

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4844
WATER RIGHT NO. 32-02051

RECEIVED

MAY 02 1997

Department of Water Resources
Eastern District Office

This is to certify that: **SMALL RANCHES**
C/O BUTCH SMALL
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>
IRRIGATION	04/15 to 10/15	* 1.62 CFS	283.5 AF

SOURCE

INDIAN CREEK

TRIBUTARY OF

MEDICINE LODGE CREEK

Priority: 11/15/1913

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 13, Township 11N, 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>
11N	34E	23	SENE 3	NESE 8		11
		25	SWNE 28	SENE 30	SENW 12	70
Total number of acres irrigated:						81

CONDITIONS OF APPROVAL AND REMARKS

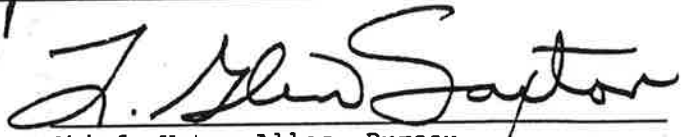
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32C.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 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.

TRANSFER NO. 4844
WATER RIGHT NO. 32-02051

CONDITIONS OF APPROVAL AND REMARKS

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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.
8. Diversion of water from Indian Creek is limited to those times water is available for diversion under this right and priority from the original source, Medicine Lodge Creek.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department of measuring the flow of Medicine Lodge Creek at the original point of diversion.
- * 10. The portion of Right No. 32-02051 in excess of this transfer approval in the amount of 0.38 cfs shall be considered abandoned through approval of Transfer No. 4844.

Dated this 24th day of April, 1997.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 32-02051

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4844

DATE: January 17, 1997

=====

Transfer No. 4844 was filed to change the point of diversion, place of use, and source under Right No. 32-02051. The place of use is also reduced from 100 to 81 acres.

The transfer proposes to move this right to an existing system diverted from Indian Creek upstream from it's confluence with Medicine Lodge Creek. Water under Indian Creek Right Nos. 32-00006 and 32-00052 is delivered through the same pipeline and sprinkler system.

The application and watermaster comment form appear to contradict each other. The application notes that watermaster records indicate water has been delivered, while the comment form states that there is no record of delivery. It appears that the right was listed in the 1995 Adopted Budget for the water district and the applicant was charged.

The deputy watermaster, Greg Shenton, told region staff that the original ditch was washed out and delivery for the last few years has not occurred. He also endorsed the approval of this transfer. The SRBA Claim for this right claimed the place of use under the Indian Creek system. It would appear that the applicant has been diverting from the transfer point of diversion for some time and is attempting to correct the record.

Season of use and diversion volume were adjusted to the current standards. Rate of diversion was reduced to reflect the licensed rate of 0.02 cfs/acre for 81 acres, or 1.62 cfs. The remaining portion 0.38 cfs will be considered abandoned through approval of this transfer.

Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, right-of-way, abandoned portion, availability from original source, measuring device at original point of diversion and standard transfer conditions.

SO 8-15-1996

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 4844

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Small Ranches Phone 374-5439
 Post Office address C/O BUTCH SMALL DUBOIS, ID 83423

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 change source

2. Describe the reason for the proposed changes Moving a water right from Medicine Lodge Creek to Indian Crk. Into pipeline system to irrigate ground purchased in section 25 from Tom Christensen and O. Williams and a small portion in section 23. Used with

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

32-00006, 32-00052

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>32-02051</u>	<u>11/15/1913</u>	<u>2.00</u>	<u>IRR</u>	<u>4/15</u> to <u>10/15</u>
				to
				to
				to

2. Total amount of water being transferred 2.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Indian Creek tributary to Medicine Lodge Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>13</u>	<u>11N</u>	<u>34E</u>	<u>Clank</u>	

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	
<u>11N</u>	<u>34E</u>	<u>25</u>			<u>28</u>	<u>30</u>				<u>12</u>									<u>70</u>
		<u>23</u>			<u>3</u>										<u>8</u>				<u>11</u>

Total acres 81

PART 1

6. General Information:

a. Description of diversion system Headgate/pipeline/sprinklers
diversion system is used to deliver water rights
32-00006 & 32-00052 transfer 3784

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:

will not be irrigated

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 _____.

PART 2

WR5808WP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/24/96 14:17:57
Page 1

Water Right Number - 32-02051

Prefix Translation: WATER RIGHT

Old (D) Number - 9810

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

NOYES

WILLIAM G.

1 -

2 -

3 -

City- DUBOIS

State- ID Zip- 83423

Phone -

*** O - ORIGINAL OWNER ***

DROWNS

GEORGE W.

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

11/15/1913

15 EASTERN

L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

MEDICINE LODGE CREEK

SINKS

+ - - - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
-----	-----	-----	-------	-----	------	--------	----------------	----------------	---------------

11N	34E	17	SW NW			(33) CLARK			
-----	-----	----	-------	--	--	------------	--	--	--

			NW SE			(33) CLARK			
--	--	--	-------	--	--	------------	--	--	--

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	----------------	------------------

01 - IRRIGATION				2.000	
-----------------	--	--	--	-------	--

43 - DOMESTIC					
---------------	--	--	--	--	--

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

2.000

+ - - - - Place of Use - - - - - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
-----	-----	-----	-------	-----	-------	------	-------------	--------

11N	34E	17	SE NW		30.0	01	IRRIGATION	(33) CLARK
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11N	34E	17	NE SW		12.0	01	IRRIGATION	(33) CLARK
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11N	34E	17	NE SE		23.0	01	IRRIGATION	(33) CLARK
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11N	34E	17	NW SE		35.0	01	IRRIGATION	(33) CLARK
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Total Acres: 100.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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 water master records indicate water has been delivered.

Water right number - 32-02051

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
LICENSE INCORRECTLY INDICATES FREMONT CO.
LICENSE INCORRECTLY INDICATES 23 ACRES IN NESW.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 05/20/85 05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 05/20/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 32C
Licensed Date - 04/29/1985	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag-
Presumption Flag -		

1413
23 24

T230

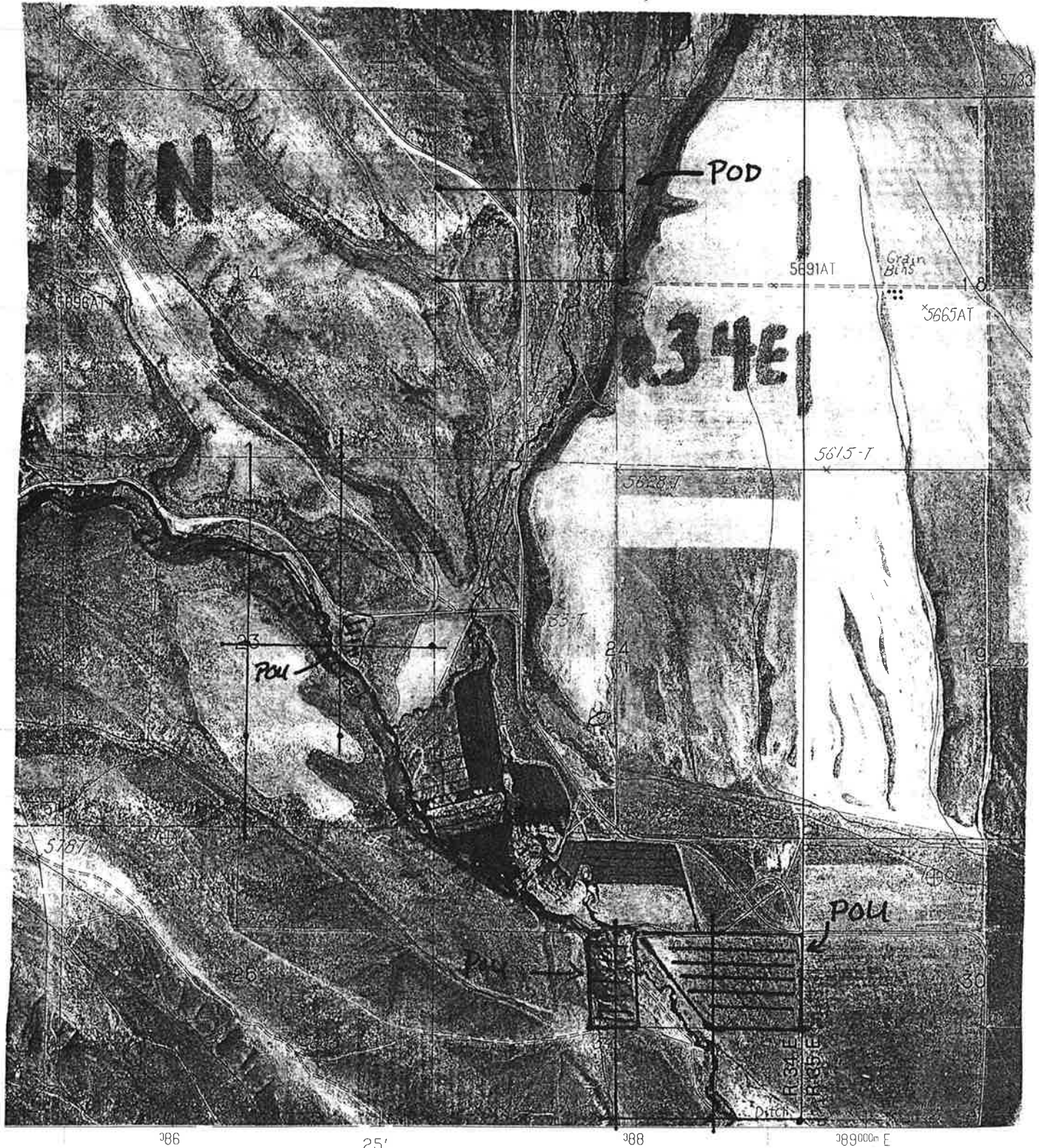
232
T667

3acns

8
acns

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	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.



Beth Small
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of May, 19 96.

Dave Carlson
(Notary Public)

My commission expires 2/26/2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DC Date 5/15/96 Protest filed by _____Prelim. check by _____ Fee "100" _____Received by DC Date 5/15/96 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____