

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83533**

This is to certify that: **CHARLES W MUALEM**
74 SAVAGE RANCH RD
SALMON, ID 83467-5388

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>
75-14551	WR/DECREED	5/13/1898	0.030 cfs	N/A	N/A	3.4	WALLACE CREEK
75-14552	WR/DECREED	6/1/1902	0.040 cfs	N/A	N/A	3.4	WALLACE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
75-14551	NO	NO	NO	YES	NO	NO
75-14552	NO	NO	NO	YES	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>
75-14551	75-14551	0.030 cfs	N/A	N/A	3.4	N/A	N/A	N/A	N/A	N/A
75-14552	75-14552	0.040 cfs	N/A	N/A	3.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.070 cfs	N/A	N/A	3.4		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 13th day of December, 2022.



Water Rights Supervisor

Transfer No. 83533

SCANNED
DEC 14 2022

WATER RIGHT NO. 75-14551
As Modified by Transfer No. 83533

In accordance with the approval of Transfer No. 83533, Water Right No. 75-14551 is now described as follows:

Right Holder: CHARLES W MUALEM
 74 SAVAGE RANCH RD
 SALMON, ID 83467-5388

Priority Date: 5/13/1898

Source: SALMON RIVER
Source: WALLACE CREEK

Tributary: COLUMBIA RIVER
Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to 10/31

To

Diversion Rate

0.030 cfs

0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER
 WALLACE CREEK

NWNE
 L7 (NWSW)

Sec 6 Twp 22N Rge 22E LEMHI County
 Sec 6 Twp 22N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	6		2.1			0.6												2.7
							L 4												
22N	22E	6		0.7															0.7
				L 3															

POU Total Acres: 3.4

CONDITIONS OF APPROVAL

1. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
2. Rights 75-14551 and 75-14552 when combined shall not exceed the irrigation of 3.4 acres.
3. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. 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. 75A.

Transfer No. 83533

SCANNED
 DEC 14 2022

WATER RIGHT NO. 75-14551
As Modified by Transfer No. 83533

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. Diversion of water from the Salmon River is limited to those times water is available for diversion under this right and priority from the original point of diversion on Wallace Creek and to the amount that reaches the confluence with the Salmon River.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

WATER RIGHT NO. 75-14552
As Modified by Transfer No. 83533

In accordance with the approval of Transfer No. 83533, Water Right No. 75-14552 is now described as follows:

Right Holder: CHARLES W MUALEM
 74 SAVAGE RANCH RD
 SALMON, ID 83467-5388

Priority Date: 6/1/1902

Source: SALMON RIVER
Source: WALLACE CREEK

Tributary: COLUMBIA RIVER
Tributary: SALMON RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 0.040 cfs
 0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER NWNE Sec 6 Twp 22N Rge 22E LEMHI County
 WALLACE CREEK L7 (NWSW) Sec 6 Twp 22N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	6		2.1			0.6												2.7
							L 4												
22N	22E	6		0.7															0.7
				L 3															

POU Total Acres: 3.4

CONDITIONS OF APPROVAL

1. Rights 75-14551 and 75-14552 when combined shall not exceed the irrigation of 3.4 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. Diversion of water from the Salmon River is limited to those times water is available for diversion under this right and priority from the original point of diversion on Wallace Creek and to the amount that reaches the confluence with the Salmon River.
4. 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. 75A.

Transfer No. 83533

SCANNED
 DEC 14 2022

WATER RIGHT NO. 75-14552
As Modified by Transfer No. 83533

CONDITIONS OF APPROVAL

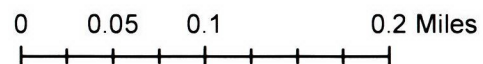
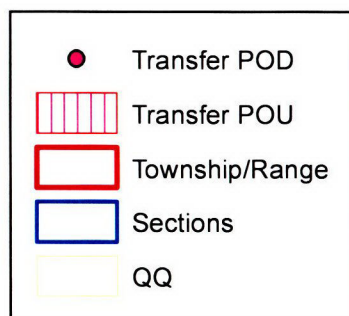
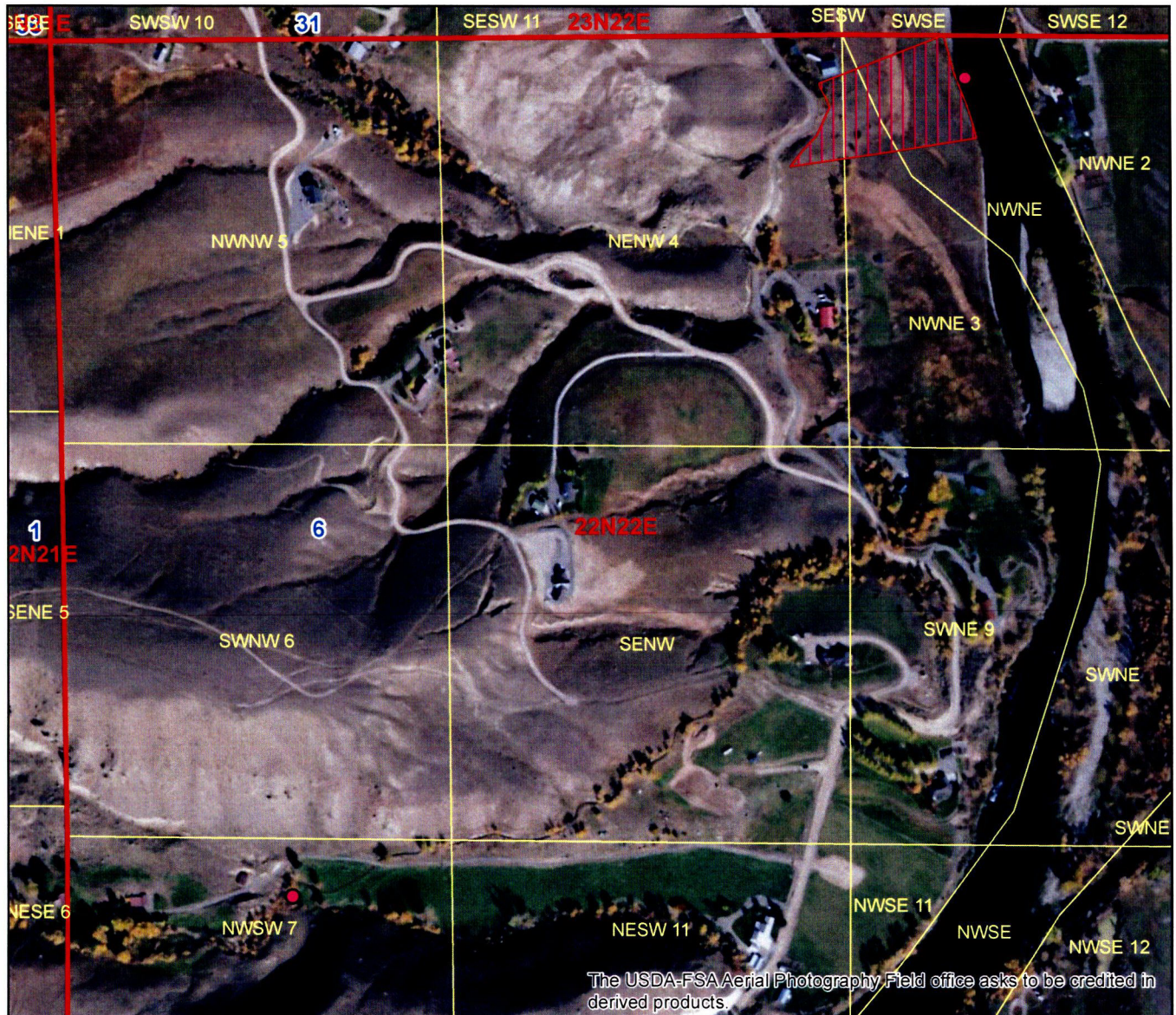
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 83533

Water Right(s): 75-14551

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



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DEC 14 2022

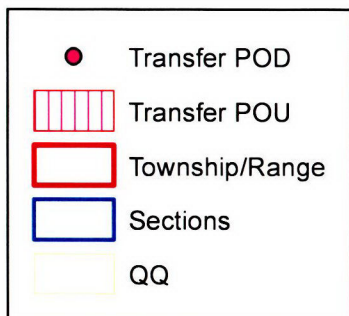
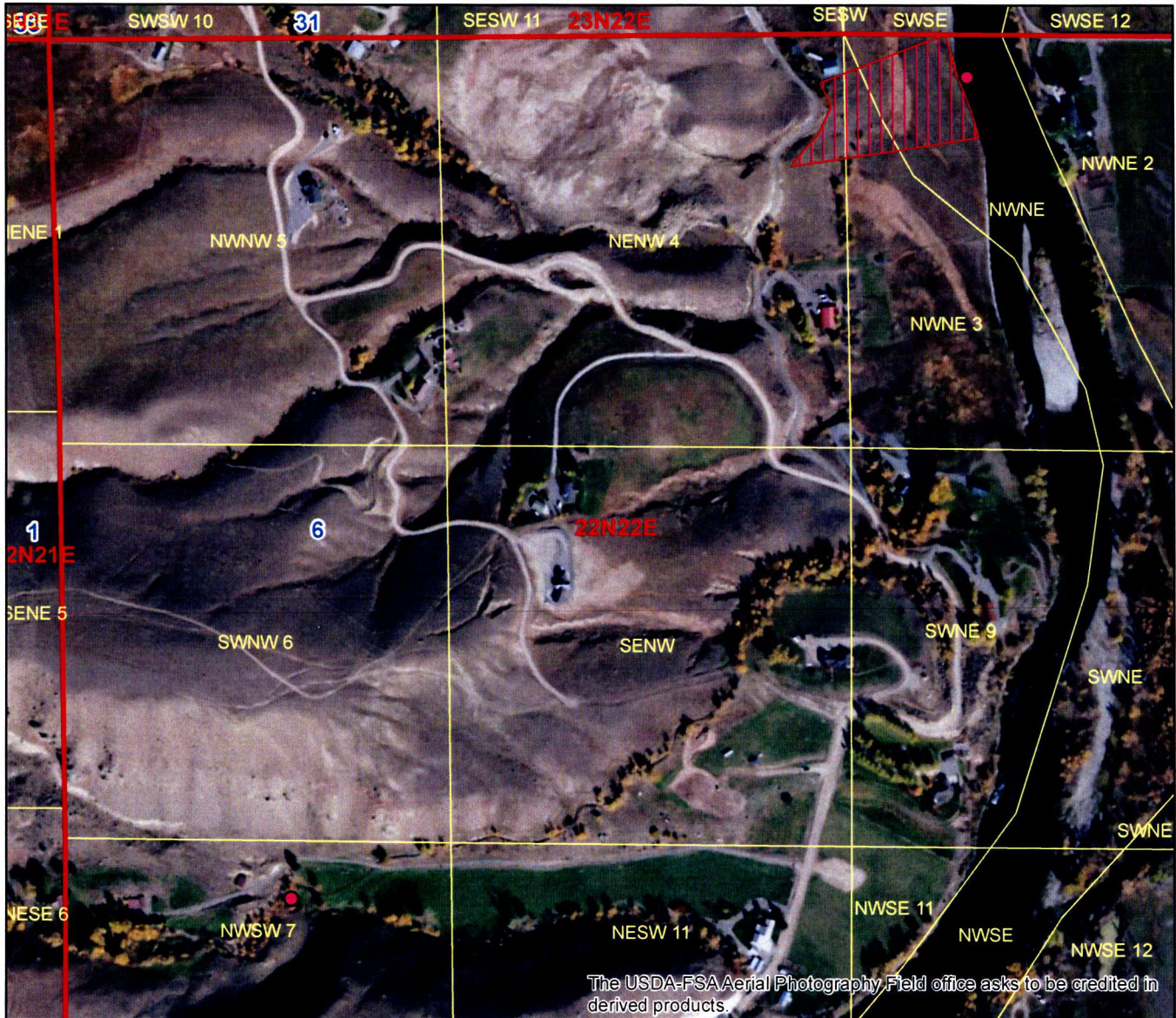


State of Idaho
Department of Water Resources

Attachment to Transfer No. 83533

Water Right(s): 75-14552

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



0 0.05 0.1 0.2 Miles



SCANNED
DEC 14 2022



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 14, 2022

CHARLES W MUALEM
74 SAVAGE RANCH RD
SALMON ID 83467-5388

Re: Transfer No: 83533
Water Right Nos.: 75-14551, 75-14552
Transfer Approval Notice

Dear Applicant:

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

The Transfer of Water Right 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.

SCANNED
DEC 14 2022

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 this office at (208) 287-4800.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbi Judd", written in a cursive style.

Debbi Judd
Technical Records Specialist

Enclosure

SCANNED
DEC 14 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer No.: 83533

Water Right Nos.: 75-14551 & 75-14552

**CHARLES W MUALEM
74 SAVAGE RANCH RD
SALMON ID 83467-5388**

A handwritten signature in black ink, appearing to read "Debbi Judd", is written over a horizontal line.

**Debbi Judd
Technical Records Specialist**

SCANNED
DEC 14 2022

MEMORANDUM

Date: 12/8/2022
To: Transfer 83533
From: Alex Dagleish and Phill Hummer
Re: Application Processing & Injury Evaluation

Purpose:

The Department received a transfer application from Charles W. Mualem (Applicant) on August 15, 2019. The application proposes adding an additional point of diversion (POD) to irrigation rights 75-14551 and 75-14552 to allow the diversion of water from the Salmon River, adjacent to the place of use (POU).

POUs:

There will be no change to the POU for rights 75-14551 and 75-14552 under this proposed transfer.

PODs:

Rights 75-14551 and 75-14552 authorize diversion from Wallace Creek utilizing the Lower Wallace Creek Ditch. Wallace Creek is tributary to the Salmon River. The Lower Wallace Creek Ditch point of diversion is located in the NWSW quarter-quarter, Govt. Lot 7, Sec. 6, T22N, R 22E. The proposed new POD will be located in the NWNE quarter-quarter Sec. 6, T22N, R22E. The Applicant proposes keeping the existing POD on Wallace Creek for the purposes of delivering water via gravity as opposed to pumping uphill from the Salmon River if the ditch is repaired.

Authority to File:

The application was signed by Charles Mualem. Department records indicate they are the owner of both rights proposed for transfer and the property at the water rights place of use, there are no concerns regarding the authority of Mr. Mualem to file this transfer.

Water Right Validity:

The partial decrees for rights 75-14551 and 75-14552 were issued on December 29, 2010 in the name of Wong-McClain Family Trust. The Department recorded an ownership change between the Wong-McClain Family Trust and Mr. Mualem in 2017. A warranty deed included with the ownership change confirmed ownership of the property appurtenant to the water rights was conveyed to the Mualems in 2014.

On the transfer application, Mr. Mualem indicated that rights 75-14551 and 75-14552 have undergone a period of 5 or more years of non-use due to a land slide in 2005 that blocked the Lower Wallace Creek Ditch. The blockage on the ditch has not been repaired and water can no longer reach the POU. A review of aerial imagery confirms that the property has not been irrigated in the last 5 years. Although forfeiture is an issue, Section 42-223 (6) of Idaho Code protects against forfeiture of a water right for "*circumstances over which the water right owner has no control*". The landslide that occurred in 2005 that damaged Lower Wallace Ditch qualifies as a circumstance beyond the water right owner's control.

Injury to Other Water Rights:

The proposed location of the new POD is approximately 1 mile downstream from the existing diversion on Wallace Creek on the Salmon River. The Applicant wishes to keep the existing POD on Wallace Creek should the ditch ever be repaired.

The transfer application was advertised on 10/3/2019 and 10/10/2019 and no protests were received.

Comments were requested from Steve Adams, Watermaster of Water District 75E, on 9/26/2019. A recommendation form was received on October 1, 2019, showing that he did not oppose the approval of the application. Comments were also requested from Cindy Yenter, Watermaster of Water District 170. A response was received via email on 10/3/2019. Yenter commented that application for transfer no. 79552 for right 75-14269 was approved in 2015 authorizing a similar addition of a second point of diversion on the Salmon River and retention of the existing POD on Wallace Creek. Review of the application found there would be no injury. Yenter also noted the Salmon River where the proposed second point of diversion would be located is not flow limited. Water right holders that divert water from Wallace Creek are not curtailed to provide water to senior right holders on the Salmon River and approving the additional point of diversion in the Salmon River would not cause curtailments. Figure 1 is a section of the 2019 Watermaster's report for water delivered through the Lower Wallace Creek Ditch. The report confirms rights, including the most junior right in the ditch (75-14461 in the name of Rhoades, priority date 4/25/07), received water throughout the entire season.

If the transfer application is approved water to satisfy rights 75-14551 and 75-14552 not diverted into the Lower Wallace Creek Ditch would flow into the Salmon River. In September 2012, Department staff member Nick Miller conducted a site visit to the Wallace Creek Drainage to inventory diversion systems and provide guidance regarding complaints about water use. Miller reports at the time of the site visit approximately 0.6 cfs was diverted into the ditch and 0.2 cfs passed the Lower Wallace Creek Ditch diversion. If transfer application 83533 is approved the watermaster would be required to pass 0.07 cfs down Wallace Creek to satisfy the diversion of rights 75-14551 and 75-14552 from the Salmon River. Based on the site visit report it appears there are times when water is available to pass the Lower Wallace Creek Ditch and satisfy ditch rights.

Suffix/sequence	Username	Diversion Name(s)	Diversion rate	Days	Acre Feet	Diversion rate	Days	Acre Feet	Diversion rate	Days	Acre Feet	Total Acre Feet
Lower Diversion			April-June	Delivered	Delivered	July-August	Delivered	Delivered	Sept-Oct	Delivered	Delivered	Delivered
7514382	ANDERSON (.01)	Lower Ditch	0.01	91	1.80	0.01	62	1.23	0.010	61	1.21	4.24
751484	ANDERSON (.01)	Lower Ditch	0.01	91	1.80	0.01	62	1.23	0.010	61	1.21	4.24
7513948	SWEET	Lower Ditch	0.04	91	7.22	0.04	62	4.92	0.040	61	4.84	16.98
7513950	SWEET	Lower Ditch	0.05	91	9.02	0.05	62	6.15	0.050	61	6.05	21.22
7514444	ARRINGTON (.03)	Lower Ditch	0.03	91	5.41	0.03	62	3.69	0.030	61	3.63	12.73
7514446	ARRINGTON (.04)	Lower Ditch	0.04	91	7.22	0.04	62	4.92	0.040	61	4.84	16.98
7514586	RIGGANS (.05)	Lower Ditch	0.05	91	9.02	0.05	62	6.14885	0.050	61	5.049675	21.22
75838	RIGGANS (.04)	Lower Ditch	0.04	91	7.22	0.04	62	4.91908	0.040	61	4.83974	16.98
7514095	JOHNSON (.07)	Lower Ditch	0	91	0.00	0	0	0	0.000	0	0	0.00
7514097	JOHNSON (.01)	Lower Ditch	0	91	0.00	0	0	0	0.000	0	0	0.00
7514381	JOHNSRUD (.02)	Lower Ditch	0.02	91	3.61	0.02	62	2.46	0.020	61	2.42	8.49
7514383	JOHNSRUD (.03)	Lower Ditch	0.03	91	5.41	0.03	62	3.69	0.030	61	3.63	12.73
7513986	GOSACK (.04)	Lower Ditch	0.04	91	7.22	0.04	62	4.92	0.040	61	4.84	16.98
7513988	GOSACK (.05)	Lower Ditch	0.05	91	9.02	0.05	62	6.15	0.050	61	6.05	21.22
7514433	HEFFNER (.03)	Lower Ditch	0.03	91	5.41	0.03	62	3.69	0.030	61	3.63	12.73
7514435	HEFFNER (.04)	Lower Ditch	0.04	91	7.22	0.04	62	4.92	0.040	61	4.84	16.98
7514715	HEFFNER (.03)	Lower Ditch	0.03	91	5.41	0.03	62	3.69	0.030	61	3.63	12.73
7514717	HEFFNER (.05)	Lower Ditch	0.05	91	9.02	0.05	62	6.15	0.050	61	6.05	21.22
7514445	ARRINGTON (.03)	Lower Ditch	0.03	91	5.41	0.03	62	3.69	0.030	61	3.63	12.73
7514447	ARRINGTON (.04)	Lower Ditch	0.04	91	7.22	0.04	62	4.92	0.040	61	4.84	16.98
7514461	RHODES (.09)	Lower Ditch	0.09	91	16.24	0.09	30	5.4	0.090	0	0.00	21.60
7514554	JEWITT (.04)	Lower Ditch	0	0	0.00	0	0	0	0.000	0	0	0.00
7514555	JEWITT (.05)	Lower Ditch	0	0	0.00	0	0	0	0.000	0	0	0.00
7514437	STOUT (.07)	Lower Ditch	0.07	91	12.63	0.07	62	8.61	0.070	61	8.47	29.71
7514438	STOUT (.1)	Lower Ditch	0.1	91	18.05	0.1	62	12.2977	0.10	61	12.09935	42.45
7514551	Maulerm (.03)	Lower Ditch	0	0	0.00	0	0	0	0.000	0	0	0.00
7514552	Maulerm (.04)	Lower Ditch	0	0	0.00	0	0	0	0.000	0	0	0.00
7514752	LEWIS (.1)	Lower Ditch	0.1	91	18.05	0.1	62	12.2977	0.100	61	12.09935	42.45
Totals			0.99			0.99			1.0			

Note: Zero delivery rate on lower diversion is due to lack of delivery system to individual properties.

Johnson rights leased to WSB through 2019

403.62
Total Acre Feet Delivered 2350.09
not assessed 434.39
Assessed 1915.70

Figure 1. 2019 Watermaster report for Lower Wallace Creek Ditch

*The full site visit report can be found in the documents for water right 75-14461

On 3/9/2020, the Department sent a letter to the Applicant requesting information showing that resumption of use of his rights from Wallace Creek would not injure other users, response was received on 3/30/2020. In the response the Applicant argued that due to his location as the "next to last user on the ditch", injury is unlikely to occur to other users. The Applicant also detailed his intent to use a pump to draw water from the Salmon River "until a time if and when the ditch becomes usable again". If the Lower Wallace Creek Ditch were restored, Mr. Mualem would likely resume use of the Lower Wallace Creek Ditch and would only be able to utilize the water that makes it to his property. Rights 75-14551 and 75-14552 authorize the total diversion of 0.07 cfs (0.03 from 75-14551 and 0.04 cfs from 75-14552). If the ditch is repaired the Watermaster for Wallace Creek would resume delivering rights 75-14551 and 75-14552 to the ditch and stop passing that same water to the creek. Junior users of the ditch would be subject to passing 0.07 cfs to satisfy Mualem's rights similar to that water passing the ditch for use from the Salmon River point of diversion. There are no injury concerns with the addition of a second point of diversion to allow Wallace Creek water bypassing the Lower Wallace Creek Ditch to be diverted from the Salmon River.

Enlargement of Use:

The transfer application does not propose any increase in diversion rate, volume, or in the number of irrigated acres. Allowing the diversion of water from the Salmon River would normally be considered a move to an enhanced water supply. However, the rights can be condition to restrict diversion from the Salmon River to times when water is available in Wallace Creek and to the amount reaching the Salmon River. The use of conditions with similar language has been widely accepted as a way to ensure enlargement due to an enhanced water supply will not occur.

Water right 75-14552 is conditioned to restrict the use when combined with rights 75-14551 and 75-14553 to the irrigation of 3.5 acres. Water right 75-14553 was not claimed in the Snake River Basin Adjudication and was disallowed. Right 75-14553 should be removed from the combined limit condition and the number of acres reduced to 3.4 to reflect the fact that 74-14553 is not a valid right. The combined acre limit condition between 75-14551 and 75-14552 should remain on the water rights to ensure an enlargement of use does not occur.

Local Public interest:

The Department sent requests for comments to the IDFG and DEQ at the time the transfer application was advertised. No concerns were received from IDFG or DEQ and there were no protests filed. The Watermaster of Water District 75E did not oppose the approval, neither did the Watermaster of Water District 170. There are no conflicts with local public interest.

Beneficial Use/Conservation of Water Resources:

This proposed transfer appears to be consistent with the conservation of water resources in Idaho.

Transfer application 83533 should be approved.

Mr. Alex Dagleish
Water Resource Agent

IDWR State Office
322 East Front Street
P.O.Box 83720
Boise, Idaho 83720-0098

March 24, 2020

RECEIVED
MAR 30 2020
DEPARTMENT OF
WATER RESOURCES

RE: Application for transfer 83533 of water rights 75-14551 & 75-14552

Dear Mr. Dagleish,

I am in receipt of your letter dated March 9, 2020 which states concerns regarding injury to other water users from Wallace Creek.

I understand your concerns, however, my physical diversion is located next to last user on the ditch. It is my intension to draw from the Salmon river using a pump to access my water right, until a time if and when the ditch becomes usable again and use gravity to irrigate with. An earth slide took out the ditch in 2005, whether the ditch could be restored or not is unknown at this time. I also would like to add, if and when the ditch gets restored to original in the future, I could only utilize whatever water gets to my property in compliance with my water right, and in no way possible to injure other water users.

I would like to thank you for your time and effort, and hope this helps in your determination. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,



Charles Mualem

SCANNED
DEC 14 2022



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2020

CHARLES W MUALEM
74 SAVAGE RANCH RD
SALMON ID 83467

RE: APPLICATION FOR TRANSFER 83533 OF WATER RIGHTS 75-14551 & 75-14552

Dear Applicant(s):

The Department of Water Resources (Department) received your transfer application on August 15, 2019. For any application for transfer, the Department must determine whether the proposed change will injure any existing water rights.

Upon review of the application, it is unclear that the diversion and use of water rights 75-14551 and 75-14552 would not cause injury to other users of water from Wallace Creek.

According to your transfer application, water has not been diverted into the Lower Wallace Creek Ditch under rights 75-14551 and 75-14552 for approximately 15 years. As a result, water that other users rely on might not be available to them if you resume use of water from Wallace Creek as authorized by rights 75-14551 and 75-14552, thus causing injury.

Please provide information demonstrating how other users of the Lower Wallace Creek would not be injured by the resumed use of your water rights in this transfer.

If the requested information is not received within 30 days of this letter, the Department may take action to reject your application. If you have any questions, contact me at 208-287-4913 or email me at alex.dalgleish@idwr.idaho.gov. Thank you for your attention to this matter.

Sincerely,

Alex Dalgleish

Water Resource Agent

IDWR State Office

(208)-287-4913

alex.dalgleish@idwr.idaho.gov

SCANNED
DEC 14 2022

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 83533**

CHARLES W MUALEM, 74 SAVAGE RANCH RD, SALMON, ID 83467; has filed Application No. 83533 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14551, 75-14552; The purpose of the transfer is to change a portion of the above rights as follows: to add a point of diversion on the Salmon River in the NWNE, Sec. 6, T22N, R22E. This is approximately 1.0 mile downstream from the existing point of diversion on Wallace Creek. For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see HYPERLINK "<http://www.idwr.idaho.gov/water-rights/transfers/search.html>" <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

*ok
gmk
10-17-19*

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83533**, to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **10-03-2019** and ending with the issue dated **10-10-2019**

STATE OF IDAHO

County of Lemhi

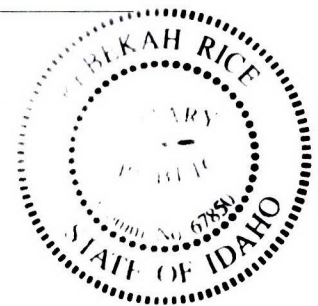
ss.

On this **10TH day of OCTOBER** in this year of 2019 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Rebekah Rice

Notary Public for Idaho

Residing At Salmon, Idaho



Publication Fee \$75.60

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OCT 15 2019

DEPARTMENT OF
WATER RESOURCES

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OCT 15 2019
ACCTS. PAYABLE

SCANNED
DEC 14 2022

Hersley, Jean

From: Yenter, Cindy
Sent: Thursday, October 03, 2019 12:51 PM
To: Hersley, Jean; Dalgleish, Alex
Subject: Mualem transfer 83533 Comments

Right no. 75-14269, diverting just upstream from Mualem's proposed Salmon River pod, was also originally diverted in the Lower Wallace Ck Ditch and represents an identical POD modification; this transfer was approved in 2015. As the Mualem application also proposes, 75-14269 has retained the original Wallace Ck diversion in the event the ditch is ever repaired. This is unlikely as there is presently a driveway built across the old ditch line.

The Salmon River is not flow limited in this reach and injury to other rights in the Salmon River is not an issue. The rights must be conditioned to require availability in priority at Lower Wallace Ck Ditch and undiverted flows must reach the Salmon River. 75-14269 is the only diversion between the Wallack Ck confluence and Mualem's proposed POD. Right nos. 75-4183, 14137, 14138, and 14847 physically divert in Lot 14, SESW Sec 6, upstream from the Wallace Ck confluence. These 4 rights were erroneously decreed with PODs at the location of the fish screen and spill back to the river.

There are a number of other rights which divert at the Lower Wallace Creek ditch. Non-diversion of the Mualem rights might be cause for concern due to high conveyance losses in the ditch and the removal of "carry water". However the Mualem property and 5 or 6 others on the lower end of the ditch were affected by the slide and have not called for water in years.

This approval should be placed under the jurisdiction of Water District 75E.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

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OCT 01 2019

DEPARTMENT OF
WATER RESOURCES

Transfer Application No.: 83533

Water Right No(s): 75-14551 & 75-14552

Transfer Applicant's Name: CHARLES W MUALEM
74 SAVAGE RANCH RD
SALMON ID 83467

Water master's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 1 day of October, 2019

Water District No. 75E

Steve Adams

Water master's Signature

Steve Adams

Printed Name

SCANNED
DEC 14 2022

Hersley, Jean

From: Steve Adams <sadams1411@gmail.com>
Sent: Tuesday, October 01, 2019 2:43 PM
To: Hersley, Jean
Subject: Re: Comment Letter for Application for Transfer 83533
Attachments: Mualem watertransfer_000001.pdf

Attached is my response to the Application of Transfer for Charles Mualem.

Steve Adams

On Thu, Sep 26, 2019 at 9:36 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Please see the attached letter requesting comments for Application for Transfer 83533. Let me know if you have any questions. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942