

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 29 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Dale and Colleen Huffaker Phone 208-390-3253
Mailing address 5660 West 4920 North Mackay, ID 83251 Email huff@atcnet.net

- ☐ 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.

Dale Huffaker
Signature of Applicant or Authorized Representative

Dale Huffaker
Print Name and Title if applicable

4-29-2024
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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. 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.2**.
This application proposes changing part of the place of use for these four stacked water rights, and changing the point of diversion for the two ground water rights. The POD for the Big Lost River rights and the portion of the rights we no longer own are unchanged.

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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 ☐ ☒	34-14869	0.18	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☐ ☒	34-14870	0.11	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☐ ☒	34-14871	0.14	Irrigation	04/01 to 10/31	Ground water
☐ ☒	34-14872	0.018	Irrigation	04/01 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.25 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.18 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 #
Yes			SW	SE	11	06N	25E	Custer	Ground water	
No		SE	NW	NW	34	07N	24E	Custer	Big Lost River	Burnett Ditch

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	
06N	25E	11												1.2			7.3		8.5
Total Acres (for irrigation use)																			8.5

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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:

A well will have to be drilled and infrastructure for sprinkler irrigation installed. A measuring device and lockable controlling works will be installed if required.

- b. Who owns the property at the point(s) of diversion? Applicant (ground water)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Big Lost River POD is not being changed.

- 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:

The portion of the POU being moved will be retired from 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:

Multiple other rights are diverted at the Burnett Ditch POD.

- 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:

Ground water has not been deliverable from the current POD due to changes in land ownership and no longer having access to the well. The ditch that delivered surface water to the property has been leveled/abandoned and cannot service the property.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/29/2024

Water Right 34-14869

Owner Type **Name and Address**
Current Owner COLLEEN HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422
(208) 390-3253

Current Owner DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422
(208) 390-3253

Priority Date: 6/1/1903

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.200 CFS	
	<u>Total Diversion</u>		0.200 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER SENWNW Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
06N	25E	11																0.5	9.2	9.7

POU Total Acres: 9.7

Conditions of Approval:

1. X35 Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.28 cfs and the irrigation of 9.7 acres.
2. F01 Water is delivered through Upper Burnett Ditch.
3. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
4. C05 Right includes accomplished change in place of use pursuant to Idaho Code §

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5. C18 42-1425.
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. Idaho Code § 42-1412(6).

Dates and Other Information:

Decreed Date: 12/14/2001

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

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Proof Report

Water Right 34-14870

Owner Type **Name and Address**
 Current Owner DALE HUFFAKER
 5660 W 4920 N
 MACKAY, ID 83251-4422
 (208) 390-3253

Current Owner COLLEEN HUFFAKER
 5660 W 4920 N
 MACKAY, ID 83251-4422
 (208) 390-3253

Priority Date: 7/21/1886

Basis: Decreed

Status: Active

Source
 BIG LOST RIVER

Tributary
 SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/15	0.120 CFS	
	Total Diversion		0.120 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER SENWNW Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE	NW	SW	SE	Totals
06N	25E	11				0.5	9.2
							9.7

Right Acre Limit: 5.70
 POU Total Acres: 9.7

Conditions of Approval:

1. X27 This right is limited to the irrigation of 5.7 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.28 cfs and the irrigation of 9.7 acres.
3. F01 Water is delivered through Upper Burnett Ditch.
4. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water

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- | | | |
|----|-----|--|
| 5. | C05 | Resources.
Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425. |
| 6. | 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. Idaho Code § 42-1412(6). |

Dates and Other Information:

Decreed Date: 12/14/2001

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

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Water Right 34-14871

Owner Type **Name and Address**
Current Owner COLLEEN HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422
(208) 390-3253

Current Owner DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422
(208) 390-3253

Priority Date: 9/29/1966

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.160 CFS	
	<u>Total Diversion</u>		0.160 CFS	

Source and Point(s) of Diversion:

GROUND WATER NENWSW Sec. 11, Twp 06N, Rge 25E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals	
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06N	25E	11												0.5				9.2	9.7	
																			Right Acre Limit: 8.00	
																			POU Total Acres: 9.7	

Conditions of Approval:

1. X27 This right is limited to the irrigation of 8.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 33.9 af at the field headgate.
3. X35 Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.28 cfs and the irrigation of 9.7 acres.

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4. K01 Right No. 34-14872 is an enlargement of this right pursuant to Idaho Code § 42-1426.
5. C05 Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
6. 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. Idaho Code § 42-1412(6).

Dates and Other Information:

Decreed Date: 12/14/2001

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

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Proof Report

4/29/2024

Water Right 34-14872

Owner Type **Name and Address**
Current Owner COLLEEN HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422
(208) 390-3253

Current Owner DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422
(208) 390-3253

Priority Date: 5/20/1984

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.020 CFS	
	Total Diversion		0.020 CFS	

Source and Point(s) of Diversion:

GROUND WATER NENWSW Sec. 11, Twp 06N, Rge 25E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	11												0.5				9.2	9.7
																			Right Acre Limit: 1.70
																			POU Total Acres: 9.7

Conditions of Approval:

1. X35 Rights 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 33.9 af at the field headgate.
2. X35 Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.28 cfs and the irrigation of 9.7 acres.
3. K02 This right is based upon an enlargement of Right No. 34-14871 pursuant to Idaho Code § 42-1426.

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4. K06 This right is limited to the irrigation of 1.7 acres within the place of use described above in a single irrigation season.
5. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
6. 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. Idaho Code § 42-1412(6).

Dates and Other Information:

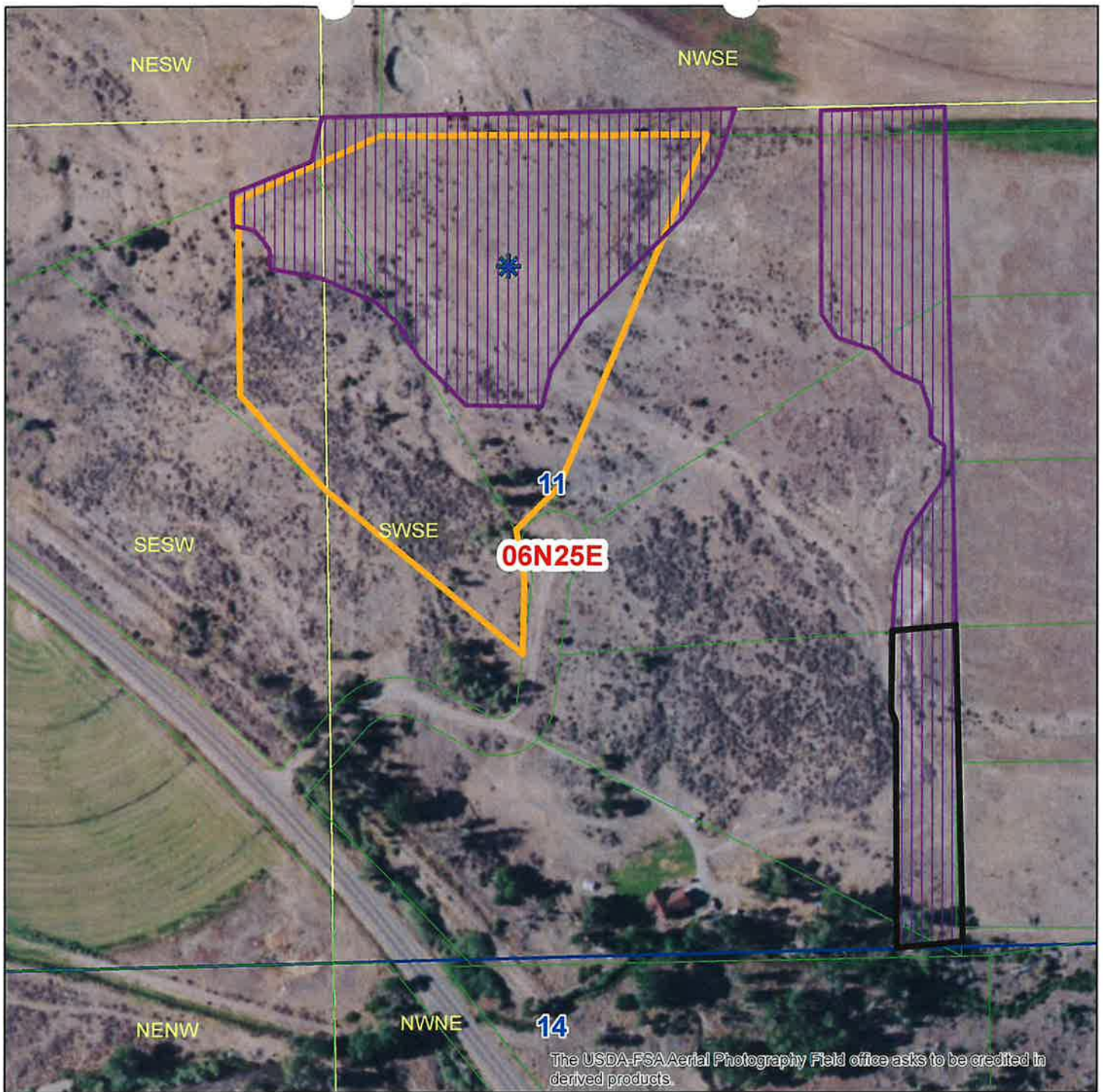
Decreed Date: 12/14/2001

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5



Legend

-  Proposed Place of Use
-  Current Place of Use
-  Unchanged Portion of Rights
-  Ground water Point of Diversion
-  Township/Range
-  Sections
-  QQ

0 140 280 560 Feet

1 inch = 233 feet



89022



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 Mathew Weaver

June 5, 2024

COLLEEN HUFFAKER
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

RE: Transfer No. 89022
Water Right No(s). 34-14869, 34-14870, 34-14871, 34-14872

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the CHALLIS MESSENGER on 6/13/2024 and 6/20/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 5, 2024 2:16 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Challis Messenger
Attachments: 89022 Challis Messenger.docx

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Transfer No. 89022
Water Right No(s). 34-14869, 34-14870, 34-14871, 34-14872

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/1/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89022**

COLLEEN HUFFAKER and DALE HUFFAKER, 5660 W 4920 N, MACKAY, ID 83251-4422 has filed Application No. 89022 for changes to the following water rights within CUSTER County(s): Right No(s). 34-14869, 34-14870, 34-14871, 34-14872; to see a full description of these rights and the proposed transfer, please see

<https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion for rights 34-14871 and 34-14872 is in SWSE Sec 11 T06N R25E for 0.14 cfs from ground water. Proposed place of use for all 4 rights is in SESW and SWSE Sec 11 T06N R25E for 8.5 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/1/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 6/13/2024 and 6/20/2024