

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88021

This is to certify that: JOSEPH E MILLER AND
SUE ELLEN MILLER
41 COCKRELL RD
SALMON, ID 83467-5371

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>
74-10023	WR/DECREED	6/10/1950	0.060 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

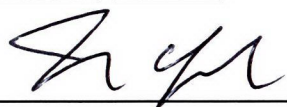
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-10023	NO	YES	YES	NO	NO	NO

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>
74-10023	74-10023	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 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 29th day of June, 2023.



Regional Manager

Transfer No. 88021

SCANNED
JUL 07 2023

WATER RIGHT NO. 74-10023**As Modified by Transfer No. 88021**

In accordance with the approval of Transfer No. 88021, Water Right No. 74-10023 is now described as follows:

Right Holder: JOSEPH E MILLER AND
SUE ELLEN MILLER
41 COCKRELL RD
SALMON, ID 83467-5371

Priority Date: 6/10/1950

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC
STOCKWATER

From

1/01
1/01

To

to 12/31
to 12/31

Diversion Rate

0.040 cfs
0.020 cfs
0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 9 Twp 21N Rge 22E LEMHI County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	9		X															

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	9		X															

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.
5. Domestic use is for 1 home.

Transfer No. 88021

SCANNED
JUL 07 2023

WATER RIGHT NO. 74-10023
As Modified by Transfer No. 88021

CONDITIONS OF APPROVAL

6. Stockwater use is for 25 horses.
7. Parcel No. RP21N22E090603.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

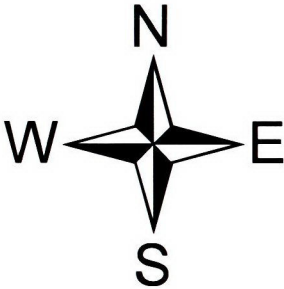
Attachment to Transfer Approval 88021

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



Date: 6/29/2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 07 2023

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Joseph E and Sue Ellen Miller Phone 208.756.4852
Mailing address 41 Cockrell Rd, Salmon, ID 83467 Email joesgoats@gmail.com

- ☐ 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 _____ Phone _____
Mailing address _____ Email _____

☐ 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.

Joseph E Miller
Signature of Applicant or Authorized Representative

Joseph E Miller
Print Name and Title if applicable

5/26/2023
Date

Sue Ellen Miller
Signature of Applicant or Authorized Representative

Sue Ellen Miller
Print Name and Title if applicable

5/26/2023
Date

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 **Part 1A.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 **Part 1A.3**.

Water right 74-10023 was claimed and decreed in the wrong QQ. This transfer will correct the legal description of the POD and POU. There will be no physical change.

SCANNED
JUL 07 2023

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	74-10023	0.02 cfs	Stockwater	1/1 to 12/31	Ground water
☐ ☐		0.04 cfs	Domestic	1/1 to 12/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 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 #
N			NW	NE	9	21N	22E	Lemhi	Ground water	

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	
21N	22E	9		D,S															
Total Acres (for irrigation use)																			

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:

Half HP pump in well piped to 1 home with lawn, 1 trough, and barn.

- b. Who owns the property at the point(s) of diversion? Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

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

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

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

N/A

- 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:

None.

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/12/2023

Water Right 74-10023

Owner Type

Current Owner
Current Owner

Name

ALPHONSE L HOKANSON
CLARICE C HOKANSON

Priority Date: 6/10/1950

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

STOCKWATER

DOMESTIC

From

1/01

To

12/31

Diversion Rate

0.020 CFS

0.040 CFS

Total Diversion

0.060 CFS

Volume

Source and Point(s) of Diversion:

GROUND WATER

NESWNE

Sec. 9, Twp 21N, Rge 22E, LEMHI County

Place Of Use:

DOMESTIC within LEMHI County

T21N R22E S9

SWNE

STOCKWATER within LEMHI County

T21N R22E S9

SWNE

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP21N22E090601 A STOCKWATER, 25 HORSES

Dates and Other Information:

Decreed Date: 8/25/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

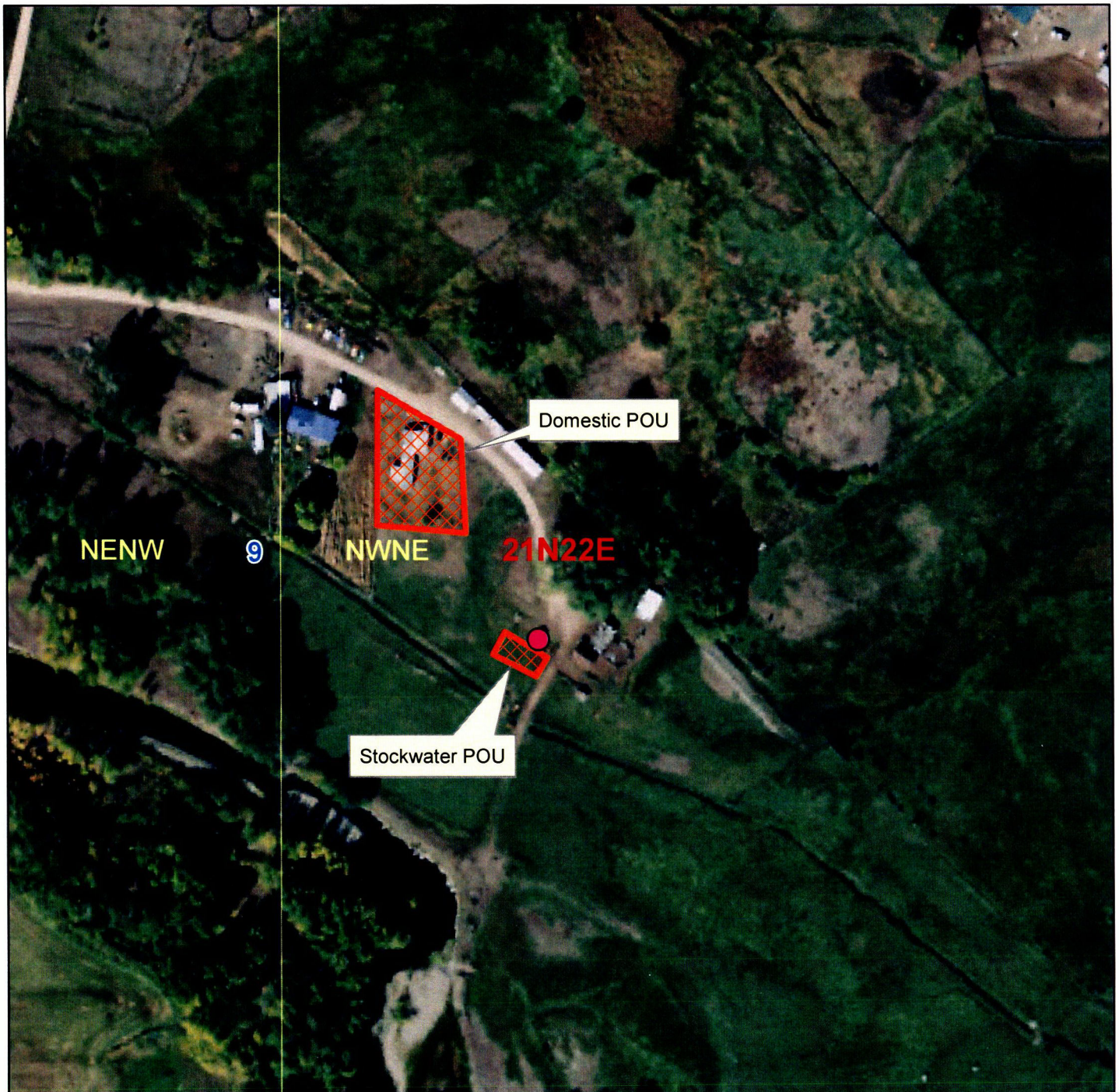
Owner Name Connector: AND

Water District Number: TBD

Mitigation Plan: False

RECEIVED
JUL 07 2023

Miller Transfer



Legend

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

0 205 410 820 Feet



SCANNED MH
JUL 07 2023

RECEIVED

JUN 20 2023

Department of Water Resources
Eastern Region

June 15, 2023

Gregory Paustain Living Trust

17 River Vista Lane

Salmon, ID 83467

To whom it may concern:

On August 25, 2000, water right 74-10023 was decreed to Alphonse and Clarice Hokanson in the Snake River Basin Adjudication. The water right is for stockwater and domestic use for 1 home from a domestic well. The decreed point of diversion and place of use is in SWNE Sec 9 T21N R22E. We believe that the decreed point of diversion and place of use is in error. The legal description should be NWNE Sec 9 T21N R22E. By this letter we are providing you notice that we have filed a transfer with the Idaho Department of Water Resources to change the legal description of the point of diversion and place of use of water right 74-10023 from SWNE Sec 9 T21N R22E to NWNE Sec 9 T21N R22E. Feel free to contact us if you would like to discuss this transfer application.

Thank you,

Joseph Miller

Sue Ellen Miller

Joseph & Sue Ellen Miller

Date mailed: June 15, 2023

SCANNED
JUL 07 2023

MAY 26 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
74-542	Yes ☒	Yes ☐		Yes ☐	Yes ☐
74-10023	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Alphonse & Clarice Hokanson
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Joseph E Miller and Sue Ellen Miller
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or
- 41 Cockrell Rd Salmon ID 83467
Mailing address City State Zip
- 208.756.4852 joesgoats@gmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: 12-16-22
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☐ \$25 per undivided water right.
☐ \$100 per split water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Joseph E Miller 5/26/2023
 Signature of new owner/claimant Title, if applicable Date
Joseph E Miller
 Print name

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

For IDWR Office Use Only:
 Received by M. Potts Date 5-26-23 Receipt No. E049220 Receipt Amt. 175.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

\$125 THIS NOTICE

JUL 07 2023

Warranty Deed with Life Estate

For Value Received

Clarice C. Hokanson, an unmarried woman

the grantor, does hereby grant, bargain, sell and convey unto

Joseph E. Miller and Sue Ellen Miller, husband and wife

Whose current address is:

**41 Cockrell Road
Salmon, ID 83467**

the grantee, the following described premises, to-wit:

**See attached Exhibit "A" Legal Description
*Subject to a Life Estate for Clarice C. Hokanson**

Together with all water and water rights, ditch and ditch rights, mineral and mineral rights, and any grazing rights appurtenant thereto and/ or used in connection there with.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: December 16, 2022

Clarice C. Hokanson
Clarice C. Hokanson

STATE OF Idaho)
COUNTY OF Lemhi) ss.

On this 16 day of December, 2022, before me, a notary public in and for said State, personally appeared **Clarice C. Hokanson** known to me or proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

Angela Morton
Notary Public
Residing at: Idaho
Comm. Expires: 09-08-2026

ANGELA MORTON
Notary Public - State of Idaho
Commission Number 20203462
My Commission Expires 09-08-2026

Continued Schedule "A"

A piece of land lying in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 21 North, Range 22 East of the Boise Meridian, more particularly described as follows, to-wit:

Commencing at the North quarter corner of Section 9, Township 21 North, Range 22 East of the Boise Meridian; thence South along the West line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, 255.8 feet to the place of beginning; thence continuing South along the said West line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, 1064.2 feet, more or less, to the Southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9; thence East along the South line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, 1064.2 feet; thence North 45°00' West, 1505.2 feet, more or less, to the place of beginning.

LESS Tax #1700:

A fraction of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 21 N., R. 22 E., Boise Meridian, more particularly described as follows, to wit:

Commencing at the Northerly quarter corner of said Section 9, run thence South along the Westerly boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 a distance of 255.8 feet to the point of beginning, And the Northwesternly corner of the tract of land herein described; thence S. 44 Deg. 54' E. 186.68 feet; thence South 264.0 feet; thence West 132.0 feet to a point on the Westerly boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9; thence North along the Westerly boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, a distance of 396.0 feet to the point of beginning.

ALSO LESS Tax #3358

A fraction of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 21 N., R. 22 E., Boise Meridian, more particularly described as follows, to wit:

Beginning at the Southwesterly corner of the said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, run thence Easterly along the Southerly boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 a distance of 200.0 feet, more or less, to a point on the Southerly edge of the Lemhi River; thence Northwesternly along the Southerly edge of the Lemhi River 370.0 feet, more or less, to a point on the Westerly boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9; thence Southerly along the Westerly boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 a distance of 310.0 feet to the point of beginning.

Excepting therefrom, any manufactured/modular/mobile home on the premises.

SM JM

Initials _____

SCANNED

JUL 07 2023

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed AUGUST 31, 2009

State File No. 2009-07034

DECEDENT - LEGAL NAME

A. LAVERNE HOKANSON

SEX

MALE

SOCIAL SECURITY NUMBER

[REDACTED]

AGE

75 YEARS

DATE OF BIRTH

FEBRUARY 16, 1934

BIRTHPLACE

ORIENT, SOUTH DAKOTA

PLACE OF RESIDENCE

SALMON, IDAHO

MARITAL STATUS AT TIME OF DEATH

MARRIED

NAME OF SURVIVING SPOUSE (If wife, maiden name)

CLARICE CLEMENTS

WAS DECEDENT EVER IN
U.S. ARMED FORCES?

YES

FATHER - NAME

ALFRED HOKANSON

BIRTHPLACE

MICHIGAN

MOTHER - MAIDEN NAME

ELLEN YADA

BIRTHPLACE

MICHIGAN

METHOD OF DISPOSITION

REMOVAL FROM STATE

FUNERAL SERVICE LICENSEE

SHAUN O'REILLY

NAME AND ADDRESS OF FUNERAL FACILITY

SALMON RIVER FUNERAL CHAPEL, SALMON, IDAHO

DATE OF DEATH

AUG. 25, 2009

TIME OF DEATH

4:45 P.M.

CITY, TOWN OR LOCATION OF DEATH

SALMON, IDAHO

COUNTY OF DEATH

LEMHI

CAUSE OF DEATH (underlying cause last)

PULMONARY FIBROSIS

Approximate Interval Between
Onset and Death
4 YEARS

DUE TO (or as a consequence of):

b.

DUE TO (or as a consequence of):

c.

DUE TO (or as a consequence of):

d.

OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above

NONE STATED

WAS AN AUTOPSY
PERFORMED?
NO

MANNER OF DEATH

NATURAL

NAME OF CERTIFIER

SAMUEL D. GARDNER, D.O.

TITLE

PHYSICIAN

CORONER SUBSEQUENT CERTIFICATION IF NECESSARY

EXTERNAL CAUSES ONLY

DATE OF INJURY

TIME OF INJURY

PLACE OF INJURY

INJURY AT
WORK?

LOCATION WHERE INJURY OCCURRED

DESCRIPTION OF HOW INJURY OCCURRED

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

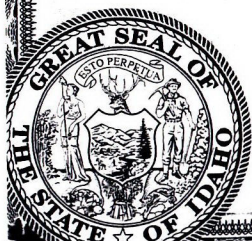
SEPTEMBER 01, 2009

DATE ISSUED:

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Jane S. Smith

JANE S. SMITH
STATE REGISTRAR



PAGE 1
Aug-23-2000



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

June 29, 2023

SUE ELLEN MILLER
JOSEPH E MILLER
41 COCKRELL RD
SALMON ID 83467-5371

Re: Transfer No: 88021
Water Right No(s): 74-10023

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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JUL 07 2023

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

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

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

SCANNED
JUL 07 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 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.: 88021

Water Right No(s): 74-10023

**SUE ELLEN MILLER
JOSEPH E MILLER
41 COCKRELL RD
SALMON ID 83467-5371**



**Christina Henman
Administrative Assistant**

SCANNED

JUL 07 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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: June 23, 2023

To: Transfer 88021

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to correct the legal description of the place of use and point of diversion for right 74-10023. No physical change will occur. Ownership will be updated in the transfer.

Authority to File:

Right 74-10023 was decreed to Alphonse and Clarice Hokanson for domestic and stockwater use. The POU and POD were claimed and decreed in the SWNE. The domestic portion of the right is for 1 home. The parcel listed on the water right is RP21N22E090601, which is no longer a valid number. It is likely that RP21N22E090601 was split into RP21N22E090602 (now owned by Gayer) and RP21N22E090603 (now owned by the applicants) when Gayer purchased a 1-acre portion of the Hokanson property. Recent aerial photography shows a home on each of these lots, and both are in the NWNE. However, Lemhi County parcel data indicates that the home on the Gayer parcel was not built until 1974 (24 years past the 1950 priority date on right 74-10023). Aerial photos reveal only 1 home (owned by Paustain) in the SWNE. Lemhi County parcel data indicates that the Paustain home was built in 1996, and no home is visible in the 1992 imagery. The applicants provided a copy of the letter they mailed to Paustain consistent with section 6 of Idaho Code 42-248. The applicants also provided a copy of a warranty deed demonstrating ownership of the place of use. Based on the evidence it is clear that the QQ listed on the decree was in error, and that the applicants are the owners of the water right and have authority to file the transfer.

Water Right Validity:

Right 74-10023 was decreed in the SRBA in 2000. There is no evidence available to IDWR that would indicate five consecutive years of nonuse of the water right. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. There will be no physical change to either the POD or the POU. Only the legal description of the POD and POU will change. Because the transfer will have no hydrologic impact, public notice will not be required.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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
JUL 07 2023

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-10023

NAME AND ADDRESS: ALPHONSE L HOKANSON
CLARICE C HOKANSON
PO BOX 596
SALMON, ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/10/1950

POINT OF DIVERSION: T21N R22E S09 NESWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

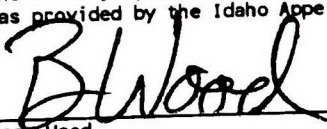
PLACE OF USE:	Stockwater		Within Lemhi County
	T21N R22E S09	SWNE	
	Domestic		Within Lemhi County
	T21N R22E S09	SWNE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication