

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 08 2014

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)** VANCE E LEWIS, DALLAS A LEWIS Phone 208-756-1326

2. **MAILING ADDRESS** 357 DIAMOND CREEK LANE City SALMON

State ID Zip 83467 Email VANCEL@CUSTERTEL.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)** 75-14269

- ☒ 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 0.10 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 #
N	7		NW	SW	6	22N	22E	LEMHI	WALLACE CREEK	
Y	3		NW	NE	6	22N	22E	LEMHI	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:

Small pump + fish screen.

- b. Who owns the property at the point(s) of diversion? Vance E. + Dallas A. Lewis
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.

Vance E. Lewis
Signature of applicant or authorized agent

Vance E. Lewis
Print name and title if applicable

11-25-2014
Date

Dallas A. Lewis
Signature of applicant or authorized agent

Dallas A. Lewis
Print name and title if applicable

11-25-2014
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 gmk

Date 12-8-14

Fee paid 100

Date 12-8-14

Received by gmk

Receipt # C099675

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)

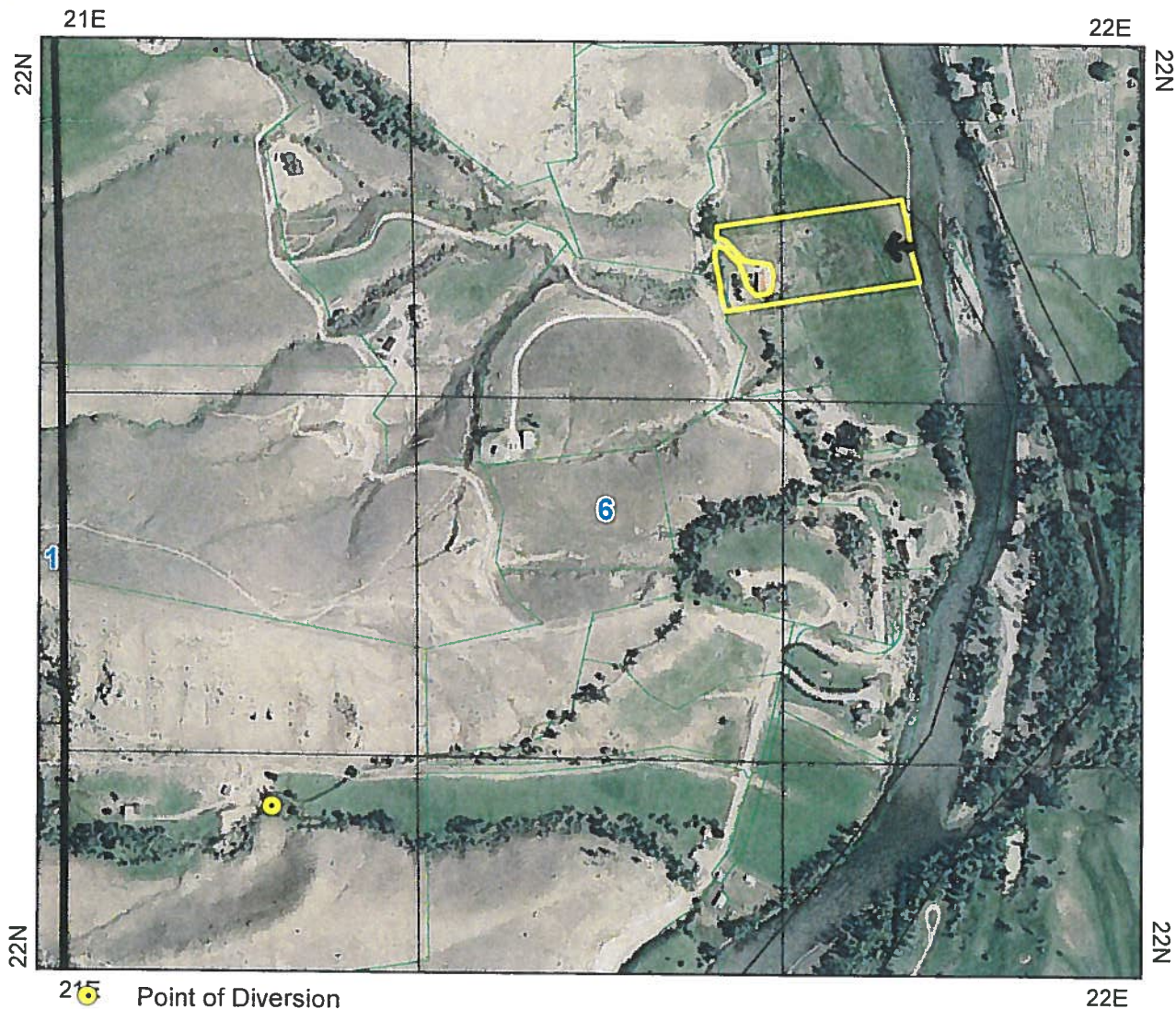
State of Idaho
Department of Water Resources

Water Right

75-14269

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.



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

0 0.075 0.15 0.3 Miles

* Map submitted with Application
for Permit. (75-14786)

- PK





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

January 5, 2015

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

Application for Transfer No. 79136 and 79552

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced transfer application. 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 black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 5, 2015

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

Application for Transfer 79136 and 79552

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced transfer application. 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 black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Dept of Fish & Game- Salmon office



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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 5, 2015

DALLAS A LEWIS
VANCE E LEWIS
357 DIAMOND CREEK RD
SALMON ID 83467

RE: Transfer No. 79552
Water Right No(s). 75-14269

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 1/15/2015 and 1/22/2015. 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

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 December 1, 2014. 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. 79136**

CIRCLE PI LLC, HC 62 BOX 2295, MAY, ID 83253; has filed Application No. 79136 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231, 73-12232; 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 applicant proposes to add a point of diversion/rediversion in the SWNE with the existing point of diversion in the SESW, Sec 1, T14N, R21E from the Pahsimeroi River. The other points of diversion from Sulphur Creek, Patterson Creek, unnamed stream and springs remain the same. Minor adjustments to the irrigated acres within the currently described place of use are also proposed.

TRANSFER NO. 79552

DALLAS A LEWIS and VANCE E LEWIS, 357 DIAMOND CREEK RD, SALMON, ID 83467; has filed Application No. 79552 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14269; 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 add a point of diversion on Salmon River 1/2 mile downstream from the confluence with Wallace Creek and adjacent the applicant's property in Lot 3(NWNE), Section 6, T22N, R22E .

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, 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 2/2/2015.

The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/15/2015 and 1/22/2015

MEMORANDUM

Date: December 8, 2014
To: Transfer 79552
From: Patrick Kelly
Re: Review & Evaluation of Sufficiency of Information

An application for permit was filed by the Lewis' for a second point of diversion. Upon application review by the Department, it was suggested to the property owners that they file a transfer on the existing water right 75-14269. The transfer would save a senior priority date over a new right.

The transfer proposal adds a second diversion for the irrigation of water right owner's property. The proposed transfer will divert water from the Salmon River which borders the east side of Lewis' property. The current POD for 75-14269 diverts from Wallace Creek which is a local tributary to the Salmon River. The Lewis family has been having issues with other water users in the area and diversion from the river will serve as a more convenient and efficient water system.

Authority to File:

Transfer applicant is current owner to water right 75-14269 and property of POU.

Water Right Validity:

Aerial photography supports use of water within the last 5 years.

Injury to Other Water Rights:

None anticipated. No other surface water diversions exist between the Wallace Creek diversion and proposed Salmon River diversion.

Enlargement of Use:

Subject to conditions limiting diversion of water at the proposed POD to times when water is available at Wallace Creek. Place of use is not changing.

Local Public interest:

No issues anticipated. Notice of proposal and comment request sent to IDFG and DEQ.

Beneficial Use/Conservation of Water Resources:

The proposed transfer is consistent with the conservation of water resources and recognized as beneficial use.

Effect on Economy the Local Area:

No adverse impacts to the economy or local area are anticipated.

Effect on Agricultural Base of the Local Area:

No impact to local agriculture base are anticipated.

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.

MEMORANDUM

TO: Heidi Pittman
FROM: Patrick Kelly
DATE: December 8, 2014
RE: New receipt assignment

Receipt # E040218 was for an application for permit (\$100). The applicant has submitted a withdrawal of application for permit form. We would like to allocate these funds towards their transfer application that was recently submitted on Dec 8, 2014. \$100 was sent in with the transfer application under receipt #C099675. We wish to combine the two funds together (\$200) to pay for the transfer application.

Thank you.

Patrick



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GARY SPACKMAN
Director

VANCE AND DALLAS LEWIS
357 DIAMOND CREEK LANE
SALMON ID 83467

September 11, 2014

Re: Water Right Transfer for 75-14786

Mr. & Mrs. Lewis,

This letter is in regards to the Application for Permit that we received on September 4, 2014. After reviewing the information provided in the application, and the brief conversation we had today, I am recommending that you pursue a transfer for water right 75-14786. This will allow you to keep a 1902 senior priority date for your irrigation water use.

Included in this letter is an Application for Transfer of a Water Right form. Some of the information in the Application for Permit has been placed on the transfer form. Please review that the information is correct, and finish completing the transfer application. Sign the document and return all forms, fees and attachments back to the State office (Boise).

There is also a Withdrawal of Application for Permit sheet. Please complete this and return it with the other documents. This will enable the Department to apply the Application for Permit fee (\$100) towards the Application for Transfer of a Water Right fee (\$200).

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Patrick Kelly

Water Resource Agent

Idaho Department of Water Resources

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

patrick.kelly@idwr.idaho.gov