STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87973

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE
324 25TH ST
OGDEN, UT 84401-2310

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. A summary of the changes is also listed below. 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 Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
17-4000	WR/STATUTORY CLAIM	6/1/1950	0.010 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
17-4000	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
17-4000	17-4000	0.010 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.010 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 4th day of August, 2023.

Regional Manager

SCANNED
AUG 07 2023

WATER RIGHT NO. 17-4000

As Modified by Transfer No. 87973

In accordance with the approval of Transfer No. 87973, Water Right No. 17-4000 is now described as follows:

Right Holder: US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN, UT 84401

Priority Date: 3/27/1969

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
STOCKWATER	4/01	to 12/31	0.010 cfs
			0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 18 Twp 13S Rge 32E ONEIDA County

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	31E	12												X					
13S	31E	13															X		
13S	31E	14	X																
13S	31E	24								X									

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. The well previously used under Right 17-4000 shall be abandoned in a manner which complies with Department well abandonment rules.
4. Stockwater use is for 530 range cattle.
5. The quantity of water under this right shall not exceed 6,500 gallons per day.
6. This right does not grant any right-of-way or easement across the land of another.

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WATER RIGHT NO. 17-4000

As Modified by Transfer No. 87973

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Bear River Basin Adjudication.

SCANNED
AUG 07 2023

Attachment to Transfer Approval 87973

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 1,000 2,000 4,000 Feet

N
W E
S

Date: 8/4/2023

SCANNED
AUG 07 2023

Rev. 07/18

RECEIVED

MAY 16 2023

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) United States of America Acting Through USDA Forest Service Phone _____

Mailing address 324 25th Street Ogden, UT 84401 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 Representative

Name of Representative USFS R4 Water Rights and Uses Program Manager Phone 801-625-5809

Mailing address 324 25th Street Ogden, UT 84401 Email mleah.woodard1@usda.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	Print Name and Title if applicable	Date
KATHRYN CONANT Digitally signed by KATHRYN CONANT Date: 2023.05.15 14:48:55 -06'00'	Kathryn Conant, Director of Lands and Minerals	5/15/2023

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. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. 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 **Part1A.3**.
   Please see attached Part 1A.3

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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. All	or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use		Source & Tributary
☑	☐	17-4000	.01	Stockwater	4/1	to 12/31	Groundwater
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	

Total authorized under rights 0.01 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.01 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart 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 #
			SE	SW	18	13S	32E	Oneida	Groundwater	

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	
13S	31E	12												S					
13S	31E	13															S		
13S	31E	14	S																
13S	31E	24								S									
																		Total Acres (for irrigation use)	

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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:
The new well would contain an electric 2hp pump were it could measure flows and could be turnoff and locked. The pump would deliver water in a new pipeline, about 3,500ft, to 1 of 4 troughs that are currently connected. Each trough contains float-shut offs to stop water supply when troughs are full.

b. Who owns the property at the point(s) of diversion? United States of America Acting Through USDA Forest Service
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A

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: _____

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

f. 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:
The series of 4 troughs are currently being fed by a well (drill permit 2003 - tag D0027421) in which a claim will be filed in Bear River Basin Adjudication. One of the troughs POU (T13S,R31E, Sec. 24 SENW) is being fed (supplemental water) by the Peterson Spring water right number 17-4011. These water sources are not sufficient to supply the needed stock water and the reason for this transfer.

g. 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:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ 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. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains_____pages and_____attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

Fee paid $200.00 Date 5/16/23 Receipted by CH Receipt # E049191

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

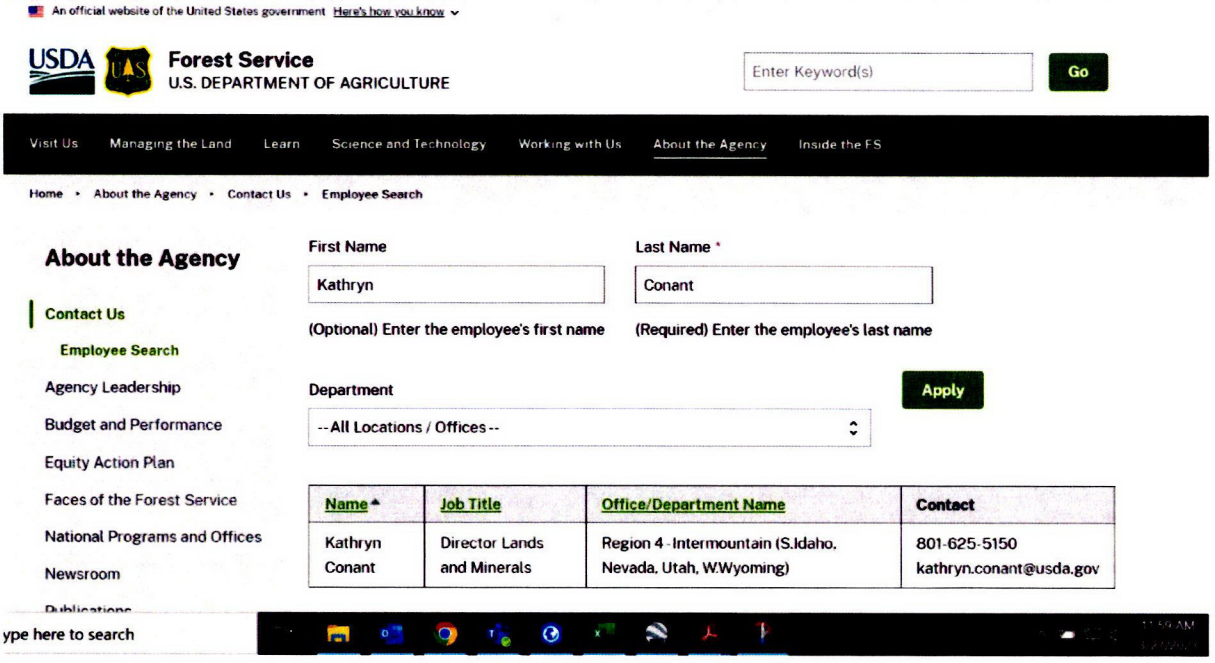
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MAY 31 2023

Applicant: UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE

Water Right #: 45-12148

Attachment #1



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Applicant: UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE
Water Right #: 45-12148
Attachment #3

FSM 2500 – WATERSHED AND AIR MANAGMENT
CHAPTER 2540 – WATER USES AND DEVELOPMENT

2541.04b - Exhibit 01

List of Actions for Idaho (25)			
	Authorized Signator		
	Regional Forester	Director Lands	Forest Supervisor
Affidavit for Water Right To Be Used For Power Purposes *	X	X	
Application for Amendment of Permit *		X	X
Application for Exchange of Water		X	
Application for Permit		X	
Application of Temporary Approval of Water Appropriation		X	
Application of Transfer of Water Right		X	
Application to Lease or Sell a Water Right to a Water Bank *	X	X	
Application to Rent Water From a Water Bank		X	
Application for Extension of Time to Avoid Forfeiture of a Water Right **		X	X
Assignment of a Permit		X	
Assignment of an Application		X	
Beneficial Use Claim		X	
Beneficial Use Field Report **		X	X
Change in Address **		X	X
Claim to Water Right – Statutory		X	
Non-Use application		X	
Notice of Change of Water Right Ownership		X	
Notice of Instream Stockwater Diversion		X	
Notice of Security Interest in a Water Right		X	
Proof of Beneficial Use **		X	X
Protests		X	
Request for Extension of Time fro proof of Beneficial Use **		X	X
Resumption of Beneficial Use		X	
Statutory Claim		X	
Temporary Change Application		X	

For Actions marked by an *, the Regional Forester and the Director of Lands should coordinate signatures.
For actions marked by an **, either the Director of Lands or the Forest Supervisor may sign these actions.

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MAY 31 2023

APPLICATION FOR TRANSFER OF WATER RIGHT
United States of America - Caribou Targhee National Forest
Supplemental Information

PURPOSE OF TRANSFER
Part 1A.3
The transfer is proposing to transfer the well stockwater right (17-4000) located in T13S, R32E, Section 33 SENW to a new well location in T13S, R32E, Section 18 SESW which is next to a reliable power source (see map). The new well is adjacent to Forest Service Road 042 that contain a powerline which will be used as the power source. A 2hp pump and a 6 inch well casing will be used to deliver water into a 2-inch pipeline for about 3,500ft to the closest trough that is 1 of 4 troughs all connected by a pipeline system to water a total of 530 head of cattle in separate pastures of the Peterson-Lonigan Allotment. Each trough contains a float shutoff value to stop water supply when troughs are full.

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IDAHO DEPARTMENT OF WATER RESOURCES **5/24/2023**
Proof Report

Water Right 17-4000

Owner Type	**Name and Address**
Current Owner	US DEPT OF AGRICULTURE FOREST SERVICE 1249 VINNELL WAY STE 200 BOISE, ID 83709 (208) 373-4143

Priority Date: 6/1/1950
Basis: Statutory Claim
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
STOCKWATER	4/01	12/31	0.010 CFS	
	Total Diversion		0.010 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SENW	Sec. 33, Twp 13S, Rge 32E, ONEIDA County

Place Of Use:
STOCKWATER within ONEIDA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	32E	33								X									

Conditions of Approval:

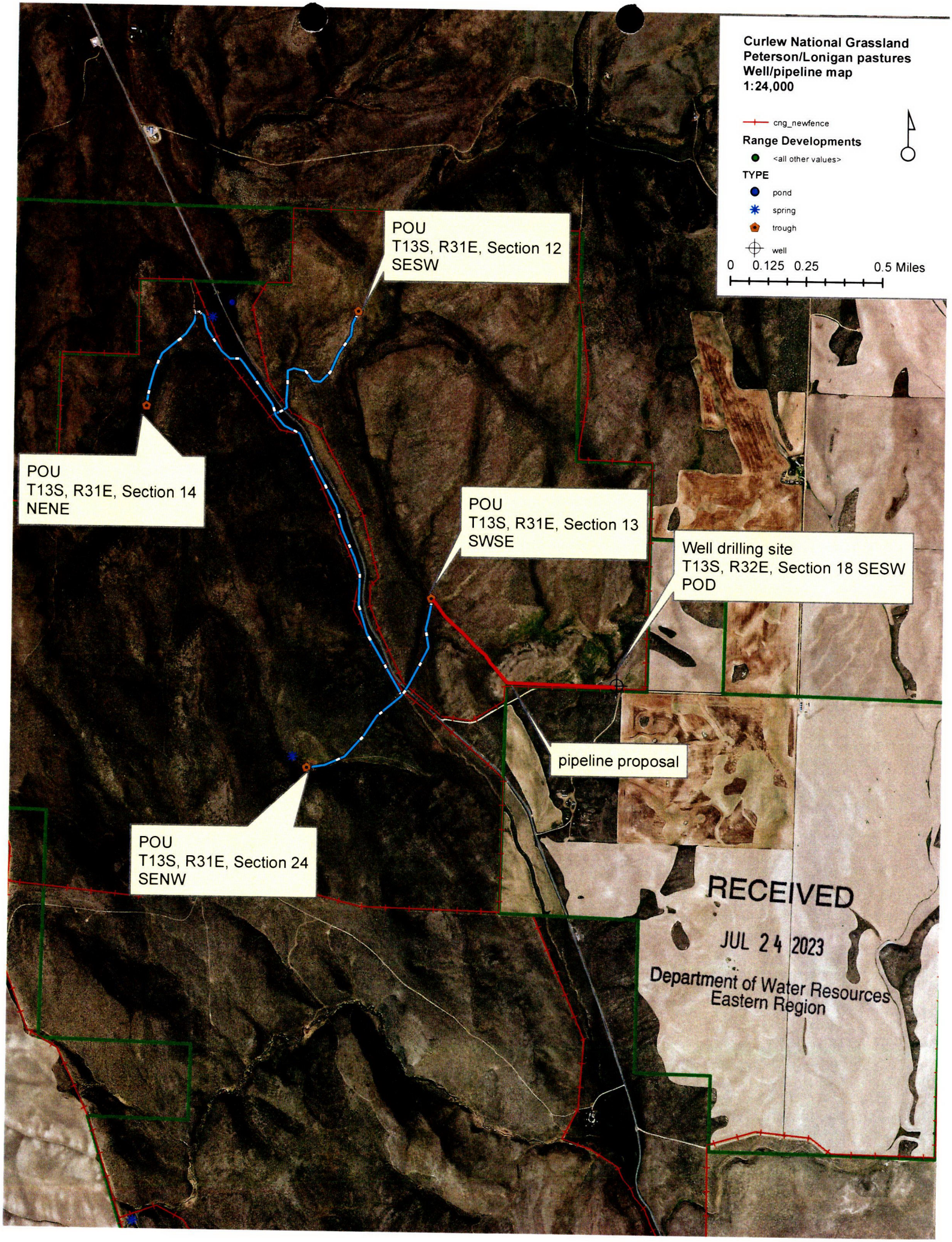
1. P/U CURLEW NATIONAL GRASSLANDS.

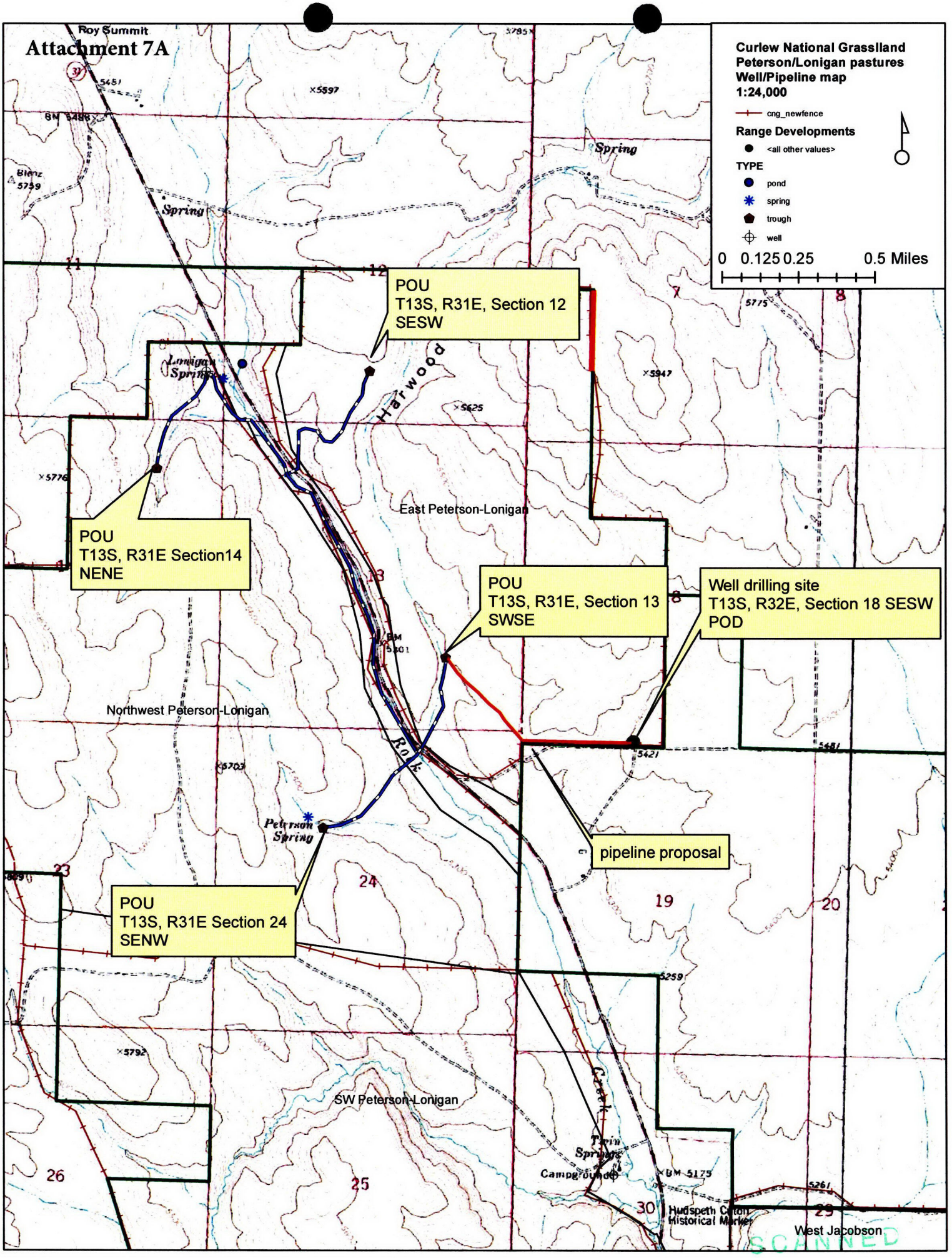
Dates and Other Information:
Water District Number: NWD
Mitigation Plan: False

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17-4000

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MAY 31 2023


Curlew National Grassland
Peterson/Lonigan pastures
Well/pipeline map
1:24,000
cng_newfence
Range Developments
<all other values>
TYPE
pond
spring
trough
well
0 0.125 0.25 0.5 Miles
POU
T13S, R31E, Section 12
SESW
POU
T13S, R31E, Section 14
NENE
POU
T13S, R31E, Section 13
SWSE
Well drilling site
T13S, R32E, Section 18 SESW
POD
pipeline proposal
POU
T13S, R31E, Section 24
SENW
RECEIVED
JUL 24 2023
Department of Water Resources
Eastern Region



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MAY 31 2023

LIMITED AGENCY AGREEMENT FOR THE PURPOSES OF ESTABLISHING AND MAINTAINING STOCKWATER RIGHTS ON NATIONAL FOREST GRAZING ALLOTMENTS IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO

The U.S Forest Service, Department of Agriculture, ("Forest Service") and Curlew Valley Horse & Cattle Association ("Permittee," and together with the Forest Service the "Parties"), in consideration of the mutual acknowledgments and agreements below, and for the benefit of the Parties and the National Forest System ("NFS"), enter into this Limited Agency Agreement for the purposes of establishing and maintaining stockwater rights to use water diverted from sources that are within grazing allotments located on NFS lands in accordance with the Laws of the State of Idaho ("Agreement").

ACKNOWLEDGEMENTS

The Parties acknowledge the following:

1. The significant role of the livestock industry in the settlement, history, and culture of the State of Idaho;

2. The importance of stockwater rights to the livestock industry in the State of Idaho, to the Forest Service grazing program, to the Permittee's livestock operation, and to the association of water with NFS lands;

3. On March 24, 2020, Idaho Governor Brad Little signed into law Idaho House Bill 592 ("HB 592") with an effective date of July 1, 2020;

4. HB 592 amended state law to remove limitations on the Forest Service and permittees entering into agency agreements to exercise Forest Service stockwater rights on National Forest grazing allotments; and

5. Current or future grazing authorization is not impacted or restricted in any way by this Agreement.

AGREEMENTS

The Forest Service and the Permittee agree as follows:

1. The Parties wish to continue utilizing state-based stockwater rights obtained by the United States located on the grazing allotments listed in Exhibit A so that the use of water authorized under those rights for livestock watering, and of any subsequent stockwater rights obtained in accordance with State law, can be used by livestock owned by the Permittee for the term of the current federal grazing permit and any subsequent renewal or reissuance thereof by the Forest Service; and

2. The Parties agree that the availability of water on the listed grazing allotments is critical for the grazing management of the allotments, and when domestic livestock owned by the Permittee and located on the listed grazing allotments make use of water by drinking from places, or sources located on NFS lands, that such use will be deemed beneficial under Idaho state law, and is made by the Permittee acting as a limited agent of the United States for the purposes of establishing and maintaining stockwater rights for the United States within grazing allotments located on NFS lands, and for no other purposes.

SCANNED
MAY 31 2023

87973

GENERAL TERMS

1. This Agreement does not convey any right, title, or interest in any lands or resources owned by the United States. Nothing in this Agreement shall prevent the Forest Service from administering the use and occupancy of NFS land for livestock grazing, construction and maintenance of range improvements in accordance with applicable laws and regulations, nor does it extend the statutory and regulatory authority of the Forest Service beyond regulations of the use and occupancy of NFS land.

2. The Parties expressly agree that the mutual acknowledgements and agreements contained in this Agreement are supported by good and adequate consideration including, but not limited to, past and continuing use of water in accordance with the stockwater rights, held by the Forest Service, together with the construction and maintenance of associated range improvements.

3. This Agreement shall remain in effect throughout the term of the existing grazing authorization, new authorizations, and any renewals of grazing authorizations. This Agreement terminates only upon: (a) the expiration, termination, or revocation of the current grazing permit(s) held by the Permittee that is not renewed; or (b) upon 90-day written notice by either Party to the other of a desire to terminate the Agreement.

4. The terms of this Agreement may not be modified without the written consent of the Parties. If any paragraph or portion of this Agreement is deemed unenforceable, the remainder of this Agreement shall remain in full force and effect.

5. Subject to the termination clause above, the Parties agree to act in good faith and with fair dealings to fulfill, and not impede, the intent of this Agreement.

6. This Agreement shall become effective on the date of the last signature of the Parties thereafter.

7. The signators to this Agreement acknowledge that they (a) have read this entire document; (b) fully understand and agree with all the terms of this Agreement; (c) have knowingly, voluntarily, and in good faith entered into this Agreement; and (d) have the explicit authorization to execute and bind their respective entities or selves by this Agreement.

For the Permittee and/or Lessee (Agent):

Ken Elviren — 3-11-22
Date

For the Forest Service:

Kirk Obele — 3/15/22
Date

(Title of Authorized Officer)

Westside R.D. (Office)

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SCANNED
MAY 31 2023

Exhibit A

The following Forest Service Allotments on the ___Caribou-Targhee_____ National Forest are permitted to ___Curlew Valley Horse and Cattle Association_____.

[List allotments by Ranger District]

Curlew Valley Cattle Allotment
On the
Curlew National Grassland

SCANNED
MAY 31 2023

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Exhibit A

The following Forest Service Allotments on the Curlew National Forest are permitted to 4-16 to 11-30.

[List allotments by Ranger District]

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MAY 31 2023

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IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

August 04, 2023

UNITED STATES OF AMERICA
ACTING THROUGH USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310

Re: Transfer No: 87973
Water Right No(s).: 17-4000

Transfer Approval Notice

Dear Water Right Holder:

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.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
AUG 07 2023

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) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

US DEPT OF AGRICULTURE
USFS R4 WATER RIGHTS AND
USES PROGRAM MANAGER
324 25TH ST
ODGEN UT 84401

SCANNED
AUG 07 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 04, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87973
Water Right No(s).: 17-4000

UNITED STATES OF AMERICA
ACTING THROUGH USDA FOREST SERVICE
US DEPT OF AGRICULTURE
USFS R4 WATER RIGHTS AND USES PROGRAM MANAGER
324 25TH ST
OGDEN UT 84401

Christina Henman
Administrative Assistant

SCANNED
AUG 07 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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.

SCANNED
AUG 07 2023

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 service date 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.

SCANNED
AUG 07 2023

MEMORANDUM

Date: July 27, 2023

To: Transfer 87973

From: Jake Nebeker

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use and point of diversion of statutory claim 17-4000. The affidavit filed with the original statutory claim was not a firsthand account supporting the claimed priority date of June 6, 1950. The affidavit does confirm that the diversion and stockwater system were in place on March 27, 1969. The priority date for this claim will be changed to March 27, 1969. The applicant and representative are aware of the change in priority date and asked the Department to proceed with the updated priority date.

Authority to File:
The applicant is the current statutory claim holder of record. The place of use is on the Curlew National Grasslands. The applicant provided a lease agreement to use this place of use for stock water purposes from the Curlew National Grasslands. The point of diversion is within the Caribou-Targhee National Forest. The applicant provided a document that shows authority for the signee. The applicant has authority to make the change.

Water Right Validity:
The statutory claim included in this transfer was submitted to the department on May 16, 1969. Aerial photography shows troughs and cattle on the existing place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:
Other rights do not appear to be injured by the proposed change. The quantity authorized to be diverted will not change. The transfer application was advertised without protest. Since the statutory claim is not within a water district, no water master was contacted.

Enlargement of Use:
The proposed change does not appear to result in enlargement because the rate will not increase as a result of this transfer. During a phone conversation with the representative, he confirmed that the USFS plans on abandoning the current well and diversion system.

Local Public interest:
No issues identified.

Beneficial Use/Conservation of Water Resources:
No issues identified.

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.

SCANNED
AUG 07 2023

IN THE MATTER OF:)
)
)
) AFFIDAVIT
)
)
East Jacobsen Well)
State of Idaho)
County of Oneida)

Paul L Clark being first duly sworn,

deposes and says: My name is Paul L. Clark. I am the Range Technician on the Malad Ranger District Caribou National Forest

On march 7th 1969 I personally talked with Carl Hickman who stated to me that he had personal knowledge concerning the above refered well, located in the SE¼ of NW¼ Section 33, T 13S, R 32E. B. M.

Mr. Hickman furthur stated that said well was drilled and commenced providing water for livestock use during the year 1950

Paul L Clark
(signature)

Subscribed and sworn to before me this 27th day of March 19 69.

Marion L. Tolwell
(Notary Public)

Residing at Oxford, Idaho.
My commission expires 12/15/71.

SCANNED
AUG 07 2023

17-4000

#: 5503

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF ONEIDA)

Bryan D. Scott, being duly sworn, disposes and says: that he is the pub
er of The Idaho Enterprise, a weekly newspaper published at Malad Ci
in the county of Oneida and State of Idaho; that the advertisement, a c
f which is attached hereto, was published in said newspaper once a w
2 consecutive weeks in a regular and entire issue of said new
paper during the period of time of publication, and was published in t
newspaper proper and not a supplement; and that said newspaper has
established and regulary published for more than seventy-eight conse
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with 6-8, 23 and ending witht the issue of 6-15, 23.

B-D...H

STATE OF IDAHO)
) SS
COUNTY OF ONEIDA)

On this 6 day of July in the year of 2023 a Notary Public, pesonally appeared Bryan D. Scott, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that they statements therein are true and acknowledged to me that he executed the same.

Notary Public of Idaho Susan J Wittman
Residing at Malad, Idaho
My commission expires: 2-9-2024

SUSAN J. WITTMAN NOTARY PUBLIC Comm No. 99981 STATE OF IDAHO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87973

UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE, 324 25TH ST, OGDEN, UT 84401-2310 has filed Application No. 87973 for changes to the following water rights within ONEIDA County(s): Right No(s). 17-4000; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/query-newtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion in SESW Sec 18 T13S R32E for 0.01 cfs from ground water. Proposed place of use is in SESW Sec 12, SWSE Sec 13, NENE Sec 14, and SENW Sec 24 T13S R31E for stockwater.
For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 6/26/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 6/8/2023 and 6/15/2023
#5503_T2_6-8-15-23

SCANNED JUL 13 2023

RECEIVED
JUL 07 2023
Department of Water Resources
Eastern Region

IDAHO DEPARTMENT
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

May 31, 2023

UNITED STATES OF AMERICA
ACTING THROUGH USDA FOREST SERVICE
324 25TH ST
OGDEN, UT 84401-2310

RE: Transfer No. 87973
Water Right No(s). 17-4000

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 IDAHO ENTERPRISE on 6/8/2023 and 6/15/2023. 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,

Christina Henman
Administrative Assistant

CC:
USFS R4 WATER RIGHTS AND USES PROGRAM MANAGER
324 25TH ST
ODGEN, UT 84401

SCANNED
MAY 31 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, May 31, 2023 3:20 PM
To: sherrie.w@thecityjournals.com
Subject: Legal Notice for Idaho Enterprise
Attachments: 87973 Idaho Enterprise.docx

LEGAL NOTICE DEPARTMENT
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY, ID 83252

RE: Transfer No. 87973
Water Right No(s). 17-4000

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 6/26/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
MAY 31 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87973

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GARY SPACKMAN, Director Published on 6/8/2023 and 6/15/2023

SCANNED
MAY 31 2023