

Transfer No. 74584

Receipt No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
(208)334-3700

RECEIVED
DEC 10 2008
Department of Water Resources
Eastern Region

Will this transfer result in an ownership change? _____ Yes ___X___ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
21-2100	WR/License	6.00				SHERWOOD SPRING, UNNAMED STREAM

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
21-2100	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Decreed right has two PODs, 1. Pittsburg Creek, and 2. Sherwood Springs Creek, aka Hatchery Creek. Transfer will affect only Pittsburg Creek portion of the right, which amounts to 4.0 CFS. Transfer POD from Pittsburg Creek, a tributary of Henrys Lake, to Henrys Lake below fish hatchery. Water will be pumped to hatchery and allowed to flow through hatchery facility and back into Henrys Lake.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

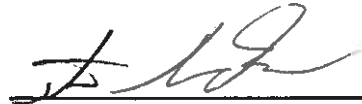
	Rate	Acre Limit	Total Acres	Volume
21-2100	6.00 cfs			
TOTAL	6.00 cfs			

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



(Signature of Applicant)



(Title or Office)

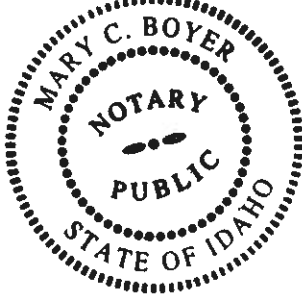
Subscribed and sworn to before me this 8th day of December, 2008.



(Notary Public)

My Commission Expires
August 31, 2011

My commission expires _____



Transfer No. 74584

Receipt No. _____

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

Current Water Right No. 21-2100**Priority Date:** February 03, 1948**Origin:** Water Right**Basis:** Decreed**Status:** Active**Source:** SHERWOOD SPRING
UNNAMED STREAM**Tributary:** HENRYS LAKE
HENRYS LAKE

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
FISH PROPAGATION	1/01 12/31	6.00 CFS		
	Total Diversion	6.00 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM NESE Sec. 33 Twp 16N Rge 43E FREMONT County

SHERWOOD SPRING NWSE Sec. 33 Twp 16N Rge 43E FREMONT County

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N 43E 33														X			

Conditions/Remarks:

1. 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.

Page 4

Documentation of Ownership of the Current Place of Use

Land owner (Taxlot Data)

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

No effect. Fish hatchery is located within 16N 43E 33 NESW and SESW

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES

Pittsburg Creek portion not used for approximately 40 years. No juniors have since appropriated waters of Pittsburg Creek and thus no juniors will be injured by resumption of use. See *Sagewillow, Inc. v. IDWR*, 138 Idaho 831 (2003) (Upholding resumption- of- use doctrine). This right, including Pittsburg Creek portion, has been partially decreed and thus forfeiture clock has been reset. See Partial Decree attached hereto.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 21-2100

Priority Date: February 03, 1948

Origin: Water Right

Basis: Decreed

Status: Active

Source: SHERWOOD SPRING
HENRYS LAKE

Tributary: HENRYS LAKE
HENRYS FORK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
FISH PROPAGATION	01/01 12/31	6.00 CFS		
	Total Diversion	6.00 CFS		

Source and Point(s) of Diversion:

HENRYS LAKE L2 (SESW) Sec. 33 Twp 16N Rge 43E FREMONT County

SHERWOOD SPRING NWSE Sec. 33 Twp 16N Rge 43E FREMONT County

Describe the proposed diversion system

Point of Diversion # 1 New diversion to include an electric pump, 8 inch pipe approximately 75 meters in length and an aeration chamber. Water to be combined with that from second POD of water right on Sherwood Spring Hatchery Creek.

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	43E	33									X				X		X	X	

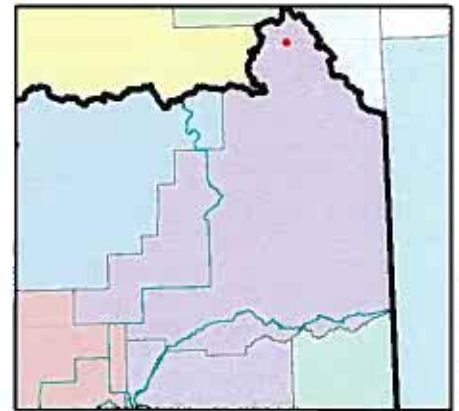


Idaho Department of Water Resources

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

Water Right
21-2100
(FISH PROPAGATION)



Fremont County
IDWR Basin 21

R43E



Prepared by Blake Jordan
On December 05, 2008
2004 Aerial Photography

0 0.05 0.1 0.2 Miles

74584

74 584

Cox, Sharla

From: Marston, Sascha
Sent: Monday, December 01, 2008 12:30 PM
To: Cox, Sharla
Subject: RE: Interagency Billing

The # is BILL0320

From: Cox, Sharla
Sent: Monday, December 01, 2008 10:55 AM
To: Marston, Sascha
Subject: Interagency Billing

Sascha, can you please interagency this for transfer, The cost for the billing is \$370.00.

Bill to:

*Idaho Department of Fish & Game
Cindy Robertson
600 S Walnut St
Boise ID 83712*

PCA is 63005.

Hopefully I got everything for you. Let me know when you get the "BILL Number"

<< File: img-Z01114813.pdf >> << File: img-Z01114715.pdf >>

Sharla

*Sharla Cox
Administrative Assistant
900 N Skyline Dr. Ste A
Idaho Falls ID 83402
208-525-7161 - Phone
208-525-7177 - Fax
sharla.cox@idwr.idaho.gov*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74584APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant State of Idaho, Department of Fish and Game Phone (208) 558-7202Mailing address PO Box 25, Boise, ID 83707 Email dkeen@idfg.idaho.gov

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 _____

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NOV 28 2008

Department of Water Resources
Eastern Region

2. Describe the reason for the proposed changes
- Decreed right has two PODs: (1) Pittsburg Creek, and (2) Sherwood Springs Creek, aka Hatchery Creek. Transfer will affect only Pittsburg Creek portion of the right, which amounts to 4.0 cfs. Transfer POD from Pittsburg Creek, a tributary of Henry's Lake, to Henry's Lake below fish hatchery. Water will be pumped to hatchery and allowed to flow through hatchery facility and back into Henry's Lake.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
21-02100	02-03-1948	6.0 cfs	Fish Propagation	01/01 to 12/31
				to
				to
				to

2. Total amount of water being transferred
- 4.0
- cubic feet per second and/or
- acre-feet per annum.

3. Source of water
- Unnamed Stream (i.e., Pittsburg Creek)
- tributary to
- Henry's Lake

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	33	16N	43E	Fremont	Sherwood Springs (Hatchery Creek) Pump House
		SW	SE	33	16N	43E	Fremont	Fish Hatchery Lake Diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	43E	33														X			

Total Acres _____

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PART 1

6. General Information:

a. Description of diversion system New diversion to include an electric pump, 8-inch pipe (approximately 75 meters in length) and an aeration chamber. Water to be combined with that from second POD of water right on Sherwood Spring (Hatchery Creek).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A.

d. Remarks:

POU remains the same. New POD on the lake to be located at approx. 44o39.878"N, 111o23.248W (NAD 83 Datum). Use will continue to be a non-consumptive use with water returning to the lake after it runs through the hatchery facility. IDFG will install measuring devices at 1) Highway 87 Pittsburg Creek culvert, and 2) Hatchery Creek mouth or pumping station on Henry's Lake, in order to quantify water available from old POD. IDFG will monitor Highway 87 measuring device and limit diversion at new POD accordingly.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 21-02100 Decreed to State of Idaho, Department of Fish & Game
in case of SRBA partial decree vs. _____
dated Feb. 2, 2007 in 5th Jud. Dist. county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water 1) Sherwood Spring; and 2) Pittsburg Creek tributary to Henry's Lake4. Date or priority 02-03-1948

5. Water is used for the following purposes:

amount 6.0 cfs for Fish Propagation purposes from 01-01 to 12-31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	33	16N	43E	Fremont	Sherwood Springs (Hatchery Creek) Pump House
		NE	SE	33	16N	43E	Fremont	Pittsburg Creek Head Box

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	43E	33														X			

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes

If yes, describe

Pittsburg Creek portion not used for approximately 40 years. No juniors have since appropriated waters of Pittsburg Creek and thus no juniors will be injured by resumption of use. See *Sagewillow, Inc. v. IDWR*, 138 Idaho 831 (2003) (upholding resumption-of-use doctrine). This right, including Pittsburg Creek portion, has been partially decreed and thus forfeiture clock has been reset. See Partial Decree attached hereto.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 4.0 cfs for Fish Propagation purposes from 01-01 to 12-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	33	16N	43E	Fremont	Pittsburg Creek Head Box

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.0 cfs for Fish Propagation purposes from 01-01 to 12-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	33	16N	43E	Fremont	Sherwood Springs (Hatchery Creek) Pump House

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	43E	33														X			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

Scale: 2 inches equal 1 mile. Draw plan in ink.

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PART 3**B. CHANGES IN NATURE OF USE**

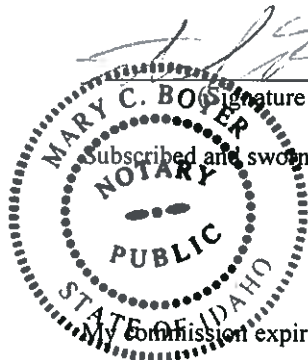
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



(Signature of Applicant)

THOMAS S. Frew Resident Hatchery Supervisor.
Print Name (and title, if applicable)

Subscribed and sworn to before me this 25th day of November, 20 08.

Mary C. Boyer
(Notary Public)

My Commission Expires
August 31, 2011

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

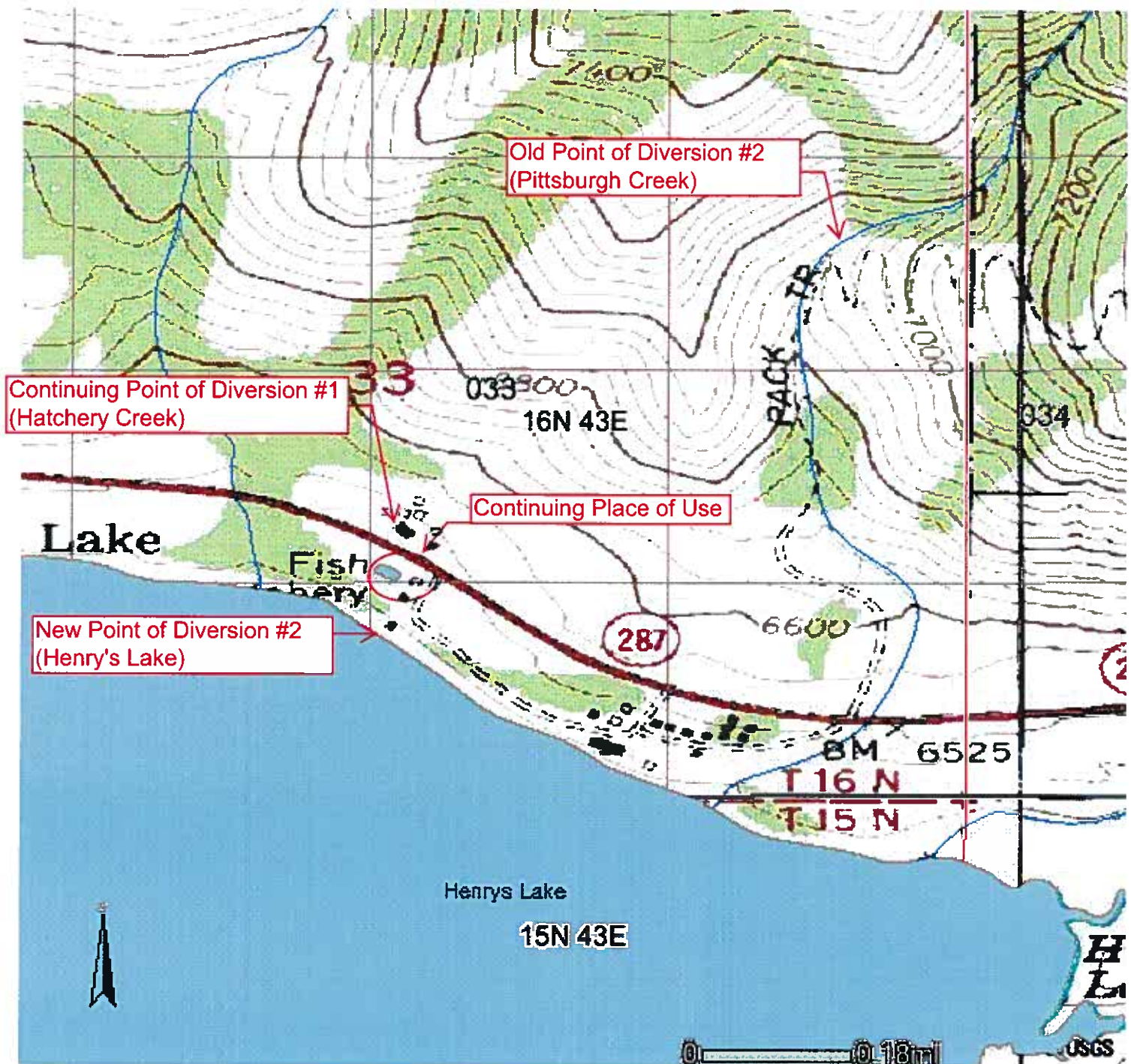
_____ received _____ by _____

Copy of transfer sent to lien holder _____

Inter-agency Billed - 12/1/08.

74584

Application for Transfer of Water Right No. 21-02100



Location of New Point of Diversion

5/2/2008

No warranty is made by the BLM for the use of the data for purposes not intended by the BLM.

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