STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80936

This is to certify that: KAREN A DOWTON AND
SYDNEY M DOWTON
PO BOX 7
ELLIS, ID 83235

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
73-2170	WR/DECREED	2/10/1961	1.600 cfs	N/A	N/A	62.0	PAHSIMEROI RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
73-2170	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
73-2170	73-2170	1.600 cfs	N/A	N/A	62.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**1.600 cfs**	**N/A**	**N/A**	**62.0**		**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 3rd day of August, 2016.

Pamela S. Skaggs
Pamela S. Skaggs, Water Rights Supervisor

WATER RIGHT NO. 73-2170

As Modified by Transfer No. 80936

In accordance with the approval of Transfer No. 80936, Water Right No. 73-2170 is now described as follows:

Right Holder: SYNDEY M DOWTON AND
KAREN A DOWTON
PO BOX 7
ELLIS, ID 83235

Priority Date: 2/10/1961

Source: PAHSIMEROI RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	1.600 cfs
				1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER SWSW Sec 16 Twp 15N Rge 21E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N	21E	16									39.0		23.0						62.0

POU Total Acres: 62.0

CONDITIONS OF APPROVAL

1. 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.

2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Peterson Springs at the original point of diversion, at the mouth of Patterson Creek where it discharges into the Pahsimeroi River and at the point of diversion from the Pahsimeroi River.

3. Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Peterson Springs at the original points of diversion in the NESWNW, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River.

4. 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. 73.

WATER RIGHT NO. 73-2170

As Modified by Transfer No. 80936

CONDITIONS OF APPROVAL

5. 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).

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

7. This right does not grant any right-of-way or easement across the land of another.

8. Patterson Creek is locally known as Spring Creek.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. 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
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

August 5, 2016

KAREN A DOWTON
SYDNEY M DOWTON
PO BOX 7
ELLIS ID 83235

Re: Transfer No: 80936
Water Right No(s).: 73-2170
Transfer Approval Notice

Dear Water Right Holder:

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

Pamela S. Skaggs
Water Rights Supervisor

Enclosure

c: WATER DISTRICT #73

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80936
Water Right No(s).: 73-2170

KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

SYDNEY M DOWTON
PO BOX 7
ELLIS ID 83235

WATER DISTRICT #73
TED ONEAL
81 FUREY LN
MAY ID 83253

Darla Block

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
JUL 25 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

July 20, 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

Sydney M. and Karen A. Dowton
PO Box 7
Ellis, ID 83235

RE: Water Right Application for Transfer No. 80936

Dear Jean, Sydney and Karen:

The IDFG has reviewed the application for Transfer no. 80936 submitted by Sydney M. and Karen A. Dowton (Applicant).

Based on the detail of the Water Right Transfer application and site visit conducted by Larry Weeks and I, 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,

Tom Curet
Regional Supervisor

Hersley, Jean

From: Cassel, Amy
Sent: Thursday, July 21, 2016 10:50 AM
To: Hersley, Jean
Cc: Clark, Cynthia (Bridge)
Subject: Memo Transfer 80936
Attachments: Transfer 80936_Memo.pdf

Hi Jean,

Attached is a Memo regarding transfer 80936.

Thanks,

Amy Cassel
Project Coordinator, Water Transaction Program
Idaho Department of Water Resources
955 Riverfront Drive, Suite B
Salmon, ID 83467
Office: (208) 756-6322
Cell: (208) 577-1565

MEMORANDUM

DATE: July 19, 2016

TO: Jean Hersley

FROM: Amy Cassel

RE: Application for Transfer No. 80936

The IDWR Planning Section, on behalf of the Idaho Water Resource Board, would like to submit the following comments for consideration when processing Transfer Application No. 80936, which proposes the transfer of water right 73-2170 from the existing point to a new location approximately 0.7 miles downstream.

The proposed diversion is in a new, unscreened location on the Pahsimeroi River and would be located in a reach downstream of the of old Pahsimeroi-9 diversion. A coordinated effort between the Idaho Water Resource Board, the Custer Soil and Water Conservation District, Idaho Fish and Game, and participating landowners allowed for the removal of the old Pahsimeroi-9 cross-ditch and diversion structure in 2008. The old P-9 diversion was a fish barrier and the cross-ditch was the cause of other biological impairments including sedimentation and increased thermal inputs. Given the significant financial investment and ongoing positive biological outcomes of the 2008 project, the Idaho Water Resource Board would be concerned that the biological benefits already gained may be at risk if the applicant doesn't work with Idaho Fish and Game to ensure that the new diversion meets NOAA fisheries screening criteria. Furthermore, the applicant may be susceptible to ESA violations if the new point of diversion does not meet the screening criteria. It is important to note that the criteria screens are designed for all life stages of ESA-listed fish, including fry, parr, and adult.

The IDWR Planning Section would like to emphasize the importance of Pahsimeroi River diversions meeting NOAA fisheries screening criteria where ESA-listed species are present.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80936

KAREN A DOWTON and SYDNEY M DOWTON, PO BOX 7, ELLIS, ID 83235; has filed Application No. 80936 for changes to the following water rights within LEMHI County(s): Right No(s). 73-2170; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

To change the point of diversion to SWSW, Sec 16, T15N, R21E for 1.60 cfs from the Pahsimeroi River adjacent to the place of use.

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 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 7/25/2016. The protestant must also send a copy of the protest to the applicant.

–GARY SPACKMAN, Director Published on 7/7/2016 and 7/14/2016

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

75-14842

JOHN L HARRIS & SUSAN KAY HARRIS FAMILY TRUST

PO BOX 86

CARMEN, ID 83462

Point of Diversion SENWNW S29 T24N R22E LEMHI County

Source SPRING Tributary FOURTH OF JULY CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 4/18/2016

Place Of Use: DOMESTIC

T24N R22E S29 NWNW

This application proposes the diversion and use of water from a tributary of the Sc[illegible]

RECEIVED

JUL 18 2016

DEPARTMENT OF WATER RESOURCES

7-19-16

Affidavit of Publication

STATE OF IDAHO } ss.
County of Lemhi }

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **PROPOSED WATER CHANGE - 80936,** 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 **7-7-2016** and ending with the issue dated **7-14-2016.**

STATE OF IDAHO } ss.
County of Lemhi }

On this **14th day of July** 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

H. DENNIS HAVENS NOTARY PUBLIC STATE OF IDAHO

Publication Fee $271.80

creed 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 domestic purposes.

75-14843
CAMERON L ROLLE
TIMOTHY D CARROLL
10 W INFANGER CT

SALMON, ID 83467
Point of Diversion L1(NENE) S1 T20N R21E LEMHI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: IRRIGATION
04/01 to 10/31
0.12 CFS
Total Diversion:
0.16 CFS
Date Filed: 5/26/2016
Place Of Use: DOMESTIC and IRRIGATION
T20N R21E S1 L1(NENE)
Total Acres: 4

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 0.16 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. 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 7/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director