

* * * Memory TX Result Report (Jul. 31. 2007 3:54PM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Jul. 31. 2007 3:53PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
3201 Memory TX	912082876700	P. 3	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
208-525-7161 - PHONE
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Vicky Kelly FROM: JenniferDOCUMENT DESCRIPTION: NAP for Transfer 73961Please have Ernie sign this. Hewill be at the state office Wed + Thurs.for manager's training. (Chris wanted this
in a hearing on Thursday)TOTAL NUMBER OF PAGES (Including this page): 3*****
* Billing address: _____ *

* No of Pages _____ Cost / Page _____ Total Charge _____ *

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)

)

)

Water Rights: 74-15537

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer **73961**

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:

July 31, 2008

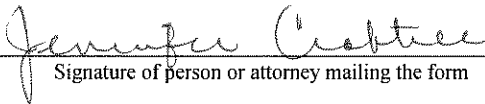
DATED: _____

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 7-31-07, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
VELMA MAHAFFEY
PO BOX 14
LEMHI ID 83465
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 31, 2007

VELMA MAHAFFEY
PO BOX 14
LEMHI ID 83465

RE: Application for Transfer #73961 (74-15537) and Notice of
Administrative Proceeding (NAP)

Dear Ms. Mahaffey:

The Idaho Department of Water Resources (IDWR) received an
Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP
to the SRBA Court and other parties listed on page 2 of the form. The
intent of this mailing is to notify those parties of the requested change.

Please feel free to contact me if you have any questions concerning this
matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

Crabtree, Jennifer

From: Crabtree, Jennifer
Sent: Tuesday, July 31, 2007 4:02 PM
To: Kelly, Vicki
Subject: FW: Pending Transfer 73961

Hi Vicki. I just faxed you this NAP. Ernie will be in Boise tomorrow and Thursday, so I am hoping you can find him to sign it. Thanks, Jen

From: Arave, Nathaniel
Sent: Tuesday, July 31, 2007 3:29 PM
To: Crabtree, Jennifer
Subject: FW: Pending Transfer 73961

Jennifer,

Will you have an opportunity to complete this NAP prior to thursday morning?

Nate

-----Original Message-----

From: Bromley, Chris
Sent: Tuesday, July 31, 2007 3:26 PM
To: Arave, Nathaniel
Cc: Kelly, Vicki; Courtney, Andrea
Subject: RE: Pending Transfer 73961

Nate,

Would it be possible to get that NAP done before Thursday morning? I'd like to be able to fax it to SM Dolan before the hearing if it's possible.

Chris

From: Courtney, Andrea
Sent: Tuesday, July 31, 2007 3:20 PM
To: Bromley, Chris
Cc: Kelly, Vicki
Subject: FW: Pending Transfer 73961

FYI re:Velma, etc.

From: Arave, Nathaniel
Sent: Tuesday, July 31, 2007 2:54 PM
To: Courtney, Andrea
Subject: FW: Pending Transfer 73961

Andrea,

I've been almost completely devoted to working on Whittaker water rights for the past few weeks, but I did meet with Velma Mahafey this morning and drew up a transfer for water right 74-15537. A copy of the transfer is attached and we should have the NAP out the door in the next few days. Edwards and Seaberg are most likely on course to trial. Don found all of the missing 321 water and new claims have been filed.

Nate

-----Original Message-----

From: Arave, Nathaniel

Sent: Tuesday, July 31, 2007 12:58 PM
To: Kelly, Vicki
Subject: RE: Pending Transfer 73961

-----Ori << File: 73961.pdf >> inal Message-----

From: Kelly, Vicki
Sent: Tuesday, July 31, 2007 12:13 PM
To: Arave, Nathaniel
Subject: FW: Pending Transfer 73961

Hi Nate

Could you email me a copy of the transfer please? Chris has an upcoming hearing on this right. Thanks - Vicki

-----Original Message-----

From: Bromley, Chris
Sent: Tuesday, July 31, 2007 12:00 PM
To: Kelly, Vicki
Subject: FW: Pending Transfer 73961

Vicki,

Could you please have someone get the information on this case into the file for my review.

Thanks!

From: Fritschle, Carter
Sent: Tuesday, July 31, 2007 11:35 AM
To: Bromley, Chris
Subject: FW: Pending Transfer 73961

Chris,

Since you have a scheduling conference on Thursday for this one, I wanted to make sure you knew about the transfer.

Carter

From: Arave, Nathaniel
Sent: Tuesday, July 31, 2007 11:27 AM
To: Fritschle, Carter
Subject: Pending Transfer 73961

Transfer 73961 proposes changes to the following rights.

AJC 74-15537

(Internet)

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 23961

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Velma Mahaffey Phone 208-768-2413
Post Office address PO Box 14 Lemhi ID 83465

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. Describe the reason for the proposed changes to improve Irrigation Efficiency

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>74-15537</u>	<u>2-12-1875</u>	<u>0.14 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>"</u>	<u>"</u>	<u>0.02 cfs</u>	<u>stockwater</u>	<u>01/01</u> to <u>12/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.14 cfs cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Spring tributary to Lemhi River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	NW	33	18N	24E	Lemhi	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
18N	24E	33						4.5											4.5

Total acres 4.5

PART 1**6. General Information:**

a. Description of diversion system spring feeds Ditch to Pond used to
Irrigate place of use with sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

will no be watered under this water Right
74-15537

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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

Current Water Right No. 74-15537

Priority Date: 02/12/1875

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: UNNAMED STREAM**Tributary to:** LEMHI RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.14 CFS		
STOCKWATER	01/01 12/31	0.02 CFS		
Total Diversion		0.14 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM NWSW 18N 24E 33 LEMHI

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 24E 33							3.3	1.2									4.5
							L 4										

Total Acres: 4.5

Conditions/Remarks:

1. 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NO longer watered under 74-15537

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

QUITCLAIM DEED

This INDENTURE, Made this 5th. day of January
in the year of our Lord one thousand nine hundred and 94 between
June Playfair, Marie Mahaffey, Kathleen Knight

of Box 14 Lemhi, Id 83465 County of Lemhi
State of Idaho, the party's of the first part, and Velma Mahaffey

of Lemhi County of Lemhi
State of Idaho, the party of the second part.
WITNESSETH, That the said parties of the first part, for and in consideration of the
sum of Property exchange in lieu of \$3.00 DOLLARS
lawful money of the United States of America, to in hand paid by the said
party of the second part, the receipt whereof is hereby acknowledged, do by these
presents remise, release and forever QUITCLAIM, unto the said party of the
second part, and to all heirs and assigns, all 2 lots certain lot
piece or parcel of land, situate, lying and being in Sec. 33, T 18 N, R 24 E
County of Lemhi, state of Idaho, bounded and particularly described as follows,
towit:

A parcel of property lying South West of the center line of the Lemhi
County road and North East of the right of way for US-28 in lots 3 and 4
and the SW 1/4 NW 1/4 Section 33, Township 18 N, Range 24 E., Boise
Meridian, Lemhi County, Idaho.

Transfer of 74-15537



- 74-15537 Pre Transfer
- Lenhi taxlots
- GCDB18N24E GCDB
- Sections
- 74-15537 Point of Diversion Post Transfer
- 74-15537 Diversion Pre Transfer
- 74-15537 Post Transfer

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

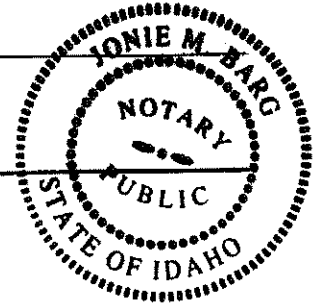
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 31 day of July, 192007

(Signature of Applicant)

(Notary Public)

My commission expires July 24, 2013**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by Narave Date 7/31/07

Protest filed by _____

Prelim. check by Narave Fee \$100Receipted by J Barge Date 7/31/07

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Idaho Department of Water Resources Receipt

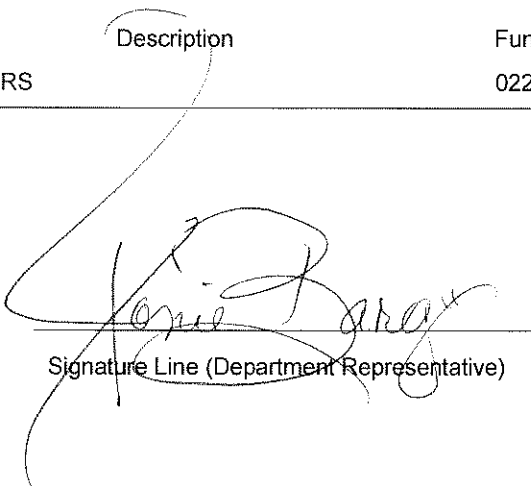
Receipt ID: E033177

Payment Amount \$100.00 Date Received 7/31/07 10:17 Region EASTERN
Payment Type Check Check Number 941
Payer MAHAFFEY, VELMA

Comments 74-15537

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$100.00	TRANSFERS	0229	21	63105	1155


Signature Line (Department Representative)