42-222 POD
03/2011

RECEIVED
JAN 2 9 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
JAN 27 2014
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
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 an entire 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 or to report an ownership change for a portion 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

1. **APPLICANT(S)** USDI, BLM, IDAHO STATE OFFICE Phone (208) 373-3831

2. **MAILING ADDRESS** 1387 S VINNELL WAY City BOISE

State ID Zip 83709-1657 Email fwprice@blm.gov

☐ 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.

☐ 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)** 72-16010D (This transfer is to correct the ending POD legal description (Lot 2 (SWNE) should be Lot 2 (NENE)), and to correct the shapefiles for the POD and POU (see enclosed CD).)

☑ 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 0.02 (diversion rate) cubic feet per second and/or N/A (storage volume) acre-feet per annum.

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.*

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
11N	18E	11	2		NE	NE	CUSTER	SALMON RIVER	
11N	18E	11	3		SW	NE	CUSTER	SALMON RIVER	

Transfer No. 79098

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:

This is an instream stockwater right to the west bank of the Salmon River

b. Who owns the property at the point(s) of diversion? BLM

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 leased to the Water Supply Bank,
☐	☑	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

7. **MAP** – ☑ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool,* available at *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.

Signature of applicant or authorized agent	Print name and title if applicable	Date
Gary A. Madenford	Gary A. Madenford, Water Rights Team Leader	Jan. 27, 2014

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 S.O. Date 1/27/2014

Fee paid $200.00 Date 1/27/14 Receipted by CS Receipt # C098236

Preliminary review completed by _____ Date _____

Item 3 Attachment: Copy of Water Right as Recorded

2000 JAN 03 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-16010D

The ending POD described as Lot 2 (SWNE) should be described as Lot 2 (NENE). The SWNE does not exist in Lot 2.

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T11N R18E S11 LOT 02 ~~(SWNE)~~ (NENE) (Instream Ending Point) Within Custer County
LOT 03 (SWNE) (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Custer County
T11N R18E S11 LOT 02 (NENE) LOT 02 (NWNE)
LOT 03 (SWNE)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

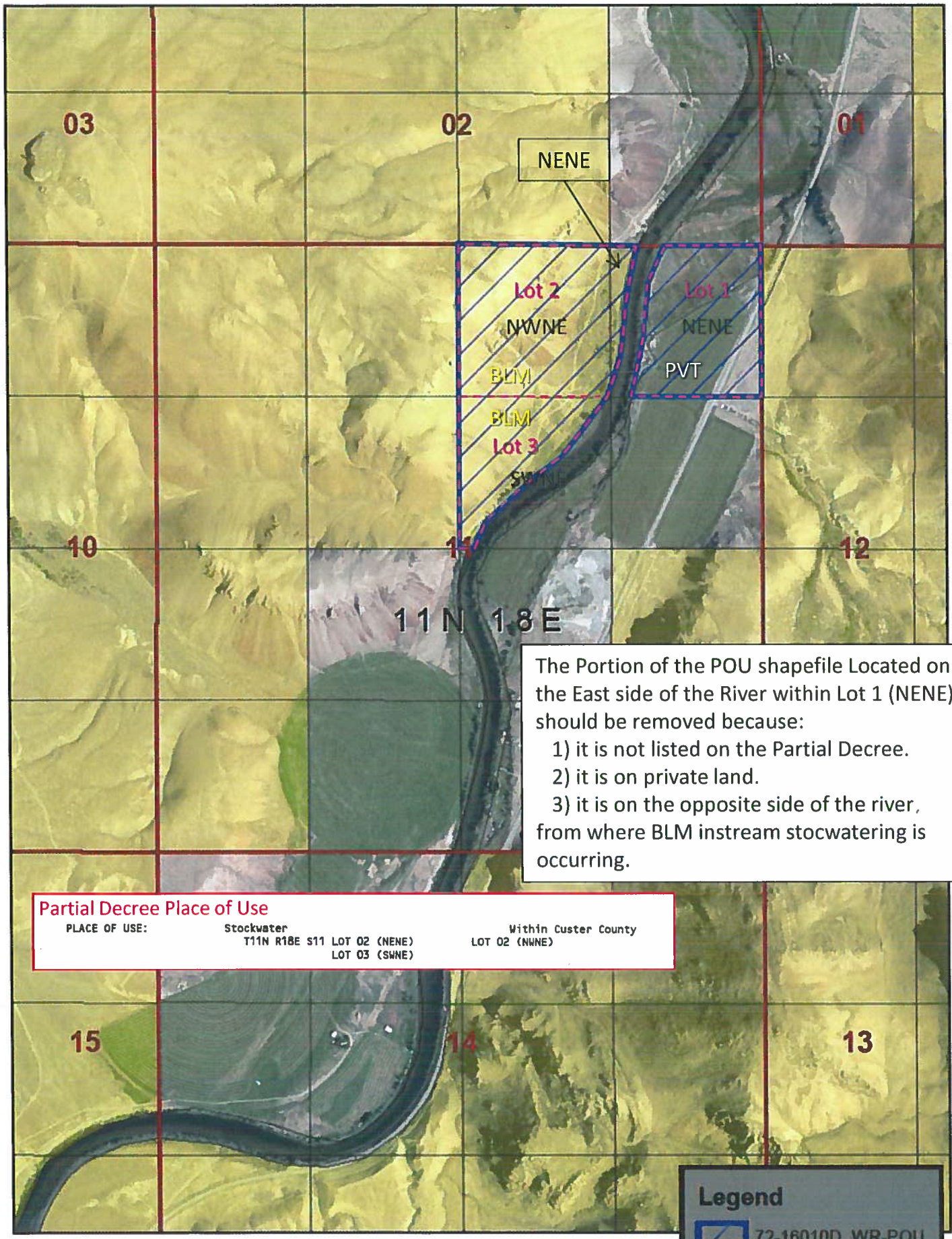
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

R L Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

72 72-16010D (BLM)

Current POU Shapefile



The Portion of the POU shapefile Located on the East side of the River within Lot 1 (NENE) should be removed because:

1) it is not listed on the Partial Decree.
2) it is on private land.
3) it is on the opposite side of the river, from where BLM instream stocwatering is occurring.

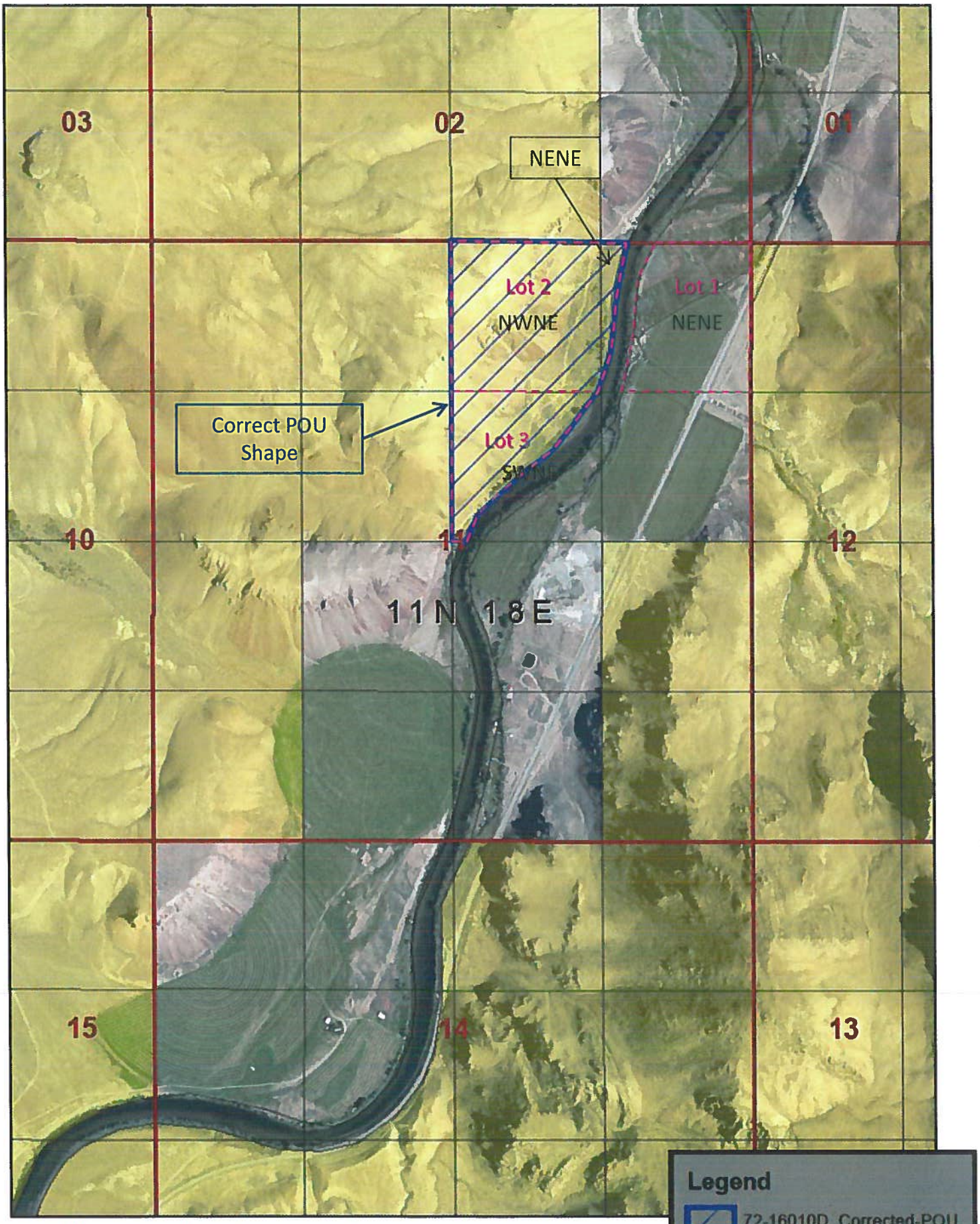
Partial Decree Place of Use

PLACE OF USE:	Stockwater	Within Custer County
	T11N R18E S11 LOT 02 (NENE)	LOT 02 (NWNE)
	LOT 03 (SWNE)	

Item 7 Attachment: Map

T.# 79098

72 72-16010D (BLM)
Correct POU Shapefile

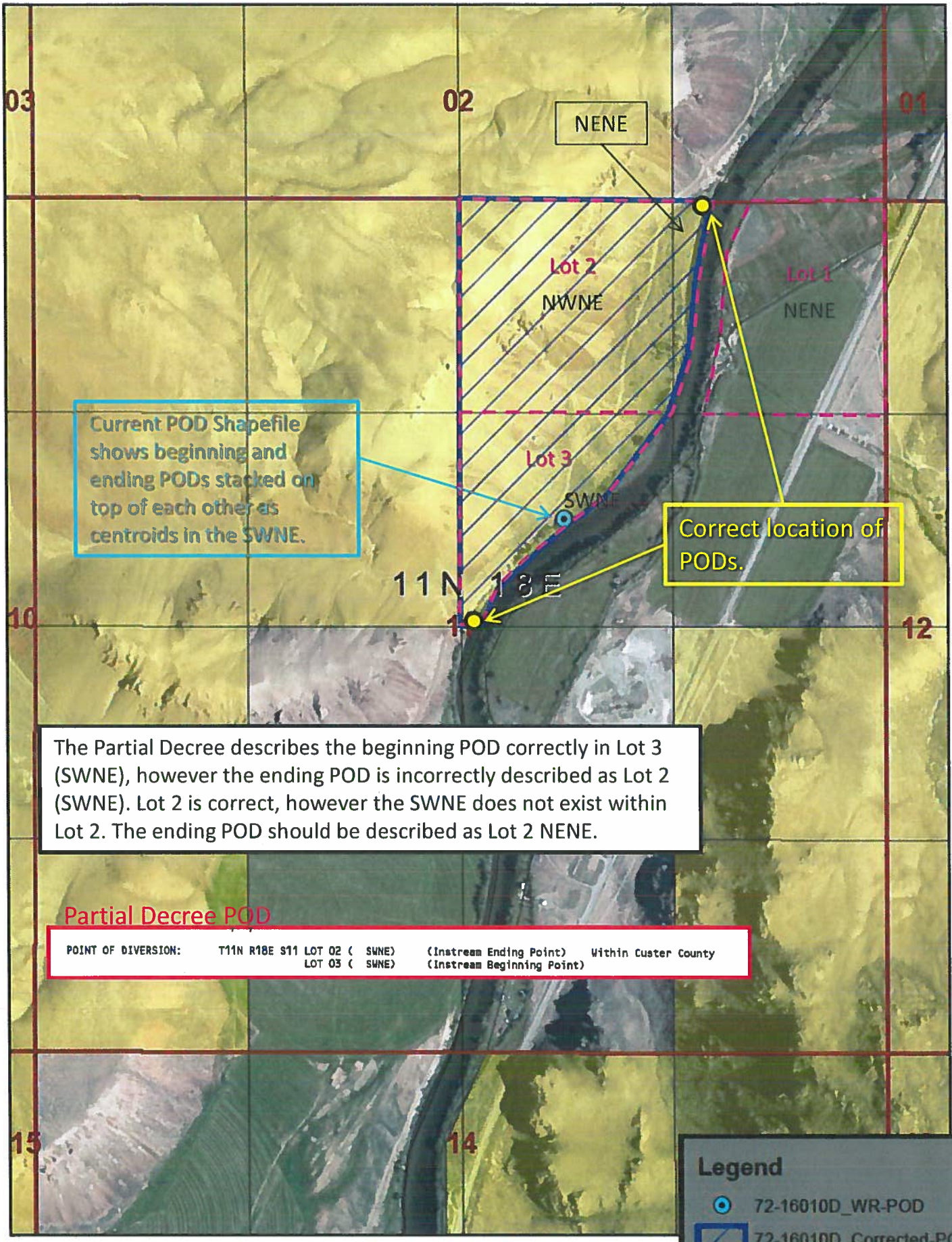


Item 7 Attachment: Map

T. # 79098

72

72-16010D (BLM)
Current POD Shapefile



The Partial Decree describes the beginning POD correctly in Lot 3 (SWNE), however the ending POD is incorrectly described as Lot 2 (SWNE). Lot 2 is correct, however the SWNE does not exist within Lot 2. The ending POD should be described as Lot 2 NENE.

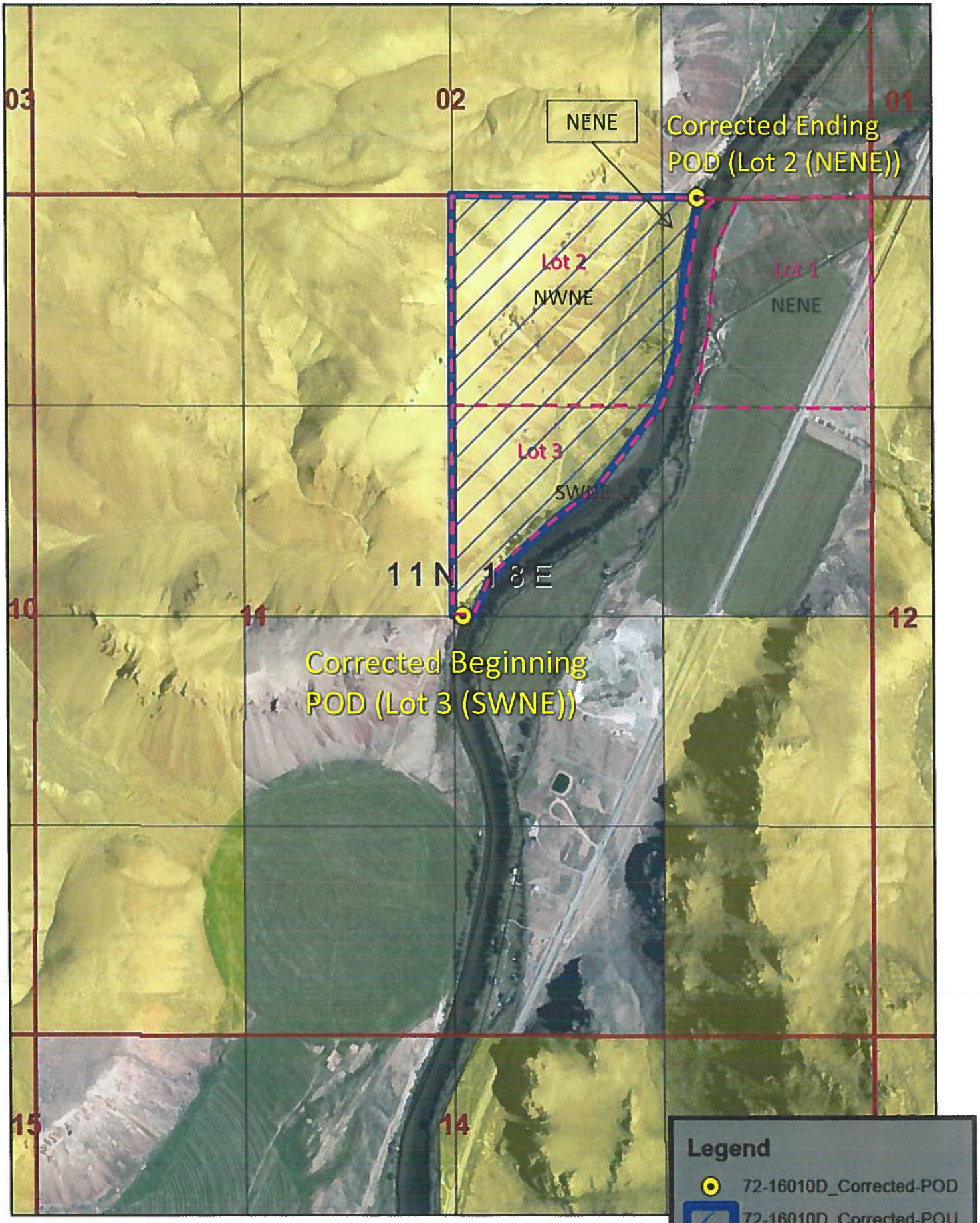
Partial Decree POD

POINT OF DIVERSION:	T11N R18E S11 LOT 02 (SWNE)	(Instream Ending Point)	Within Custer County
	LOT 03 (SWNE)	(Instream Beginning Point)	

Item 7 Attachment: Map

T. # 79098

72 72-16010D (BLM)
After the Transfer



Item 7 Attachment: Map

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Item 7 Attachment: Map

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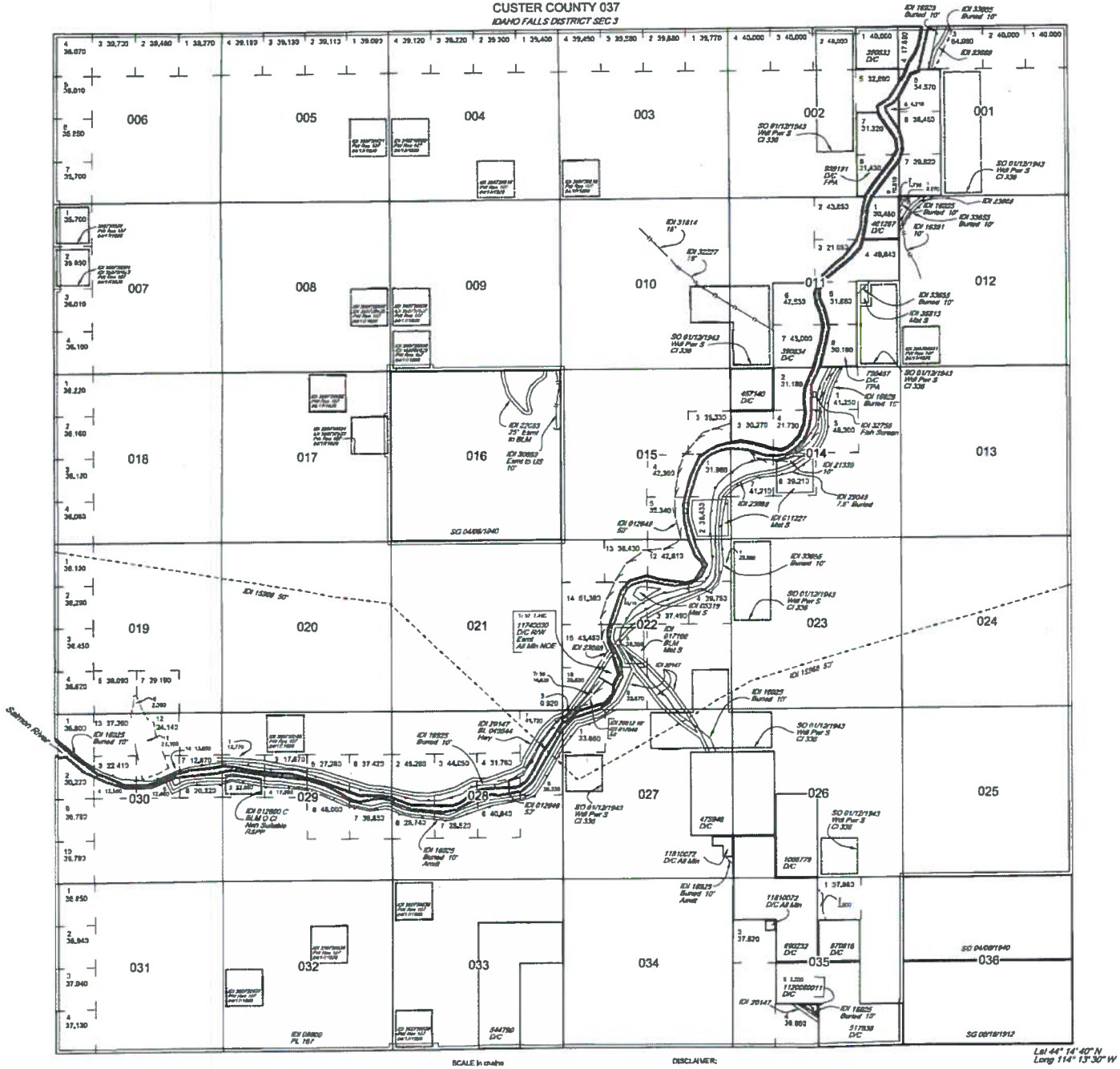
TOWNSHIP 11 NORTH RANGE 18 EAST OF THE BOISE MERIDIAN, IDAHO

CUSTER COUNTY 037

IDAHO FALLS DISTRICT SEC 3



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY			ORIGINAL SURVEY	
TRACT NO	T	R	SEC	SUBDIVISION

BLM O 03/12/1057 Open to Entry Subj to Sec 24 FPA
Pwr S Res 223 EO 07/01/1913 Sec 22: Lots 5,6

BLM O 05/08/1958 Open to Entry Subj to Sec 24 FPA
Pwr S Res 223 Intpr 293 SO 02/21/1941
Sec 22: Lot 11
Sec 27: Lot 2

IDI 08800 Del PL 167 (Act of Cong 07/23/1955)
completed 02/15/1960. All PD surface Mgmt by BLM

PLO 2200 09/12/1960 Open to Entry Subj to Sec 24
FPA Pwr S Res 223 EO 07/01/1913
Sec 14: Lots 1,5,6,7, NWSE Sec 15: Lots 1,2

PLO 2430 07/10/1961 Open to Entry Subj to Sec 24
FPA Pwr S Res 223 EO 07/01/1913, Intpr 293
SO 02/21/1941, Pwr S Res 336 SO 01/12/1943
Sec 1: Lot 3, SENW, E2SW
Sec 2: Lot 2, SWNE, W2SE
Sec 10: NESE
Sec 11: Lots 2,3, SENW, W2SW, E2SE
Sec 15: Lots 3,4,5, NENE, SWNE, E2SW
Sec 19: Lot 4
Sec 21: S2SE
Sec 22: Lots 7 to 10 Incl, NWNW, W2SE, SESE
Sec 23: W2NE
Sec 26: NWNW, SWSE
Sec 27: Lot 1, N2NE, NENW, SWNW
Sec 28: Lots 1 to 8 Incl, NWNE, N2NW, S2SW, NESE, SWSE
Sec 29: Lots 1 to 8 Incl, N2N2, N2SW, S2SE
Sec 30: Lots 1 to 9 Incl, N2NE, NENW, NESW, N2SE

PLO 2487 09/11/1961 Mod PLO 2430 07/10/1961 to correct description
Sec 23: W2NE to W2NW

IDI 2834 BLM O CI Mult Use
Custer County, Segr from Approp under HE, DLE, IA & PS
Further Segr from Approp under general mining laws
East Fork Rec S
Sec 22: Lot 5
(Continued on Supplemental Remarks Plat No 1)

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

FILE REF:	ID0911DNC1802mM10000.dwg
CONVERTED TIFF:	04/17/2008 BY: PB
LAST UPDATED:	10/21/2013 BY: JCB
QA/QC #1:	SSB 10/21/2013 QA/QC #2: SSB
POSTED TO PUBLIC RECORDS:	October 21, 2013 BY:
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCDB ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983
NOTES:	
USE PLATS:	

Lat 44° 14' 40" N
Long 114° 13' 30" W

Boise Mer.
T. 11 N
R. 18 E

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

SCALE in chains

SCALE in feet

SCALE in meters

NORTH

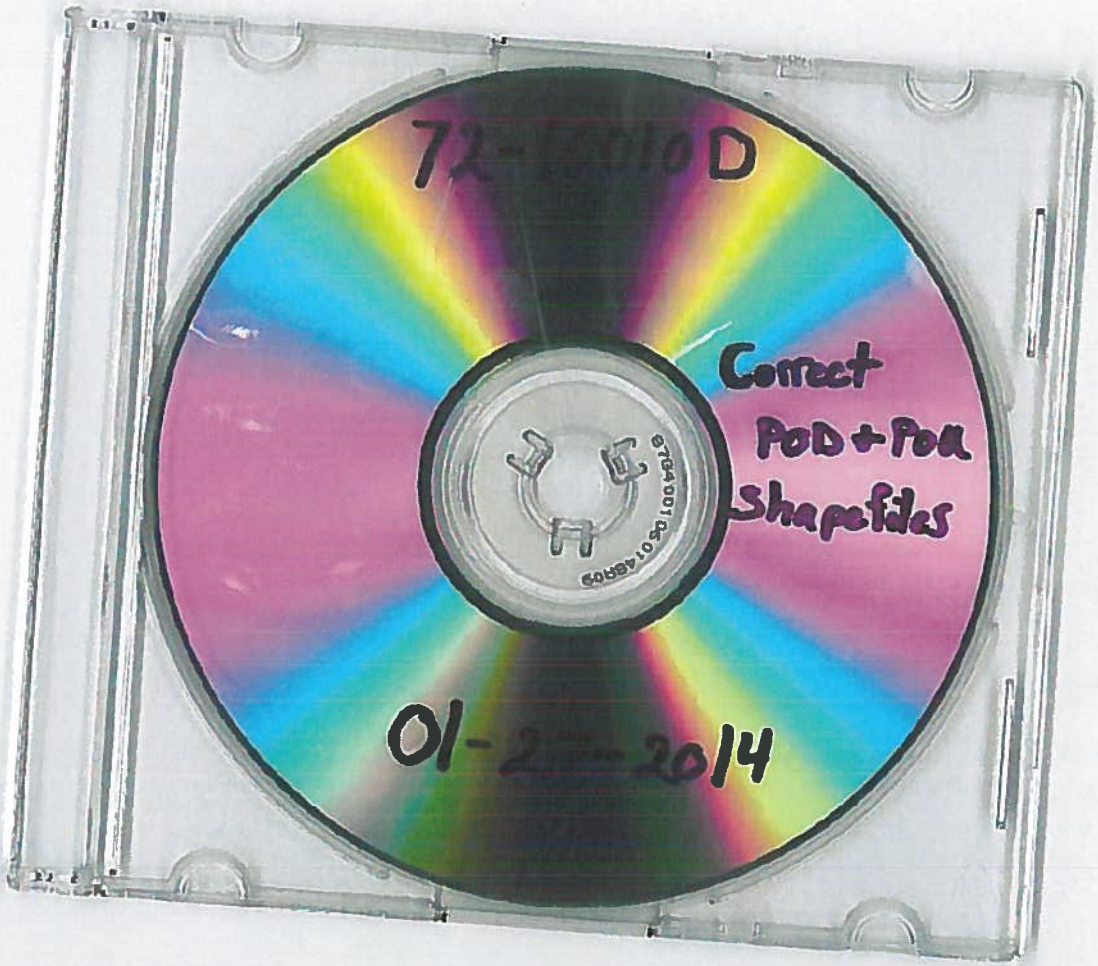
DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

See enclosed CD dated 01-27-2014 for an electronic copy of the correct POD and POU shapefiles for BLM instream stockwater right 72-16010D.



T. # 79098

MEMORANDUM

Date: February 7, 2014
To: Transfer 79098 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to correct the legal description of a point of diversion (POD) for surface stockwater right 72-16010D, currently authorized for in-stream use along the Salmon River located approximately 5.2 – 5.5 mi. east & 2.5 – 3.0 mi. north of the city of Clayton. The actual legal description of Government Lot 2 is listed on the decree but the BLM wishes to correct the QQ from the SWNE to the NENE of Section 11. Applicant also wishes to correct the shapefile for the place of use to exclude the east side of the Salmon River. No real physical change for the water right, strictly paper change.

This right falls under non-jurisdictional stockwater for Water District 170 so water master comments will not be needed.

Recommend no advertise.

- **Authority to File:**
  The applicant, USDI-BLM, is listed as the current owner of right 72-16010D. Application was signed by Fred Price from the BLM.

- **Water Right Validity:**
  Right 72-16010D was partially decreed in the SRBA in January 4,2000.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No negative impact anticipated.

- **Beneficial Use/Conservation of Water Resources:**
  Decreed uses are recognized as a beneficial use of water.

- **Effect on Economy of the Local Area:**
  None anticipated.

- **Effect of the Agricultural Base of the Local Area:**
  None 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.