

T3214 HILLCREEK PROPERTIES

Transfer No. 3214

Water Right No. _____

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

APPROVEDName of applicant Hillcreek Properties Phone 527-3151Post Office address % Richard Tuthill Rt 1, Arco, Idaho 83213 8906**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. 34-7079 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 _____

3. Source of water Ground water tributary to _____

4. Date of priority Sept 17, 1974

5. Water is used for the following purposes:

amount 2.76 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.76 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21
Township 5N Range 26E, B.M., in Butte 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 $\frac{1}{4}$	
5N	26E	21	34	36			39	36											145

Total number of acres to be irrigated 145

9. Describe any other water rights used for the same purpose as described above 34-2332

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.

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 $\frac{1}{4}$	

Total number of acres to be irrigated _____

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

1. General Information * 2.76-34-7079
2.90-34-2332
 - a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
 - b. Description of diverting works well, pump, open discharge into Moore Canal
 - c. Describe the reasons for the proposed changes _____

2. Change in point of diversion
Point of diversion NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21 Township 5N
Range 26E, B.M., Butte 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 will continue to be irrigated with decreed water from Big Lost River

* The rate of diversion under License 34-2332 & 34-7079 shall not exceed

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ (Name of court) county of _____
- b. License No. 34-2332 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 _____

3. Source of water Ground water tributary to _____

4. Date of priority 5/6/1955

5. Water is used for the following purposes:

amount 2.90 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. 2.90 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21
Township 5 N Range 26E, B.M., in Butte 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 $\frac{1}{4}$	
<u>5N</u>	<u>26E</u>	<u>21</u>	<u>25</u>	<u>40</u>			<u>40</u>	<u>40</u>											<u>145</u>

Total number of acres to be irrigated 145

9. Describe any other water rights used for the same purpose as described above 34-7079

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.

D. REMARKS

water from the well will discharged directly into the Moore canal, where it
be redirected into the Old U C canal. After leaving the Big Lost River
irrigation district the water will be carried to the place of use through
the Timber Dome Canal. The point of redirection from the Timber Dome Canal
is in the SE 1/4 Section 35 Twp 4 N R 25 EBM

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.

Hill Creek Properties
Richard A. Jentell, Pres
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of August, 19 85

Charles E. Jones
(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. 34-2332/7079
and said application is hereby APPROVED, subject to the following limitations and conditions:
1. The rate of diversion and annual volume of Rights 34-7079 and 34-2332 when combined shall not exceed 2.90 cfs or 435 acre feet per annum. 2. No more than 2.90 cfs of 435 acre feet per annum shall be injected into the Moore Canal. 3. The rate of re-diversion from Timberdome Canal may be subject to a conveyance loss assessment. 4. Approval of this transfer does not constitute a right to use privately owned conveyance facilities.

Witness my hand this 4th day of December, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CT Date 8-26-85 Protest filed by _____
Prelim. check by KCW Fee \$ 50.00 _____
Receipted by CT Date 8-26-85 135479 _____
Published in Waco Advertiser Copies of protest forwarded by _____
Pub. dates 9/26 & 10/03/85 Hearing held by _____ Date _____
Watermaster recommendation requested on NA Recommended for approval denial _____
_____ rec'd. _____ by RDC Jim