

T4958 PEHRSON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4958
WATER RIGHT NO(S). 34-07045D/34-10471D

RECEIVED

JUL 26 1999

Department of Water Resources
Eastern Region

This is to certify that: LOY PEHRSON
BYRON PEHRSON
RT 1 BOX 48
DARLINGTON ID 83255

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. 34-07045D :			
IRRIGATION	04/01 to 11/01	2.54 CFS	474.3 AF
Priority: 10/02/1973			
Right No. 34-10471D :			
IRRIGATION	04/01 to 10/31	0.22 CFS	43.7 AF
Priority: 08/13/1974			
	TOTAL:	* 2.54 CFS	* 518.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENE), Sec. 5, Township 05N, Range 26E
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	26E	5	Lot 1(NENE) 42	Lot 2(NWNE) 46	SWNE 31	
			SENE 29			148
				Total number of acres irrigated:		* 148

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. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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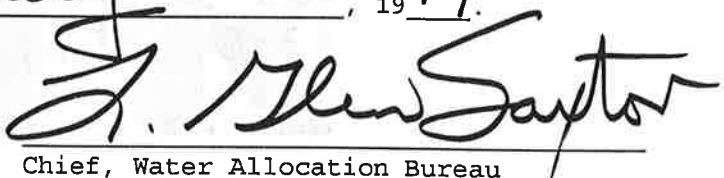
CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 5. Right 34-07045D is limited to the irrigation of 135.5 acres in the place of use described above in a single irrigation season.
- * 6. Right 34-07045D and 34-10471D when combined shall not exceed a total combined diversion rate of 2.54 cfs, a total annual diversion volume of 518 af at the field headgate, and the irrigation of 148.0 acres.
7. Rights 34-00235D, 34-00424D, 34-00790D, 34-00791D, 34-07045D and 34-10471D when combined shall not exceed the total combined diversion rate of 3.25 cfs, a total annual diversion volume of 518 af at the field headgate and the irrigation of 148.0 acres.
8. Right 34-10471D is an enlargement of Right 34-07045D pursuant to Section 42-1426, Idaho Code.
9. Right 34-10471D is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. Rights 34-07045B, 34-07045C, 34-07045D, 34-10471B, 34-10471C and 34-10471D are diverted through the point of diversion described above.

Dated this 22nd day of

July

19 99



Chief, Water Allocation Bureau

MEMORANDUM

TO: File 34-07045

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 4958

DATE: July 15, 1999

Transfer 4958 changes the point of diversion under the portion of the right purchased by the applicant. The irrigation well has been drilled and no physical change to the existing system will occur through this transfer approval.

The transfer is based on the right as recommended in the SRBA and includes adjudication conditions. Other recommended conditions include irrigation overlap, future measuring & annual reporting, and standard transfer conditions.

50 11-18-96

Not data
entered

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4958

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

AUG 16 1996

Department of Water Resources
Eastern RegionName of applicant Byron and/or Loy Pehrson Phone 588-3381Post Office address Rt. #1 Box 48 Darlington ID 83231

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 Applicant purchased 148 irrigated acres from Jack Jensen. A new well must be drilled on applicants property according to sales contract.

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>34-07045 B</u>	<u>10-2-1973</u>	<u>2.56*</u>	<u>IRRIGATION</u>	<u>4-15</u> to <u>10-15</u>
<u>34-10471 B</u>	<u>8-13-1974</u>	<u>.21</u>	<u>IRRIGATION</u>	<u>4-15</u> to <u>10-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.56* cubic feet per second and/or _____ acre-feet per annum.3. Source of water GROUNDWATER tributary to _____
*Combined limitation in Director's Report limits 2 rights to quantity licensed.

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>1</u>		<u>NE</u>	<u>NE</u>	<u>05</u>	<u>5N</u>	<u>26E</u>	<u>BUTE</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>5N</u>	<u>26E</u>	<u>05</u>	<u>Lot 1 42</u>	<u>Lot 2 46</u>	<u>31</u>	<u>29</u>													<u>148</u>

Total acres 148 Acres

Loy and Byron Pehrson Transfer -- 34-07045 and 34-10471

1)The Pehrsons purchased 148 acres of irrigated land from Allan Banta (who had purchased the property from Jack Jensen previously).

2)The land is located in the NE1/4 Sec. 05, T5N, R26E, west of the county road.

3)There are four(4) surface water rights that are also appurtenant to the 148 acres. There is no change to these rights except for the change in name for Pehrson's proportionate share.

4)There are two(2) groundwater rights appurtenant to the 148 acres: License #34-07045 and Notice of Claim #34-10471 as recommended in the Director's Report (D.R.).

5)The only change to the groundwater right(s) is the point of diversion. A part of the contract agreed to by Pehrsons and Banta was that a new well would have to be drilled by the Pehrsons on their recently purchased property.

* 6)The applicant recognizes that once this transfer application is approved, the description of the water right(s) in the transfer may need to be revised depending on the decision of the Idaho Supreme Court regarding Basin Wide Issue #4 (BWI4).

7)The outcome of BWI4 will not affect the purpose of this ^{transfer} claim, which is to add a point of diversion, because a new well will have to be drilled for the proportionate share of the licensed water right no matter what the decision is of the Supreme Court.

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AUG 1 6 1996

Department of Water Resources
Eastern Region

PART 1**6. General Information:**

- a. Description of diversion system well + pump to pivot
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ~~Yes~~ NA No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Page #4 of Real Estate Contract is Attached [Look under b. Drilling of new U
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: NONE also memorandum of contract for Real Estate
- d. Remarks: See narrative enclosed

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 _____

AJ5809NP
No. 34-10471

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/07/96
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK A JENSEN	08/13/1974	IRRIGATION	04-15 10-15	0.40 CFS	
C	DIANA JENSEN					
TOTAL DIVERSION:					0.40 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T05N R26E S05 Lot01(NENENE)

BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
05N	26E	4	:					:	03-35	04-49	21	18	:					:							:	123.0
05N	26E	5	:	01-47	02-46	31	29	:					:					:							:	153.0
																							TOTAL ACRES		276.0	

POU County: BUTTE

Other Rights: 34-00424, 34-00790, 34-00791, 34-07045, 34-00235

Remarks: GEN THIS RIGHT IS AN EXPANSION OF RIGHT NO. 34-07045 PURSUANT TO IDAHO CODE 42-1416(2).
USE OF THIS RIGHT WITH RIGHT NO. 34-07045 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.78 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 966 AF.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 23 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.964 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 820 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 363 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00790, 34-00791, 34-07045, 34-00424 AND 34-00235.

Dates: Exam Made Date: 10/11/1990 Verified Date: 04/29/1992 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag: E

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ 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 0.21 cfs for IRRIGATION purposes from 4-15 to 10-15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1		NE	NE	05	5N	26E	BUTTE	

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	
5N	26E	05	Lot 1 42	Lot 2 46	31	29													148

Total acres 148

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

1. amount 0.19 cfs for IRRIGATION purposes from 4-15 to 10-15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1	NE	NE	NE	05	5N	26E	BUTTE	

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	
5N	26E	04					Lot 3 35	Lot 4 49	21	18									123
		05	Lot 1 5																5

Total acres 128

AJ5809NP
No. 34-07045

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/07/96
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK A JENSEN	10/02/1973	IRRIGATION	04-15 10-15	4.78 CFS	
C	DIANA JENSEN					
TOTAL DIVERSION:					4.78 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05N R26E S05 Lot01(NENENE)

BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
05N	26E	4	:					:	03-35	04-49	21	18	:					:						123.0
05N	26E	5	:	01-47	02-46	31	29	:					:					:						153.0
TOTAL ACRES																							276.0	

POU County: BUTTE

Other Rights: 34-00424, 34-00790, 34-00791, 34-10471, 34-00235

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

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AUG 16 1996

Department of Water Resources
Eastern Region

Remarks: GEN RIGHT NO. 34-10471 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).
USE OF THIS RIGHT WITH RIGHT NO. 34-10471 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.78 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 966 AF.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 253 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.964 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 820 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 363 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00790, 34-00791, 34-00424, 34-10471 AND 34-00235.

Dates: Exam Made Date: 10/11/1990 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag: C

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 2.56 cfs 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1		NE	NE	05	5N	26E	BUTTE	

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	
05N	26E	05	Lot 1 42	Lot 2 46	31	29													148

Total acres 148

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

1. amount 2.22 cfs 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1	NE	NE	NE	05	5N	26E	BUTTE	

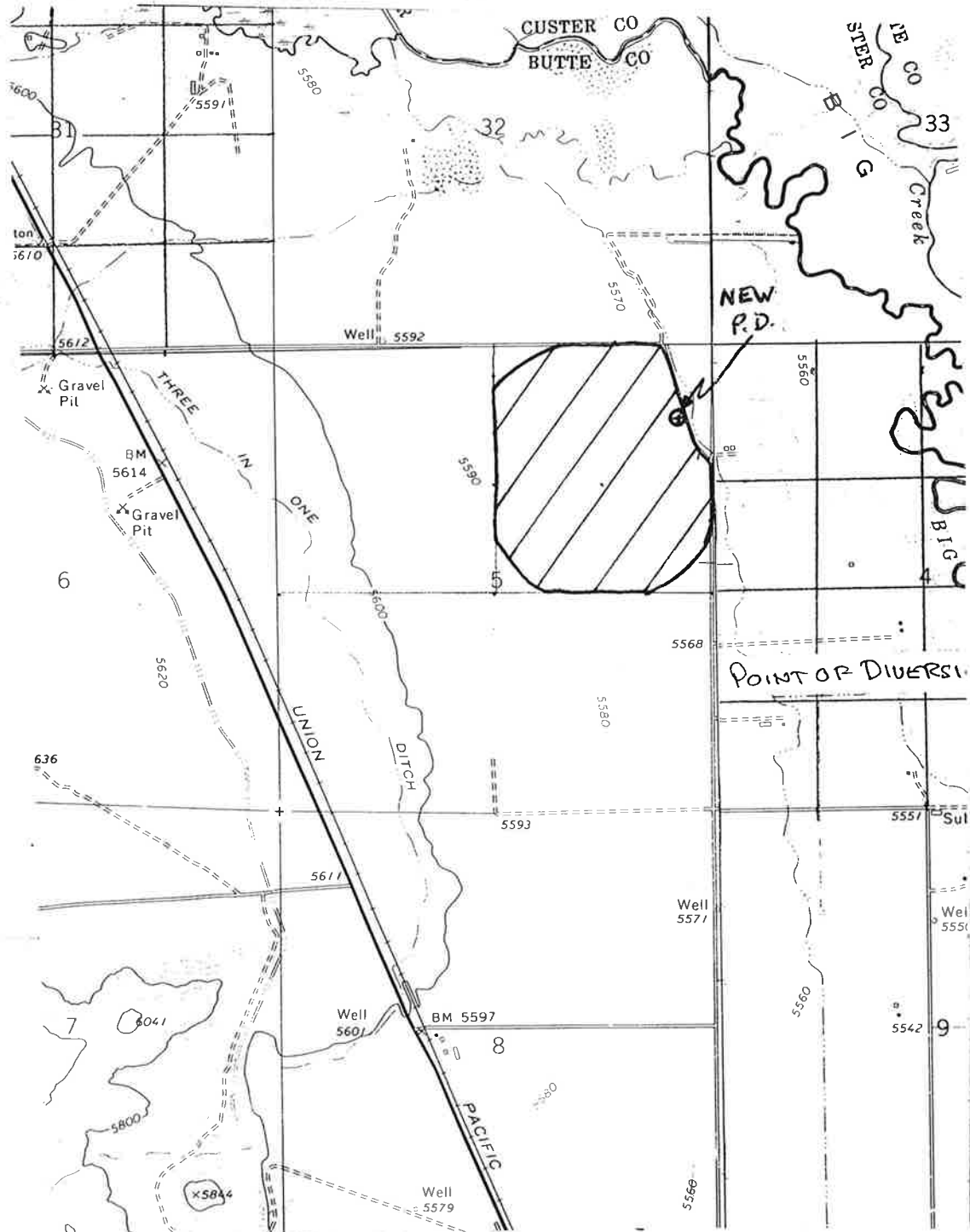
3. Lands irrigated or place of use:

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	
5N	26E	04					Lot 3 35	Lot 4 49	21	18									123
		05	Lot 1 45																5

Total acres 128

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** *N/A*

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.

Subscribed and sworn to before me this 14th day of August, 19 96.

(Signature of Applicant)

R. Donal Mc Caffee
(Notary Public)

My commission expires 4/1/97**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by L.F. Date Aug. 16, 1996 Protest filed by _____Prelim. check by _____ Fee \$100.00 E022491Receipted by A.F. Date 8/19/96Published in Area Advertiser Copies of protest forwarded by _____Pub. dates 9-5th 12, 1996 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by BCC

Copy of transfer sent to lien holder _____