

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90047**

This is to certify that: DERRICK S SCOTT AND
JESSICA L SCOTT
435 JIGGS HWY UNIT 3
SPRING CREEK, NV 89815-9743

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-16993	WR/DECREED	6/1/1963	2.170 cfs	N/A	N/A	36.2	SALMON RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-16993	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-16993	72-16993	2.170 cfs	N/A	N/A	36.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.170 cfs	N/A	N/A	36.2		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 12th day of December, 2025.


Southern Region Manager

Transfer No. 90047

WATER RIGHT NO. 72-16993
As Modified by Transfer No. 90047

In accordance with the approval of Transfer No. 90047, Water Right No. 72-16993 is now described as follows:

Right Holder: DERRICK S SCOTT AND
 JESSICA L SCOTT
 435 JIGGS HWY UNIT 3
 SPRING CREEK, NV 89815-9743

Priority Date: 6/1/1963

Source: SALMON RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	2.170 cfs
			2.170 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER L4 (NWSE) Sec 28 Twp 11N Rge 17E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	17E	28													0.6	31.6	4.0		36.2
																L 4	L 7		

POU Total Acres: 36.2

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. 72D.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Rights 72-16993, 72-16994, and 72-16995 when combined shall not exceed a total diversion rate of 3.81 cfs, and the irrigation of 36.4 acres.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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. 90047

WATER RIGHT NO. 72-16993
As Modified by Transfer No. 90047

CONDITIONS OF APPROVAL

6. 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 # 90047
72-16993

This map depicts the IRRIGATION 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 0.05 0.1 0.2 Miles

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





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

December 18, 2025

DERRICK S SCOTT
JESSICA L SCOTT
435 JIGGS HWY UNIT 3
SPRING CREEK NV 89815-9743

Re: Transfer No: 90047
Water Right No(s): 72-16993

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:

TRAVIS L THOMPSON
PARSONS BEHLE & LATIMER
PO BOX 63
TWIN FALLS ID 83303-0063

WATER DISTRICT 72D
KRISTEN HURLESS
14199 EASTFORK RD
CLAYTON ID 83227-5607

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2025 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.: 90047
Water Right No(s): 72-16993

DERRICK S SCOTT
JESSICA L SCOTT
435 JIGGS HWY UNIT 3
SPRING CREEK NV 89815-9743

TRAVIS L THOMPSON
PARSONS BEHLE & LATIMER
PO BOX 63
TWIN FALLS ID 83303-0063

WATER DISTRICT 72D
KRISTEN HURLESS
14199 EASTFORK RD
CLAYTON ID 83227-5607



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: October 15, 2025
To: Transfer #90047, Derrick and Jessica Scott
From: Tyler Wallace
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the point of diversion (POD) for a single irrigation water right with a flow rate of 2.17 cfs. The proposed change to the POD is to move the point of diversion out of a shared point of diversion to a new location approximately 300 feet downstream. The new POD will be a new pump located on the water right owner's property which will allow for easier irrigation. The location of the irrigated place of use is approximately 0.35 miles South and 3.0 miles West of the town of Clayton.

The transfer is in Water District 72D. Watermaster comments were solicited but the water master had no recommendations. The application was advertised and was not protested.

- **Authority to File:**
The Department's database indicates that water right 72-16993 is owned by Derrick Scott and Jessica Scott. The application was signed by both Derrick and Jessica Scott.
- **Water Right Validity:**
Water right 72-16993 is a decreed water right and is listed as active. Validation of recent use for said water rights was confirmed using available aerial photography of the place of use.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Transfer proposes to change the POD out of a shared POD. Letters of approval from owners of all the other water rights on the shared diversion we submitted with the application. The application was advertised and was not protested.
- **Enlargement of Use:**
None anticipated. Transfer proposes no increase in the volume of water used.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised but had no protests.
- **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.



PROOF OF PUBLICATION The Challis Messenger

State of Idaho
County of Custer

RECEIVED

SEP 29 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

I, Collins Crapo first being duly sworn, depose and say: That I am the Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Challis Messenger, a newspaper of general circulation, published 1 day, Thursday at Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Challis Messenger and on IdahoPublicNotices.com for 2 day(s), first publication having been made on 09/18/2025 last publication having been made on 09/25/2025, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

_____ attached jurat _____

STATE OF IDAHO

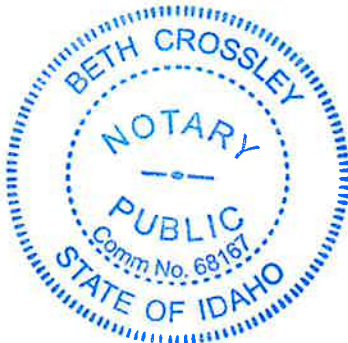
ss.

COUNTY OF CUSTER

On this 25th day of September, 2025 before me, the undersigned, a Notary public for said state, personally appeared Collins Crapo, Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Challis Messenger, a newspaper of general circulation, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires: 7/28/2028



✓ dm 10/1/2025

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90047**

DERRICK S SCOTT and JESSICA L SCOTT, 435 JIGGS HWY UNIT 3, SPRING CREEK, NV 89815-9743 has filed Application No. 90047 for changes to the following water rights within CUSTER County(s): Right No(s). 72-16993; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/queue/newtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for a single irrigation water right with a flow rate of 2.17 cfs from the Salmon River. The new POD will be located approximately 300 feet downstream from the current POD on the water right owner's property. The location of the irrigated place of use and new POD location is approximately 0.35 miles South and 3.0 miles West of the town of Clayton.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before October 6, 2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER
Director

Published: September 18, 25, 2025 (CM12622-673420)

✓ dm