

T1792 WOODFIELD

Identification No. 1792

Transfer No. 32-2076

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION **APPROVED**

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder ELMAN T. WOODFIELD - Medicine Lodge Creek, No. 32-C
Post office address Dubois, Idaho 83423

2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____

b. License No. 16804 issued by the State of Idaho, Department of Reclamation.

3. Source of water Medicine Lodge Creek tributary to _____
(Name of stream or source)

4. Date of Priority 1-2-28

5. Amount of water a. 10 c.f.s. ~~and/or~~
b. _____ acre feet/annum

6. Water is used for irrigation from April 1 to October 31
(Month, Day) (Month, Day)

7. Original location of point of diversion is NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6
Township 9N, Range 35E, B.M., in Clark County;

Additional points of diversion, if any In the past I have diverted the Garretson water at the diversion point at the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, when necessary in order to use it at its licensed places of use.

8. Lands presently 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 $\frac{1}{4}$	
9N	35E	7		40	40		40	40	40	40		40							280
9N	34E	12			40	40			40	40	40	40			40	40			320
			Early spring, late fall, and winter irrigation: (See map on next page.)																
			During high water and especially when ice forms, the creek raises and floods																
			out of the old Garretson diversion point.																

Total number of acres presently irrigated 600

9. If applicant was not the original holder of this right explain how it was acquired: (See enclosed copy of contract of sale between Elman T. Woodfield and Stacy V. Bond.) The Bonds had previously purchased the Garretson land and water rights.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 10 c.f.s. and/or acre feet
- b. New point of diversion: NW 1/4 NW 1/4, Section 20, Township 10N, Range 35E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: During the spring of 1970 we installed a new concrete steel reinforced SCS approved diversion structure at the site of the old diversion structure. License No. 19028, page 4766. This new structure diverts the water into the main irrigation ditch which carries it to the lands to be irrigated.
- d. Is water to be conveyed to the lands previously irrigated? Yes XX No

If not, the place of use should be changed below.

- e. Describe the reasons for applying for a change in the point of diversion:

See Attachment "A"

- f. Do you intend to make the transfer permanent? YES
- g. Do you intend to abandon completely the old point of diversion? Yes, I wish to abandon completely the old diversion point for measuring purposes, but I do not wish to change the places of use of the Garretson water.
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

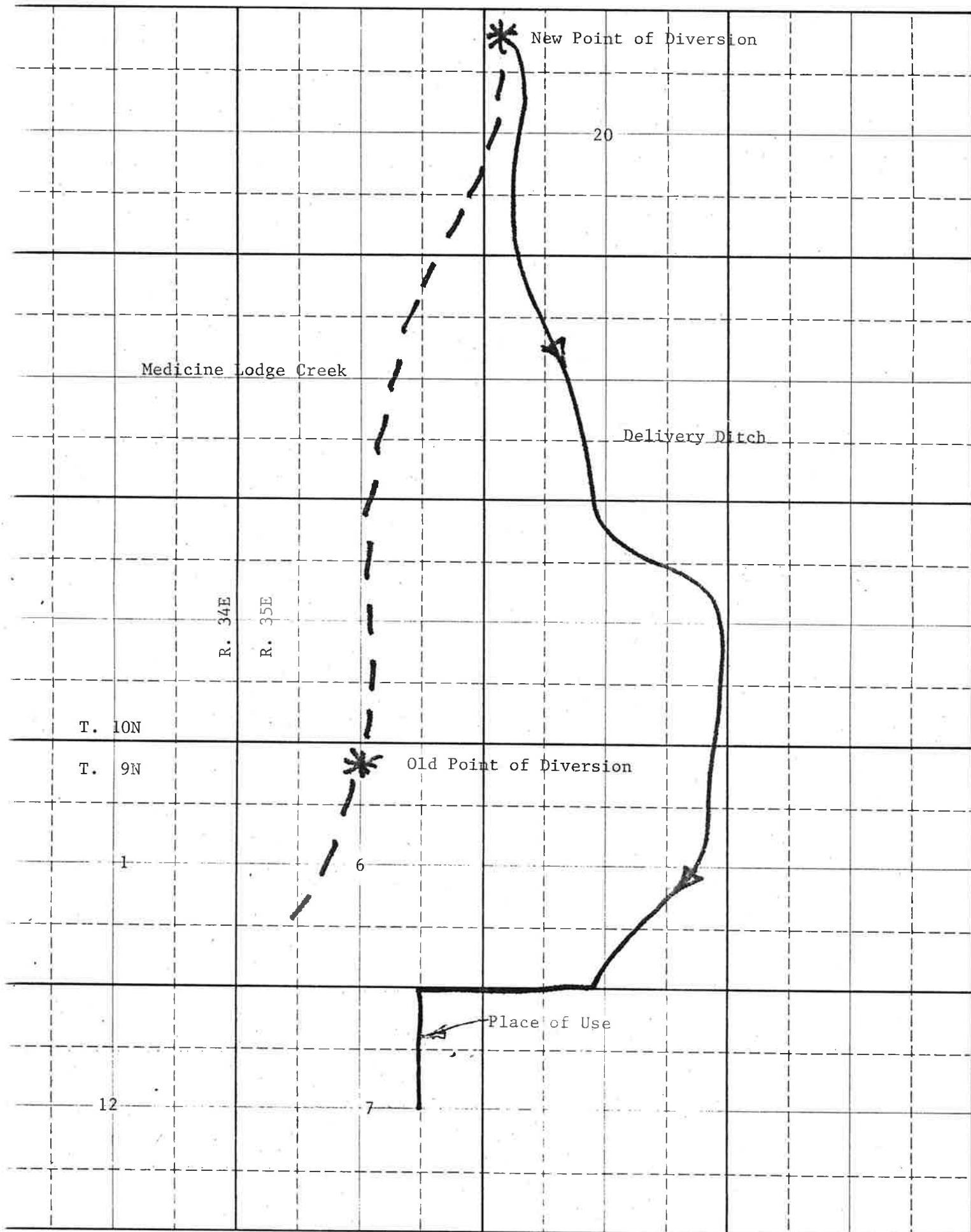
11. CHANGE IN PLACE OF USE

NO CHANGE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	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	

Total number of acres to be irrigated



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Elman T. Woodfield
(signature of applicant)

Subscribed and sworn to before me this 25th day of January, 1973

R. Phil Edwards
R. Phil Edwards
CLERK OF DISTRICT COURT

My commission expires _____

CLERK OF DISTRICT COURT
CLARK COUNTY, IDAHO

BY _____ DEPUTY

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 32-2076,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

Subject to Memorandum Decision & Order of this date.

2. Denial of said application is for the following reasons: _____

Witness my hand this 28th day of May, 19 75

R. Karl Hagen
Director State Reclamation Engineer
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by ba Date 12-18-72

Protest filed by: _____ Date _____

Prelim. check by RMT Date 12-18-72
72

Holmes Bros. by Gerald 2/26/73
Dean Shenton Holmes

Fee received by ba Date 12/18/72 Fee \$ 30.00 #7049

Leland Small

Approved for publication by _____

Hollis T. Shenton

Published in Idaho Statesman - Dates 2-6-73 to 2-13-73
Alger

Thomas C. Stelzer

Hearing held _____

Dave Stelzer

Ben T. Fayle

Kenneth Rowland

Edward Doschades

Watermaster Recommendation sent _____

ATTACHMENT A

Most of the land in Sec. 7 which is assigned as place of use for this Garretson water can only be reached with water down the main irrigation ditch. I need to change the point of diversion to the new structure at Sec. 20 so I can legally take this water either way as needed; either down the ditch to Sec. 7 or down the creek to Sec. 12 and part of Sec. 7.

I am also trying to legally centralize my diversion points for decreed and licensed water so the watermaster can measure it all at once at one place without administrative problems or expense. The new structure is built to be adequate for this job.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER
RIGHT NO. 32-2076 in the name of ELMAN T. WOODFIELD

MEMORANDUM DECISION
AND ORDER

On January 12, 1939, Water Right License No. 32-2076(Old #16804) was issued to Wm. Garretson and C. B. Allen for the diversion of 10.0 cfs of water of Medicine Lodge Creek from a point in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 9N, Rge. 35E, B.M., for the irrigation of 600 acres of land in Sec. 7 and Sec. 12, Twp. 9N, Rge. 35E, B.M.

On December 18, 1972, Elman T. Woodfield filed an Application for Transfer of Water Right No. 32-2076. The application proposed a change in the point of diversion to the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 10N, Rge. 35E, B.M., with no change in the place of use.

This point of diversion change was protested by several water users on Medicine Lodge Creek on the basis that the change would cause injury to their existing water rights by making the water unavailable to them, since it would be used to fill this earlier right during the time of year when the water does not reach the original or lower point of diversion. The protestants also claim that the water has not been diverted for many years, and therefore, has been abandoned.

On March 28, 1973, a conference was held to consider the protest and all parties agreed to allow the Department of Water Resources to reach a decision, based upon the information obtained at the conference and the information contained in the Department's record and gathered during a field study of the proposed change. Therefore, the Director makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- (1) The protestants hold water rights that are upstream from the original and proposed points of diversion, but are later in priority than License No. 32-2076.
- (2) The protestants have in the past diverted water under these later priority rights when the water would not reach the original point of diversion.
- (3) The conveyance loss in the stream channel was determined by field measurements as about 12% per mile.
- (4) The point of diversion is requested to be moved 3 $\frac{1}{2}$ miles upstream.
- (5) The Watermaster's Daily Record books show water in past years was delivered to the owner of this right. However, they do not indicate whether water was delivered to satisfy this right or the other rights also held by the owner of this right.

CONCLUSIONS OF LAW

(1) There is no conclusive evidence that the water has not been diverted to fill the water right evidenced by License No. 32-2076.

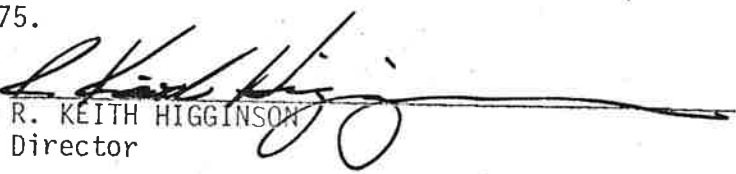
(2) Water must not be diverted at the proposed point of diversion that would cause injury to the existing water rights by depriving them of water they have been entitled to prior to this transfer. Therefore, water can be diverted at the proposed point of diversion only during the time there is sufficient flow to reach the original or lower point of diversion. Since the stream channel loses 12% of water per mile for $3\frac{1}{2}$ miles, the amount of water required at the proposed point of diversion, for water to be available to satisfy this license, must exceed, by 4.85 cfs, the total amount of water necessary to fill all the other water rights diverted from that point. Water would, therefore, not be available for this licensed right, along with water rights 32-0034 through 32-0037 that will be diverted from the same point unless the amount of flow at the proposed points of diversion exceeded 8.85 cfs-the amount diverted under water right 32-0034 through 32-0037, plus the 4.85 cfs necessary to reach the lower point of diversion, for a total flow of 13.70 cfs of water.

ORDER

IT IS, THEREFORE, ORDERED and Application for Transfer of Water Right No. 32-20 is hereby APPROVED subject to the following conditions:

1. That a measuring device of a type approved by the Department be permanently installed and maintained to measure the flow of Medicine Lodge Creek.
2. That the water is to be delivered as follows:
 - a) according to the priority of the water rights when the flow of the creek at the proposed point of diversion is 8.85 cfs or less;
 - b) no water will be diverted to fill this right, but shall be used to satisfy other existing water rights when the flow of the creek, at the proposed point of diversion, is between 8.86 and 13.70 cfs;
 - c) according to priority of the water rights when the flow of the creek exceeds 13.70 cfs.

Dated this 28 day of May, 1975.


R. KEITH HIGGINSON
Director

BDF:jg