

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87611**

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-7485	WR/LICENSE	6/9/1992	0.710 cfs	N/A	N/A	N/A	HERD CREEK

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>
72-7485	NO	YES	NO	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>
72-7485	72-7485	0.710 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.710 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 13th day of April, 2023.



Southern Region Manager

Transfer No. 87611

SCANNED
APR 25 2023

WATER RIGHT NO. 72-7485
As Modified by Transfer No. 87611

In accordance with the approval of Transfer No. 87611, Water Right No. 72-7485 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: HERD CREEK

Tributary: EAST FORK SALMON RIVER

BENEFICIAL USE
FISH PROPAGATION

From 4/15 **To** 10/15

Diversion Rate
0.710 cfs
0.710 cfs

LOCATION OF POINT(S) OF DIVERSION

HERD CREEK NESE Sec 18 Twp 09N Rge 19E CUSTER County

PLACE OF USE: FISH PROPAGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	19E	18				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. 72D.
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. 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 Herd Creek.
5. Use of water under this right shall be non-consumptive.

Transfer No. 87611

SCANNED
APR 25 2023

WATER RIGHT NO. 72-7485
As Modified by Transfer No. 87611

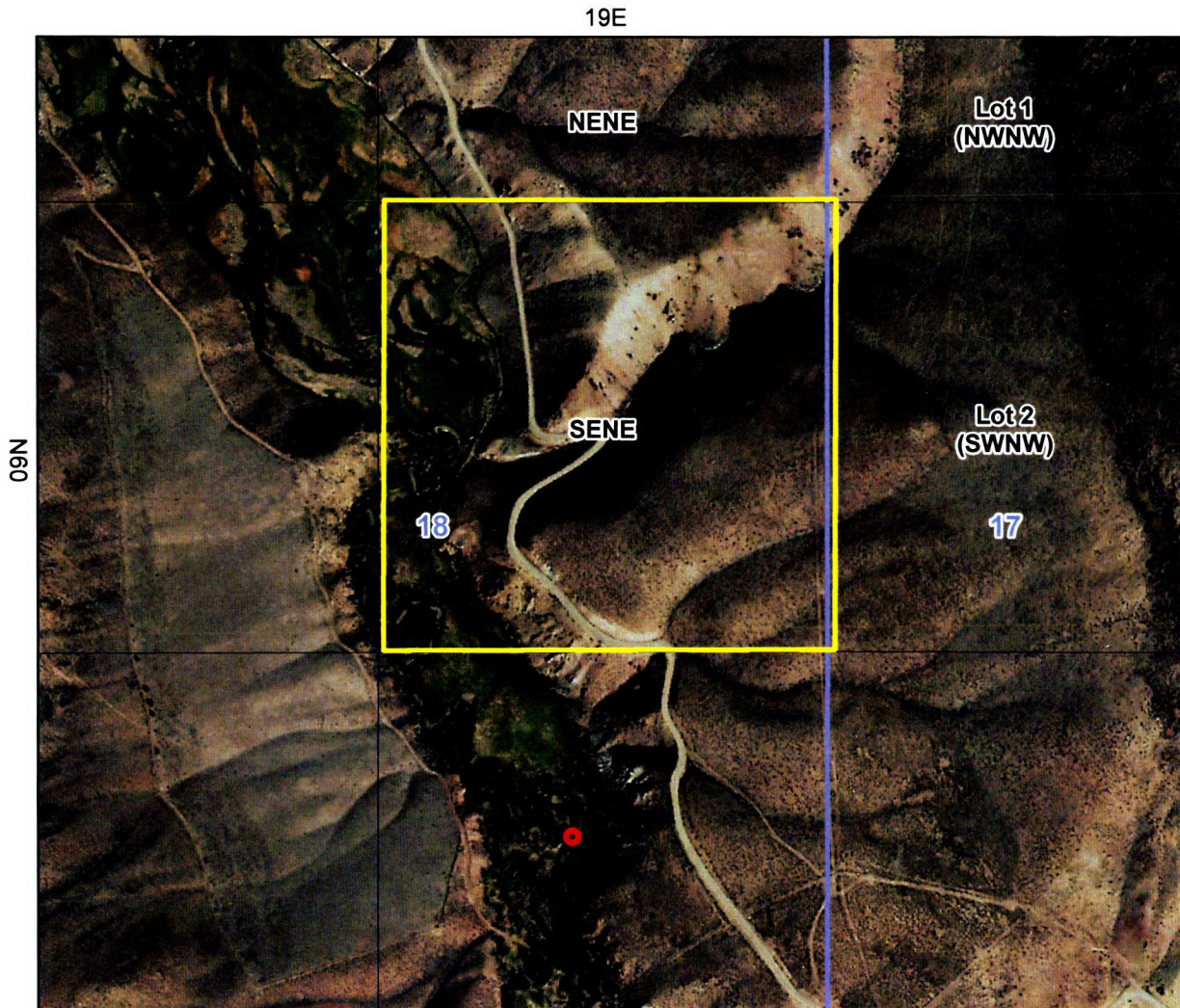
CONDITIONS OF APPROVAL

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.



State of Idaho
Department of Water Resources
Attachment to Transfer # 87611
72-7485

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.



0 0.05 0.1 0.2 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



SCANNED
APR 25 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 27 2023

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION
DEPT. OF WATER RESOURCES
SOUTHERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) State of Idaho, Idaho Department of Fish & Game Phone 208-334-37002. MAILING ADDRESS P.O. Box 25 City BoiseState ID Zip 83707 Email mike.demick@idfg.idaho.gov (Contact)

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 72-7485

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is .71 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			NE	SE	18	09N	19E	Custer	Herd Creek	EFHC-03

6. 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:

This fish propagation right is non-consumptive and water is returned directly to Herd Creek via bypass pipe from fish screen (POU). Ditch is measured downstream of fish screen.

- b. Who owns the property at the point(s) of diversion? James R. Bennetts

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
IDFG holds recorded easement with landowner to access and maintain fish screen (POU).

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Jon A
Signature of applicant or authorized agent

Tom Curt Regional Supervisor
Print name and title if applicable

2/16/23
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by Sq

Date 2-27-2023

Fee paid \$50- Date 3-3-2023

Received by Inter-Agency Receipt # BILL057001

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Water Right Report : 72-7485(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
HERD CREEK		SALMON RIVER	EAST FORK

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HERD CREEK	09N	19E	18	0		SE	SE	CUSTER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
FISH PROPAGATION	4/15	10/15	0.71 CFS	
TOTAL			0.71 CFS	

Places of Use

Print

Close

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

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
09N	19E	18			SE	NE	

Conditions

Code Conditions

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 Herd Creek.

- 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 : 9/9/1994
Decreed Date :
Permit Proof Due Date : 11/1/1993
Permit Proof Made Date : 1/13/1993
Permit Approved Date : 9/24/1992
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :

Other Information

State or Federal :
Water District Number : 72D
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :

Application Received Date: 6/9/1992
Protest Deadline Date:

Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

1/13/20

ATTACHMENT 6b – WR-72-7485

An error in the POD location for Idaho Fish and Game's fish screen bypass water right 72-7485 on the Herd Creek-03 diversion was discovered recently.

The WR Report erroneously lists the POD location as SE of SE, Section 18, T09N, R19E. The correct POD location is at the head of the Herd Creek-03 diversion, NE of SE, Section 18, T09N, R19E, consistent with all the other water rights in the ditch.

This fish propagation right is non-consumptive and water is returned directly to Herd Creek via bypass pipe from fish screen (POU). This water right has been diverted through Herd Creek-03 diversion since 1981 (fish screen was installed in 1981), and the physical location of the POD has not changed.



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: 87606
Water Right No(s): 72-7484

Re: Transfer No: 87611
Water Right No(s): 72-7485

Re: Transfer No: 87615
Water Right No(s): 72-7491

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.

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 72D
BRENT CUTLER
45 BUCKBOARD LN
CHALLIS ID 83226-4998

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: 87606
Water Right No(s): 72-7484

Re: Transfer No: 87611
Water Right No(s): 72-7485

Re: Transfer No: 87615
Water Right No(s): 72-7491

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 72D
BRENT CUTLER
45 BUCKBOARD LN
CHALLIS ID 83226-4998



Denise Maline
Administrative Assistant

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.

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.

MEMORANDUM

Date: April 4, 2023
To: State of Idaho, Dept. of Fish & Game, Transfer #87611 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to correct the point of diversion (POD) description for fish propagation right 72-7485 (0.71 cfs). The POD is located approximately 10.5 miles south and 7.3 miles east of Clayton.

This is a paper correction of the POD; 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 location has occurred. A review of historical imagery indicates that the POD has always been located in the NESE of Section 18, T09N, R19E. The fee was paid through the inter-agency billing process, billing number BILL057001.

The right is within Water Districts 170 and 72D so Watermaster comments were solicited. The Watermasters did not comment on the transfer.

- **Authority to File:**
The Department's database indicates that water right 72-7485 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 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.

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



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)



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

BRENT CUTLER
WATER DISTRICT 72D
45 BUCKBOARD LN
CHALLIS ID 83226-4998

Re: Transfer No(s). 87606, 87611, 87615 (Idaho Dept of Fish & Game)

Dear Brent:

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

MEMORANDUM

Date: March 8, 2023
To: Transfer 87611
From: Jim Bitzenburg
Re: Legal Notice Not Required

Legal Notice Not Required
3/8/2023

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 change in the transfer is a correction to the legal description (paper change) and no physical change of the POD has occurred.

TRANSFER SYNOPSIS

Date: March 8, 2023
To: State of Idaho, Dept. of Fish & Game, Transfer #87611 File
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to correct the point of diversion (POD) description for fish propagation right 72-7485 (0.71 cfs). The POD is located approximately 10.5 miles south and 7.3 miles east of Clayton.

This is a paper correction of the POD; 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 location has occurred. A review of historical imagery indicates that the POD has always been located in the NESE of Section 18, T09N, R19E. The fee was paid through the inter-agency billing process, billing number BILL057001.

The right is within Water Districts 170 and 72D so Watermaster comments will be solicited.

FEE MEMORANDUM

Date: March 8, 2023
To: State of Idaho, Dept. of Fish & Game Transfer #87611 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) description of water right 72-7485. 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 location has occurred. A review of historical imagery indicates that the POD has always been located in the NESE of Section 18, T09N, R19E. The fee was paid through the inter-agency billing process, billing number BILL057001.

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

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



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
Easement Specialist

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

Keeping Idaho's Wildlife Heritage

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SCANNED
APR 25 2023