

2021-07-06 11:25:52

72-04144C, 72-04144D, 72-07097

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	)	SUBCASE NO. 72-04144C,
	)	72-04144D, 72-07097
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership	☐ Split of Water Right
☒ Point of Diversion	☐ Place of Use
☐ Period of Use	☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 5/21/21

[Signature]
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/10, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Joe Chester
Nancy Chester
PO Box 759
Challis ID 83226
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy 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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

03/12/2001

RIGHT NUMBER: 72-4144C

NAME AND ADDRESS: JOE CHESTER
NANCY CHESTER
PO BOX 759
CHALLIS, ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.44 CFS
84 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 72-04144D, 72-07097 AND 72-07435 IS LIMITED TO
A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 255.5 AF.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T13N R19E S16 LOT 6 SWSWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.44 CFS 84.50 AFY

PLACE OF USE:

<u>IRRIGATION Within CUSTER County</u>			
T13N R19E S10	NENW	15	T13N R19E S10 LOT 3 SENW 9

24 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 72-04144D, 72-07097 AND 72-07435 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 73.0 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WATER IS DELIVERED THROUGH GINI DITCH
0.12 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF
THIS RIGHT

03/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-4144D

NAME AND ADDRESS: JOE CHESTER
NANCY CHESTER
PO BOX 759
CHALLIS, ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.18 CFS
21 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 255.5 AF. COMBINED RIGHT NOS.: 72-04144C, 72-07097 AND 72-
07435.

PRIORITY DATE: 04/01, 1920

POINT OF DIVERSION: T13N R19E S16 LOT 6 SWSWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.18 CFS 21.00 AFY

PLACE OF USE:

IRRIGATION Within CUSTER County
T13N R19E S16 LOT 3 SENW

6 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 73.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
72-04144C, 72-07097 AND 72-07435.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED
ABOVE: 72-04144C, 72-07097 & 72-07435.

03/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-7097
NAME AND ADDRESS: JOE CHESTER
NANCY CHESTER
PO BOX 759
CHALLIS, ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.54 CFS
94.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 72-07435 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 150.5 AF.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 255.5 AF. COMBINED RIGHT NOS.: 72-04144C, 72-04144D AND 72-07435.

PRIORITY DATE: 04/29/1980

POINT OF DIVERSION: T13N R19E S16 LOT 6 SWSWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	0.54 CFS 94.50 AFY

PLACE OF USE:

IRRIGATION Within CUSTER County					
T13N R19E S10	NWNE	3	T13N R19E S10	LOT 4	SWNE 30
T13N R19E S10	SENE	7	T13N R19E S10	LOT 3	SENE 3

43 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 72-07435 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43.0 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 73.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04144C, 72-04144D AND 72-07435.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right 72-7097



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NANCY L CHESTER
JOE D CHESTER
PO BOX 759
CHALLIS ID 83226

RE: SRBA Claim(s) 72-04144C, 72-04144D, 72-07097

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5578
WATER RIGHT NO(S) . 72-04144C/72-04144D/72-07097/72-07435

This is to certify that: NANCY L CHESTER
JOE D CHESTER
PO BOX 759
CHALLIS ID 83226

RECEIVED

JUN - 2 2000

Department of Water Resources
Southern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 72-07097 :			
Priority: 04/29/1980			
IRRIGATION	04/01 to 11/01	0.54 CFS	94.5 AF
Right No. 72-07435 :			
Priority: 12/01/1989			
IRRIGATION	04/15 to 10/15	0.62 CFS	105.0 AF
	SUBTOTAL:	1.16 CFS	150.5 AF *
Right No. 72-04144C :			
Priority: 04/01/1920			
IRRIGATION	04/01 to 10/31	1.44 CFS	84.0 AF
Right No. 72-04144D :			
Priority: 04/01/1920			
IRRIGATION	04/01 to 10/31	0.18 CFS	21.0 AF
	TOTAL:	2.78 CFS	255.5 AF **

SOURCE

SALMON RIVER

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (SWSWSE), Sec. 16, Township 13N, Range 19E
CUSTER County

Right No. 72-04144C :
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13N	19E	10	NENW 15	Lot 3 (SENW) 9		24
Total number of acres irrigated:						24

TRANSFER NO. 5578
WATER RIGHT NO(S) . 72-04144C/72-04144D/72-07097/72-07435

Right No. 72-04144D :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13N	19E	10	Lot 3 (SENW)	6			6
Total number of acres irrigated:							6

Right No. 72-07097 & 72-07435 :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13N	19E	10	NWNE	3	Lot 4 (SWNE)	30	
			Lot 3 (SENW)	3	SENE	7	
Total number of acres irrigated:							43
							43 ***

CONDITIONS OF APPROVAL AND REMARKS

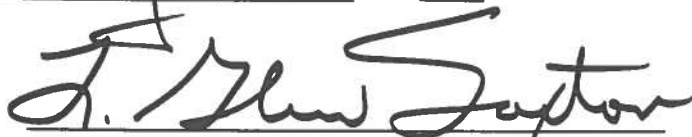
1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
6. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
7. The period of use for the irrigation described under Right 72-07435 may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. Approval of Transfer 5578 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The portion of Right 72-04144C used for conveyance losses is 0.12 cfs.

TRANSFER NO. 5578
WATER RIGHT NO(S). 72-04144C/72-04144D/72-07097/72-07435

CONDITIONS OF APPROVAL AND REMARKS

- *** 10. Right 72-07097 is limited to the irrigation of 27.0 acres in the place of use described above in a single irrigation season.
- *** 11. Right 72-07435 is limited to the irrigation of 30.0 acres in the place of use described above in a single irrigation season.
- * *** 12. Rights 72-07097 and 72-07435 when combined shall not exceed a total annual maximum diversion volume of 150.5 af at the field headgate and the irrigation of 43.0 acres.
- ** 13. Rights 72-04144C, 72-04144D, 72-07097 and 72-07435 when combined shall not exceed a total annual maximum diversion volume of 255.5 af at the field headgate and the irrigation of 73.0 acres.

Dated this 26th day of May, 2000.


Chief, Water Allocation Bureau

SEP 03 1999

5578

1 of 6

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

Department of Water Resources Transfer No
SUD-8 Southern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Joe D. and Nancy L. Chester Phone (208) 879-4463
Post Office address P.O. Box 759, Challis, Idaho 83226

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 consolidate diversions from the Salmon River

* Combined AJ Recommendations 72-04144C, 04144D into " 72-04144E

9. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE for WK sequence

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
*	~~72-041440~~	04/01/1920	1.44cfs	Irrigation	04-01	to 10-31
	72-07097	04/29/1980	54cfs/81.0AFY	Irrigation	04-01	to 11-01
*	~~72-041440~~	04/01/1920	.18cfs	Irrigation	04-01	to 10-31
	72-07435	12/01/1989	.62cfs	Irrigation	04-15	to 10-15

2. Total amount of water being transferred 2.78 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Salmon River tributary to Snake River
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: No change. See Attachment A for current place of use.

[illegible]

PART 1

General Information:

a. Description of diversion system Wing dam in Salmon River diverts water through headgate into Gini Ditch for delivery to ditch users.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ 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:
N/A

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 _____