

T5002 NICHOLSON

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

FEB 12 1998

Department of Water Resources
Eastern Region

TRANSFER NO. 5002
WATER RIGHT NO(S). 33-02070B/33-02139B/33-07057D

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. 33-02070B :			
IRRIGATION	04/15 to 10/15	0.14 CFS	42.0 AF
Priority: 02/14/1953			
Right No. 33-02139B :			
IRRIGATION	04/15 to 10/15	0.10 CFS	36.3 AF
Priority: 12/01/1947			
	SUBTOTAL:	* 0.24 CFS	* 42.0 AF
Right No. 33-07057D :			
IRRIGATION	04/15 to 10/15	0.12 CFS	35.0 AF
Priority: 07/20/1977			
	TOTAL:	** 0.36 CFS	** 77.0 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	22		22
Total number of acres irrigated:						*** 22

TRANSFER NO. 5002
WATER RIGHT NO(S). 33-02070B/33-02139B/33-07057D

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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. Right 33-02070B is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
- *** 9. Right 33-02139B is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
- *** 10. Right 33-07057D is limited to the irrigation of 10.0 acres in the place of use described above in a single irrigation season.
- * 11. Rights 33-02070B and 33-02139B when combined shall not exceed a total annual diversion volume of 42.0 af at the field headgate and the irrigation of 12.0 acres.
- ** 12. Rights 33-02070B, 33-02139B and 33-07057D when combined shall not exceed a total annual diversion volume of 77.0 af at the field headgate and the irrigation of 22.0 acres.

Dated this 4th day of

February, 1998



Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 33-02070, 33-02139 & 33-07057A

FROM: PAM SKAGGS/²STATE OFFICE

SUBJECT: TRANSFER 5002

DATE: February 2, 1998



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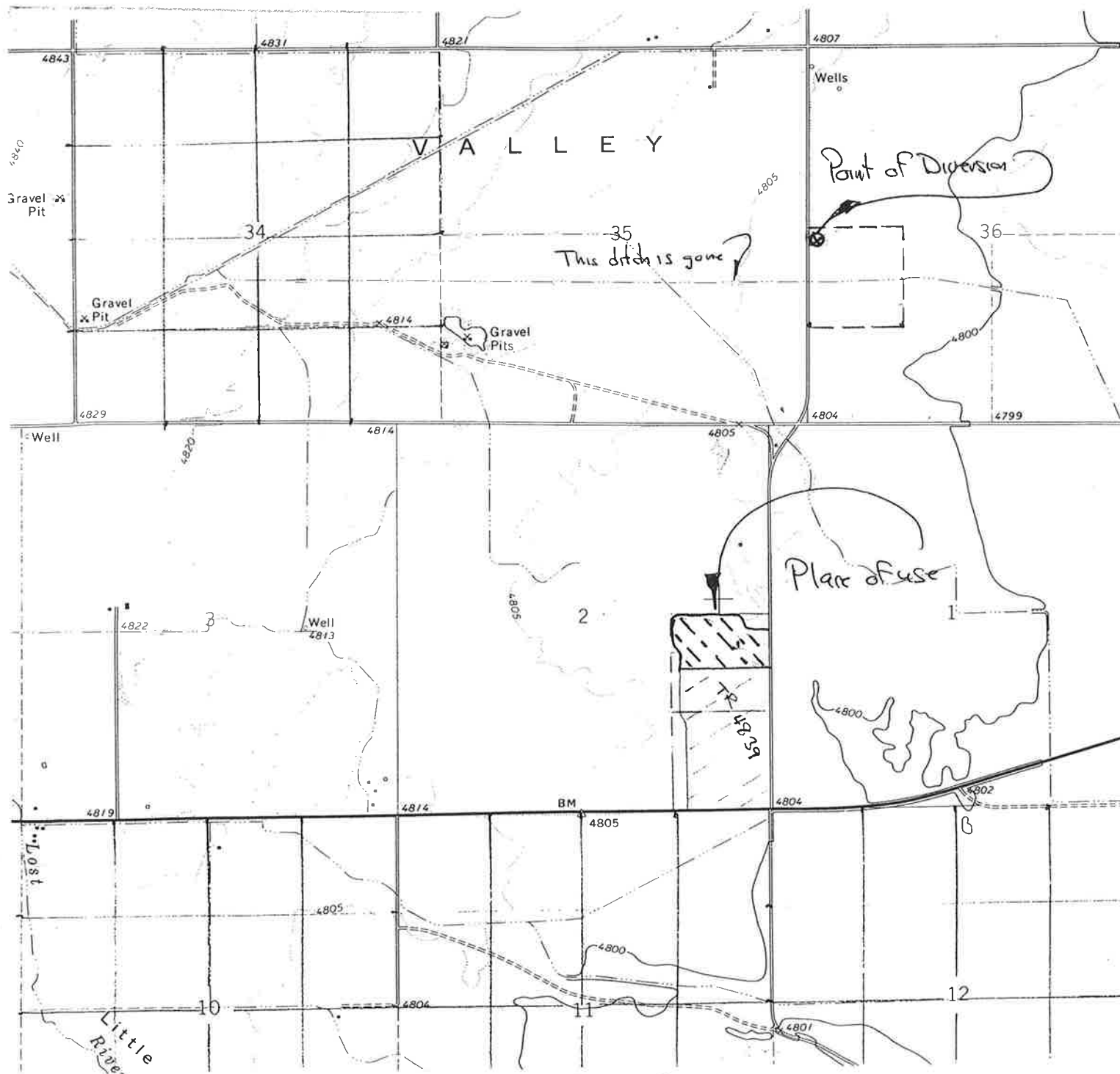
Transfer 5002 changes the point of diversion under a portion of Right 33-07057A, and the place of use under a portion of Rights 33-02070 (A & B), 33-02139 (A & B) and 33-07057A (C & D), splitting each right. ✓

The applicant is transferring a total of 22 acres adjacent to irrigated land under earlier Transfer 4839. Overlap review identifies these groundwater rights as supplemental to surface rights at both the historic and proposed place of use. ✓

Season of use and diversion volume were adjusted to current standards. Recommended conditions include future measuring devices & annual reporting, supplemental groundwater, irrigation overlap, permissible place of use, combined right limits and standard transfer conditions. ✓

**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**

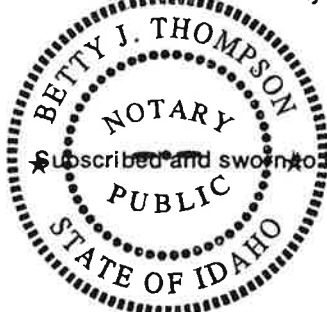
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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.



Orville Nicholson
(Signature of Applicant)
Subscribed and sworn to before me this 8th day of January, 19 97.

Betty J. Thompson
(Notary Public)
BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 7-05-2000

My commission expires

FOR DEPARTMENT USE ONLYTransfer contains 10 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 100⁰⁰ F.022904 _____Received by _____ Date 1-23-1997 _____Published in Arco Advertiser Copies of protest forwarded by _____Pub. dates February 20 & 27, 1997 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____