

T3725 PANTER

3725

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUN 27 1990

Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3725 OF WATER RIGHT)
NO. 13-02128B IN THE NAME OF)
RONALD PANTER)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of a request to reinstate an application for transfer which the department denied, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 14, 1990, Ronald K. Panter (applicant) filed Application for Transfer No. 3725 (application) with the department proposing to change the point of diversion and place of use of water right no. 13-02128.

2. On November 13, 1990 and on July 16, 1992, the department requested the applicant to provide certain information relative to the pending application.

3. On January 19, 1994, the department issued a Preliminary Order Denying the Application for Transfer due to the applicant's failure to respond to the department's inquiries and failure to provide the requested information.

4. In May 1994, the applicant's son contacted the department to determine if the department would reconsider its January 19, 1994 Preliminary Order which denied the application. The son advised that his father did not provide the requested information due to the father's poor health. He also advised that the change had been perfected approximately twenty (20) years ago and that the watermaster had been delivering the water through the years as proposed in the application.

5. The department contacted the watermaster concerning the matter who advised the department that the filing of a new application for the change would confuse other Bear River waterusers and would serve no practical purpose.

CONCLUSIONS OF LAW

1. The department should set aside its November 19, 1994 Preliminary Order and should consider the application as being a

valid application before the department.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Preliminary Order of the department dated November 19, 1994 is **RESCINDED**, and

IT IS FURTHER HEREBY ORDERED that Application for Transfer No. 3725 is **REINSTATED** as a valid application before the department.

Dated this 27th day of June, 1995.


L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 3725
WATER RIGHT NO. 13-02128B

This is to certify that: **RONALD PANTER**
14085 N HWY 34
THATCHER ID 83283

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>
IRRIGATION	04/15 to 10/15	1.62 CFS	283.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRING CREEK	BEAR RIVER

Priority: 08/13/1934

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 24, Township 12S, Range 40E
FRANKLIN County

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>
12S	40E	24	SWNW 10	NESW 21	NWSW 25	
			SWSW 7	SESW 18		81
			Total number of acres irrigated:			81

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 3725
WATER RIGHT NO. 13-02128B

CONDITIONS/REMARKS:

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Diversion of water from Bear River is limited to those times when water is available under the priority of this right from Bear River and Spring Creek, and to the amount of that water that reaches Bear River as determined by the Watermaster of State Water District No. 11, Bear River.

Dated this 22nd day of June, 1995


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 13-02128 *28*
FROM: PAM SKAGGS/STATE OFFICE
SUBJECT: TRANSFER NO. 3725
DATE: June 20, 1995

=====

Transfer No. 3725 was filed to change the point of diversion and the place of use under a portion of Right No. 13-02128, splitting the right into parts A and B. This transfer describes changes that already occurred approximately 20 years ago, so no actual physical change will be made from the approval of this transfer.

The change in point of diversion moves the diversion from a ditch off Spring Creek which is tributary to Bear River, to a pump directly in the Bear River that is adjacent to the property. The water under this right is no longer diverted from the creek, but allowed to flow into the River and pumped from there. The diversion should be limited to the amount of water under this right that actually reaches the Bear River.

Originally some information was requested and no response was received, so the transfer eventually was Denied by Order. The application is being reconsidered due to extenuating circumstances regarding the applicant's health, at the request of his son. An Order rescinding the previous Order will be prepared for approval with the transfer.

Ownership of the property was originally provided as a 1988 tax notice in the name of Ronald Panter for a total of 81.6 acres by tax lot. Location within the section was not specified. Franklin County Assessor provided the only deed they could locate for Ronald Panter in Section 24 that includes NESW, NWSW, SESW (all east of the river) and a small tract in SWNE that includes at least 83 of the licensed acres.

It would be reasonable to assume that since the transfer represents a historical place of use that has been irrigated since the change occurred more than 20 years ago, that the 32 acres identified in SENW probably ceased to be irrigated long ago under this right. Also, no protests or objections were raised by any landowner or the watermaster regarding this transfer. Greg Panter has provided a deed showing that Randy Panter, a nephew of the applicant, owns a portion of the SENW and stating that the property is not irrigated under this right.

Recommended conditions include diversion/source limits, watermaster control, measuring/lockable device, irrigation overlap, supplemental water requirement and standard transfer conditions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

3725
RECEIVED
JAN 21 1994
Department of Water Resources
Eastern District Office

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 19, 1994

RE: In the matter of permit no. 13-02128 in the name of Ronald K. Panter

Dear Interested Party:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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 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 issuance 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.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19TH day of January, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Recommended Order to the following:

Ronald K. Panter
14085 N. Hwy. 34
Thatcher, ID 83283

IDWR - E. Region
900 N. Skyline Drive
Idaho Falls, ID 83402


JULIE L. YARBROUGH
Senior Secretary

STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 3725 IN THE
NAME OF RONALD K PANTER

PRELIMINARY ORDER
DENYING APPLICATION
FOR TRANSFER

This matter having come before the Idaho Department of Water Resources (Department), as a requirement of Section 42-222, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Application for Transfer No. 3725 proposes to change the location and place of use of water right no. 13-02128.
2. The Department corresponded with the applicant on November 13, 1990 requesting proof of ownership of 40 acres located within the SENW of Section 24, Township 12 South, Range 40 East.
3. On July 16, 1992, the Department corresponded again with the applicant, requesting proof of ownership to be sent within fifteen (15) days or withdraw the transfer application. The applicant has not responded.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, specifies that transfer applications can be filed by "any person, entitled to the use of water...". Failure on the part of the applicant to supply

requested proof of ownership is cause for the Director to deny the transfer application.

2. The Department should deny Application for Transfer No. 3725.

ORDER

IT IS HEREBY ORDERED that application for Transfer No. 3725 is DENIED as authorized in Section 42-222, Idaho Code.

Dated this 19th day of January, 1994.

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3725APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Ronald K. Panter Phone 427-6350
Post Office address 14085 North Hwy 34, Thatcher, ID 83283

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 record a de facto point of diversion change made by Mr. Panter's father thirty (30) years ago.

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>13-2128</u> | <u>Aug. 13, 1934</u> | <u>1.62</u> | <u>irrigation</u> | <u>April 1</u> to <u>November 1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 1.62 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Spring creek tributary to Bear River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	24	12S	40E	Franklin	Panter pump

5. Lands irrigated or place of use:

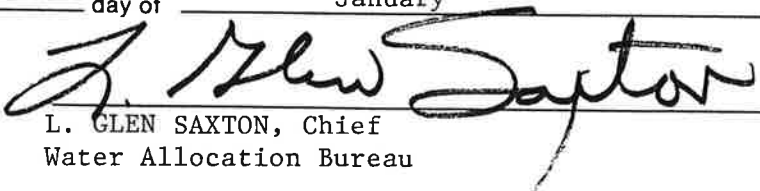
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	40E	24							10		21	25	7	18					81

Total acres 81

PART 1**6. General Information:**a. Description of diversion system Portable propane powered pumpb. 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:

d. Remarks:

Spring creek water is allowed to flow into the Bear River, it is then diverted from the Bear River.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 13-02128And said application is hereby DENIED, subject to the following limitations and conditions:Application for Transfer denied pursuant to the Preliminary Order dated January 19, 1994.Witness my hand this 19th day of January, 19 94.
L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 13-02128 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water spring creek tributary to Bear River

4. Date or priority August 13, 1934

5. Water is used for the following purpose:

amount 2.56 for irrigation purposes from April 1 to November 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.56 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	18	12S	41E	Franklin	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	40E	24							5	40	40	5		38					128

Total acres 128

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 no _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.62 cfs for irrigation purposes from April 1 to November 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	18	12S	40E	Franklin	

3. 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	
12S	40E	24							5	32	21	5		18					81

Total acres 81

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount .94 for irrigation purposes from April 1 to November 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	18	12S	40E	Franklin	

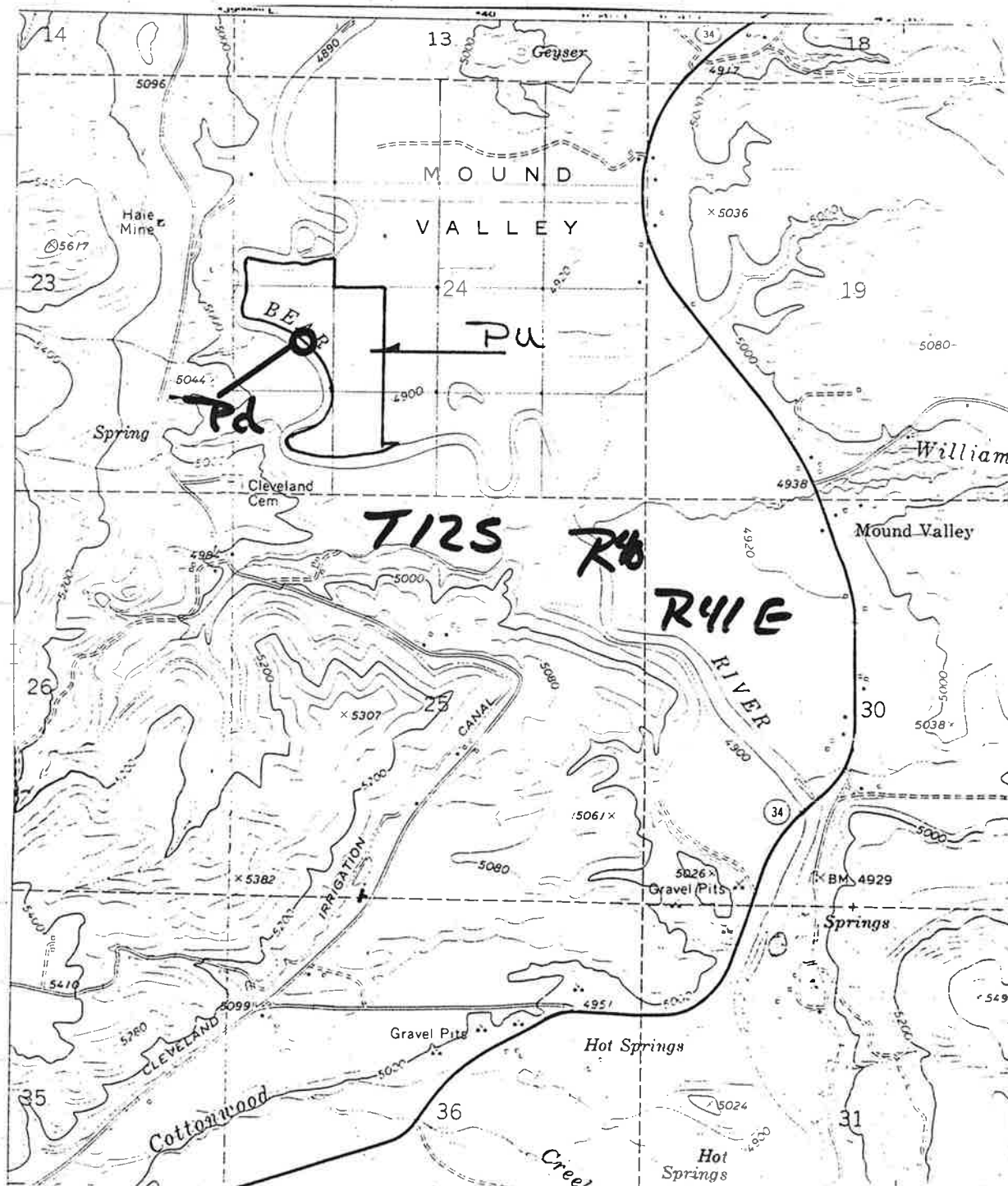
3. Lands irrigated or place of use:

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	
12S	40E	24								8	19			20					47

Total acres 47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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 17th day of June, 19 90.

Ronald K. Carter
(Signature of Applicant)

Arthur K. Smith
(Notary Public)

My commission expires 1-28-93.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. Schultz Date 5/14/90 Protest filed by _____Prelim. check by DMS Fee 50⁰⁰Receipted by J. Schultz Date 5/10/90Published in Preston Citizen Copies of protest forwarded by _____Pub. dates 7-5 & 12-90 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

copy returned for signature
5 June 1990: DMS

3.0. 11-7-90

COPY

Transfer No.

Form 222
1-87

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Ronald K. Panter Phone 427-6350Post Office address 14085 North Hwy 34, Thatcher, ID 83283

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 record a de facto point of diversion change made by Mr. Panter's father thirty (30) years ago.

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>13-2128</u> | <u>Aug. 13, 1934</u> | <u>1.62</u> | <u>irrigation</u> | <u>April 1</u> to <u>November 1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 1.62 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Spring creek tributary to Bear River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	24	12S	40E	Franklin	Panter pump

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	
12S	40E	24							10		21	25	7	18					81

Total acres 81

PART 1

6. General Information:

- a. Description of diversion system Portable propane powered pump

- 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:

- d. Remarks:
Spring creek water is allowed to flow into the Bear River, it is then diverted from
the Bear River.

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 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 13-02128 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water spring creek tributary to Bear River

4. Date or priority August 13, 1934

5. Water is used for the following purpose:

amount 2.56 for irrigation purposes from April 1 to November 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.56 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	18	12S	41E	Franklin	

8. 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	
12S	40E	24							5	40	40	5		38					128

Total acres 128

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.62 cfs for irrigation purposes from April 1 to November 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	18	12S	40E	Franklin	

3. 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	
12S	40E	24							5	32	21	5		18					81

Total acres 81

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount .94 for irrigation purposes from April 1 to November 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	18	12S	40E	Franklin	

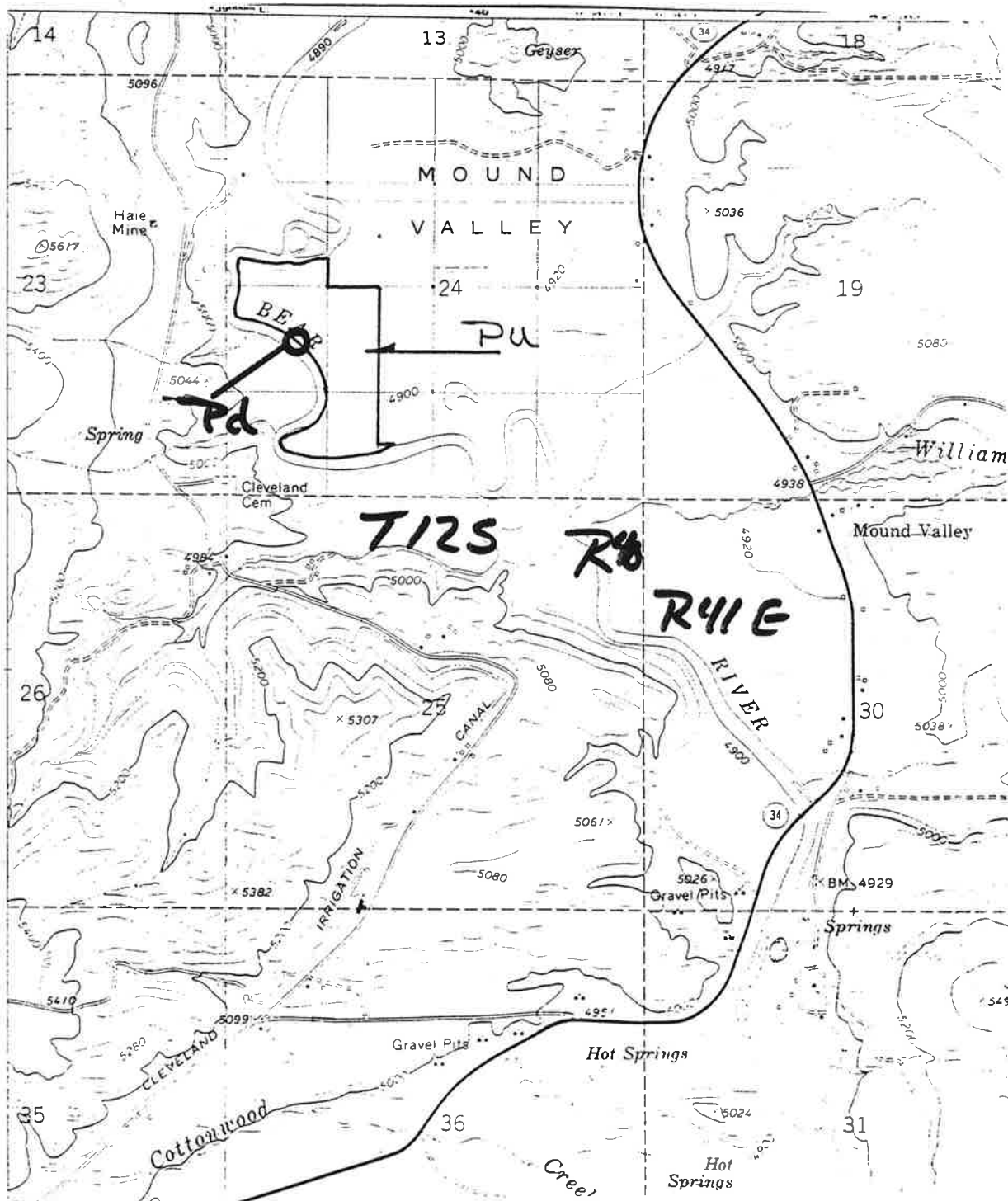
3. Lands irrigated or place of use:

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	
12S	40E	24								8	19			20					47

Total acres 47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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 17th day of June, 19 90.

Ronald K. Carter
 (Signature of Applicant)

Arden K. Smith
 (Notary Public)

My commission expires 1-28-93.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. Schultz Date 6-14-90 Protest filed by _____

Prelim. check by DMS Fee 50⁰⁰

Receipted by J. Schultz Date 5/10/90

Published in Preston Citizen Copies of protest forwarded by _____

Pub. dates 7-5 & 12-90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

copy returned for signature
5 June 1990: DMS