STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87567

This is to certify that: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83720

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
73-10140	WR/DECREED	12/31/1963	0.800 cfs	N/A	N/A	N/A	PAHSIMEROI RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
73-10140	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
73-10140	73-10140	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 11th day of May, 2023.

Regional Manager

Transfer No. 87567

SCANNED
MAY 12 2023

WATER RIGHT NO. 73-10140

As Modified by Transfer No. 87567

In accordance with the approval of Transfer No. 87567, Water Right No. 73-10140 is now described as follows:

Right Holder: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83720

Priority Date: 12/31/1963

Source: PAHSIMEROI RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE	From		To	Diversion Rate
FISH PROPAGATION	04/01	to	10/31	0.800 cfs
				0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER SWNW Sec 1 Twp 14N Rge 21E 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
14N	21E	1							X										

CONDITIONS OF APPROVAL

1. Fish propagation use is for fish protection through the installation of a deflection screen and a bypass pipe to provide passage for fish back to the Pahsimeroi River.
2. 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. 73 & 170.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right shall be non-consumptive.
5. Water is delivered through the P-13 diversion.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 87567

SCANNED
MAY 12 2023

WATER RIGHT NO. 73-10140

As Modified by Transfer No. 87567

CONDITIONS OF APPROVAL

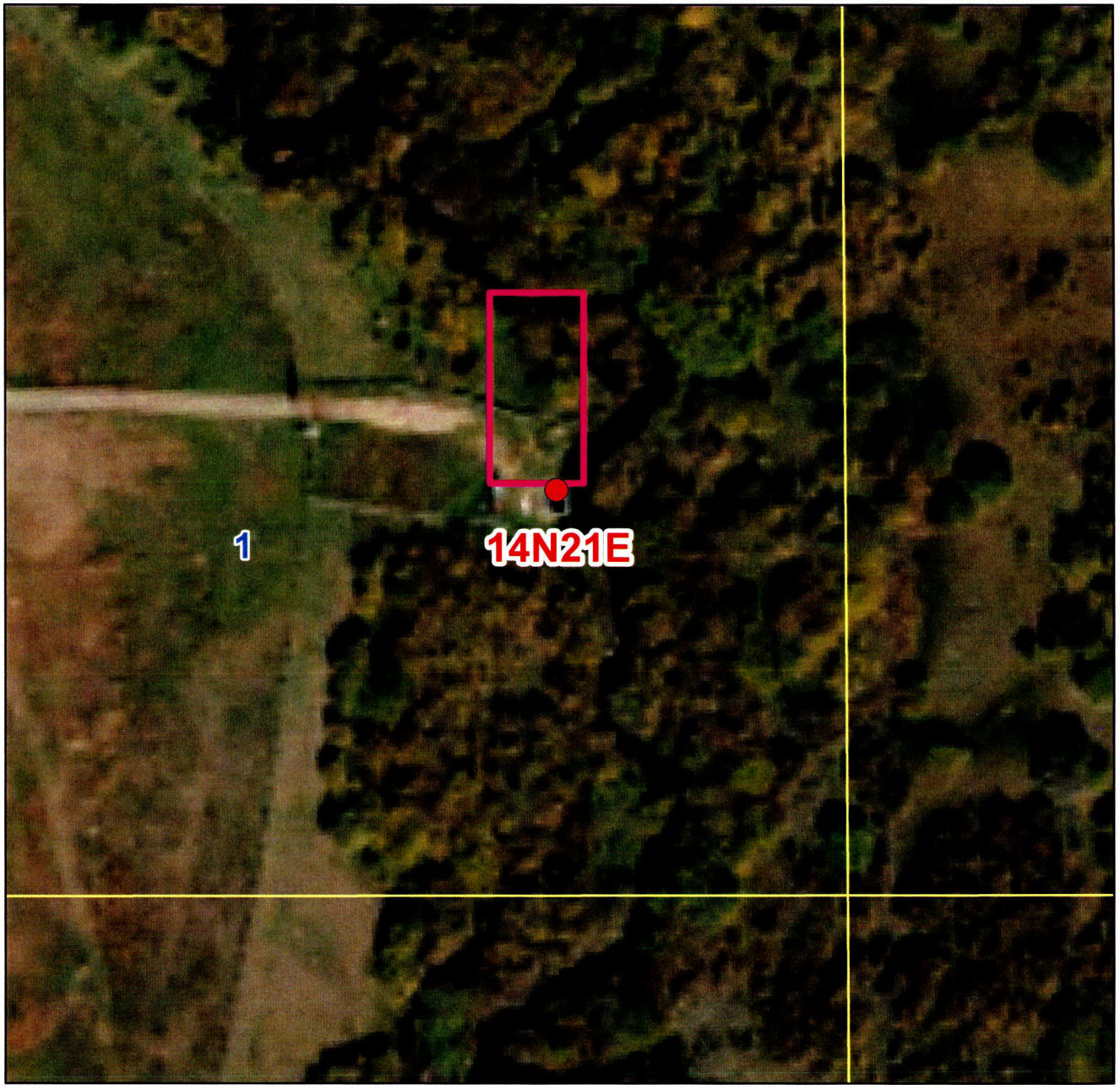
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
MAY 12 2023

Attachment to Transfer Approval 87567

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



Legend

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

0 50 100 200 Feet

N
W E
S

SCANNED
MAY 12 2023

Date: 5/11/2023

Rev. 07/18

RECEIVED
FEB 24 2023
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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

Mailing address P.O.Box 25, Boise, ID 83720 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 Cr	Tom Cuet 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 73-10140, a fish propagation right that is non-consumptive.

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87567
MAR 07 2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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.

- [x] * Completed Application for Transfer of Water Right form, Part1.
- [x] * 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.
- [x] * 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.
- [x] * 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).
- [x] * 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.)
- [x] * #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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MAR 07 2023

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FEB 24 2023
Department of Water Resource
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	73-10140	0.80 cfs	Fish Propagation	04/01 to 10/31	Pahsimeroi R./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	NW	1	14N	21E	Custer	Pahsimeroi River	P-13

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	
14N	21E	1							H										0

Total Acres (for irrigation use) 0

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Diversion is a pump station to pipe system designed for water rights. This fish propagation right is non-consumptive and water is returned directly to Pahsimeroi River via bypass pipe from fish screen (POU).

b. Who owns the property at the point(s) of diversion? Hull Farms, Inc
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
We are simply correcting the legal description to both POD & POU. IDFG holds a recorded easement with landowner for access to maintain the fish screen.

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 73-10140 is a non-consumptive, fish propagation right for the P-13 fish screen. No other fish propagation right is diverted through this diversion. Irrigation rights are diverted through pump-pipe system 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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Diversion is a pump station to pipe system designed for water rights. This fish propagation right is non-consumptive and water is returned directly to Pahsimeroi River via bypass pipe from fish screen (POU).

b. Who owns the property at the point(s) of diversion? Hull Farms, Inc
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
We are simply correcting the legal description to both POD & POU. IDFG holds a recorded easement with landowner for access to maintain the fish screen.

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 73-10140 is a non-consumptive, fish propagation right for the P-13 fish screen. No other fish propagation right is diverted through this diversion. Irrigation rights are diverted through pump-pipe system 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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ATTACHMENT 1A.3 ***Water Right 73-10140***

Legal description errors in both the POU and POD locations for Idaho Fish and Game's P-13 fish screen bypass water right 73-10140 were discovered recently.

The WR Report erroneously lists the POU as NW of SW, Lot 3, Section 7, T14N, 22E; and the POD location as NW of SW, Lot 3, Section 7, T14N, R22E. The correct location for both is SW of NW, Section 1, T14N, R21E.

This fish propagation right is non-consumptive and water is returned directly to the Pahsimeroi River via bypass pipe from P-13 fish screen (POU).

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IDAHO DEPARTMENT OF WATER RESOURCES **2/28/2023**

Proof Report

Water Right 73-10140

Owner Type	**Name and Address**
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 (208) 334-2400

Priority Date: 12/31/1963
Basis: Decreed
Status: Active

Source	**Tributary**
PAHSIMEROI RIVER	SALMON RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
FISH PROPAGATION	04/01	10/31	0.800 CFS	
	Total Diversion		0.800 CFS	

Source and Point(s) of Diversion:

PAHSIMEROI RIVER L3(NWSW) Sec. 7, Twp 14N, Rge 22E, CUSTER County

Place Of Use:

FISH PROPAGATION within CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	22E	7										X L3							

Conditions of Approval:

1.	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.
2.		Fish screen at P-13 diversion.

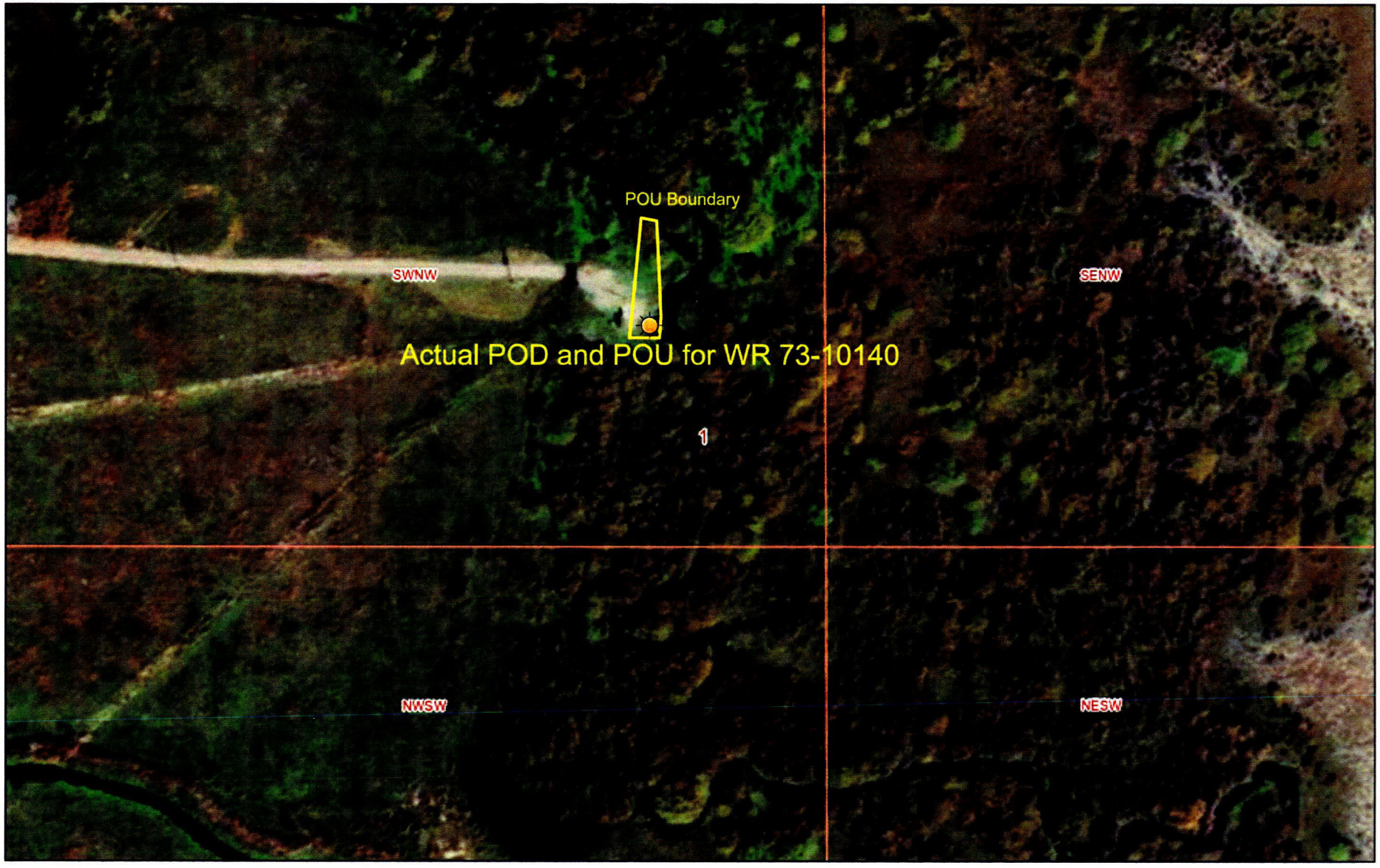
Dates and Other Information:

Decreed Date: 3/12/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 73
Mitigation Plan: False

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Actual POD and POU for WR 73-10140



87564

2/15/2023, 10:37:55 AM

Quarter Quarters
Townships
Idaho Mask
PLS Sections
Idaho Outline

1:2,257

0 75 150 300 ft

0 20 40 80 m

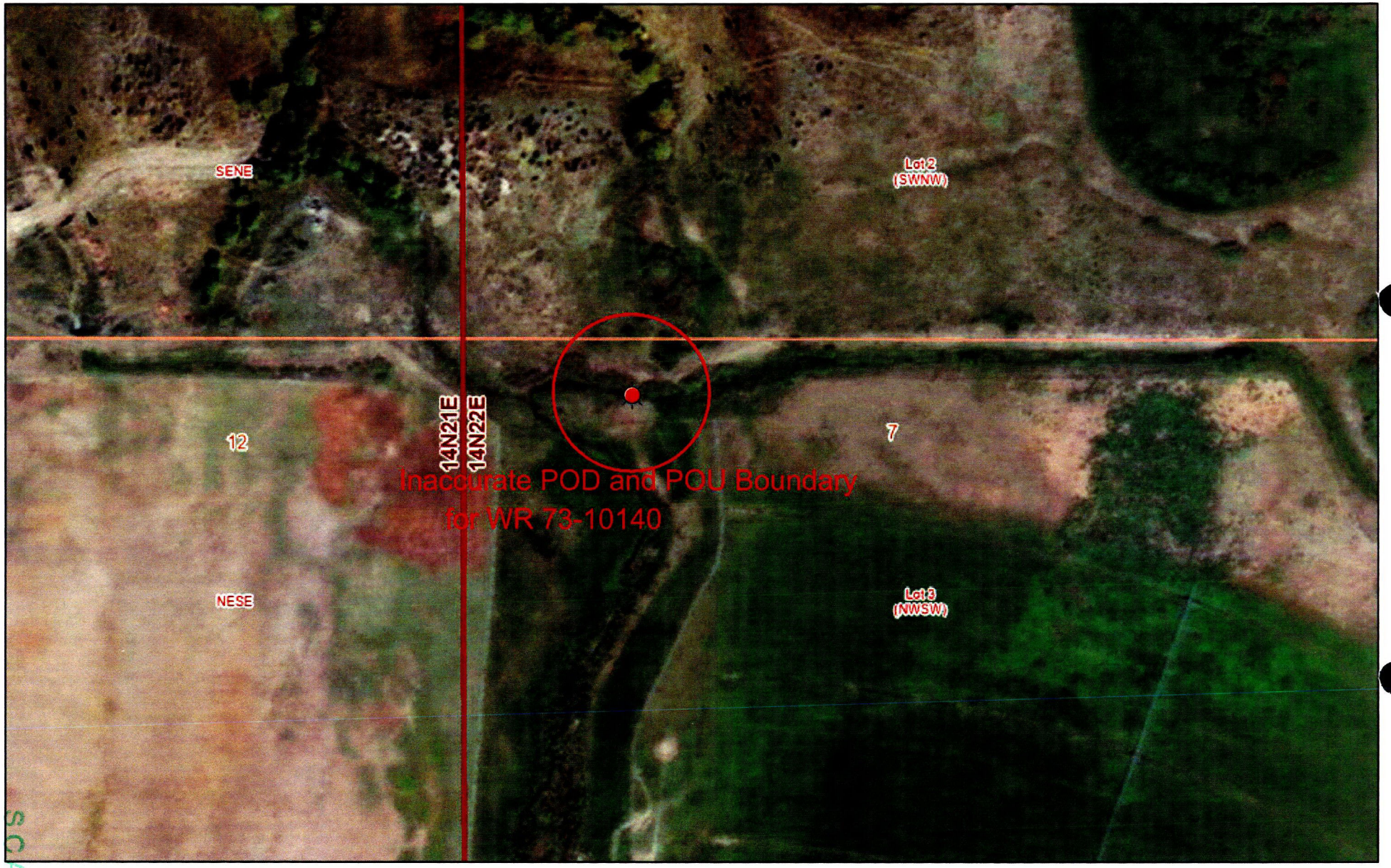
Maxar, Microsoft, Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, iPC

ArcGIS Web AppBuilder

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

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MAR 07 2023

Inaccurate POD and POU for WR 73-10140



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SCANNED MAR 07 2023

2/15/2023, 10:45:56 AM

Quarter Quarters
Townships
Idaho Mask
PLS Sections
Idaho Outline

1:2,257

0 75 150 300 ft

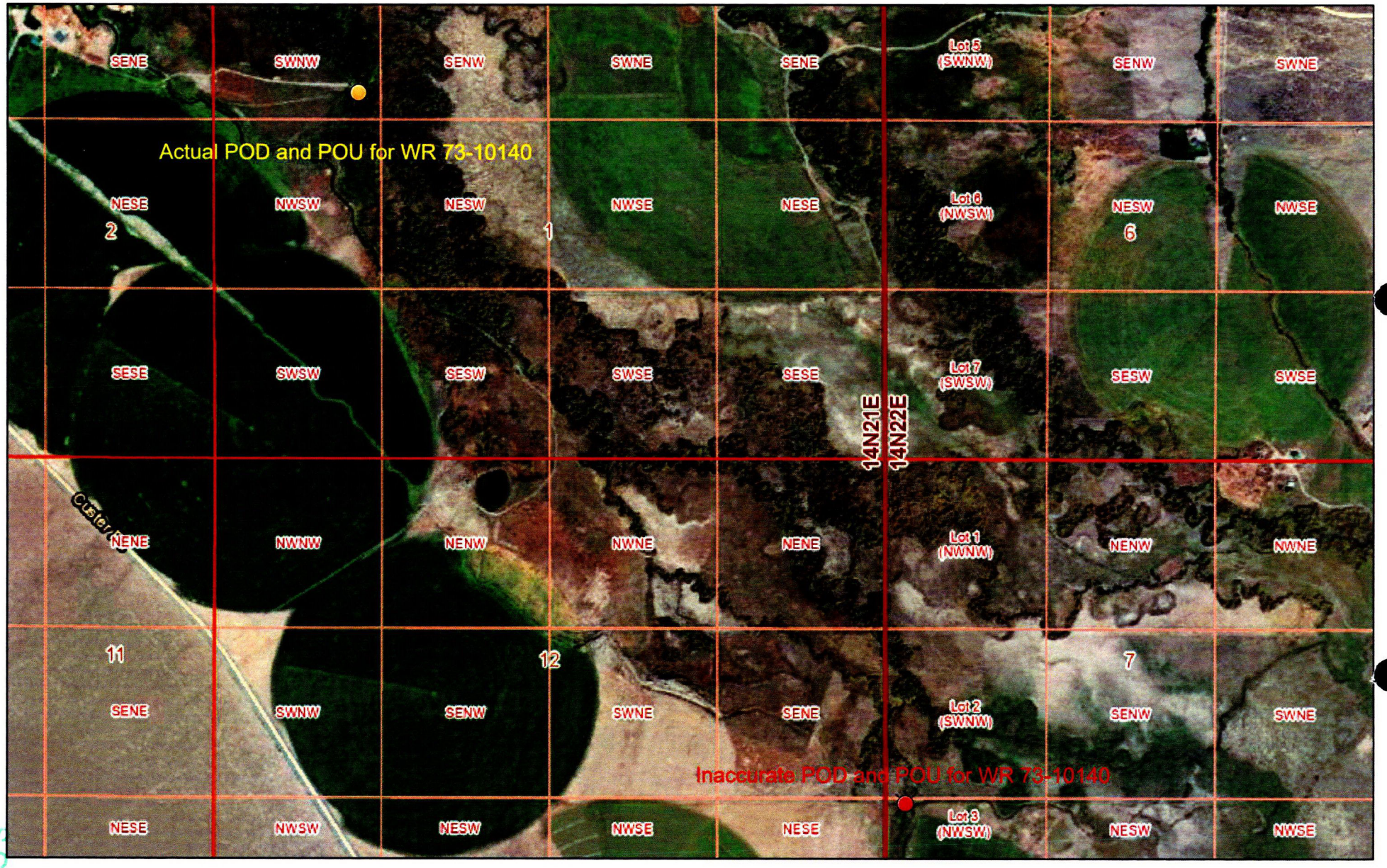
0 20 40 80 m

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

ArcGIS Web AppBuilder

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

POD and POU for WR 73-10140



87567

2/15/2023, 10:52:07 AM

Quarter Quarters

PLS Sections

Townships

Idaho Outline

Idaho Mask

1:18,056

0 500 1,000 2,000 ft

0 180 360 720 m

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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

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

Fee paid $50 Date 3/13/23 Receipted by_____ Receipt # B00000 1

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

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

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MAR 07 2023

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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	
																			0

Total Acres (for irrigation use) 0

SCANNED
MAR 07 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little **Director Gary Spackman**

May 11, 2023

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

Re: Transfer No: 87567
Water Right No(s).: 73-10140

Transfer Approval Notice

Dear Water Right Holder:

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

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

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

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

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MAY 12 2023

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

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

MICHAEL DEMICK
97 HIGHWAY 93 NORTH
SALMON ID 83467

SCANNED
MAY 12 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 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.: 87567
Water Right No(s).: 73-10140

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

MICHAEL DEMICK
97 HIGHWAY 93 NORTH
SALMON ID 83467

Christina Henman
Administrative Assistant

SCANNED
MAY 12 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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MAY 12 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
MAY 12 2023

MEMORANDUM

Date: April 21, 2023

To: Transfer 87567

From: Jake Nebeker

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the place of use and the point of diversion for water right 73-10140. This transfer proposes to fix a clerical error, no physical change is taking place.

Authority to File:
The applicant is the current water right owner of record. The application was signed by Tom Curet, Regional Supervisor. The applicant has authority to make the change.

Water Right Validity:
The right included in this transfer was decreed in the SRBA in 2010. The fish screen is actively managed by IDFG's Fish Screen Program. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:
Injury to other water users is not a concern since no physical change is taking place. The water master was contacted and did not provide a comment.

Enlargement of Use:
The proposed change will not result in enlargement because the rate will not increase as a result of this transfer.

Local Public interest:
No issues identified.

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

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

SCANNED
MAY 12 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 8, 2023 4:34 PM
To: Graybill, David
Subject: Application for Transfer No. 87566, 87567, 87578, 87579, 87580, Permit 75-15067
Attachments: 87567.docx; 87578.docx; 87579.docx; 87580.docx; 87566.docx; tmpA677.docx

Watermaster:

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 21 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.

Please contact this office if you have any questions regarding the application.

SCANNED
Apr 3 / 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little **Director Gary Spackman**

March 8, 2023

TED O NEAL
11 O NEAL LN
MAY, ID 83253

RE: Transfer No. 87567

Dear Watermaster:

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 21 days of the date of this letter.

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Sincerely,

Christina Henman
Administrative Asst. I

Enclosure(s)

SCANNED

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
900 N. Skyline Dr. Suite A
Idaho Falls, ID Idaho

Dear IDWR:

Enclosed please find five (5) "Application for Transfer of Water Right" documents for water rights 74-1752, 73-10140, 75-7584, 75-10984 and 75-10961. Please initiate the Interagency Billing Process for the $250.00 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: Five (5) "Application for Transfer of Water Right"

SCANNED
MAR 07 202