

MINIMUM 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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) BRENT W MULKEY

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

RECEIVED

FEB 22 2016

**DEPARTMENT OF
WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant BRENT W MULKEY Phone (208)756-2634
Mailing Address 1008 HWY 28, SALMON ID 83467-5303 Email bmulkey@centurytel.net

- ☐ 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.

Brent W Mulkey Brent W Mulkey 2/16/16
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	74-192	No	Yes	Yes	No	No	No
	74-468	No	Yes	Yes	No	No	No
	74-2158	Yes	Yes	Yes	No	No	No

Associated Right(s): 74-465

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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**

See amended application dated 1-25-2016 for more information

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
74-192	0.410 cfs	N/A	22.7	24.4		N/A	N/A	N/A	N/A
74-16040	0.410 cfs	N/A	21.0	24.4	74-2158	0.590 cfs	N/A	N/A	29.8
74-468	0.240 cfs	N/A	12.0	24.4		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

1.060 cfs	N/A	24.4	24.4	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 1.06 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer After Requested Change

Proposed Water Right No. 74-192

Current Water Right Owner **BRENT W MULKEY**
 1008 HWY 28
 SALMON, ID 83467-5303

Priority Date: 5/3/1872

Origin: Water Right

Basis: Decreed

Status Active

Source: PRATT CREEK Tributary: LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.410 CFS	
Total Diversion			0.410 CFS	

Source and Point(s) of Diversion:

PRATT CREEK	SWNE	Sec. 11 Twp 20N Rge 23E LEMHI County ~~Ø~~
PRATT CREEK	NESW	Sec. 11 Twp 20N Rge 23E LEMHI County (R)
PRATT CREEK	SESW	Sec. 11 Twp 20N Rge 23E LEMHI County (I)

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	11					1.6			22.8									24.4

Right Acre Limit: 22.7

POU Total Acres: 24.4

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Unchanged Portion After Requested Changes

Original Water Right No. 74-2158

Current Water Right Owner BRENT W MULKEY
 1008 HWY 28
 SALMON, ID 83467-5303

Priority Date: 8/8/1913

Origin: Water Right

Basis: Decreed

Status: Active

Source: PRATT CREEK **Tributary:** LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.590 CFS	
Total Diversion			0.590 CFS	

Source and Point(s) of Diversion:
 PRATT CREEK SWNE Sec. 11 Twp 20N Rge 23E LEMHI County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	2											17.7						17.7
20N	23E	11						12.1											12.1

POU Total Acres: 29.8

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 74-16040

(Original Water Right No. 74-2158)

Current Water Right Owner
BRENT W MULKEY
 1008 HWY 28
 SALMON, ID 83467-5303

Priority Date: 8/8/1913

Origin: Water Right

Basis: Decreed

Status Active

Source: PRATT CREEK Tributary: LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.410 CFS	
Total Diversion			0.410 CFS	

Source and Point(s) of Diversion:

PRATT CREEK	SWNE	Sec. 11 Twp 20N Rge 23E LEMHI County
PRATT CREEK	SESW	Sec. 11 Twp 20N Rge 23E LEMHI County (I)
PRATT CREEK	NESW	Sec. 11 Twp 20N Rge 23E LEMHI County (R)

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	11					1.6			22.8									24.4

Right Acre Limit: 21.0

POU Total Acres: 24.4

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 74-468

Current Water Right Owner
 BRENT W MULKEY
 1008 HWY 28
 SALMON, ID 83467-5303

Priority Date: 6/1/1950

Origin: Water Right

Basis: Decreed

Status Active

Source: SANDY CREEK Tributary: LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.240 CFS	
Total Diversion			0.240 CFS	

Source and Point(s) of Diversion:
 SANDY CREEK NESW Sec. 11 Twp 20N Rge 23E LEMHI County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	11					1.6			22.8									24.4

Right Acre Limit: 12.0

POU Total Acres: 24.4

**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

See attachment of amended application dated 1-25-2016

- b. Who owns the property at the point(s) of diversion

Bruce L Mulkey

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

Bruce Mulkey is the applicants brother , Bruce Mulkey operates the Ranch for the applicant

- 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: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Water right 74-16038, owned by Bruce Mulkey's , Julana Hedt, currently uses the same POD on Pratt Creek.

- f. 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 74-192

Current Water Right Owner
BRENT W MULKEY
1008 HWY 28
SALMON, ID 83467-5303

Priority Date: 5/1/1872

Origin: Water Right

Basis: Decreed

Status: Active

Source: PRATT CREEK **Tributary:** LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.410 CFS	
Total Diversion			0.410 CFS	

Source and Point(s) of Diversion:
PRATT CREEK SWNE Sec. 11 Twp 20N Rge 23E LEMHI County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	11					1.7			21.0									22.7

POU Total Acres: 22.7

Conditions/Remarks:

1. 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 74-2158

Current Water Right Owner
BRENT W MULKEY
1008 HWY 28
SALMON, ID 83467-5303

Priority Date: 8/8/1913

Origin: Water Right

Basis: Decreed

Status: Active

Source: PRATT CREEK **Tributary:** LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	1.000 CFS	
Total Diversion			1.000 CFS	

Source and Point(s) of Diversion:
PRATT CREEK SWNE Sec. 11 Twp 20N Rge 23E LEMHI County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	2											17.7						17.7
20N	23E	11						12.1		21.0									33.1

POU Total Acres: 50.8

Conditions/Remarks:

1. 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 74-468

Current Water Right Owner
BRENT W MULKEY
1008 HWY 28
SALMON, ID 83467-5303

Priority Date: 6/1/1950

Origin: Water Right

Basis: Decreed

Status: Active

Source: SANDY CREEK Tributary: LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.240 CFS	
Total Diversion			0.240 CFS	

Source and Point(s) of Diversion:
SANDY CREEK SENW Sec. 11 Twp 20N Rge 23E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	11								12.0									12.0

POU Total Acres: 12.0

Conditions/Remarks:

1. 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.

☒ 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.

☐

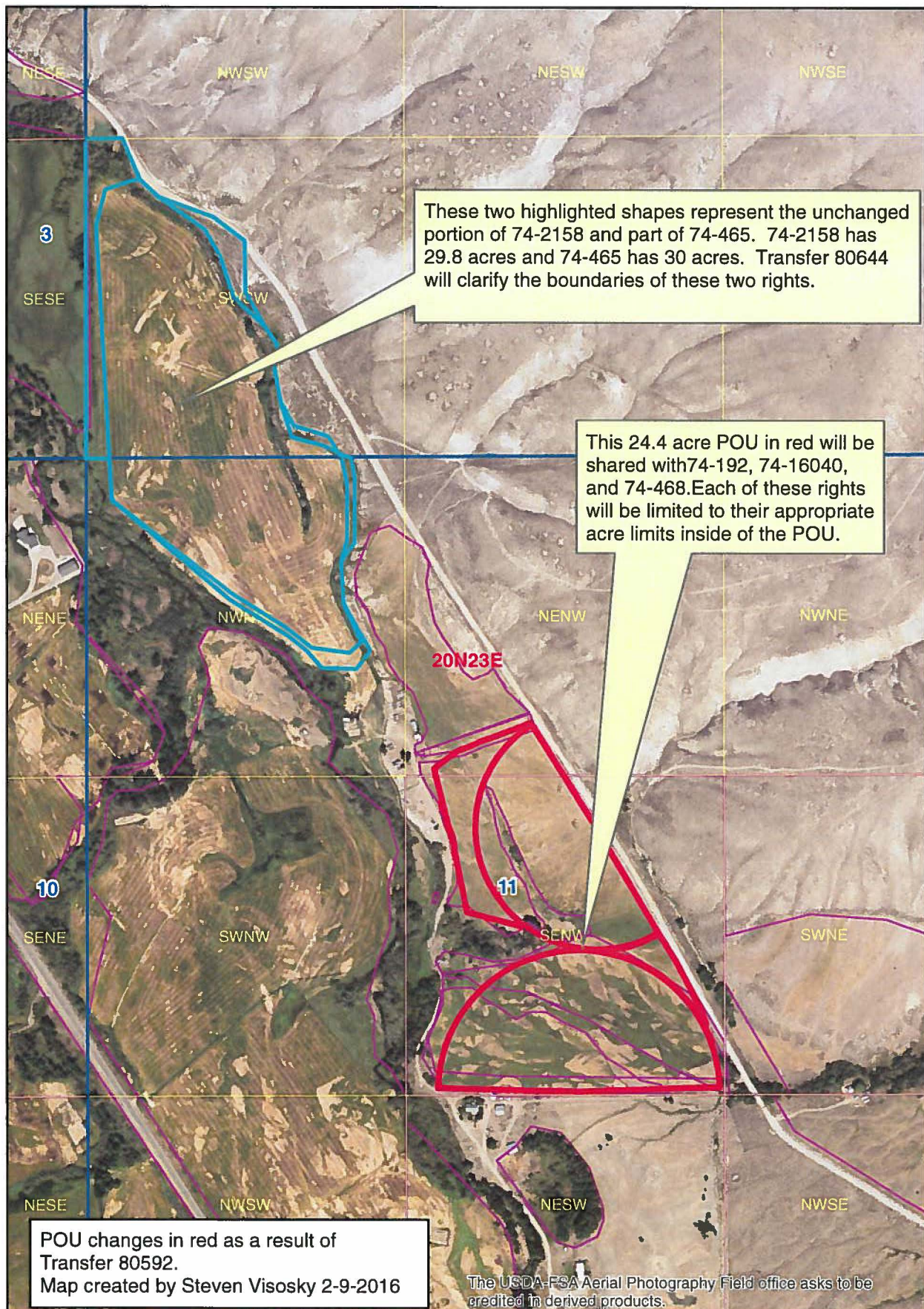
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the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

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

1. 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.:

[illegible]

Transfer Contains 13 pages and attachments.
 Received By Date 12/22/2015 Prelim. Check By Date
 Fee Paid \$580 Date 12/22/2015 Received By Receipt # C101337
 Add'l Fee Paid Date Received By Receipt #



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

80592

RECEIVED

JAN 25 2016

DEPARTMENT OF
WATER RESOURCES

MINIMUM 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) Brent W Mulkey

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

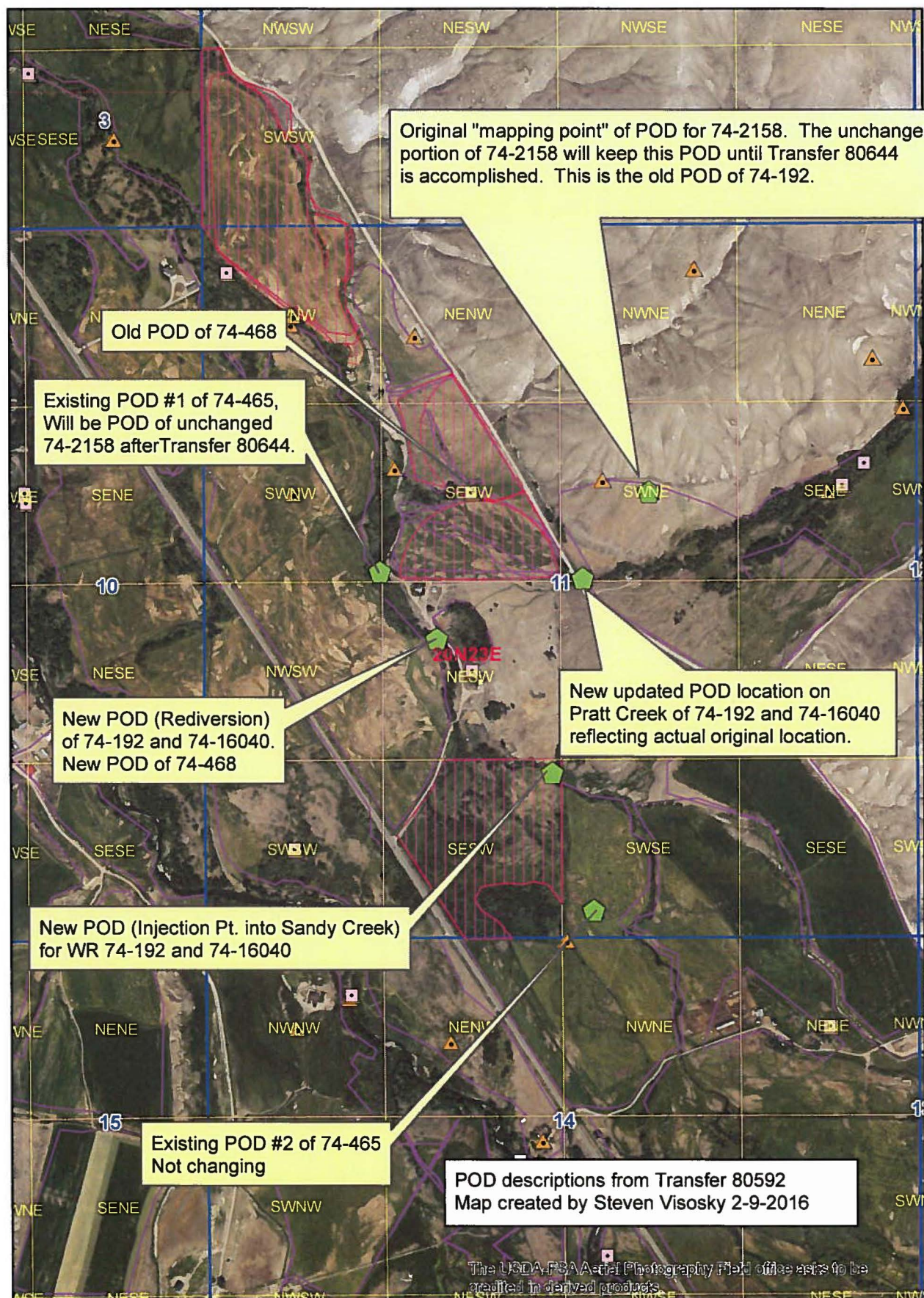
Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

Superseded by amended application
dated 2-22-2016. S.V.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Brent W Mulkey Phone 208-756-2634

Mailing address 1008 HWY 28, Salmon, ID 83467-5303 Email bmulkey@centurytel.net

- ☐ 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.

Brent W Mulkey
Signature of Applicant or Authorized Representative

Brent W Mulkey
Print Name and Title if applicable

1/22/16
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**.
 See attachment Part 1A.2.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	74-192	0.41 CFS	Irrigation	03/15 to 11/15	Pratt Creek, Sandy Creek
☒ ☐	74-2158	1.0 CFS	Irrigation	3/15 to 11/15	Pratt Creek, Sandy Creek
☒ ☐	74-468	0.24 CFS	Irrigation	3/15 to 11/15	Sandy Creek, Lemhi River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.65 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.65 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes		NW	NE	SW	11	20N	23E	Lemhi	Pratt Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	11					1.5			22.9									24.4
		2						12.3					14.1						26.4
Total Acres (for irrigation use)																			50.8

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:

See attachment.

- b. Who owns the property at the point(s) of diversion? Bruce L. Mulkey

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Bruce Mulkey is the applicant's brother; Bruce Mulkey operates the ranch for the applicant.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

See attachment.

- 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:

Water right 74-16038, owned by Brent Mulkey's sister, Julana Hedt, currently uses the same POD on Pratt Creek.

- 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:

Part 1A.2.

The proposal is to transfer the point of diversion (POD) from Pratt Creek to a new, fish-passable POD on Sandy Creek. The POD for water rights 74-192 and 74-2158 will be moved downstream from the current location on Pratt Creek to the new POD on Sandy Creek. This transfer also proposes to change the POD for water right 74-468 to the same POD as 74-192 and 74-2158.

Water will be pumped from the new POD on Sandy Creek to a new pivot sprinkler and inline pod system on the proposed permissible place of use (POU) of 24.4 acres. The POU for water rights 74-192, 74-468, and a portion of 74-2158 will change shape to reflect the new pivot design rather than the historic flood irrigation. Water right 74-2158 (50.8 total acres) will be split in order to account for a portion of the right (24.4 acres) to be included in the pivot and inline pod system, while the remaining portion of the right (26.4) will remain in flood irrigation.

For the portion of 74-2158 that will remain in flood irrigation (26.4 acres), the water will be conveyed in an existing ditch off of Sandy Creek. An additional Application for Transfer of Water Right – Point(s) of Diversion is included in this package. The flood irrigation portion (26.4 acres) proposes a new point of diversion to be shared with an existing water right (74-465) and existing ditch.

Part 5.a.

The new diversion on Sandy Creek will have a lockable head gate structure and open ditch to the fish screen and ultimately a pump station with a trash screen. The pump station will have IDWR-approved flow meters.

Also, because Pratt and Sandy Creek have ESA-listed fish species, in-stream flow measuring devices such as an in-stream weir or flume are not advisable. Therefore, flows will be measured just below the current POD on Pratt Creek using devices that will not impede fish passage, i.e. a staff plate and pressure transducer to monitor flows throughout the irrigation season. The stream flows at the gage location will be closely monitored so as to ensure that water is spilled and called for at the proposed point of diversion on Sandy Creek. There are no water users or PODs between the current POD on Pratt Creek and the proposed POD on Sandy Creek.

Part 5.e.

The current place of use for 74-192 and 74-468 is changing only slightly to reflect the new pivot sprinklers and inline pod sprinkler design, which will replace historic flood irrigation. In order for 74-2158 to be included in the proposed permissible place of use, it is proposed that the right be split. 74-2158 consists of 50.8 total acres, and 24.4 acres is proposed to be in the permissible place of use with 74-192 and 74-468 while the remaining 26.4 acres will continue to flood irrigate on the current place of use.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-192

Current Owner: BRENT W MULKEY
Priority Date: 5/1/1872
Origin: Water Right
Status: Active
Basis: Decreed

Source

PRATT CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

0.41 CFS

0.41 CFS

Annual Volume

Location of Point(s) of Diversion

PRATT CREEK

LEMHI County

SW1/4NE1/4

Sec. 11, Twp 20N, Rge 23E B.M.

Place of Use

IRRIGATION Within LEMHI County

T20N R23E S11

NENW

1.70

T20N R23E S11

SENEW

21.00

Total Acres: 22.7

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.

Decreed Date: 7/9/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-2158

Current Owner: BRENT W MULKEY
Priority Date: 8/8/1913
Origin: Water Right
Status: Active
Basis: Decreed

Source

PRATT CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

1 CFS

1 CFS

Annual Volume

Location of Point(s) of Diversion

PRATT CREEK

LEMHI County

SW1/4NE1/4

Sec. 11, Twp 20N, Rge 23E B.M.

Place of Use

IRRIGATION Within LEMHI County

T20N R23E S2

SWSW

17.70

T20N R23E S11

NWNW

12.10

T20N R23E S11

SEnw

21.00

Total Acres: 50.8

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.

Decreed Date: 7/9/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-468

Current Owner: BRENT W MULKEY
Priority Date: 6/1/1950
Origin: Water Right
Status: Active
Basis: Decreed

Source

SANDY CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

0.24 CFS

0.24 CFS

Annual Volume

Location of Point(s) of Diversion

SANDY CREEK

LEMHI County

SE1/4NW1/4

Sec. 11, Twp 20N, Rge 23E B.M.

Place of Use

IRRIGATION Within LEMHI County

T20N R23E S11

SE1/4

12.00

Total Acres: 12

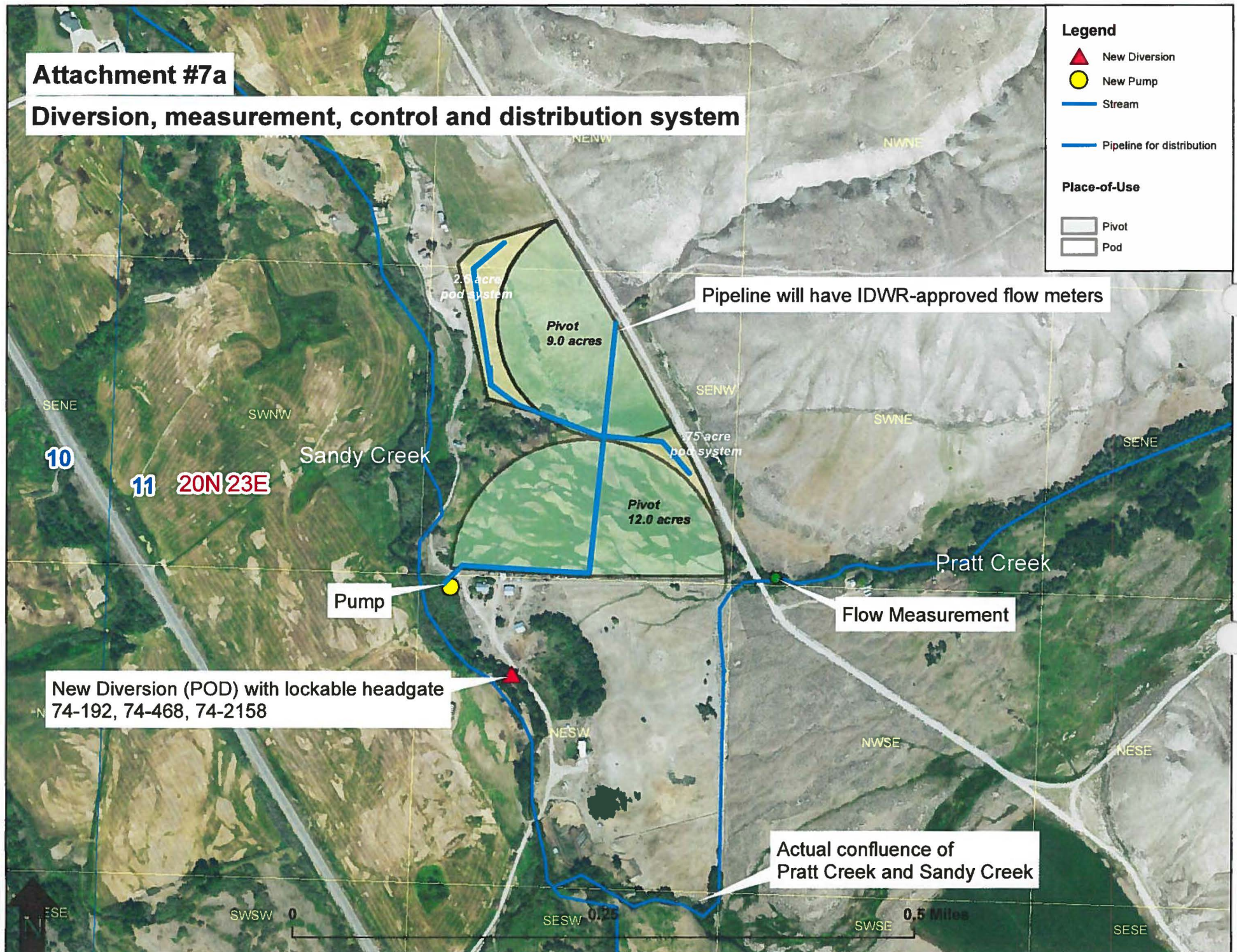
Conditions of Approval:

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.

Decreed Date: 7/9/2007

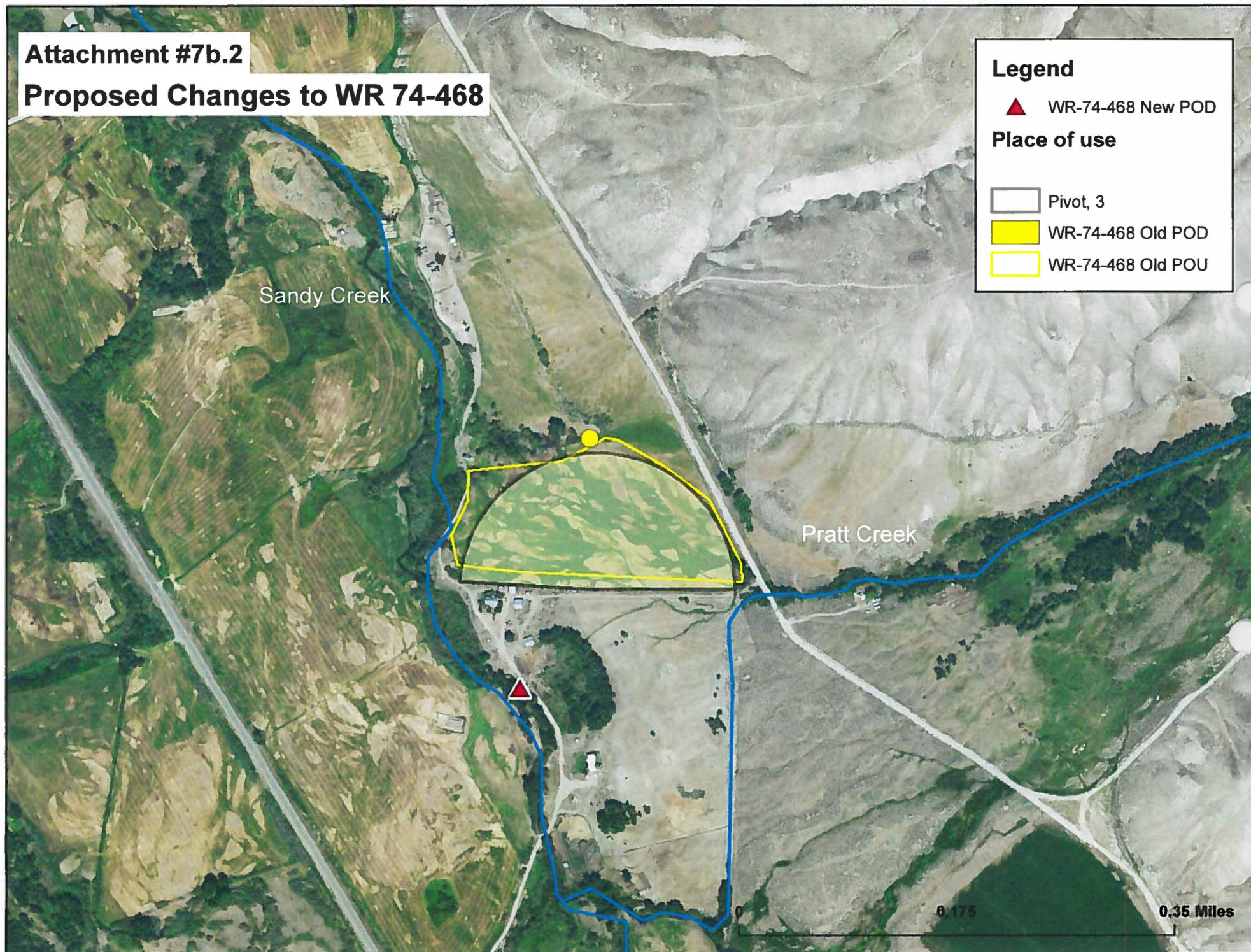
Attachment #7a

Diversion, measurement, control and distribution system

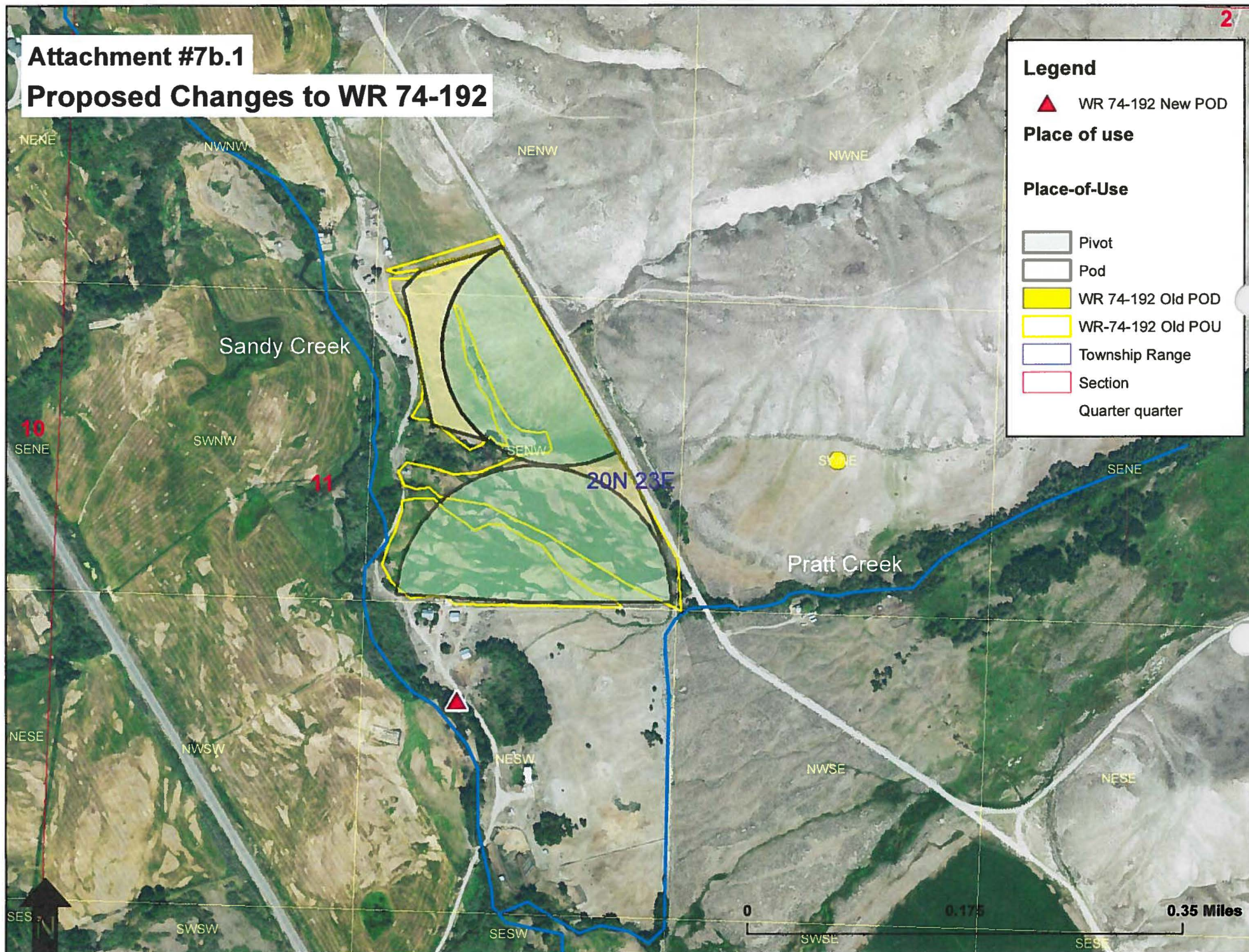


Attachment #7b.2

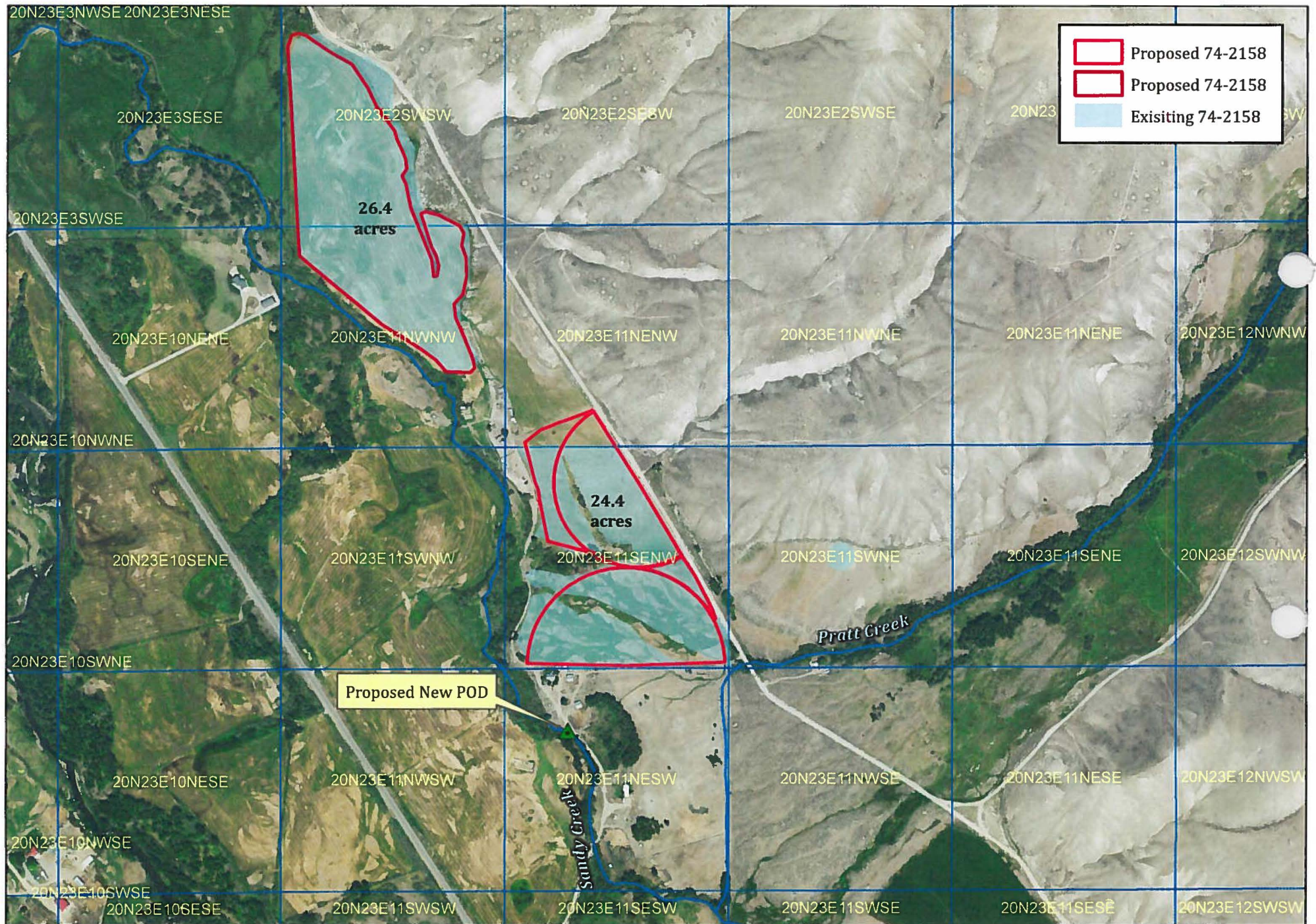
Proposed Changes to WR 74-468



Proposed Changes to WR 74-192



Attachment #7b.3 Proposed Changes to 74-2158





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 29, 2016

PAT MCCONNAGY
WATER DISTRICT #74G
373 SANDY CRK LN
SALMON ID 83467

RE: Transfer Nos. 80644 and 80592

Dear Watermaster:

Copies of the above referenced applications are enclosed. Please review the applications, then complete the enclosed recommendation forms and return it to this office within 21 days of the date of this letter.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right transfer located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 29, 2016

DAVID M ANTONELLI
WATER DISTRICT #74F
3017 SCHOFIELD LN
SALMON ID 83467

RE: Transfer Nos. 80644 and 80592

Dear Watermaster:

Copies of the above referenced applications are enclosed. Please review the applications, then complete the enclosed recommendation forms and return it to this office within 21 days of the date of this letter.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right transfer located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN

Director
February 29, 2016

C.L. "BUTCH" OTTER

Governor

BRENT W MULKEY
1008 HWY 28
SALMON, ID 83467-5303

RE: Transfer No. 80592 & 80644
Water Right No(s). 74-192, 74-2158, 74-468 & 74-10641, 74-2158

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 RECORDER HERALD on 3/03/2016 and 3/10/2016. 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,

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

Jean Hersley
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 29, 2016

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

RE: Transfer No. 80644 (Water Right Nos. 74-16041 & 74-2158), Transfer No. 80592 (Water Right Nos. 74-192, 74-2158, 74-468), Transfer No. 80711 (Water right No. 75-10374 and Application for Permit 75-14822

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right transfers and application for permit. I have enclosed a copy of the applications for your reference.

This office can publish notice of the application and transfers as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Dept of Fish & Game- Salmon office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 29, 2016

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

RE: Transfer No. 80644 (Water Right Nos. 74-16041 & 74-2158), Transfer No. 80592 (Water Right Nos. 74-192, 74-2158, 74-468), Transfer No. 80711 (Water right No. 75-10374 and Application for Permit 75-14822)

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. I have enclosed a copy of the applications for your reference.

This office can publish notice of the application and transfers as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 21, 2016. Your cooperation is appreciated.

Sincerely

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80644

BRENT W MULKEY, 1008 HWY 28, SALMON, ID 83467-5303; has filed Application No. 80644 for changes to the following water rights within LEMHI County(s): Right No(s). 74-16041, 74-2158; 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:

Proposes reconfiguring the place of use for both rights in T20N R23E S2 & S11 to cover existing irrigation locations and conveyance of Pratt Creek water into Sandy Creek for the point of diversion of 74-2158.

TRANSFER NO. 80592

BRENT W MULKEY, 1008 HWY 28, SALMON, ID 83467-5303; has filed Application No. 80592 for changes to the following water rights within LEMHI County(s): Right No(s). 74-192, 74-2158, 74-468; 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:

Proposes reconfiguring the place of use in T20N R23E S11 to accommodate new pivot irrigation system and changing the point of diversion including conveyance of Pratt Creek water into Sandy Creek.

TRANSFER NO. 80711

STEVEN R FARRO, 3348 W ANDERSON ST, BOISE, ID 83703; has filed Application No. 80711 for changes to the following water rights within LEMHI County(s): Right No(s). 75-10374; 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:

Transfer proposes to correct water right by changing the place of use to historical location of home.

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 3/21/2016.

The protestant must also send a copy of the protest to the applicant.

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

75-14822

STANLEY POTTS

4 REDSIDE WAY

SHOUP, ID 83469

Point of Diversion SESE S25 T23N R16E LEMHI County

Source COLSON CREEK Tributary SALMON RIVER

Use: AESTHETIC

01/01 to 12/31

1 CFS

Use: POWER

01/01 to 12/31

1 CFS

Total Diversion:

1 CFS

Date Filed: 2/3/2016

Place Of Use: POWER & AESTHETIC

T23N R16E S25 SESW

This application proposes development of hydropower and aesthetic uses. This application proposes the diversion and use of water from a tributary of 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 it is for non-consumptive purposes.

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 3/21/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/03/2016 and 3/10/2016

MEMORANDUM

Date: February 22, 2016
To: Transfer 80592
From: Steven Visosky
Re: Review & Evaluation of Sufficiency of Information

The proposed transfer is to change the point of diversion (POD) of water right 74-192 and 74-2158 from Pratt Creek to Sandy Creek in the NESW in Sec 11, T20N, R23E, keeping the source as Pratt Creek water entering Sandy Creek. The proposal also requests changing the POD location of water right 74-468 currently on Sandy Creek to a new location on Sandy Creek sharing a common POD with water rights 74-192 and 74-2158.

The proposed transfer also requests changing the POU of water rights 74-192, 74-2158, and 74-468 to accommodate a new pivot irrigation system and an inline pod system. A split will be required of 74-2158 as the water right will now serve two different systems. The split necessary of water right 74-2158 has also requested changing the POD of the unchanged portion however this POD change will need to be accomplished in a second transfer as they are two separate systems. This additional transfer for the POD of 74-2158 has been assigned to Transfer 80644.

The original transfer application was received on 12-29-2015 and was submitted by Brent W. Mulkey with the assistance of Allen Bradbury with the Upper Salmon Basin Watershed Program. An amended application was received on 1-25-2016. The fee associated with the proposed transfer of 1.06 cfs is \$580. A \$580 check was received with the original Transfer application. The amended application included a second transfer (80644) without an additional payment so a fee will be required for transfer 80644.

A second amended application was received on 2-22-2016 signed by Bruce W. Mulkey approving the updates made during discussions with Amy Cassel and Allen Bradbury.

Authority to File: The application was signed by Brent W. Mulkey who is listed as the current owner of the transferred rights. According to Lemhi County records updated on 1-20-2015, Brent W. Mulkey is the current owner of the land associated with the POU. The location of the proposed POD is on property owned by Bruce L. Mulkey and the application states that Bruce Mulkey operates the ranch for the applicant.

Water Right Validity: All three water rights included in this transfer were decreed in 2007. Aerial photography along with landsat imagery confirmed that water has been applied to the POUs associated with this transfer so forfeiture is not a concern.

Injury to Other Water Rights: The transfer includes moving the POD from Pratt Creek downstream to Sandy Creek for 74-192 and 74-2158 and moving the POD upstream on Sandy Creek for 74-468. This change in POD location could affect two other PODs on Sandy Creek. Water right 74-465 owned by Loah and Doyle Mulkey could be affected however it is senior to the upstream POD move for 74-468. Water right 75-15064 owned by Idaho Fish and Game is junior to 74-468 and will be notified during the advertisement of the transfer. Proper conditioning requiring water measurements of Pratt Creek water at the existing POD and Pratt Creek water entering Sandy Creek should prevent injury to other downstream users on Sandy Creek.

The transfer proposes shifting of acres on land owned by the applicant to accurately describe the proposed new pivot and inline pod system. No injury concerns were identified with the proposed POU

changes.

Enlargement of Use: The same number of acres will be authorized for irrigation as before the transfer. No enlargement concern identified.

Local Public Interest: Comments will be requested from Water District #74F Pratt Creek, Water District 74G Sandy Creek, and IDWR Eastern Regional office to address any concerns. A courtesy/comment letter should be sent to Idaho Fish and Game as they do have a water right (74-15064) for fish propagation in close proximity to the new proposed POD. Watermaster Cindy Yenter of WD170 will be notified per her request of transfers in Basin #74.

Beneficial Use/Conservation of Water Resources: Irrigation is a recognized beneficial use and no concerns about conservation were found through the review.

Effect on Economy the Local Area: No change to local economy through this transfer.

Effect on Agricultural Base of the Local Area: No change proposed that would affect the local agricultural base.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 11, 2016

BRENT W MULKEY
1008 HWY 28
SALMON ID 83467

RE: Application for Transfer No. 80592

Dear Mr. Mulkey,

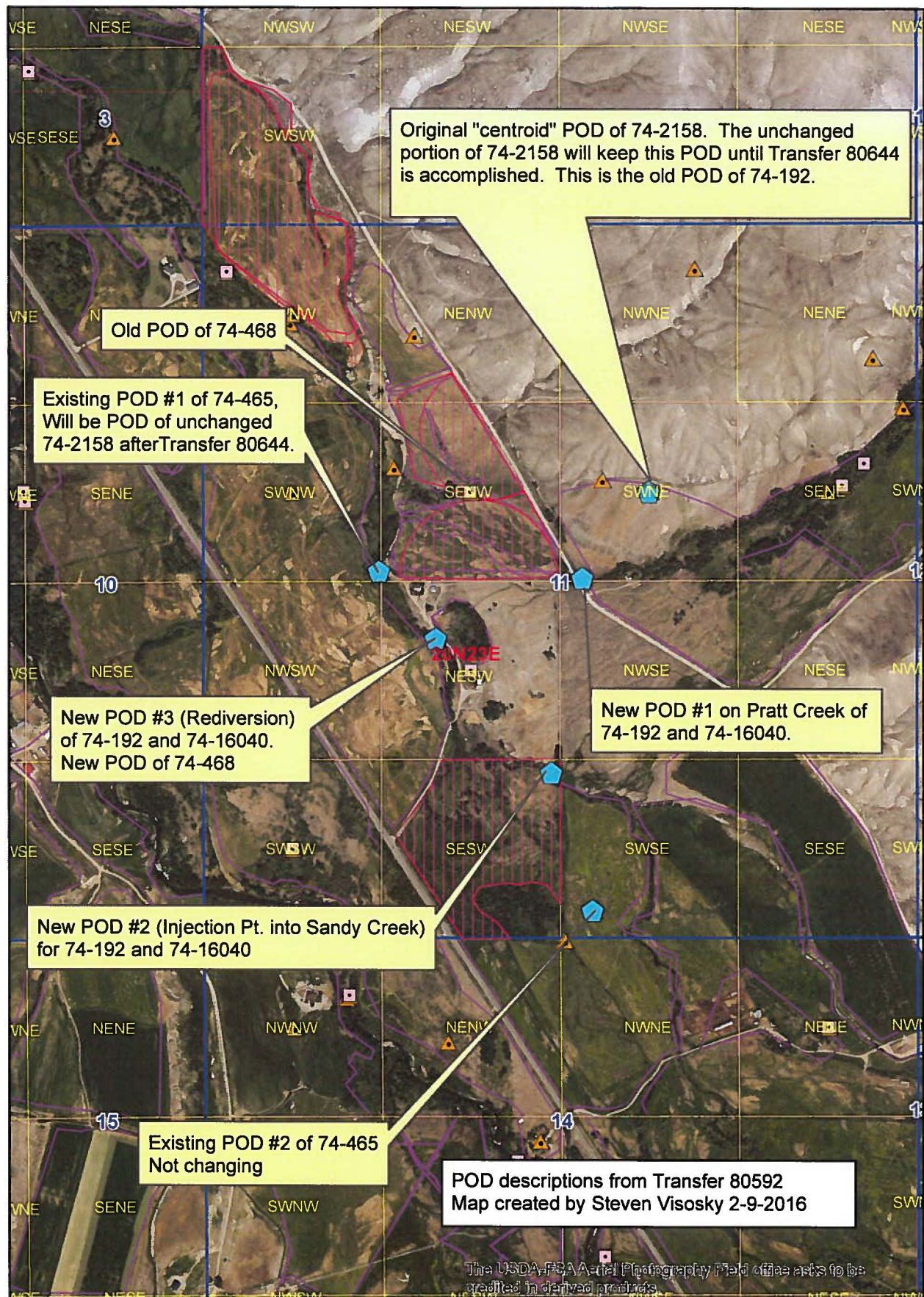
The Department of Water Resources has reviewed your amended application for transfer of water rights 74-192, 74-2158, and 74-468. After discussions with Amy Cassel in our Salmon office regarding the details of your proposed project, a few changes were made to your application in order to properly reflect the project.

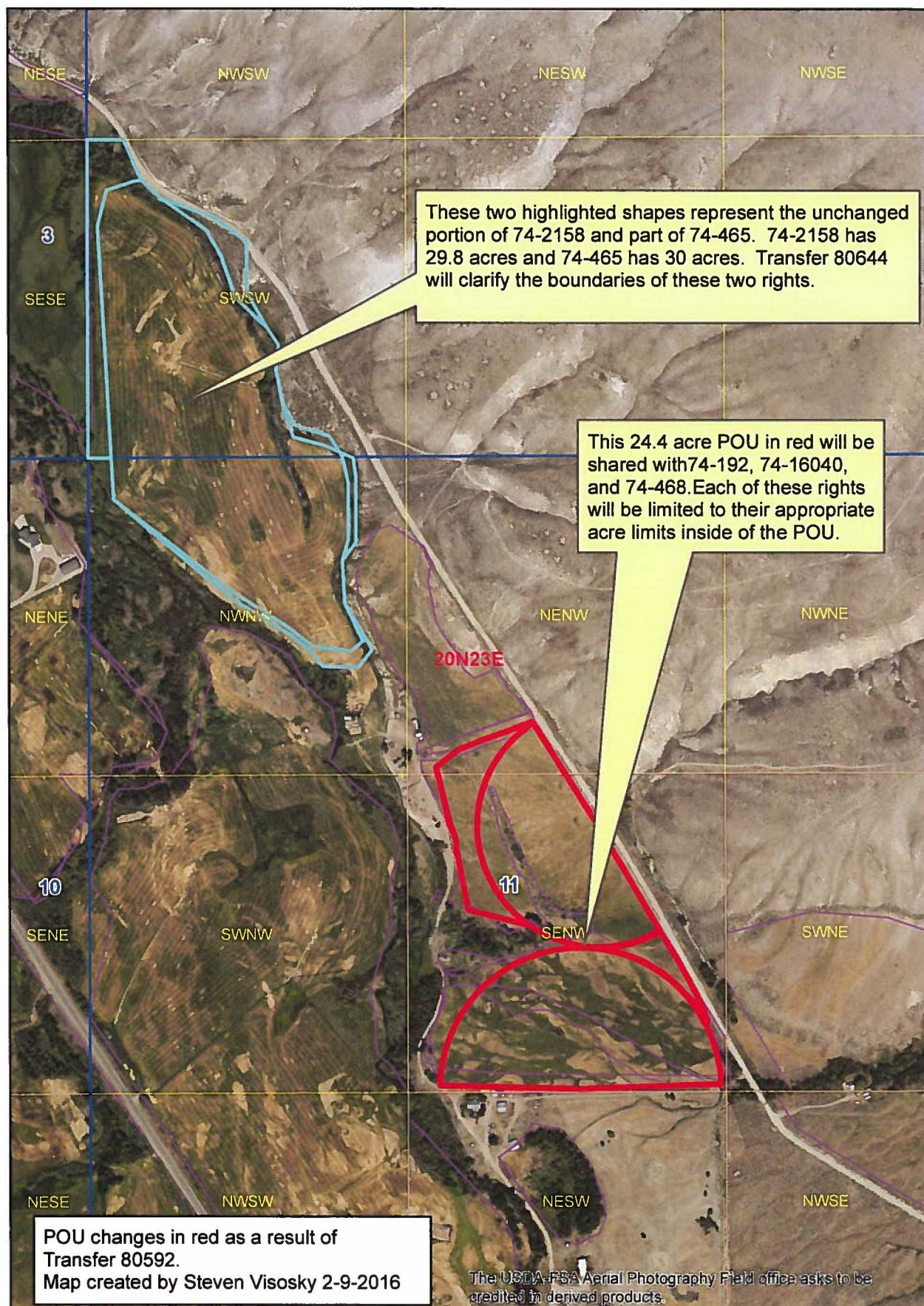
In order for us to proceed with the transfer, we will need a signature on the revised application confirming the information correctly reflects your transfer. I attempted to incorporate the information from your original application but please feel free to change and initial any incorrect information. Your \$580 check was applied to this transfer so no money is due with this transfer.

Please review, sign and return the application along with the two maps to my attention to the address listed above. Your transfer will be on hold until we receive the requested information. If you have any questions, please feel free to call me at 208-287-4933.

Sincerely,

Steven Visosky
Water Resource Agent



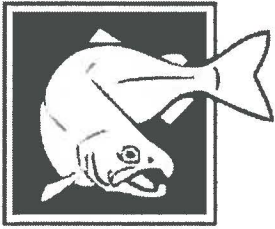


Process	Basin Sequence	Owner	Source	POD/ POU	NENW	NWNW	SWNW	SEnw	SWSW	SESW	Total Acres	WR total acres	WR total Rate
BEFORE Transfer													
20N23E2													
Water Right	74-2158	MULKEY, BRENT W	PRATT CREEK	POU					17.7		17.7	50.8	1.00 cfs
Water Right	74-465	MULKEY, DOYLE L; MULKEY, LOAH	SANDY CREEK	POU					18.0		18	55	1.10 cfs
20N23E11													
Water Right	74-192	MULKEY, BRENT W	PRATT CREEK	POU	1.7			21.0			22.7	22.7	0.41 cfs
Water Right	74-2158	MULKEY, BRENT W	PRATT CREEK	POU		12.1		21.0			33.1	50.8	1.00 cfs
Water Right	74-465	MULKEY, DOYLE L; MULKEY, LOAH K	SANDY CREEK	POU		12.0				25.0	37	55	1.10 cfs
Water Right	74-468	MULKEY, BRENT W	SANDY CREEK	POU				12.0			12	12	0.24 cfs

P.O.U locations before transfer 80592
Created by Steven Visosky 1-29-16

Before and After comparisons of water rights in transfer 80592 by Steven Visosky 1-29-2016

BEFORE	Location	Acres	Rate		AFTER	Location	Acres	Rate
74-2158 (split)	NWNW	12.1			74-2158	NWNW	12.1	
	SENW	21				SENW		
	SWSW	17.7				SWSW	17.7	
	Total	50.8	1.00 cfs			Total	29.8	0.59 cfs
74-16040 (new from split)					74-16040	NENW	1.6	
						SENW	22.8	
						Total	24.4 limited to 21	0.41 cfs
Total of 74-2158 and 74-16040 after split							50.8	1.00 cfs
Water right 74-16040 should be limited to 21 acres inside the POU with a diversion rate of 0.41 cfs								
BEFORE					AFTER			
74-192	NENW	1.7			74-192	NENW	1.6	
	SENW	21				SENW	22.8	
	Total	22.7	0.41 cfs			Total	24.4 limited to 22.7	0.41 cfs
Water right 74-192 should be limited to 22.7 acres inside the POU with a diversion rate of 0.41 cfs								
BEFORE					AFTER			
74-468	SENW	12			74-468	NENW	1.6	
						SENW	22.8	
	Total	12	0.24 cfs			Total	24.4 limited to 12.0	0.24 cfs
Water right 74-468 should be limited to 12.0 acres inside the POU with a diversion rate of 0.24 cfs								
Combined limits -	at POD	at POU						
74-16040	0.41 cfs	21.0 ac						
74-192	0.41 cfs	22.7 ac						
74-468	0.24 cfs	12.0 ac						
Total	1.06 cfs	24.4 ac						



Upper Salmon Basin Watershed Program

Homegrown, Common-Sense
Conservation

Coordinated by:

Idaho Governor's Office of
Species Conservation
Dustin Miller, Administrator

Mike Edmondson
Program Manager
Mike.Edmondson@osc.idaho.gov

Daniel Bertram
Project Coordinator
Daniel.bertram@osc.idaho.gov

USBWP Advisory Committee
John Jakovac, Chairman

955 Riverfront Drive, Suite B
Salmon, Idaho 83467

Phone 208-756-6322

Facsimile 208-756-6376

www.modelwatershed.org

January 15, 2016

RECEIVED

JAN 25 2016

DEPARTMENT OF
WATER RESOURCES

Re: Pratt Creek Irrigation Water Right Transfer #80592 Amendments

The Upper Salmon Basin Watershed Program is assisting Brent Mulkey in amending the attached application for the transfer of water rights 74-192, 74-2158, and 74-468.

- Water right number 74-192 consists of 0.41 cfs with a priority date of 1872 from Pratt Creek a tributary to Sandy Creek. The current point-of diversion (POD) would be moved downstream to a diversion on Sandy Creek and pumped back to the permissible place-of-use on Brent Mulkey's property. Though the new diversion will be on Sandy Creek, the source will remain from Pratt Creek water entering Sandy Creek.
- Water right number 74-2158 consists of 1.0 cfs with a priority date of 1913 from Pratt Creek a tributary to Sandy Creek. The current POD would be moved downstream to Sandy Creek and pumped back to the permissible place-of-use on Brent Mulkey's property. Though the new diversion will be on Sandy Creek, the source will remain from Pratt Creek water entering Sandy Creek.
- Water right number 74-468 consists of 0.24 cfs with a priority date of 1950 from Sandy Creek a tributary to the Lemhi River. The current POD would be moved to the same location on Sandy Creek as 74-192 and 74-2158, changing it to a new quarter-quarter. The POU would not change.

Please note the following changes to amend the original water right transfer #80592.

- The change in POD for water right 74-468 for 0.24 cfs to a common POD with water rights 74-192, 74-2158 for a total of 1.65 cfs.
- Request for permissible place-of-use for water rights 74-192, 74-2158, and 74-468
- Split in water right 74-2158
- Also, note that Pratt Creek is a tributary to Sandy Creek. The original water right proofs state that Pratt is a tributary to the Lemhi River.
- Also, a stream flow gage will be placed slightly downstream from the current Pratt Creek diversion point.

Sincerely,

Allen Bradbury
USBWP Project Planner
955 Riverfront Dr. Suite B
Salmon, Idaho 83467
(208)756-6322
Allen.Bradbury@osc.idaho.gov