

**T5110 NELSON**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5110  
WATER RIGHT NO(S). 74-00760A/74-00760B

RECEIVED  
NOV 03 1997

Department of Water Resources  
Eastern Region

This is to certify that: ROBERT W STOKES & THE NELSON FAMILY CO LTD  
KATHERYNE W STOKES RT 1 BOX 5  
RT 1 BOX 4-3 SALMON ID 83467  
SALMON ID 83467

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. 74-00760A :            |                      |                       |                      |
| ROBERT W &/OR KATHERYNE W STOKES |                      |                       |                      |
| IRRIGATION                       | 04/15 to 10/15       | 0.40 CFS              | 45.5 AF              |
| Priority: 06/14/1889             |                      |                       |                      |
| Right No. 74-00760B :            |                      |                       |                      |
| THE NELSON FAMILY CO LTD         |                      |                       |                      |
| IRRIGATION                       | 04/15 to 10/15       | 0.45 CFS              | 52.5 AF              |
| Priority: 06/14/1889             |                      |                       |                      |
| TOTAL:                           |                      | 0.85 CFS              | * 99.1 AF            |

SOURCE  
LEMHI RIVER

TRIBUTARY OF  
SALMON RIVER

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 10, Township 21N, Range 22E  
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> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| Right No. 74-00760A :            |            |            |              |              |              |              |
| ROBERT W &/OR KATHERYNE W STOKES |            |            |              |              |              |              |
| 21N                              | 22E        | 4          | SWSW         | 13.0         |              | 13.0         |
| Total number of acres irrigated: |            |            |              |              |              | 13.0         |
| Right No. 74-00760B :            |            |            |              |              |              |              |
| THE NELSON FAMILY CO LTD         |            |            |              |              |              |              |
| 21N                              | 22E        | 4          | SWSW         | 13.0         |              | 13.0         |
|                                  |            | 9          | NWNW         | 2.0          |              | 2.0          |
| Total number of acres irrigated: |            |            |              |              |              | 15.0         |
| TOTAL NUMBER OF ACRES IRRIGATED: |            |            |              |              |              | * 28.3       |

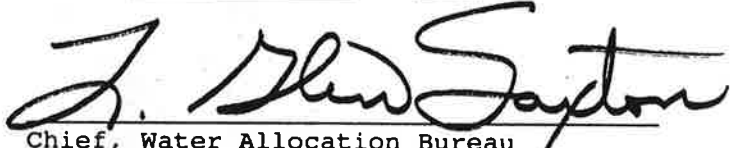


TRANSFER NO. 5110  
WATER RIGHT NO(S). 74-00760A/74-00760B

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 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. 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.
- \* 7. Rights 74-00760A and 74-00760B when combined shall not exceed a total annual diversion volume of 99.1 af at the field headgate and the irrigation of 28.3 total authorized acres.
8. Approval of Transfer 5110 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 30<sup>th</sup> day of October, 1997.

  
Chief, Water Allocation Bureau



**MEMORANDUM**

**TO:** FILE 74-00760

**FROM:** PAM SKAGGS/<sup>CS</sup>STATE OFFICE

**SUBJECT:** TRANSFER 5110

**DATE:** October 23, 1997

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Transfer 5110 is one of three transfers filed concurrently to consolidate Lemhi River diversions into a single new point of diversion, designated L-3. This transfer changes the point of diversion under Right 74-00760 and splits the right into Parts A and B by ownership as already updated on the SRBA database.

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



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 5110

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Robert W. & Katherine W. Stokes (A-Portion) (208) 756-3365  
Route 1 Box 4-3  
Salmon ID. 83467

Name of applicant THE Nelson Family Co. LTD. (B-Portion) Phone (208) 756-4748

Post Office address Route 1 Box 5 Salmon ID 83467

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 point of Diversion AS  
part of a consolidation Agreement WITH Fish & Game to eliminate two (2) Lemhi  
River diversions

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

| 1. Right Number   | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use                |
|-------------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>74-00760 A</u> | <u>06-14-1889</u> | <u>0.40 cfs</u>       | <u>irrigation</u> | <u>03-15</u> to <u>11-15</u> |
| <u>74-00760 B</u> | <u>06-14-1889</u> | <u>0.45 cfs</u>       | <u>irrigation</u> | <u>03-15</u> to <u>11-15</u> |
| _____             | _____             | _____                 | _____             | _____ to _____               |
| _____             | _____             | _____                 | _____             | _____ to _____               |

2. Total amount of water being transferred 0.85 cfs cubic feet per second and/or \_\_\_\_\_ acre-feet, per annum.

3. Source of water Lemhi River tributary to Salmon River

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | SW  | 10   | 21N  | 22E  | Lemhi  | L-3                      |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
| 21N  | 22E  | 04   |        |        |        |        |        |        |        |        |        |        | 13.0   |        |        |        |        |        | 13.0   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| 21N  | 22E  | 04   |        |        |        |        |        |        |        |        |        |        | 13.0   |        |        |        |        |        | 13.0   |
|      |      | 09   |        |        |        |        |        |        |        |        |        |        | 2.0    |        |        |        |        |        | 2.0    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 28.0

**PART 1****6. General Information:**

a. Description of diversion system Rock dam in river, 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 \_\_\_\_\_ 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:

d. Remarks:

SEE AJ claims A74-00760A + A74-00760B to reflect current ownership  
AND split of 74-00760

**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 \_\_\_\_\_

**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. 74-00760 Decreed to Robert W. & Katherine W. Stokes  
in case of STATE OF IDAHO vs. Robert W. + Katherine W. Stokes  
dated 06-17-1971 in IDAHO 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 Lemhi River tributary to Salmon River

4. Date or priority 06-14-1889

5. Water is used for the following purpose:

amount 0.85 cfs for irrigation purposes from 03-15 to 11-15  
(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 0.85 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 |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | NW  | 9    | 21N  | 22E  | Lemhi  | L-2B                     |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
| 21N  | 22E  | 4    |        |        |        |        |        |        |        |        |        |        | 26.0   |        |        |        |        |        | 26.0   |
|      |      | 9    |        |        |        |        |        | 2.0    |        |        |        |        |        |        |        |        |        |        | 2.0    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 28.0

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 \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (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 |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (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 |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**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.

A large grid for drawing a map, with solid lines for sections and dashed lines for townships and ranges. A circular notary stamp is visible on the right side of the grid.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

**PART 3****B. CHANGES IN NATURE OF USE**

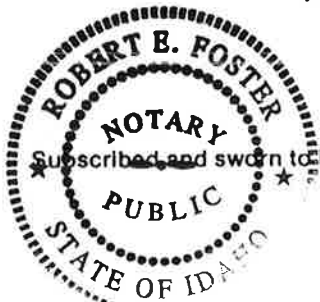
| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | 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.



*Robert W. Stokes*  
 (Signature of Applicant)

Subscribed and sworn to before me this

17th

day of

July

, 19

97

*Robert E. Foster*  
 (Notary Public)

My commission expires

02-16-2001**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 1 attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prellm. check by \_\_\_\_\_ Fee \$100.00Receipted by HWT #E023439 Date 7-23-97Published in Recorder Herald Copies of protest forwarded by \_\_\_\_\_Pub. dates August 2 & 14, 1997 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on July 28, 1997 Recommended for ☐ approval ☐ denialWNO-74 rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_