

T4083 HAMILTON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4083
WATER RIGHT NO. 27-02129B

RECEIVED

JUN 21 1993

Department of Water Resources
Eastern District Office

This is to certify that: **ANNETTE HAMILTON**
WESLEY HAMILTON
626 W 225 S
BLACKFOOT ID 83221

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	1.00 CFS	200.0 AF

SOURCE

GROUNDWATER

Priority: 09/11/1961

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 03S, Range 34E
BINGHAM 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>
03S	34E	12	Lot 5(SESE)	10		10
		13	NENE	37		40
			NWNE	3		40
Total number of acres irrigated:						50

CONDITIONS/REMARKS:

1. 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.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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. 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. 4083
WATER RIGHT NO. 27-02129B

CONDITIONS/REMARKS:

5. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Dated this 15th day of June, 1993


Chief, Water Alloc. Bureau

S.O. 5-24-93

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4083

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Wesley or Annette Hamilton Phone 785-0646
Post Office address 626 W 225 S Blackfoot Id 83221

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 Temporary change until new application for place of use is approved. Surface water is not sufficient during low water years.

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

1. Right Number 27-2129 Priority Sept 11, 1961 Amount (cfs/ac-ft) 1 cfs Nature of Use Irrigation Period of Use 4/1 to 10/31
2. Total amount of water being transferred 1.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	13	3S	34E	Bingham	

5. 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	
3S	34E	12																45 10	10
		13	37	3															40

Total acres 50

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. 27-2129 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 Sept 11 1961

5. Water is used for the following purpose:

amount 2.78 cfs for IRRIGATION purposes from NOT SPECIFIED to _____
(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 2.78 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
<u>6</u>		<u>SW</u>	<u>SE</u>	<u>22</u>	<u>3S</u>	<u>34E</u>	<u>Bingham</u>	

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	
<u>3S</u>	<u>34E</u>	<u>22</u>									<u>12</u>			<u>40</u>			<u>20</u>		<u>72</u>
											<u>43</u>						<u>46</u>		
		<u>27</u>		<u>29</u>			<u>31</u>			<u>7</u>									<u>67</u>
				<u>41</u>						<u>42</u>									

Total acres 139

9. Describe any other water rights used for the same purpose as described above Shares in Smith-Maxwell

ditch

FROM: H.W. JONES
TO: HAMILTON TRANSF.; 27-02129

ON MAY 21, 1993 ERIC VERNER AND MYSELF CONDUCTED AN ON SITE EXAM ON THE ORIGINAL P.O.U. FOR RIGHT 27-02129 TO CONFIRM ACTUAL USE. WE FOUND A WELL, PUMP AND CONNECTING DITCHES ON SITE. THERE WAS NO POWER HOOK-UP OR MOTOR ON THE PUMP BUT THERE WAS A DRIVELINE WHICH SUGGESTED A PTO SET UP.

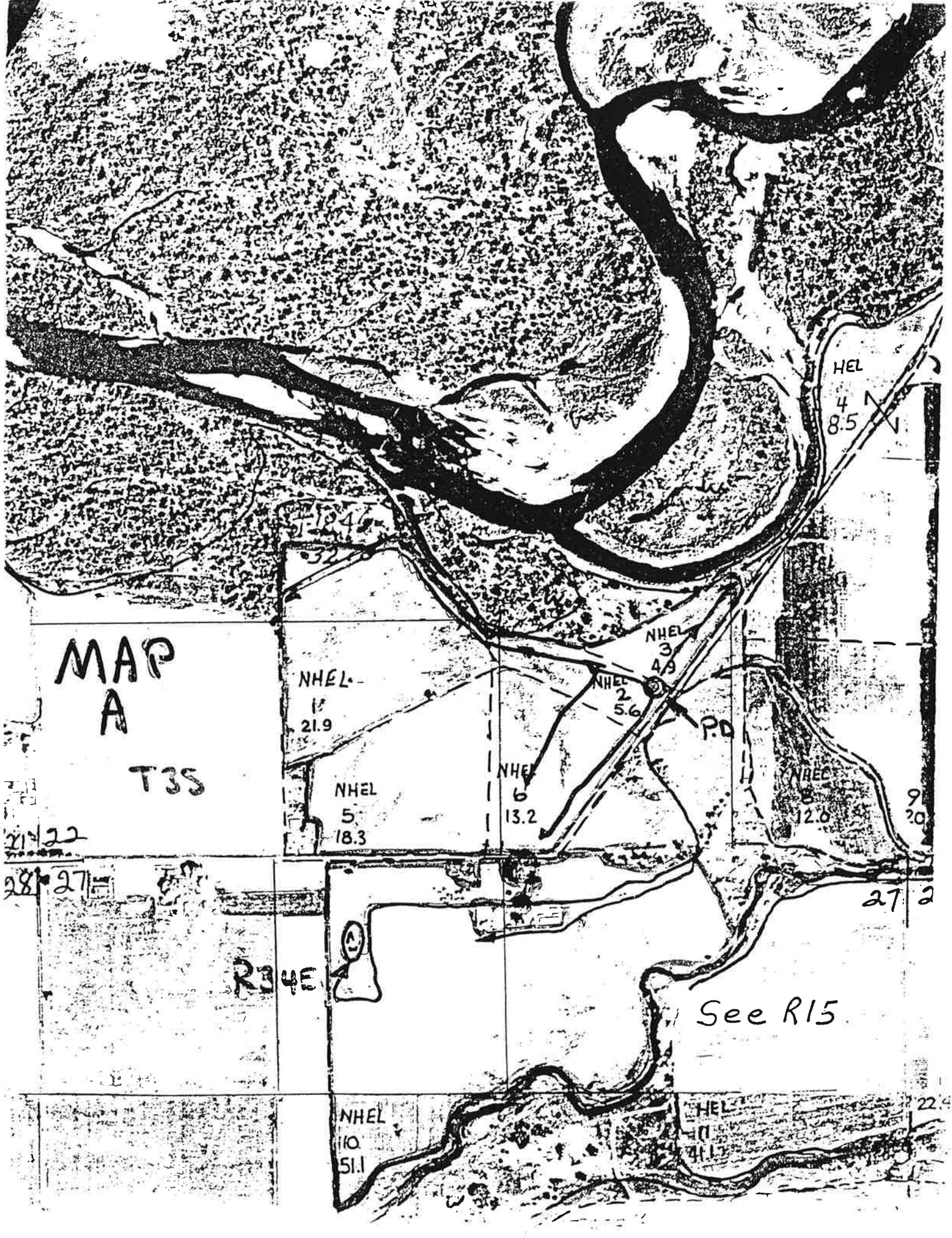
THE DITCH AT THE WELL SITE BRANCHED IN SEVERAL DIRECTIONS TO WATER THE PROPERTY NORTH OF THE ROAD. THIS SAME DITCH SYSTEM CARRIED ACROSS THE ROAD WHERE THE WELL WATER INTERMINGLES WITH WATER FROM THE SMITH-MAXWELL DITCH CO. . THE ENTIRE P.O.U. IS NATIVE GRASS PASTURE WITH EXTENSIVE GRAZING ON-GOING. MAP "A" SHOWS AN OUTLINE OF THE IRRIGATED GROUND.

IF THE TRANSFER IS APPROVED, THE AREA IN SECT. 27 WILL CONTINUE TO BE IRRIGATED BY THE SMITH-MAXWELL WATER. THIS THEN REQUIRED AN ON-SITE OF THE NEW P.O.U. TO CONFIRM THAT IT TOO HAD SURFACE WATER IRRIGATION. THAT INSPECTION CONFIRMED A FULL DITCH SYSTEM RUNNING ALONG THE WEST EDGE OF THE NEW P.O.U.

BASED ON OUR INSPECTION I WOULD RECOMMEND APPROVAL OF THIS APPLIC. FOR TRANSFER OF 50 ACRES OF RT. 27-2129.

HWJ

Hydratation * See recommendation for reduction of acres + dr total of rt A27-02129.
attached to claim file.



MAP
A

T35

NHEL
1
21.9

NHEL
5
18.3

NHEL
6
13.2

NHEL
2
5.6

NHEL
3
4.9

NHEL
7
12.6

NHEL
4
8.5

9
2.0

NHEL
10
51.1

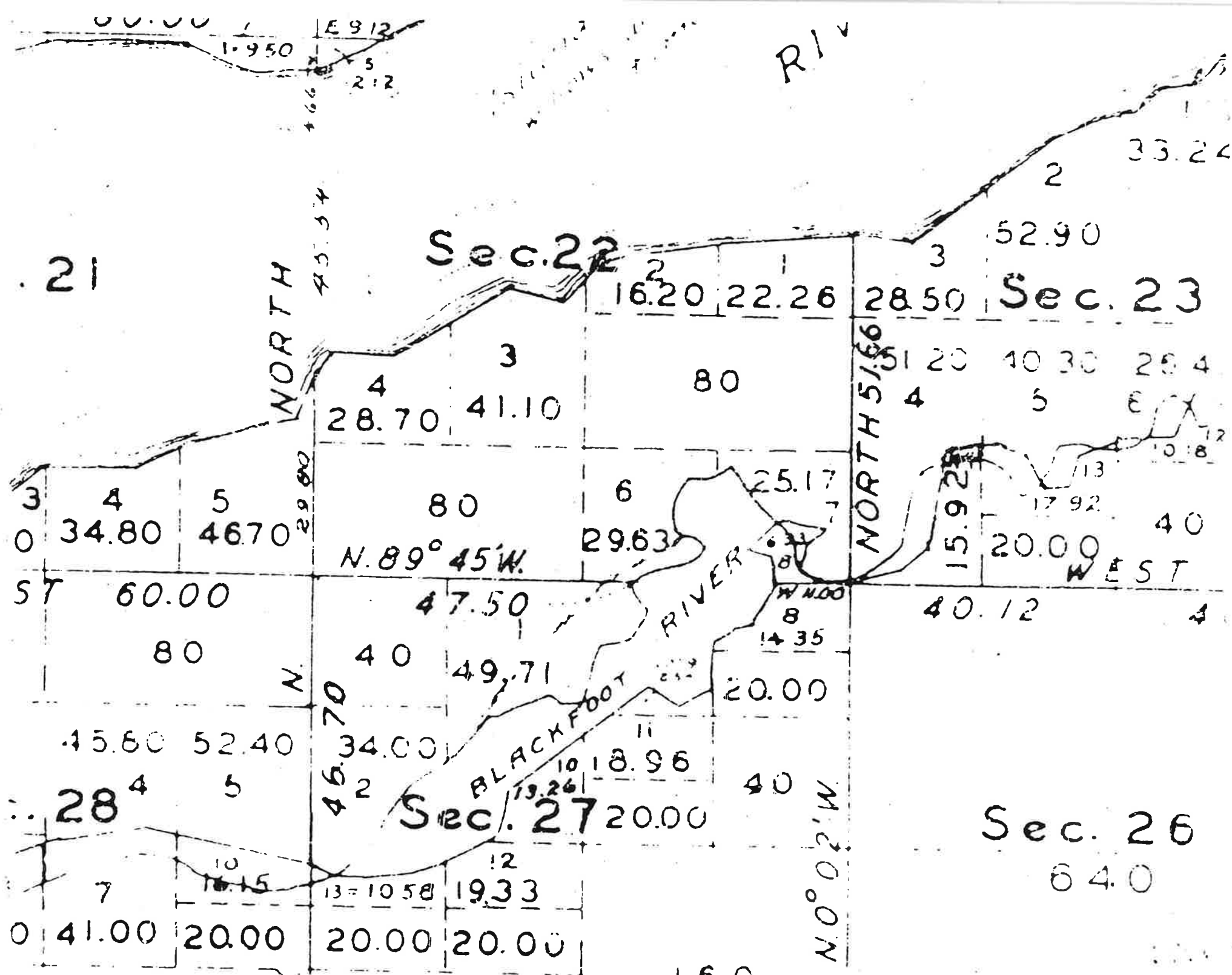
See R15

R34E



NHEL

22.4



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4083
WATER RIGHT NO. 27-02129B

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JUN 21 1993
Department of Water Resources
Eastern District Office

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IRRIGATION	04/01 to 10/31	1.00 CFS	200.0 AF

SOURCE

GROUNDWATER

Priority: 09/11/1961

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 03S, Range 34E
BINGHAM 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>
03S	34E	12	Lot 5 (SESE)	10		10
		13	NENE	37		40
			NWNE	3		50

Total number of acres irrigated: 50

CONDITIONS/REMARKS:

1. 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.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
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TRANSFER NO. 4083
WATER RIGHT NO. 27-02129B

CONDITIONS/REMARKS:

5. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Dated this 15th day of June, 1993


Chief, Water Alloc. Bureau

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4083APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Wesley or Annette Hamilton Phone 785-0646
Post Office address 626 W 225 S Blackfoot Id 83221

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 Temporary change until new application for place of use is approved. Surface water is not sufficient during low water years.

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

1. Right Number 27-2129 Priority Sept 11, 1961 Amount (cfs/ac-ft) 1 cfs Nature of Use Irrigation Period of Use 4/1 to 10/31
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 1.0 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
		NE	NE	13	3S	34E	Bingham	

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	
3S	34E	12																15	10
		13	37	3														10	40

Total acres 50

PART 1**6. General Information:**

a. Description of diversion system well, pump, mainline to laterals with 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:

Land will be dried up.

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. 27-2129 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 Sept 11 1961

5. Water is used for the following purpose:

amount 2.78 cfs for IRRIGATION purposes from NOT SPECIFIED to _____
 (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 2.78 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
6		SW	SE	22	3S	34E	Bingham	

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	
3S	34E	22									12			40			20		72
											L3						L6		
		27		29			31			7									67
				L1						L2									

Total acres 139

9. Describe any other water rights used for the same purpose as described above Shares in Smith-Maxwell ditch

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 1.0 cfs for Irrigation purposes from 4/1 to 10/31
 (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
<u>6</u>		<u>SW</u>	<u>SE</u>	<u>22</u>	<u>3S</u>	<u>34E</u>	<u>Bingham</u>	

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	
<u>3S</u>	<u>34E</u>	<u>27</u>		<u>29</u>			<u>21</u>												<u>50</u>
				<u>L1</u>															

Total acres 50

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

1. amount 1.78 cfs for Irrigation purposes from 4/1 to 10/31
 (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
<u>6</u>		<u>SW</u>	<u>SE</u>	<u>22</u>	<u>3S</u>	<u>34E</u>	<u>Bingham</u>	

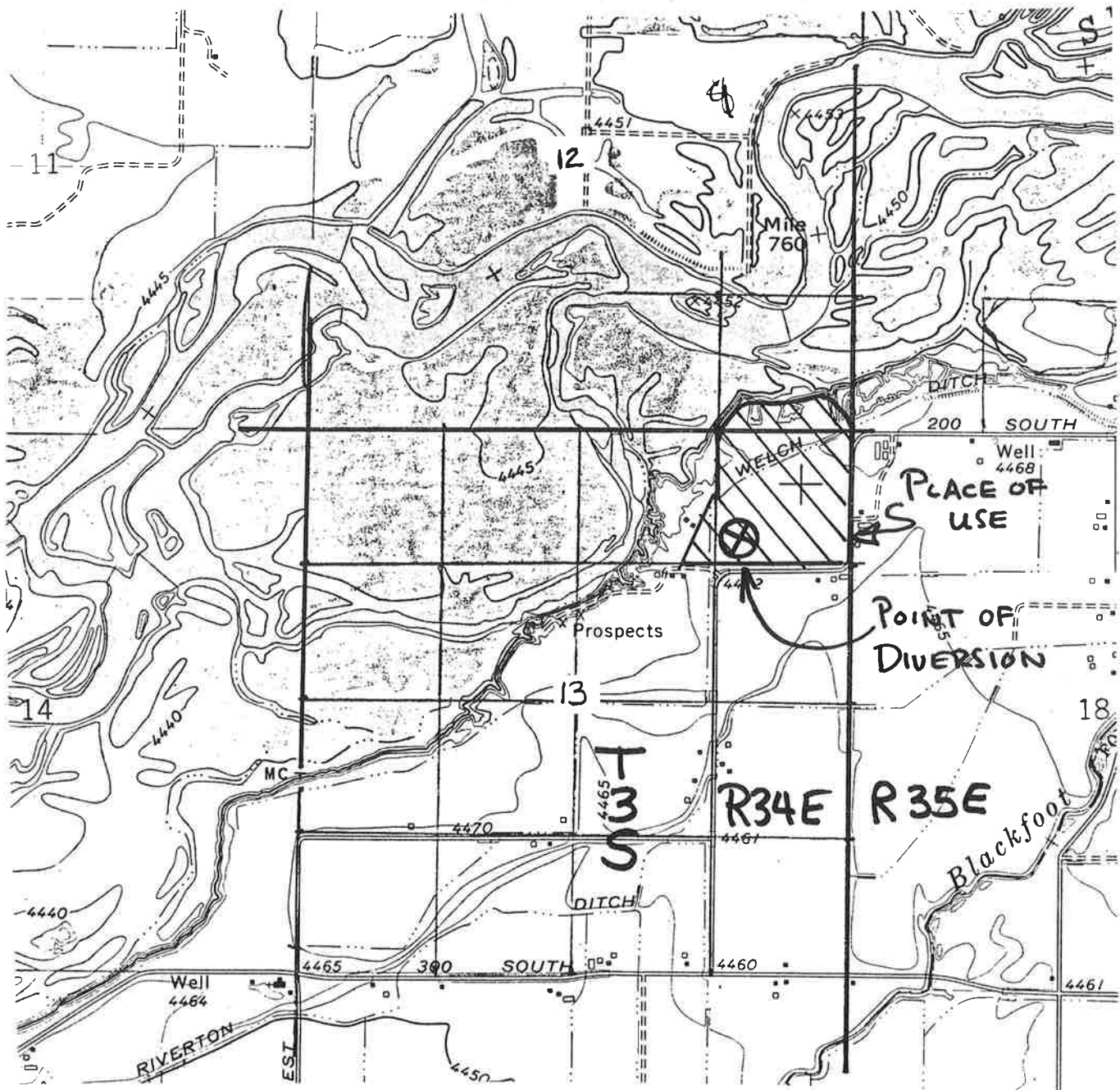
3. Lands irrigated or place of use:

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	
<u>3S</u>	<u>34E</u>	<u>22</u>									<u>12</u>			<u>40</u>			<u>20</u>		<u>72</u>
											<u>L3</u>						<u>L6</u>		
		<u>27</u>					<u>10</u>			<u>7</u>									<u>17</u>
										<u>L2</u>									

Total acres 89

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

Wesley R. Hamilton
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of April, 19 93.

Betty J. Thompson
(Notary Public)

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My commission expires _____
MY COMMISSION EXPIRES: 6-30-94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Assisted by Kew Received by Kew Date 7 April 93 Protest filed by _____

Prelim. check by _____ Fee _____

Received by Kew Date 7 April 93 #EO18424

Published in Morning News Copies of protest forwarded by _____

Pub. dates April 15:22-93 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

FROM: H.W. JONES
TO: HAMILTON TRANSF.; 27-02129

ON MAY 21, 1993 ERIC VERNER AND MYSELF CONDUCTED AN ON SITE EXAM ON THE ORIGINAL P.O.U. FOR RIGHT 27-02129 TO CONFIRM ACTUAL USE. WE FOUND A WELL, PUMP AND CONNECTING DITCHES ON SITE. THERE WAS NO POWER HOOK-UP OR MOTOR ON THE PUMP BUT THERE WAS A DRIVELINE WHICH SUGGESTED A PTO SET UP.

THE DITCH AT THE WELL SITE BRANCHED IN SEVERAL DIRECTIONS TO WATER THE PROPERTY NORTH OF THE ROAD. THIS SAME DITCH SYSTEM CARRIED ACROSS THE ROAD WHERE THE WELL WATER INTERMINGLES WITH WATER FROM THE SMITH-MAXWELL DITCH CO. . THE ENTIRE P.O.U. IS NATIVE GRASS PASTURE WITH EXTENSIVE GRAZING ON-GOING. MAP "A" SHOWS AN OUTLINE OF THE IRRIGATED GROUND.

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BASED ON OUR INSPECTION I WOULD RECOMMEND APPROVAL OF THIS APPLIC. FOR TRANSFER OF 50 ACRES OF RT. 27-2129.

HWJ

Hydratation * See recommendation for reduction of acres + cfs total of rt A27-02129.
attached to claim file.

MAP
A

T35

NHEL
1
21.9

NHEL
5
18.3

NHEL
6
13.2

NHEL
2
5.6

NHEL
3
4.9

NHEL
8
12.6

HEL
4
8.5

R34E

See R15

NHEL
10
51.1

HEL
11
41.7

22.4



