

RECEIVED
JAN 11 2024STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.0.8. Attach an explanation and any supporting documentation.

1. APPLICANT(S) Russell J. Kozacek Phone 208-965-2215
 2. MAILING ADDRESS P.O. Box 128 City North Fork
 State Idaho Zip 83466 Email kozacek@centurytel.net

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 75-4126

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 40 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, Water Rights, Water Right Transfers, Modeling Resources.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes		SW	NE	NE	21	25N	21E	Lemhi	Spring	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

This is to fix a water right. The proposed new POD is currently and has historically been used at T.25N., R.21E, Sec 21 SWNE. See attached map. Old POD was a clerical

- b. Who owns the property at the point(s) of diversion? US Forest Service (continued on attached sheet)
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

We have an easement from the US Forest Service

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Russell J. Kozacek Russell J. Kozacek 1/13/24
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** - ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$50.00 Date 1/11/24 Received by CHD Receipt # E049729

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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

AMENDED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-04126

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 15 2011

NAME AND ADDRESS:

RUSSELL J KOZACEK
PO BOX 128
NORTH FORK, ID 83466

SOURCE:

UNNAMED STREAM TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY:

0.32 CFS

By

Clerk

Deputy Clerk

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE:

05/01/1887

POINT OF DIVERSION:

T25N R21E S15 SESWSW Within Lemhi County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-01	0.32 CFS
Stockwater	01-01 TO 12-31	0.04 CFS
Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE:

Irrigation		Within Lemhi County
T25N R21E S21	NWNE 3.0	SWNE 5.0
8.0 Acres Total		
Stockwater		Within Lemhi County
T25N R21E S21	NWNE	SWNE
Domestic		Within Lemhi County
T25N R21E S21	NWNE	

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

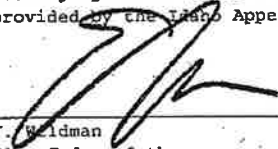
The administration of this right is further defined and set forth
in the Settlement Agreement between Russell Kozacek, Susan
Kozacek, Patrick Murphy and Daryl Hull, dated December 19, 2008
and recorded as instrument number 278537 in the Lemhi County
Recorder's Office, Salmon, Idaho.

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).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.



Eric J. Waldman
Presiding Judge of the
Snake River Basin Adjudication

6/4/2024

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RUSSELL J KOZACEK PO BOX 128 NORTH FORK, ID 83466

Status: Active

Tributary
NORTH FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/01	11/01	0.320 CFS	
STOCKWATER	1/01	12/31	0.040 CFS	
DOMESTIC	1/01	12/31	0.040 CFS	
	Total Diversion		0.320 CFS	

Source and Point(s) of Diversion:
 SPRING SESWSW Sec. 15, Twp 25N, Rge 21E, LEMHI County

[illegible]

POU Total Acres: 8.0

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.

IDAHO DEPARTMENT OF WATER RESOURCES

6/4/2024

Proof Report

2. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
3. The administration of this right is further defined and set forth in the Settlement Agreement between Russell Kozacek, Susan Kozacek, Patrick Murphy, and Daryl Hull, dated December 19, 2008, and recorded as Instrument Number 278537 in the Lemhi County Recorder's Office, Salmon, Idaho.

6a (continued)

mistake. There is an existing, lockable headgate at the proposed new POD. A measuring device will be installed.

See attached letters of support:

1. US Forest Service
2. Idaho Fish and Game
3. District 75F Advisory Chairman

Robert J. Kozarek
water right 75-4126

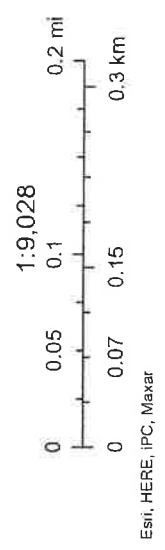


10/17/2023, 2:18:52 PM

- Counties
- Quarter Quarters
- PLS Sections
- Townships

T25N R12E

- New POD
- Old POD





United States
Department of
Agriculture

Forest
Service

Salmon-Challis National Forest
North Fork Ranger District

P.O. 180
11 Casey Road
North Fork, ID 83456
208-865-2700
Fax: 208-865-5225

File Code: 2700
Date: November 16, 2023

Idaho Department of Water Resources
Eastern Regional Office
900 N Skyline Drive
Suite A
Idaho Falls, ID 83402

To Idaho Department of Water Resources,

On behalf of Russ and Sue Kozacek, I want to offer acknowledgement and support to the Idaho Department of Water Resources on a proposed point of diversion transfer for water rights 75-10392, 75-4126, and 75-10400. The current point of diversion located in T25N R21E Section 15 is located on National Forest System (NFS) lands. They hold a valid easement granting them access to operate and conduct routine maintenance on their water transmission facilities located on NFS lands. The proposed transfer will improve their operation and maintenance of their overall system and ensure compliance with Water District 170 control and measurement order requirements while remaining consistent with the terms and conditions of their easement.

Sincerely,

FCR:
CHRIS WAVEREK
District Ranger



Caring for the Land and Serving People

Printed on Recycled Paper





IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

Brad Little / Governor
Jim Fredericks / Director

December 6, 2023

Idaho Department of Water Resources
Eastern Regional Office
900 N Skyline Drive
Suite A
Idaho Falls, ID 83402

Re: Russ and Sue Kozacek proposed transfer of their point of diversion (POD) for water rights 75-10392, 75-4126, and 75-10400.

Dear IDWR:

Russ and Sue's current point of diversion is in T25N R21E Section 15 and resides on Salmon-Challis National Forest (SCNF). Based on our conversations with Russ the proposed transfer will improve their operation, maintenance and ensure compliance with IDWR District 170 control and measurement order. Idaho Department of Fish and Game (IDFG) conducted a review of Russ and Sue's proposal to transfer their historical point of diversion to a location on the border of Sue and SCNF properties.

Based on the extensive detail of the proposal outlined by Russ, previous and ongoing agency coordination, the IDFG has no further environmental, fisheries or wildlife concerns with this transfer. If you have any questions, please contact the Region's Technical Assistance Manager, Jeff Richards at (208) 756-2271.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Hilton".

Ryan Hilton
Regional Supervisor

TC: jr

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-756-2271 • Fax: 208-756-6274 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>

89063



Lost Trail Water District 75F
PO Box 87
Carmen, ID 83462

December 10, 2023

Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402

**Subject: Proposed Point of Diversion Transfer for Water Rights 75-10392, 75-4126,
75-10400, 75-10603 and 75-14531**

To Whom It May Concern:

Russ Kozacek, Lateral Manager for the irrigation ditch originating at POD T25N R21E Sec 15 SESWSW, has secured USFS and IDFG approval and support to transfer the existing POD to a location that will ensure compliance with the IDWK order to install headworks and measuring devices in Water District 170. This POD transfer is necessary because the existing POD is within a recognized wetland area on USFS property. The location of the proposed POD is outside the wetland area and more suitable for constructing the required control works. This site will also accommodate wastewater, directing it to the North Fork of the Salmon River.

We support Mr. Kozacek's POD transfer and appreciate the fact that he proactively coordinated with the USFS and IDFG.

Sincerely,

David Schuler
Advisory Committee Chairman
Lost Trail Water District 75-F



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

July 10, 2024

RUSSELL J KOZACEK
PO BOX 128
NORTH FORK, ID 83466

RE: Transfer No. 89063
Water Right No(s). 75-4126

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 RECORDER HERALD on 7/18/2024 and 7/25/2024. 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, July 10, 2024 4:34 PM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 89063, 89064, 89065, 89138, 75-15100, 75-15103 Recorder Herald.docx

LEGAL NOTICE DEPARTMENT
RECORDER HERALD
PO BOX 310
SALMON, ID 83467

RE: Transfer No. 89063, 89064, 89065, 89138, Application for Permit No. 75-15100, 75-15103

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). Please note that this is a larger notice and runs onto a second page. 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 8/5/2024. 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. 89063**

RUSSELL J KOZACEK, PO BOX 128, NORTH FORK, ID 83466 has filed Application No. 89063 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4126; 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: correct the point of diversion. Proposed point of diversion is in SWNENE Sec 21 T25N R21E for 0.40 cfs from an Unnamed Stream.

TRANSFER NO. 89064

SUSAN K KOZACEK LIVING TRUST, 7850 N SILVERBELL RD STE 114-316, TUCSON, AZ 85743 has filed Application No. 89064 for changes to the following water rights within LEMHI County(s): Right No(s). 75-10392; 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: correct the point of diversion. Proposed point of diversion is in SWNENE Sec 21 T25N R21E for 0.16 cfs from an Unnamed Stream. The remaining points of diversion for the right, from a spring and from the North Fork Salmon River, will remain unchanged.

TRANSFER NO. 89065

SUSAN K KOZACEK LIVING TRUST, 7850 N SILVERBELL RD STE 114-316, TUCSON, AZ 85743 has filed Application No. 89065 for changes to the following water rights within LEMHI County(s): Right No(s). 75-10400; 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: correct the point of diversion. Proposed point of diversion is in SWNENE Sec 21 T25N R21E for 0.18 cfs from an Unnamed Stream.

TRANSFER NO. 89138

JEANA M THOMAS, PO BOX 213, NORTH FORK, ID 83466-0213 has filed Application No. 89138 for changes to the following water rights within LEMHI County(s): Right No(s). 75-10603; 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: correct the point of diversion. Proposed point of diversion is in SWNENE Sec 21 T25N R21E for 0.26 cfs from an Unnamed Stream.

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 8/5/2024. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

75-15100

TIMOTHY A & CATHERINE M DINGEY, 2804 HIGHWAY 93 N, NORTH FORK, ID 83466

Point of Diversion SENW S14 T25N R21E LEMHI County

Source SHEEP CREEK Tributary SALMON RIVER

Use: IRRIGATION

04/01 to 10/31

0.06 CFS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.08 CFS

Date Filed: 06-24-2024

Place Of Use: IRRIGATION

T25N R21E S14

NWNW

Place Of Use: IRRIGATION, STOCKWATER

T25N R21E S15

NENE

Total Acres: 2.8

This application proposes the diversion and use of water from Sheep Creek, a tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-15103

MCCORMICK AND TAYLOR LLC, 36 BLUE CAMAS RD, SALMON, ID 83467-5038

Point of Diversion SENE S8 T20N R22E LEMHI County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 06-07-2024

Place Of Use: IRRIGATION

T20N R22E S8

SENE

Total Acres: 1

This application proposes the diversion and use of water from ground water tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. 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 8/5/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 7/18/2024 and 7/25/2024