

T1966 CUNNINGHAM

AUG 19 1985

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 1966
1699Water Right No. 73-0172

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT **APPROVED**
To Change the Point of Diversion and/or the Place of UseName of applicant WAYNE CUNNINGHAM Phone _____Post Office address May, Idaho 83253

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 73-0172 Decreed to Henry Davis & Thomas Davis
(Name)
in case of Lorenzo Falls, et al vs Uriah Wells, et al (Amended)
dated in 12-28-1910 in 6th Judicial county of Custer
(Name of court)
- 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 Right acquired through purchase of land.

3. Source of water Big Creek tributary to Pahsimeroi River

4. Date of priority 7-8-1885

5. Water is used for the following purposes: NOTE: * Indicates information was not provided for in the decree,
amount 9.00 for Irrigation purposes from * to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 9.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is * $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____
Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13N	23E	25	X	X													X	X	*
13N	24E	30									X	L-3 X	L-4 X	X					*
		31					18												18

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, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

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

1. Amount of water: a _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

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

1. General Information

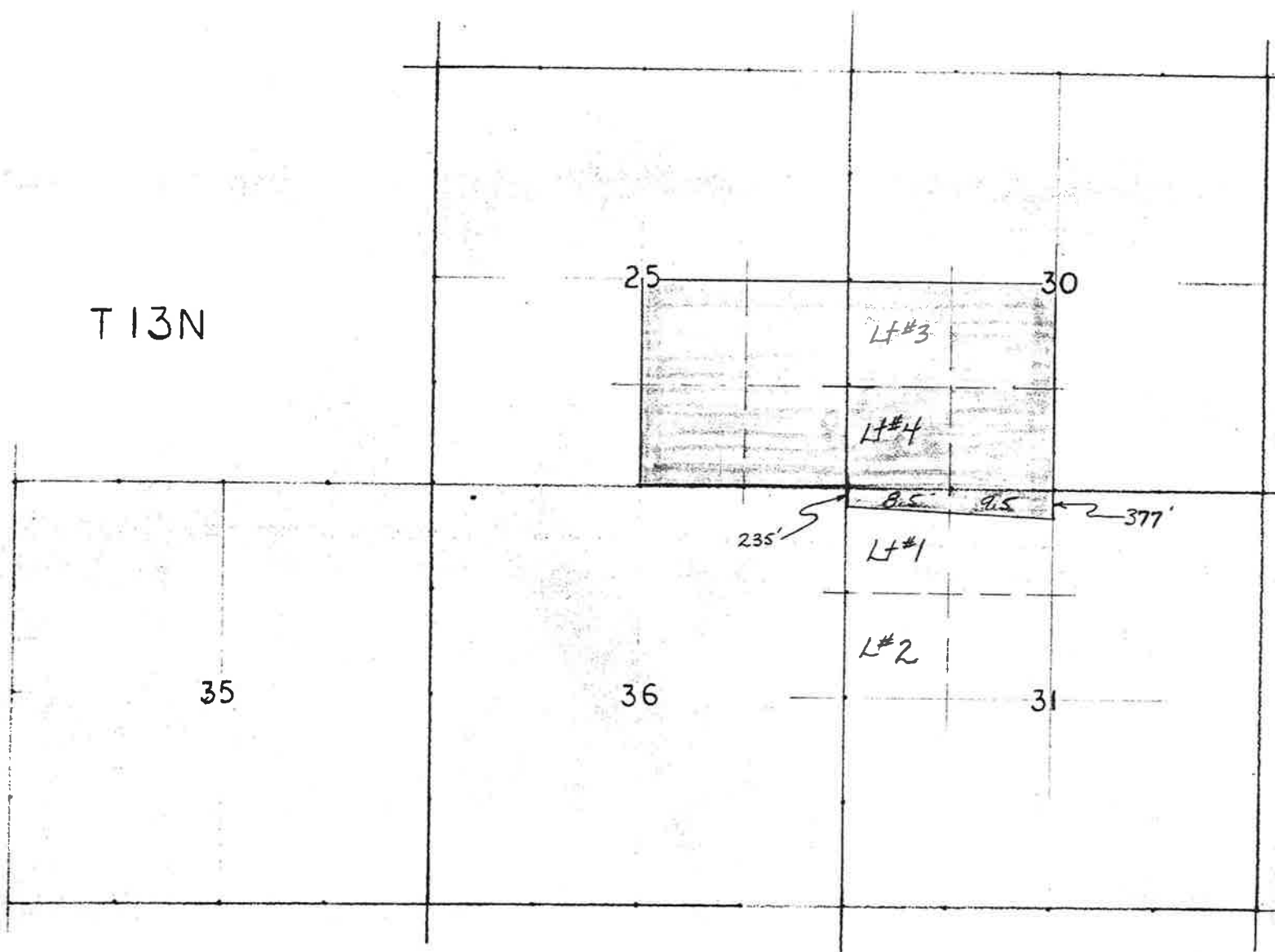
- a. Amount of water to be diverted 9.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate, weir, with open ditch to gravity flow pipeline.
- c. Describe the reasons for the proposed changes I have changed the method of irrigation from flood to gravity sprinkler. The sprinkler system has been in use for several years.

2. Change in point of diversion

Point of diversion NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20 Township 13N
Range 24E, B.M., Custer County
Additional points _____

3. Change in place of use

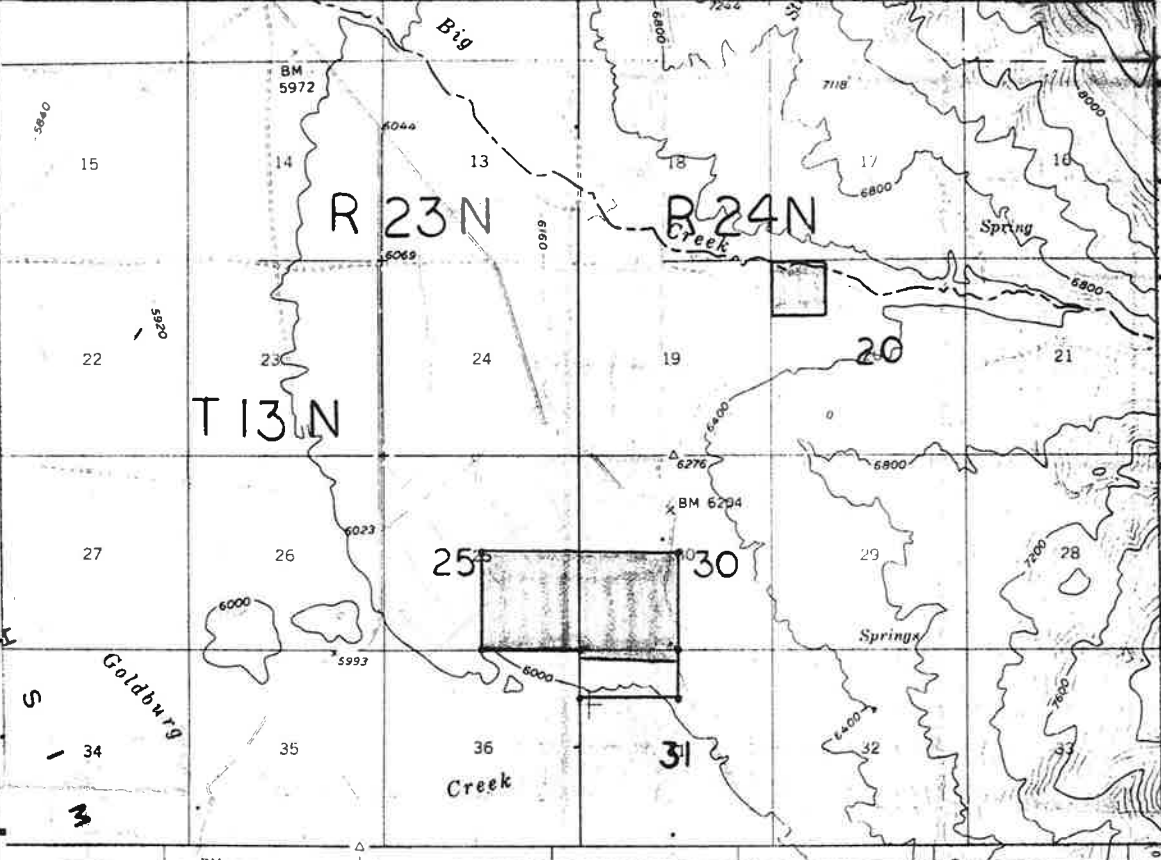
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25 has never been irrigated under this water right, and is not being irrigated. The 8.5 acres being transferred from the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31 will continue to be irrigated under right 73-0160 (see transfer 1968).



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338

- None



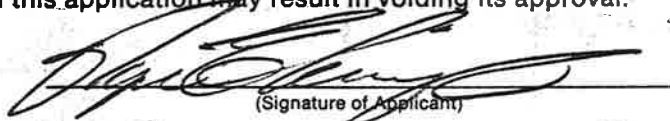
SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

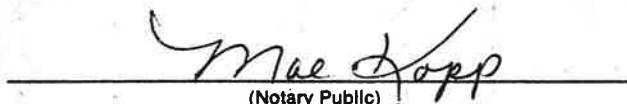
I am filing this application to record the location for the diversion point of a gravity flow sprinkler system I share with James Whittier & Leon Ziegler. The application also reflects a change in place of use by describing the land that historically has been irrigated by decreed water right. 73-0172.

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.


(Signature of Applicant)

Subscribed and sworn to before me this 3 day of Oct, 1984


(Notary Public)

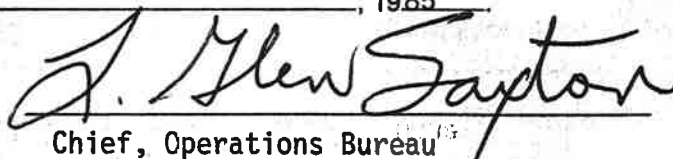
My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 73-0172 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. 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.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 73, Pahsimeroi River.

Witness my hand this 13 day of August, 1985


Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>10-16-84</u>	Protest filed by _____
Prelim. check by _____	Fee <u>DONE</u>	_____
Receipted by _____	Date _____	_____
Published in <u>Custer Pub. Co.</u>	Copies of protest forwarded by _____	
Pub. dates <u>4-11 & 4-18-85</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>4-11-85</u>	Recommended for <u>approval</u> denial	
<u>WD #73</u> rec'd. <u>5-6-85</u>	by <u>RDC Jim</u>	