

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4322
WATER RIGHT NO. 34-04035A

This is to certify that: **KIM BURWELL**
4249 US HWY 93
MACKAY ID 83251

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>
IRRIGATION	04/15 to 10/15	0.17 CFS	29.8 AF

SOURCE

GROUNDWATER

Priority: 08/01/1960

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 34, Township 07N, Range 24E
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	24E	34	SENE 5.5	NESE 2.0		7.5
		35	NWSW 1.0			1.0
Total number of acres irrigated:						8.5

CONDITIONS/REMARKS:

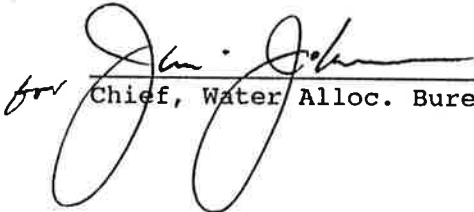
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4322
WATER RIGHT NO. 34-04035A

CONDITIONS/REMARKS:

6. The well shall be cased with unperforated casing and sealed to a minimum depth of 150 feet or to the first confining layer, whichever is deeper. Both the owner and the well driller are charged with the responsibility of taking whatever steps might be necessary to prevent groundwater from the cased and sealed interval of the well from entering the well.
7. The right holder shall notify the department at least five (5) days prior to the start of well construction in order that the department can observe the work.
8. The Director retains jurisdiction of this transfer in order to instruct the watermaster of Water District No. 34, Big Lost River, in the diversion and use of the right in order to protect prior water rights as determined by the Director.
9. The Director retains jurisdiction of the construction of the well to require mitigation or reconstruction of the well if prior water rights are injured as determined by the Director.
10. Right holder shall comply with the provisions of the Director's Report for Basin 34 which is a part of the Snake River Basin Adjudication as administration of groundwater rights in the basin with respect to surface water rights may affect use of water under this transfer.
11. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
12. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
13. Use of this right with Right Nos. 34-00830A and 34-00227J is limited to a total combined diversion rate of 0.23 cfs, a total combined annual consumptive use volume of 21.2 af, and to the irrigation of a combined total of 8.5 acres in a single irrigation season.

Dated this 18TH day of July, 1994.


for Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 34-04035

FROM: PAM SKAGGS^{as}/STATE OFFICE

SUBJECT: TRANSFER NO. 4322

DATE: July 18, 1994

=====

Transfer No. 4322 was filed to change the point of diversion for 8.5 acres of land purchased by the applicant. A new well will be added on the applicant's property to deliver his portion of this groundwater right.

Normally, a transfer on a water right within a basin that has had a Directors Report submitted to the court is processed using the recommended version of the right. The processing of this transfer was complicated by multiple ownership splits that occurred after the Directors Report was filed and recorded on the adjudication database with an "R" prefix.

This transfer is based on the SRBA updated, ownership split that occurred following the Directors Report. R34-04035A, a portion of Right No. 34-04035 as recommended in the Basin 34 Directors Report, is the pertinent record under this transfer and the approved version will be identified with an "X" prefix on the water right database.

Overlap conditions limit the use of this right in combination with two (2) previously decreed surface water rights used on the same property. This transfer approval condition references additional ownership splits of the surface rights also identified by the adjudication under "R" prefixes.

Other recommended conditions include drilling permit requirements, irrigation overlap, watermaster control, surface water use, Basin 34 conditions and standard transfer conditions.

3.0. 573-94
Approved

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4322

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Kim Burwell Phone (208) 588-2871
Post Office address 4249 US Hwy 93, Mackay, ID 83251

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 I have purchased a portion of 34-04035 and wish to drill a well of my own for this portion.

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

1. Right Number R 34-04035A Priority 8-01-1960 Amount (cfs/ac-ft) 0.17 cfs Nature of Use Irrigation Period of Use 4-15 to 10-15
2. Total amount of water being transferred 0.17 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
		SE	NE	34	7N	24E	Custer	

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	
7N	24E	34				5.5									2				7.5
		35										1							1

Total acres 8.5

PART 1

6. General Information:

a. Description of diversion system well & pump to sprinklers

NA.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ 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:

None - this just adds a point of diversion to my piece of ground.

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. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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. 34-04035 Decreed to _____
in case of SRBA Directors Report 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 Groundwater tributary to _____

4. Date or priority Aug 1, 1960

5. Water is used for the following purpose:

amount 1.94 cfs for Irrigation purposes from 4-15 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 1.94 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
		SW	NE	34	7N	24E	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	24E	34			10	12									32	16			77
		35										13	14						27

Total acres 97

9. Describe any other water rights used for the same purpose as described above 34-00830, 34-00227 F

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 0.17 cfs for Irrigation purposes from 4-15 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
		SW	NE	34	7N	24E	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	24E	34				5.5									2				7.5
		35										1							1

Total acres 8.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.77 cfs for Irrigation purposes from 4-15 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
		SW	NE	34	7N	24E	Custer	

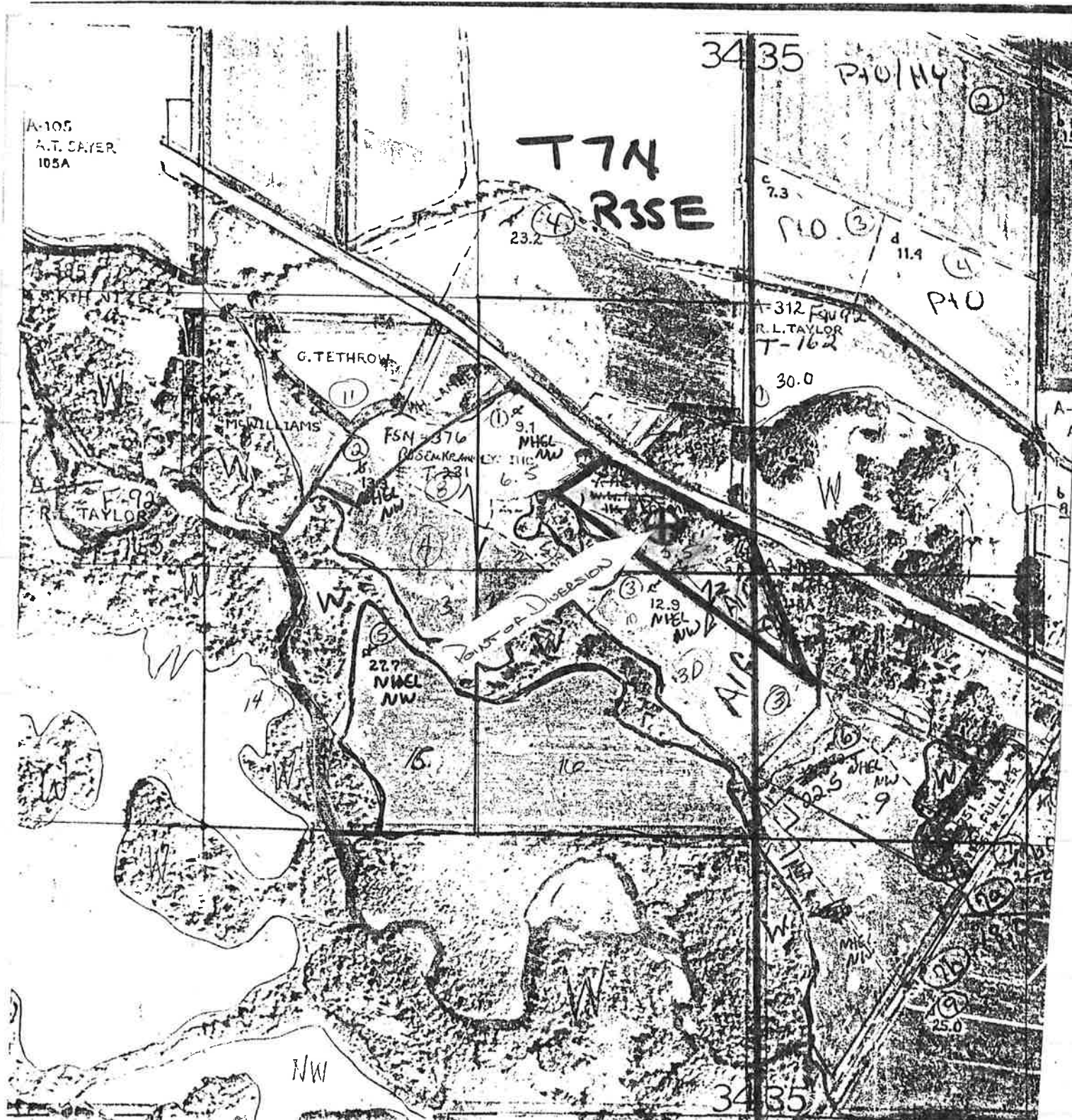
3. Lands irrigated or place of use:

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	24E	34			10	6.5									30	16			62.5
		35										12	14						26

Total acres 88.5

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**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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.

Kim L. Burwell
(Signature of Applicant)

Subscribed and sworn to before me this 14th day of March, 1994

James Hill
(Notary Public)

My commission expires 8-1-94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by WM Date 3/18/94 @ 11:30 am Protest filed by _____

Prelim. check by HWT Fee 30.00

Receipted by HWT E019586 Date 3-18-94

Published in Custer Publishing Co. Copies of protest forwarded by _____

Pub. dates March 31 and April 7, 1994 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

MAR 30 1995

March 27, 1995

Kim Burwell
4249 US Hwy 93
Mackay, ID 83251

Department of Water Resources
Eastern District Office

RE: APPLICATION FOR TRANSFER NO. 4322 OF WATER RIGHT NO. 34-04035A

Dear Mr. Burwell:

On July 18, 1994, the department of Water Resources approved the above referenced transfer with certain conditions and limitations. One of the conditions of approval provides as follows:

The well shall be cased with unperforated casing and sealed to a minimum depth of 150 feet or to the first confining layer, whichever is deeper.

On March 13, 1995, you submitted a letter to Jim Johnson of this office requesting reconsideration of the condition of approval, since ground water generally can be found at a shallower depth.

Since about 1989, the department has used this condition on transfers which require construction of new irrigation wells. The purpose of the condition is to minimize the potential of interference between a new well and existing wells and between the new well and surface water sources.

The department is willing to consider changing the requirement of the condition if a right holder can show the department that such a change is appropriate. In order for the department to further evaluate changing the condition of approval, you need to provide some information including the following:

1. How close will your proposed well be to other existing wells and to any surface water sources? Describe the sources and locations. Please be specific.
2. Will your well be constructed in some manner to minimize or eliminate interference with other water rights? Explain.

3. Are you willing to be bound by provisions of the Water Distribution Rules which have been promulgated in Water District 34? These rules describe the relationship and interaction between water rights diverted from wells and rights diverted from surface water sources.

4. Are there other considerations which would justify changing the condition of approval? Describe.

Upon submittal of this information the department will further consider the conditions of the transfer approval.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
Doug Rosenkrance
Jim Johnson
Dave Shaw

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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4249 US HWY 93
MACKAY ID 83251

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IRRIGATION	04/15 to 10/15	0.17 CFS	29.8 AF

SOURCE

GROUNDWATER

Priority: 08/01/1960

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 34, Township 07N, Range 24E
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>
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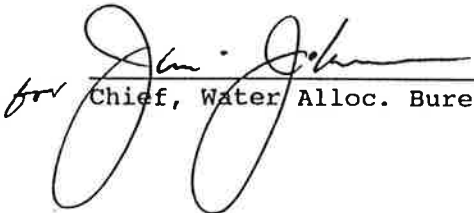
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Dated this 18TH day of July, 1994.

for  Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 34-04035

FROM: PAM SKAGGS/^{OB}STATE OFFICE

SUBJECT: TRANSFER NO. 4322

DATE: July 18, 1994

=====

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