

T4040 WARNER



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

4040
CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 22, 1993

RE: Application for Transfer No. 4040 of Right No. 34-00493A

Lela Warner
Rt. 1, Box 32
Mackay, ID 83251

Dear Ms. Warner:

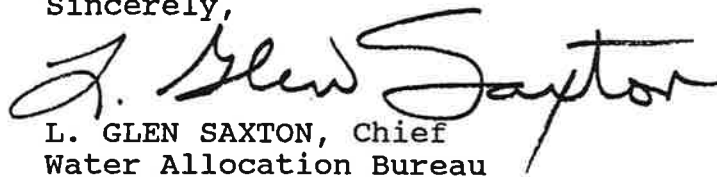
On October 27, 1982, you submitted the above referenced application for transfer which is still pending in department files. Final action to either approve or deny the application has not occurred.

A review of department records shows that the Snake River Basin adjudication claim which was filed on this water right claims the right differently than the original right and differently from the pending application for transfer.

Since the adjudication claim is likely the more current representation of the water right than the application for transfer, the department intends to set aside the application for transfer and allow the adjudication claim to be the document to represent the water right unless you provide justification within thirty (30) days to show why the application for transfer should be considered separately by the department.

Please feel free to contact the department if you have questions.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Lela Warner Phone 588-2565Post Office address Rt. #1, Box 32 Mackay, Id. 83251**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

34-0493A minus T1054

a. Decree No. _____ Decreed to Lost River Commercial Company
(Name)in case of Utah Construction Company vs John F. Abbott et aldated in 10/21/1925 in U.S. District Court County of Butte & Custer
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant owns
property to which part of right is appurtenant3. Source of water Big Lost River tributary to Sinks4. Date of priority 3/10/1894

5. Water is used for the following purposes:

amount 2.04 cfs for Irrigation purposes from not stated in decree to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 2.04 cfs cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of --- $\frac{1}{4}$ of Section 34Township 7N Range 24E, B.M., in Custer County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	25E	32													*			*	
		33										*	*						

*Acreage not listed in decree

Total number of acres to be irrigated _____ *

9. Describe any other water rights used for the same purpose as described above T1799/34-2291

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.44 cubic feet per second &/or b. _____ acre feet per annum
2. Point of diversion NW $\frac{1}{4}$ ---- $\frac{1}{4}$, Section 34 Township 7N Range 24E, B.M., Custer County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	25E	32													40				40
		33										40							40

Total number of acres to be irrigated 80

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 0.44 c.f.s. &/or _____ acre feet
- b. Description of diverting works _____
- c. Describe the reasons for the proposed changes Applicant selling ground and wants water right on ground she is retaining

NO CHANGE

2. Change in point of diversion
- Point of diversion NW $\frac{1}{4}$ --- $\frac{1}{4}$, Section 34 Township 7N Range 24E, B.M., Custer County
Additional points _____
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No XX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
NONE

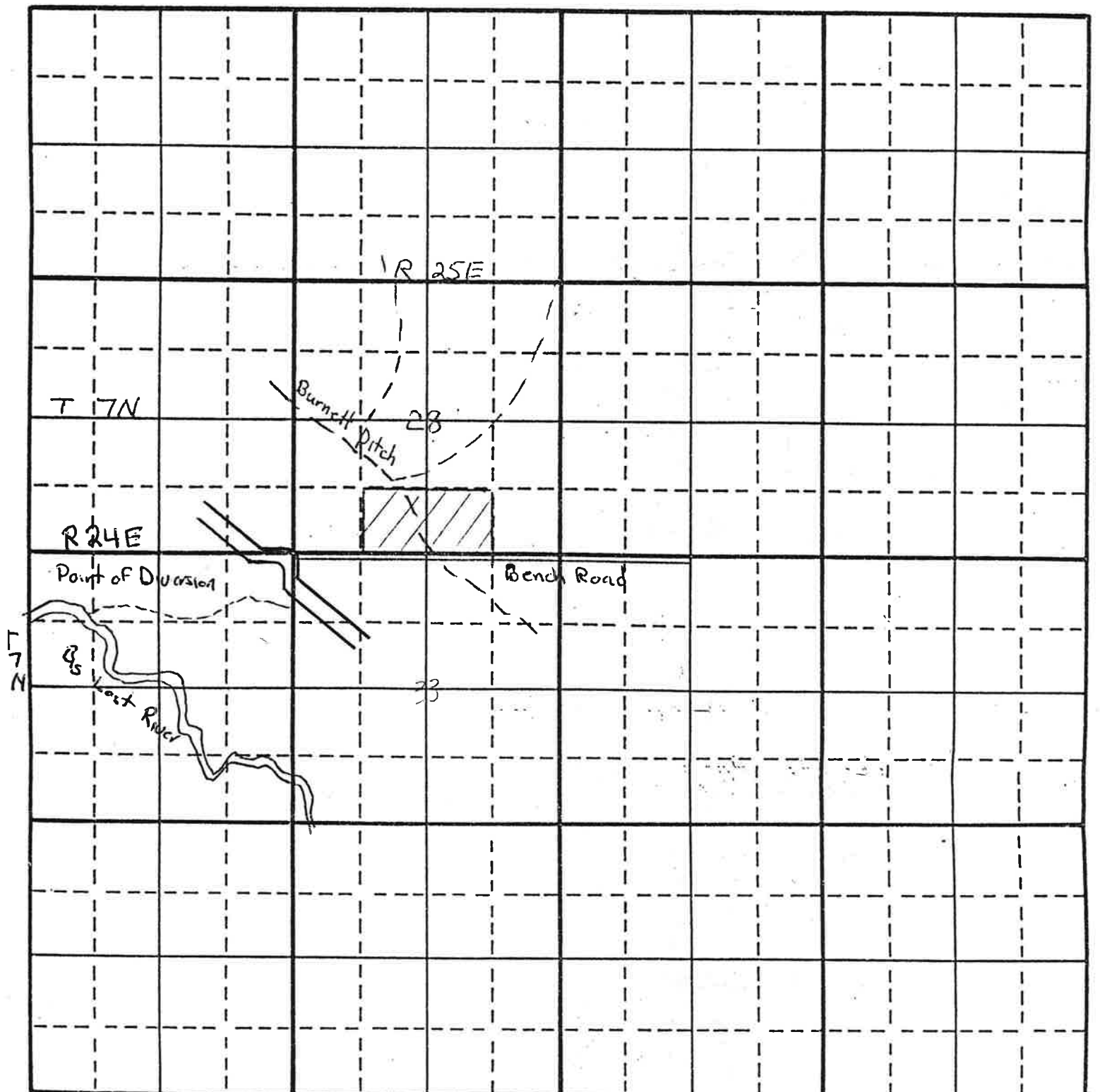


c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	25E	28											40				40		80

Total number of acres to be irrigated 80

- Describe any other water rights used for the same purpose as described above. 34-0610
part of right has application for transfer pending to go to above ground
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

Applicant will provide evidence of ownership of property involved. 1.60 cfs of original right owned by a Mr. Colson and is appurtenant to 80 acres of his ground in sese of Sect. 32 and swsw of Sect. 33 T7N R25E

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

Lela Warner
(Signature of Applicant)

Subscribed and sworn to before me this 14 day of October, 19 82

Rita M. Hundy
(Notary Public)

My commission expires life (bond 3/83)

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 _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Protest filed by _____
Prelim. check by Kaw Fee 50.00 (rec'd 10-21-82)
Receipted by BP Date 10-27-82 # 22553
Published in Custer County Pub Co.
Pub. dates 11/11 & 11/18/82
Watermaster recommendation requested on 6-8-83
_____ rec'd. 7-6-83
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for _____ approval _____ denial _____
by _____