

4133

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4133
WATER RIGHT NO. 35-02643A

RECEIVED
OCT 20 1993
Department of Water Resources
Eastern District Office

This is to certify that: **KIM WAHLEN**
CONNIE WAHLEN
2915 W 1800 S
ABERDEEN ID 83210

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	04/01 to 10/31	4.20 CFS	1236.0 AF

SOURCE

GROUNDWATER

Priority: 02/06/1961

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 27, Township 07S, Range 29E
SWNE , Sec. 34, Township 07S, Range 29E
POWER 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>
07S	29E	27	SWSE 37	SESE 39		76
		34	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 35	NWSE 38	233
Total number of acres irrigated:						309

CONDITIONS/REMARKS:

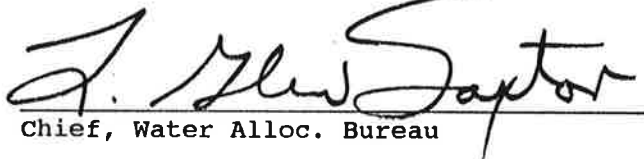
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 4133
WATER RIGHT NO. 35-02643A

CONDITIONS/REMARKS:

4. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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 7th day of October, 1993.


Chief, Water Alloc. Bureau

5.0.7-7-93 \$50 Fee

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Kim or Connie Wahley Phone 397-4048
Post Office address 2915 W. 1800 S. Aberdeen, ID

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 wish to add a well to the north part of my place of use to make for more efficient use of water on my different crop lands. I have no access to the well in the SE 1/4 of Sect. 35.

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

1. Right Number 35-02643B Priority 2-06-1961 Amount (cfs/ac-ft) 4.20 cfs Nature of Use Irrigation Period of Use 4-1 to 10-31
2. Total amount of water being transferred 4.20 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
		SW	NE	34	7S	29E	Power	
		SE	SE	27	7S	29E	Power	New P.D.

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	
7S	29E	27															37	40	77
		34	40	40	40	40									34	38			232

Total acres 309

PART 1**6. General Information:**

a. Description of diversion system 2 wells + pumps to sprinkler
System

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.

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

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-02643 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 Feb. 6, 1961

5. Water is used for the following purpose:

amount 7.28 cfs for Irrigation purposes from 4-1 to 11-1
(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 7.28 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
		SW	NE	34	7S	29E	Power	
		SW	NW	35	7S	29E	Power	

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	
7S	29E	26											40	38					78
		27															37	40	77
		34	40	40	40	40									40	40			240
		35					40	40		20	40								140

Total acres 535

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 4.31 cfs for Irrigation purposes from 4-1 to 11-1
 (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	7S	29E	Power	
		SW	NW	35	7S	29E	Power	

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	
7S	29E	27															37	40	77
		34	40	40	40	40									40	40			240

Total acres 317

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

1. amount 2.97 cfs for Irrigation purposes from 4-1 to 11-1
 (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	7S	29E	Power	
		SW	NW	35	7S	29E	Power	

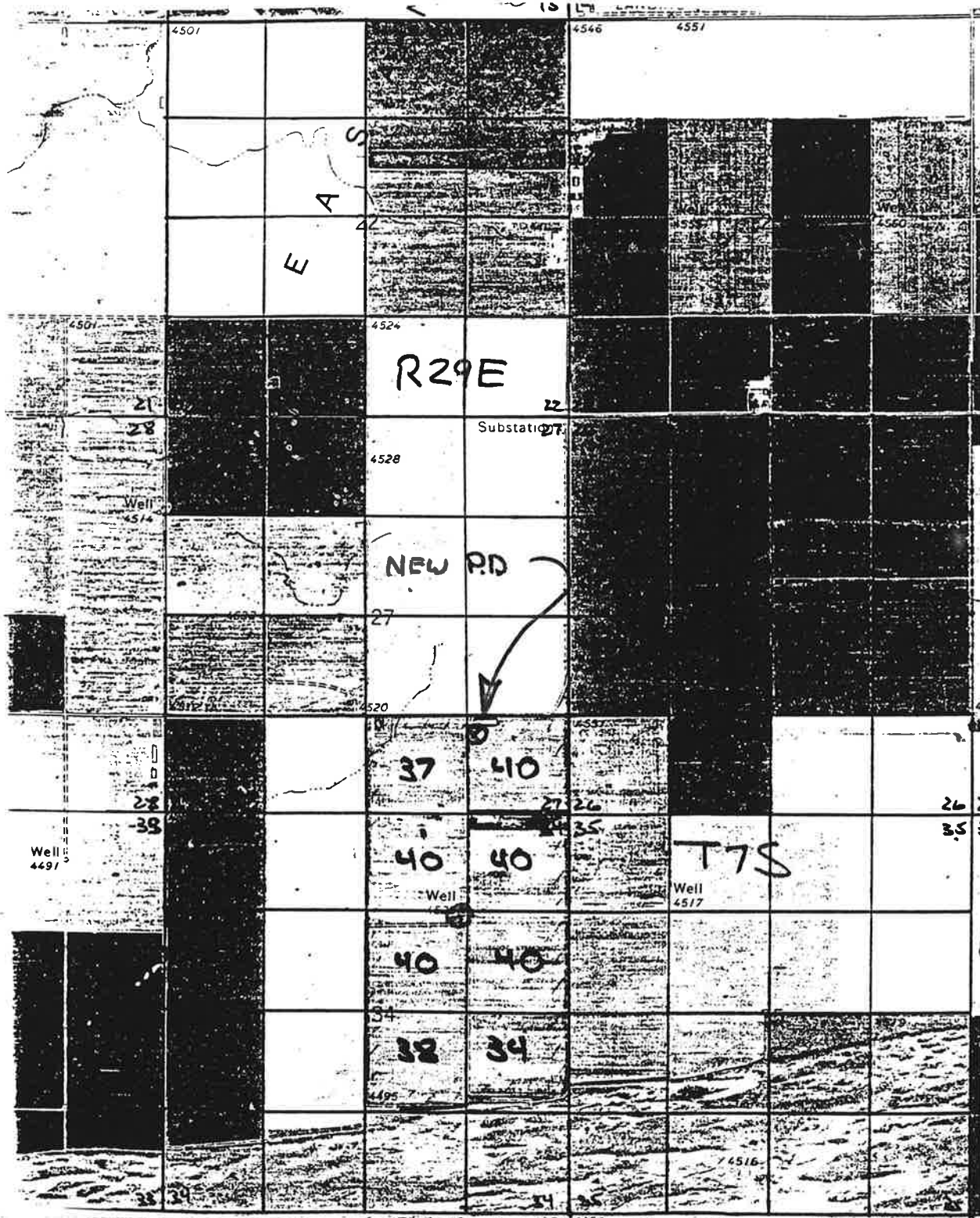
3. Lands irrigated or place of use:

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	
7S	29E	26											40	38					78
		35						40	40		20	40							140

Total acres 218

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.

Subscribed and sworn to before me this Thirtieth day of September, 19 92.

(Signature of Applicant)

Bernell Nielson

(Notary Public)

My commission expires March 28, 1994**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by LB Date 9-4-92 Protest filed by _____Prelim. check by _____ Fee \$50 _____Receipted by SMD F017831 Date Sept 9 1992 _____Published in Lower County Press Copies of protest forwarded by _____Pub. dates September 24 : October 1, 1992 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

INTER-DEPARTMENT MEMO

TO: Skip & FileSUBJECT: application for transfer
35-02643B.FROM: Ernie Carlson.DATE: 10 June 1993.

Though ~~the~~ the rate/acre for Mr. Wahlen's portion of license 35-02643B is ~~less than 0.02 cfs~~ only 0.0135 cfs/acre, W's is more than the normal design standard of $5/8$ "/ac. (0.0125 cfs/acre) and he should have sufficient water with only 3.420 cfs. A field exam by Carter Fritschle found 309 acres but the acres $\frac{1}{4}$ $\frac{1}{4}$ differ in two $\frac{1}{4}$ $\frac{1}{4}$ s. I ~~would~~ recommend using the acres found by Carter ^{as} illustrated on the attached map. Include the condition for review as part of the SRBA.

☐ For your information☐ Response required

Ernie Carlson.
signature

IDAHO DEPARTMENT OF WATER RESOURCES

MEMO-REPLY

Date 7/8/93

To File Transfer 35-2643B

From DAVE CARLSON

☐ Take Appropriate Action

☐ Draft A Reply

☐ Action Required By _____

☐ See Me

☐ Call Me

☐ Return To Me

☒ For Your Information

☐ For Your Approval

☐ For Your Comments

☐ As You Requested

☐ Copy (____ Copies)

☐ File

Comments

Adjudication field exam indicates a change in the irrigated acres, but not an increase in total number of acres irrigated. This transfer is acceptable. The Pou acre changes can be updated through the Adjudication process.

Reply

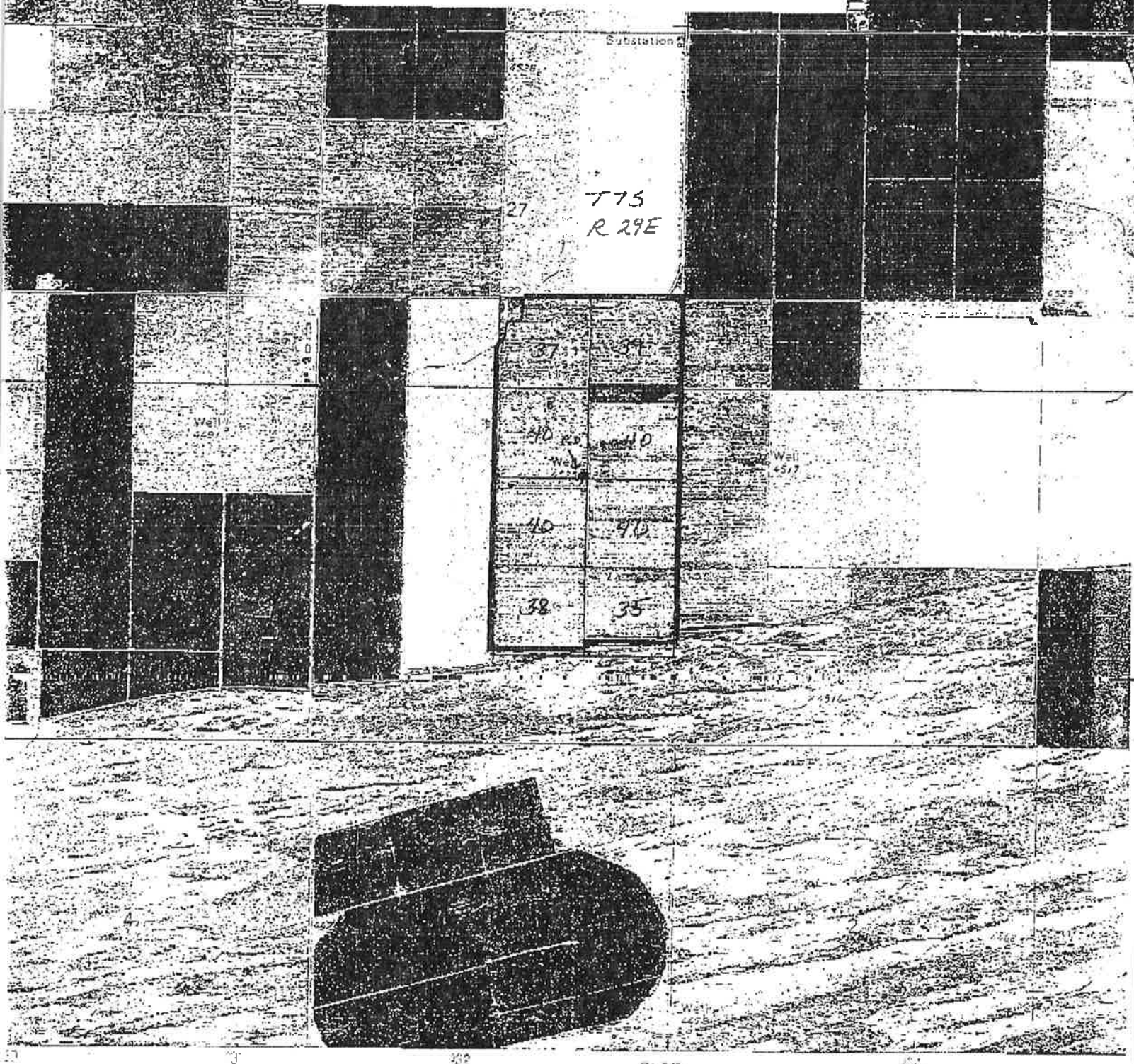
Signed

Dave Carlson

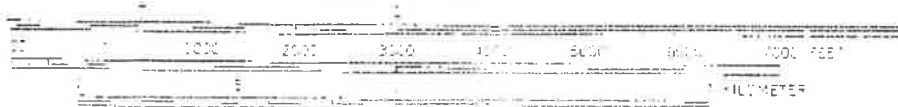
Date

7/8/93

To <i>Dave Carlson</i>	From <i>Carter</i>
Co. <i>Eastern IDWR</i>	Co.
Dept.	Phone #
Fax #	Fax #



SCALE 1:24,000



A35-02643 A

Copies Of These Maps Can Be Obtained
at Bonneville Blue Print Boise Idaho



R2.

4-77.6

NIEL

T-114

#331
Schots
B-05

T
5
R
2
9
E

NHAS

1914

h.e.
2700

T-113

#1224
Kim Wahlen

T-112

26
35

#1431

David
Wander

5-
(280)

Hand-drawn map showing a rectangular area divided into sections by a vertical line and horizontal dashed lines. The vertical line is labeled "U. S. Mainline" and "Bel". The sections contain numbers: top-left "55", top-right "83", middle-left "40", middle-right "40", bottom-left "40", bottom-right "40". A small box in the bottom right corner contains the text "B. P. 198".

N
↓

FROM: H.W. JONES
TO: WAHLEN TRANSF.
35-02643B

I WOULD RECOMMEND APPROVAL OF THIS TRANSFER WITH THE ACREAGE DISTRIBUTION FOUND BY CARTER FRITCHLE (310 ACRES) AND LISTED ON THE TRANSF. IN PENCIL.

I RECOMMEND THE FOLLOWING CONDITION ALSO BE A PART OF THE CONDITION PACKAGE:

1/ APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SRBA.

