



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 6, 1984

RE: Transfer of Water Right No. 29-0290B

Mike Luker
Box 297
Inkom, ID 83245

Dear Mr. Luker:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2885). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

RECEIVED

JAN 11 1984

Department of Water Resources
Eastern District Office

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2885	Stewart, Charles E.	2.0		29-0290
	Luker, Mike	0.2		29-0290B
	Stewart, Charles E.	1.8		29-0290A

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Transfer No. 2885Water Right No. 29-0290STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Mike Luker Phone 775-3757Post Office address Box 297, Inkom, ID 83245

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 29-0290 Decreed to Charles E. Stewart
(Name)
 in case of Charles E. Stewart A. J. Damron
 dated in June 22, 1906 in Fifth Judicial Dist county of Bannock County
(Name of County)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Applicant acquired right through purchase of property3. Source of water Rapid Creek tributary to Portneuf River4. Date of priority 1885

5. Water is used for the following purposes:

amount 2.00 cfs for irrigation purposes from in decree to Period of use not listed
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day -- both dates inclusive)

6. Total amount of water under right a 2.00 cubic feet per second
 &/or
 b _____ acre feet per annum

7. Location of original point of diversion is _____ of Section _____

Township _____ Range _____ B.M. _____ County _____

Additional points of diversion, if any Description of point of diversion not
listed in decree

8. Lands irrigated or place of use:

TWP	RANGE	SEC	NE				NW				RR	SW			SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE		NW	SW	SE	NE	NW	SW	SE	
7S	36E	21														X	X	X	
		28	X																

Total acreage not listed in decree
Total number of acres to be irrigated _____9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, is this right under a period of five or more consecutive years of non-use? No

DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.20 cubic feet per second
b. _____ &/or _____ acre feet per annum

2. Point of diversion _____ Township _____
Range _____, B.M. _____ County _____
Additional points Not given

3. Place of use: _____

TWP.	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	36E	21														X			

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.20 cfs, &/or _____ acre feet
- b. Description of diverting works Concrete headgate on north side of Interstate 15 where it crosses Rapid Creek
- c. Describe the reasons for the proposed changes A second diversion was established approximately 75 yds. below original diversion when Interstate 15 was constructed.

2. Change in point of diversion

Point of diversion NW SE 21 Township 7S
Range 36E, B.M., Bannock County _____
Additional points Both points of diversion are situated in the same 40-acre subdivision

3. Change in place of use

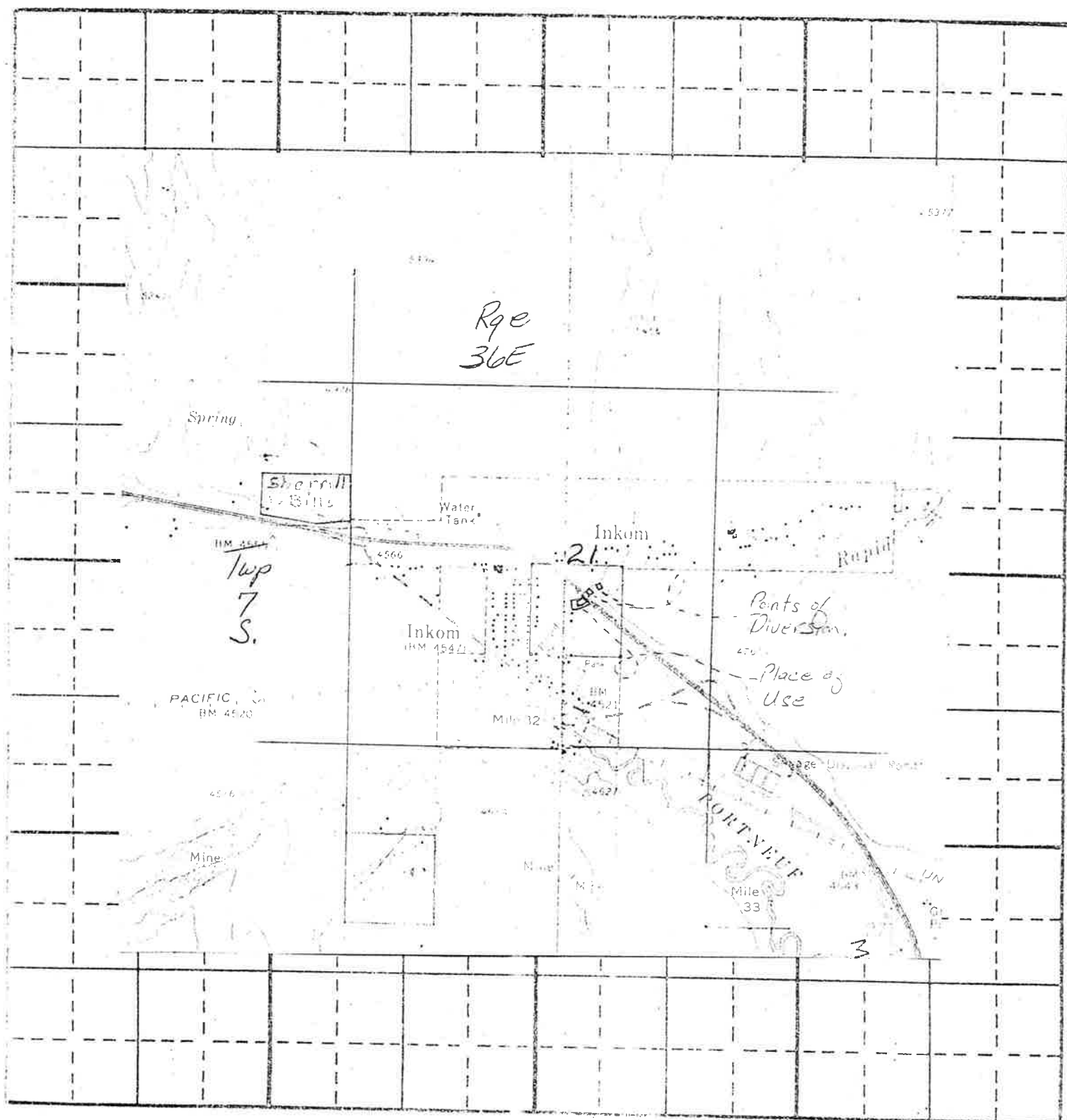
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
There is no proposed change in the place of use.

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE.				NW.				SW.				SE.				TOTALS
			NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	
7S	37E	21														X			3.0 (approx)

Total number of acres to be irrigated

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and of the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE 1:24,000 Draw plan in ink.

REMARKS

The purpose of this application is to make a record of my entitlement to 10 inches of this right and to identify the location of both points of diversion used for delivery of this water.

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 willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 6th day of

Mike Luker
(Signature of Applicant)

19 83

Colleen Way
(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0290B and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Use of water under this right is subject to control by the watermaster of State Water District No. 29F, Rapid Creek.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3. Maximum volume diverted under this transfer shall not exceed 10.5 AF/acre/annum.

Witness my hand this 5th day of

January

19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by EMC

Date 6/6/83

Protest filed by

Prelim. check by KCW

Fee \$30.00

Received by CW

Date 6-6-83 #26394

Published in Idaho State Journal

Pub. dates 7/14 & 7/21/83

Watermaster recommendation requested on WD#29

7-14-83

rec'd. 8-01-83

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by Jin DRT