

T5077 BETHKE

4/20/02
ABW

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5077
WATER RIGHT NO. 35-09036

RECEIVED

OCT 03 1997

Department of Water Resources
Eastern Region

This is to certify that: **LARRY BETHKE**
2745 S BREIDING RD
AMERICAN FALLS ID 83211

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	*0.80 CFS	*160.0 AF

SOURCE

GROUNDWATER

Priority: 08/13/1993

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 29E
SWNW , Sec. 13, Township 07S, Range 29E
NWNE , Sec. 14, Township 07S, 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>
07S	29E	13	NENW 5	NWNW 5	SWNW 5	
			SENW 5	NESW 5	NWSW 5	
			SWSW 5	SESW 5		40
				Total number of acres irrigated:		40

CONDITIONS OF APPROVAL AND REMARKS

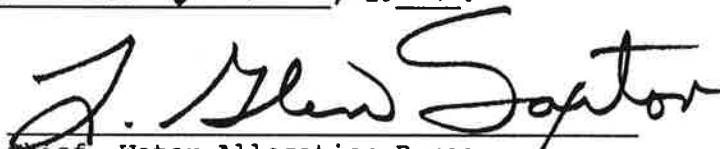
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. 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.

TRANSFER NO. 5077
WATER RIGHT NO. 35-09036

CONDITIONS OF APPROVAL AND REMARKS

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *6. The total instantaneous diversion of water from all points of diversion under Transfer No. 5077 shall not exceed 0.80 cfs, nor total combined annual volume of 160.0 af for irrigation use under Right No. 35-09036.

Dated this 30th day of September, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NO. 35-09036

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 5077

DATE: September 3, 1997

=====

Transfer No. 5077 changes and adds points of diversion, and changes the place of use under Right No. 35-09036.

The applicant is selling the original place of use and moving this right to cover corners around two existing pivots on other land. The new system has 3 existing wells that already serve 761 acres under Right Nos. 35-07161 and 35-07162 as described under previous Transfer No. 4885.

Recommended conditions include measuring devices for multiple points of diversion, irrigation overlap and standard transfer conditions.

No Adj. RECOMM. - WR READS PER Tx.

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Larry Bethkemobile 220-2201
Phone (208) 226-2201Postal address 2745 S Breeding RdCity American Falls St ID Zip 83211

A. PURPOSE OF THE 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 reason for the proposed changes: I am selling the original place of use and I want to transfer this right to other ground I own.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	<u>35-09036</u>	<u>8/13/1993</u>	<u>0.80 cfs</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total diversion rate/volume being transferred: 0.80 cfs and/or _____ ac-ft per annum

3. Source of water: Groundwater, tributary to: _____ (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>7S</u>	<u>29E</u>	<u>13</u>		<u>SW</u>	<u>NW</u>		<u>Power</u>	
		<u>13</u>		<u>NE</u>	<u>NE</u>		<u>Power</u>	
		<u>14</u>		<u>NW</u>	<u>NE</u>		<u>Power</u>	

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7S</u>	<u>29E</u>	<u>13</u>					<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>					<u>40</u>

Total acres 40

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment): Three well system that serves
Transfer #4885

b. Remarks (or ☐ see Attachment): This transfer fills in 8 corners on circles in the
W1/2 of Sect 13, T7S R29E.

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? Yes ☒ No
If yes, please complete Part 2, item 6.

Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? Yes ☒ No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

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 right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

Larry Belk
(Signature and Title of Applicant)

Subscribed and sworn before me on this 24th day of March, 19 97.



Betty Huse
(Signature of Notary Public)

My commission expires: 1-14-98

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments

Received by *HWT* Date 4-8-97 Fee 100⁰⁰

Receipted by *HWT* Date 4-8-97 # E02389

**APPLICATION FOR TRANSFER OF WATER RIGHT
ADDITIONAL DOCUMENTATION
PART 2**

ATTACHED (Required)

- _____ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks).

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- _____ 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- _____ 3. Written description of present system and changes required to accommodate the proposed transfer.
- _____ 4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- _____ a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- _____ b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- _____ c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- _____ 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.
- _____ 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- _____ 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- _____ 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

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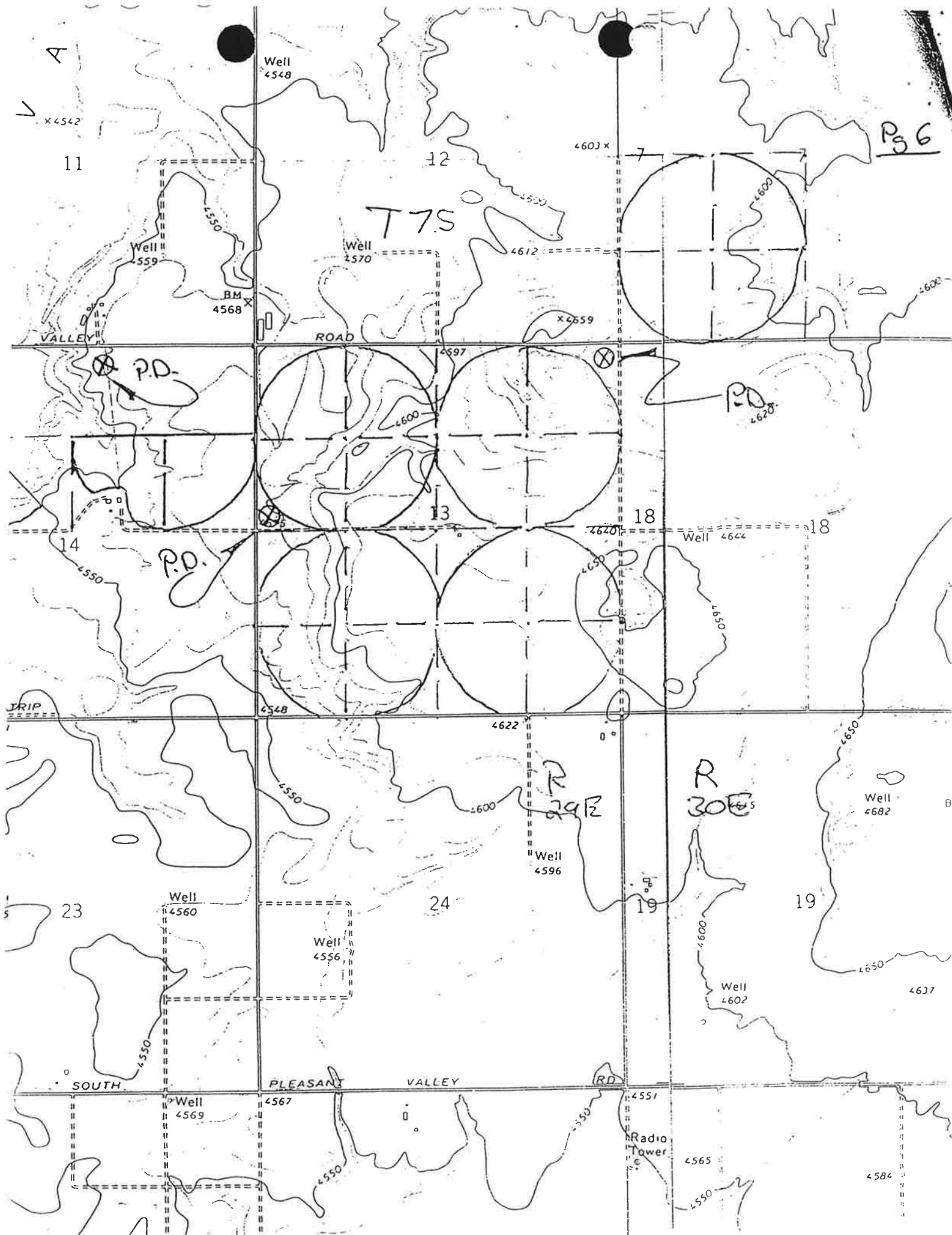
PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

- a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
- b) pump power records
- c) water master records and/or comments if use is within a water district
- d) irrigation crop reports
- e) reports from other government agencies and/or qualified consultants
- f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
- g) describe any defenses to forfeiture - CRP, extension of time, etc
- h) other....list other verification documentation for the water right below:

 10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.

 11. Identify any other documentation that clarifies the transfer application:



**APPLICATION FOR TRANSFER OF WATER RIGHT
CHANGE IN NATURE OF USE DESCRIPTION
PART 3**

A. CHANGE IN NATURE OF USE

1.	New Nature of Use	Period of Use	Diversion Rate (cfs)	Annual Diversion Volume (acre-feet)	Annual Consumptive Use Volume (acre-feet)
		to			
		to			
		to			

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been consumptively used. Also, provide justification for the estimate.

3. ☐ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:

5. Describe measures that will be taken to prevent impacts to other water uses and water users:
