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Transfer No. 2390

Water Right No. 34-0766

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

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

Name of applicant Herb Whitworth Phone 588-2255

Post office address Star Line, Idaho, Tel

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Clayton, Paul & Son, Albany, Oregon, Roth Linghamst ^{No 482 c, Page 113}
in case of Utah Construction (Name) John Abbott
dated 3-15-1923 in U.S. District Ct. Idaho District county of Eastern Division
(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 Applicant is in the process of purchasing land from his mother

3. Source of water Elkhorn Creek tributary to Sinks

4. Date of priority May 1, 1885

5. Water is used for the following purposes:

amount * 411 cfs for Irrigation purposes from May 1 to Oct 15
amount * for Domestic purposes from Jan 1 to Dec 31
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

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

7. Location of original point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34
Township 9N Range 22E, B.M., in Custer County
Additional points of diversion, if any See attached sheet, more specified map points of diversion

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 $\frac{1}{4}$	
9N	22E	33				40									40				80
"	"	34							40	40	40	40	40	40			40	40	320
8N	22E	3	L1 41.73	L2 40.8	40	40	L3 40.51			40	40				40	40		40	403.12
		2						L4 41.85	40		40	40	40	40					241.85
		11			40	40	40	40	40	40									240

Total number of acres to be irrigated 1526.25

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

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
2. 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 $\frac{1}{4}$	

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

1. Change in point of diversion

- a. Amount of water to be diverted 6.0 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35 Township 9N
Range 22E, B.M., Custer County County _____
Additional points SESW Sec 26, T9N, R22E

- c. Description of diverting works Settling pond with 1 $\frac{3}{4}$ " line, and 12" line @ upper point of diversion.
- d. Describe the reasons for applying for a change in the point(s) of diversion Applicant wishes to use the 2 new points of diversion for 1) domestic use (1 $\frac{3}{4}$ " line) 2) Gravity line to sprinkler system (12" line).

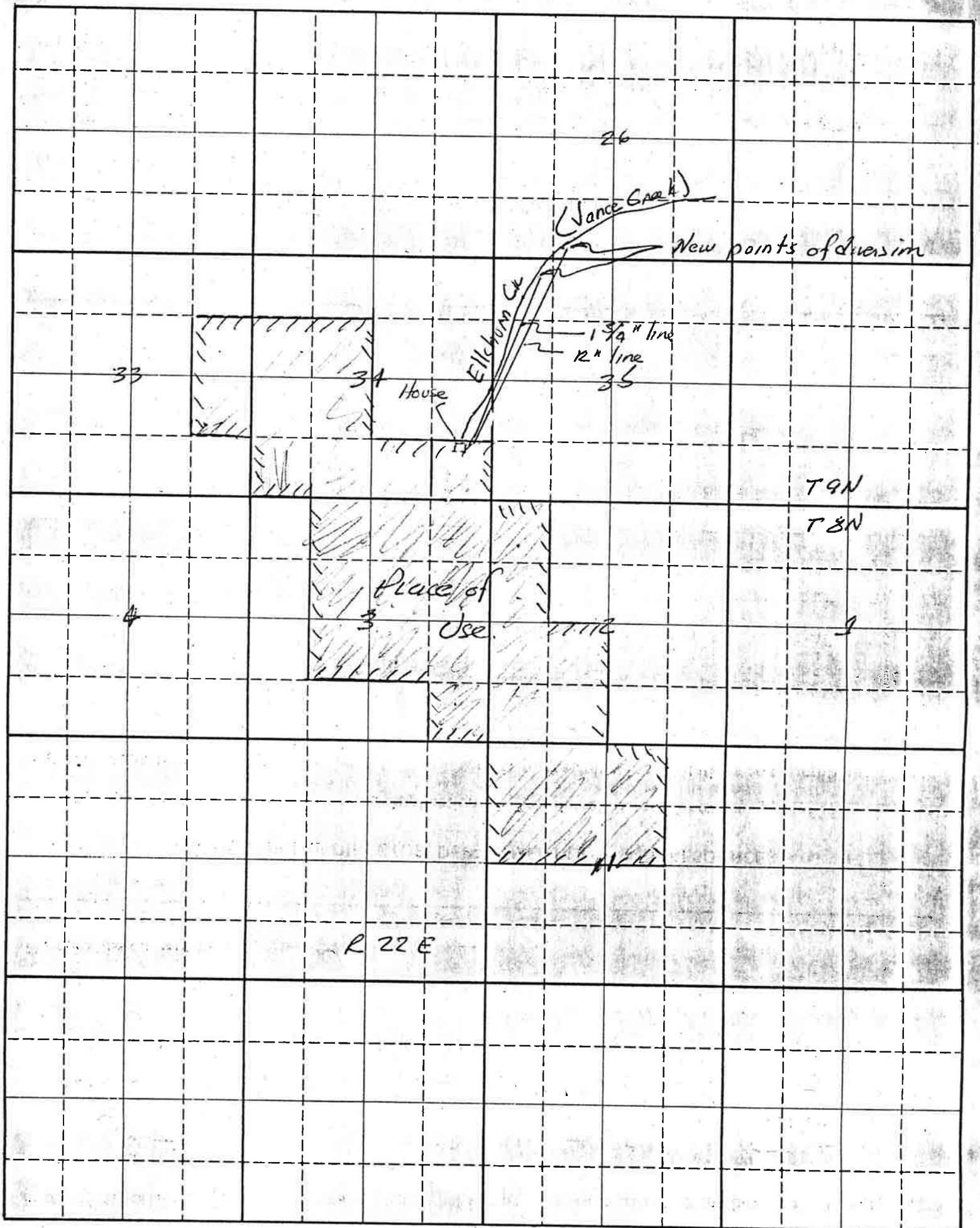
2. Change in place of use No change.

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

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 _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

4. Remarks * Actual Amount not stated in decree, Elkhorn Creek was formally known as Vance Creek in the decree

I hereby assert that no one will be injured by such change and 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.

Robert H. Whitworth
(Signature of applicant)

Subscribed and sworn to before me this 15 day of January, 19 80.

Larry D. Silver
(Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0766 and said application is hereby approved, subject to the following limitations and conditions:

(1) A measuring device of a type approved by this 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. 34, Big Lost River. (3) The issuance of this transfer in no way grants any right-of-way or easement across the land of another.

Witness my hand this 10th day of March, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by SM Date 1/22/80 Protest filed by _____
Prelim. check by J Fee 12.35 _____
Receipted by KW Date 1/23/80 #15530 _____
Published in Custer Publishing Co. Copies of protest forwarded by _____
Pub. dates 1/31 & 2/7/80 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial _____
_____ rec'd. _____ by Jim