

T4452 MIDDLE CREEK RANCH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4452
WATER RIGHT NO(S). 32-00007A/32-00008 **AUG 10 1995**

Department of Water Resources
Eastern District Office

This is to certify that: **MIDDLE CREEK RANCH**
PO BOX 251
DUBOIS ID 83423

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>
Right No. 32-00007A :			
IRRIGATION	04/15 to 10/15	2.74 CFS	752.5 AF
Priority: 05/15/1883			
Right No. 32-00008 :			
IRRIGATION	04/15 to 10/15	0.50 CFS	181.5 AF
Priority: 06/15/1883			
TOTAL:		3.24 CFS	* 752.5 AF

SOURCE

MIDDLE CREEK

TRIBUTARY OF

MEDICINE LODGE CREEK

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 6, Township 12N, Range 34E
NENW , Sec. 7, Township 12N, Range 34E
NWSE , Sec. 7, Township 12N, Range 34E
NENE , Sec. 18, Township 12N, Range 34E
NWSE , Sec. 18, Township 12N, Range 34E
CLARK 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>
12N	34E	7	SWNE 2	NENW 5	SENE 22	
		18	NWSE 10	SWSE 24		63
			NWNE 32	SWNE 25	NWSE 20	
			SWSE 7	SESE 17		101
		19	NENE 18			18
		20	NWNW 23	SWNW 22	SENE 24	
			NESW 24	NWSW 1	NWSE 15	
			SWSE 18			127
Total number of acres irrigated:						** 309

TRANSFER NO. 4452
WATER RIGHT NO(S). 32-00007A/32-00008

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32C.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. 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.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4452 shall not exceed 3.24 cfs, nor a total combined annual volume of 752.5 af.
- ** 9. Combined Right Nos. 32-00007A and 32-00008 shall not exceed the total combined irrigation of 215 acres within the place of use described above.

Dated this 4th day of August, 1975.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 32-00007A & 32-00008

FROM: PAM SKAGGS⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4452

DATE: August 1, 1995

RECEIVED

AUG 10 1995

Department of Water Resources
Eastern District Office

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Transfer No. 4452 was filed to change the point of diversion and the place of use under Right Nos. 32-00007A and 32-00008. The transfer proposes to remove the right from a large vaguely described decreed place of use and consolidates the use on a 309 acre land base as part of a purchase agreement.

This is the second in a pair of transfers filed to split the rights through ownership on two separate land parcels. Other overlapping surface rights have been claimed on separate land parcels in the SRBA. 215 acres of irrigation have been confirmed under these rights and the approval will limit the combined rights to avoid expansion.

Season of use and diversion volume were adjusted to current standards and the source identified solely as Middle Creek. Recommended conditions include combined right limits, multiple points of diversion/measuring devices, watermaster control, irrigation overlap, future reporting and standard transfer conditions.

[illegible]

PART 1

6. General Information:

- a. Description of diversion system 5 HEADGATES/DITCHES TO 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 _____ 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:
NO AFFECT
PARTNERS: DAVE LEONARDSON, SID E BROWN, JESS MOMBERGER, DEE L GRIFFETH
- d. Remarks:
THIS TRANSFER WILL LEAVE THE POU (30⁴ ACRES) WITH ONLY 162 INCHES
OF WATER OR ENOUGH TO FLOOD IRRIGATE 216 ACRES. 3.24 cfs/.015 cfs per
acre = 216 AC (DC).

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. 32-00007 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2261 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 MEDICINE LODGE CREEK SINKS
MIDDLE CREEK tributary to MEDICINE LODGE CREEK
4. Date or priority 5/15/1883

5. Water is used for the following purpose:

amount 3.74 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 3.74 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion: SEE ATTACHED PROFILE REPORT (WR 32-0007)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: SEE ATTACHED PROFILE REPORT (WR 32-0007)

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-0008, 0009, 0010, 0011, & 0012

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 2.74 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	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
				6	12N	34E	CLARK	
		NE	NW	7	12N	34E	CLARK	
		NW	SE	18	12N	34E	CLARK	
		NE	NE	19	12N	34E		

3. Lands irrigated or place of use _____

Twp	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	34E	7			I											I	I		
		18		I	I											I	I	I	
		19	I					I	I	I	I			I					
		20														I	I		
		29	I	I														I	
		34	I																

Total acres _____

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

1. amount 1.00 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	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	25	11N	34E	CLARK	
		NE	SE	25	11N	34E	CLARK	

3. Lands irrigated or place of use _____

Place of use Legal Description for: IRRIGATION																			
				NE				NW				SW				SE			
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
10N	34E	12	:	I				I											
10N	34E	15	:		I			I									I	I	
10N	35E	6	:										I						
10N	35E	7	:					I	I										
11N	34E	25	:				I										I	I	I
11N	34E	36	:	I	I														
11N	35E	30	:					I	01-1	02-1	I		I	03-1	04-1	I			
11N	35E	31	:						I										
11N	35E	31	:						01-1										

Total acres _____

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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. 32-0008 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2261 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 MEDECINE LODGE CREEK SINKS
MIDDLE CREEK tributary to MEDICINE LODGE CREEK4. Date or priority 6/15/1883

5. Water is used for the following purpose:

amount 0.50 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 0.50 cubic feet per second and/or _____ acre-feet per annum.7. Point(s) of Diversion: SEE ATTACHED PROFILE REPORT

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: SEE ATTACHED PROFILE REPORT

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-00007, 0009, 00010,00011, 00012

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ 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 _____ for _____ purposes from _____ to _____
 (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

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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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

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	

Total acres _____

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.



[Signature] - *Partial Middle Creek Ranch*
 (Signature of Applicant)
 28th day of October, 19 94

Wendy J. Murphy
 (Notary Public)

6/23/2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by *RPC*

Copy of transfer sent to lien holder _____

WR5809NP
No. 32-00008

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/23/94
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEAVERHEAD LAND & CATTLE CO.	06/15/1883	IRRIGATION	04-01 11-01	0.50 CFS	
TOTAL DIVERSION:					0.50 CFS	

Water Source: MEDICINE LODGE CREEK
MIDDLE CREEK

Tributary to: SINKS
MEDICINE LODGE CREEK

Stage: DECREED

Point(s) of Diversion:	T11N R34E S25	NENW	NESE	CLARK County
	T12N R34E S06	SESW		CLARK County
	S07	NENW	SWSE	CLARK County
	S18	NWSE		CLARK County
	S19	NENE		CLARK County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
10N	34E	12	I		I			I											
10N	34E	15			I			I				I				I	I		
10N	35E	6										I			I				
10N	35E	7						I	I										
11N	34E	25													I	I	I	I	
11N	34E	36	I		I														
11N	35E	30						I	I	I		I	I	I					
11N	35E	31						01-I											
12N	34E	7														I	I		
12N	34E	18			I											I	I	I	
12N	34E	19	I						I	I		I							
12N	34E	20														I	I		
12N	34E	29	I		I													I	
12N	34E	32	I																

Pou County: CLARK

Other Rights: 32-0007, 0009, 0010, 0011, & 0012.

Remarks: STIPULATED AGREEMENT AS OF 9/15/1953.
AS PER TRANS #2261.

Dates:	App. Received:	Priority Date:	06/15/1883
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 32C Field Exam Fee:

Audit: 07/15/85 05/22/88 CONVERT

WR 32-0007

WR5809NP
No. 32-00007

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/23/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEAVERHEAD LAND & CATTLE CO.	05/15/1883	IRRIGATION	04-01 11-01	3.74 CFS	
TOTAL DIVERSION:					3.74 CFS	

Water Source: MEDICINE LODGE CREEK
MIDDLE CREEK

Tributary to: SINKS
MEDICINE LODGE CREEK

Stage: DECREED

Point(s) of Diversion:	T11N R34E S25	NENW	NESE	CLARK County
	T12N R34E S06	SESW		CLARK County
	S07	NENW	SWSE	CLARK County
	S18	NWSE		CLARK County
	S19	NENE		CLARK County

Place of use Legal Description for: IRRIGATION

			NE								NW								SW								SE								
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
10N	34E	12		I		I						I																							
10N	34E	15				I		I				I						I						I				I		I					
10N	35E	6																	I																
10N	35E	7																	I						I										
11N	34E	25						I		I				I																					
11N	34E	36		I		I																						I		I		I			
11N	35E	30										I	01-I		02-I			I			I	03-I		04-I		I									
11N	35E	31												I																					
11N	35E	31												01-I																					
12N	34E	7							I																										
12N	34E	18				I		I																				I		I					
12N	34E	19		I											I		I				I							I		I		I			
12N	34E	20																		I															
12N	34E	29		I		I																						I		I					
12N	34E	32		I																											I				

Pou County: CLARK

Other Rights: 32-0008, 0009, 0010, 0011, & 0012.

Remarks: STIPULATED AGREEMENT AS OF 9/15/1953.
P/U INCOMPLETE.
AS PER TRANS. #2261.

Dates:	App. Received:	Priority Date:	05/15/1883
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 32C Field Exam Fee:

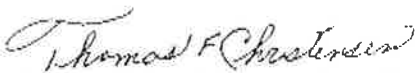
Audit: 12/09/85 05/22/88 CONVERT

45154

and be obligatory upon the heirs, executors, administrators, personal representatives, successors and assigns of the respective parties hereto.

15. ATTORNEY'S FEES: In the event it is necessary for either party to commence an action to enforce or defend any covenant contained herein, or to terminate any rights hereunder, or to institute suit hereunder, the unsuccessful party agrees to pay all reasonable attorney's fees of the successful party, together with all costs, including searching records to determine condition of title, which sum shall be included in any judgment or decree entered in such suit.

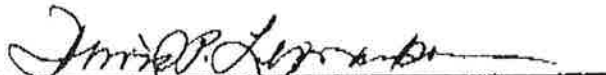
IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year in the acknowledgments hereinafter set forth.

SELLERS:

Thomas H. Christensen



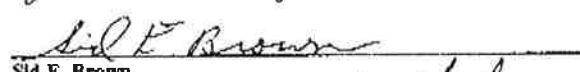
Naomi L. Christensen

PURCHASERS:

David P. Leonardson



J. C. Monberger



Sid E. Brown



Dennis Griffith

