

RECEIVED

APR 05 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

Apr 02, 2024

DEPARTMENT OF
WATER RESOURCES

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Scott M HayesCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
Apr 02, 2024
DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Scott M Hayes Phone 208-386-9219
Mailing address 9417 N Winterwood Ln, Boise, ID 83714 Email ltdhayes@yahoo.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 HDR Phone 208-387-7000
Mailing address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706 Email scott.king@hdrinc.com

- ☐ 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.

Scott M. Hayes Scott M. Hayes 4/2/24
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
☒ Add diversion point(s)
☐ Change period of use
☒ Change place of use
☐ Other _____
- 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**.
- 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**.
 The purposes of this transfer application is to a) add a point of diversion to ground water right 73-10028, and
 b) change the place of use of water rights 73-79 & 73-10028 for use within the center pivot areas.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	73-79	3.2 cfs	Irrigation	4/1 to 10/31	Lawson Cr, Pahsimeroi R
☐	73-10028	1.81 cfs	Irrigation	4/1 to 10/31	Ground Water
☒				to	
☒				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 5.01 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 5.01 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**.

Application adds one new ground water POD. Others are unchanged.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NW	NW	34	15N	21E	Custer	Ground Water	
N			NE	NW	34	15N	21E	Custer	Ground Water	A0018961
N			NW	SW	33	15N	21E	Custer	Lawson Creek	LWSC1

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	
15N	21E	27							34	6	17	34	35	25				151	
		34					34	26	24	31								115	
167 acres within a 266-acre permissible place of use Total Acres (for irrigation use)																		266	

167 acres within a 266-acre permissible place of use

227 SA
6/21/2024

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:
No changes to decreed diversions proposed. Existing facilities are equipped with measuring devices and lockable controlling works. The new ground water point of diversion will be similarly equipped.
- b. Who owns the property at the point(s) of diversion? No changes to decreed diversions proposed. Applicant owns property at new POD.
 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:
See attached Narrative.

- 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-79

Current Owner: SCOTT M HAYES
Priority Date: 6/20/1917
Origin: Water Right
Status: Active
Basis: Decreed

Source

LAWSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

3.2 CFS

3.2 CFS

Annual Volume

Location of Point(s) of Diversion

LAWSON CREEK

CUSTER County

NE1/4NW1/4SW1/4

Sec. 33, Twp 15N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T15N R21E S27	NESW	22.00	T15N R21E S27	NWSW	40.00
T15N R21E S27	SWSW	40.00	T15N R21E S27	SESW	40.00
T15N R21E S34	NENW	40.00	T15N R21E S34	NWNW	35.00
T15N R21E S34	SWNW	25.00	T15N R21E S34	SENW	40.00

Total Acres: 282

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. K06 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
3. This quantity of this right is all of the flow of Lawson Creek.

Decreed Date: 3/10/2008

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-10028

Current Owner: SCOTT M HAYES
Priority Date: 2/7/1973
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/15
Total Diversion

2.65 CFS
2.65 CFS

Location of Point(s) of Diversion

GROUND WATER
CUSTER County

SW1/4NE1/4NW1/4 Sec. 34, Twp 15N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T15N R21E S27	SWNW	37.00	T15N R21E S27	NWSW	40.00
T15N R21E S34	NENW	40.00	T15N R21E S34	NWNW	35.00
T15N R21E S34	SWNW	25.00	T15N R21E S34	SENW	40.00
Total Acres: 217					

Conditions of Approval:

1. S42 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
3. 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.

Decreed Date: 2/2/2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

AMENDED

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Ground water right 73-10028 describes 140-80 acres overlapping 73-79, 70 acres overlapping 73-78 & 73-116, and 7 non-overlapping (primary) acres. The place of use of the 210-150 supplemental acres of 73-10028 will follow changes made to primary surface water rights.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$1220 Date 12/28/23 Received by KM Receipt # C117584

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

\$900 for this app.

 Existing Irrigation Well
 Proposed Irrigation Well
 Proposed POU for 73-79 & 73-10028

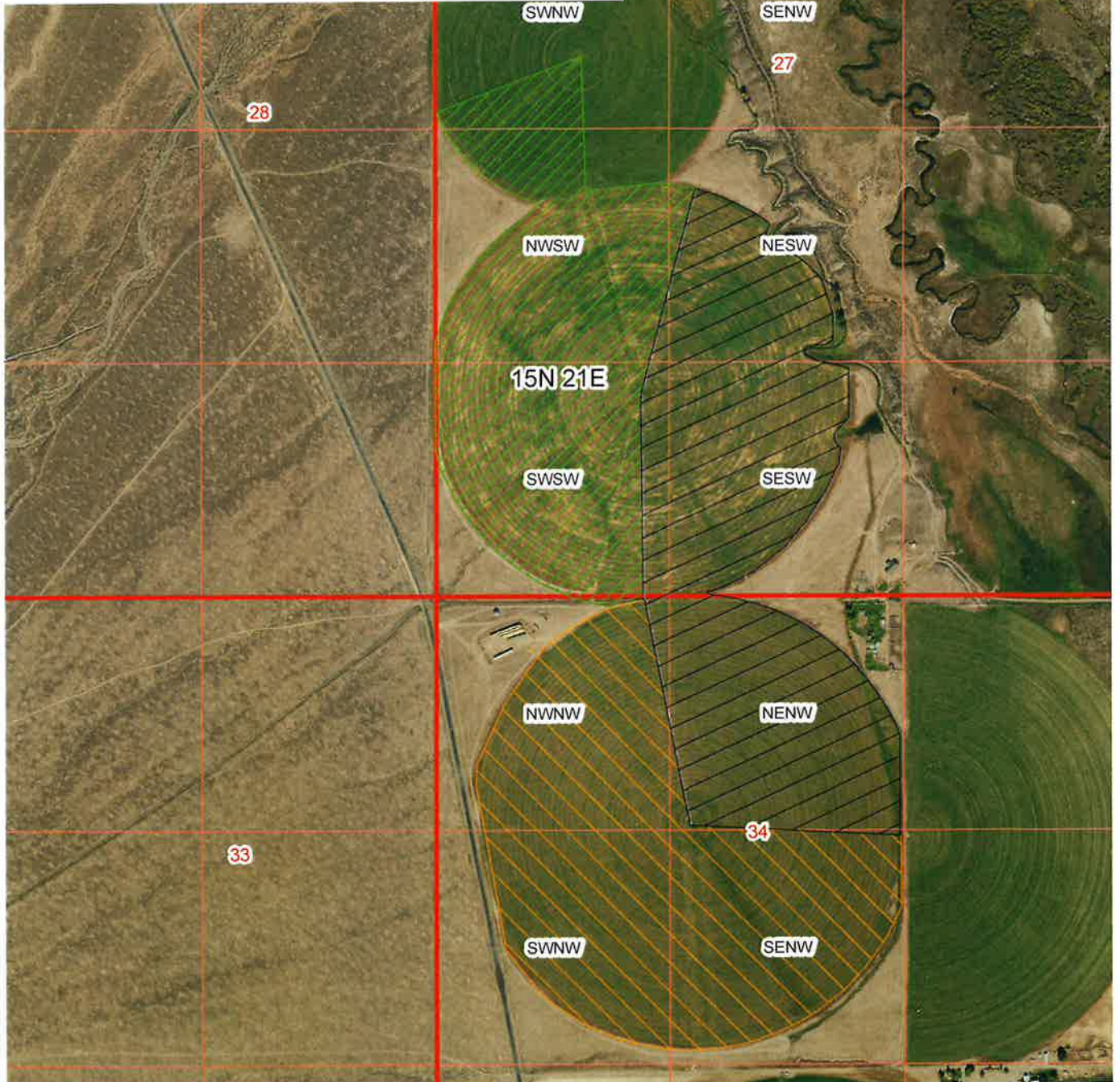
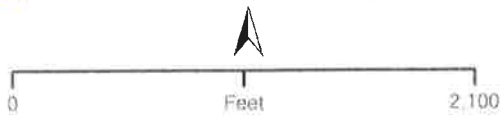


PROJECT #10385254

LEGEND

Status

-  73-10028 GW Primary (67 ac)
-  73-79 Lawson Cr & 73-10028 GW Supplemental (80 ac)
-  73-79 Lawson Cr Only (80 ac)



HDR

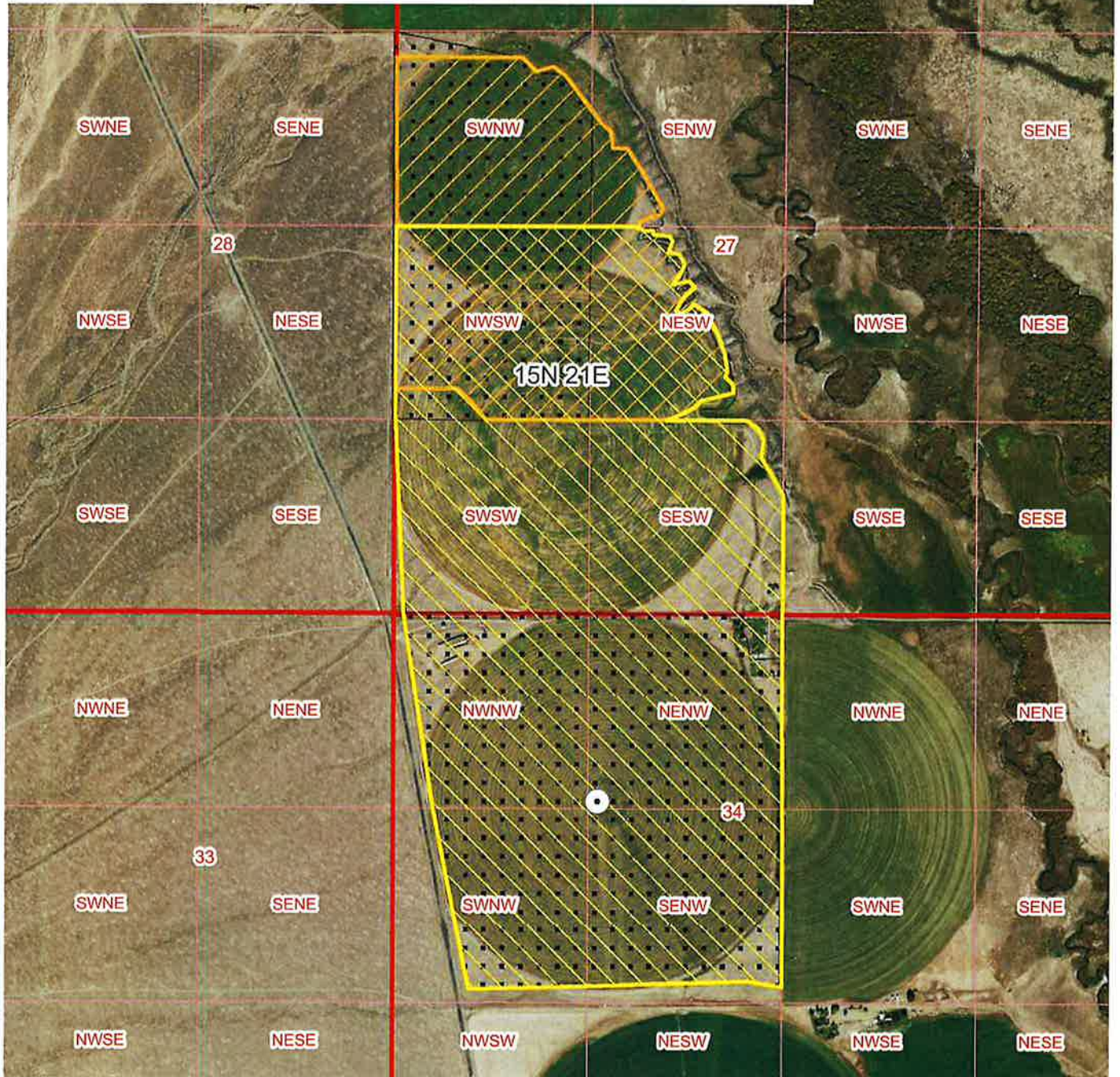
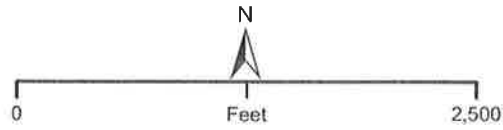
TRANSFER ATTACHMENT
206 MAP

SCOTT HAYES, CUSTER COUNTY

PROJECT #10385254

LEGEND

-  73-78, 4/30/1904 & 73-116, 11/29/1907, 97.2 ac, Pahsimeroi R & Patterson Cr
-  73-79, 6/20/1917, 160 ac (in 282 ac), Lawson Cr
-  73-10028, 2/7/1973, 217 ac, Groundwater
-  Existing Irrigation Well



TRANSFER ATTACHMENT 7B

CURRENT PLACES OF USE

SCOTT HAYES, CUSTER COUNTY

PROJECT #10385254

AMENDED

Scott Hayes Water Right Transfers Narrative

These two Applications for Transfer (The Applications) are a coordinated effort between the water right owner (Scott Hayes), Custer Soil and Water Conservation District (CSWCD), and Idaho Water Resource Board's (IWRB) Water Transactions Program with a goal of improving flow in the Pahsimeroi River below diversion P-12. After completion of the water right tasks, a 2-cfs combined portion of two Pahsimeroi River water rights will be left undiverted at P-12, improving river flow and aquatic habitat. The "Conservation Transfer" application changes rights 73-78, 73-116, and a portion of 63-10028. The "Pivots Transfer" application changes 73-79 and the remaining portion of 63-10028.

CONSERVATION TRANSFER

One Application changes the place of use of three water rights. Water rights 73-78 and 73-116, with sources Patterson Creek and Pahsimeroi River, are diverted at P-12. These rights are currently associated with 97.2 acres irrigated by center-pivots that cover 266 total acres. The place of use of these rights will change to lands currently not irrigated, where approximately 2 cfs / 55.5 acres will subsequently be enrolled in IWRB's Water Supply Bank (WSB) to be left dry, and 1.5 cfs / 41.7 acres will be irrigated.

A 0.84 cfs / 70-acre portion of groundwater right 73-10028 overlaps water rights 73-78 and 73-116. The supplemental portion of this groundwater right has a duty of 0.012 cfs per acre. A 41.7-acre portion of this right will remain with the land to be irrigated while a 70-41.7 = 28.3-acre portion will be enrolled in the WSB. See the Overlap Analysis spreadsheet accompanying The Application.

Transfer Application Fee = \$820 based on 4.34 cfs

PIVOTS TRANSFER THIS APPLICATION

Water right 73-79, diverted from Lawson Creek, authorizes irrigation of 160 acres within a 282-acre place of use. The place of use will be re-defined to identify the 266-acres irrigated by center pivots. A 206 map will be provided to specify the 160 acres planned for irrigation under this right.

A 1.87 cfs / 140-acre portion of groundwater right 73-10028 overlaps water right 73-79. The place of use will be re-defined to identify the 266 acres irrigated by center pivots. A 206 map will be provided to specify the 140 acres planned for irrigation.

A 0.14 cfs / 7-acre portion of groundwater right 73-10028 does not overlap other rights. The place of use will be re-defined to identify the 266 acres irrigated by center pivots. A 206 map will be provided to specify the 7 acres planned for irrigation.

The Application will result in 266-160-7 = 99 acres of land currently irrigated with the pivot systems without water right coverage. An Application for Permit will be submitted to appropriate groundwater as a primary supply for 99 acres and a supplemental supply for 20 acres.

Transfer Application Fee = \$900 based on 5.01 cfs

AMENDED

Scott Hayes Water Rights
Application For Transfer
Overlap Analysis

Quarter				NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total Irrigated Acres
Number	Twp	Rge	Sec	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
73-78, 73-116 Pahsimeroi & Patterson																				
Place of Use	15N	21E	27							33	5.2	22	37							97.2
Total irrigated acres																				97.2
73-79 Lawson Creek																				
Place of Use	15N	21E	27									22	40	40	40					142
Place of Use			34					40	35	25	40									140
Total irrigated acres				160 acre limit																282
73-10028 Ground Water																				
Place of Use	15N	21E	27							37			40							77
Place of Use			34					40	35	25	40									140
Total irrigated acres																				217
73-10028 PRIMARY Groundwater (no overlap)																				
Place of Use	15N	21E	27							4			3							7
Place of Use			34																	
73-10028 Groundwater overlapping 73-79 (Lawson Cr)																				
Place of Use	15N	21E	27																	
Place of Use			34					40	35	25	40									140
73-10028 Groundwater overlapping 73-78 & 73-116 (Pahsimeroi and Patterson)																				
Place of Use	15N	21E	27							33			37							70
Place of Use			34																	
																				217

Explanation

Rights 73-78 & 73-116 describe a specific 97.2-acre place of use

Right 73-79 describes a 160-acre annual limit within a larger 282-acre place of use. A 59-acre portion of the 282-acre place of use overlaps 73-78 & 73-116 place of use, yielding 223 acres without overlap of 73-78 & 73-116. The 223 non-overlapping portion is greater than the 160-acre limit. A transfer moving 73-78 & 73-116 off of overlapping places of use will not cause enlargement of either set of rights.

Right 73-10028 describes 140 acres overlapping 73-79, 70 acres overlapping 73-78 & 73-116, and 7 non-overlapping acres.

SK
6/21/2024

80

67

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPERCEDED

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 ☒ ☐	73-79	3.2 cfs	Irrigation	4/1 to 10/31	Lawson Cr, Pahsimeroi R
☐ ☒	73-10028	1.81 cfs	Irrigation	4/1 to 10/31	Ground Water
☒ ☐				to	
☒ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.01 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 5.01 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.**

Application adds one new ground water POD. Others are unchanged.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NW	NW	34	15N	21E	Custer	Ground Water	
N			NE	NW	34	15N	21E	Custer	Ground Water	A0018961
N			NW	SW	33	15N	21E	Custer	Lawson Creek	LWSC1

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	
15N	21E	27							34	6	17	34	35	25					151
		34					34	26	24	31									115
167 acres within a 266-acre permissible place of use Total Acres (for irrigation use)																			266

Pivot Area POU Proposed for 73-79 & 73-10028

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

SUPERCEDED

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Ground water right 73-10028 describes 140 acres overlapping 73-79, 70 acres overlapping 73-78 & 73-116, and 7 non-overlapping (primary) acres. The place of use of the 210 supplemental acres of 73-10028 will follow changes made to primary surface water rights.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$1220 Date 12/28/23 Received by KM Receipt # C117584

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

→ \$900 THIS APP

Scott Hayes Water Right Transfers Narrative

SUPERCEDED

These two Applications for Transfer (The Applications) are a coordinated effort between the water right owner (Scott Hayes), Custer Soil and Water Conservation District (CSWCD), and Idaho Water Resource Board's (IWRB) Water Transactions Program with a goal of improving flow in the Pahsimeroi River below diversion P-12. After completion of the water right tasks, a 2-cfs combined portion of two Pahsimeroi River water rights will be left undiverted at P-12, improving river flow and aquatic habitat. The "Conservation Transfer" application changes rights 73-78, 73-116, and a portion of 63-10028. The "Pivots Transfer" application changes 73-79 and the remaining portion of 63-10028.

CONSERVATION TRANSFER

One Application changes the place of use of three water rights. Water rights 73-78 and 73-116, with sources Patterson Creek and Pahsimeroi River, are diverted at P-12. These rights are currently associated with 97.2 acres irrigated by center-pivots that cover 266 total acres. The place of use of these rights will change to lands currently not irrigated, where approximately 2 cfs / 55.5 acres will subsequently be enrolled in IWRB's Water Supply Bank (WSB) to be left dry, and 1.5 cfs / 41.7 acres will be irrigated.

A 0.84 cfs / 70-acre portion of groundwater right 73-10028 overlaps water rights 73-78 and 73-116. The supplemental portion of this groundwater right has a duty of 0.012 cfs per acre. A 41.7-acre portion of this right will remain with the land to be irrigated while a $70 - 41.7 = 28.3$ -acre portion will be enrolled in the WSB. See the Overlap Analysis spreadsheet accompanying The Application.

Transfer Application Fee = \$820 based on 4.34 cfs

PIVOTS TRANSFER **THIS APPLICATION**

Water right 73-79, diverted from Lawson Creek, authorizes irrigation of 160 acres within a 282-acre place of use. The place of use will be re-defined to identify the 266-acres irrigated by center pivots. A 206 map will be provided to specify the 160 acres planned for irrigation under this right.

A 1.67 cfs / 140-acre portion of groundwater right 73-10028 overlaps water right 73-79. The place of use will be re-defined to identify the 266 acres irrigated by center pivots. A 206 map will be provided to specify the 140 acres planned for irrigation.

A 0.14 cfs / 7-acre portion of groundwater right 73-10028 does not overlap other rights. The place of use will be re-defined to identify the 266 acres irrigated by center pivots. A 206 map will be provided to specify the 7 acres planned for irrigation.

The Application will result in $266 - 160 - 7 = 99$ acres of land currently irrigated with the pivot systems without water right coverage. An Application for Permit will be submitted to appropriate groundwater as a primary supply for 99 acres and a supplemental supply for 20 acres.

Transfer Application Fee = \$900 based on 5.01 cfs

SUPERCEDED

Scott Hayes Water Rights Application For Transfer Overlap Analysis

Quarter				NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total Irrigated Acres
Number	Twp	Rge	Sec	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
73-78, 73-116 Pahsimeroi & Patterson																				
Place of Use	15N	21E	27							33	5.2	22	37							97.2
Total irrigated acres																				97.2
73-79 Lawson Creek																				
Place of Use	15N	21E	27									22	40	40	40					142
Place of Use			34					40	35	25	40									140
Total irrigated acres																				160 acre limit 282
73-10028 Ground Water																				
Place of Use	15N	21E	27							37			40							77
Place of Use			34					40	35	25	40									140
Total irrigated acres																				217
73-10028 PRIMARY Groundwater (no overlap)																				
Place of Use	15N	21E	27							4			3							7
Place of Use			34																	
73-10028 Groundwater overlapping 73-79 (Lawson Cr)																				
Place of Use	15N	21E	27																	
Place of Use			34					40	35	25	40									140
73-10028 Groundwater overlapping 73-78 & 73-116 (Pahsimeroi and Patterson)																				
Place of Use	15N	21E	27							33			37							70
Place of Use			34																	
																				217

Explanation

Rights 73-78 & 73-116 describe a specific 97.2-acre place of use

Right 73-79 describes a 160-acre annual limit within a larger 282-acre place of use. A 59-acre portion of the 282-acre place of use overlaps 73-78 & 73-116 place of use, yielding 223 acres without overlap of 73-78 & 73-116. The 223 non-overlapping portion is greater than the 160-acre limit. A transfer moving 73-78 & 73-116 off of overlapping places of use will not cause enlargement of either set of rights.

Right 73-10028 describes 140 acres overlapping 73-79, 70 acres overlapping 73-78 & 73-116, and 7 non-overlapping acres.



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 3, 2024

SCOTT HAYES
9417 N WINTERWOOD LN
BOISE, ID 83714

RE: Transfer No. 89125
Water Right No(s). 73-10028, 73-79

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 7/11/2024 and 7/18/2024. 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

CC:
HDR INC
C/O SCOTT KING
412 E PARKCENTER BLVD STE 100
BOISE, ID 83706-6659

Henman, Christina

From: Henman, Christina
Sent: Wednesday, July 3, 2024 2:12 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Challis Messenger
Attachments: 89125, 89127 Challis Messenger.docx

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

RE: Transfer No. 89125, 89127
Water Right No(s). 73-10028, 73-79, 73-116, 73-12282, 73-78

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 7/29/2024. 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. 89125**

SCOTT HAYES, 9417 N WINTERWOOD LN, BOISE, ID 83714 has filed Application No. 89125 for changes to the following water rights within CUSTER County(s): Right No(s). 73-10028, 73-79; 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: add point of diversion to right 73-10028 and change place of use for rights 73-79 and 73-10028. Proposed ground water points of diversion are in NENW (existing) and NWNW (new) Sec 34 T15N R21E for 1.81 cfs. Proposed place of use for both rights is 227 irrigated acres within a 266-acre permissible place of use in NW1/4 and SW1/4 Sec 27 and NW1/4 Sec 34 T15N R21E.

TRANSFER NO. 89127

SCOTT HAYES, 9417 N WINTERWOOD LN, BOISE, ID 83714 has filed Application No. 89127 for changes to the following water rights within CUSTER County(s): Right No(s). 73-116, 73-12282, 73-78; 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: add point of diversion to right 73-12282 and change place of use for rights 73-78, 73-116 and 73-12282. Proposed ground water points of diversion are in NENW (existing) and NWNW (new) Sec 34 T15N R21E for 0.84 cfs. Proposed place of use for all three rights is 97.2 irrigated acres in NW1/4, SW1/4, NWSE and SWSE Sec 27 and NW1/4 Sec 34 T15N R21E.

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 7/29/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 7/11/2024 and 7/18/2024