# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

## TRANSFER OF WATER RIGHT
## TRANSFER NO. 87596

This is to certify that: STATE OF IDAHO
IDAHO DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707-0025

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 |
|---|---|---|---|---|---|---|---|
| 71-7163 | WR/LICENSE | 6/9/1992 | 0.800 cfs | N/A | N/A | N/A | SALMON RIVER |

### Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---|---|---|---|---|---|---|
| 71-7163 | 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 |
|---|---|---|---|---|---|---|---|---|---|---|
| 71-7163 | 71-7163 | 0.800 cfs | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| **COMBINED TOTALS** | | **0.800 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 10th day of April, 2023.

Southern Region Manager

Transfer No. 87596

SCANNED
APR 25 2023

# WATER RIGHT NO. 71-7163

## As Modified by Transfer No. 87596

In accordance with the approval of Transfer No. 87596, Water Right No. 71-7163 is now described as follows:

**Right Holder:** STATE OF IDAHO
DEPT OF FISH & GAME
C/O OFFICE OF THE ATTORNEY GENERAL
MICHAEL ORR
PO BOX 83720
BOISE, ID 83720-0010

**Priority Date:** 6/9/1992

**Source:** SALMON RIVER **Tributary:** SNAKE RIVER

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| FISH PROPAGATION | 5/01 | to | 9/30 | 0.800 cfs |
| | | | | 0.800 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

SALMON RIVER SWNE Sec 22 Twp 10N Rge 13E CUSTER County

**PLACE OF USE: FISH PROPAGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10N | 13E | 22 | | | | | | | | X | | | | | | | | | |

**CONDITIONS OF APPROVAL**

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 71.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Use of water under this right shall be non-consumptive.
5. Fish propagation use is for fish protection through the installation of a deflecting screen at a diversion canal entrance and a bypass pipe to flush the fish back to the Salmon River.

Transfer No. 87596

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## WATER RIGHT NO. 71-7163

## As Modified by Transfer No. 87596

**CONDITIONS OF APPROVAL**

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

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



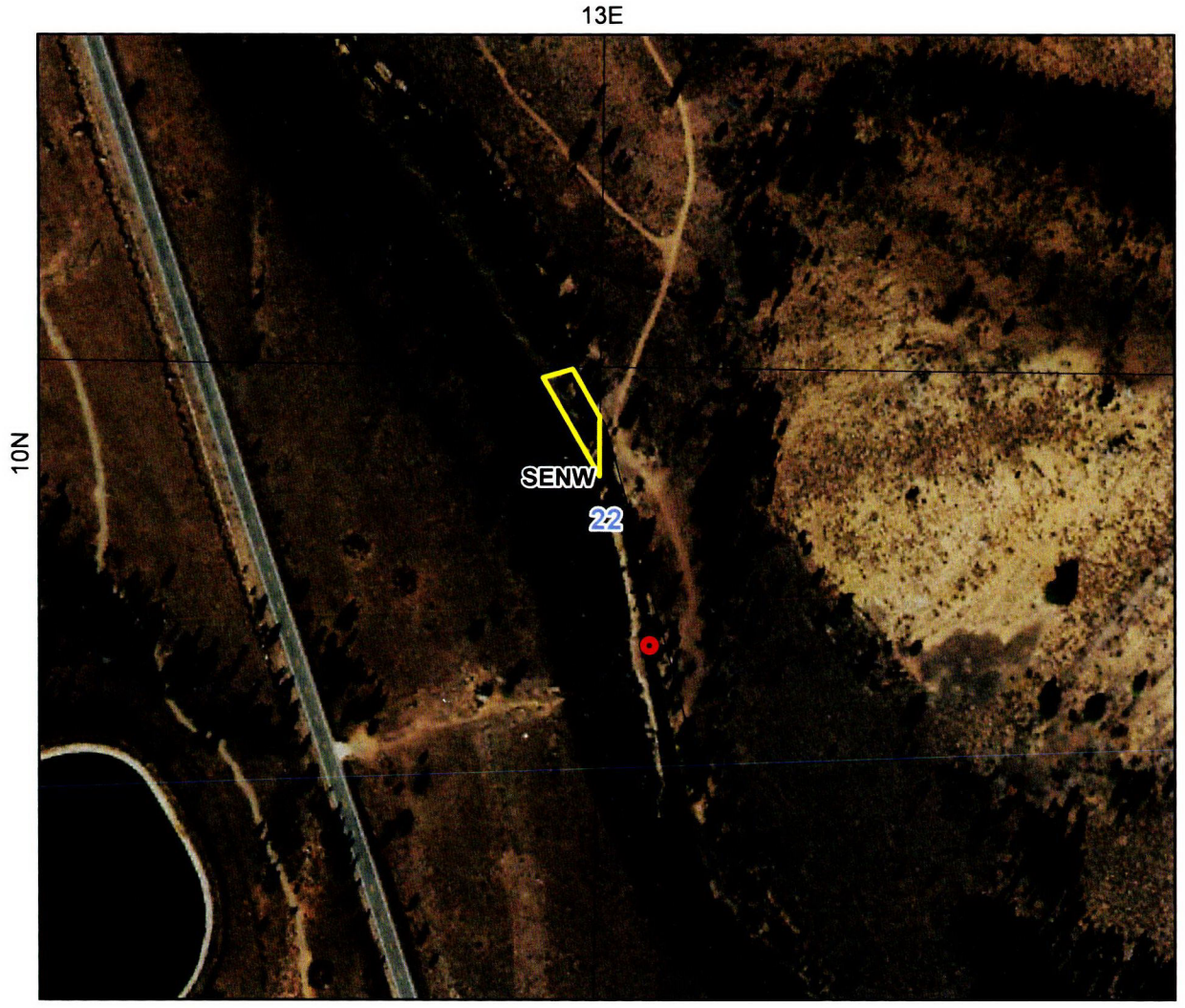
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State of Idaho
Department of Water Resources

# Attachment to Transfer # 87596

71-7163

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




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SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87596

# MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) State of Idaho, Idaho Dept. of Fish and Game

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

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

- ☒ * Completed Application for Transfer of Water Right form, Part1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application** - Label each attachment with the corresponding number shown below as Attachment #1-10.

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



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DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of Applicant(s) State of Idaho, Idaho Dept. of Fish & Game Phone 208-334-3700

Mailing address P.O.Box 25, Boise, ID ~~83720~~ 83707-0025 Email mike.demick@idfg.idaho.gov

☐ 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 Mike Demick, IDFG Easement Specialist Phone 208-756-6022

Mailing address 97 Highway 93 North, Salmon ID 83467 Email mike.demick@idfg.idaho.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 |
|---|---|---|
| Tom A | Tom Curet Regional Supervisor | 2/16/23 |
| | | |

## 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**.

Correcting errors in the legal descriptions for both the POD and POU for water right 71-7162, a fish propagation right that is non-consumptive.

These corrections will make the POD legal description for all rights on the ditch consistent, as well as correct error in legal description of POU (fish screen).



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# 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 | Part | Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|---|---|---|---|---|---|---|
| ☑ | ☐ | 71-7163 | 0.80 cfs | Fish Propagation | 5/01 to 09/30 | Salmon River |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |
| ☐ | ☐ | | | | to | |

Total authorized under rights 0.80 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.80 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 # |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | SW | NE | 22 | 10N | 13E | Custer | Salmon River | S-39A |
| | | | | | | | | | | |
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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 | |
| 10N | 13E | 22 | | | | | | | | H | | | | | | | | | 0 |
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| | | | | | | | | | | | | | | | | | | Total Acres (for irrigation use) | 0 |



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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:

Diversion includes lockable headgate. Measurement section for ditch is downstream of fish screen.

This fish propagation right is non-consumptive and water is returned directly to Salmon River via bypass pipe from fish screen (POU).

b. Who owns the property at the point(s) of diversion? US Forest Service - SNRA

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A Physical point of diversion and place of use are not changing. We are simply correcting the legal description for both.

IDFG holds a recorded easement to access and maintain fish screen regularly during irrigation season.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

**If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

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

d. 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:

N/A. No irrigation.

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:

Water right 71-7163 is a non-consumptive, fish propagation right for the S-39A fish screen.

No other fish propagation right is diverted through the S-39A ditch. Irrigation rights are diverted through ditch under private water rights.

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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# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 2

### A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

### B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: N/A

1. amount__________(cfs/ac-ft) for__________purposes from________to________
   amount__________(cfs/ac-ft) for__________purposes from________to________
   amount__________(cfs/ac-ft) for__________purposes from________to________
   amount__________(cfs/ac-ft) for__________purposes from________to________
   amount__________(cfs/ac-ft) for__________purposes from________to________
   amount__________(cfs/ac-ft) for__________purposes from________to________
   amount__________(cfs/ac-ft) for__________purposes from________to________
   amount__________(cfs/ac-ft) for__________purposes from________to________
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

| 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 | |
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**Total Acres (for irrigation use)** 0



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# Water Right Report : 71-7163( License/Active)

## Water Right Owners

| Owner Type | Name | Address | City | State | Postal Code |
|---|---|---|---|---|---|
| Current Owner | STATE OF IDAHO | DEPT OF FISH & GAME C/O OFFICE OF THE ATTORNEY GENERAL MICHAEL ORR PO BOX 83720 | BOISE | ID | 83720-0010 |

## Water Right Status

Priority Date : 6/9/1992
Basis : License
Status : Active

## Water Source

| Source | Source Qualifier | Tributary | Tributary Qualifier |
|---|---|---|---|
| SALMON RIVER | | SNAKE RIVER | |

## Points Of Diversion (Location)

| Source | Township | Range | Section | Govt. Lot | QQQ | QQ | Q | County | Diversion Type |
|---|---|---|---|---|---|---|---|---|---|
| SALMON RIVER | 10N | 13E | 22 | 4 | | SW | NE | CUSTER | |

## Water Uses

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| FISH PROPAGATION | 5/01 | 9/30 | 0.80 CFS | |
| **TOTAL** | | | 0.80 CFS | |

## Places of Use

## Place of Use Legal Description : FISH PROPAGATION (CUSTER county)

| Township | Range | Section | Lot | QQQ | QQ | Q | Acres |
|---|---|---|---|---|---|---|---|
| 10N | 13E | 22 | 4 | | SW | NE | |

## Conditions

| Code | Condtions |
|---|---|
| | Fish propagation use is for fish protection through the installation of a deflecting screen at a diversion canal entrance and a bypass pipe to flush the fish back to the Salmon River. |
| 004 | The issuance of this right does not grant any right-of-way or easement across the land of another. |
| 027 | Use of water under this right shall be non-consumptive. |

## Dates

Licensed Date : 7/19/1994
Decreed Date :
Permit Proof Due Date : 11/1/1993
Permit Proof Made Date : 1/13/1993
Permit Approved Date : 9/29/1992
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :

## Other Information

State or Federal :
Water District Number : 71
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plantiff :
Decree Defendant :

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Enlargement Statute Priority Date :
Application Recevied Date: 6/9/1992
Protest Deadline Date:

Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

1/19/2023

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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:

N/A

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**FOR DEPARTMENT USE ONLY**

Transfer contains_____ pages and_____ attachments.

Received by SG Date 2-27-2023 Preliminary check by_____ Date_____

Fee paid $ 50 - Date 3.3.2023 Receipted by Inter-Agency Receipt # BILL057001

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

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



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## ATTACHMENT 1A.3 *Water Right 71-7163*

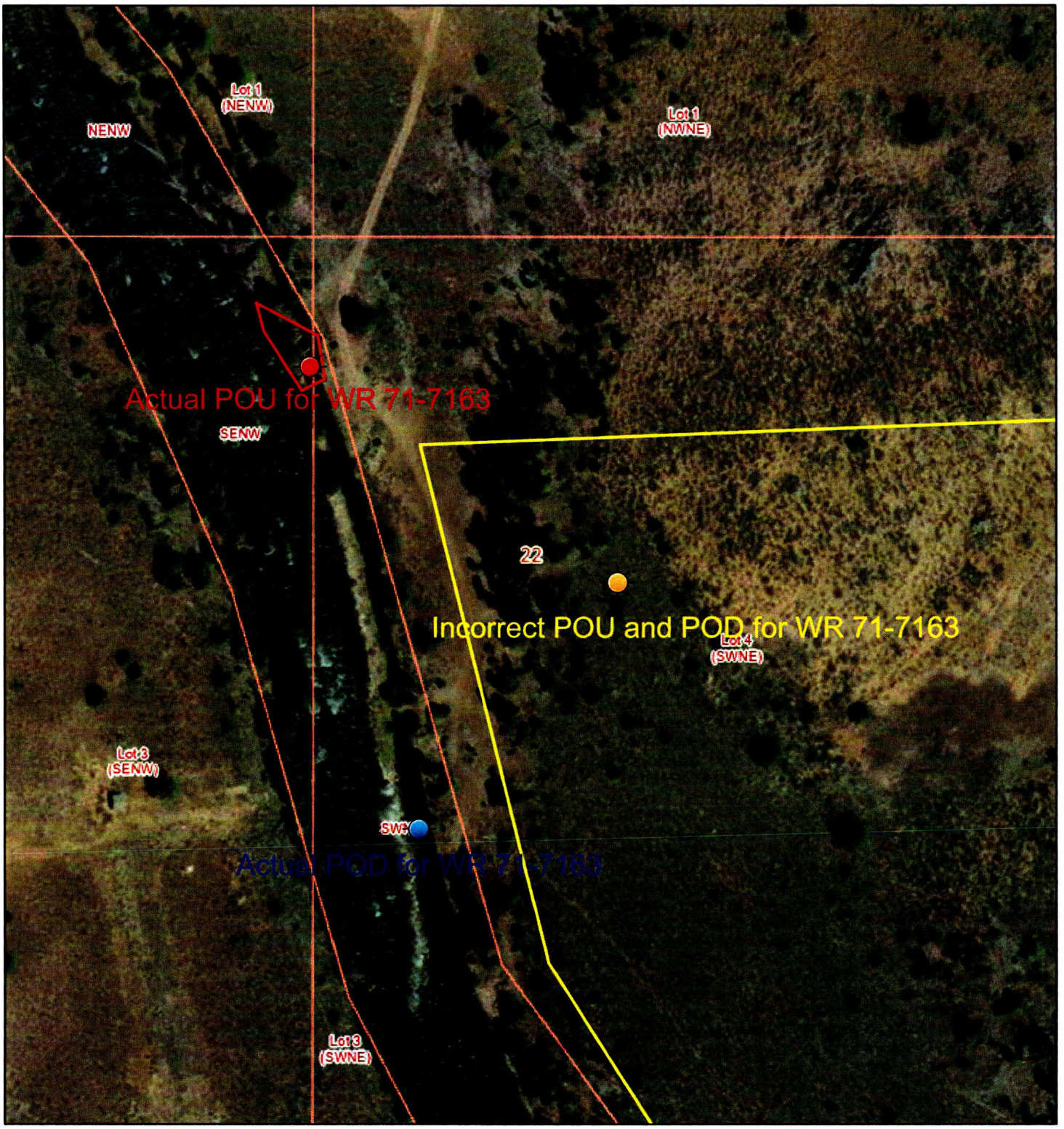
Legal description errors in both the POU and POD locations for Idaho Fish and Game's S-39A fish screen bypass water right 71-7163 were discovered recently.

The WR Report erroneously lists both the POU and POD location as SW of NE, Lot 4, Section 22, T10N, R13E. The correct POU location is SE of NW, Section 22, T10N, R13E; and the correct POD location is SW of NE, Section 22, T10N, R13E.

This fish propagation right is non-consumptive and water is returned directly to the Salmon River via bypass pipe from the S-39A fish screen (POU). The physical location of both the POD and POU have not changed.

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APR 25 2023

# Actual POD and POU for WR 71-7163




2/10/2023, 1:20:57 PM

1:2,257

0 75 150 300 ft

0 20 40 80 m

Counties
Quarter Quarters
PLS Sections
Townships
Idaho Outline
Idaho Mask

Maxar, Microsoft, Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, iPC

87596

SCANNED

APR 25 2023

ArcGIS Web AppBuilder

Maxar, Microsoft | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources (IDWR)

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

April 17, 2023

STATE OF IDAHO
IDAHO DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707-0025

Re: Transfer No: 87583
Water Right No(s).: 71-7162

Re: Transfer No: 87596
Water Right No(s).: 71-7163

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

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.

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APR 25 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) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure

c:

STATE OF IDAHO DEPT OF FISH & GAME
MIKE DEMICK
97 HIGHWAY 93 N
SALMON ID 83467-5292

STATE OF IDAHO DEPT OF FISH & GAME
C/O OFFICE OF THE ATTORNEY GENERAL
MICHAEL ORR
PO BOX 83720
BOISE ID 83720-0010

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPATH
SALMON ID 83467-4435

WATER DISTRICT 71
MORGAN MILLER
3594 HOT SPRINGS RD
CHALLIS ID 83226-4960



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APR 25 2023

## CERTIFICATE OF SERVICE

I hereby certify that on April 17, 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.: 87583
Water Right No(s).: 71-7162

Re: Transfer No: 87596
Water Right No(s).: 71-7163

STATE OF IDAHO DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707-0025

STATE OF IDAHO DEPT OF FISH & GAME
MIKE DEMICK
97 HIGHWAY 93 N
SALMON ID 83467-5292

STATE OF IDAHO DEPT OF FISH & GAME
C/O OFFICE OF THE ATTORNEY GENERAL
MICHAEL ORR
PO BOX 83720
BOISE ID 83720-0010

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPATH
SALMON ID 83467-4435

WATER DISTRICT 71
MORGAN MILLER
3594 HOT SPRINGS RD
CHALLIS ID 83226-4960

Denise Maline

Denise Maline
Administrative Assistant



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APR 25 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.



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APR 25 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
APR 25 2023

# MEMORANDUM

**Date:** April 4, 2023

**To:** State of Idaho, Dept. of Fish & Game, Transfer #87596 File

**From:** Jim Bitzenburg

**Re:** Evaluation of Sufficiency of Information Submitted

---

Application for transfer proposes to correct the place of use (POU) and point of diversion (POD) descriptions for fish propagation right 71-7163 (0.80 cfs). The POD and POU are located approximately 2.2 miles south of Stanley.

This is a paper correction of the POD and POU; no physical changes have occurred, so advertising is not necessary. The transfer qualifies for the $50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the locations have occurred. A review of historical imagery indicates that the POU has always been located in the SENW of Section 22, T10N, R13E, and the POD has always been located in the SWNE of Section 22, T10N, R13E.

The right is within Water Districts 170 and 71 so Watermaster comments were solicited. The Watermasters did not comment on the transfer.

- **Authority to File:**
  The Department's database indicates that water right 71-7163 is owned by the State of Idaho, Department of Fish and Game, the applicant. The application was signed by Tom Curet, IDFG Regional Manager.

- **Water Right Validity:**
  The water right was licensed in 1994, and active irrigation rights are diverted through the same POD, so it is likely that the right has recent use.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. This is a paper correction only.

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

- **Local Public Interest:**
  No issues anticipated. Because the change to the POU and POD is a paper change only, the transfer was not advertised.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated

- **Effect of the Agricultural Base of the Area:**
  None Anticipated

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222, Idaho Code preventing processing of this application.**

SCANNED
APR 25 2023

## Maline, Denise

**From:** Maline, Denise
**Sent:** Monday, March 13, 2023 3:01 PM
**To:** Graybill, David
**Subject:** Comment Letters for (6) Fish & Game Transfers
**Attachments:** Transfer 87583 (Fish & Game).pdf; Transfer 87596 (Fish & Game).pdf; Transfer 87598 (Fish & Game).pdf; Transfer 87606 (Fish & Game).pdf; Transfer 87611 (Fish & Game).pdf; Transfer 87615 (Fish & Game).pdf; Comment letter to WD170 for 87583 etc. IDFG.docx

Hi David,

Attached are (6) applications for transfer currently being processed, within WD170 / WD71 / WD72D / WD72F. Please review the application and provide any necessary comments within 14 days. I have also solicited comments from the sub-districts.

If you have any questions regarding these applications, please feel free to contact Jim Bitzenburg at our office.

Thank you in advance,

Denise @ Southern

**Denise Maline, Administrative Assistant I**
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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APR 25 2023

IDAHO DEPARTMENT
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

March 13, 2023

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPATH
SALMON ID 83467

RE: Application for Transfer No(s). 87583, 87596, 87598, 87606, 87611 and 87615
(Idaho Dept of Fish & Game)

Dear David:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office *within 14 days of the date of this letter*.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
APR 25 2023

## Maline, Denise

**From:** Maline, Denise
**Sent:** Monday, March 13, 2023 2:48 PM
**To:** Morgan Miller (WD71)
**Subject:** Comment Letters for Transfer No. 87583 and 87596 (Idaho Dept of Fish & Game)
**Attachments:** Transfer 87583 (Fish & Game).pdf; Transfer 87596 (Fish & Game).pdf; Comment letter to WD71 for 87583 & 87596.docx

Hi Morgan,

Attached are (2) applications for transfer currently being processed, within WD71. Please review the application and provide any necessary comments within 14 days.

If you have any questions regarding these applications, please feel free to contact Jim Bitzenburg at our office.

Thank you in advance,

Denise @ IDWR Twin Falls

**Denise Maline, Administrative Assistant I**
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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APR 25 2023

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WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

March 13, 2023

MORGAN MILLER
WATER DISTRICT 71
3594 HOT SPRINGS RD
CHALLLIS ID 83226-4960

Re: Transfer No(s). 87583 and 87596 (Idaho Dept of Fish & Game)

Dear Morgan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office *within 14 days of the date of this letter*.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
APR 25 2023

# FEE MEMORANDUM

**Date:** March 6, 2023

**To:** State of Idaho, Dept. of Fish & Game Transfer #87596 File

**From:** Jim Bitzenburg

**Re:** Receipting/disposition of fees paid

---

This transfer was filed on February 27, 2023, and its purpose is to correct the point of diversion (POD) and place of use (POU) descriptions of water right 71-7163. The transfer qualifies for the $50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the locations have occurred. A review of historical imagery indicates that the POU has always been located in the SENW of Section 22, T10N, R13E, and the POD has always been located in the SWNE of Section 22, T10N, R13E. The fee was paid through the inter-agency billing process, billing number BILL057001.

SCANNED
APR 25 2023

# TRANSFER SYNOPSIS

**Date:** March 6, 2023

**To:** State of Idaho, Dept. of Fish & Game, Transfer #87596 File

**From:** Jim Bitzenburg

**Re:** Summary of transfer

---

Application for transfer proposes to correct the place of use (POU) and point of diversion (POD) descriptions for fish propagation right 71-7163 (0.80 cfs). The POD and POU are located approximately 2.2 miles south of Stanley.

This is a paper correction of the POD and POU; no physical changes have occurred, so advertising is not necessary. The transfer qualifies for the $50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the locations have occurred. A review of historical imagery indicates that the POU has always been located in the SENW of Section 22, T10N, R13E, and the POD has always been located in the SWNE of Section 22, T10N, R13E.

The right is within Water Districts 170 and 71 so Watermaster comments will be solicited.

SCANNED
APR 25 2023

# MEMORANDUM

**Date:** March 6, 2023

**To:** Transfer 87596

**From:** James Bitzenburg

**Re:** Legal Notice Not Required

Legal Notice Not Required
3/6/2023

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

The changes in the transfer are corrections to the legal descriptions (paper changes) and no physical changes of the POD or POU have occurred.

SCANNED
APR 25 2023

## Maline, Denise

**From:** Susan Steed
**Sent:** Friday, March 3, 2023 1:37 PM
**To:** Bassista,Tom
**Cc:** Maline, Denise
**Subject:** interagency BILL057001 Application for Transfer of Water Rights
**Attachments:** BILL057001 F&G.pdf

Hi Tom,

Interagency billing has been established for payment.

Thank you.

*Susan Steed*
Financial Specialist
Idaho Department of Water Resources
PO Box 83720
Boise Idaho 83720-0098
208-287-4818
susan.steed@idwr.idaho.gov



SCANNED
APR 25 2023

## Maline, Denise

**From:** Maline, Denise
**Sent:** Tuesday, February 28, 2023 12:09 PM
**To:** IdwrPayable
**Cc:** Bitzenburg, James
**Subject:** Inter-Agency Billing for Idaho Dept of Fish & Game Transfer Applications
**Attachments:** Transfer App. Fish & Game 72-7485.pdf; Transfer App. Fish & Game 72-7491.pdf; Transfer App. Fish & Game 71-7162.pdf; Transfer App. Fish & Game 71-7163.pdf; Transfer App. Fish & Game 72-7482.pdf; Transfer App. Fish & Game 72-7484.pdf

Good afternoon,

Attached are (6) new Applications for Transfer filed by Fish & Game, in which they have requested inter-agency billing. At this time, they are paying the minimum fee of $50.00 per application ($300.00 total).

The cover letter from Fish & Game (page 1 of each attachment) references their PCA codes. IDWR PCA codes are as follows:

PCA 64106 Fund 0229 Fund Detail 21 Object 1155

Please let me know what the inter-agency billing number(s) are when processed; and if there are any questions.

Thank you,

Denise @ Southern

**Denise Maline, Administrative Assistant**
**Idaho Dept of Water Resources, Southern Region**
**650 Addison Ave W Ste 500**
**Twin Falls ID 83301-5858**
**(208) 293-9908**
**denise.maline@idwr.idaho.gov**



SCANNED
APR 25 2023

RECEIVED
FEB 27 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

**IDAHO DEPARTMENT OF FISH AND GAME**
600 S Walnut / P.O. Box 25
Boise, Idaho 83707

Brad Little / Governor
Ed Schriever / Director

February 20, 2023

Idaho Department of Water Resources
650 Addison Ave. W. STE 500
Twin Falls, ID Idaho 83301

Dear IDWR:

Enclosed please find two (2) "Application for Transfer of Water Right – Points of Diversion" documents for water rights 72-7491 and 72-7485. Also enclosed are four (4) "Application for Transfer of Water Right" documents for water rights 71-7163, 71-7162, 72-7484, and 72-7482. Please initiate the Interagency Billing Process for the $300.00 transfer fee ($50.00 each)

When processing these applications, use PCA 35790 and code CINX. Please send the billing documents to IDFG Headquarters Office, Attention: Tom Bassista, P.O. Box 25, Boise, ID 83707, or by email at Tom.Bassista@idfg.idaho.gov.

Please send copies of the approved transfers to IDFG, Attn: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call or email me if you have any questions at 208-756-6022, mike.demick@idfg.idaho.gov.

Sincerely,

Mike Demick

Mike Demick
Easement Specialist

Enc: Two (2) "Application for Transfer of Water Right – Points of Diversion"
Four (4) "Application for Transfer of Water Right"



SCANNED
APR 25 2023