

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

RECEIVED

MAY 10 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Kevin Michels and Patricia Michels Phone 509-994-0428
Mailing address 6527 S Highland Park Dr, Spokane WA 99223 Email kevinmichels@gmail.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**.

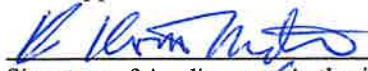
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

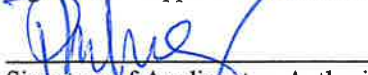
- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The 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

Kevin Michels / owner
Print Name and Title if applicable

5/5/2024
Date


Signature of Applicant or Authorized Representative

Patricia Michels / owner
Print Name and Title if applicable

5/5/2024
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 Ownership Change
- 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 purpose of this transfer is to update the place of use to reflect how it was originally intended. This is a change to correct the land location there was a clerical error previously.

89/03

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-625	3.42	Irrigation	05/01 to 10/15	East Fork Big Lost River
☒ ☐	34-625	0.02	Stockwater	01/01 to 12/31	East Fork Big Lost River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.42 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.42 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

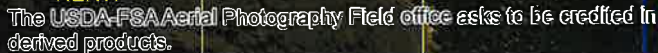
- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

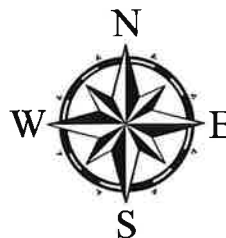
4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ 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	
07N	20E	35	1.4		21	24				1.8									48.2
		36					0.1	2.7	24.6	31	0.4								58.8
Total Acres (for irrigation use)																			107



	34-625 Pre-Transfer Place of Use
	34-625 Post-Transfer Place of Use
	Township/Range
	Sections
	QQ



0 0.175 0.35 0.7 Miles

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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☐ ☐				to	
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☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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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	
07N	20E	35	1.4		20.0	18.0													39.4
07N	20E	36			8.2			2.6	23.0	33.8									67.6
							Stockwater same as Irrigation												
Total Acres (for irrigation use)																			107

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

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:

An irrigation ditch starting on National Forest land then enters our private property irrigation to our pasture/land
Currently we are likely going to install a pipe and valve at the entrance of the irrigation land.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
There is a formal agreement between Forest Service and us/owner, that was made at the time of installation

(documents attached as attachment 7A)

- 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: NA Water rights are not being moved off the property

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:

Transfer will correct the water right land list to represent the correct 107 acres being irrigated by 34-625 and 34-10168. Transfer application is needed to correct a clerical error.

- 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:

N/A

- 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
Proof Report

4/30/2024

Water Right 34-625

Owner Type **Name and Address**
Current Owner HERB WHITWORTH JR
5425 N US HIGHWAY 93
MACKAY, ID 83251-4403
(208) 589-3016

Priority Date: 6/15/1913

Basis: Decreed

Status: Active

Source
EAST FORK BIG LOST RIVER

Tributary
BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	3.420 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		3.420 CFS	

Source and Point(s) of Diversion:

EAST FORK BIG LOST RIVER SENE
EAST FORK BIG LOST RIVER SWNW

Sec. 36, Twp 07N, Rge 20E, CUSTER County
Sec. 36, Twp 07N, Rge 20E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER 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	
07N	20E	35	6.0	7.0	9.0	12.0													34.0
07N	20E	36			3.0		12.0	14.0	20.0	24.0									73.0

POU Total Acres: 107.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Proof Report

3. N15 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
4. USE OF THIS RIGHT WITH RIGHT NO. 34-10168 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.42 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 34-10168 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON.
6. PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY NO. 507.
7. 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.
8. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
9. STOCKWATER, 800 CATTLE

Application for transfer of water right - PART 3

The following pages show the diversion of the irrigation channel starting on the forest service land and it then enters the property where it is pasture flood irrigation of the property. At this time there is no measurement device at the head of the diversion. Now that we have purchased this property we will be working toward better control of this irrigation system and likely a valve control and measurement device. However, we need the water rights properly placed into the correct location as there is a clerical error as you can see and we need them transferred into our name now that we own them (Kevin and Patricia Michels). This will then allow us to access the national forest land through the pre-existing agreement to work not be irrigation canal and diversion point.

Idaho Department of Water Resources Receipt

Receipt ID: E050062

Payment Amount	\$50.00	Date Received	5/10/2024	Region	EASTERN
Payment Type	Check	Check Number	1192		
Payer	KEVIN S MICHELS OR PATRICIA E MICHELS				
Comments	Application for Transfer of Water Right Kevin Michels and Patricia Michels 34-625 Irrigation, 34-625 Stockwater				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	TRANSFERS	63105	0229	21		1155



Signature Line (Department Representative)

Henman, Christina

From: Henman, Christina
Sent: Friday, November 22, 2024 11:24 AM
To: IdwrPayable
Subject: Refund Request: E050061, E050062

Hello,

Please issue a refund for the following:

Amount: \$200.00
Receipt: E050061

Amount: \$50.00
Receipt: E050062

Reason for both: Returning Applications 89097 & 89103 Unprocessed

Recipient for both:

KEVIN MICHELS OR PATRICIA MICHELS
6527 S HIGHLAND PARK DR
SPOKANE, WA 99223

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Fritz, Cooper

From: Fritz, Cooper
Sent: Thursday, November 21, 2024 3:27 PM
To: kevinmichels@gmail.com
Subject: RE: Water Right Transfer Amendment

Greetings Kevin,

I am going to go ahead and withdraw the application, and its companion.

The legal description of the place of use 34-625 as submitted was in error. It was corrected in the updated application that I emailed to you on June 21.

The point of diversion for 34-10168 also appears to be erroneous and I think we discussed that on the telephone on July 19. The next step was to send a pin of the correct location.

If we move forward with the transfers as they are currently, the various water elements would remain erroneous, and we'd need to file additional transfers and pay their accompanying fees.

This withdraw basically just results in the application fees being reimbursed to you. No elements of the water rights have been altered. You should receive your refund within 60 days.

If you'd like to proceed again, you can use the reimbursed fees to file corrected applications. You already have the correct application for 34-625. For 34-10168, please send me the pin for the correct spring location, and I'll prepare the application for you.

From: Fritz, Cooper
Sent: Thursday, July 18, 2024 4:35 PM
To: kevinmichels@gmail.com
Subject: RE: Water Right Transfer Amendment

Hi Kevin,

I wanted to bring this back to the top of your inbox.

Thanks!

From: Fritz, Cooper
Sent: Friday, June 21, 2024 12:15 PM
To: kevinmichels@gmail.com
Subject: Water Right Transfer Amendment

Hello Kevin,

Attached is an amendment that I think is what you need. It corrects the description to the area shown in white. If you agree with it let me know and I go ahead and move forward with the next steps on our end. But it will require you to initial and date the changed description in question 4. In that case, it'd probably be easiest to print it, initial it, and then scan and email. Snail mail always works too.

Another thing – we need the conveyance document linking Herb Whitworth, Jr. to Whitworth Copper Basin, LLC for the Homestead. It appears to be Instrument No. 222126, recorded December 29, 2000. But your title company should easily be able to locate the conveyance document.