

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
74-465 *	No	No	Yes	No	No	No	No
74-2158	No	Yes	Yes	No	No	No	No

*Water right 74-465 will be split with an ownership change prior to this Transfer.

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**

This portion of 74-2158 will be diverted into an existing ditch and will share the same POD as 74-465.

A lockable, controllable head gate and measuring device will be installed.

Both rights are being modified to accurately reflect the POU.

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
74-2158	0.590 cfs	N/A	29.8	31.0		N/A	N/A	N/A	N/A
74-465 *	0.600 cfs	N/A	30.0	31.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

1.190 cfs	N/A	31.0	31.0	N/A	N/A	N/A	N/A
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*74-465 This is the split portion of 74-465 that will be assigned a new water right number after the ownership change.

2. Total amount of water proposed to be transferred or changed 1.19 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 Right After Requested Changes

Proposed Water Right No. 74-2158

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

Priority Date: 8/9/1913

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 ~~Ø~~
PRATT CREEK	SWNW	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

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	2											18						18
20N	23E	11						13											13

Right Acre Limit: 29.8

POU Total Acres: 31.0

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

Proposed Water Right No. 74-465

Current Water Right Owner

LOAH K MULKEY
 25 MULKEY LN
 SALMON, ID 83467

DOYLE L MULKEY
 25 MULKEY LN
 SALMON, ID 83467

Priority Date: 6/1/1872

Origin: Water Right

Basis: Decreed

Status Active

Source: SANDY CREEK

Tributary: LEMHI RIVER

Beneficial Use

IRRIGATION

From

3/15

To

11/15

Diversion Rate

0.600 CFS

Subuse Code

Total Diversion

0.600 CFS

Source and Point(s) of Diversion:

SANDY CREEK

SWNW

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	2											18						18
20N	23E	11						13											13

Right Acre Limit: 30.0

POU Total Acres: 31.0

*This 30 acres will be the split portion of water right 74-465 that will be assigned a new water right after the change in ownership is completed.

**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

This portion of 74-2158 will be diverted into an existing ditch and will share the same POD as 74-465.

A lockable, controllable head gate and measuring device will be installed. Both rights are being modified to accurately reflect the POU.

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

Brent Mulkey

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. 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:

- 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. 74-2158

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

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	2											17.7						17.7
20N	23E	11						12.1		21.0									33.1

POU Total Acres: 50.8

* Highlighted acres are the portion associated with this transfer. Other 21 acres will be split in proposed transfer 80592

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. 74-465

Current Water Right Owner

LOAH K MULKEY
25 MULKEY LN
SALMON, ID 83467

DOYLE L MULKEY
25 MULKEY LN
SALMON, ID 83467

Priority Date: 6/1/1872

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	1.100 CFS	
Total Diversion			1.100 CFS	

Source and Point(s) of Diversion:

SANDY CREEK	SWNW	Sec. 11 Twp 20N Rge 23E LEMHI County
SANDY CREEK	SWSE	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	2											18.0						18.0
20N	23E	11						12.0						25.0					37.0

POU Total Acres: 55.0

*Only the 30 acres highlighted are associated with this transfer. These 30 acres will have a new water right number as the result of an ownership change prior to the transfer. The 25 acres in the SESW will remain unchanged.

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.

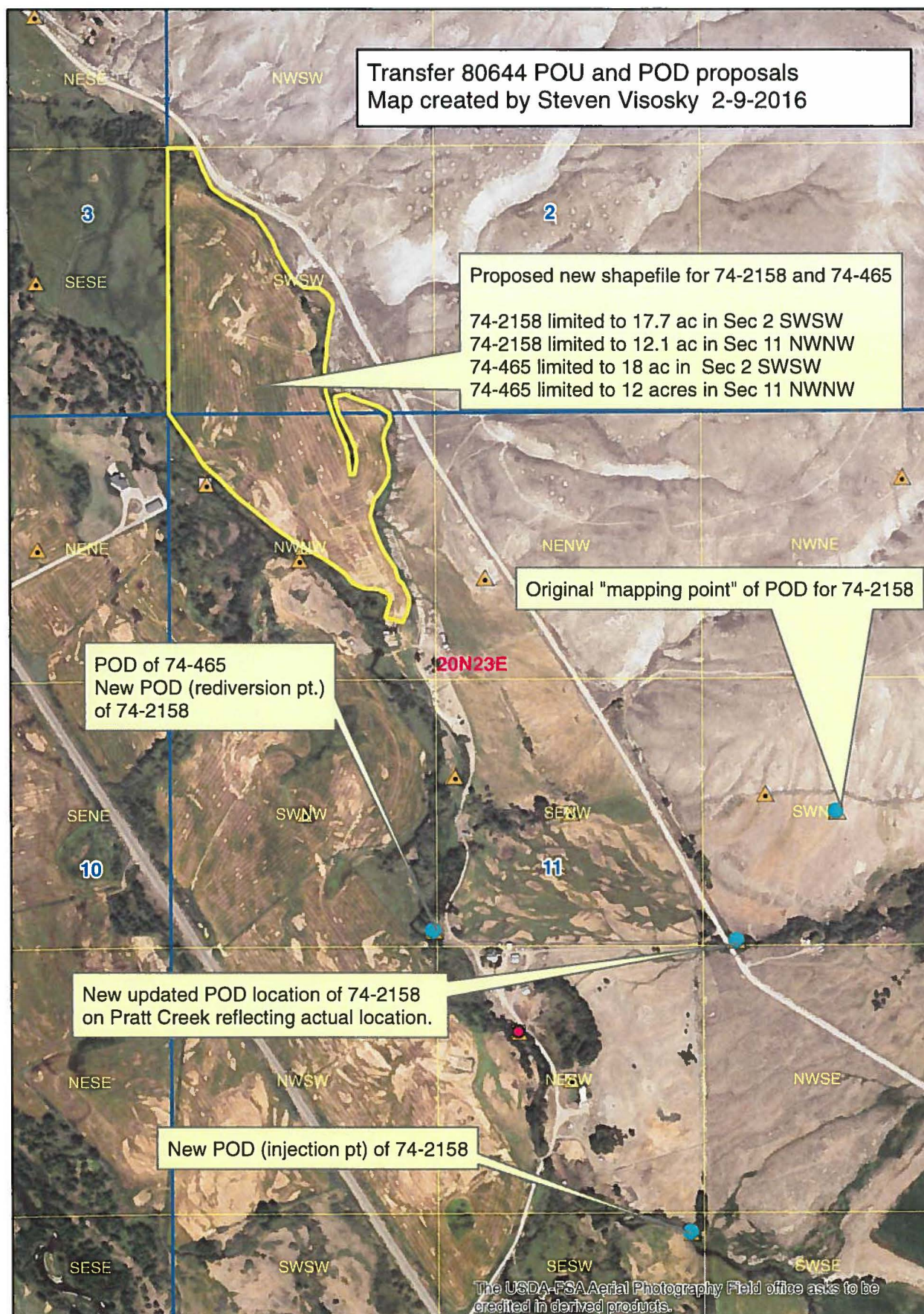
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the 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.:

Received By	Date	1/25/2016	Prelim. Check By	Date
Fee Paid	\$600.00	Date	2-22-16	Received By
Add'l Fee Paid	Date		Received By	Receipt #
				C101543

\$600.00 was submitted. \$500 was for Transfer and \$100 was for ownership change of WR 74-465. Receipt was updated.
S.V. 2-24-16



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 22 2016

DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
74-465	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lawn K. Mulkey & Doyle L. Mulkey
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Brent W. Mulkey
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- 1008 HWY 28 Salmon ID 83467-5303
Mailing address City State ZIP
- (208) 756-2634 bmulkey@centurytel.net
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: February 2, 2011

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ 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.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 74-465

8. Signature: Brent W. Mulkey Brent W. Mulkey 2/16/16
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date

SCANNED

FEB 24 2016

For IDWR Office Use Only:

Received by DJ Date 2-22-16 Receipt No. C101543 Receipt Amt. \$600.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by S.V. Date 2-23-16

Water Right 74-16041

Owner Type **Name and Address**
 Current Owner BRENT W MULKEY
 1008 HWY 28
 SALMON, ID 83467-5303
 (208)756-2634

Original Owner LOAH K MULKEY
 25 MULKEY LN
 SALMON, ID 83467

Original Owner DOYLE L MULKEY
 25 MULKEY LN
 SALMON, ID 83467

Priority Date: 6/1/1872

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>Volume</u>
IRRIGATION	03/15	11/15	0.600 CFS	
	<u>Total Diversion</u>		0.600 CFS	

Source and Point(s) of Diversion

SANDY CREEK	SWNW	Sec. 11, Twp 20N, Rge 23E, LEMHI County
SANDY CREEK	SWSE	Sec. 11, Twp 20N, Rge 23E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

			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											18.0						18.0
20N	23E	11						12.0											12.0

POU Total Acres: 30.0

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.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
74-2158 ,74-16041		51.0

SCANNED

FEB 24 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 25 2016
DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Brent W Mulkey Phone 208-756-2634
2. **MAILING ADDRESS** 1008 HWY 28 City Salmon
State ID Zip 83467-5303 Email bmulkey@centurytel.net

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 74-2158 (parent right of proposed split)

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.528 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

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

6. 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:

This portion of 74-2158 will be diverted into an existing ditch and will share the same POD as 74-465. A lockable, controllable head gate and measuring device will be installed.

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

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Brent W Mulkey Brent W Mulkey 1/22/16
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Receipted by _____ Receipt # _____

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)



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

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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)



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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,

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 24, 2016
To: Transfer 80644
From: Steven Visosky
Re: Review & Evaluation of Sufficiency of Information

The proposed change in Point of Diversion (POD) for 74-2158 is within the SWNW Section 11, T20N, R23E in Lemhi County. The POD would change its location on Pratt Creek to the new location on Sandy Creek keeping the source as Pratt Creek water entering Sandy Creek. Water right 74-2158 is currently being split in a proposed transfer (80592) and this unchanged portion of 74-2158 will be diverted into an existing ditch and will share the same POD as 74-465.

The proposed transfer also includes slightly modifying the existing Place of Use (POU) shapes of overlapping water rights 74-2158 and a portion of 74-465 (74-16041) to accurately reflect where irrigation has occurred. There will be no increase in acres irrigated or shifting of irrigated acres between QQ's associated with this POU change.

The transfer required a split to water right 74-465 through an ownership change as the transfer applicant was not the current owner of the water right. An ownership change was completed on 2-23-2016 and water right 74-16041 was created for the split portion of 74-465 that will be used in this transfer.

The application was submitted by Brent W Mulkey with the assistance of Allen Bradbury of the Upper Salmon Basin Watershed Program. This transfer and the amended transfer of 80592 were submitted together as a package on 1-25-2016. A \$580 check was received with the original 80592 transfer application however a \$500 processing fee is due before processing this transfer application. Please see additional memo related to fees associated with this transfer. A \$500 payment for this transfer was received on 2-22-2016.

Authority to File: The application was signed by Brent W Mulkey who is the current owner of water right 74-2158. Water right 74-465 is currently in the name of Loah and Doyle Mulkey. Water right 74-16041 was created by an ownership change split of 74-465 and is owned by Brent Mulkey. It was confirmed with Lemhi records updated 1-20-2015 that Brent W Mulkey owns the land associated with 74-2158 and 74-16041.

Water Right Validity: Water right 74-2158 was decreed in 2007. Aerial photography and landsat imagery confirmed that 29.8 acres of irrigation has been applied to the QQ's associated with this right. Updating the POU shape to accurately reflect actual irrigated acres addresses forfeiture concerns. Water right 74-16041 was decreed in 2011 so forfeiture is not a concern.

Injury to Other Water Rights: There are no other PODs below the existing POD on the Pratt Creek. The downstream move on Sandy Creek after the confluence may possibly affect three other PODs owned by Brent Mulkey (74-192, 74-468, and 74-16040). The new POD location will be shared with water right 74-465 and 74-15064 owned by the State of Idaho Fish and Game. Water right 74-15064 is a 2003 licensed right for fish mitigation on the Mulkey conveyance ditch.

Proper conditions on the transfer requiring measurement of Pratt Creek water at the existing POD and Pratt Creek water entering Sandy Creek should prevent injury to other water users.

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 at the same 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

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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. 80644

Dear Mr. Mulkey,

The Department of Water Resources has reviewed your amended application for transfer of water rights 74-465 and 74-2158. 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.

No payment was included with the transfer application. The fee associated with the rate on your transfer is \$500. Please submit the fee with the requested information.

As we discussed on the phone, a change in ownership for 74-465 will also need to be completed before this transfer can be processed. I did email you the ownership change form on 2-5-2016 however I did include another form for your convenience. The ownership split fee of \$100 is not included in the \$500 transfer fee.

Please review, sign and return the application, map, and associated fees 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,

A handwritten signature in black ink, appearing to read 'Steven Visosky'.

Steven Visosky
Water Resource Agent

MEMORANDUM

Date: February 08, 2016
To: Transfer 80644
From: Steven Visosky
Re: Fee associated with transfer 80644

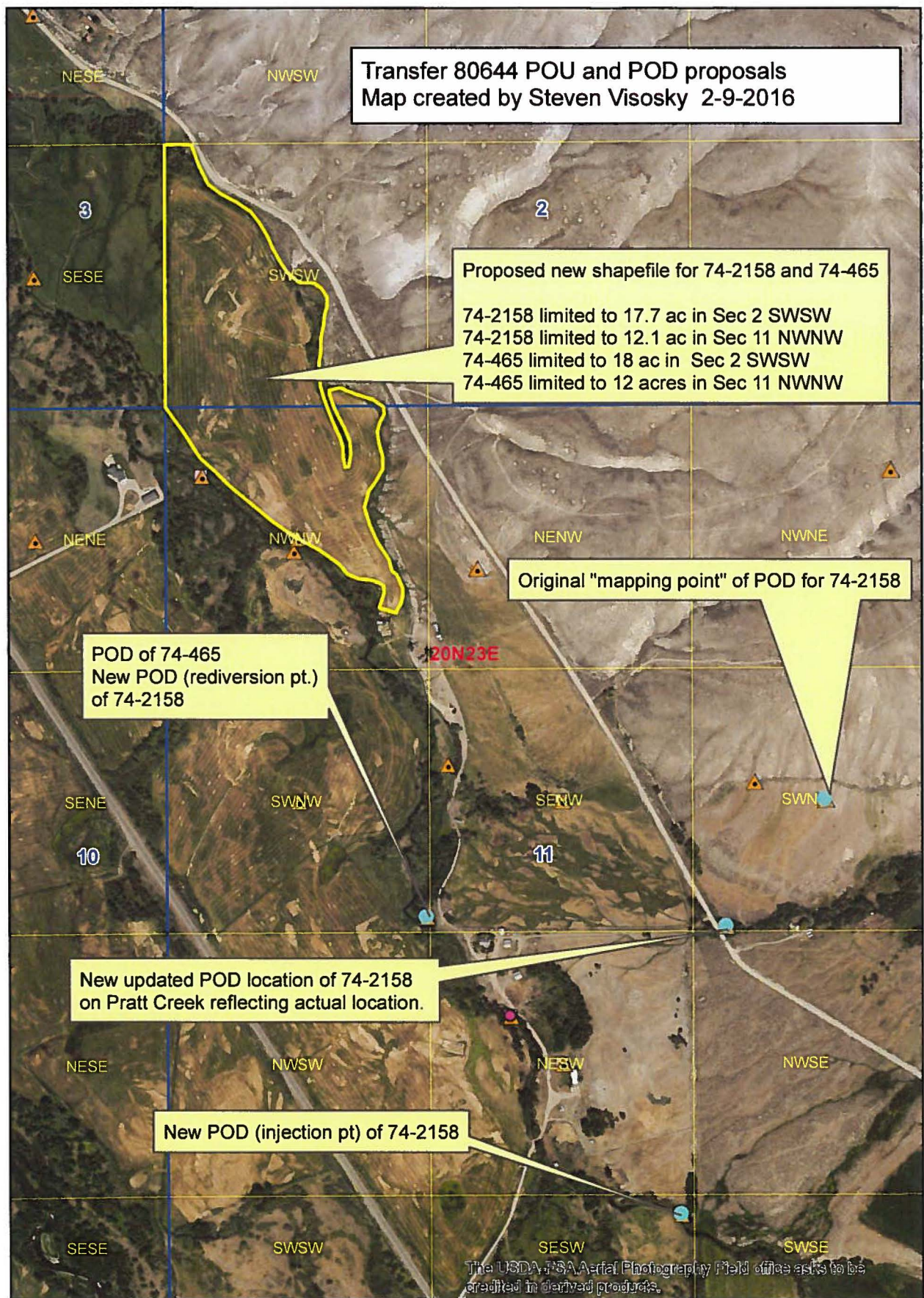
Application for Transfer #80644 was submitted together with Transfer 80592 on January 25, 2016 by Brent W Mulkey. A \$580 fee was submitted with the original application of Transfer 80592 however no payment was received for Transfer 80644. The \$500 fee is required for Transfer 80644 was determined from the following information:

-The rate associated with moving the POD for the entire water right 74-2158 is 0.59 cfs (29.8 acres)

-3.5 acres of water right 74-465 were changed between two QQs while adjusting to the new POU shape. The rate associated with 74-465 is 0.02 cfs per acre. $3.5 \text{ acres} \times 0.02 \text{ cfs} = 0.07 \text{ cfs}$

Total rate associated with Transfer fee 80644 is 0.66 cfs. Fee schedule for 0.66 cfs is \$500

A change in ownership is required for the split of water right 74-465. This \$100 fee associated with the change in ownership is an additional charge not included in the \$500 transfer cost mentioned above.



POU combined limit comparison befor and after splits for 74-2158 and 74-465

By Steven Visosky 2-8-2016

Before split of 74-2158	SWSW	NWNW	SEnw	SESW	Total
74-2158	17.7	12.1	21		50.8
74-465	18	12		25	55
Combined on rights 2158/465					76
Together shape file illustrates	18.9	13	21	25	77.9
After split of 74-2158	SWSW	NWNW	SEnw	SESW	Total
74-2158	17.7	12.1			29.8
74-465	18	12		25	55
Combined 2158/465					56
Together shape file illustrates	18	13		25	56
Before split of 74-465	SWSW	NWNW	SEnw	SESW	Total
74-2158	17.7	12.1			29.8
74-465	18	12		25	55
Combined 2158/465					56
Together shape file illustrates	18	13		25	56
After split of 74-465	SWSW	NWNW	SEnw	SESW	Total
74-2158	17.7	12.1			29.8
74-465	18	12			30
Together shape file illustrates	18	13			31
Combined limits	Before	After			
74-2158 and 74-465	76	31			