

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 02 2015
Department of Water Resources
Eastern 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)** Ellsworth Angus Ranch Phone (208) 768-2664

2. MAILING ADDRESS PO Box 60 City Leadore

State Idaho Zip 83464 Email corlellsworth@me.com

- ☐ 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) 74-2320

- ☒ 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 2.3 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:

The new diversion system will consist of a pumping station from Eighteenmile Creek (designed by NRCS) with a flow meter built in to the pipeline and a diversion structure and fish screen designed by IDFG.

- b. Who owns the property at the point(s) of diversion? Ellsworth Angus Ranch (New); Boyd Foster (old)

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:

Currently, a portion is set aside in the Lemhi Water Bank, this will expire in Nov 2015

- 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 ¼ ¼ 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.

Carl Ellsworth
Signature of applicant or authorized agent

Carl Ellsworth Partner
Print name and title if applicable

2/26/15
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, *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 660⁰⁰ Date 3/2/15

Received by SC

Receipt # E040693

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☒ No ☐ 2015

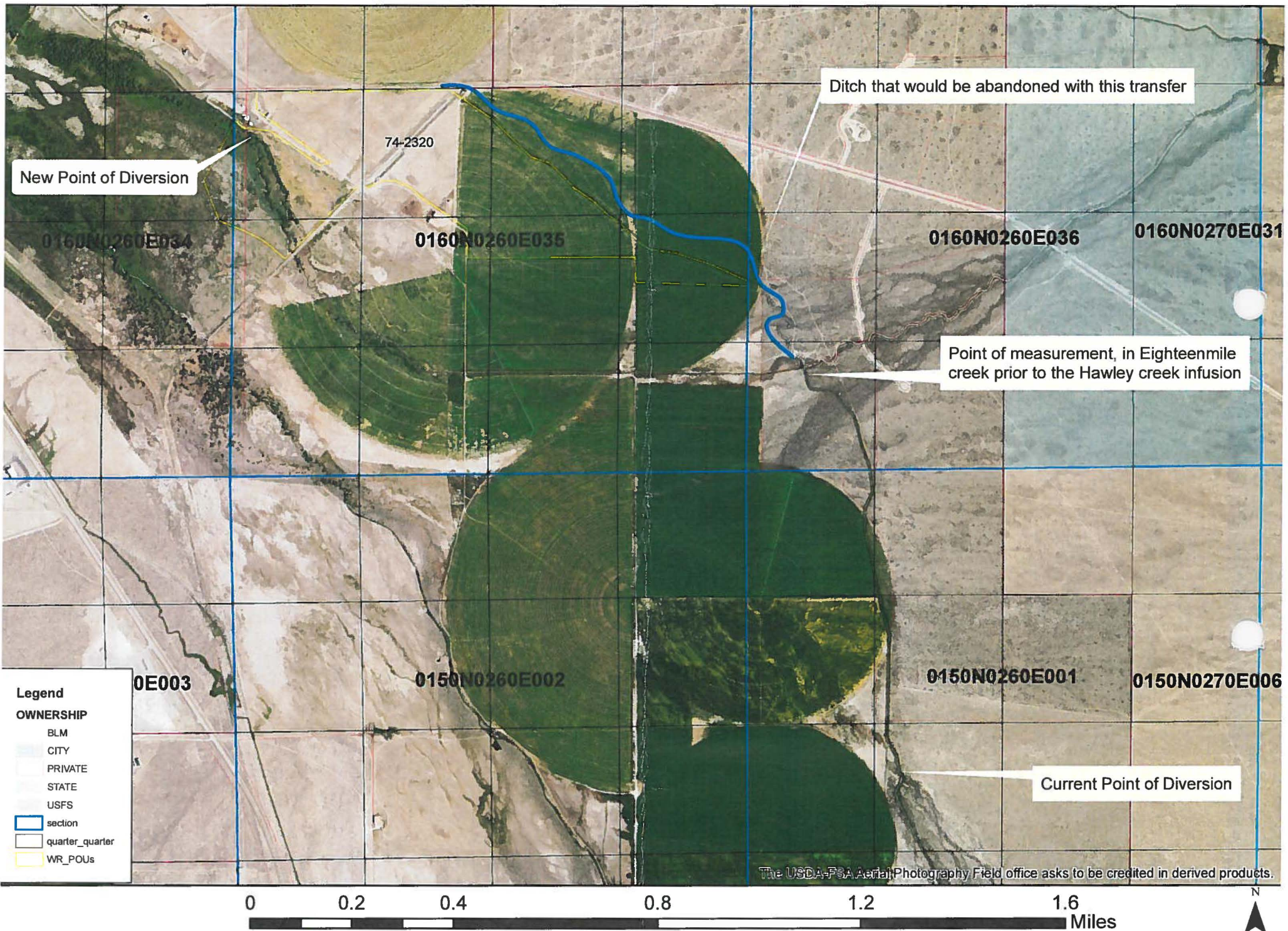
W-9 received? Yes ☐ No ☒

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

Ellsworth Angus Ranch Transfer 74-2320



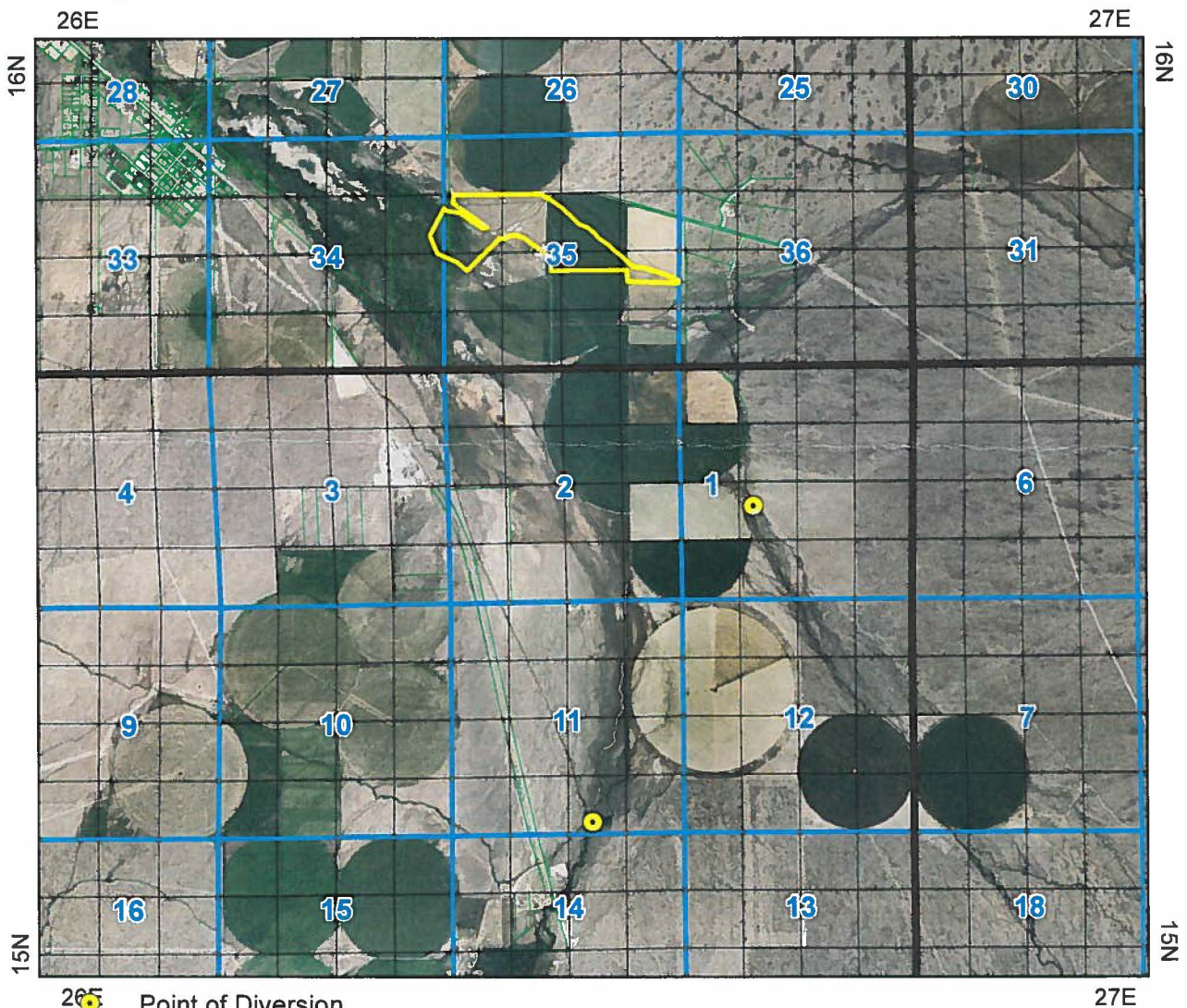
State of Idaho
Department of Water Resources

Water Right

74-2320

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.5 1 2 Miles



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/14/2015

WATER RIGHT NO. 74-2320

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELLSWORTH ANGUS RANCH PO BOX 60 LEADORE, ID 83464 (208)768-2664
Original Owner	JAMES ELLSWORTH
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464

Priority Date: 11/08/1957

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
EIGHTEENMILE CREEK	LEMHI RIVER
TEXAS CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.3 CFS	
Total Diversion			2.3 CFS	

Location of Point(s) of Diversion:

EIGHTEENMILE CREEK	NESW	Sec. 01	Township 15N	Range 26E	LEMHI County
TEXAS CREEK	SWSE	Sec. 11	Township 15N	Range 26E	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>
16N	26E	34		SENE	4.2									
				NESE	0.1									
		35		SWNE	14									
				SWNW	35		SENE	34						
				NESW	2.6		NWSW	4.4						
				NESE	7.7		NWSE	13						

Total Acres: 115

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. Right Nos. 74-42, 74-66, 74-67, 74-110, 74-111, 74-2320, 74-2329, 74-7006 and 74-7148 are limited to the irrigation of a combined total of 880 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 04/18/2013

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:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 880



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

March 24, 2015

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

Application for Transfer No. 79898
Water Right No. 74-2320

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. A copy of the application is enclosed for your reference.

This office can publish notice of the application 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 this application, 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 cursive script, reading "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

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

March 24, 2015

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

RE: Transfer No. 79898
Water Right Nos. 74-2320

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. I have enclosed a copy of the application for your reference.

This office can publish notice of the application 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 this application, 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 cursive script, appearing to read 'Jean Hersley', is written over the printed name.

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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 24, 2015

DAN P SMITH
PO BOX 22
LEADORE ID 83464-0022

COPY

RE: Application for Transfer: 79898
Water Right No. 74-2320

Dear Watermaster:

A copy of the above referenced 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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 24, 2015

ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE, ID 83464

RE: Transfer No. 79898
Water Right No(s). 74-2320

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 4/2/2015 and 4/9/2015. 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 me at (208) 287-4942 if you have any questions regarding the application.

Sincerely,

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

Jean Hersley
Technical Records Specialist

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, March 24, 2015 10:48 AM
To: 'rhlegals@custertel.net'
Subject: Legal Notice for Transfer of Water Right
Attachments: Recorder Herald.doc

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 4/20/15. Your cooperation is appreciated.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

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 April 20, 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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79898

ELLSWORTH ANGUS RANCH, PO BOX 60, LEADORE, ID 83464; has filed Application No. 79898 for changes to the following water rights within LEMHI County(s): Right No(s). 74-2320; 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:

The purposed of the transfer is to add a point of diversion from Eighteenmile Creek. The new point of diversion will be located in SWNW of Sec 35, Twp 16N, Rge 26E. The existing points of diversion will continue to be used and no change is proposed for the place of use.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. 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, PO Box 83720, Boise, Idaho, 83720-0098 together with a protest fee of \$25.00 for each application on or before 4/20/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/2/2015 and 4/9/2015

MEMORANDUM

Date: March 13, 2015
To: Transfer 79898
From: Michele Edl
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a POD to right 74-2320. SRBA decreed water right 74-2320 is currently leased to the WSB until December 31, 2015. The WSB lease agreement shows that right 74-2320 had been paired with 74-15190, a "High Flow" claim, which was decreed disallowed in the SRBA on April 3, 2012.

The IWRB is renting the right to support instream flow in the Lemhi River. However, this transfer can be processed without removing the right from the WSB.

Authority to File: The applicant is the current owner of the water right in IDWR records. According to available Lemhi County taxlot information, the applicant is owner-of-record for the property at the proposed new POD. Ellsworth Angus Ranch is identified with ISOS as L243 and Mr. Carl Ellsworth is listed as a partner. He signed the application.

Water Right Validity: The SRBA partial decree for right 74-2320, was issued on April 18, 2013 while the right was active in the State Water Supply Bank. A portion of the POU has been idled in compliance with the lease agreement. Forfeiture is not an issue.

Injury to Other Water Rights: No injury is anticipated. The diversion rate at the new POD will be no more than would be available at the existing POD.

Enlargement of Use: Combined use limits will be carried on the transfer approval.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: The proposed use is consistent with conservation of water resources in Idaho.

Effect on Economy the Local Area: No issues identified

Effect on Agricultural Base of the Local Area: No issues identified

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.

Although this transfer only proposes to add a POD, the new diversion is from a sensitive surface water source. The proposed POD will be constructed on a tributary to a designated Wild and Scenic Watershed (Salmon R excluding Mid F). Therefore, this transfer will be advertised.

No. L 243		Due no later than Dec 31, 2014		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. ELLSWORTH ANGUS RANCH LIMITED PARTNERSHIP CARL ELLSWORTH PO BOX 60 LEADORE ID 83464		CARL ELLSWORTH 30 ELLSWORTH LANE LEADORE 83464			
				3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
GENERAL PARTNER	MABELLE HAYS	8 WEST UTE RD	SALMON	ID	USA	83467	
GENERAL PARTNER	CARL ELLSWORTH	PO BOX 60	LEADORE	ID	USA	83464	
5. Organized Under the Laws of: ID L 243		6. Annual Report must be signed.* Signature: Carl Ellsworth Name (type or print): Carl Ellsworth Date: 11/02/2014 Title: General Partner					
Processed 11/02/2014		* Electronically provided signatures are accepted as original signatures.					