

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4779
WATER RIGHT NO. 35-08173B

RECEIVED

APR 15 1996

Department of Water Resources
Eastern District Office

This is to certify that: **ESTATE OF GLENN B MARTINEAU**
2001 WILSHIRE BLVD STE 325
SANTA MONICA CA 90403

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	1.06 CFS	212.0 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.8 AF
	Totals	1.09 CFS	213.8 AF

SOURCE

GROUNDWATER

Priority: 08/22/1983

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 8, Township 04S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S 33E 8	SENE 19	NESE 34		53
		Total number of acres irrigated:		53

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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CONDITIONS OF APPROVAL AND REMARKS

2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. 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.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
10. 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.

Dated this 10th day of

April

, 19

96

J. Glen Saylor
Chief, Water Alloc. Bureau

MEMORANDUM

RECEIVED

APR 15 1996

Department of Water Resources
Eastern District Office

TO: FILE NO. 35-08173

FROM: PAM SKAGGS/^{es}STATE OFFICE

SUBJECT: TRANSFER NO. 4779

DATE: April 10, 1996

=====

Transfer No. 4779 was filed to change the point of diversion under a portion of Right No. 35-08173, splitting the right into parts A and B. The applicant proposes to cut and remove a portion of the mainline from the original system that has deteriorated. A new well will be drilled with a separate system to serve these acres.

No expansion occurs through this transfer. Recommended conditions include license conditions, drilling permit requirements, future measuring devices & annual reporting, and standard transfer conditions.



THIS IS THE
LANDS TO WHICH
THE TRANS IS
GONG (AND) ROP.

PHOTO 1.

Photo IS A VIEW OF THE
PLACE OF USE LOOKING
SOUTH FROM AN UNDEVELOPED
ROCKY KNOB.

Photo taken Circa 1993 FALL



PHOTO 2.

Photo shows NEW WELL AND
MOTOR ARRANGEMENT AS
REQUESTED BY T. 4779
LOOKING EAST FROM HWY
RIGHT-OF-WAY.

Photo taken Circa 1996 SPRING

NEW WELL DATA:

Motor: US ELCT. MOTORS

40 HP

ID# 622BA-SO-XO1W334R104M

Pump: GOULDS PUMP

SN: LP 96194 5/13/96

5 STAGE 6" DISCH.

OPERATING AT 75 PSI

2 WHORL LINES

1 SHORT HANDLING 13 NOZZ. "1/64"

PHOTO ____.

PHOTO DATE: 1/1
PHOTO BY: SBR/boony

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 4779

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant ESTATE OF GLENN MARTINEAU Phone ³¹⁰ (213) 829-2057
Post Office address 2001 2001 WILSHIRE BLVD # 325, SANTA MONICA CA 90403

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 Split right; Add a new P/D for part of right
- Describe the reason for the proposed changes Mainline cannot be buried & has numerous holes
So instead applicant wants to cut mainline that is bad then seal and add a
well to the other end of the mainline to water the place of use

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>35-08173 B</u> | <u>8/22/1983</u> | <u>1.06 cfs</u> | <u>IRRIGATION</u> | <u>4/1</u> to <u>11/1</u> |
| | | <u>0.03 cfs</u> | <u>STOCKWATER</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | to |
| | | | | to |
- Total amount of water being transferred 1.09 cubic feet per second and/or _____ acre-feet per annum.
- Source of water GROUNDWATER tributary to _____
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	NE	8	4S	33E	Bingham	(Part B)

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	
4S	33E	8				19									34				53

Total acres 53

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:

No Change

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. 35-08173 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 8/22/1983

5. Water is used for the following purpose:

amount 3.80 cfs for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount 0.09 cfs for STOCKWATER purposes from 1/1 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.89 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
	SE	NW	NW	9	4S	33E	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	
4S	33E	9	33	35	33	30				6									137
		8				19									34				53

Total acres 190

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

Shares Aberdeen Springfield Canal Shares

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

Part 3

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.06 cfs for IRRIGATION purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount 0.03 cfs for Stockwater purposes from 1/1 to 12/31
 (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
	SE	NW	NW	9	4S	33E	BINGHAM	

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	
4S	33E	8				19									34				53

Total acres 53

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

1. amount 2.74 cfs for IRRIGATION purposes from 4/1 to 4/1
 (cfs/ac-ft)
 amount 0.06 cfs for Stockwater purposes from 1/1 to 12/31
 (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
	SE	NW	NW	9	4S	33E	BINGHAM	(Part A)

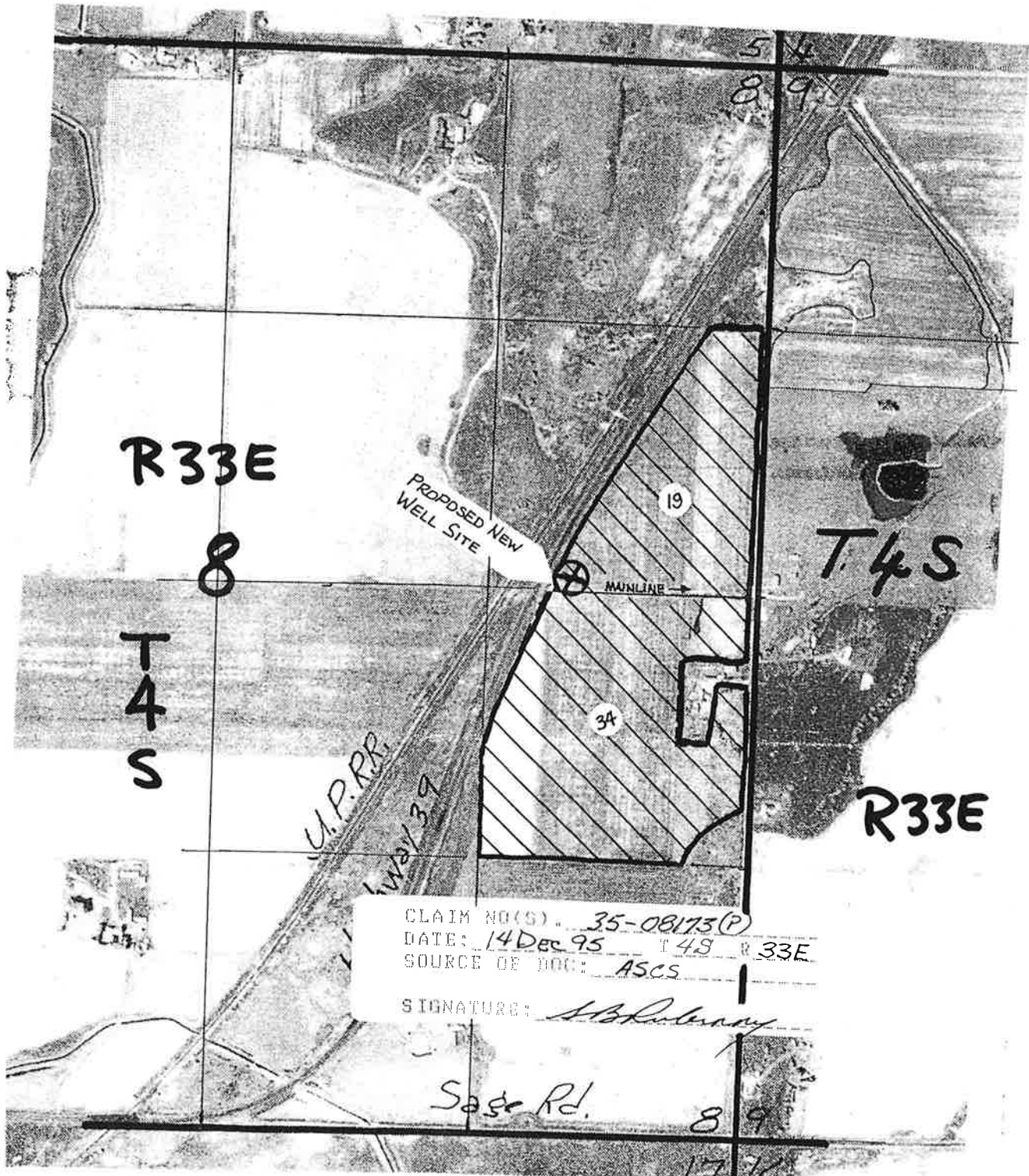
3. Lands irrigated or place of use:

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	
4S	33E	9	33	35	33	30				6									137

Total acres 137

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.



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.

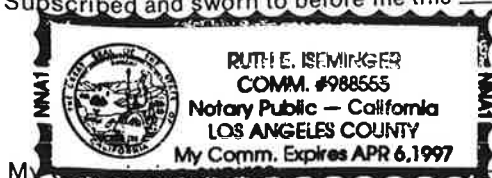
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Louisa G. Martineau, Executor
(Signature of Applicant)

Subscribed and sworn to before me this

5th day of February, 1996

Ruth E. Isenminger
(Notary Public)

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by HWT Date 2-14-96

Protest filed by _____

Prelim. check by _____ Fee 100Receipted by HWT #E02R12 Date 2-14-96Published in Morning News

Copies of protest forwarded by _____

Pub. dates March 7 & 14, 1996

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____