's protest.

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office, ID-933b
1387 S. Vinnell Way, Boise, ID 83709
(208) 373-3831
fwprice@blm.gov



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
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In Reply Refer To:
7250 (933b)

September 8, 2016

Pam Skaggs, Water Rights Supervisor
Idaho Department of Water Resources (IDWR)
State Office
Idaho Water Center
322 East Front Street
Boise, Idaho 83702-7374

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By this letter, I state that I have the authority to act on behalf of the United States Department of Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein.

BLM protested the Application for Transfer because it sought a Point of Diversion (POD) and described a Places of Use (POU) on BLM that were not authorized by the United States.

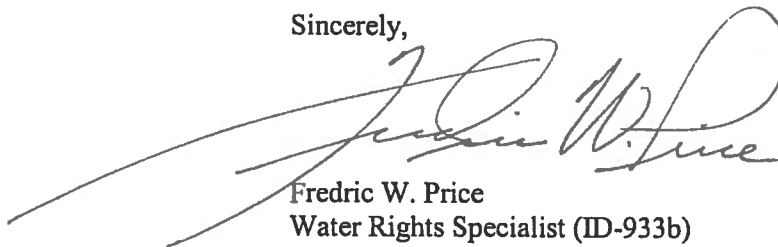
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BLM requests that it receive notice of any subsequent amendments to this transfer and of any Approved Transfer issued by IDWR.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fredric W. Price". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Fredric W. Price
Water Rights Specialist (ID-933b)

cc William & Michelle Young; P.O. Box 98; Hope, ID 83836-0098

Skaggs, Pam

From: Skaggs, Pam
Sent: Thursday, August 25, 2016 8:47 AM
To: 'Will Young Aquatic Research Instruments 800.320.9482 FAX 208.264.5263'
Subject: RE: APPLICATION FOR WATER RIGHT TRANSFER 80850 (WR # 74-7363)

Will,

Per your request, I will consolidate the place of use of Right 74-7363 to the NWSE, Section 14, Township 17N, Range 23E on your privately owned land through Transfer 80850. I will withhold further processing until the proposed conditional withdrawal document is received from BLM. Thank you for your quick response to resolve one of the protest issues.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

From: Will Young Aquatic Research Instruments 800.320.9482 FAX 208.264.5263 [mailto:hydrobio@aol.com]
Sent: Thursday, August 25, 2016 8:37 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: APPLICATION FOR WATER RIGHT TRANSFER 80850 (WR # 74-7363)

Dear Pam,

Hi and thanks for your help regarding our Application to Change our Point of Diversion # 80850.
This is a letter confirming that William and Shellby Young will use their Water Right # 74-7363 solely on private land located in: NWSE 17N 23E 14.
Water from this right will not be used on adjacent US BLM lands.
Thanks again for your great help and let me know if you see any changes that need to be made.
Regards,

William and Michelle Young
P.O. Box 98
Hope, ID
83836-0098

PH 800.320.9482
CELL 208.290.3820
FAX 208.264.5263
Email: hydrobio@aol.com
Website: aquaticresearch.com

MEMORANDUM

Date: August 23, 2016
To: Application for Transfer 80850 Young
From: Pam Skaggs 
Re: Protest & Pre-Hearing Conference

A prehearing teleconference was held this morning to discuss the protest of Application for Transfer 80850 filed by Michelle M. and William Young. The following parties participated in the teleconference:

Applicant: Will Young
Protestant: Fred Price of BLM
IDWR: Pam Skaggs.

All parties were given opportunities to share their perspective and concerns. The exchange and questions between parties were reasonable and productive. The primary issue relates to use of BLM land for both original and proposed points of diversion (POD) without proper access agreements. There was an added issue of the place of use (POU) of this right including the SWSE, S14, T17N, R23E that is also owned by BLM.

The protestant acknowledged the Youngs have filed an application for access through a ROW agreement identified as IDI-38197 to meet the needs of the proposed new POD from Meadow Creek and transport water to the Young's property across BLM land. The application is progressing normally and Fred didn't see any reason it would not be successful.

The protestant proposed a conditional withdrawal of the protest requiring that IDWR apply the standard right-of-way condition #004 to the transferred right and the place of use be limited to private property. Will and Fred discussed options to address the issue of some private buildings on BLM property and the Youngs will resolve that issue separately.

The applicant agreed with the requirements of the proposed conditional withdrawal. Their intent was always to use the water on their private property as stated in July 8, 2015 letter to IDWR during the licensing of this right. The applicant will provide email confirmation that they wish to consolidate the POU solely on their land through this transfer.

Upon receipt of the conditional withdrawal and confirmation to consolidate the POU, the transfer approval will be issued reflecting the agreed upon changes. BLM will receive a copy of the approval for their review when it is issued to confirm conditional requirements have been accomplished.