

T4038 HARTWELL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFEB - 8 1997 Transfer No. 4038

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Millie E. Hartwell Phone 657-2210
Post Office address 2298 N 800 E Montevideo Idaho 83435

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 Change point of diversion to a point in the field to be irrigated to eliminate ditch loss and declining capacity of the old points of diversion.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|-------------------|--------------------|-------------------|---------------------------|
| <u>31-2258C</u> | <u>11/23/1935</u> | <u>4.50 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| <u>31-2351B</u> | <u>12/1/1955</u> | <u>1.90 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| <u>31-2381XO</u> | <u>7/14/1960</u> | <u>0.56 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
2. Total amount of water being transferred 6.96 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	SE	1	7N	33E	Jefferson	

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	
31-2258C																			
7N	33E	1									30	40	40	35		30	40	10	225
31-2351B																			
7N	33E	1									10			5	40	10		30	95
31-2381XO																			
7N	34E	6										47							40

Total acres 360

PART 1**6. General Information:**

- a. Description of diversion system Well pump mainline to open discharge for flood irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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, better utilization of water
- 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. 31-02258C/02351B/02381D
And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

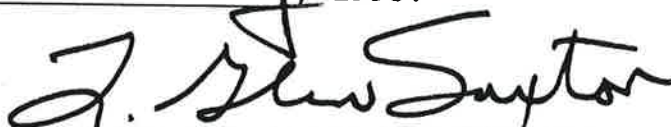
Witness my hand this

28th day ofJanuary, 19 93L. Blue Sator
CHIEF, WATER ALLOC. BUREAU

CONDITIONS OF APPROVAL
Transfer of Water Rights
Nos. 31-02258C/02351B/02381D

1. 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.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 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.
4. These rights when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands above.
5. The wells previously used under these rights shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 28th day of January, 1993.



Chief, Water Alloc. Bureau

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

PART 2

(Attach one copy for each right)

RECEIVED

SEP 18 1992

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree No. _____ Decreed to _____ Department of Water Resources
 in case of _____ Eastern District Office
 dated _____ in _____ county of _____
 - b. License No. 31-2258C issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. 3797 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 11/23/1935
5. Water is used for the following purpose:

amount <u>4.50 cfs</u>	for <u>Irrigation</u>	purposes from <u>4/1</u>	to <u>11/1</u>
amount <u>6.02 cfs</u>	for <u>Domestic</u>	purposes from <u>1/1</u>	to <u>12/31</u>
amount _____	for _____	purposes from _____	to _____
6. Total amount of water under right 4.5 cfs 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	NW	31	8N	34E	Jefferson	
		NW	SW	31	8N	34E	Jefferson	

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	33E	1									30	40	40	35		30	40	10	225

Total acres 225

9. Describe any other water rights used for the same purpose as described above _____

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. 31-2351B issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1624 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 12/1/1955

5. Water is used for the following purpose:

amount 1.9 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 1.9 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	NW	31	8N	34E	Jefferson	
		NW	SW	31	8N	34E	Jefferson	

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	33E	1									10			5	40	10		30	95

Total acres 95

9. Describe any other water rights used for the same purpose as described above _____

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. 31-02381A issued by the Idaho Department of Water Resources.

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

d. Transfer No. 3783 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 7/14/1960

5. Water is used for the following purpose:

amount 5.32 for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft) 0.02 for Domestic purposes from 1/1 to 12/31
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 5.32 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
		SE	NW	4	7N	34E	Jefferson	

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	33E	12					20	12											32
	34E	5												40	20		40	28	128
		6											40						40
								41					47						
		7					20												20
		8		40	40		40			40									160

Total acres 380

9. Describe any other water rights used for the same purpose as described above _____

(over)

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.

Millie E. Hartwell
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of September, 19 92.

Shauna Bare
(Notary Public)

My commission expires 5/24/96

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in Jefferson Star Copies of protest forwarded by _____Pub. dates 9-30 & 10-7-92 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by BDC

Copy of transfer sent to lien holder _____

INTERDEPARTMENT MEMO

DATE: November 18, 1992

FROM: Ernest Carlsen *EMC*

RE: APPLICATION FOR TRANSFER
31-02258C, 31-02351B, 31-02381D
Millie E. Hartwell

PURPOSE: Ditch loss coupled with decline in production has reduced the efficiency of the existing delivery system. Applicant proposes to abandon the two existing well and drill a well on the POU. This change is intended increase the efficiency of the irrigation system.

FINDINGS:

- > On November 16, 1992, Dave Carlson inspected the POU listed in part 1 of the application and determined all the tracts are being irrigated. Particularly the SWSW Section 6 which was licensed for irrigation from a well in SENW Section 4 T7N R34E.
- > Though licenses 31-02258C and 31-02351B are appurtenant to different acreages, the practice has been to commingle the water diverted under each and use it for irrigation of the S1/2 Section 1.

CONCLUSIONS:

- > There is no expansion in the place of use proposed by this application.
- > The S1/2 Section 1 could be recognized as a permissible place of use for 31-02258C and 31-02351B.

RECOMMENDATION/CONDITIONS:

- The transfer should be granted with the following conditions:
- The change authorized by this transfer shall be accomplished within one (1) year of the of this approval.
 - 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.
 - 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.

ADJUDICATION FOLLOWUP:

- Claimant should be contacted about showing a permissible place of use for rights A31-02258C and A31-02351B.
- A31-02351B lists 3.30 cfs as the rate of diversion. This quantity appears to have been derived from the license which provided for both a primary right on 110 acres for 2.20 cfs and a supplemental right on 307 acres for 2.3 cfs. The primary right covered 95 acres of the claimant's property and 225 acres as a supplemental right. Under

transfer no. 1624 a point of diversion change was granted for 1.90 cfs appurtenant to the 95 acres owned by the claimant under the primary right. There was no mention of any change to the supplemental portion of the license even though it was appurtenant to 225 acres in the S1/2 of Section 1. Failure to include the supplemental water was likely intentional because when the 1.90 cfs is used in combination with the portion of 31-02258 appurtenant to the S1/2 of Section 1 (4.50 cfs) the total rate of diversion is 6.40 cfs or 0.02 cfs per acre. Therefore the supplemental right is not needed. Consequently, to be consistent with transfer no. 1624, the rate diversion for A31-02351B should be reduced to 1.90 cfs.

- Notice A31-02381A will have to be split to reflect the change in POD for 0.56 CFS on 40 acres.