Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

# 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) State of Idaho, Idaho Dept. of Fish and Game

**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: _____

_____



88544

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of Applicant(s) State of Idaho, Idaho Dept. of Fish & Game Phone 208-334-3700

Mailing address P.O.Box 25, Boise, ID 83720 Email mike.demick@idfg.idaho.gov

☐ 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 Mike Demick, IDFG Easement Specialist Phone 208-756-6022

Mailing address 97 Highway 93 North, Salmon ID 83467 Email mike.demick@idfg.idaho.gov

☑ 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.**

| | | |
|---|---|---|
| Signature of Applicant or Authorized Representative | Tom Curet Regional Supervisor<br>Print Name and Title if applicable | 2/16/23<br>Date |
| Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date |

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. 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**.
   Correcting an error in the legal description for the POU (L-33 fish screen) for water right 74-1710, a fish propagation right that is non-consumptive and used to return fish entrained in ditch back to Lemhi River.



88544

Rev. 07/18

RECEIVED

SEP 25 2023

Department of Water Resourc
Eastern Region

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 |
|---|---|---|---|---|---|
| ☑ ☐ | 74-1710 | 0.80 cfs | Fish Propagation | 03/15 to 11/15 | Lemhi River / Salmon River |
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |

Total authorized under rights 0.80 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.80 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 # |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

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 | |
| 18N | 24E | 5 | | | H | | | | | | | | | | | | | | 0 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | **Total Acres** (for irrigation use) | 0 |



68544

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:
Diversion includes lockable headgate. Measurement section for ditch is downstream of fish screen. This fish propagation right is non-consumptive and water is returned directly to Lemhi River via bypass pipe from fish screen (POU).

b. Who owns the property at the point(s) of diversion? Tammie Smith
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
We are simply correcting the legal description for the POU, which is the fish screen. IDFG holds a recorded easement to access and maintain fish screen regularly during irrigation season.

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: N/A

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:
N/A. No irrigation.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water right 74-1710 is a non-consumptive, fish propagation right for the L-33 fish screen. No other fish propagation right is diverted through the L-33 ditch. Irrigation rights are diverted through ditch under private water rights.

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:



88544

**ATTACHMENT 1A.3** ***Water Right 74-1710***

A legal description error in the POU location for Idaho Fish and Game's L-33 fish screen bypass water right 74-1710 was discovered recently.

The WR Report erroneously lists the POU location as SE of NE, Section 5, T18N, R24E. The correct POU location is SW of NE, Section 5, T18N, R24E.

This fish propagation right is non-consumptive and water is returned directly to the Lemhi River via bypass pipe from L-33 fish screen (POU). The physical location of the POU has not changed.

# Water Right Report : 74-1710( Decreed/Active)

## Water Right Owners

| Owner Type | Name | Address | City | State | Postal Code |
|---|---|---|---|---|---|
| Current Owner | STATE OF IDAHO | DEPT OF FISH & GAME C/O OFFICE OF THE ATTORNEY GENERAL MICHAEL ORR PO BOX 83720 | BOISE | ID | 83720-0010 |

## Water Right Status

Priority Date : 4/1/1961
Basis : Decreed
Status : Active

## Water Source

| Source | Source Qualifier | Tributary | Tributary Qualifier |
|---|---|---|---|
| LEMHI RIVER | | SALMON RIVER | |

## Points Of Diversion (Location)

| Source | Township | Range | Section | Govt. Lot | QQQ | QQ | Q | County | Diversion Type |
|---|---|---|---|---|---|---|---|---|---|
| LEMHI RIVER | 18N | 24E | 5 | 0 | | SE | NE | LEMHI | |

## Water Uses

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| FISH PROPAGATION | 3/15 | 11/15 | 0.80 CFS | |
| **TOTAL** | | | 0.80 CFS | |

## Places of Use

## Place of Use Legal Description : FISH PROPAGATION (LEMHI county)

| Township | Range | Section | Lot | QQQ | QQ | Q | Acres |
|---|---|---|---|---|---|---|---|
| 18N | 24E | 5 | | | SE | NE | |

## Conditions

| Code | Condtions |
|---|---|
| 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.<br><br>Fish screen for L-33 diversion |

## Dates

Licensed Date :
Decreed Date : 7/9/2007
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :

## Other Information

State or Federal : S
Water District Number : 74
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plantiff :
Decree Defendant :
Swan Falls Trust or Nontrust :

88544

Application Recevied Date:
Protest Deadline Date:

Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

2/2/2023

© 2021 - ExternalSearch - Privacy

88544

Rev. 07/18

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: N/A

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 | |
| | | | | | | | | | | | | | | | | | | | 0 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

**Total Acres (for irrigation use)** 0



88544

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:

N/A

---

**FOR DEPARTMENT USE ONLY**

Transfer contains_____pages and_____attachments.

Received by_____Date_____Preliminary check by_____Date_____

Fee paid $50.00 Date 9/25/23 Receipted by CH Receipt # B000001

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)



88544

# Actual POU for WR 74-1710

2/6/2023, 11:53:49 AM

Counties
Quarter Quarters
PLS Sections
Townships
Idaho Outline
Idaho Mask

1:4,514

0 150 300 600 ft

0 40 80 160 m

Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, iPC, Maxar

ArcGIS Web AppBuilder

Maxar | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources (IDWR)

E8544

**IDAHO DEPARTMENT OF FISH AND GAME**
600 S Walnut / P.O. Box 25
Boise, Idaho 83707

Brad Little / Governor
Ed Schriever / Director

September 20, 2023

RECEIVED
SEP 25 2023
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

Dear IDWR:

Enclosed please find five (5) "Application for Transfer of Water Right" documents for water rights 74-1701, 74-1706, 74-1709, 74-1710, and 74-1712. Please initiate the Interagency Billing Process for the $250.00 transfer fees ($50.00 each)

When processing these documents, please use the following LUMA coding:

| | |
|---|---|
| **Agency** | 260 |
| **Project** | 260357922023 |
| **Org Cost Center** | 4790 |
| **Program** | 260C1NX |
| **Appropriation** | FGAC |
| **Fund** | 16090 |
| **Location** | 260703 |

Please send the billing documents to IDFG Headquarters Office, Attention: Tom Bassista, P.O. Box 25, Boise, ID 83707, or by email at Tom.Bassista@idfg.idaho.gov.

Please send copies of the approved transfers to IDFG, Attn: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call or email me if you have any questions at 208-756-6022, mike.demick@idfg.idaho.gov.

Sincerely,
Mike Demick
Mike Demick
Easement Specialist

Enc: Five (5) "Application for Transfer of Water Right"