

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**RECEIVED****MAY 18 2015**

DEPT OF WATER RESOURCES  
SOUTHERN REGION

## 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)** Kathryn S Savage Phone 928 606 8395

2. **MAILING ADDRESS** PO Box 115 City Clayton

State ID Zip 83227 Email kathy.savage@nau.edu

- ☐ 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)** 72-16826

- ☒ 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 .13 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  | 7   | SW | SE |   | 28  | 11N | 17E | Custer | Salmon River |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |
|      |     |    |    |   |     |     |     |        |              |                     |

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:

Suction hose to pump water from river, nymph approved foot valve screened, 5 horse-power centrifugal pump, electronic flow meter on discharge side of pump. Used with K-line pods/sprinklers. Lot 9 Osprey Bend Clayton ID

- b. Who owns the property at the point(s) of diversion? Kathryn S Savage (self)

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 1/4 1/4 of section information. The Map Tool, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](http://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.

Kathryn S Savage  
Signature of applicant or authorized agent

Kathryn Savage  
Print name and title if applicable

5/13/15  
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](http://www.idwr.idaho.gov), Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 2 pages of attachments.

Received by DM/TF

Date 5-12-2015

Fee paid \$200- Date 5-12-2015

Received by DM

Receipt # S034771

Preliminary review by CB

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)

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

**Current Water Right No.:** 72-16826

**Current Owner:** KATHRYN S SAVAGE

**Priority Date:** 6/1/1963

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

SALMON RIVER

**Tributary**

SNAKE RIVER

**Beneficial Use**

IRRIGATION

**From To**

04/01 to 10/31

**Diversion Rate**

0.13 CFS

**Annual Volume**

**Total Diversion**

0.13 CFS

**Location of Point(s) of Diversion**

SALMON RIVER

L3(NE1/4NE1/4SW1/4)

Sec. 28, Twp 11N, Rge 17E B.M.

CUSTER County

**Place of Use**

**IRRIGATION Within CUSTER County**

T11N R17E S28 Lot 7 SWSE 2.20

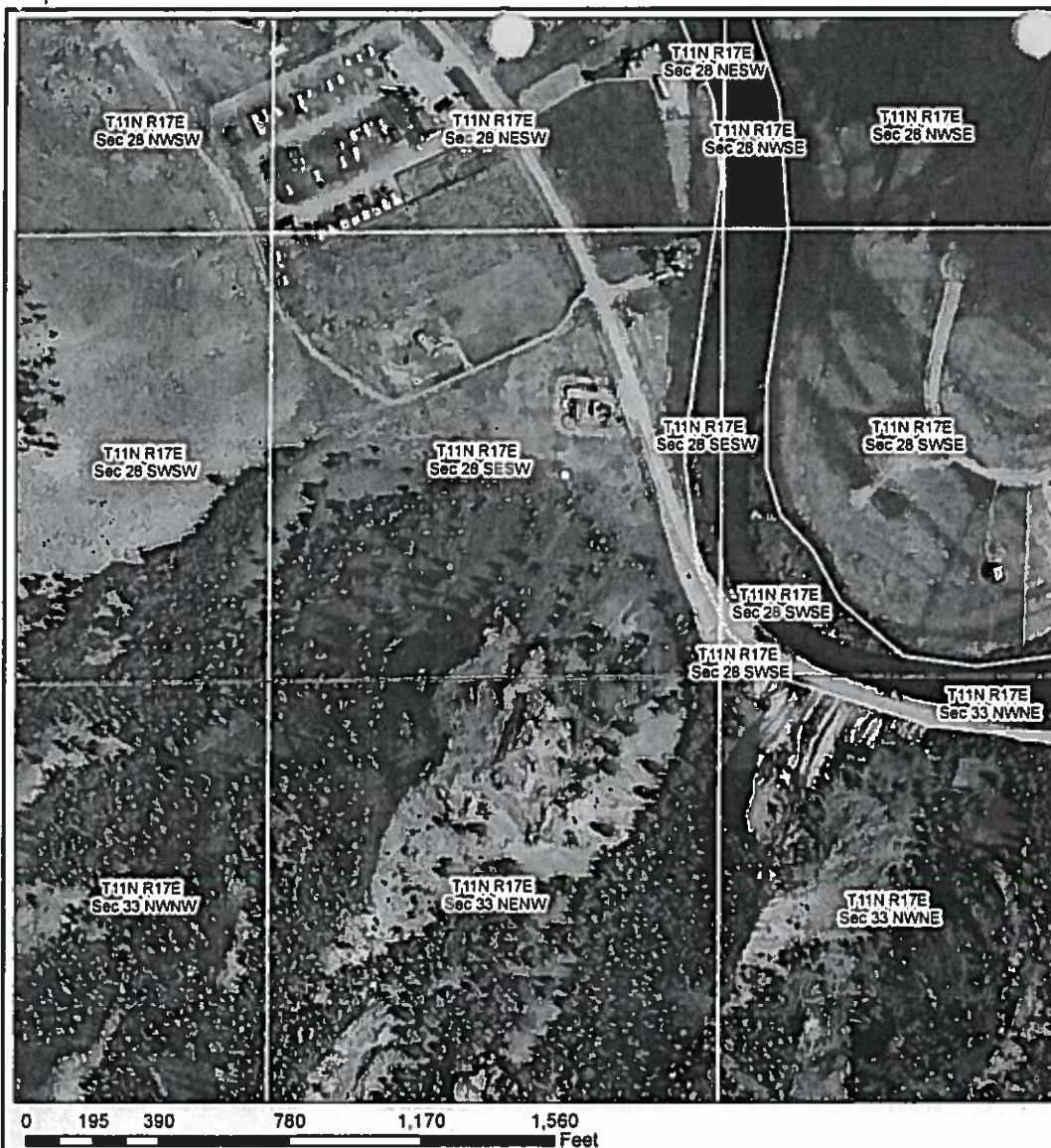
Total Acres: 2.2

**Conditions of Approval:**

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-16826, 72-16829 AND 72-16832.

**Decreed Date:** 12/1/2000





### Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties

μ

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MAY 12 2015

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4. **TOTAL AMOUNT OF WATER** transferred is 13 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.

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[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:

Suction hose to pump water from river, nymph approved foot valve screened, 5 horse-power centrifugal pump, electronic flow meter on discharge side of pump. Used with K-line pods/sprinklers. Lot 9 Osprey Bend Clayton ID

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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/](http://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.

See 5/18/2015 app.

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](http://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 DM/TF

Date 5-12-2015

Fee paid \$200- Date 5-12-2015

Received by DM

Receipt # S034771

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

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 13, 2015

KATHRYN S SAVAGE  
PO BOX 115  
CLAYTON, ID 83227

RE: Transfer No. 80128  
Water Right No(s). 72-16855

RE: Transfer No. 80160  
Water Right No(s). 72-16826

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 **CHALLIS MESSENGER** on **8/20/2015** and **8/27/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**September 8, 2015**).

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,

Denise Maline  
Administrative Assistant

## **Maline, Denise**

---

**From:** Maline, Denise  
**Sent:** Thursday, August 13, 2015 10:09 AM  
**To:** Challis Messenger  
**Subject:** LEGAL NOTICE  
**Attachments:** Challis Messenger Cover Letter.docx; Challis Messenger Ad.doc

Attached please find (1) legal notice being submitted for publication on August 20<sup>th</sup> & 27<sup>th</sup>, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline*  
*Administrative Assistant*  
*Idaho Dept of Water Resources, Southern Region*  
*650 Addison Ave W, Ste 500*  
*Twin Falls, ID 83301*  
*(208) 736-3033*  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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**C.L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

August 13, 2015

**LEGAL NOTICE DEPARTMENT**  
**CHALLIS MESSENGER**  
**PO BOX 405**  
**CHALLIS, ID 83226**

RE: Transfer No. 80128  
Water Right No(s): 72-16855

RE: Transfer No. 80160  
Water Right No(s): 72-16826

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 8, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 80128**

KATHRYN S SAVAGE, PO BOX 115, CLAYTON, ID 83227; has filed Application No. 80128 for changes to the following water rights within CUSTER County(s): Right No(s). 72-16855. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the authorized point of diversion for a 0.13 cfs water right from the Salmon River from its current location, to a new location approximately 0.5 mile downstream on the applicant's property. The right will be used to irrigate up to 2.2 acres on Lot 10, Blk 1 of Osprey Spring Subdivision located approximately 3.0 miles west and 0.9 miles south of Clayton.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 80160**

KATHRYN S SAVAGE, PO BOX 115, CLAYTON, ID 83227; has filed Application No. 80160 for changes to the following water rights within CUSTER County(s): Right No(s). 72-16826. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the authorized point of diversion for a 0.13 cfs water right from the Salmon River from its current location, to a new location approximately 0.5 mile downstream on the applicant's property. The right will be used to irrigate up to 2.2 acres on Lot 9, Blk 1 of Osprey Spring Subdivision located approximately 3.0 miles west and 0.9 miles south of Clayton.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx) . 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 8, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on August 20<sup>th</sup> & 27<sup>th</sup>, 2015



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 13, 2015

BRENT CUTLER  
WATER DISTRICT #72-D  
45 BUCKBOARD LN  
CHALLIS, ID 83226

RE: Transfer No. 80128  
Water Right No(s). 72-16855

RE: Transfer No. 80160  
Water Right No(s). 72-16826

Dear Mr. Cutler:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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,

Denise Maline  
Administrative Assistant

Enclosure(s)

## MEMORANDUM

**Date:** August 12, 2015  
**To:** Transfer 80128, 80160 Files  
**From:** Clinton Barnes  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Applications propose changing the authorized point of diversion for water rights 72-16855 and 72-16826 to a new point of diversion along the Salmon River on the applicant's property. Each water right allows diversion of up to 0.13 cfs of surface water for the irrigation of a property located approximately 3.0 miles west and 0.9 miles south of the city center of Clayton, ID. Note that each right allows for the irrigation of an adjacent parcel.

Water right **72-16855**, when combined with water rights 72-16856 (Squaw Creek), and 72-16857 (Squaw Creek) is limited to a combined diversion rate of 0.27 cfs and a combined acre limit total of 2.2 acres of irrigation in a single irrigation season.

Water right **72-16826**, when combined with water rights 72-16829 (Squaw Creek), and 72-16832 (Squaw Creek) is limited to a combined acre limit of 2.2 acres of irrigation in a single irrigation season.

The rights involved with the transfer allow for the diversion of water from within Water District 72D, so water master comments will be solicited.

- **Authority to File:**  
IDWR records indicate the applicant currently owns the water rights involved in the transfers and all lands involved in the transfers.
- **Water Right Validity:**  
Both water rights are decreed and active with a priority date of 6/1/1963. The rights were decreed in the SRBA in December 2000. Recent aerial photography indicates that the property associated with this transfer may not have been entirely irrigated. Further examination of satellite imagery (2010 Landsat) indicates that the properties appear irrigated in 2010.
- **Injury to Other Water Rights:**  
None anticipated. Application proposes moving water out of a shared ditch. Currently the rights in the ditch total 4.48 cfs. The applicant's two rights total 0.26 cfs, only 5.8% of the water in the ditch.
- **Enlargement of Use:**  
None anticipated.

Page 2

Transfer # 80128 and 80160 Memo

August 12, 2015

- **Local Public Interest:**

No issues anticipated. Application will be subject to public notice and protest.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water. The rights involved in the transfers were decreed at about 0.059 cfs per acre. However, examination of the SRBA claim file for the original parent right, 72-4157, indicates that the Salmon River right (72-4157) and the Squaw Creek parent rights (72-134A and 72-16497A) were limited when combined based on soil properties. Since the place of use is not changing it seems reasonable to continue to recognize the decreed rate for this same property.

- **Effect on the Economy of the Local Area:**

None anticipated.

- **Effect on Agricultural Base of the Local Economy:**

None anticipated.

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

## **MEMORANDUM**

**TO:** Transfer # 80128, 80160 Files

**FROM:** Clinton Barnes

**DATE:** August 12, 2015

**SUBJECT:** Filing Fee

The filing fee, \$200, for each individual transfer is based on the total amount of water being transferred per transfer, 0.13 cfs each. The transfer fee schedule for a transfer involving 0.13 cfs indicates that the filing fee is \$200. The applicant paid a total amount of \$400.

RECEIVED

MAY 12 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

5/6/16

I have enclosed paperwork and a check to support my request for a change in the point of diversion for my Salmon River water rights. I found your website to be very helpful as were the conversations that I had with two individuals in the Southern District office. If you need additional information from me please e-mail me at:

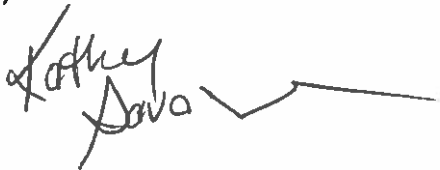
[Kathy.Savage@nau.edu](mailto:Kathy.Savage@nau.edu)

Or call:

928 606 8395

Thanks for your help,

Kathy Savage  
PO Box 115  
Clayton ID 83227

A handwritten signature in black ink, appearing to read "Kathy Savage", followed by a long horizontal line.