

T1712 BIRNEY

A.H. #34 Eugene Gilbert

Identification No. 34 0186 B

Transfer No. 1712

STATE OF IDAHO
DEPARTMENT OF RECLAMATION WATER RESOURCES

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

RECEIVED
APPROVED
AUG 15 1975
Department of Water Resources
Eastern District Office

1. Name of Right Holder Donald H. Birney
Post office address Grouse, Idaho 83242
2. Right obtained by:
- a. Decree to Darlington Land Irrig. Co. in Case of Utah Construction Co.
(Name)
vs. John Abbott, et al Dated 3-15-1923 in U.S. District Court for the State
(Name of Court)
Court. County of Butte of Idaho, Eastern Division
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Antelope Creek tributary to Big Lost River
(Name of stream or source)
4. Date of Priority November 15, 1883
5. Amount of water a. 0.9 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from May 1 to Oct. 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ of Section 21,
Township 5N, Range 25E, B.M., in Custer County;
Additional points of diversion, if any _____

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 $\frac{1}{4}$	
5N	25E	15										40							40
5N	25E	15											5						5

Total number of acres presently irrigated 45

9. If applicant was not the original holder of this right explain how it was acquired: _____

10. CHANGE IN POINT OF DIVERSION NO CHANGE

- a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ ¼ _____ ¼, Section _____, Township _____
 _____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____

- d. Is water to be conveyed to the lands previously irrigated? Yes _____ 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:

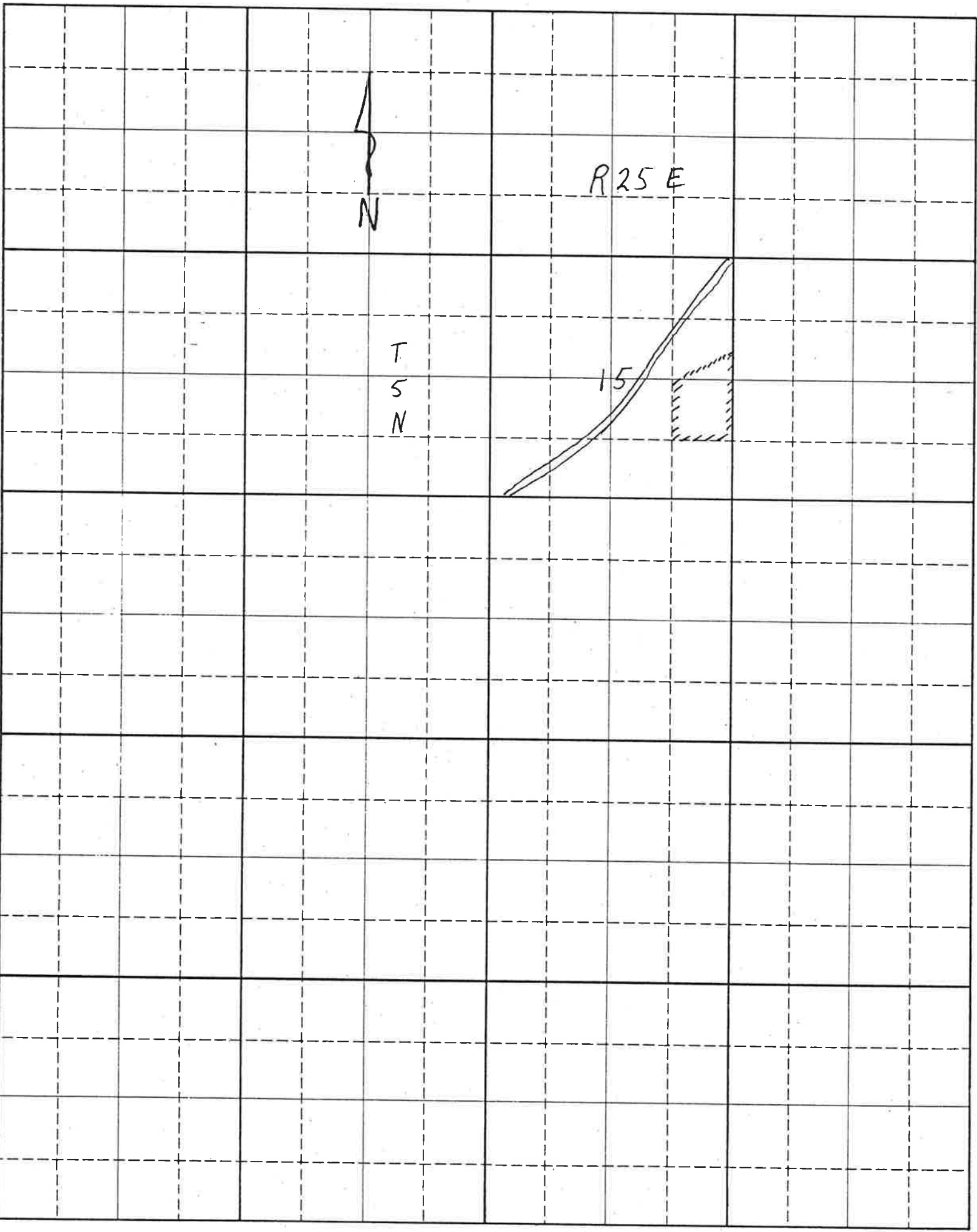
- f. Do you intend to make the transfer permanent? _____
- g. Do you intend to abandon completely the old point of diversion? _____

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	25E	15													40				40
5N	25E	15				5													5



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

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
This transfer is made to correct a previous transfer of the right which
erroneously placed the water on 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres in the
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 5N, R. 25E
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: 80 inches of 1879, 120" of 1886 water from Antelope Creek; 70" of
1898 water from Antelope Creek through Green Channel.
- 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.

Donald H. Birney
(signature of applicant)

Subscribed and sworn to before me this 27th day of May, 1975

Loren O. Halmer
(notary public)

My commission expires March 21, 1979

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

This is to certify that I have examined Application for Transfer of Water Rights No. 1712/34-0186 B
and said application is hereby APPROVED

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

A measuring device of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works.

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

Witness my hand this 13 day of August, 19 75

R. Keith Higginson
R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by MB Date 5-27-75

Protest filed by: _____ Date _____

Prelim. check by KA Date 5-27-75

Fee received by MB Date 5/27/75 Fee \$ 30.00

Approved for publication by MB 7-27-75 # 4260

Published in Hickory News Dates June 5 & 12, 1975

Hearing held _____

Watermaster Recommendation sent 5/30/75 A.D. #34