

T3771 KEELER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 03 1991

Transfer No. 3771

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Eastern District Office

APPROVED

Name of applicant JESS D. OR DELLA KEELER (KEELER) Phone (208) 754-4138
Post Office address 3627 E. 960 N., MENAN, IDAHO 83434

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes WILL ALLOW MORE EFFICIENT USE OF WATER AND REDUCED PIPE MAINTENANCE, REFLECTS CHANGES IN OWNERSHIP AS RECORDED IN ADJUDICATION CLAIM A22-11069. CHANGE OF PERIOD OF USE REFLECTS IDWR IRRIGATION SEASON

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 35-040738 Priority 05/01/1949 Amount 1.06 (cfs/ac-ft) Nature of Use IRRIGATION Period of Use 04/01 to 11/01

2. Total amount of water being transferred 1.06 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>NEW</u>	<u>SW</u>	<u>SW</u>	<u>SW</u>	<u>10</u>	<u>5N</u>	<u>38E</u>	<u>MADISON</u>	
<u>EXISTING</u>	<u>SW</u>	<u>NW</u>	<u>NW</u>	<u>15</u>	<u>5N</u>	<u>38E</u>	<u>MADISON</u>	

5. Lands irrigated or place of use:

Twp.	Rge.	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	
<u>5N</u>	<u>38E</u>	<u>10</u>										<u>32</u>	<u>21</u>						<u>53</u>

Total acres 53

PART 1

6. General Information:

a. Description of diversion system WELLS TO PUMPS TO PIPELINES FOR SPRINKLER IRRIGATION.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

REFLECTS ACTUAL LAND OWNERSHIP AS RECORDED IN SRBA NOTICE OF CLAIM A22-11069. REFLECTS ACTUAL P/D LOCATION (SW1/4, SEC 15, T2N, R38E) AND NEW P/D LOCATION (SW3/4 SEC 10, T2N, R38E)

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-4073

And said application is hereby APPROVED IN PART, subject to the following limitations and conditions:

See attached sheet for conditions of approval.

Witness my hand this 17th day of December, 19 90.

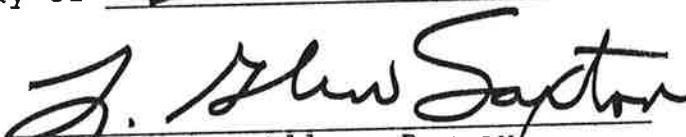
L. Glen Saylor
Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right No. 35-4073

1. Request to change the period of use under right no. 35-4073 from 4/15 to 10/15, to 4/1 to 11/1, is hereby denied. The period of use under this claimed right is limited to the actual use claimed, or 4/15 to 10/15.
2. Approval of this transfer in no way confirms the right(s) claimed.
3. The director retains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 17th day of December, 1990.


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 35-04073 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 05/01/1949

5. Water is used for the following purpose:

amount 4.0 for IRRIGATION purposes from 04/10 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	50	38E	JEFFERSON	Madison

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
50	38E	9													40	30	37	37	144
		10										30	23						53
		16	20																20

Total acres 217

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.06 for IRRIGATION purposes from 04/10 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	5N	38E	~~Jefferson~~ Madison	

3. Lands irrigated or place of use:

Twp.	Rge.	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	
5N	38E	9										30	23						53

Total acres 53

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.94 for IRRIGATION purposes from 04/10 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	5N	38E	~~Jefferson~~ Madison	

3. Lands irrigated or place of use:

Twp.	Rge.	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	
5N	38E	9													40	30	37	37	144
		16	20																20

Total acres 164

PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 20 day of Sept., 1990.

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)
Res. in Idaho Falls.

My commission expires 5/12/94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jo Date 9-20-90 Protest filed by _____

Prelim. check by DMD Fee 50.00

Received by Jo E015255 Date _____

Published in Rexburg Standard-Trial Copies of protest forwarded by _____

Pub. dates 10-18, 25-90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. by [Signature]

Copy of transfer sent to lien holder _____