

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

80592
RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEC 22 2015

DEPARTMENT OF
WATER RESOURCES

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: _____

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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

11/12/15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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.

Part 1A.2.

The proposal is to remove the point of diversion (POD) from Pratt Creek and create a new fish-friendly POD on Sandy Creek with the source from Pratt 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.

Water will be pumped from the new POD on Sandy Creek to a new pivot sprinkler and inline pod system on the existing place of use (POU). The POU for water rights 74-192 will change slightly to reflect the new pivot design, rather than the historic flood irrigation. The POU for water right 74-2158 will not change.

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

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

Total authorized under rights 1.41 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.41 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					.8			8.2									9.0
20N	23E	11								12.1									12.1
20N	23E	11								0.75									0.75
20N	23E	11					0.8			2.1									2.9
Total Acres (for irrigation use)																			24.75

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:

The new diversion will have a lockable headgate that will lead into the fish screen and then into the bubbler.

Pipes will have IDWR-approved flow meters.

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

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:

The place of use for 74-192 is changing only slightly to reflect the new pivot sprinkler and inline pod sprinkler design, which will replace historic flood irrigation. The place of use for 74-2158 is not changing. The purpose of use is not changing for any of the three water rights included in this application.

- 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. Julana Hedt is also applying applying for a water transfer to change her point of diversion to the new location on Sandy 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:

**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

Diversion Rate

0.41 CFS

Annual Volume

Total Diversion

0.41 CFS

Location of Point(s) of Diversion

PRATT CREEK

SW1/4NE1/4

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

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T20N R23E S11

NENW

1.70

T20N R23E S11

SENW

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

Page _____ of _____

**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

From To

Diversion Rate

Annual Volume

IRRIGATION

3/15 to 11/15

1 CFS

Total Diversion

1 CFS

Location of Point(s) of Diversion

PRATT CREEK

SW1/4NE1/4

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

LEMHI County

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

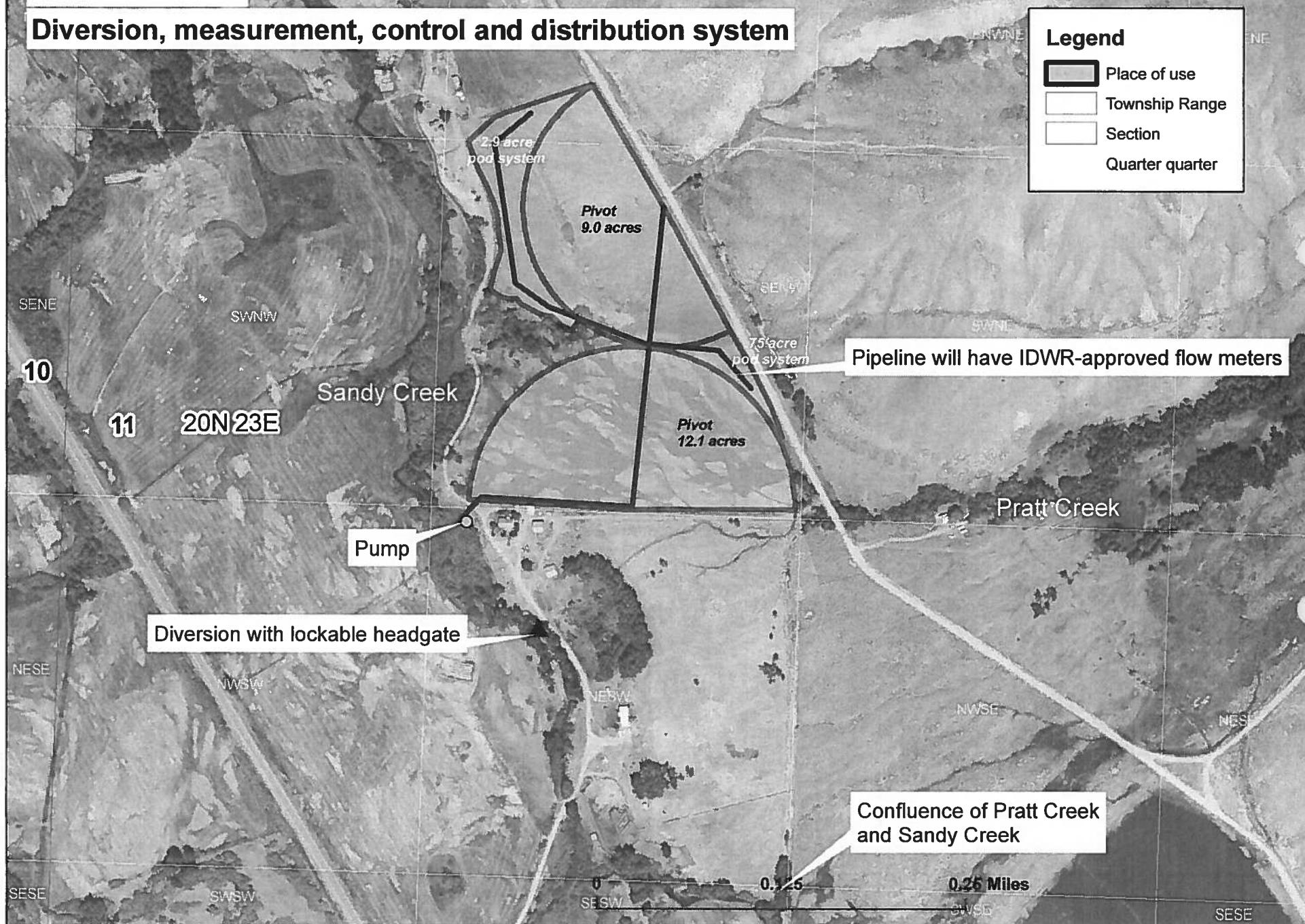
Received by _____ Date _____ Preliminary check by _____ Date _____

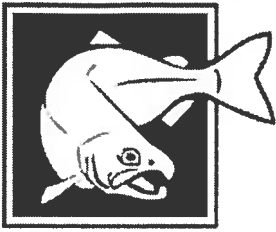
Fee paid \$580⁰⁰ Date 12-22-15 Received by di Receipt # C101337

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

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

Diversion, measurement, control and distribution system





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

August 25, 2015

Re: Pratt Creek Irrigation

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

- Water right number 74-192 consists of 0.41 cfs with a priority date of 1872 from Pratt Creek would be moved downstream to a diversion from Sandy Creek and pumped back to two pivots installed on Brent Mulkey's property. Though the diversion is 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 would be moved downstream to Sandy Creek and pumped back to two pod systems on Brent Mulkey's property that wouldn't be covered by the pivot system but are irrigated under the current system. Though the diversion is on Sandy Creek, the source will remain from Pratt Creek water entering Sandy Creek.

Should these water transfers be successful and a project implemented it would result in Pratt Creek water being sent down until it enters Sandy Creek. A measuring device, most likely a staff gauge would be installed at this location to ensure that the full water right of 0.41 cfs during periods of regulation was delivered to this point in order to allow the Mulkeys to pump back up to the fields and irrigate with the two pivots on Brent's property. During periods of unregulated flow, more commonly referred to as high flow, Brent Mulkey would have the option of utilizing water right 74-2158 out of Pratt Creek to irrigate the pod system on his property. One pump will be installed with a meter base and a flow meter to ensure that the systems are operated within the legal requirements. At the completion of this project, Pratt Creek would no longer be de-watered at the Lemhi County back road where the current POD is located and would once again become functionally reconnected with 0.41 cfs while providing access to fish.

Sincerely,

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