

T3859 SCHWARTZ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3859

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WITHDRAWNName of applicant Wayne G. or Betty L. Schwartz Phone 554-3721Post Office address P.O. Box 903, Moore, Idaho 83255

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 Correct legal place description
2. Describe the reason for the proposed changes Reflect proposed changes in right and to correct the legal descriptions on place of use because of government lots

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

1. Right Number 34-02474B Priority 4/4/1966 Amount (cfs/ac-ft) 12.42 Nature of Use Irrigation Period of Use 4/1 to 9/1
Should be 11.42
Should be 11.42
2. Total amount of water being transferred 12.42 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Antelope Creek, South Fork tributary to Big Lost River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	1	5N	25E	Butte	

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	
5N	25E	1													39	40	40	39	158
	26E	5											14						14
		6									40	26.4	37.3	40	40	40	36		269.7
		7	26.1	43.1			43.0	47.0											159.2
		8						20											20

Total acres 620.9

PART 1**6. General Information:**

a. Description of diversion system Two wells pumps mainline to sprinklers

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:

$5\frac{1}{2}$ NW $\frac{1}{4}$ Sec 6, T5N, R26E will retain some of the right. Property sold to Huffaker with out water rights ($5\frac{1}{2}$ NW $\frac{1}{4}$). Huffaker will transfer water right to $5\frac{1}{2}$ NW $\frac{1}{4}$ Sec 6.

d. Remarks:

Applicant retained ownership of the water right in the sale

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 _____

SEP 03 1991

, 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. 34-02474 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 Antelope Creek, South Fork tributary to Brg Lost River

4. Date or priority 04/04/1966

5. Water is used for the following purpose:

amount 12.94 cfs for Irrigation purposes from 4/1 to 9/1
(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 12.94 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	SW	1	5N	2SE	Butte	

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	
5N	2SE	1													39	40	40	39	158
	26E	6							38	38	40	39	40	40			40	36	311
		7	38	40			40	40	20										178

Total acres 647

9. Describe any other water rights used for the same purpose as described above 34-2334/2335

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

Should be 11 1/2

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

1. amount 12.418 cfs for Irrigation purposes from 4/1 to 9/1
 (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
		SE	SW	1	5N	25E	Butte	

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	25E	1													39	40	40	39	158
	26E	6															40	36	284.9
		7	38	40			40	40	20										178

Total acres 620.9

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

1. amount 0.522 cfs for Irrigation purposes from 4/1 to 9/1
 (cfs/ac-ft) 1.52 should be
 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	SW	1	5N	25E	Butte	

3. Lands irrigated or place of use:

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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	26E	6																	26.1
																			26.1

Total acres 26.1

R26E R26E

T5N

Lot 5

11-331

W. SCHWARTZ

11.5.5

Lot 6

Lot 7

PLACE OF UWE

10.3

E

29.3

104.0

123.5

Lot 3

Lot 2

Lot 1

NOT TO SCALE

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T5N R26E sections 6, 7
R26E section 1

63
78

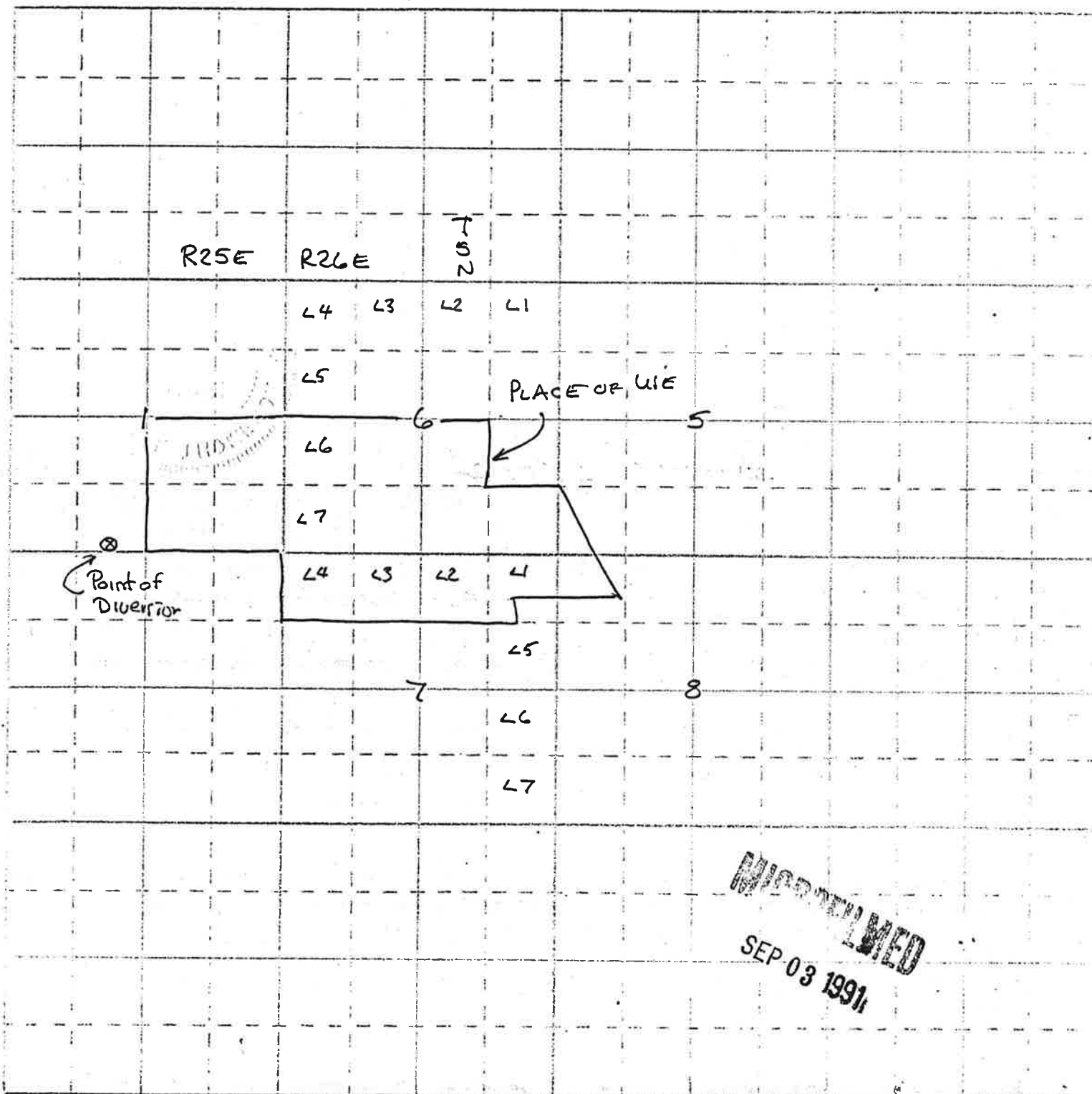
16
127

8.774

21.7

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.



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

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<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.

Betty L. Schwartz
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of June, 19 90.

Betty J. Thompson
(Notary Public)

My commission expires 1994**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 50.00

Receipted by go Date 1-5-90 (E011501)

Published in statewide Copies of protest forwarded by _____

Pub. dates 8-2-9-90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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