

RECEIVED

OCT 19 2015

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)** C Lynn or Heather Thomas Phone 208-756-2841

2. MAILING ADDRESS PO Box 215 City Salmon

State ID Zip 83467 Email

- ☐ 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) 74-218A

- ☒ 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 1.40 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*.

[illegible]

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:

Four diversions in creek to ditches for flood irrigation. All four diversions have headgates and weirs. In the process of making all diversions lockable.

- b. Who owns the property at the point(s) of diversion? Applicant owns 2. Colsten owns 2.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing ditches in use for many years. The legal description of 2 points will change. No physical change though.

- 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.

C Lynn Thomas
Signature of applicant or authorized agent

C LYNN THOMAS
Print name and title if applicable

Oct 13/2015
Date

Heather Thomas
Signature of applicant or authorized agent

Heather Thomas
Print name and title if applicable

Oct. 13/2015
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 4 pages of attachments. Received by JH Date 10-20-2015
Fee paid \$580.00 Date 10-19-15 Receipted by dj Receipt # 0101114
Preliminary review by JH Date 10-20-2015 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)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2015

WATER RIGHT NO. 74-218A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	C LYNN THOMAS
Current Owner	HEATHER THOMAS PO BOX 215 SALMON, ID 83467 (208)756-2841
Original Owner	DON I SMITH
Original Owner	ELIZABETH M SMITH 8525 USTICK RD BOISE, ID 83701

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WITHINGTON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.4 CFS	
Total Diversion			1.4 CFS	

Location of Point(s) of Diversion:

WITHINGTON CREEK	NWNE	Sec. 16	Township 20N	Range 23E	LEMHI County
WITHINGTON CREEK	SWNE	Sec. 16	Township 20N	Range 23E	LEMHI County
WITHINGTON CREEK	SENE	Sec. 16	Township 20N	Range 23E	LEMHI County
WITHINGTON CREEK	NESW	Sec. 16	Township 20N	Range 23E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
20N	23E	9		SWSE	24									
		16		NWNE	22									
				NENW	6									

Total Acres: 52

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.

Dates:

Licensed Date:

Decreed Date: 07/09/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

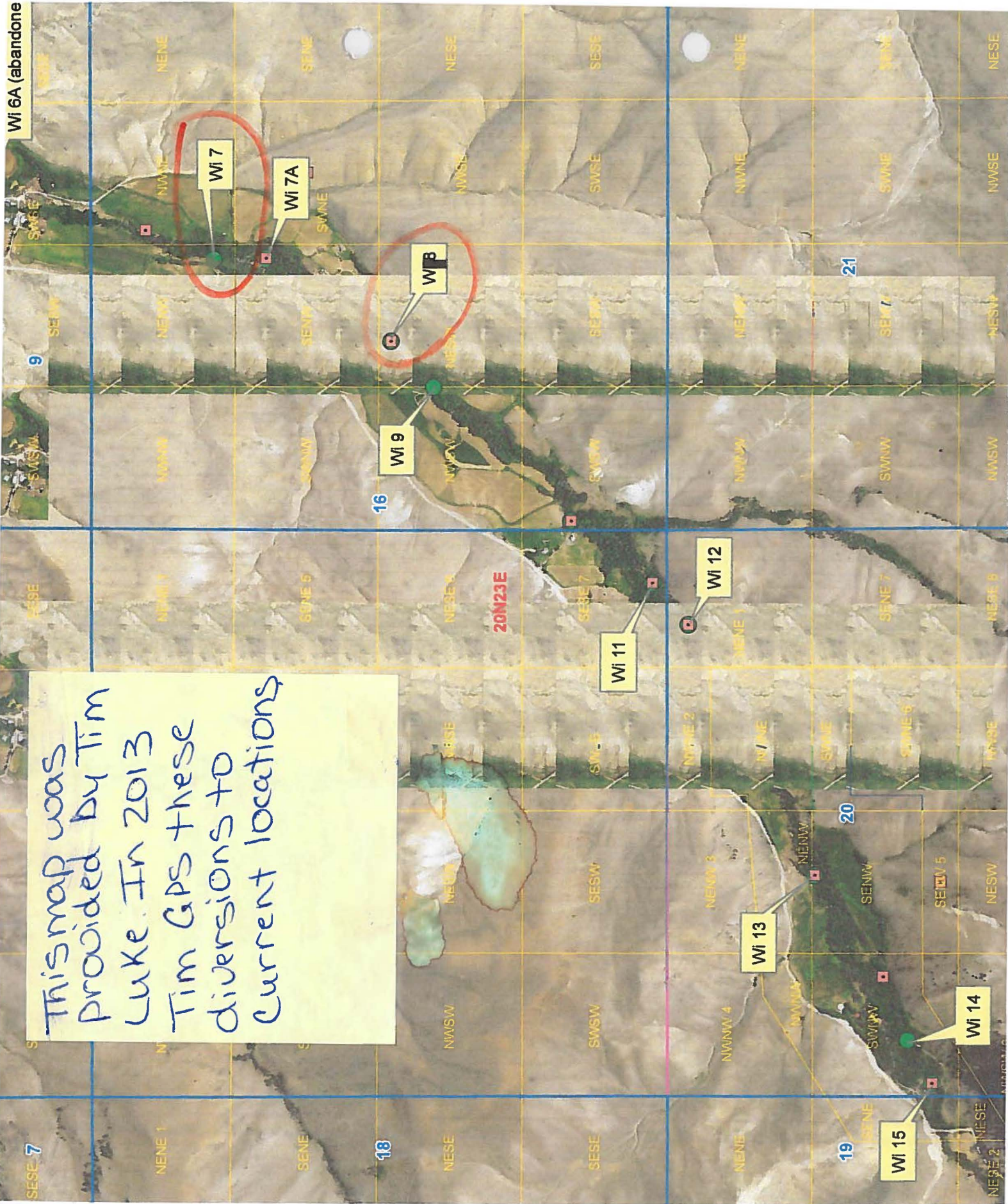
Cary Act Number:

Mitigation Plan: False

Close

Wi 6A (abandone

This map was provided by Tim Luke. In 2013 Tim GPS these diversions to current locations.



Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, October 27, 2015 9:27 AM
To: 'rhlegals@custertel.net'
Subject: Legal Notices for Application for Permit and Transfer

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
October 27, 2015

208-756-2222 Page 1

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, PO Box 83720, Boise, Idaho, 83720-0098** before November 23, 2015. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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

75-14811

JESSICA MC ALEESE

518 HOPE AVE

SALMON, ID 83467

Point of Diversion NENE S30 T22N R22E LEMHI County

Source GROUND WATER

Use: COMMERCIAL

03/15 to 04/01

0.04 CFS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: IRRIGATION

04/01 to 10/31

0.16 CFS

Total Diversion:

0.2 CFS

Date Filed: 10/13/2015

Place Of Use: COMMERCIAL IRRIGATION DOMESTIC

T22N R22E S30 NENE

Total Acres: 8

This application proposes the diversion and use of water from ground water tributary to the Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to

specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate 0.20 cfs and 8.0 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098 together with a protest fee of \$25.00 for each application on or before 11/23/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/5/2015 and 11/12/2015

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80455

C LYNN THOMAS and HEATHER THOMAS, PO BOX 215, SALMON, ID 83467; has filed Application No. 80455 for changes to the following water rights within LEMHI County(s): Right No(s). 74-218A; 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 change two of four points of diversion to reflect current system.

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 11/23/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/5/2015 and 11/12/2015



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 27, 2015

WATER DISTRICT NO. 74J
ROBBIE JENSEN- WATERMASTER
184 WITHINGTON CREEK RD
SALMON ID 83467

RE: Transfer No. 80455 (Water right 74-218A)

Dear Watermaster:

A copy of the transfer application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right 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 regional 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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

October 27, 2015

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

RE: Application for Permit No. 75-14811 and Transfer No. 80455 (Water Right No 74-218A)

Dear Interested Party:

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

This office can publish notice of the application and transfer 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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTIE
Governor

GARY SPACKMAN
Director

October 27, 2015

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

RE: Transfer No. 80278 (Water Right Nos. 74-218A) and Application for Permit 75-14811

Dear Interested Party:

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

This office can publish notice of the application and transfer 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)

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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

October 27, 2015

GARY SPACKMAN

Director

C LYNN THOMAS
HEATHER THOMAS
PO BOX 215
SALMON, ID 83467

RE: Transfer No. 80455
Water Right No(s). 74-218A

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 11/5/2015 and 11/12/2015. 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

MEMORANDUM

Date: October 22, 2015
To: Transfer 80455
From: Pam Skaggs 
Re: Review & Evaluation of Sufficiency of Information

Authority to File:

Applicant is the current right holder of SRBA decreed Right 74-218A.

Water Right Validity:

Right was decreed in the SRBA in 2007 and irrigation has occurred in recent years as verified in GIS imagery.

Injury to Other Water Rights:

The application proposes to change two of four points of diversion (POD) on Withington Creek. Three of the decreed PODs are shared by a neighboring property owner. The changes do move the points of diversion upstream from some of these shared PODs. No other rights are within the affected stretch of the creek in Section 16.

The applicant notes that the transfer is to correctly identify the existing diversion points without any actual physical change. If the changes are already in place there is probably no issues with other Withington Creek water users, but the transfer will be advertised to allow public notice of the official changes to the right.

Enlargement of Use:

There is no change in use and no enlargement concerns. The original and new PODs are relatively close together on the creek, so shouldn't be any significant change in water supply.

Local Public interest:

The application will receive public notice through advertising and standard comment letters for Wild and Scenic area will be sent to the watermaster of Water District 74-J, Fish & Game and DEQ.

Beneficial Use/Conservation of Water Resources:

No concerns identified.

Effect on Economy the Local Area:

No effects through transfer identified.

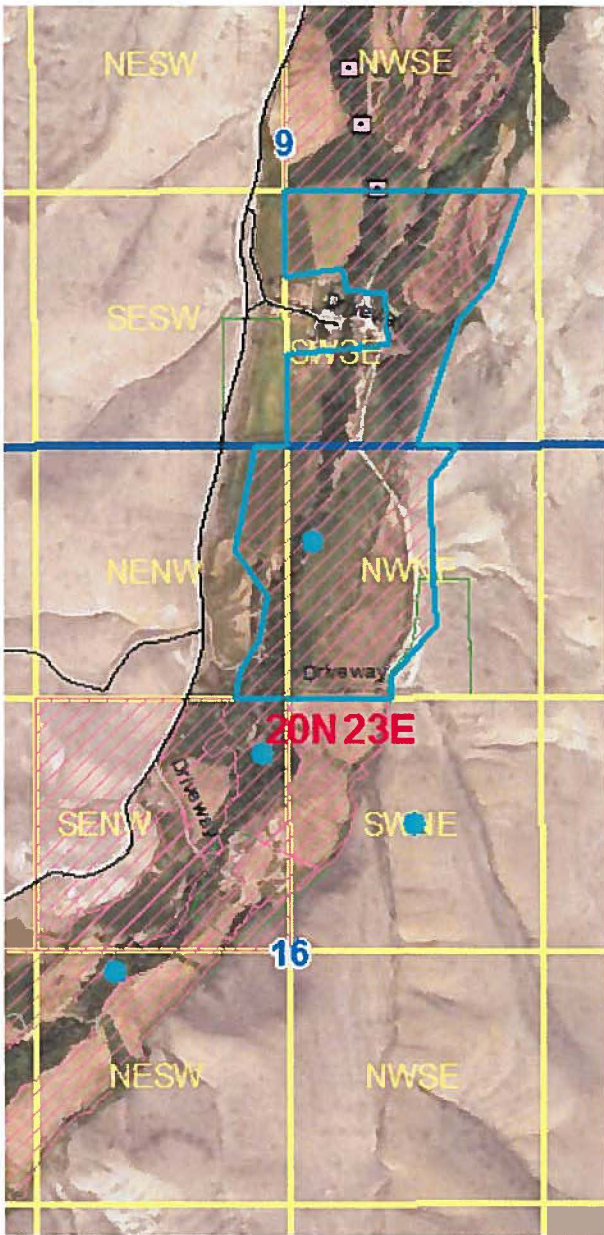
Effect on Agricultural Base of the Local Area:

No change to current agricultural impact of irrigation under this right.

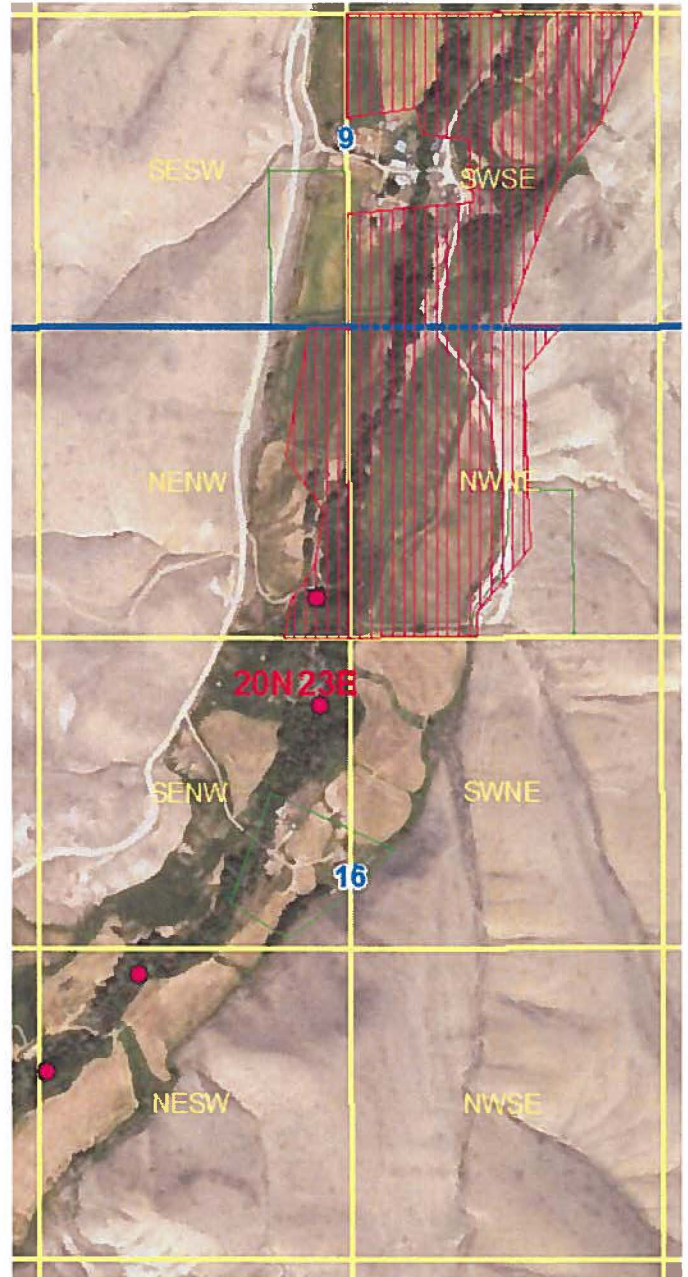
Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

**Review of proposed POD changes for Right 74-218A
Thomas under Transfer Application 80455**

PODs on Withington Creek as decreed



Proposed PODs as currently used per Transfer 80455



POD from NWNE to NENW shifts slightly upstream across QQ line above decreed shared POD with Colston (74-218B).

POD from SWNE to NESW moves upstream of other two decreed shared PODs (7A & 8) with Colston (74-218B, 74-525, 74-16026).