

TS117 ROCHE

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

DEC 01 1997

TRANSFER NO. 5117
WATER RIGHT NO(S). 34-10227/34-10228/34-10229 Department of Water Resources
Eastern Region

This is to certify that: JOANNE ROCHE
VER NON ROCHE
5411 OLD CHILLEY RD
MACKAY ID 83251

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. 34-10227 :			
IRRIGATION	05/01 to 10/15	1.60 CFS	280.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	3.4 AF
Priority: 03/01/1902			
	SUBTOTAL:	1.60 CFS	283.4 AF
Right No. 34-10228 :			
IRRIGATION	05/01 to 10/15	1.60 CFS	549.5 AF
Priority: 12/24/1913			
Right No. 34-10229 :			
IRRIGATION	05/01 to 10/15	0.80 CFS	314.2 AF
Priority: 05/01/1916			
	TOTAL:	4.00 CFS	* 552.9 AF

SOURCE

TRIBUTARY OF

BIG LOST RIVER

SINKS

LOCATION OF POINT(S) OF DIVERSION:

NENWNW , Sec. 12, Township 08N, Range 21E
CUSTER 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>
08N	22E	6	Lot 1(NENE) 30	Lot 2(NWNE) 39	SWNE 3	
			Lot 3(NENW) 40	SENE 1		113
09N	22E	31	SWSE 16	SESE 28		44
				Total number of acres irrigated:		* 157

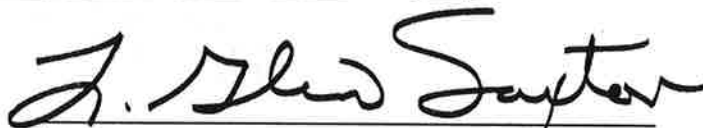
PLACE OF USE: STOCKWATER, same as IRRIGATION use

TRANSFER NO. 5117
WATER RIGHT NO(S). 34-10227/34-10228/34-10229

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by this Department in a manner that will provide the watermaster suitable control of the diversion.
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. 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.
- * 6. Rights 34-10227, 34-10228, and 34-10229 when combined shall not exceed a total annual diversion volume of 552.9 af, and the irrigation of 157.0 acres.
- * 7. Right 34-10227 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
8. 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.
9. The quantity of water under Right 34-10227 for stockwater use shall not exceed 13,000 gallons per day.

Dated this 10th day of November, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 34-10227, 34-10228 & 34-10229

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER 5117

DATE: November 6, 1997

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Transfer 5117 changes the place of use under Rights 34-10227, 34-10228 and 34-10229 to remove 2 acres from BLM property. BLM has provided a release and agreement to approve this transfer.

Season of use and rate of diversion were recommended by the SRBA with non-standard limits and were not changed thru this approval. Recommended conditions include permissible place of use stockwater limitation, combined rights limits, irrigation overlap, watermaster control, measuring device and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5117

COPY

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Vernon or Joanne Roche Phone 588-2806
Post Office address 5411 Old Chilly Rd Mackay ID 83251

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 Transfer 2 acres from BLM ~~land~~
administered land to private property.

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>34-10227</u> | <u>3/01/1902</u> | <u>1.60</u> | <u>Irrig.</u> | <u>5-1</u> to <u>10-15</u> |
| <u>34-10228</u> | <u>12/24/1913</u> | <u>1.60</u> | <u>Irrig.</u> | <u>5-1</u> to <u>10-15</u> |
| <u>34-10229</u> | <u>5/01/1916</u> | <u>0.80</u> | <u>Irrig.</u> | <u>5-1</u> to <u>10-15</u> |
| | | | | to _____ |
2. Total amount of water being transferred 4.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Lost River tributary to Sinks
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	NW	12	8N	21E	CUSTER	Chilly Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8N	22E	6	30	39	3		40			1								113	
9N	22E	31														16	28	44	

PART 1

6. General Information:

a. Description of diversion system Chilly Canal & open ditches.

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:
2 acres is being dewatered and another 2 acres will be incorporated into the irrigated land.

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 _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**Claim No. **X34-10227**STAGE: **DECREED**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	1.60 CFS
STOCKWATER	10/16 to 04/30	0.02 CFS
Totals		1.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 03/01/1902

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 12, Township 08N, Range 21E
CUSTER 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>
08N	22E	6	Lot 1 (NENE) 30	Lot 2 (NWNE) 39	SWNE 2	
			Lot 3 (NENW) 39	SENE 1		111
09N	22E	31	SWSE 16	SESE 28		44
		32	SWSW 2			2
Total number of acres irrigated:						157

PLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:

1. THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.

Claim No. X34-10227

CONDITIONS/REMARKS:

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. Use of water under this water right will be regulated by the watermaster of State Water District No. .
8. WATER DELIVERED THROUGH CHILLY CANAL (PARTIALLY)
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00842, 34-00844.
USE OF THIS RIGHT WITH RIGHT NOS. 34-10228 AND 34-10229 IS
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
392.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 157 ACRES
IN A SINGLE IRRIGATION SEASON.

PART 2

TRANS NO. 5117

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. X34-10228

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	1.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 12/24/1913

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 12, Township 08N, Range 21E
CUSTER 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>
08N	22E	6	Lot 1 (NENE)	30	Lot 2 (NWNE)	39	SWNE	2	
			Lot 3 (NENW)	39	SENE	1			111
09N	22E	31	SWSE	16	SESE	28			44
		32	SWSW	2					2
Total number of acres irrigated:									157

CONDITIONS/REMARKS:

1. THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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.
5. 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.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. .
7. WATER DELIVERED THROUGH CHILLY CANAL(PARTIALLY)
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00843, 34-00845.
USE OF THIS RIGHT WITH RIGHT NOS. 34-10227 AND 34-10229 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF

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TRANS NO. 5117

Claim No. **X34-10228**

**392.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 157 ACRES
IN A SINGLE IRRIGATION SEASON.**

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. X34-10229

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.80 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 05/01/1916

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 12, Township 08N, Range 21E
CUSTER 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>
08N	22E	6	Lot 1 (NENE)	30	Lot 2 (NWNE)	39	SWNE	2	
			Lot 3 (NENW)	39	SENE	1			111
09N	22E	31	SWSE	16	SESE	28			44
		32	SWSW	2					2
					Total number of acres irrigated:				157

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4. 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.
5. 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.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. .
7. WATER DELIVERED THROUGH CHILLY CANAL (PARTIALLY).
8. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00571, 34-00572. USE OF THIS RIGHT WITH RIGHT NOS. 34-10227 AND 34-10228 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF

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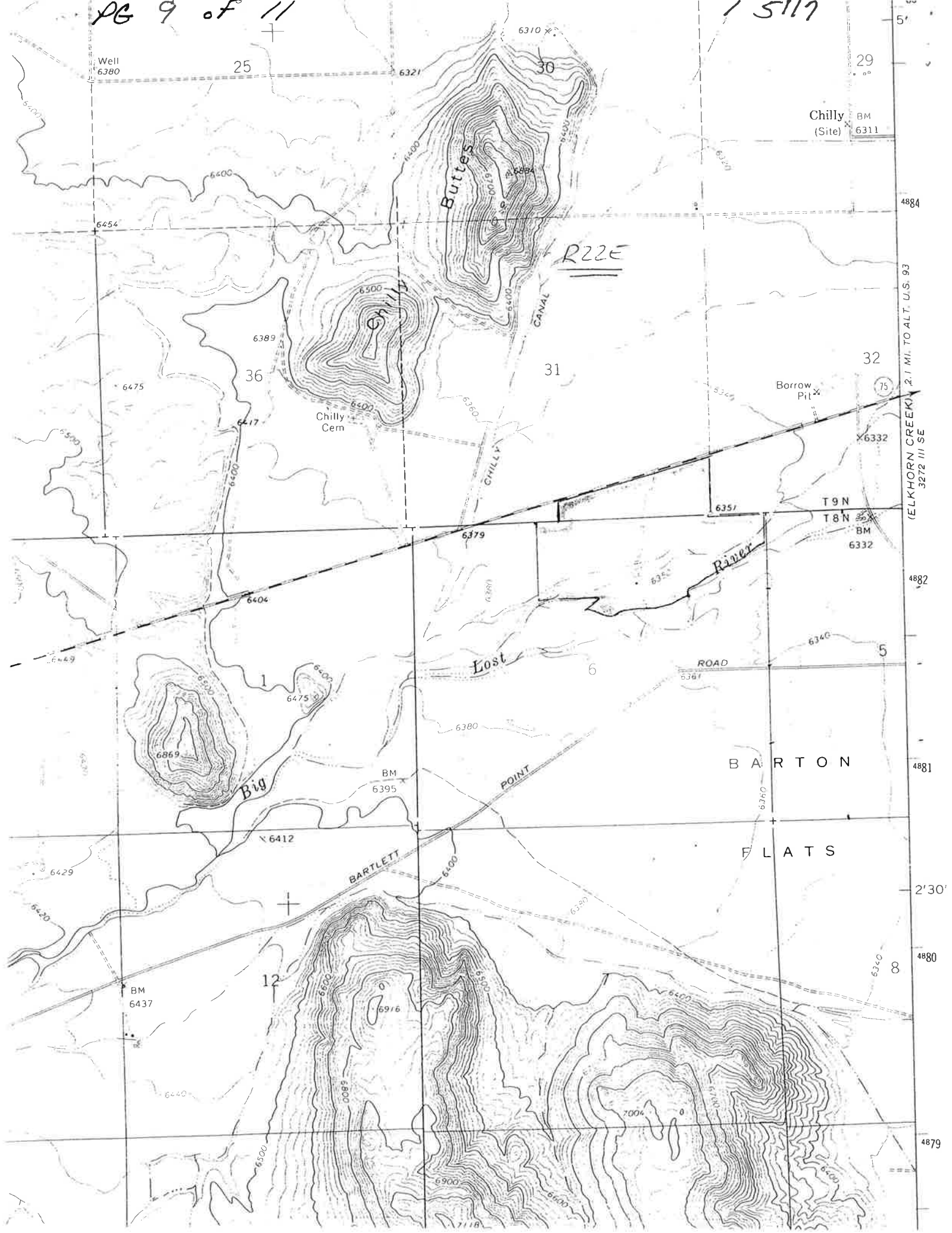
TRANS NO. 5117

Claim No. X34-10229

392.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 157 ACRES
IN A SINGLE IRRIGATION SEASON.

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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**NA

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.

Vernon Roche

(Signature of Applicant)

Subscribed and sworn to before me this 1 day of Aug., 19 97.Ernest Calser

(Notary Public)

My commission expires 6-14-2000**FOR DEPARTMENT USE ONLY**Transfer contains 11 pages and _____ attachmentsReceived by EMC Date 1 AUG 97 Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by #E023476 EMC Date 1 AUG 97Published in Post Register Copies of protest forwarded by _____Pub. dates Aug 21 & 28, 1997 Hearing held by _____ Date _____Watermaster recommendation requested on 8-6-97 Recommended for ☐ approval ☐ denialWD34 Rosenkrance rec'd. _____ by _____

Copy of transfer sent to lien holder _____