

Rocky Pipeline
74-07204
7504688250
363535

T18N T18N
T17N T17N

trough

headbox

R23E
R24E

T69840

page 6 of 7

3-88

3-89

MED

2002

trough

trough

headbox

R23E
R24E

T69840

page 6 of 7

**NOTICE OF PROPOSED CHANGE
TO WATER RIGHTS**

Notice is hereby given that several application(s) for transfer have been filed with the Idaho Department of Water Resources for changes to water rights in Lemhi County.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69839 on April 4, 2002 for the purpose of changing the location of their water troughs. The new place of use are in Sections 16, 17, 20, and 21 T18N R23E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69840 on April 4, 2002 for the purpose of clarifying the actual location of their water troughs. The locations are the SWNE and SWSW Section 8 T17N R24E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467m filed application No. 69844 on April 4, 2002 for the purpose of clarifying actual point of diversion and places of use. The point of diversion is in the SWNW Section 5 with places of use in Sections 5, 6 and 7 all in T21N R23E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69848 on April 4, 2002 for the purpose of clarifying the actual point of diversion location. That location is the SWNWNE Lot 2 Section 10 T20N R22E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467m filed application No. 69855 on April 4, 2002 for the purpose of clarifying the actual amount and locations of the spring sources. These are 2 springs located in Sections 2 and 10 T20N R22E and 3 springs in the SW¼ Section 35 T21N R22E.

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED CHANGE TO WATER RIGHTS**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO(2)** consecutive issue(s), commencing with the issue dated **5-2-2002** and ending with the issue dated **5-9-2002**.

STATE OF IDAHO

County of Lemhi

ss.

On this **20th day of May** in this year of 2002 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

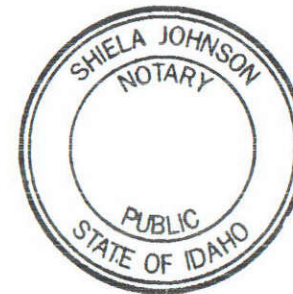
For specific details regarding the application(s), please contact Idaho Department of Water Resources, Eastern Regional Office at 208-525-7161 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J Dreher, Director

5-2-2tc

n, Idaho

My Commission expires: 01-02-2007



RECEIVED
MAY 28 2002

Department of Water Resources
Eastern Region

MICROFILMED
OCT 04 2002

original in Transfer 69839

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69840

This is to certify that: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467
(208)756-5400

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
74-7204	WR/Decreed	08/10/1983	0.04 cfs	3.4 af			SPRING

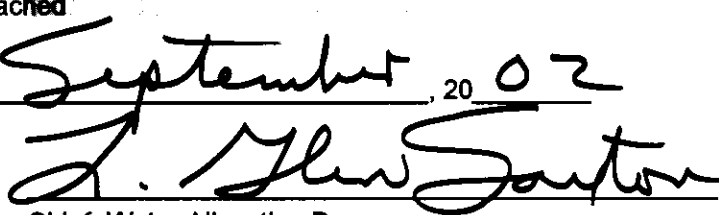
Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-7204	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-7204	74-7204	0.04 cfs	3.4 af	N/A			N/A	N/A	N/A	N/A
TOTALS		0.04 cfs	3.4 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of September, 2002

 Chief, Water Allocation Bureau

MICROFILMED

OCT 04 2002

WATER RIGHT NO. 74-7204
As Modified by Transfer No. 69840

In accordance with the approval of Transfer No. 69840, Water Right No. 74-7204 is now described as follows.

Right Holder: US DEPT OF INTERIOR
 BUREAU OF LAND MANAGEMENT
 SALMON DISTRICT
 50 HWY 93 S
 SALMON ID 83467

Priority Date: August 10, 1983

Source: SPRING

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	to 12/31	0.01 CFS	3.4 AF
STOCKWATER	05/01	to 09/30	0.03 CFS	3.4 AF
			0.04 CFS	3.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NENWNW Sec. 17 Twp 17N Rge 24E LEMHI County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE			NW			SW			SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 24E 8			X								X		

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE			NW			SW			SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 24E 8			X										

CONDITIONS OF APPROVAL

1. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
2. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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OCT 6 4 2002

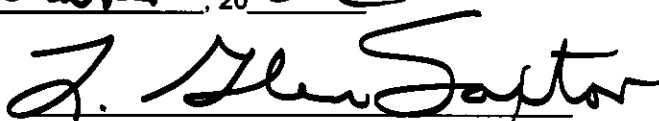
WATER RIGHT NO. 74-7204
As Modified by Transfer No. 69840

CONDITIONS OF APPROVAL

6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69840RECEIVED
APR 04 2002
Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant DI-BLM Phone 208 756-5900
Post Office address 50 Hwy 93 S. Salmon ID 83467

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 Change of tributary
2. Describe the reason for the proposed changes Changes to the POD and POU's,
based on GPS data.
Stockwater removed from one POU because it is covered
under 74-1369.

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
- | | | | | |
|-----------------|------------------|-----------------------|-------------------|---------------------------|
| <u>74-07204</u> | <u>8/10/1983</u> | <u>0.3 cfs/3.4 ac</u> | <u>Stockwater</u> | <u>5/1</u> to <u>9/30</u> |
| <u>74-07204</u> | <u>8/10/1983</u> | <u>0.1 cfs/3.4 ac</u> | <u>Wildlife</u> | <u>Y1</u> to <u>12/31</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred .04 cubic feet per second and/or 3.4 acre-feet per annum.
3. Source of water Spring tributary to Unnamed Stream
Lemhi River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NE</u>	<u>NW</u>	<u>NW</u>	<u>17</u>	<u>17N</u>	<u>24E</u>	<u>Lemhi</u>	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>17N</u>	<u>24E</u>	<u>8</u>			<u>SW</u>								<u>W</u>						

69840

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Small cistern-type headbox with culvert-type install on the top.

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:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

MICROFILMED
OCT 24 2002

Witness my hand this _____ day of _____, 19____.

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 evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 74-7204 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 a 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 Spring tributary to Little Sawmill Creek

4. Date or priority 8/10/1983

5. Water is used for the following purpose:

amount 0.3 cfs / 3.4 ac-ft for Stockwater purposes from 5/1 to 9/30
(cfs/ac-ft)
amount 0.1 cfs / 3.4 ac-ft for Wild life purposes from 7/1 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.4 cubic feet per second and/or 3.4 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	8	17N	24E	Lemhi	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	24E	8											SW						
17W	24E	9										SW							

74-14839 is an Undeveloped Spring claim.

Total acres _____

9. Describe any other water rights used for the same purpose as described above 74-1369 covers

Stockwater for the first trough in the pipeline (Sec 8 SWSW).

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-7204 V1

WATER RIGHT NUMBER: 74-7204 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 WY BOISE, ID 83709-1657 (208)373-4000

Priority Date: 08/10/1983

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	1/01 to 12/31	0.010 CFS	3.40 AF
STOCKWATER	5/01 to 9/30	0.030 CFS	3.40 AF
	<u>Total Diversion:</u>	0.040 CFS	3.40 AF

Location of Point(s) of Diversion

SPRING	NE1/4NW1/4NW1/4	Sec. 17, Twp 17N, Rge 24E, B.M.
LEMHI County		

Place of Use

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	24E	9																	
												X					X		

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	
17N	24E	9																	
												X					X		

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

APPROVED
APR 11 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-7204 V1

2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory BLM RECORD ID = 7404688250 STOCKWATER, 621 RANGE CATTLE; WILDLIFE VAR. AMT.

Comments:

1. AJU10-EC 10/15/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) N11 N13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

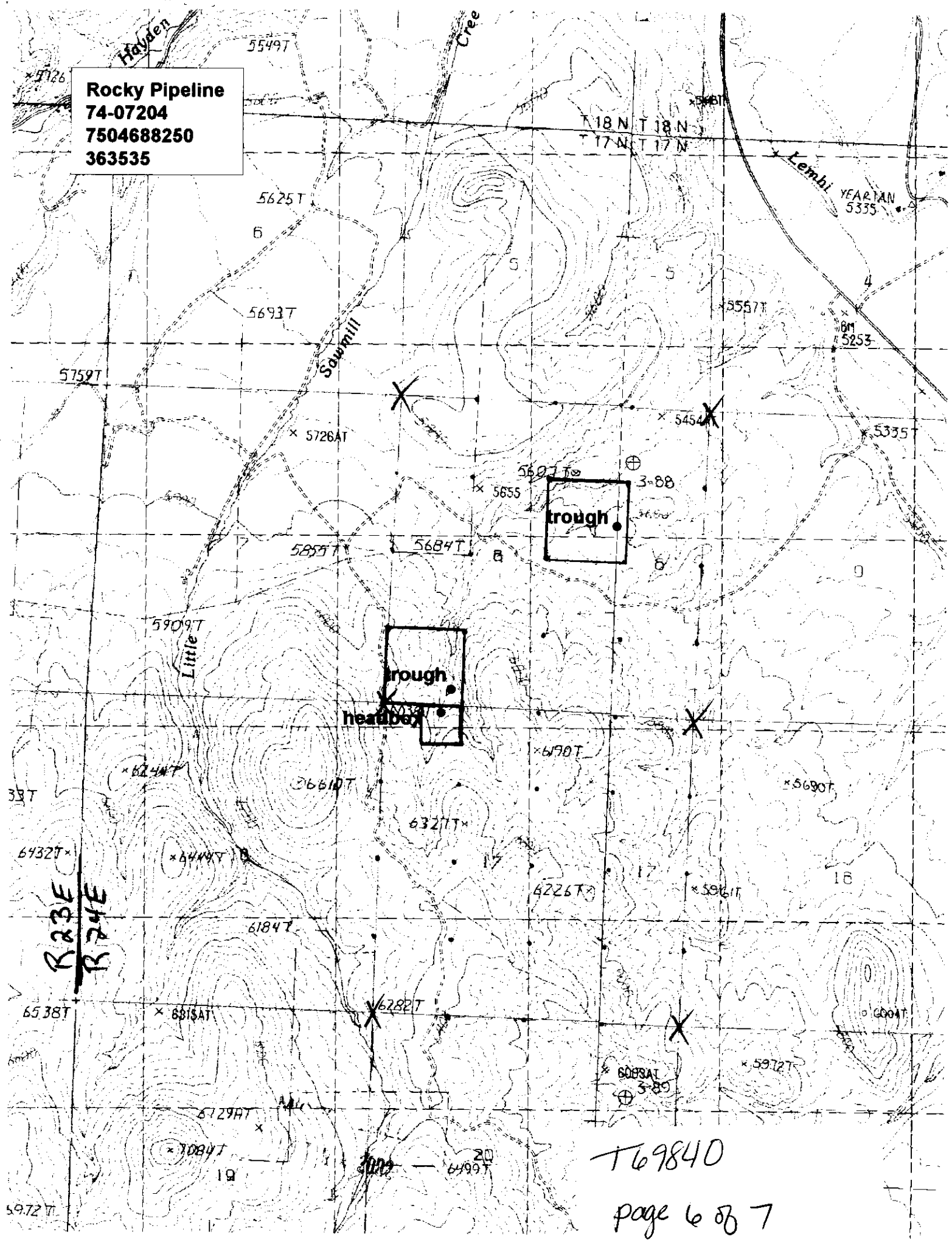
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre: 3.4
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

SubCase:

SubCase Number: 74-7204
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 4/6/1999 Objection Status: Active

APPROVED
DATE 04/04/2002

Rocky Pipeline
74-07204
7504688250
363535



T69840

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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:

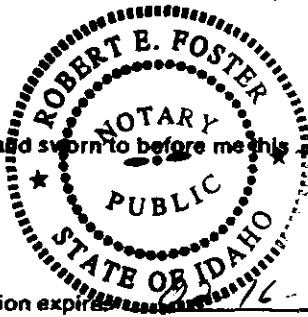
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 3RD day of April, 10/2002

Robert E. Foster
(Notary Public)

My commission expires 16-07



FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments

Received by HWS Date 4-4-2002 Protest filed by _____

Prelim. check by HWS Fee \$100 _____

Received by HWS # Eonko Date 4-4-2002 _____

Published in Recorder Herald Copies of protest forwarded by _____

Pub. dates May 2, & 9, 2002 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

MICROFILMED
SEP 14 2002

RECEIVED

JUN 14 2002

Department of Water Resources
2002 JUN 14 PM 3:40

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**

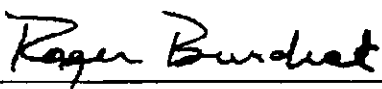
In Re SRBA)
Case No. 39576) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 74-07204**
)
_____)

On April 23, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 74-07204 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED June 14, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

MICROFILMED

JUN 14 2002

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 74-07204

2002 JUN 14 PM 3:41
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

SOURCE: SPRING TRIBUTARY: LEMHI RIVER

QUANTITY: 0.04 CFS
3.40 APY

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

PRIORITY DATE: 08/10/1983

POINT OF DIVERSION: T17N R24E S17 NENWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 09-30	0.03 CFS 3.40 APY
	Wildlife	01-01 TO 12-31	0.01 CFS 3.40 APY

PLACE OF USE:	Stockwater		Within Lemhi County
	T17N R24E S09	NWSW	SWSE
	Wildlife		Within Lemhi County
	T17N R24E S09	NWSW	SWSE

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

OCT 6 2002

2002 JUN 14 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 74-07204

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 74-07204 was mailed
on June 14, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/14/02

MICROFILMED

OCT 4 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2002

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

RE: Transfer No.: 69840 - Water Right 74-7204 - Transfer Approval Notice

Dear Water Right Holder(s)>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt
Enclosure(s)

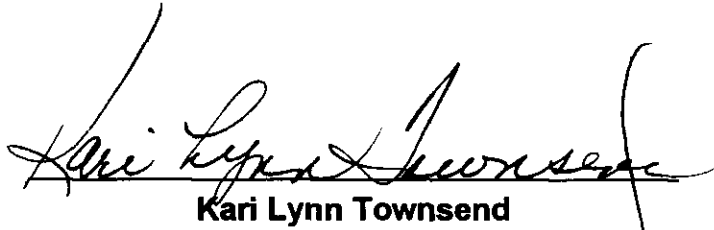
MICROFILMED
SEP 27 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69840 - WATER RIGHT 74-7204

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467**


**Kari Lynn Townsend
Secretary**

MICROFILMED
OCT 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

Trans # 69840

Date Reviewed _____

Right No(s) * 74-7204

Split? Y N Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes sc
uses ok

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with State Office personnel)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U _____ Lien Holder Release _____

GROUNDWATER:

DRILLING PERMIT

All wells - 046
DP upgrade req'd Y N (contact GW personnel)

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL (irr = only use) - 065-104

SUPPLEMENTAL (irr + other uses) - 100-105

SURFACE WATER:

WD

≤ 0.20 cfs/others

> 0.20 cfs

WB SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

- R05 (WD# _____) WM comments rec'd _____

- R02, 01P or No MD

- R43

- No MD

- 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)

STANDARD VOLUME _____ af/ac

CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE - 18C-R02-01P-18B-NA

IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)

STOCKWATER - R37 (all BLM/USFS)

MINING - 054-106

FISH PROP - 029/00'S only - 007-122-106

HEAT/COOL - R07 (injection well)

FIRE PROT. - 077

DAIRY - 082 (zoning if a concern) - 106-WD8

USES:

POWER

- 17H-17K (+uses) - 025-106

MUNICIPAL

Restricted area

- 022-075 RAFN - 007-109-X64

Irr., GW supp to SW

- 102

DOMESTIC

Surface water

- WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

> 1 in restricted area

- 070-071-075 (no parks/common areas, etc)

Irr use listed separate

- WB5

MISC CONDITIONS/REMARKS:

T09 - 1 yr to develop

T08 - comply or rescind

T17 - measure all p/d's (used with WB4)

T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

X27 - Number of acres/season in ppu

X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N11 and N13

X63 - replaces C12

WB4 - + p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one to chg'd and unchg'd rts:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)

T19 replaces C18 (if at Recommendation or Partial Decree stage)

T20 - use instead of T09 where not ongoing in SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated ✓ Approval form printed ✓ Shape files created ✓

Special Mailing Instructions (cc's, etc)

Final database update after approval ✓ *Comment to WR No(s). NA

9/23
sc

Sharla

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

4-10-02

T# 69840

INITIAL REVIEW BY: HWT

1. Right number 74-224 Applicant BLM - Protest Yes

2. Type of right: ☒ Decree ☒ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s)
☒ Change place of use ☒ Other Source

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments _____

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. ☒ Is use within a Watermaster District? ☐ Yes ☐ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☒ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By ROC Date 6/5/02

*All uses within Watermaster District require special conditions

69840

NOTICE OF PROPOSED CHANGE

of the Lemhi National Forest, Lemhi County, Idaho, have been designated as follows: 1. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto.

2. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto. 3. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto.

4. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto. 5. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto.

6. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto. 7. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto.

8. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto. 9. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto.

10. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto. 11. The boundary of the Lemhi National Forest, Lemhi County, Idaho, shall be as shown on the map attached hereto.

Affidavit of Publication

RECEIVED
MAY 28 2002
Department of Water Resources
Eastern Region

STATE OF IDAHO
County of Lemhi
ss.

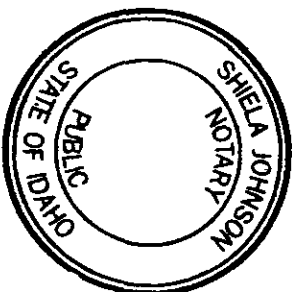
RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the NOTICE OF PROPOSED CHANGE TO WATER RIGHTS, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for TWO(2) consecutive issue(s), commencing with the issue dated 5-2-2002 and ending with the issue dated 5-9-2002.

STATE OF IDAHO
County of Lemhi
ss.

On this 20th day of May in this year of 2002 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheila Johnson
Notary Public for Idaho

My Commission expires: 01-02-2007



original in Transfer 69839

MICROFILMED
MAY 28 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF LAND MANGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

RE: Application for Transfer No 69839, 69840, 69844, 69848 and 69855
Water Right No(s) 74-7198

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Recorder Herald on May 2 and 9, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

APR 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
RECORDER-HERALD
PO BOX 310
SALMON ID 83467

RE: Transfer No. 69839, 69840, 69844, 69848 and 69855

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 May 20, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

OCT 16 2002

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that several application(s) for transfer have been filed with the Idaho Department of Water Resources for changes to water rights in Lemhi County.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69839 on April 4, 2002 for the purpose of changing the location of their water troughs. The new place of use are in Sections 16, 17, 20 and 21 T18N R23E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69840 on April 4, 2002 for the purpose of clarifying the actual location of their water troughs. The locations are the SWNE and SWSW Section 8 T17N R24E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69844 on April 4, 2002 for the purpose of clarifying the actual point of diversion and places of use. The point of diversion is in the SWNW Section 5 with places of use in Sections 5, 6 and 7 all in T21N R23E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69848 on April 4, 2002 for the purpose of clarifying the actual point of diversion location. That location is the SWNWNE Lot 2 Section 10 T20N R22E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69855 on April 4, 2002 for the purpose of clarifying the actual amount and locations of the spring sources. These are 2 springs located in Sections 2 and 10 T20N R22E and 3 springs in the SW ¼ Section 35 T21N R22E.

For specific details regarding the application(s), please contact Idaho Department of Water Resources, Eastern Regional Office at 208-525-7161 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J Dreher, Director

Published on May 2 and 9, 2002

MICROFILMED

DEC 9 4 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69840

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S

SALMON ID 83467, has filed Application No. 69840 for changes to the following water rights within LEMHI County:

Right No. 74-7204

Priority 8/10/1983

Source SPRING

Use WILDLIFE (0 acres) 0.03 CFS 3.4 AFA
STOCKWATER (0 acres)

Total Amount 0.04 CFS 3.4 AFA

Point(s) of Diversion NENWNW S17 T17N R24E

Place of Use S9 T17N R24E

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 74-7204

Priority 8/10/1983

Source SPRING

Use WILDLIFE (0 acres) 0.03 CFS 3.4 AFA
STOCKWATER (0 acres)

Total Amount 0.04 CFS 3.4 AFA

Point(s) of Diversion NENWNW S17 T17N R24E

Place of Use S8 T17N R24E

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 2 and 9, 2002

MICROFILMED

SEP 4 2002