

T4451 SWANSON

4451

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4451
WATER RIGHT NO. 74-00535

RECEIVED
MAR 06 1995

This is to certify that: **CLARENCE SWANSON**
FLORENCE SWANSON
RT 1 BOX 45
SALMON ID 83467

Department of Water Resources
Eastern District Office

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	04/15 to 10/15	1.40 CFS	162.8 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LEMHI RIVER	SALMON RIVER

Priority: 08/01/1963

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 30, Township 20N, Range 24E
LEMHI 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>
20N	23E	25	NENE 38.5	NWNE 3.0	SENE 5.0	46.5
Total number of acres irrigated:						46.5

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

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CONDITIONS/REMARKS:

6. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. 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.

Dated this 27th day of February, 1995.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 74-00535
FROM: PAM SKAGGS²⁸/STATE OFFICE
SUBJECT: TRANSFER NO. 4451
DATE: February 23, 1995



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Transfer No. 4451 is one (1) of four (4) transfer applications filed in cooperation with the Department of Fish and Game to consolidate two (2) ditches to a single point of diversion and ditch. This transfer proposes to change the point of diversion under Right No. 74-00535.

The irrigation season was adjusted and diversion volume added to reflect current standards. The place of use was described more specifically to equal the exact number of irrigated acres stated in the decree.

Recommended conditions include watermaster control, measuring device with lockable controlling works, irrigation overlap, right-of-way and standard transfer conditions.

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 4451

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant Swanson, Clarence and/or Florence Phone (208) 756-2406

Post Office address Route 1 Box 45 Salmon, Idaho 83467

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Cooperation with the Department of Fish & Game in Salmon Recovery efforts. Consolidation of two ditches will eliminate one diversion berm in the Lemhi River and reduce the operation and maintenance costs to the Department by eliminating a fish screen.

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

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|----------------|-----------------|-----------------------|-------------------|--|
| <u>74-0535</u> | <u>8-1-1963</u> | <u>1.40 cfs</u> | <u>irrigation</u> | <u>3-15</u>
<u>4/1</u> to <u>11-15</u>
<u>11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 1.40 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Lemhi River tributary to Salmon River
- Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	30	20N	24E	Lemhi	L-23

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	
20N	23E	25	38.5	3.0		5.0													46.5

Total acres 46.5

PART 1**6. General Information:**

- a. Description of diversion system Water will be diverted with a rock and concrete berm in the Lemhi River with a bypass and lockable, controllable headgate, at the delivery system. System was designed by Soil Conservation Service(SCS) and reviewed by Idaho Fish & Game.
- 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 (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

d. Remarks:

This change will benefit fish recovery efforts in the Lemhi River by eliminating one diversion berm. The Department of Fish & Game will benefit by eliminating a fish screen and the long term maintenance and operation of that screen.

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. 74-0535 Decreed to Swanson, Clarence and/or Florence
in case of State of ID vs. Mary Adams
dated _____ in 7th Judicial District county of Lemhi
- 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. _____ 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 Lemhi River tributary to Salmon River

4. Date or priority 8-1-1963

5. Water is used for the following purpose:

amount 1.40 cfs for irrigation purposes from 3-15 to 11-15
(cfs/ac-ft) 4/1 11/1
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 1.40 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	NE	25	20N	23E	Lemhi	L-22A

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	
20N	23E	25	38.5	3.0		5.0													46.5

46.5

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

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 _____ 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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.

Subscribed and sworn to before me this 20th day of September, 19 94.

(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 4/21/99**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by HWS Date 9-23-94 Protest filed by _____Prelim. check by _____ Fee \$100.00 _____Receipted by HWS #E020325 Date 9-23-94 _____Published in Recorder Herald Copies of protest forwarded by _____Pub. dates 10-6-13-94 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

