

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76775

AUG 31 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

WATER RESOURCES

WESTERN REGION

Name of Applicant(s) USDI BLM; Idaho State OfficePhone (208) 373-4000Mailing address 1387 S. Vinnell Way; Boise, ID 83709-1657

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Fredric W. PricePhone (208) 373-4000Mailing address Same as aboveEmail Fredric_Price@blm.gov☒ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Fredric W. Price, Water Rights Specialist
Print Name and Title if applicable08-30-2010
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Claimed location was based on the GPS location of the aircraft when investigating the reservoir, not the actual reservoir location which can be seen in aerial photography within same drainage. Purpose of transfer is to correct the license to reflect the actual location, not for the purposes of moving water to a new location.**

Checklist = Attachment #5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	67-07851	0.03/1.40	stocwater/wildlife res.	01-01 to 12-31	Unnamed stream/Deer Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.03 cfs and/or 1.40 ac-ft

2. Total amount of water proposed to be transferred or changed 0.03 cubic feet per second and/or 1.40 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following ehart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	NE	NE	07	14N	03W	WASHINGTON	UNNAMED STREAM	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03W	07	S/W																

Total Acres (for irrigation usc) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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: Earthen berm reservoir with overflow outlet to natural channel.

- b. Who owns the property at the point(s) of diversion? BUREAU OF LAND MANAGEMENT
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: N/A

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: NONE

- f. 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, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Total Acres (for irrigation use)

Receipt #

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7851 V1

WATER RIGHT NUMBER: 67-7851 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE, ID 83709-1657 (208)373-4000

Priority Date: 09/04/1990

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	1/01 to 12/31	0.030 CFS	0.70 AF
STOCKWATER	1/01 to 12/31	0.030 CFS	0.70 AF
	<u>Total Diversion:</u>	0.030 CFS	1.40 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4SE1/4	Sec. 6, Twp 14N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

WILDLIFE & STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03W	6																	X

Conditions of Approval:

1. BLM RECORD ID = 6701480902
2. X02 Stockwater use is for 50 cattle.
3. 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.
4. L12 This right and other rights common to the same grazing allotment shall be limited to the quantity of water beneficially used by the number of stock within the allotment.

Attachment #1 (2 pgs)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7851 V1

Comments:

1. DSHAFF 6/28/1995 REVIEW

Comment: THIS RIGHT WAS CLAIMED AS A67-12803. SOME OF THE ELEMENTS WERE DIFFERENT THAT THOSE ON THE LICENSE. THE RIGHT IS RECOMMENDED AS LICENSED SINCE THE PRIORITY DATE AND DEVELOPMENT IS AFTER THE COMMENCEMENT DATE. THE WATER USE AND RATE/VOLUME MAY IN FACT BE DIFFERENT BUT A TRANSFER OF THE RIGHT WOULD BE NECESSARY.

2. csaxton 3/23/2010 Claim History

Comment: 67-12803 was recommended as disallowed. There was no claim record for 67-7851 but there was an active recommendation record. Because a claim record did not exist for 67-7851 the active recommendation has not been reported to the court. I created a claim record for 67-7851 and will report the recommendation to the court in the next late claim DR.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

67-07851

T14N R03W



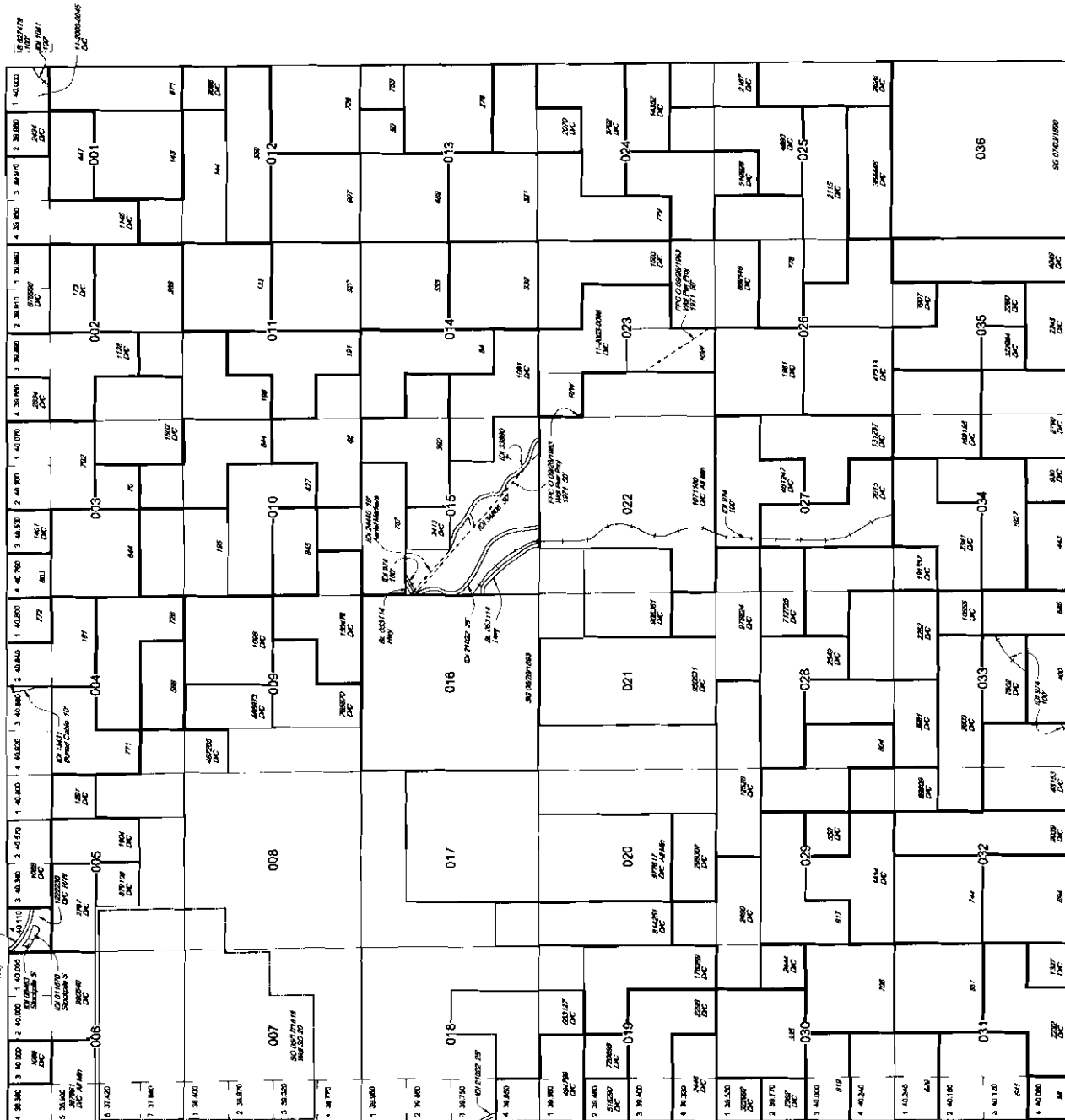
TOWNSHIP 14 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO

WASHINGTON COUNTY 087
BOISE DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	S
1	14	3	3
2	14	3	3
3	14	3	3
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100	14	3	3



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTIdaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657In Reply Refer To:
7250 1230 (933) P

July 27, 2001

FMS

Instruction Memorandum No. ID-2001-063

Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add adelegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

The delegation is effective immediately. The Idaho Delegation of Authority Supplement will berevised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by: Authenticated by:
Martha G. Hahn Susanna M. Henry
Staff Assistant (ID-933)

cc:
ISO Water Rights Team
Larry Brown, DOJ Attorney
Mel Matlock (950)
Bill Ferry, Field Solicitor - Boise

Attachment #4 (3 pgs)



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE SUPPLEMENT
MANUAL TRANSMITTAL SHEET

Release
1-315

Date
09/15/97

Subject

1203 - DELEGATION OF AUTHORITY

1. Explanation of Material Transmitted: This Supplement updates Idaho's delegation of authority and related procedures to Idaho Field Offices. It provides updated information on Idaho policy for delegations of authority, criteria for determining appropriate level of delegations of authority, procedures for redelegating authorities, procedures for revoking authorities, procedures for designating acting officials, and an index of Idaho authorities.
2. Reports Required: None.
3. Material Superseded: Manual Supplement pages listed below are removed by this release.
4. Filing Instructions: File as directed below.

Remove:

All of Idaho
Supplement 1203 (Rel. 1-312)

(Total: 37 Sheets)

Insert:

BLM Manual
Supplement 1203

(Total: 45 Sheets)


State Director

Associate

1203 - DELEGATION OF AUTHORITY

Reference Code	Activity	Authority Delegated To										
		S D	D S D	B r C h	D M	A M	A O	O M	A I S u p	W C O	F M O	M R F
6525	Approve Cooperative Management Programs Jointly with State Wildlife Agencies Pursuant to the Sikes Act, as Amended Source: 74 Stat 1052; 88 Stat 1369; 92 Stat 921, P.L. 95-420 Date of Last Change: 11/10/94				X	X						
6602	Approve Wildlife Inventory and Monitoring Plans Source: FLPMA; 43 U.S.C. 1701 ET SEQ; NEPA, 42 U.S.C. 4321 Date of Last Change: 11/10/94					X						X
6780	Approve Habitat Management Plan Source: Idaho Manual Supplement 6780 Date of Last Change: 11/10/94				X	X						X
6840	Conduct Endangered Species Consultation per Section 7 of Endangered Species Act of 1973, as Amended Source: 50 CFR 402 Date of Last Change: 11/10/94				X	X						X
7250	Settle Water Rights Issues Source: 1993 Court Order to State Director Special Delegation To Special Project Team (931) - Water Rights Date of Last Change: 01/09/95											

RECEIVED

AUG 31 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76775

WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

Attachment #5