

4334

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4334
WATER RIGHT NO(S). 34-00472/34-04068

RECEIVED

SEP 14 1994

Department of Water Resources
Eastern District Office

This is to certify that: **RONOLD VON HAGEN**
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-00472 :			
IRRIGATION	05/01 to 10/15	2.64 CFS	* 462.0 AF
Priority: 06/01/1880			
Right No. 34-04068 :			
IRRIGATION STORAGE	01/01 to 12/31		100.0 AF
IRRIGATION FROM ST	05/01 to 10/15		* 100.0 AF
Priority: 03/16/1923			

SOURCE

TRIBUTARY OF

LEHMAN CREEK

SINKS

LOCATION OF POINT(S) OF DIVERSION:

SENEW , Sec. 10, Township 07N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	22E	2	NESW 30	SWSW 34	SESW 40	104
		3	SESE 28			28
Total number of acres irrigated:						132

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

TRANSFER NO. 4334
WATER RIGHT NO(S). 34-00472/34-04068

CONDITIONS/REMARKS:

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Use of combined Right Nos. 34-00472 and 34-04068 is limited to a total combined diversion rate of 2.64 cfs, a total combined annual consumptive use volume of 330 af, total combined diversion volume of 462.0 af and to the irrigation of a combined total of 132 acres in a single irrigation season.

Dated this 6th day of September, 1994.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 34-00472 & 34-04068

FROM: PAM SKAGGS/^{CS}STATE OFFICE

SUBJECT: TRANSFER NO. 4334

DATE: September 2, 1994

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Transfer No. 4334 was filed to change the place of use and statutorily confirm accomplished change in point of diversion under Right Nos. 34-00472 and 34-04068.

✓ The transfer was prepared from the SRBA Director's Report recommendation of these rights. An objection from BLM regarding 17 acres irrigation developed on their property resulted in this transfer application. The purpose of the transfer is to remove the acres in question to the applicant's property as covered in the warranty deed provided.

BLM was sent a copy of the transfer for comment and it was advertised correctly. Copies of all correspondence regarding the transfer and permission to remove the acres from BLM land from the applicant's attorney were also sent to the US Dept. of Justice. No protests or objections were received and to all intent it appears they agree with, if not promote the approval of this transfer.

The transfer will also formally change the point of diversion, without actually changing the physical location according to the claim recommendations. The original letter from BLM to Mr. Von Hagen also questions whether the point of diversion is located on public land or not. Changing the point of diversion was not requested, but a right-of-way condition has been added to the transfer approval to address this concern.

Apparently the storage right was recommended for multiple fills since the 100 af total exceeds the 54 af capacity of the facility. The capacity was noted in comments.

Recommended conditions include right-of-way, watermaster control, measuring device, irrigation overlap and standard transfer conditions.

Form 222
7/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant : Ronold von Hagen Phone: 1-208-726-4421Post Office address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, ID 83340**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 : In the SRBA, it has been determined a portion (17 acres) of the historic place of use is BLM land. Applicant desires to transfer this portion to his land. Applicant also requests a change in point of diversion to confirm the "accomplished transfer" recommended in the Director's Report.

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

1.

<u>Right Number</u>	<u>Priority</u>	<u>Amount</u>	<u>Nature</u>	<u>Period of Use</u>	<u>Volume</u>
34-00472	June 1, 1880	2.64 cfs	irrigation	May 1 to October 15	
34-04068	March 16, 1923	100 AFY	irrigation storage	January 1 to December 31	
"	"	100 AFY	irrigatin from storage	May 1 to October 15	

2. Total amount of water being transferred: 2.64 cubic feet/second and/or ~~100~~ acre-feet per annum.

3. Source of water: Lehman Creek tributary to sinks

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	NW	10	7N	22E	Custer	

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	22E	2									30		34	40					104
7N	22E	3															28		28

Total acres: 132

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. 34-04068 Decreed to Ronald van Hagen
in case of Spice Water Rights Adj vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 Lehman Creek tributary to _____

4. Date or priority 03-16-1922

5. Water is used for the following purpose:

amount 100 AF for Irrigation Storage purposes from 01-01 to 12-31
(cfs/ac-ft)
amount 100 AF for Irrigation from Storage purposes from 05-01 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or 100 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NW	10	7N	22E	Custer	

8. 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	
7N	22E	2									12		24	40					27
		3															28		22
		11					5	8											12
							BLK	BLK											

Total acres 132

9. Describe any other water rights used for the same purpose as described above 24-00477

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ 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 12.88 af for Irrigation Storage purposes from 7-01 to 12-31
 (cfs/ac-ft)
 amount 12.88 af for Irrigation Storage purposes from 05-01 to 10-15
 (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
	NE	SE	NW	10	7N	22E	Custer	

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	
7N	22E	3													4				4
		11					5	8											13

Total acres 17**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 87.12 for Irrigation Storage purposes from 1-01-01 to 12-31
 (cfs/ac-ft)
 amount 87.12 for Irrigation Storage purposes from 05-01 to 10-15
 (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
	NE	SE	NW	10	7N	22E	Custer	

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	
7N	22E	2									12		34	40					87
		3															28		28

Total acres 115

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. 34-00472 Decreed to Ronald von Hagen
in case of Snake River Basin Adj vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 Lehman Creek tributary to _____

4. Date or priority 06-01-1860

5. Water is used for the following purpose:

amount 2.64 for Irrigation purposes from 05-01 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 2.64 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NW	10	7N	22E	Custer	

8. 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	
7N	22E	2									12		34	40					87
		3													4		28		32
		11					5	8											13

Total acres 122

9. Describe any other water rights used for the same purpose as described above 34-04065

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ 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 0.24 for Irrigation purposes from 01-01 to 12-31
 (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
	NE	SE	NW	10	7N	22E	Cluster	

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	
7N	22E	3													4				4
		11					5	8											13

Total acres 17

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

1. amount 2.30 for Irrigation purposes from 01-01 to 12-31
 (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
	NE	SE	NW	10	7N	22E	Cluster	

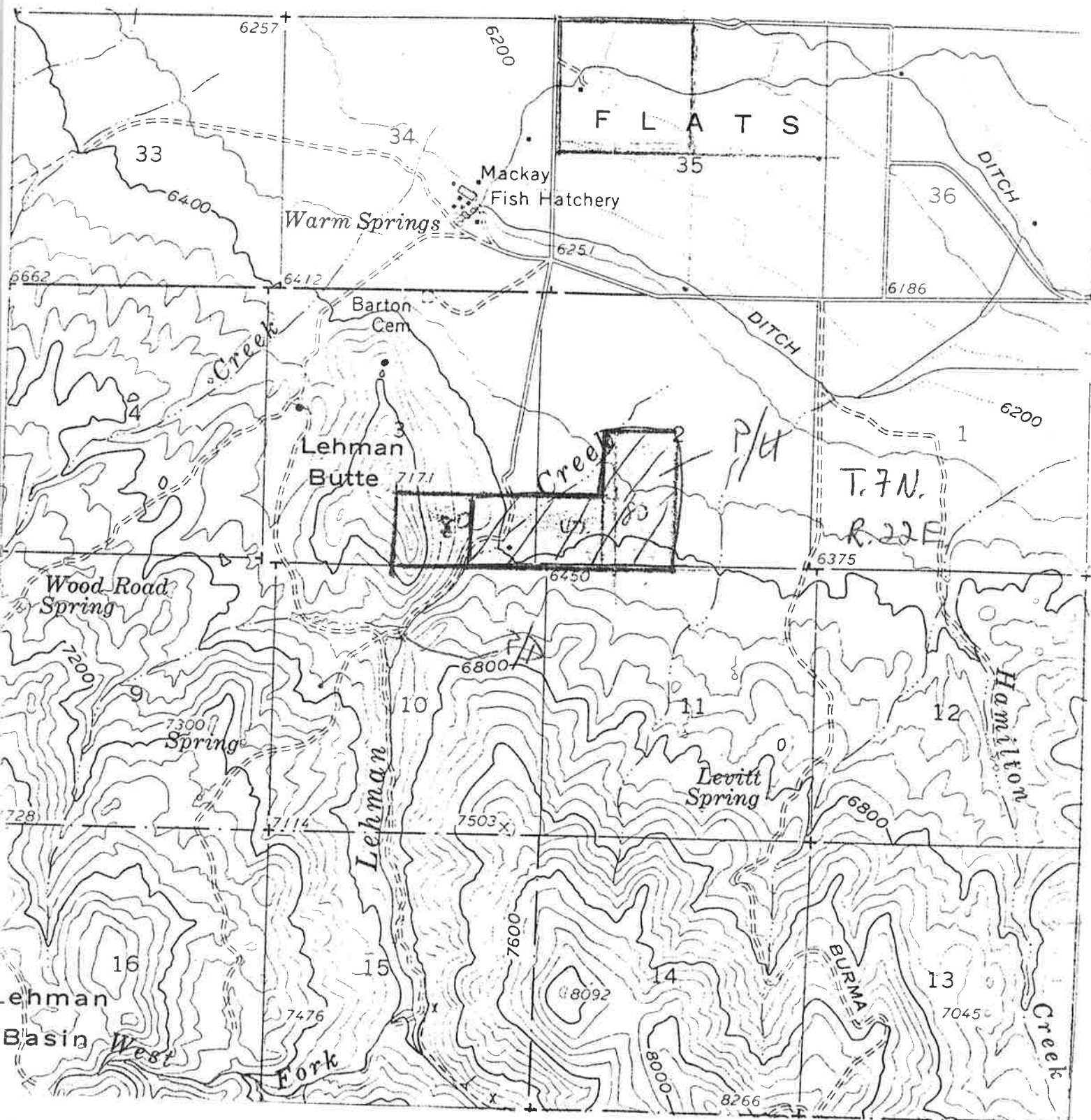
3. Lands irrigated or place of use:

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	
7N	22E	2									13	34	40						87
		3															28		28

Total acres 115

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

PART 3**A. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount (cfs/AF)</u>	<u>Hours/Days/Year</u>	<u>Period Of Use</u>
			to
			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.

Ronald Von Hagen
(Signature of applicant)

Subscribed and sworn to before me this 22 day of March, 1994.

J. P. Speed
Notary Public for Idaho
Residing at East Fork, ID
My commission expires 1/29/97

FOR DEPARTMENT USE ONLY

Received by WM Date 3/24/94
Prelim. check by DMD Fee \$50.00
Receipted HWJ # EO19618
Published in Custer Publishing Co.
Pub. dates 4-14 & 21-94 Recommend: Mr. approve deny
Watermaster recommendation requested 4-13-94 rec'd 4-18-94
Field exam conducted (required for statutory claims)

Protest filed by: Hearing held by: Date:

