

AUG 17 2023

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

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.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Justin Mettler Phone 208-431-47112. MAILING ADDRESS P.O. Box 86 City North ForkState ID Zip 83466 Email _____

- ☐ 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) 75-4300B, 75-10030, 75-13952

- ☐ 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 0.83 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SW	NW	16	24N	21E	Lemhi	North Fork Salmon River	

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:

Pump in river to mainline to wheel lines

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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.

Justin L Mettler
Signature of applicant or authorized agent

JUSTIN METTLER
Print name and title if applicable

8-17-2023
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 550.00 Date 8-17-23

Received by M. Petter Receipt # E049426

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)

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:
Pump in river to mainline to wheel lines

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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 Lease Agreement form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an
(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 $\frac{1}{4}$ of section information. You may create a map at www.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.

Justin L Mettler
Signature of applicant or authorized agent

JUSTIN METTLER
Print name and title if applicable

8-17-2023
Date

Tammy Mettler
Signature of applicant or authorized agent

Tammy Mettler
Print name and title if applicable

2/9/2024
Date

9. FEE - ☐ The application filing fee provided in Idaho Code § 42-221.0, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.0.8. 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 is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Idaho Department of Water Resources.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments

Received by

Date

Fee paid \$50.00 Date 8-17-23

Received by A. P. Little

Receipt # E049426

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)

Justin Mettler POD Change for 75-4300B, 75-10030 and 75-13952



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2023

Water Right 75-4300B

Owner Type **Name and Address**
Current Owner ANDREA S BETZOLD
 PO BOX 296
 HORSESHOE BND, ID 83629-0296
 (208) 793-2934

Priority Date: 5/22/1913

Basis: Decreed

Status: Active

Source
NORTH FORK SALMON RIVER

Tributary
SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	0.140 CFS	
	Total Diversion		0.140 CFS	

Source and Point(s) of Diversion:

NORTH FORK SALMON RIVER SWSW

Sec. 9, Twp 24N, Rge 21E, LEMHI County

Place Of Use:

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	21E	16							7.0										7.0

POU Total Acres: 7.0

Conditions of Approval:

- 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.

Dates and Other Information:

Decreed Date: 11/17/2008

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 75F

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2023

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2023

Water Right 75-10030

Owner Type **Name and Address**
Current Owner JUSTIN L METTLER
 PO BOX 86
 NORTH FORK, ID 83466-0086
 (208) 431-4711

Current Owner TAMMY J METTLER
 PO BOX 140
 CLAYTON, ID 83227-0140
 (208) 431-4711

Priority Date: 5/22/1913

Basis: Decreed

Status: Active

Source
NORTH FORK SALMON RIVER

Tributary
SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.550 CFS	
	Total Diversion		0.550 CFS	

Source and Point(s) of Diversion:

NORTH FORK SALMON RIVER SWSW

Sec. 9, Twp 24N, Rge 21E, LEMHI County

Place Of Use:

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	21E	16							7.0				19.0						26.0
24N	21E	17				0.5									1.0				1.5

POU Total Acres: 27.5

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.

Dates and Other Information:

Decreed Date: 11/17/2008

Civil Case Number: 39576

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2023

Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 75F
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2023

Water Right 75-13952

Owner Type **Name and Address**
Current Owner BELDON W HILLMAN
 3715 SAMUEL ST
 AMMON, ID 83403

Priority Date: 5/22/1913

Basis: Decreed

Status: Active

Source
NORTH FORK SALMON RIVER

Tributary
SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.140 CFS	
	Total Diversion		0.140 CFS	

Source and Point(s) of Diversion:

NORTH FORK SALMON RIVER SWSW

Sec. 9, Twp 24N, Rge 21E, LEMHI County

Place Of Use:

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	21E	16							7.0										7.0

POU Total Acres: 7.0

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.

Dates and Other Information:

Decreed Date: 10/17/2012

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: Or

Water District Number: 75F

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2023

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A



LEMHI TITLE CO.

Instrument # 0000332199 # Pages: 1
 LEMHI COUNTY, Idaho
 May 25, 2023 10:12 AM Fee: \$ 15.00
 For: Lemhi Title Co
 BRENDA ARMSTRONG, Recorder

RECEIVED

AUG 22 2023

Warranty Deed

For Value Received

Department of Water Resources
 Eastern Region

Andrea Betzold, an unmarried woman, who took title as Andrea Burgemeister

the grantor, does hereby grant, bargain, sell and convey unto

TFES 1090, LLC

Whose current address is:

PO Box 339
 Blackfoot, ID 83221

the grantee, the following described premises, to-wit:

Lot Four (4) of Silverlead Subdivision No. 1, according to the official plat thereof, filed for record in Book 5 of Plats, at Page 36, Official Records of Lemhi County, Idaho.

Together with all water and water rights, ditch and ditch rights, mineral and mineral rights, and any grazing rights appurtenant thereto and/ or used in connection there with.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 22, 2023

Andrea Betzold f/k/a Andrea Burgemeister
 Andrea Betzold f/k/a Andrea Burgemeister

STATE OF Idaho)
 COUNTY OF Ada) ss

On this 22 day of May, 2023, before me, a notary public in and for said State, personally appeared **Andrea Betzold f/k/a Andrea Burgemeister** known to me or proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

Kelli Hollon
 Notary Public
 Residing at: 2976 E State St Ste 120 Eagle Idaho 83616
 Comm. Expires: 04/06/2028

Kelli Hollon
 Commission Number: 20221802
 Notary Public
 State of Idaho
 My Commission Expires: 04/06/2028

5584-23

Instrument # 0000332199

88526



LEMHI TITLE CO.

Warranty Deed

RECEIVED

For Value Received

AUG 22 2023

Beldon W. Hillman, an unmarried man

the grantor, does hereby grant, bargain, sell and convey unto

Department of Water Resources
Eastern Region

TFES 1090, LLC

Whose current address is:

**PO Box 339
Blackfoot, ID 83221**

the grantee, the following described premises, to-wit:

**Lot Three (3) of Silverlead Subdivision No. 1, according to the official plat thereof,
filed for record in Book 5 of Plats, at Page 36, Official Records of Lemhi County,
Idaho.**

Together with all water and water rights, ditch and ditch rights, mineral and mineral rights, and any
grazing rights appurtenant thereto and/ or used in connection there with.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said
Grantees that they are the owners in fee simple of said premises; that they are free from all
encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way,
protective covenants, zoning ordinances, and applicable building codes, laws and regulations,
general taxes, assessments, including irrigation and utility easements (if any) for the current
year, which are not due and payable, and that Grantor(s) will warrant and defend the same from
all lawful claims whatsoever.

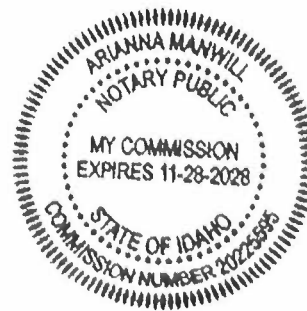
Dated: May 19, 2023

Beldon W. Hillman
Beldon W. Hillman

STATE OF Idaho)
COUNTY OF Bonanza) ss

On this 19 day of May, 2023, before me, a notary public in and for said State,
personally appeared **Beldon W. Hillman** known to me or proved to me to be the person whose name is subscribed to
the within instrument and acknowledged to me that they executed the same.

Arianna Mammill
Notary Public
Residing at: 83464
Comm. Expires: 11-28-2028



5588-23

Instrument # 0000332198

88526



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

September 21, 2023

JUSTIN L METTLER
PO BOX 86
NORTH FORK, ID 83466-0086

RE: Transfer No. 88526
Water Right No(s). 75-10030, 75-13952, 75-4300B

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 9/28/2023 and 10/5/2023. 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: Thursday, September 21, 2023 8:43 AM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 88526 Recorder Herald.docx

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

RE: Transfer No. 88526
Water Right No(s). 75-10030, 75-13952, 75-4300B

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 10/16/2023. 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. 88526**

JUSTIN L METTLER, PO BOX 86, NORTH FORK, ID 83466-0086 has filed Application No. 88526 for changes to the following water rights within LEMHI County(s): Right No(s). 75-10030, 75-13952, 75-4300B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. Proposed point of diversion is in SWNW Sec 16 T24N R21E for 0.83 cfs from North Fork Salmon River.

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 10/16/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 9/28/2023 and 10/5/2023