

T5242 BEHREND

4/26
KMN

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5242
WATER RIGHT NO. 35-07954F

RECEIVED
DEC 07 1998
Department of Water Resources
Eastern Region

This is to certify that: **DANNY BEHREND**
1780 S 2800 W
ABERDEEN ID 83210

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	1.03 CFS	392.4 AF

SOURCE

GROUNDWATER

Priority: 02/24/1981

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 25, Township 05S, Range 29E
POWER 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>
05S	30E	19.0	SESW 5.0			5.0
		30.0	NWNE 6.0	SWNE 4.1	NENW 35.0	
		Lot 2(SWNW)	15.0	SENE 33.0		93.1
				Total number of acres irrigated:		98.1

CONDITIONS OF APPROVAL AND REMARKS

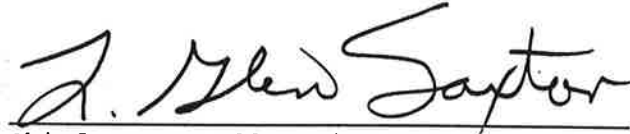
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

TRANSFER NO. 5242
WATER RIGHT NO. 35-07954F

CONDITIONS OF APPROVAL AND REMARKS

4. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
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. Approval of Transfer 5242 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 27th day of November, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 35-07954C

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5242

DATE: November 25, 1998

Transfer 5242 changes the point of diversion and place of use under a portion of Right 35-07954C, splitting the right into Parts E and F. The applicant is reconfiguring his irrigation system and moving 98.1 acres to a wiper pivot in a separate location.

Recommended conditions include measuring & annual reporting, irrigation overlap, trust water conditions, right-of-way and standard transfer conditions.

SO 7/30/98

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5242

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant DANNY BEHREND Phone (208) 397-4914
Post Office address 1780 S. 2800 W. Aberdeen ID 83210

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 I am reducing the length of my linear move and putting those 98 acres on a wiper pivot just 1/2 mile away.

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

1. Right Number 35-07954F Priority Feb 24, 1981 Amount (cfs/acre-ft) 1.03 cfs Nature of Use Irrigation Period of Use 4/01 to 10/31
2. Total amount of water being transferred 1.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	25	5S	29E	Power	

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	
5S	30E	19												5					5
		30		6	4.1		35		15	33									93.1
									L-2										

98.1

PART 2

TRANS NO. 5242

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-07954C

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.01 CFS	2280.0 AF

SOURCE

GROUNDWATER

Priority: 02/24/1981

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 24, Township 05S, Range 29E
POWER CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 29E 24	SWNE 30	SWNW 30	SENE 30	
	NESW 40	NWSW 40	SWSW 40	
	SESW 40	NWSE 40	SWSE 40	330
25	NWNE 40	SWNE 40	NENW 40	
	NWNW 40	SWNW 40	SENE 40	240
		Total number of acres irrigated:		570

CONDITIONS/REMARKS:

1. 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 irrigation of the lands above.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

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.)

35-07954 F

1. amount 1.03 cfs for Irrigation purposes from 4/01 to 10/31
 (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
		NE	NW	24	5S	29E	Power	

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	
5S	29E	24			18.2				18.2	18.2									54.6
		25			14.5				14.5	14.5									43.5

Total acres 98.1

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

35-07954 E

1. amount 4.98 cfs for Irrigation purposes from 4/01 to 10/31
 (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
		NE	NW	24	5S	29E	Power	

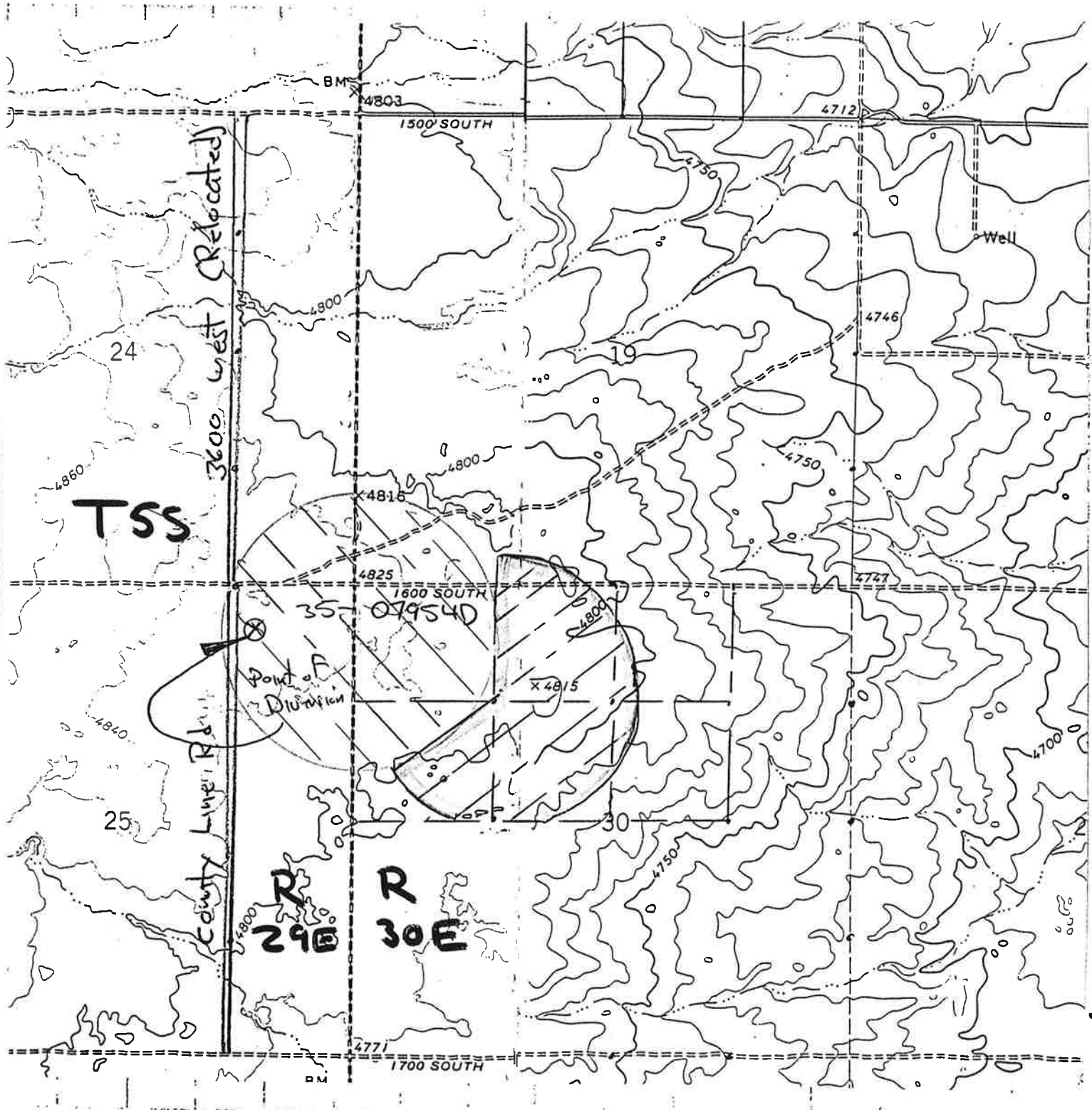
3. Lands irrigated or place of use:

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	
5S	29E	24			11.8				11.8	11.8	40	40	40	40		40	40		275.4
		25		40	35.5		40	40	35.5	35.5									196.5

Total acres 471.9

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	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				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 31st day of March, 1998.

 _____
(Signature of Applicant)

_____ Pam A. Muirbrook
(Notary Public)

My commission expires 2/12/02

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in Power County Press

Pub. dates April 16 and 23, 1998 June 3RD & 10, 1998

Copies of protest forwarded by _____

Watermaster recommendation requested on _____ Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by BAC

Copy of transfer sent to lien holder _____



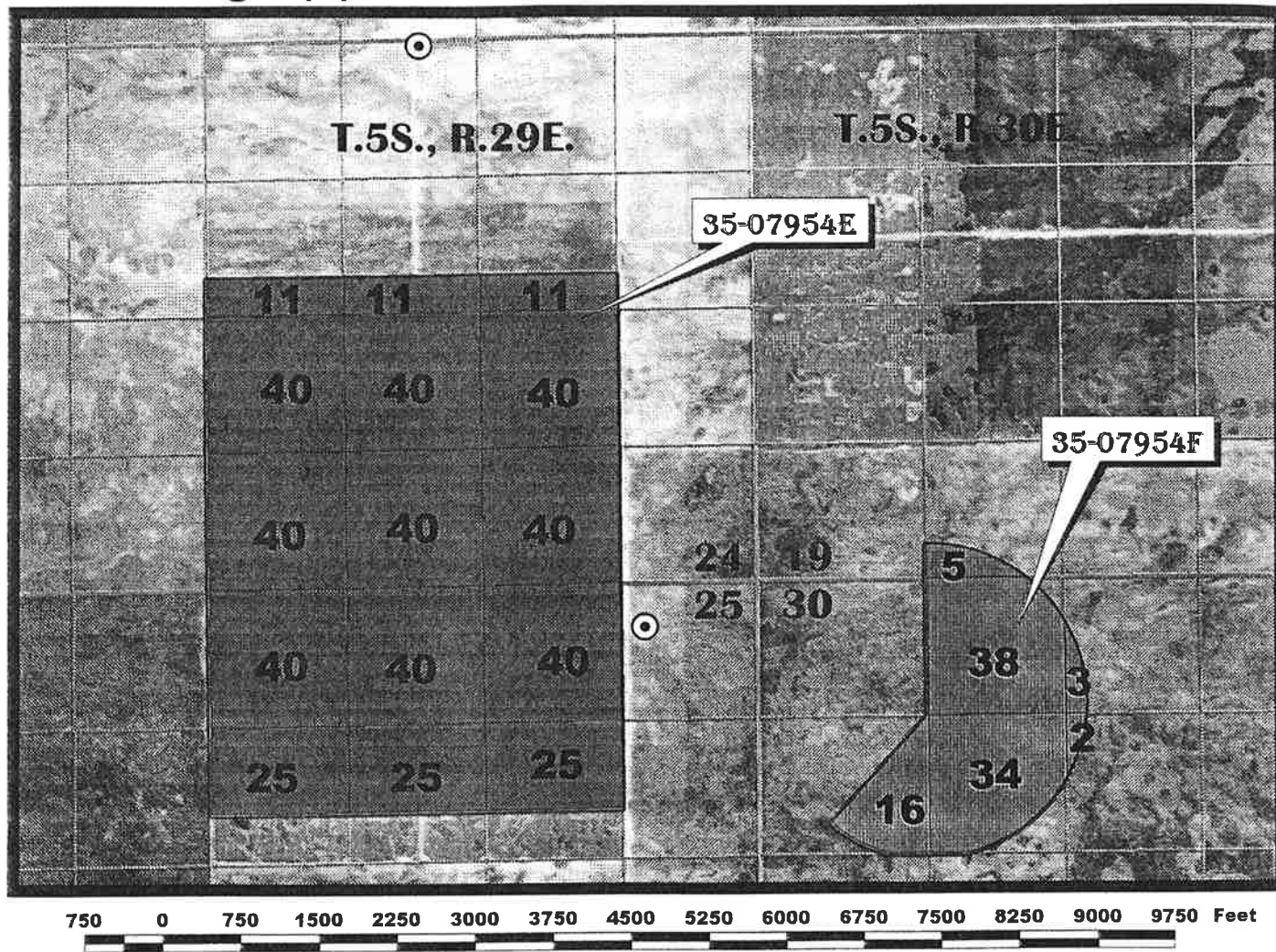
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Daniel Behrend

Water Right(s): 35-07954E and 35-07954F



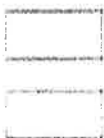
LEGEND



Point of Diversion

SESE

Place of Use



Section Line

Quarter-section line

Note: 35-07954C after split into parts
E and F by Transfer No. 5242



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 1999