STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 89082

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
324 25TH ST
OGDEN, UT 84401-2310

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
45-12154	WR/DECREED	5/1/1879	0.020 cfs	N/A	N/A	N/A	COLDWATER SPRING

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-12154	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-12154	45-12154	0.020 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.020 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

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

Dated this 26th day of June, 2024.

Southern Region Manager

Transfer No. 89082

WATER RIGHT NO. 45-12154

As Modified by Transfer No. 89082

In accordance with the approval of Transfer No. 89082, Water Right No. 45-12154 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
324 25TH ST
OGDEN, UT 84401-2310

Priority Date: 5/1/1879

Source: COLDWATER SPRING **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
STOCKWATER	6/01	to	11/30	0.020 cfs
				0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

COLDWATER SPRING NENESW Sec 18 Twp 15S Rge 20E CASSIA County

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S	20E	18														X			

CONDITIONS OF APPROVAL

1. 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. 45C.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
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.

Transfer No. 89082

WATER RIGHT NO. 45-12154

As Modified by Transfer No. 89082

CONDITIONS OF APPROVAL

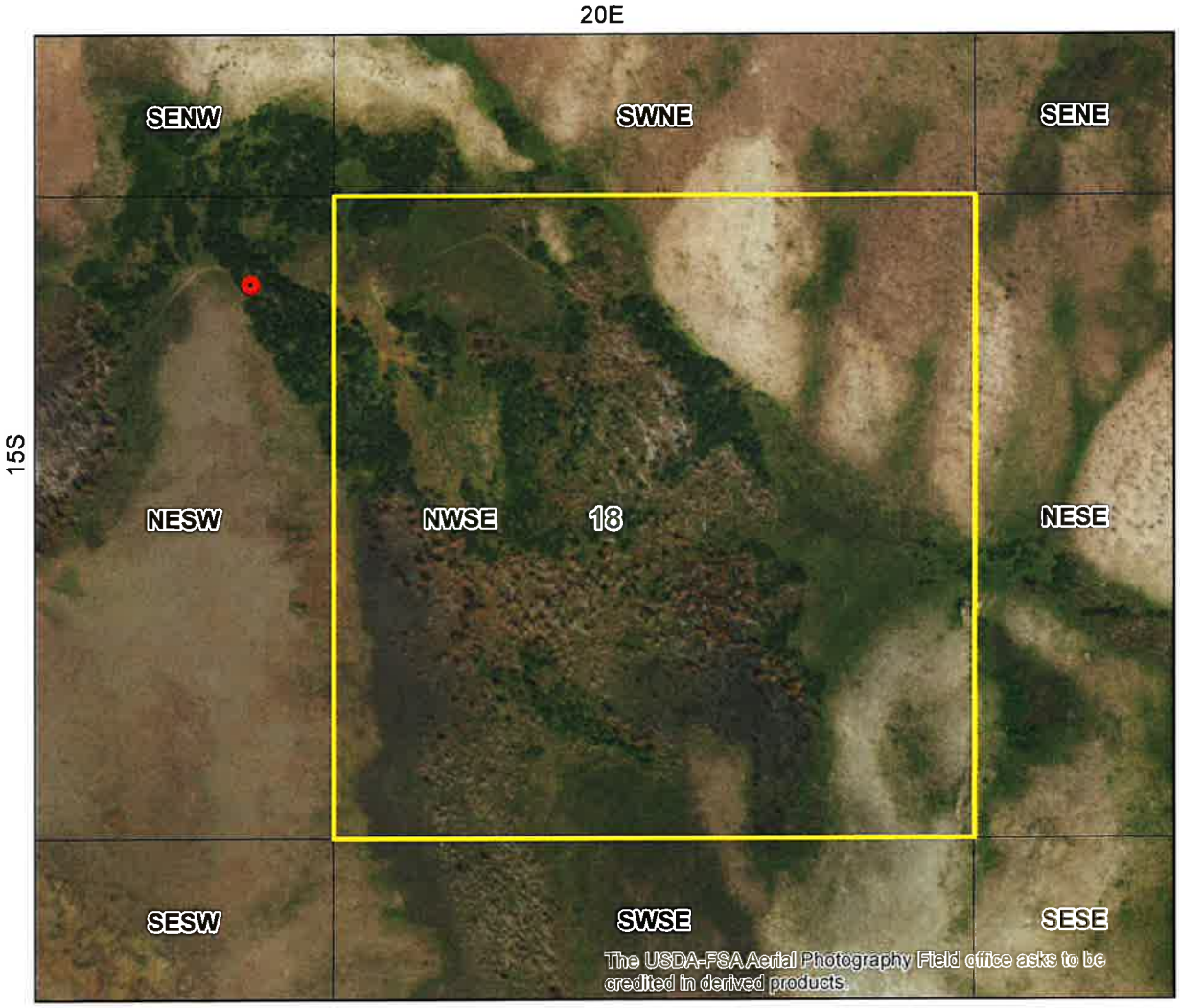
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer # 89082

45-12154

This map depicts the STOCKWATER 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 0.045 0.09 0.18 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

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JUN 03 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 89082

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE

Check 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, Part1.
- ☐ * 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: _____

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE Phone _____

Mailing address 324 25th Street, Ogden UT 84401 Email _____

- [x] 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 USFS R4 Water Rights and Uses Program Manager Phone 801-625-5809

Mailing address 324 25th Street, Ogden UT 84401 Email tyler.larsen@usda.gov

- [ ] Send all correspondence for this application to the representative and not to the applicant.

OR

- [x] Send original correspondence to the applicant and copies to the representative.

- [x] 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.

KATHRYN CONANT Digitally signed by KATHRYN CONANT Date: 2024.05.28 09:58:32 -06'00'	Kathryn Conant, Director Lands and Minerals	
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

1. [x] Change point of diversion [ ] Add diversion point(s) [x] Change place of use
   [ ] Change nature of use [ ] Change period of use [x] Other Correct the record for existing facility

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, [ ] attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

   Transfer being used to correct water right record for Point of Diversion (POD) and Place of Use (POU) to reflect the existing location of spring box and trough based on field inventory with more accurate GPS mapping. Nature of use (stock water for 1,500 sheep), period of use and amount of diversion remains unchanged.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All	or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	45-12154	0.02	Stockwater	06-01 to 11-30	Coldwater Spring, Sinks
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 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 #
No		NE	NE	SW	18	15S	20E	Cassia	Coldwater Spring	

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	
15S	20E	18														S			
																			Total Acres (for irrigation use)

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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:
Developed spring/headbox in spring source (POD), which is piped to ~100 foot long sheep trough (POU).

b. Who owns the property at the point(s) of diversion? UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE
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:

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:

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:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: ________________

1. amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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	
																		Total Acres (for irrigation use)	

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

Current Water Right No.: 45-12154

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH

Priority Date: 5/1/1879

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
COLDWATER SPRING	SINKS

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	6/01 to 11/30	0.02 CFS	
	Total Diversion	0.02 CFS	

Location of Point(s) of Diversion

COLDWATER SPRING NE1/4SW1/4 Sec. 18, Twp 15S, Rge 20E B.M.

CASSIA County

Place of Use

STOCKWATER Within CASSIA County

T15S R20E S18 NESW

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. FOREST SERVICE RECORD ID = 0414 17040211 16 0036 ___1500 Sheep

Decreed Date: 7/28/1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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:

FOR DEPARTMENT USE ONLY

Transfer contains_____pages and_____attachments.

Received by DM Date 6/3/2024 Preliminary check by_____ Date_____

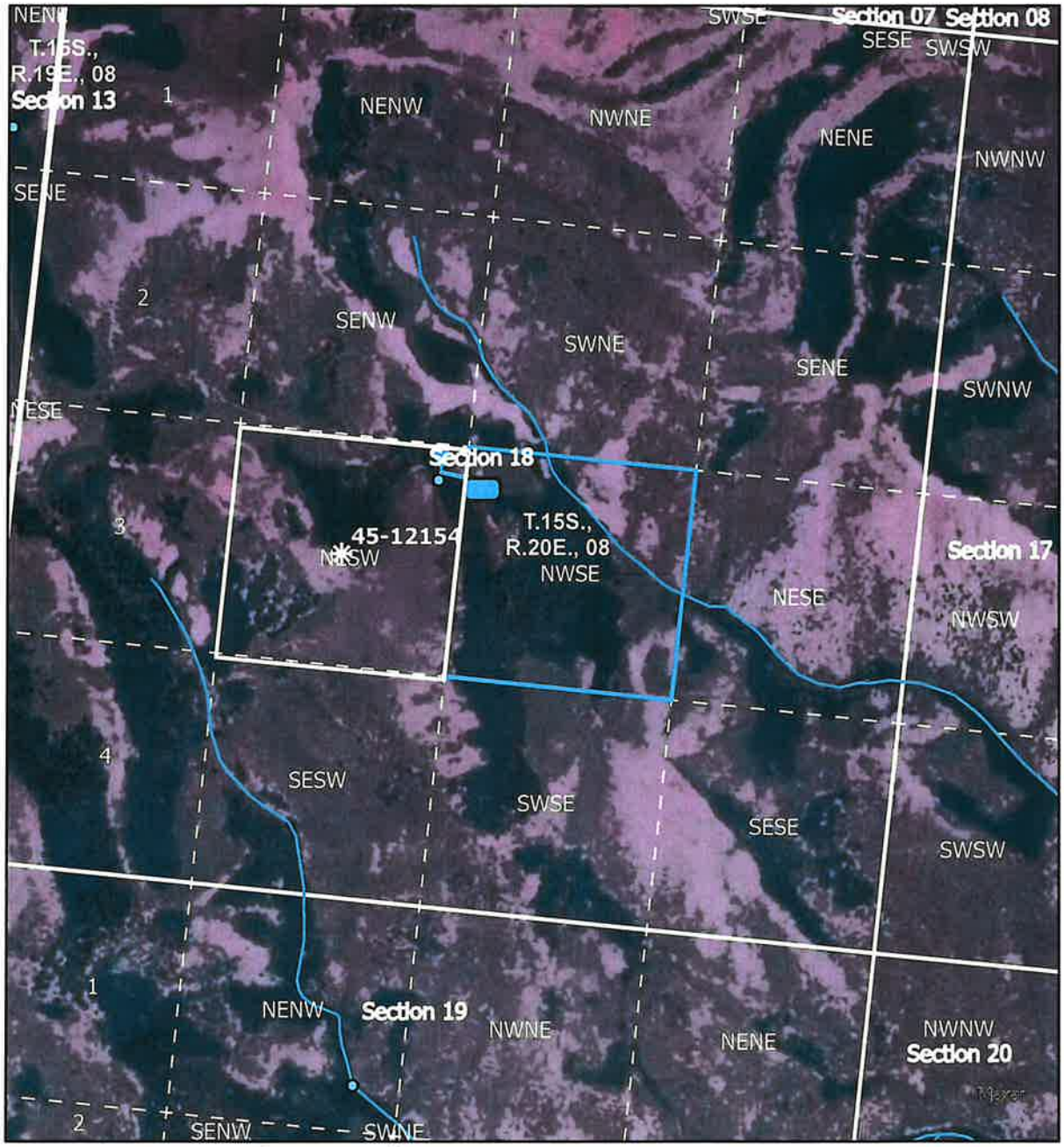
Fee paid $50- Date 6/3/2024 Receipted by DM Receipt # 5040239

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

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

89082

Applicant: United States of America Acting Through USDA Forest Service
Water Right #: 45-12154
Attachment 7a - Transfer Application Proposed Changes/Corrections



Legend

- Current Water Right Point of Diversion (POD)
- Current Water Right Place of Use (POU)
- Transfer (New/ Corrected) Place of Use (POU)
- Transfer (New/ Corrected) Point of Diversion (POD) - Spring/headbox
- Transfer (New/ Corrected) Trough
- Transfer (New/ Corrected) Pipeline

N

0 0.25 0.5 Miles

89082

Applicant: UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE
Water Right #: 45-12154
Attachment #1

An official website of the United States government Here's how you know

USDA **Forest Service**
U.S. DEPARTMENT OF AGRICULTURE

Enter Keyword(s) Go

Visit Us | Managing the Land | Learn | Science and Technology | Working with Us | About the Agency | Inside the FS

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About the Agency

- Contact Us
  - Employee Search
- Agency Leadership
- Budget and Performance
- Equity Action Plan
- Faces of the Forest Service
- National Programs and Offices
- Newsroom
- Publications

First Name: Kathryn
(Optional) Enter the employee's first name

Last Name *: Conant
(Required) Enter the employee's last name

Department: --All Locations / Offices--

Apply

Name	Job Title	Office/Department Name	Contact
Kathryn Conant	Director Lands and Minerals	Region 4 - Intermountain (S.Idaho, Nevada, Utah, W.Wyoming)	801-625-5150 kathryn.conant@usda.gov

ype here to search

11:59 AM
3/27/2023

Applicant: UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE
Water Right #: 45-12154
Attachment #1

2541.04b - Exhibit 01

List of Actions for Idaho (25)			
	Authorized Signator		
	Regional Forester	Director Lands	Forest Supervisor
Affidavit for Water Right To Be Used For Power Purposes *	X	X	
Application for Amendment of Permit *		X	X
Application for Exchange of Water		X	
Application for Permit		X	
Application of Temporary Approval of Water Appropriation		X	
Application of Transfer of Water Right		X	
Application to Lease or Sell a Water Right to a Water Bank *	X	X	
Application to Rent Water From a Water Bank		X	
Application for Extension of Time to Avoid Forfeiture of a Water Right **		X	X
Assignment of a Permit		X	
Assignment of an Application		X	
Beneficial Use Claim		X	
Beneficial Use Field Report **		X	X
Change in Address **		X	X
Claim to Water Right – Statutory		X	
Non-Use application		X	
Notice of Change of Water Right Ownership		X	
Notice of Instream Stockwater Diversion		X	
Notice of Security Interest in a Water Right		X	
Proof of Beneficial Use **		X	X
Protests		X	
Request for Extension of Time fro proof of Beneficial Use **		X	X
Resumption of Beneficial Use		X	
Statutory Claim		X	
Temporary Change Application		X	

For Actions marked by an *, the Regional Forester and the Director of Lands should coordinate signatures.
For actions marked by an **, either the Director of Lands or the Forest Supervisor may sign these actions.

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

July 12, 2024

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310

Re: Transfer No: 89082
Water Right No(s).: 45-12154

Re: Transfer No: 89102
Water Right No(s).: 45-12151

Re: Transfer No: 89111
Water Right No(s).: 45-12148

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure

c:

USFS R4 WATER RIGHTS AND USES PROGRAM MANAGER
324 25TH ST
ODGEN UT 84401

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89082
Water Right No(s).: 45-12154

Re: Transfer No: 89102
Water Right No(s).: 45-12151

Re: Transfer No: 89111
Water Right No(s).: 45-12148

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310

USFS R4 WATER RIGHTS AND USES PROGRAM MANAGER
324 25TH ST
ODGEN UT 84401

Denise Maline

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: June 12, 2024
To: USDA Forest Service, Transfer #89082 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to correct the place of use (POU) and point of diversion (POD) descriptions for stockwater right 45-12154 (Coldwater Spring, 0.02 cfs). The POD and POU are located approximately 8.4 miles south and 14.0 miles west of Oakley.

This is a paper correction of the POD and POU; no physical changes have occurred, so advertising was not necessary. The transfer qualifies for the $50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the locations have occurred. A review of historical imagery indicates that the POU has always been located in the NWSE of Section 18, T15S, R20E, and the DRG layer of ArcMap shows that the POD (spring) has always been located in the NESW of Section 18, T15S, R20E.

Water Master comments were not sought, as the right is a de minimis stockwater right within WD-45C and not administered by the Water District.

- **Authority to File:**
  The Department's database indicates that water right 45-12154 is owned by the United States of America acting through the USDA Forest Service, the applicant. The application was signed by Kathryn Conant, Director of Lands and Minerals, USFS Region 4.

- **Water Right Validity:**
  The water right was decreed in 1998; determination of recent use is difficult due to low quality aerial imagery, but it is likely that the trough has had use recently.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. This is a paper correction only.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No issues anticipated. Because the change to the POU and POD is a paper change only, the transfer was not advertised.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated

- **Effect of the Agricultural Base of the Area:**
  None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

TRANSFER SYNOPSIS

Date: June 12, 2024

To: USDA Forest Service, Transfer #89082 File

From: Jim Bitzenburg

Re: Summary of transfer

Application for transfer proposes to correct the place of use (POU) and point of diversion (POD) descriptions for stockwater right 45-12154 (Coldwater Spring, 0.02 cfs). The POD and POU are located approximately 8.4 miles south and 14.0 miles west of Oakley.

This is a paper correction of the POD and POU; no physical changes have occurred, so advertising is not necessary. The transfer qualifies for the $50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the locations have occurred. A review of historical imagery indicates that the POU has always been located in the NWSE of Section 18, T15S, R20E, and the DRG layer of ArcMap shows that the POD (spring) has always been located in the NESW of Section 18, T15S, R20E.

Water Master comments will not be sought, as the right is a de minimis stockwater right within WD-45C and not administered by the Water District.

MEMORANDUM

Date: June 12, 2024

To: Transfer 89082

From: Jim Bitzenburg

Re: Legal Notice Not Required

Legal Notice Not Required
6/12/2024

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

The changes in the transfer are corrections to the legal descriptions (paper changes) and no physical changes of the POD or POU have occurred.

FEE MEMORANDUM

Date: June 12, 2024

To: USDA Forest Service Transfer #89082 File

From: Jim Bitzenburg

Re: Receipting/disposition of fees paid

This transfer was filed on June 3, 2024, and its purpose is to correct the point of diversion (POD) and place of use (POU) descriptions of stockwater right 45-12154. The transfer qualifies for the $50.00 fee under Idaho Code §42-221, O., (8) because it is a paper change only and no physical change in the locations have occurred. A review of historical imagery indicates that the POU has always been located in the NWSE of Section 18, T15S, R20E, and the DRG layer of ArcMap shows that the POD (spring) has always been located in the NESW of Section 18, T15S, R20E. The fee was paid with a credit card from the USDA Forest Service, IDWR receipt #S040239.