

RECEIVED

NOV 18 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80540MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Steven W. and Rita ReppCheck 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: Steven W. and Rita Repp are requesting point of use change to Ground Water under water right # 77-10015

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 18 2015

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Steven W Repp + Rita Repp Phone 208-743-9273
 Mailing address 1035 Hemlock Avenue Email DixieRVPark@gmail.com
Lewiston, Idaho 83501

- ☐ 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.

Steven W Repp
Signature of Applicant or Authorized Representative

Steven W. Repp
Print Name and Title if applicable

11/10/15
Date

Rita Repp
Signature of Applicant or Authorized Representative

Rita Repp
Print Name and Title if applicable

11/10/15
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 _____
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 We are changing the point of use for the water rights 77-10015 from the Marion K Zortman home to the Steve + Rita Repp home. The heirs to Maroon Zortman's water rights no longer wish to maintain the water line. They would like to transfer the water rights to Steve + Rita Repp. The water line crosses Steve + Rita's property therefore Steve + Rita would like to maintain and use the line to provide domestic water to their single family home.

80540

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 ☒ ☐	77-10015	0.04 cfs	Domestic	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.04 cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26N	08E	27																	
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:

N/A Ground Water

- b. Who owns the property at the point(s) of diversion? US Forest Service

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No
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:

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? No

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:

Not for irrigation

- 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:

N/A

- 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:

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/5/2015

WATER RIGHT NO. 77-10015

Attachment
#29

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARION K ZORTMAN PO BOX 81 DIXIE, ID 83525 (208)842-2306

Priority Date: 08/01/1986
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESWNW|Sec. 27|Township 26N|Range 08E|IDAHO County

Place(s) of use:

Place of Use Legal Description: DOMESTIC IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
26N	08E	27		SWNW										

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
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.
4. PARCEL NO. RP0010000D028AA

Dates:

Licensed Date:

Decreed Date: 07/28/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.**

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 4 attachments.

Received by A Date 11/18/15 Preliminary check by P. Kelly Date 1-28-2016

Fee paid \$200.00 Date 11/18/15 Received by Q Receipt # W043688

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

80540

11/13/15

PM0100 - PARCEL MASTER INQUIRY

11:05:28

PARCEL: RP 00950000004C A

F9=MS

F17=DD F19=SP

F24=LD

LEGAL DESCRIPTION

REPP 1995 REVOCABLE LIVING
* TRUST

*TREND

DIXIE .299 AC
LOT 4 LESS S 10' X 100' BLK O
LOT 5

1035 HEMLOCK AVENUE

ProVal Area Number 1

CODE AREA 10-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 3012006 EXPDATE

PREV PARCEL RP00950000004BT

LEWISTON ID 83501

2695 DIXIE ROAD

83525

X for parcel comments

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15 1	2011	299	AC	25287				

TOTALS

299

25287

ENTER NEXT PARCEL NUMBER RP 7 A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

Steven W and Rita Repp are requesting a transfer of water rights. Steven W and Rita Repp are Trustees for The Repp 1995 Revocable Living Trust (see attached). Lot 4, Dixie, Idaho is the new place of use. This is labeled #2 on map attachment #7b.

Attachment

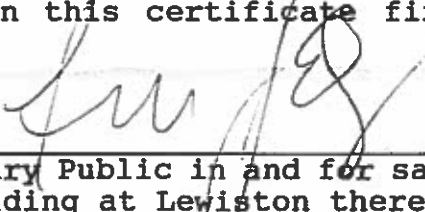
#2b

00540

STATE OF IDAHO)
)ss
County of Nez Perce)

On this 30th day of January, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared STEVEN W. REPP, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as Trustee of THE REPP 1995 REVOCABLE LIVING TRUST.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

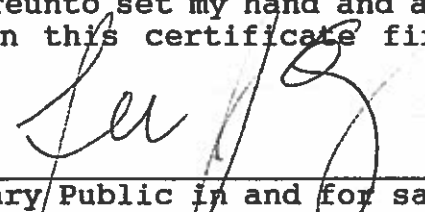


Notary Public in and for said State,
residing at Lewiston therein.
My Commission Expires: 10/8/97
(SEAL)

STATE OF IDAHO)
)ss
County of Nez Perce)

On this 30th day of January, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared RITA REPP, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same as Trustee of THE REPP 1995 REVOCABLE LIVING TRUST.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public in and for said State,
residing at Lewiston therein.
My Commission Expires: 10/8/97
(SEAL)

THE REPP 1995
REVOCABLE LIVING TRUST

- 7 -

80540

October 1, 2015

To Whom It May Concern:

I am Marion K. Zortman's son Henry H. McCarley, Jr. She died in 1999. A copy of her death certificate is attached.

I wish to transfer the title of her water right to Steve and Rita Repp.

The water right number is 77-10015. There is not real estate involved in this transaction.

If you have any questions contact Steve and Rita Repp at (208) 743-9273.

Thank you for your assistance.


Henry H. McCarley, Jr.

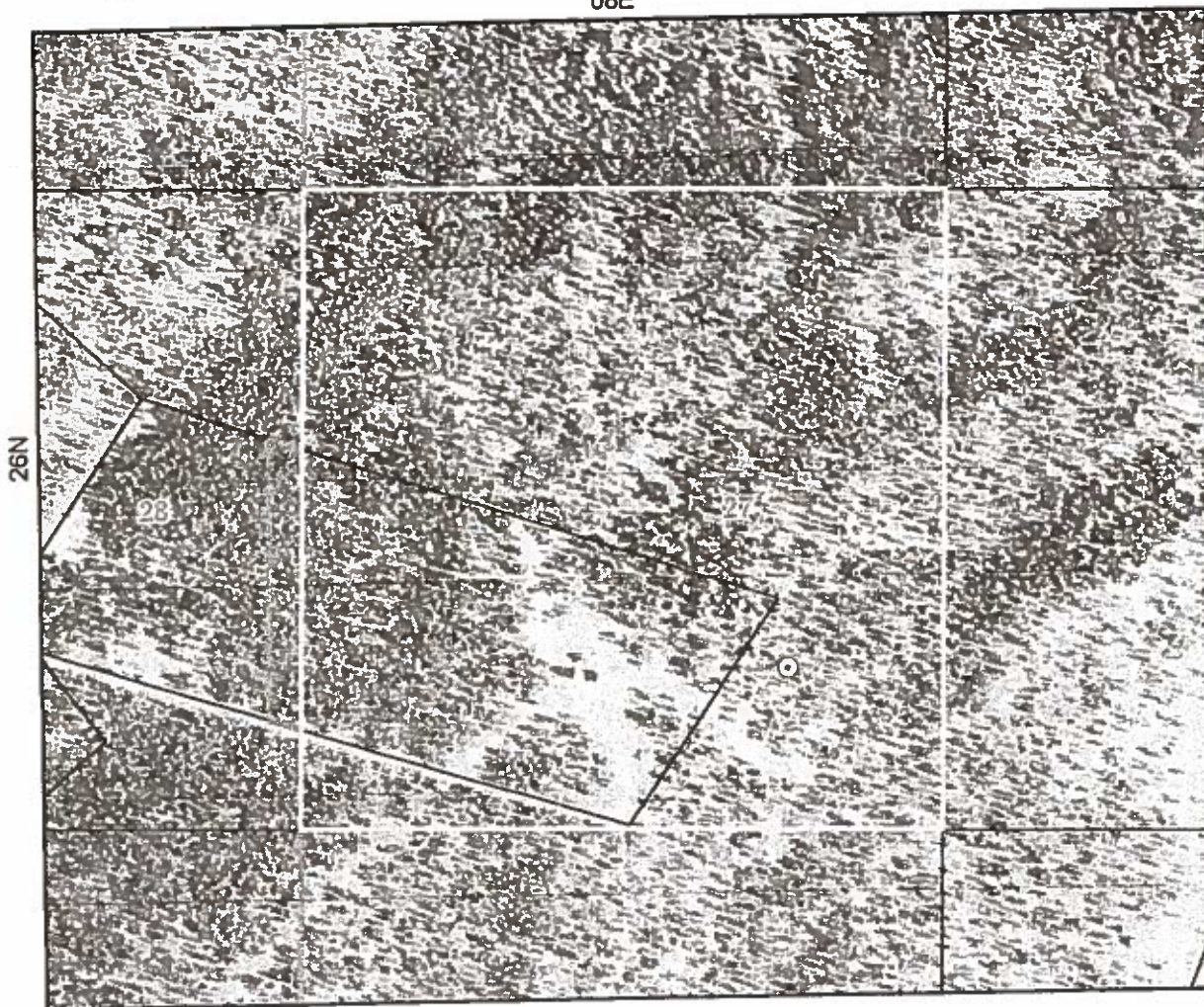
State of Idaho
Department of Water Resources

**Water Right
77-10015**

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

08E



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

0 0.045 0.09 0.18 Miles



Attachment
7a
and # 7b

11/13/15

PM0100 - PARCEL MASTER INQUIRY

11:13:52

PARCEL: RP 0095000D030A A

F9=MS F10=SW

F12=RC F14=HO

F17=DD F19=SP

F24=LD

LEGAL DESCRIPTION

MC CARLEY FAMILY TRUST

*TREND

DIXIE

.242 AC

LOTS 30-31-32

BLK D

LOTS 30A-31A-32A

ProVal Area Number 1

CODE AREA 10-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 10/1/1997 EXPDATE

PREV PARCEL RP0010000D030AT

10901 176TH CIRCLE NE #2711

REDMOND WA 98052

2727 DIXIE ROAD

83525

X for parcel comments

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15 1	2011	242	AC	20987	20987	10494		
37 1	2011			43362	43362	21681		

TOTALS

242

64349

64349

32175

ENTER NEXT PARCEL NUMBER RP

A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
 F8=CT F13=TM F18=HS F20=SrcH F22=EU

This property is labeled #1 on map
 attachment #7b

80540



Department of
Water Resources

Mapping Tool for Water Right Applications

change of point of
use from #1 to #2.
see attached Google map
for clear view of properties



Map Layers

Search

County

Idaho

If a county is missing from the list then we
do not have its parcel information

[Find PIN](#)

Search By PLSS

Township

26

☒ North ☐ South

Range

08

☒ East ☐ West

Section

27

Quarter-Quarter

[Find Township](#)



Google Earth

W

© 2015 Google

00506



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 9, 2016

STEVE REPP
RITA REPP
1035 HEMLOCK AVE
LEWISTON, ID 83501

RE: Transfer No. 80540
Water Right No(s). 77-10015

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 IDAHO COUNTY FREE PRESS on 6/15/2016 and 6/22/2016. 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,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, June 09, 2016 9:45 AM
To: 'IFP Legals'
Subject: Idaho Legal Ad
Attachments: Idaho Cover Letter.docx; Idaho Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 6/15/2016 & 6/22/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

June 9, 2016

LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE, ID 83530

RE: Transfer No. 80540,
Water Right No(s): 77-10015

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 7/4/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80540**

STEVE REPP and RITA REPP, 1035 HEMLOCK AVE, LEWISTON, ID 83501; has filed Application No. 80540 for changes to the following water rights within IDAHO County(s): Right No(s). 77-10015; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Applicants propose to change the place of use to provide domestic water to their single family home. The proposed place of use is 2695 Dixie Rd, Dixie ID 83525.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 7/5/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/15/2016 and 6/22/2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

June 9, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

COPPERNOLL VENTURES LLC
308 BASH ST
COTTONWOOD ID 83522

Re: Application for Transfer No. 80540

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho County Free Press* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by July 5, 2016. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', with a long horizontal line extending to the right.

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

January 26, 2016

Patrick Kelly
Idaho Department of Water Resources

RECEIVED

JAN 29 2016

WATER RESOURCES
WESTERN REGION

Dear Mr Kelly,

Enclosed are the requested papers pertaining to the change of ownership of water right 77-10015.

As you will see, the personal representative of Marion Zortman is actually Marion McCarley. Enclosed are the court papers naming Marion McCarley personal representative. These are the originals and have been recorded with Idaho County Records Office.

Thank you,



Steve Repp
1035 Hemlock Avenue
Lewiston, ID 83501
208-743-9273
dixiervpark@gmail.com

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR ISLAND COUNTY
STATE OF WASHINGTON)
COUNTY OF ISLAND) SS.

I, Marilee Black, County Clerk of Island County, State of Washington, and Ex-Officio Clerk of the Superior Court of said county and state, the same having common law jurisdiction, with clerk and seal, do hereby certify that I have compared the above and foregoing copy of Letters Testamentary

with the original thereof now on file and of record in my office, and that the same is a full, true and correct transcript of the same, and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Superior Court at Coupeville, Washington, this 28th day of September, 1999.

Marilee Black
Clerk

by Sharon Franzen, Deputy

STATE OF WASHINGTON)
COUNTY OF ISLAND) SS.

I, Alan R. Hancock, Judge of the Superior Court of the State of Washington in and for the county of Island, do hereby certify that Marilee Black, whose genuine signature is attached to the foregoing certificate, was at the date thereof, to-wit: September 28, 1999, the Clerk of the Superior Court of the State of Washington, in and for the county of Island, duly elected, qualified and acting and the person having by law the custody of the seal of said Court, and that said certificate is in due form according to the laws of the State of Washington, and entitled to full faith and credit.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of said Court to be hereunto affixed this 28th day of September, 1999.

Alan R. Hancock
Judge

Attest: Marilee Black
Clerk

by Sharon Franzen, Deputy

STATE OF WASHINGTON)
COUNTY OF ISLAND) SS.

I, Marilee Black, County Clerk of Island County and Ex-Officio Clerk of the Superior Court of the State of Washington, do hereby certify that the foregoing is a true and correct transcript of the original thereof now on file and of record in my office, and that the same is a full, true and correct transcript of the same, and the whole thereof.

502867

Instrument # 502867

IDAHO COUNTY, IDAHO,

1-26-2016 10:33:25 AM No. of Pages: 2

Recorded for : STEVE REPP

KATHY M. ACKERMAN

Ex-Officio Recorder Deputy

Fee: 13.00

RECEIVED

JAN 29 2016

WATER RESOURCES
WESTERN REGION

January 4, 2016

To Whom It May Concern:

I am the Personal Representative for the estate of Marion K. Zortman, who died in 1999. A copy of her death certificate is enclosed.

I wish to transfer/convey the title of her water rights to Steve and Rita Repp.

The water right number is 77-10015. There is not real estate involved in this transaction.

If you have questions, please contact Steve and Rita Repp at (208) 743-9273.

Thank you.

Sincerely,

Marion M. McCarley

Marion M. McCarley
1011 N.E. 82nd St.
Seattle, WA 98115-4239



Kevin Dang

1-4-2016

WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT

(RCW 42.44.100)

State of Washington

County of

King

} ss.

I certify that I know or have satisfactory evidence that

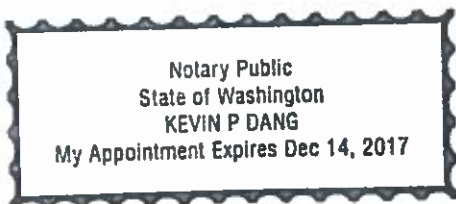
Marion M. McCarty
Name of Signer

is the person who appeared before me, and said
person acknowledged that he/she signed this
instrument and acknowledged it to be his/her
free and voluntary act for the uses and purposes
mentioned in the instrument.

Dated: January 4, 2016
Month/Day/Year

[Signature]
Signature of Notarizing Officer

Notary Public
Title (Such as "Notary Public")



Place Notary Seal and/or Stamp Above

My appointment expires

12-14-2017
Month/Day/Year of Appointment Expiration

OPTIONAL

Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Personal letter

Document Date: 1-4-2016 Number of Pages: 1

Signer(s) Other Than Named Above: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

STATE OF WASHINGTON DEPARTMENT OF HEALTH

502750

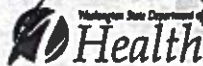
KATHY M. ACKERMAN

Ex-Officio Recorder Deputy

Fee: 13.00

TYPE OR PRINT IN PERMANENT BLACK INK

273 502750
LOCAL FILE NUMBER



CERTIFICATE OF DEATH

146

STATE FILE NUMBER

1 NAME First Middle Last Marion Macmillan McCarley Zortman				2 SEX (M / F) Female		3 DEATH DATE (Mo. Day, Yr) August 12, 1999	
4 AGE LAST BIRTHDAY (Yrs) 83		5 UNDER 1 YEAR MOS DAYS HOURS MINS		6 BIRTHDATE (Mo. Day, Yr)		7 BIRTHPLACE (City, State or Foreign Country) North Augusta, SC	
8 BIRTHPLACE (City, State or Foreign Country) North Augusta, SC				9 WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes / No) No		10 COUNTY OF DEATH Island	
11 CITY, TOWN OR LOCATION OF DEATH Langley				12 PLACE OF DEATH—SEE BOX FOR PLACE THEN GIVE ADDRESS OR INSTITUTION NAME 1 ☐ HOME 2 ☐ IN TRANSPORT 3 ☐ EMERG. ROOM/OUT PTN 4 ☐ HOSP 5 ☐ NUR HOME 6 ☐ OTHER PLACE 4905 Blue Lady Lane			
13 SMOKING IN LAST 15 YEARS? (Yes / No) Yes		14 MARITAL STATUS—Married, Never Married, Widowed, Divorced (Specify) Widow		15 SURVIVING SPOUSE (If wife, give maiden name) N/A		16 SOCIAL SECURITY NO.	
17 DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) 12 College (1-4 or 5+) 1		18 USUAL OCCUPATION (Give kind of work done during most of working life. DO NOT USE RETIRED) Home Maker		19 KIND OF BUSINESS OR INDUSTRY Own Home		20 Was Decedent of Hispanic origin or descent? (Ancestry) (Specify Yes or No. If Yes, specify Cuban, Mexican, Puerto Rican, etc.) (Yes / No) Specify: No	
21 RACE (Specify) White		22 RESIDENCE—NUMBER AND STREET 4905 Blue Lady Lane		23 CITY/TOWN OR LOCATION Langley		24 INSIDE CITY LIMITS? (Yes / No) No	
25A COUNTY Island		25B LENGTH OF RES. IN CO. 22 Yrs		26 STATE WA		27 ZIP CODE 98260	
28 FATHER'S NAME—FIRST, MIDDLE, LAST Theodore Gurdin Kershaw				29 MOTHER'S NAME—FIRST, MIDDLE, MAIDEN SURNAME Marion Roberts Macmillan			
30 INFORMANT—NAME Henry Harris McCarley, Jr.		31 MAILING ADDRESS STREET OR RFD NO. CITY OR TOWN STATE ZIP 15823 SE 5 Pl - Bellevue, Washington 98008-4820					
32 BURIAL, CREMATION REMOVAL, OTHER (Specify) Cremation		33 DATE (Mo. Day, Yr) 08/13/1999		34 CEMETERY/CREMATORY—NAME Island Crematory		35 LOCATION—CITY/TOWN, STATE Oak Harbor, Washington	
36 FUNERAL DIRECTOR SIGNATURE X		37 NAME OF FACILITY Visser Funeral Home		38 ADDRESS OF FACILITY Langley, Washington			
TO BE COMPLETED ONLY BY CERTIFYING PHYSICIAN				TO BE COMPLETED ONLY BY MEDICAL EXAMINER OR CORONER			
39 TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND WAS DUE TO THE CAUSE(S) STATED SIGNATURE AND TITLE X <i>T. Nimmerkitch</i> 40 DATE SIGNED (Mo., Day, Yr) 8/29/99				43 ON THE BASIS OF EXAMINATION AND/OR INVESTIGATION, IN MY OPINION DEATH OCCURRED AT THE TIME, DATE AND PLACE AND WAS DUE TO THE CAUSE(S) STATED. SIGNATURE AND TITLE X			
41 HOUR OF DEATH (24 Hrs) 0315		44 DATE SIGNED (Mo., Day, Yr)		45 HOUR OF DEATH (24 Hrs)			
42 NAME AND TITLE OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) T. NIMMERKITCH, M.D. - BURLISS MD				46 PRONOUNCED DEAD (Mo., Day, Yr)		47 HOUR PRONOUNCED DEAD (24 Hrs)	
48 NAME AND ADDRESS OF CERTIFIER—PHYSICIAN, MEDICAL EXAMINER OR CORONER (Type or Print) Dr. Wylie Vracin - 202 N Main - Coupeville, Washington 98239				49 ME/CORONER FILE NUMBER W99-179			
50 ENTER THE DISEASES, INJURIES, OR COMPLICATIONS WHICH CAUSED THE DEATH:							
IMMEDIATE CAUSE (Final disease or condition resulting in death). DO NOT ENTER THE MODE OF DYING, SUCH AS CARDIAC OR RESPIRATORY ARREST, SHOCK, OR HEART FAILURE. LIST ONLY ONE CAUSE ON EACH LINE. Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury which initiated events resulting in death) LAST		A. <i>Metastatic cancer, unknown primary</i>				INTERVAL BETWEEN ONSET AND DEATH	
		B. DUE TO, OR AS A CONSEQUENCE OF:				INTERVAL BETWEEN ONSET AND DEATH	
		C. DUE TO, OR AS A CONSEQUENCE OF:				INTERVAL BETWEEN ONSET AND DEATH	
		D. DUE TO, OR AS A CONSEQUENCE OF:				INTERVAL BETWEEN ONSET AND DEATH	
51 OTHER SIGNIFICANT CONDITIONS—CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN ABOVE. Asymptomatic ASCVD				52 AUTOPSY? (Yes / No) No		53 WAS CASE REFERRED TO MEDICAL EXAMINER OR CORONER? (Yes / No) Yes	
54 ACC. SUICIDE, HOMICIDE, UNDET. OR PENDING INVEST. (Specify)		55 INJURY DATE (Mo. Day, Yr)		56 HOUR OF INJURY (24 Hrs)		57 DESCRIBE HOW INJURY OCCURRED:	
58 INJURY AT WORK? (Yes / No)		59 PLACE OF INJURY—AT HOME, FARM, STREET, FACTORY, OFFICE, BLDG. ETC. (Specify)		60 LOCATION—STREET OR RFD NO., CITY/TOWN, STATE			
61 RECORD AMENDMENT (Registrar use only) ITEM DOCUMENTARY EVIDENCE REVIEWED BY DATE		62 REGISTRAR SIGNATURE <i>Barbara Pope</i>		63 DATE RECEIVED (Mo. Day, Yr) 08-13-99			

FOR INSTRUCTIONS SEE BACK AND HANDBOOK

DOH 110-008 (Rev 7/91) (Form 08-13-99)

THIS IS A CERTIFIED COPY OF THE RECORD ON FILE WITH CENTER FOR HEALTH STATISTICS. CERTIFIED COPIES MUST HAVE THE OFFICIAL SEAL.

502751

IDAHO COUNTY DISTRICT COURT
FILED
AT 4:30 O'CLOCK P.M.

OCT 07 1999

ROSE E. GEHRING
CLERK OF DISTRICT COURT
DEPUTY

Robert P. Brown
Clements, Brown & McNichols, P.A.
321 13th Street
Post Office Box 1510
Lewiston, ID 83501
(208) 743-6538
(208) 743-9295
ISB No. 1031
Attorneys for Personal
Representative

Instrument # 502751

IDAHO COUNTY, IDAHO,
1-13-2016 10:34:46 AM No. of Pages: 4
Recorded for : STEVE REPP
KATHY M. ACKERMAN Fee: 19.00
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

In the Matter of the Estate

of

MARION K. ZORTMAN

Deceased.

Case No.

SP02281

EVIDENCE OF AUTHORITY OF

FOREIGN PERSONAL

REPRESENTATIVE

FEE CATEGORY: L.16

FEE SCHEDULE: \$67

Pursuant to Idaho Code § 15-4-204, the undersigned attorney herewith files on behalf of Marion M. McCarley, personal representative, an authenticated copy of the Letters Testamentary issued to the personal representative in Case No. 99-4-00174-7 in the Superior Court of Washington for Island County, the domiciliary probate of decedent's Will and estate. The undersigned further represents that said court appointed the personal representative to serve without bond.

EVIDENCE OF AUTHORITY
OF FOREIGN PERSONAL
REPRESENTATIVE

DATED the 6th day of October, 1999.

CLEMENTS, BROWN & McNICHOLS, P.A.

BY 
ROBERT P. BROWN
Attorneys for Personal Representative

EVIDENCE OF AUTHORITY
OF FOREIGN PERSONAL
REPRESENTATIVE

FILED

SEP 09 1999

MARILEE BLACK
ISLAND COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR ISLAND COUNTY

Estate of

MARION K. ZORTMAN

Deceased

CASE NO. 99-4-00174-7

LETTERS TESTAMENTARY

WHEREAS, the last Will of the above named deceased having been proven and recorded in this court on:

September 7, 1999

Date

NOW therefore, know all men by these presents: That

MARION M. MCCARLEY

is (are) hereby appointed and qualified as Personal Representative(s) of said estate, and that we do hereby authorize the above-named to execute said Will according to law.

Dated: September 9, 1999

MARILEE BLACK, Clerk of Superior Court

By

Aussie Walles

Deputy



I, Kathy M. Ackerman, Clerk of the above entitled Court do hereby certify the foregoing to be a true and correct copy of the original instrument on file in my office

WITNESS my hand and official seal this 13th
Day of January, 2011

Kathy M. Ackerman Clerk

By

L. Ackerman

Deputy

CERTIFIED COPY

MEMORANDUM

TO: Transfer No. 80540
FROM: Patrick Kelly
DATE: January 28, 2016
RE: Evaluation of Application

Transfer 80540 proposes to change the place of use of a domestic groundwater right 77-10015. Ownership change is being processed at same time. The change would provide water to the Repp property which sits approximately 0.4 miles south of the pre-transfer POU.

Summary of Information Submitted

Authority to File: Transfer application was submitted by Steve and Rita Repp. 77-10015 is in the name of Marion K Zortman. Ms. Zortman has deceased, and notarized documents were obtained to show that a Marion McCarley has authority to act on behalf of Ms. Zortman. A letter dated January 4, 2016 gave water right 77-10015 in its entirety to the Repps. This letter was notarized by the State of Washington. An ownership change was received with the transfer application.

Water Right Validity: Right presumed to be valid given domestic structures visible using aerial photography at McCarley property where beneficial use has historically occurred. Forfeiture not a concern.

Injury to Other Water Rights: Changes will not affect the source or point of diversion. Water will be delivered through existing system, but to different home. No injury anticipated.

Enlargement of Use: No enlargement should occur; Diversion rate for one home will remain as decreed and future beneficial use should not exceed historical use. No overlap exists.

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

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

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Steve and Rita Repp (applicants) filed an ownership change to acquire water right 77-10015 decreed in the name of Marion Zortman. The department received a notarized letter from a Marion McCarley giving the water right to the Repp's. Ms. McCarley carries the authority to act on behalf of the deceased Marion Zortman.

The transfer proposes to move the place of use from the McCarley domestic property 0.4 miles north to the Repp domestic property. The pre-transfer POU is only identified by the SWNW $\frac{1}{4}$ $\frac{1}{4}$, which is north of the Repp property and does not correlate at all with the McCarley land. There is one structure in the current POU $\frac{1}{4}$ $\frac{1}{4}$ visible by aerial photography in the name of Copernoll Ventures LLC according to County taxlot records. There is no implied association between this company and Marion Zortman. Information sought in the adjudication backfile did not contain a map and could not identify the specific property that the right was decreed for. The transfer will be advertised and comment letters should be sent to Copernoll Ventures LLC to make certain they do not carry an interest in the right. Either the decree was issued with an error in the POU

legal description describing the Zortman property, or the decree was issued correctly and use of the water was moved at some point without filing a transfer application with the department.

Pre-transfer condition identifies taxlot PIN # RP0010000D028AA. A search of this PIN in the taxlot database did not reveal any current records with that PIN.

77-10015 is not active in the Water Supply Bank.

The right was decreed 7/28/2000. The right was migrated prior to transfer processing. No further action is required.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

12/21/2015

STEVEN AND OR RITA REPP
1035 HEMLOCK AVE
LEWISTON ID 83501

COPY

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

RE: Ownership Change and Transfer Application for Water Right 77-10015.

Dear Applicants,

On October 13, 2015, the Department of Water Resources (Department) received an ownership change on the water right mentioned above. After reviewing the application, it was found to be missing a legal conveyance document. On November 4, 2015, Department staff sent a letter requesting addition information regarding the conveyance document. On November 18, 2015, the Department received a transfer application to move water right 77-10015 Place of Use. As of this date, the Department has not received correspondence regarding the appropriate information. A quitclaim deed or the letter from the McCarley's which was submitted with the application should be recorded by the Assessor's Office to convey all rights regarding 77-10015. Mr. Henry H. McCarley Jr. should provide evidence that he has legal right to act on behalf of the late Marion K. Zortman.

Because the Department cannot process this request at this time, we will hold any action on your applications pending receipt of the necessary documentation. If we do not receive the required documentation by January 21, 2016, the ownership change and transfer application will be returned and will not be processed.

Thank you for your cooperation. If you have any questions please, contact this office at 208-334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick Kelly', is written over a blue horizontal line.

Patrick Kelly
Sr. Water Resource Agent
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 4, 2015

STEVEN W & RITA REPP
1035 HAMLOCK AVE
LEWISTON ID 83501

RE: Ownership Change for Water Right No. 77-10015

Dear Applicants,

The Department of Water Resources acknowledges receipt of your request for an ownership change on the water right mentioned above. However, after reviewing the request, it was determined the form was not completed and additional documentation is needed to complete this request.

Please complete and submit the requested documentation listed below:

- **A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.**

The letter included from Henry H McCarley, Jr. is insufficient to show the chain of events that led to your ownership of the water right. I have included a copy of the application submitted (with the exception of the death certificate) for you to review. Please also include a map of the property and/or draw in the place of use and point of diversion for the water right on the included map from the application. I want to verify that what we have on file is accurate and to correctly shape the boundary of the water right if what is on file is not accurate.

Because the Department cannot process this request at this time, we will hold any action on your notice pending receipt of the necessary documentation. If we do not receive the required documentation within 30 days, the notice will be returned and will not be processed.

Thank you for your cooperation. If you have any questions please, contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Jones'.

Chad Jones
Office Specialist II
Western Regional Office

Enclosures

Keen, Shelley

From: Keen, Shelley
Sent: Monday, January 26, 2015 8:46 AM
To: 'Puchlerz, Molly E -FS'
Subject: RE: Nez Perce Clearwater NF water right information request
Attachments: Notice_Change_Ownership.pdf; Application_for_Permit.pdf

Molly,

I've looked at the water right records to see if there are filings matching the three special use applications your asked about:

1. I didn't find any water right records for the Woods/Johnson property in Mineral Survey 1416, Section 15, T26N, R8E. Since 1971, anyone proposing a new use of surface water, including springs, in Idaho must obtain a permit from IDWR. I've attached the application form in case you are in touch with the Johnsons and can provide it to them. Instructions can be found on IDWR's website at <http://idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm>. Due to our workload, it is taking about six months to process new applications this area.
2. In 2013, IDWR processed an ownership change notice for Forrest Wilson, who acquired Rights 79-7182 and 79-4060 from Joe Wilson. Right 79-4060 authorizes water to be diverted from Slippy Creek in the NE¼SW¼, S24, T27N, R1E, for one acre of irrigation. Right 79-7182 authorizes the diversion of water from a spring in the NE¼SE¼SW¼, S24, T27N, R1E, for stock watering purposes. I did not see any other water rights in that area for either Forrest Wilson or Joe Wilson.
3. Marion Zortman has Water Right 77-10015, which authorizes diversion from a well in the SE¼SW¼NW¼, S27, T26N, R8E, for domestic use. It does not appear that the Mc Carleys have filed an ownership change notice with IDWR. I've attached the form in case you are in touch with them and can pass it on.

Let me know if I can provide any additional information, and please feel free to provide my contact information to any of these customers.

For future inquiries, because people sometimes own water rights on multiple properties, I suggest providing the legal description like you did for the Woods/Johnson parcel.

Regards,

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Puchlerz, Molly E -FS [mailto:mpuchlerz@fs.fed.us]
Sent: Thursday, January 22, 2015 4:41 PM
To: Keen, Shelley
Subject: Nez Perce Clearwater NF water right information request

Hi Shelley,

Below are 3 Forest Service Special Use permits that I would like to issue for water facilities on public land for use on private land. One of our permit clauses states:

"WATER FACILITIES AND WATER RIGHTS. This permit does not confer any water rights on the holder. Any necessary water rights must be acquired by the holder in accordance with State law. Any expenses for acquiring water rights shall be the responsibility of the holder. The United States reserves the right to place any conditions on installation, operation, maintenance, and removal of facilities to pump, divert, store, or convey water on National Forest System lands covered by this permit that are necessary to protect public property, public safety, and natural resources on National Forest System lands in compliance with applicable law. The holder waives any claims against the United States for compensation in connection with imposition of any conditions on installation, operation, maintenance, and removal of water facilities under this permit."

I have asked the following landowners to contact the Idaho department of Water Resources to obtain valid water rights.

1. Lyndell Woods transferred Kyle and Jeanne Johnson. I cannot find any water right history on Lyndell Woods
 - FS permit number RR_915_01
 - Maintaining a domestic water system consisting of a cylindrical concrete spring box, and 55 feet of 1"-2" pipe from spring box to property line.
 - Permit covers approximately .1 acres in Section 15, T26N, R8E
2. Joe Wilson transferred to Forrest Wilson
 - FS permit number Sal_915_03
 - Can you confirm that Forrest now has valid water rights, I am showing 79-7182 and 79-4060? If the is correct, great I can move on.
 - This is for Stockwater and irrigation
3. Marion Zortman transferred to Walta and Harris McCarley
 - FS permit number RR_915_04
 - Marion's water right number is 777-10015
 - This is for domestic use

Thank you for help. Please let me know if you need any more information.



Molly Puchlerz
Lands Special Uses

Forest Service
North Idaho Lands Zone, Nez Perce-Clearwater and Idaho
Panhandle National Forest

p: 208-942-0303

f: 208-942-3311

mpuchlerz@fs.fed.us

192 Powell Road

Lolo, MT 59833

www.fs.fed.us



Caring for the land and serving people