



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

August 23, 2023

DERRICK S SCOTT
JESSICA L SCOTT
435 JIGGS HWY UNIT 3
SPRING CREEK NV 89815-9743

Re: Withdrawal of Application for Transfer No. 88098, Water Right No. 72-16993

Dear Applicant(s):

The Department recently received a Withdrawal of Application for Transfer for the above referenced transfer and water right no. This withdrawal was filed by Travis Thompson at Martin Law LLP. The withdrawal of application for transfer has been processed and no further action is required at this time.

A refund request in the amount of \$660.00 has been submitted for processing and will be sent to Martin Law LLP.

Please contact our office at 208-736-3033 if you have additional questions on this matter. Also, more information about water rights and other matters administered by this agency is available on our website at www.idwr.idaho.gov.

Sincerely,

Denise Maline

for: Corey Skinner
Southern Regional Manager

c: Travis Thompson, Martin Law LLP

SCANNED

AUG 30 2023

RECEIVED

JUN 12 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

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:

Changing POD of 72-16993 from L3 NESW to L4 NWSE (to south of the power line easement) with a new pump and sprinkler system

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Derrick S. Scott
Signature of applicant or authorized agent

Derrick S. Scott
Print name and title if applicable

6/6/2023
Date

Jessica L. Scott
Signature of applicant or authorized agent

Jessica L. Scott
Print name and title if applicable

6-6-23
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 4 pages of attachments.

Received by ASU

Date 6/7/23

Fee paid 600 Date 6/7/23

Received by ASU

Receipt # C116427

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)

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

Current Water Right No.: 72-16993

Current Owner: DERRICK S SCOTT
JESSICA L SCOTT

Priority Date: 6/1/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

SALMON RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

2.17 CFS

Annual Volume

Total Diversion

2.17 CFS

Location of Point(s) of Diversion

SALMON RIVER

L3(NE1/4NE1/4SW1/4)

Sec. 28, Twp 11N, Rge 17E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T11N R17E S28

NESE

0.60

T11N R17E S28

Lot 4

NWSE

31.60

T11N R17E S28

Lot 7

SWSE

4.00

Total Acres: 36.2

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.81 CFS. COMBINED RIGHT NOS.: 72-16994 & 72-16995.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 36.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-16994 & 72-16995.

Decreed Date: 12/1/2000

Close

Water Right Report : 72-16993(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	SCOTT, DERRICK S	435 JIGGS HWY UNIT 3	SPRING CREEK	NV	89815-9743
Current Owner	SCOTT, JESSICA L	435 JIGGS HWY UNIT 3	SPRING CREEK	NV	89815-9743
Original Owner	COMINOTTI, CESIRA	GENERAL DELIVERY	CLAYTON	ID	83227
Original Owner	COMINOTTI, FABIO	GENERAL DELIVERY	CLAYTON	ID	83227
Previous Owner	THIELGES, BRIAN L	4504 82ND ST	URBANDALE	IA	50322-1035
Previous Owner	THIELGES, MARY R	4504 82ND ST	URBANDALE	IA	50322-1035
Previous Owner	MC FADDEN, COLLEEN	2602 W HILL RD	BOISE	ID	83702-0631
Previous Owner	MC FADDEN, IRVIN	2602 W HILL RD	BOISE	ID	83702-0631
Previous Owner	HERRICK, GERALD D	C/O TRACEY KEHNE 2209 S CROSSCREEK LN	BOISE	ID	83706
Previous Owner	HERRICK, KATHRYN S	C/O TRACEY KEHNE 2209 S CROSSCREEK LN	BOISE	ID	83706
Previous Owner	MC GOWAN, BECKY J	PO BOX 1040	CHALLIS	ID	83226
Previous Owner	MC GOWAN, THOMAS V	PO BOX 1040	CHALLIS	ID	83226

Water Right Status

Priority Date : 6/1/1963
 Basis : Decreed
 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	11N	17E	28	3	NE	NE	SW	CUSTER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.17 CFS	
TOTAL			2.17 CFS	

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (CUSTER county)

Township Range Section Lot QQQ QQ Q Acres

11N	17E	28		NE	SE	0.6
11N	17E	28	4	NW	SE	32
11N	17E	28	7	SW	SE	4

Irrigation Totals

Total Acres Acre Limit

36.20

Conditions**Code Conditions**

C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.81 CFS. COMBINED RIGHT NOS.: 72-16994 & 72-16995.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 36.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-16994 & 72-16995.

Dates

Licensed Date :
 Decreed Date : 12/1/2000
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal : S
 Water District Number : 72D
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

6/5/2023

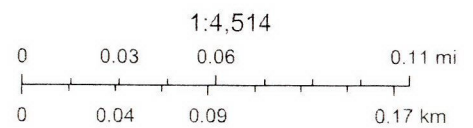
72-16996 POD Transfer



6/5/2023, 10:56:16 AM

- Quarter Quarters
- PLS Sections
- Townships

● New POD



Esri, HERE, IPC, Esri, HERE, Garmin, IPC, Maxar

Skinner, Corey

From: Skinner, Corey
Sent: Wednesday, August 23, 2023 8:55 AM
To: IdwrPayable
Subject: Request for Refund

We need to issue a refund of \$660.00 to Marten Law LLP for a transfer application (#88098) that they are withdrawing. The receipt number is C116427. Their mailing address is...

Marten Law LLP
1191 Second Avenue, Suite 2200
Seattle, Washington 98101

Thanks, Corey



MARTEN LAW

RECEIVED

AUG 17 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 14, 2023

Via U.S. Mail & Email: corey.skinner@idwr.idaho.gov

Mr. Corey Skinner
IDWR – Southern Region
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301-5858

RE: Withdrawal of Transfer Application (Derrick & Jessica Scott)

Dear Corey:

I am writing on behalf of our clients Derrick & Jessica Scott. The Scotts request to formally withdraw application for transfer no. 88098 previously filed with IDWR in early June. Please refund the filing fee (\$660.00, receipt #C116427) and send a check to the following:

Marten Law LLP
1191 Second Avenue, Suite 2200
Seattle, Washington 98101

If you have any questions please call me. Thank you for your attention to this matter.

Sincerely,

Travis Thompson
Partner

Direct: (208) 735-2227
Email: tthompson@martenlaw.com

cc: Derrick Scott

Skinner, Corey

From: Skinner, Corey
Sent: Monday, August 14, 2023 1:36 PM
To: Travis L. Thompson
Subject: RE: Derrick & Jessica Scott Transfer

Travis,

We do have a withdrawal of transfer form on our website...

<https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/waterrightsforms/withdrawal-of-application-for-transfer-1.pdf>

The form, or a letter with the same information on the form, should work. The transfer application has been assigned number 88098. Make sure we have a written request to refund \$660.00 to Martin Law LLP (receipt #C116427). Also let us know the address to mail the check to.

Corey

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, August 14, 2023 8:17 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: Derrick & Jessica Scott Transfer

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Corey,

Do I need to fill out a formal withdrawal form, or is just a letter request on their behalf sufficient for the filing fee refund back to us? Is there a transfer number associated with it?

Thanks

Travis

Travis L. Thompson

Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.

Wallace, Tyler

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Tuesday, July 18, 2023 2:13 PM
To: Wallace, Tyler
Cc: derrick scott
Subject: RE: Scott WR Transfer 72-16993

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Tyler,

Thanks, we will work to get the information back to you and set up a call within that timeframe.

Thanks

Travis

Travis L. Thompson

Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301



From: Wallace, Tyler <Tyler.Wallace@idwr.idaho.gov>
Sent: Tuesday, July 18, 2023 2:10 PM
To: Travis L. Thompson <tthompson@martenlaw.com>
Subject: RE: Scott WR Transfer 72-16993

Travis,

I will approve your request for an extension to move the deadline to August 21st to give you additional time to gather the necessary information to proceed with Transfer 88098.

Let me know if you have any other questions.

-Tyler Wallace

Wallace, Tyler

From: Wallace, Tyler
Sent: Tuesday, July 18, 2023 2:10 PM
To: Travis L. Thompson
Subject: RE: Scott WR Transfer 72-16993

Travis,

I will approve your request for an extension to move the deadline to August 21st to give you additional time to gather the necessary information to proceed with Transfer 88098.

Let me know if you have any other questions.

-Tyler Wallace

Idaho Department of Water Resources

650 Addison Ave W Ste 500
Twin Falls, ID 83301-5858
www.idwr.idaho.gov



TYLER WALLACE
ENGINEER INTERN
SOUTHERN REGION
PHONE (208) 736-3033
FAX (208) 736-3037
Tyler.Wallace@idwr.idaho.gov

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, July 17, 2023 10:44 AM
To: Wallace, Tyler <Tyler.Wallace@idwr.idaho.gov>
Cc: derrick scott <derrickrubicon67@yahoo.com>
Subject: Scott WR Transfer 72-16993

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Tyler,

Thanks for taking my call. In reference your July 7th letter my clients would like to have another 30 days to gather any necessary information to submit back to IDWR re: consideration of the processing of the transfer. If we could move the deadline to August 21st that will allow us to talk to the watermaster and other water users. If you have any questions please advise.

Thanks

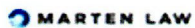
Travis

Travis L. Thompson

Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301



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Wallace, Tyler

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, July 17, 2023 10:44 AM
To: Wallace, Tyler
Cc: derrick scott
Subject: Scott WR Transfer 72-16993

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Tyler,

Thanks for taking my call. In reference your July 7th letter my clients would like to have another 30 days to gather any necessary information to submit back to IDWR re: consideration of the processing of the transfer. If we could move the deadline to August 21st that will allow us to talk to the watermaster and other water users. If you have any questions please advise.

Thanks

Travis

Travis L. Thompson

Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301



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Wallace, Tyler

From: Wallace, Tyler
Sent: Thursday, July 13, 2023 4:01 PM
To: derrickrubicon67@yahoo.com
Subject: Other Users on shared POD for 72-16993
Attachments: Other Users with Shared POD.docx

Derrick,

As discussed on the phone the other day, I have attached a list of the other users that share the point of diversion with water right 72-16993 for your reference.

Let me know if you have any questions.

-Tyler Wallace

Idaho Department of Water Resources

650 Addison Ave W Ste 500
Twin Falls, ID 83301-5858
www.idwr.idaho.gov



TYLER WALLACE
ENGINEER INTERN
SOUTHERN REGION
PHONE (208) 736-3033
FAX (208) 736-3037
Tyler.Wallace@idwr.idaho.gov



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

July 7, 2023

Derrick Scott

Jessica Scott

435 Jiggs Hwy, Unit 3

Spring Creek, NV 89815-9743

Dear Mr. and Mrs. Scott

You submitted a water right transfer application with the Idaho Department of Water Resources (Department) on June 12, 2023, for the transfer of a point of diversion (POD) on water right 72-16993. Upon receiving the application, the Department receipted the filing fee and assigned the application a transfer number of #88098. After further review of the transfer application there were a few elements that require further attention.

1. Due to the POD of water right 72-16993 being a shared POD with 8 other water rights, there is a concern for injury for the other users. Further evidence is required to suggest that a change in the POD will not hinder these other 8 users. Primarily, the evidence required includes a letter/letters signed by the other users indicating that the other users have no issues with the POD of water right 72-16993 being moved out of the existing POD to a new location.
2. There is a discrepancy between the legal description described on page 1 of the application and the attached map showing the location of the new POD. The description for each is as follows.

	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source
Page 1		NW	SE	SW	28	11N	17E	Custer	Salmon River
Map	4		NW	SE	28	11N	17E	Custer	Salmon River

In closing, as currently filed, the Department cannot ascertain that your application will injure existing rights that share a POD with water right 72-16993. **The Department will hold further processing of your application for 14 days for you to submit information indicating your transfer will not injure the other users by moving your POD. After that time, if nothing is received, the Department will issue a preliminary order to reject the application.** As an alternative, you may formally withdraw pending transfer #88098 by signing the enclosed form and returning it to our office. If a written request asking for a refund of your filing fee is submitted with the signed withdrawal form, IDWR will refund your \$660.00 filing fee. However, if IDWR rejects your application, a refund of your filing fee will not be granted.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Tyler Wallace

208-736-3033

Tyler.wallace@idwr.idaho.gov

SCANNED
AUG 30 2023