

T5109 NELSON

Easter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5109
WATER RIGHT NO. 74-00591

RECEIVED
NOV 03 1997

Department of Water Resources
Eastern Region

This is to certify that: **RUBY M NELSON**
CLYDE S NELSON
RT 1
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>
IRRIGATION	04/15 to 10/15	0.32 CFS	37.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LEMHI RIVER	SALMON RIVER

Priority: 04/01/1900

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>
21N	22E	4	SWSW 4	SESW 2		6
		9	NENW 3	NWNW 1		4
Total number of acres irrigated:						* 10

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.

TRANSFER NO. 5109
WATER RIGHT NO. 74-00591

CONDITIONS OF APPROVAL AND REMARKS

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. Right 74-00591 authorizes the irrigation of 10.7 total acres.
7. Approval of Transfer 5109 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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.

Dated this 30th day of October, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 74-00591

FROM: PAM SKAGGS *PS* STATE OFFICE

SUBJECT: TRANSFER 5109

DATE: October 23, 1997

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Transfer 5109 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 74-00591.

Transfer 5109 also changes, or more accurately, corrects the place of use description under this right from Range 23E to 22E. Under the decree, both Rights 74-00760 (Transfer 5110) and 74-00591 identify L-2B as the diversion point and have adjacent land parcels in Sections 4 and 9, in Township 21N, Range 22E. The applicant's are the sole claimaints to this right in the SRBA, the watermaster concurs with the transfer, and no one disputes that the change in place of use is a correction only; no physical change will occur.

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

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5109

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

COPY

Name of applicant Clyde S. & Ruby M. Nelson Phone (208) 756-2454Post Office address ROUTE 1 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 Correct township location
2. Describe the reason for the proposed changes change point of diversion AS PART OF 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
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>74-00591</u> | <u>04-01-1900</u> | <u>0.32 cfs</u> | <u>irrigation</u> | <u>03-15</u> to <u>11-15</u> |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.32 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	4											4.0	2.0					6.0
		9					3.0	1.0											4.0

Total acres 10.0

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 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:

N/A

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 _____

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. 74-00591 Decreed to Clyde S. & Ruby M. Nelson
 in case of STATE OF IDAHO vs. Clyde S. & Ruby M. Nelson
 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 River4. Date or priority 04-01-1900

5. Water is used for the following purpose:

amount 0.32 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 0.32 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-23

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	23E	04											4.0	2.0					6.0
21N	23E	09					3.0	1.0											4.0

Total acres 10.09. 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.**



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

PART 3

B. CHANGES IN NATURE OF USE

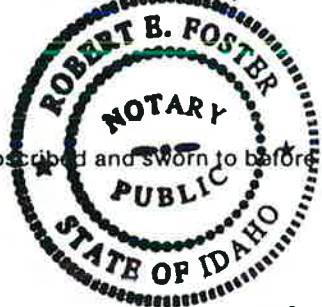
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

Alfred Wilson
(Signature of Applicant)

(Signature of Applicant)

17th

day of

July, 19 97

Robert E. Foster
(Notary Public)

(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 _____

Prelim. check by _____ Fee \$100.00Receipted by HJ #E023439 Date 7-23-97Published in Recorders Herald

Copies of protest forwarded by _____

Pub. dates August 7 & 14, 1997

Hearing held by _____ Date _____

Watermaster recommendation requested on July 28, 1997Recommended for ☐ approval ☐ denialWD-74 Sayer rec'd. _____

by _____

Copy of transfer sent to lien holder _____