

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 16 2021

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Richard Mauthe / Nancy McCaslinMailing address PO Box 9, Mackay, Idaho 83251Phone 208-850-9698Email rmauthe@gmail.comDepartment of Water Resources
Eastern Region

- ☐ 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 _____

Mailing address _____

Phone _____

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

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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 _____
 - Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
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**.
- Rearrange place of use to allow broader use of surface water, and rearrange ground water rights to reflect current irrigation. All surface water rights have the same pod. Water use to not exceed amounts as stated in the water right reports, but will allow flexibility in priority date use on both places of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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 ☒ ☐	34-685C	0.8 cfs	Irrigation	05/01 to 10/15	Big Lost River, Sinks
☒ ☐	34-684C	0.8 cfs	Irrigation	05/01 to 10/15	Big Lost River, Sinks
☒ ☐	34-569F	1.0 cfs	Irrigation	05/01 to 10/15	Big Lost River, Sinks
☒ ☐	34-367B	0.1 cfs	Irrigation	05/01 to 10/15	Big Lost River, Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.15 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.59 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	24E	17									15	31.4							46.4
07N	24E	20	28			34									4.1				66.1
07N	24E	21						3.5	19			19							41.5
Total Acres (for irrigation use)																			154

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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 ☐ ☒	34-4070	1.76 cfs	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	34-2269	0.69 cfs	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.15 cfs and/or _____ acre-feet.

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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	24E	20	28			34									4.1				66.1
07N	24E	21						3.2	19			16.8							39
Total Acres (for irrigation use)																			105.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

AMENDED

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:

All diversions to private ditches are controlled and administered by Big Lost River Irrigation District from the Sharp Ditch. All head gates are locked by the ditch riders. Wells on site to provide ground water. Measuring devices will either be weirs or flow meters.

- b. Who owns the property at the point(s) of diversion? P Cross Ranch / Wells owned by applicant.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

No access required by applicants. Point of diversion is controlled by the water master of water district 34.

- 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

- 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:

Could be combined with ground water right 34-7248.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

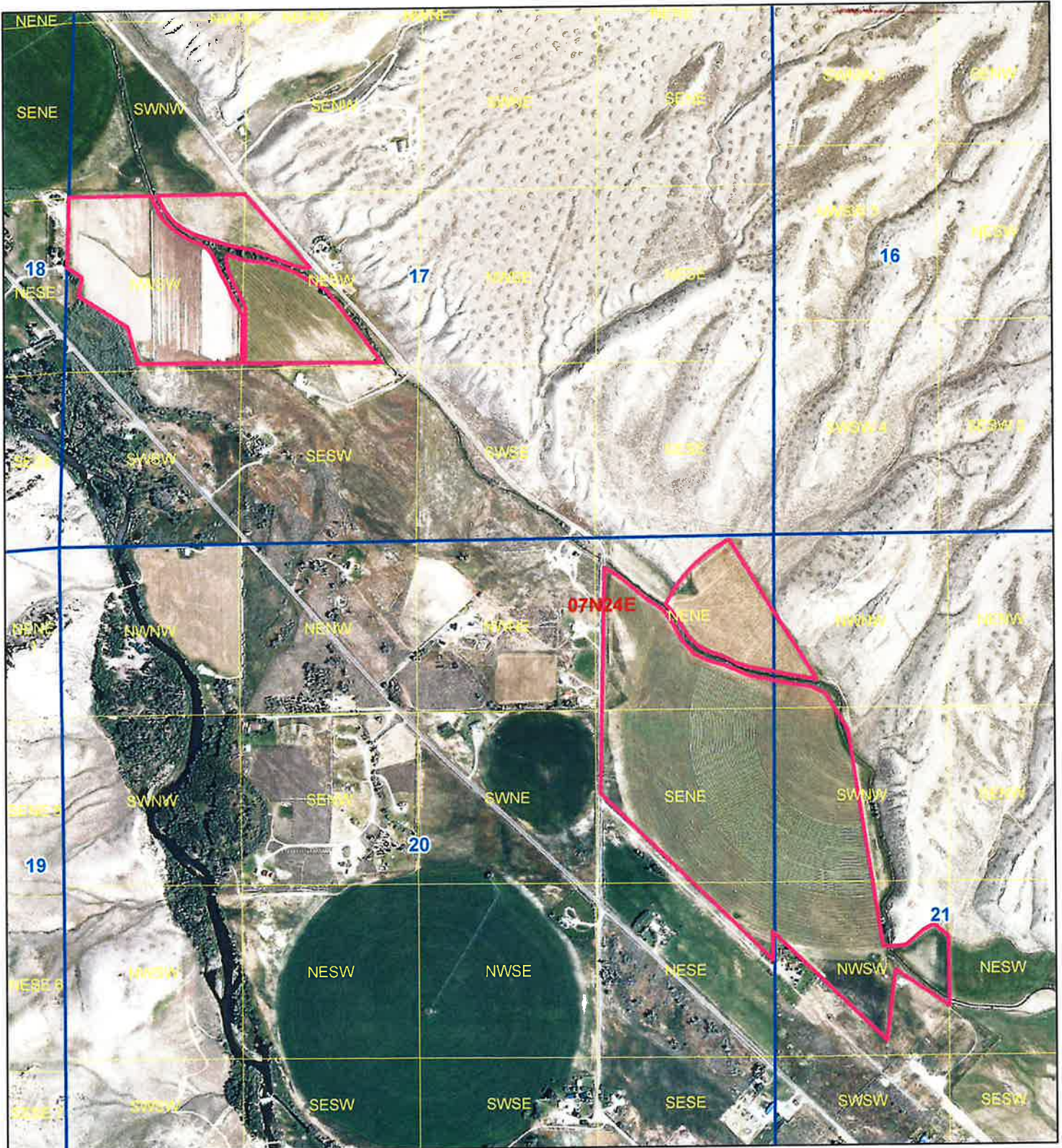
- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, 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

Transfer 84923

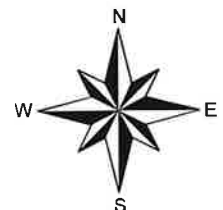
AMENDED



Legend

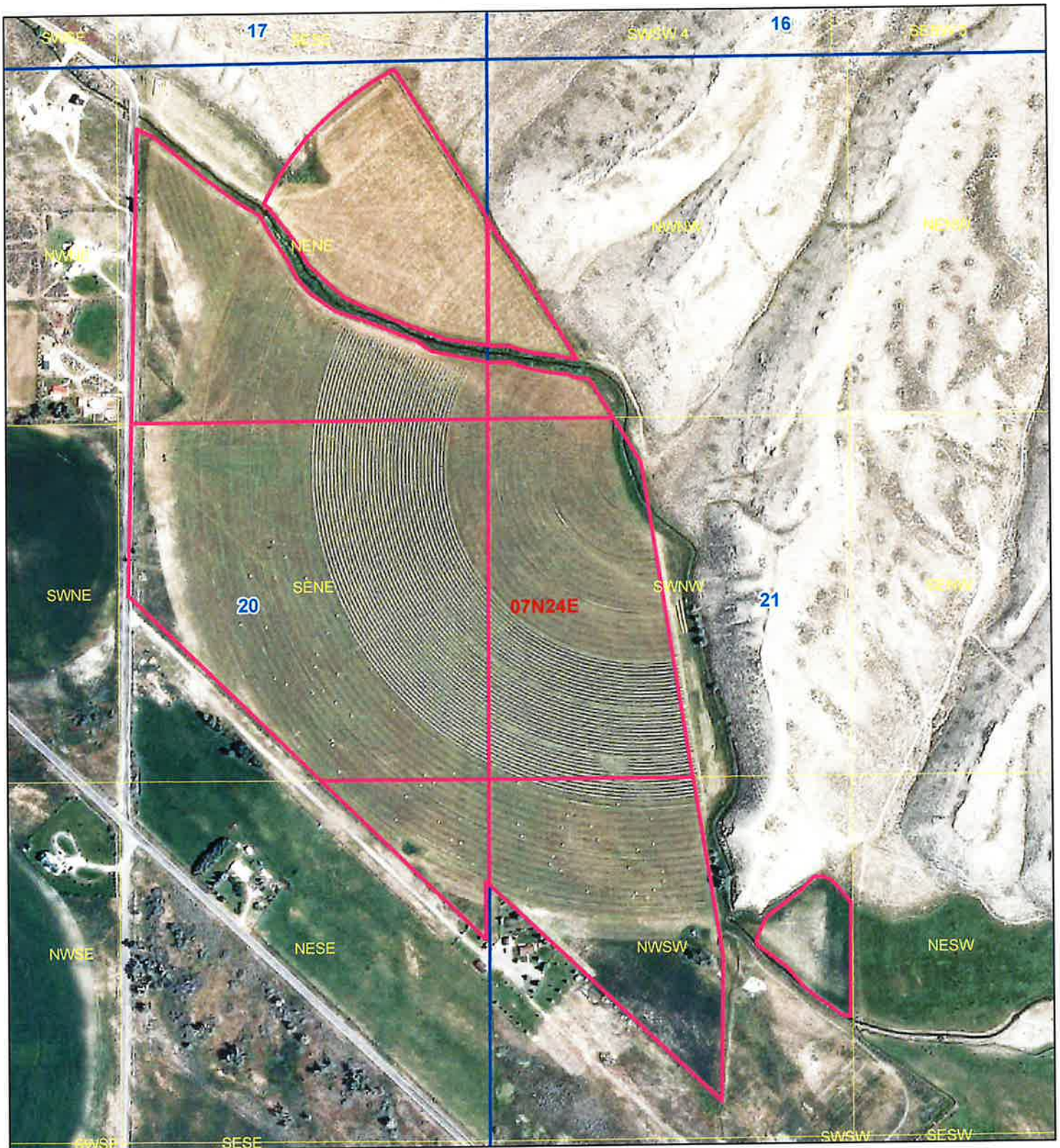
- T84923_SW_POU
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 0.3 0.4
Miles



Idaho Department of Water Resources
Transfer 84923

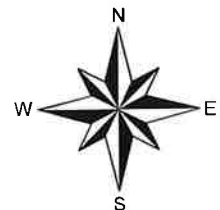
AMENDED



Legend

- T84923_GW_POU
- Township/Range
- Sections
- QQ

0.00 0.02 0.05 0.11 0.165 0.22 Miles



7/7/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY J MCCASLIN PO BOX 9 MACKAY, ID 83251-0009 (208) 336-2462

Current Owner RICHARD E MAUTHE
PO BOX 9
MACKAY, ID 83251-0009
(208) 850-9698

Status: Active

Tributary

Volume

0.690 CFS

Sec. 20, Twp 07N, Rge 24E, CUSTER County

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	24E	20	31.7			35.0									2.4				69.1
07N	24E	21						3.5	21.2				11.3						36.0

POU Total Acres: 105.1

1. USE OF THIS RIGHT WITH RIGHT NO. 34-04070 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 367.8 AF.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00367B, 34-00569F AND 34-04070 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.83 CFS.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-04070 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 105.1 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00367B, 34-00569F AND 34-04070 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 107.6 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 34.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/7/2021

- 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.
4. RIGHT NO. 34-04070 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information

Decreed Date: 12/14/2001

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/7/2021

Water Right 34-4070

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY J MCCASLIN PO BOX 9 MACKAY, ID 83251-0009 (208) 336-2462
Current Owner	RICHARD E MAUTHE PO BOX 9 MACKAY, ID 83251-0009 (208) 850-9698

Priority Date: 8/1/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	1.760 CFS	
STOCKWATER	1/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		1.800 CFS	

Source and Point(s) of Diversion

GROUND WATER	NWNE	Sec. 20, Twp 07N, Rge 24E, CUSTER County
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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	24E	20	31.7			35.0									2.4				69.1
07N	24E	21						3.5	21.2				11.3						36.0

POU Total Acres: 105.1

STOCKWATER Same as IRRIGATION

Conditions of Approval:

- USE OF THIS RIGHT WITH RIGHT NO. 34-02269 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 367.8 AF.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00376B, 34-00569F AND 34-02269 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.83 CFS.
- USE OF THIS RIGHT WITH RIGHT NO. 34-02269 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 105.1 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00376B, 34-00569F AND 34-02269 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 107.6 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/7/2021

3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 34-02269 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
STOCKWATER; 200 BEEF CATTLE, 500 SHEEP

Dates and Other Information

Decreed Date: 12/14/2001

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Mitigation Plan: False