

74 T5191 HERMITS OF MT CARMEL

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5191
WATER RIGHT NO. 74-01062

RECEIVED

MAR 19 1998

Department of Water Resources
Eastern Region

This is to certify that: **HERMITS OF MOUNT CARMEL IDAHO INC**
PO BOX 37
LEMHI ID 83405

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	04/15 to 10/15	0.60 CFS	70.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
HAYDEN CREEK	LEMHI RIVER

Priority: 04/01/1957

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 22, Township 17N, Range 23E
LEMHI 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>
17N	23E	14	SWSW 5.0			5.0
		23	NWNW 15.0			15.0
Total number of acres irrigated:						20.0

CONDITIONS OF APPROVAL AND REMARKS

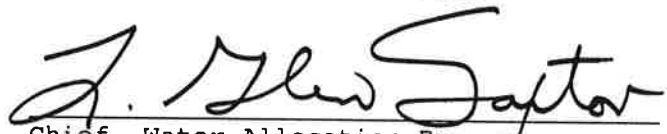
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5191
WATER RIGHT NO. 74-01062

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. Approval of Transfer 5191 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 13th day of March, 1998


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 74-01062

FROM: PAM SKAGGS/²STATE OFFICE

SUBJECT: TRANSFER 5191

DATE: March 12, 1998

=====

Transfer 5191 changes the place of use ✓ under a portion of Right 74-1062. The original right was developed on 5 acres under BLM administration. The transfer will move the acres to the applicant's property. BLM has provided a letter of agreement to ✓ the transfer proposal.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, right-of-way and standard transfer conditions.



COPY

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 5191Page 1 of 8

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Hermits of Mount Carmel IDAHO INC. Phone _____Post Office address PO Box 37 Lemhi ID 83405

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 change place of use to cover approx. 5
acres in section 14 T17N R28E

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>74-01062</u>	<u>04-01-1957</u>	<u>0.60 cfs</u>	<u>irrigation</u>	<u>03-15</u> to <u>11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.60 15 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Hayden Creek tributary to Lemhi River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	22	17N	23E	Lemhi	HAYDEN Creek 12

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	
17N	28E	23							15.0										15.0
		14										5.0				5.0			5.0

Total acres 20.0

PART 1

6. General Information:

a. Description of diversion system rock berm in creek headgate + ditches to place of use

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:

Five acres under BLM administration would be dried up and
one acres in Sec 14 would be put under irrigation

d. Remarks:

this five acres under water right 74-01062 is administered by
the BLM and the water right was mistakenly decreed to the BLM
property and not discovered until a later survey.

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

TRANS NO. 5191

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-01062

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
HAYDEN CREEK	LEMHI RIVER

Priority: 04/01/1957

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 22, Township 17N, Range 23E
LEMHI 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>
17N	23E	23	NWNW 15	SWNW 5		20
Total number of acres irrigated:						20

CONDITIONS/REMARKS:

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. 74-01062 Decreed to CARL for Dorothy J. Peterson
in case of STATE of IDAHO vs. CARL for Dorothy J. Peterson
dated June 17, 1971 in TRISLAW county of Lemhi
- b. License No. _____ 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 Hayden Creek tributary to Lemhi River

4. Date or priority 4-1-1957

5. Water is used for the following purpose:

amount 0.60 cfs for irrigation purposes from 4-1 to 11-1
(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 0.60 cfs 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
		SW	SE	22	17N	23E	Lemhi	Hayden Creek 12

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	
17N	23E	23						15.0	5.0										20.0

Total acres 20.0

9. Describe any other water rights used for the same purpose as described above None

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 .15 cfs for irrigation purposes from 9-15 to 11-15
 (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
		SW	SE	22	17N	23E	Lemhi	Hayden Creek 12

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	
17N	23E	23							5.0										5.0

Total acres 5.0**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount .45 cfs for irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

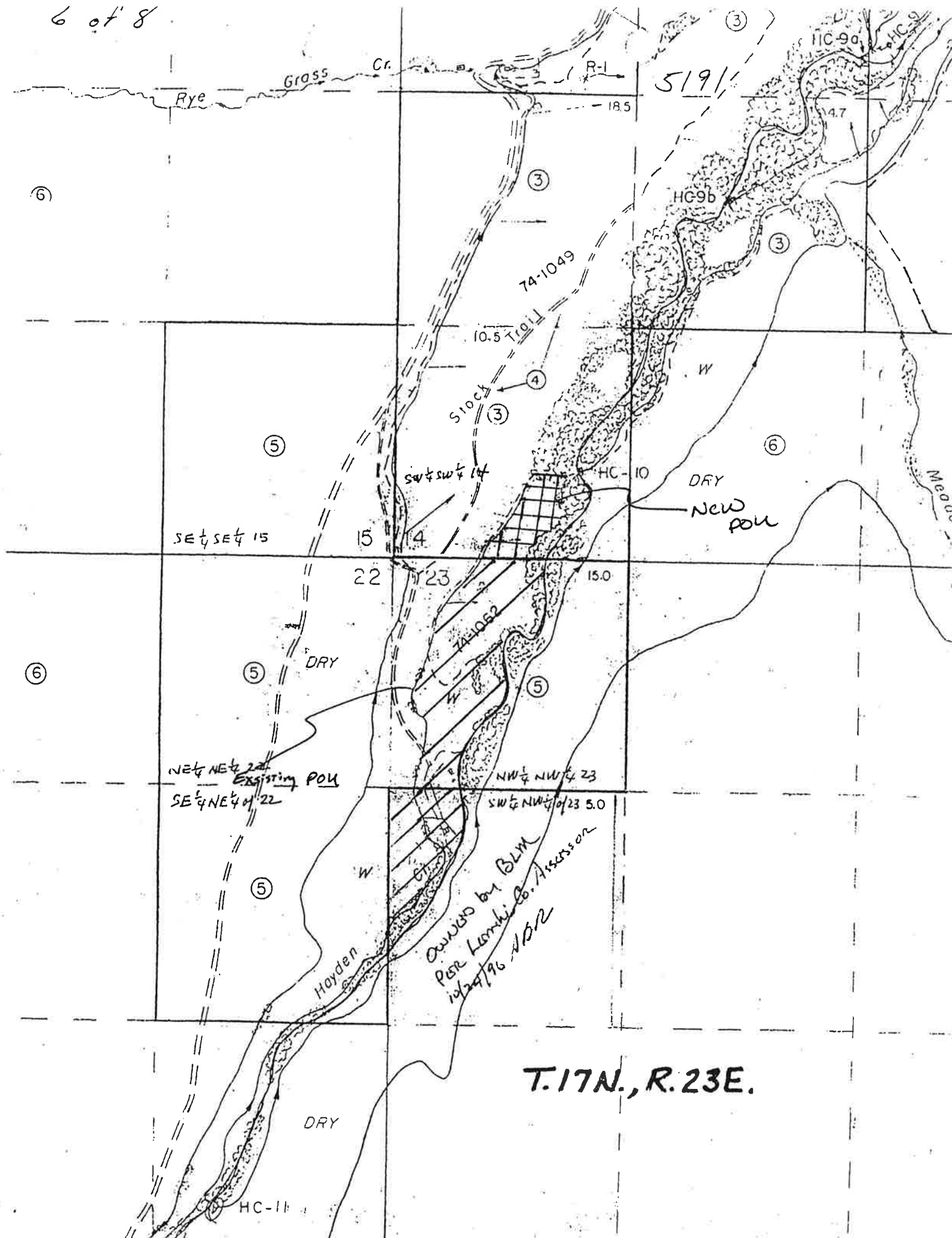
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	22	17N	23E	Lemhi	Hayden Creek 12

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	
17N	23E	22							15.0										15.0

Total acres 15.0



T.17N., R.23E.

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.

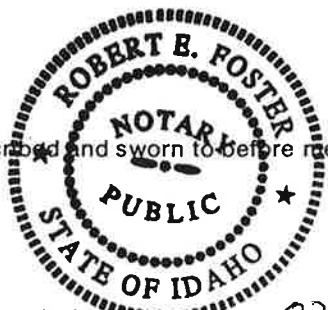
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30th day of December, 19 96.

Maurice Mansfield for Hermit of Mt Carmel
(Signature of Applicant)

Robert E. Jant
(Notary Public)

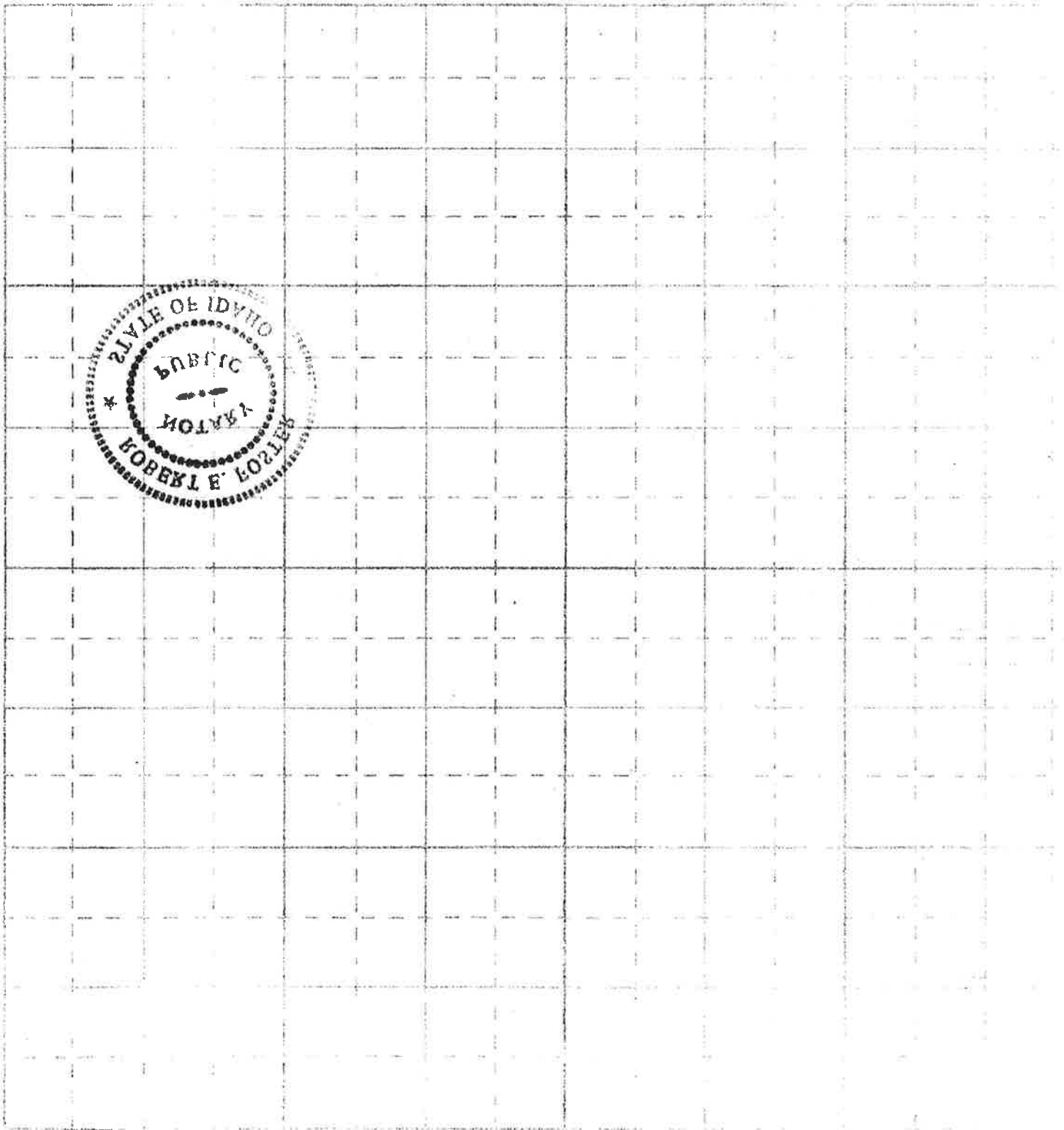
My commission expires 02-16-2001

**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 2 attachmentsReceived by BC Date 12/31/96 Protest filed by _____Prelim. check by _____ Fee \$100.00Receipted by HWT #E022849 Date 12-31-96Published in Recorder Herald, Salmon, ID Copies of protest forwarded by _____Pub. dates Jan. 22 and 29, 1998 Hearing held by _____ Date _____Watermaster recommendation requested on Jan 13, 1998 Recommended for ☒ approval ☐ denialRick Sager WD-74 rec'd. Jan 15, 1998 by RDC

Copy of transfer sent to lien holder _____

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.