

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4839
WATER RIGHT NO(S). 33-07006B/33-07057B

RECEIVED

JAN 17 1997

Department of Water Resources
Eastern District Office

This is to certify that: **ORVILLE NICHOLSON**
SUNNYBAR RANCH BOX 40
HOWE ID 83244

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. 33-07006B :			
IRRIGATION	04/15 to 10/15	0.24 CFS	87.1 AF
Priority: 08/18/1966			
Right No. 33-07057B :			
IRRIGATION	04/15 to 10/15	0.26 CFS	73.5 AF
Priority: 07/20/1977			
TOTAL:		0.50 CFS	160.6 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 36, Township 06N, Range 29E
BUTTE 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>
05N	29E	2	NESE 12	SESE 37		49
Total number of acres irrigated:						* 49

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

TRANSFER NO. 4839
WATER RIGHT NO(S). 33-07006B/33-07057B

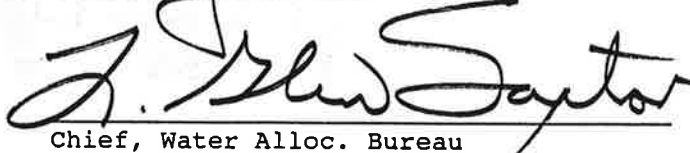
CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. 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.
6. 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.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. 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.
9. 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.
- * 10. Right No. 33-07006B is limited to the irrigation of 28.0 acres in the place of use described above in a single irrigation season.
- * 11. Right No. 33-07057B is limited to the irrigation of 21.0 acres in the place of use described above in a single irrigation season.

Dated this 14th day of

January

, 1997.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 33-07006 & 33-07057

FROM: PAM SKAGGS^{PS}/STATE OFFICE

SUBJECT: TRANSFER NO. 4839

DATE: January 7, 1997

de E, 1-14-97

=====

Transfer No. 4839 was filed to change the point of diversion and place of use under a portion of Right Nos. 33-07006 and 33-07057, splitting each right into parts A and B.

The applicant owns the original place of use and will dry up the corners of his fields as described to transfer 49 acres to the proposed place of use. These groundwater rights overlap with surface water rights at both the original and new location.

The application was filed by the owner of the original rights who mistakenly identified the wrong quarter-quarter description of the proposed new point of diversion for the use of Isham Farms. The application originally identified the point of diversion in the NWNW, Section 36 and was later corrected by region staff to reflect the NWSW, Section 36, both within T05N, R29E.

Season of use and diversion volume were adjusted to current standards. The combined limit under Right No. 33-07006A was reduced to reflect the removal of 0.24 cfs from the combined rights and avoid expansion of use.

✓ Recommended conditions include drilling permit requirements, future measuring device & annual reporting, supplemental groundwater, irrigation overlap, right-of-way, permissible place of use and standard transfer conditions.

SO 8-9-96
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4839

Page _____ of _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant ORVILLE NICHOLSON Phone (208) 767-3463Post Office address SUNNYBAR RANCH BOX 40 HOWE ID 83244

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 CORNERS WILL BE DRIED UP WHERE PIVOTS SIT AND
I WILL TRANSFER THESE ACRES TO ISHAM FARMS

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>33-07057B</u>	<u>JULY 20, 1977</u>	<u>0.26</u>	<u>IRRIGATION</u>	<u>4-15</u>	to <u>10-15</u>
<u>33-07006B</u>	<u>AUG. 18, 1966</u>	<u>0.24</u>	<u>IRRIGATION</u>	<u>4-15</u>	to <u>10-15</u>
_____	_____	_____	_____	_____	to _____
_____	_____	_____	_____	_____	to _____

2. Total amount of water being transferred 0.50 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
		NW	NW	36	6N	29E	BUTTE	

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	
5N	29E	02													12			37	49

Total acres 49

PART 1**6. General Information:**

- a. Description of diversion system WELL AND PUMP TO 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 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:
POU WILL BE DRY FARMED

- 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**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 33-07006

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.45 CFS	942.0 AF

SOURCE

GROUNDWATER

Priority: 08/18/1966

LOCATION OF POINT(S) OF DIVERSION:NWNE , Sec. 30, Township 08N, Range 28E
BUTTE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	28E	19	Lot 4 (SWSW) 38	SESW 40	SWSE 40	
			SESE 40			158
		30	NENW 40	Lot 1 (NWNW) 38	Lot 2 (SWNW) 38	
			SENW 40			156
				Total number of acres irrigated:		314

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. SUBJECT TO THE CONDITION THAT THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 4.45 CFS WHEN COMBINED WITH LICENSE NO. 32610/33-2123.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 33-07057

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	5.73 CFS	1020.9 AF

SOURCE

GROUNDWATER

Priority: 07/20/1977

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 29, Township 08N, Range 28E
BUTTE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	28E	20	SWSW 39	SESW 35	SWSE 35	
			SESE 1			110
		29	NENE 1	NWNE 34	NENW 30	
			NWNW 39	SWNW 39	SENW 35	
			NWSW 39	SWSW 39		256
		30	NENE 20	NWNE 10	SWNE 14	
			NWSE 26	SWSE 28	SESE 2.5	100.5
			Total number of acres irrigated:			466.5

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands 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. 33-07006 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 AUGUST 18, 1966

5. Water is used for the following purpose:

amount 4.45 for IRRIGATION purposes from 4-15 to 10-15
(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 4.45 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
		NW	NE	30	8N	28E	BUTTE	

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	
8N	28E	19											38	40			40	40	158
													L-4						
		30					40	38	38	40									156
								L-1	L-2										

Total acres 314

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

MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 4.45 CFS WHEN COMBINED WITH RIGHT 33-02123

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
YES If yes, describe **CORNERS IN W1/2 NW1/4 HAVE NOT BEEN IRRIGATED SINCE PIVOT WENT IN.**

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 ***0.24** for **IRRIGATION** purposes from **4-15** to **10-15**
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: ***SEE DIVERSION CONDITION**

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	30	08N	28E	BUTTE	

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	
08N	28E	30					7	7	7	7									28

Total acres **28****C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount **4.21** for **IRRIGATION** purposes from **4-15** to **10-15**
 (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
		NW	NE	30	8N	28E	BUTTE	

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	
08N	28E	19											38	40			40	40	158
													L-4						
		30					33	31	31	33									128
								L-1	L-2										

Total acres **286**

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. 33-07057 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 JULY 20, 1977

5. Water is used for the following purpose:

amount 5.73 for IRRIGATION purposes from 4-01 to 11-01
(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 5.73 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
		SW	NW	29	8N	28E	BUTTE	

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	
8N	28E	20											39	35			35	1	110
		29	1	34			30	39	39	35		39	39						256
		30	20	10	14											26	28	2.5	100.5

Total acres 466.5

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

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 0.26 CFS for IRRIGATION purposes from 4-01 to 11-01
 (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>SW</u>	<u>NW</u>	<u>29</u>	<u>8N</u>	<u>28E</u>	<u>BUTTE</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>8N</u>	<u>28E</u>	<u>30</u>		<u>7</u>	<u>7</u>											<u>7</u>			<u>21</u>

Total acres 21

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

1. amount 5.47 for IRRIGATION purposes from 4-01 to 11-01
 (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>SW</u>	<u>NW</u>	<u>29</u>	<u>08N</u>	<u>28E</u>	<u>BUTTE</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>08N</u>	<u>28E</u>	<u>20</u>											<u>39</u>	<u>35</u>			<u>35</u>	<u>1</u>	<u>110</u>
		<u>29</u>	<u>1</u>	<u>34</u>			<u>30</u>	<u>39</u>	<u>39</u>	<u>35</u>		<u>39</u>	<u>39</u>						<u>256</u>
		<u>30</u>	<u>20</u>	<u>3</u>	<u>7</u>											<u>19</u>	<u>28</u>	<u>2.5</u>	<u>79.5</u>

Total acres 445.5

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.

