

T5382 GOODWIN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5382
WATER RIGHT NO(S). 34-00472/34-04068

RECEIVED

APR 15 1999

Department of Water Resources
Eastern Region

This is to certify that: **ANDREW DIKE GOODWIN**
PO BOX 418
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. 34-00472 :			
IRRIGATION	05/01 to 10/15	2.52 CFS	441.0 AF
RECREATION	01/01 to 12/31	0.12 CFS	21.0 AF
Priority: 06/01/1880			
SUBTOTAL:		2.64 CFS	462.0 AF
Right No. 34-04068 :			
IRRIGATION STORAGE	01/01 to 12/31		95.5 AF
IRRIGATION FROM ST	05/01 to 10/15		95.5 AF
RECREATION STORAGE	01/01 to 12/31		4.5 AF
Priority: 03/16/1923			
SUBTOTAL:			100.0 AF
TOTAL:		* 2.64 CFS	* 462.0 AF

SOURCE

LEHMAN CREEK

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 10, Township 07N, Range 22E
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>
07N	22E	2	NESW 30	SWSW 34	SESW 40	104
		3	SESE 22			22
Total number of acres irrigated:						* 126

PLACE OF USE: RECREATION

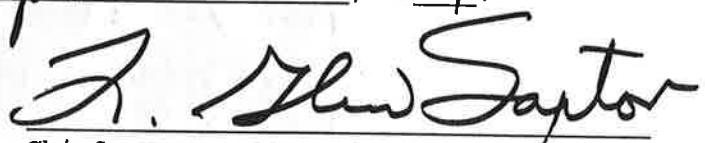
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
07N	22E	3
		SESE

TRANSFER NO. 5382
WATER RIGHT NO(S). 34-00472/34-04068

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 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 0.02 cfs per acre nor 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.
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. Rights 34-00472 and 34-04068 when combined shall not exceed a total annual maximum diversion volume of 441.0 af at the field headgate for the irrigation of 126.0 total acres, and a total annual maximum diversion volume for all uses of 462.0 af.
- * 7. The first year that water is diverted for recreation storage use, the irrigation use under Rights 34-00472 and 34-04068 shall be limited to 114.9 acres, 2.30 cfs and 402.2 afa.
8. The reduction of irrigation during the first year will provide the additional storage volume to fill the pond when combined with the 21.0 af associated with the 6.0 acres no longer irrigated.
9. Irrigation storage capacity is 54.0 af.

Dated this 12th day of April, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 34-00472 & 34-04068

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5382 *et al*

DATE: April 9, 1999

Transfer 5382 changes the nature of use under a portion of Rights 34-00472 and 34-04068 to provide for development of a recreation pond. Although the application represents a splitting of the water rights, the proposal simply adds a new pond to an existing part of the system with irrigation water also passing through the pond as part of the delivery route to the irrigated land.

The 60.0 af pond is being developed on the six (6) acres of land that will no longer be irrigated. The permanent reduction of irrigation compensates for the consumptive use of the pond. In order to compensate for the initial fill of the pond, additional acres will have to be taken out of irrigation for the first year.

$6 \text{ acres} \times 3.5 = 21.0 \text{ af}$ $60.0 \text{ af} - 21.0 \text{ af} = 39.0 \text{ additional af to fill pond.}$

$39.0 \text{ af} / 3.5 \text{ af} = 11.1 \text{ additional acres out the first year.}$

$126.0 \text{ acres} - 11.1 \text{ acres} = 114.9 \text{ acres irrigation the first year the pond is filled.}$

Other recommended conditions include watermaster control, measuring devices/lockable controlling works, irrigation overlap, combined right limits, first fill pond conditions/limits, and standard transfer conditions.

50 3/1/99

Transfer number 5382

RECEIVED

JAN 13 1999

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Andrew Dike Godwin Phone (208)726-3252
 Post Office address P.O. Box 418, Mackay 83251

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 the reason for the proposed changes Constructing a recreational pond for private use fishing

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
34-00472 B	6/1/1880	0.12 cfs	Recreation	5-1 1-1 to 10/15 12-31
34-04068B3-16-1923		4.50 cfs	Recreation	" to "
				to
				to
				to

2. Total amount of water being transferred 0.12 cubic feet per second and/or 15 acre-feet per annum.
 3. Source of water Lehman Creek tributary to Sinks
 4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	NW	10	7 N	22 E	Custer	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	3																	1.6

Total Acres 1.6

PART 1

6. General information:

a. Description of diversion system: Existing diversion will be used.b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X 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. (Lien by Ron Von Hagen, Box 1907, Sun Valley, ID

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Six acres previously irrigated will no longer be irrigated and a recreational storage pond will be constructed on those 6 acres

d. Remarks:

Applicant is giving up six irrigated acres and 15 af of consumptive use water to install a recreational storage pond of 60 af capacity on those same 6 acres. There will be a one time fill of 60 af and after that the consumptive water use in the pond will be 15 af/irrigation season. Lehman Creek is above Mackay Reservoir but water sinks before reaching any tributaries of Mackay Reservoir.**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 _____.

3060

5382

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-04068

NAME & ADDRESS: ANDREW DIKE GOODWIN
PO BOX 1658
KETCHUM ID 83340

SOURCE: LEHMAN CREEK TRIBUTARY: SINKS

QUANTITY: 100.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.
STORAGE CAPACITY 54 AF.

PRIORITY DATE: 03/16/1923

POINT OF DIVERSION: T07N R22E S10 NESENW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STORAGE	01-01 12-31	100.0 AFY
	IRRIGATION FROM STORAGE	05-01 10-15	100.0 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within CUSTER County
T07N R22E S02 NESW 30 SWSW 34 SESW 40
S03 SESE 28
132 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PART 2

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

1. Amount 0.12 ^{4.50 ac ft} for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)
2. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)
3. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)
4. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	SW	10	7 N	22 E	Custer	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	3																6	6

Total acres 6**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. Amount 2.52 ^{95.5 ac ft} for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)
2. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)
3. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)
4. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	NW	10	7 N	22 E	Custer	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	2									30		34	40					104
		3																22	22

Total acres 126

588

5382

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00472

NAME & ADDRESS: ANDREW DIKE GOODWIN
PO BOX 1658
KETCHUM ID 83340

SOURCE: LEHMAN CREEK TRIBUTARY: SINKS

QUANTITY: 2.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T07N R22E S10 NESENW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		05-01 10-15	2.64 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	T07N R22E S02 S03	NESW 30 SESE 28
	132 ACRES TOTAL	SWSW 34 SESW 40

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF.

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DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PART 2

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

1. Amount 0.12 for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)

2. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

3. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

4. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	SW	10	7 N	22 E	Custer	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	3																6	6

Total acres 6**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. Amount 2.52 for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)

2. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

3. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

4. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	NW	10	7 N	22 E	Custer	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	2									30		34	40					104
		3																22	22

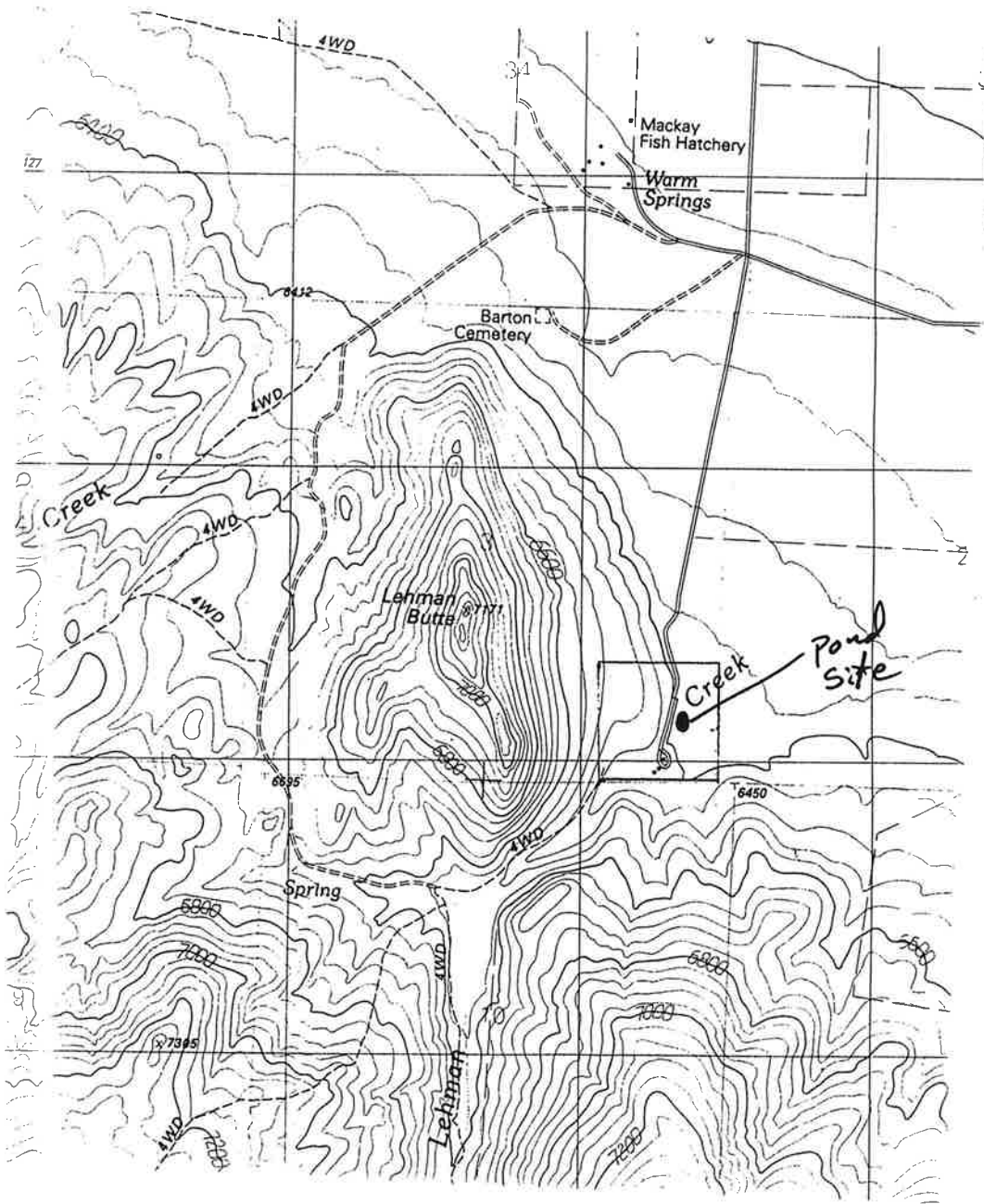
Total acres 126

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.

Lehman Butte Quad
T 8 N R 22 E Sec 3



B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	Recreation	0.12 cfs	24/day	5-1 to 10-15

2. Quantity and quality of return flows and location of discharge:

Additional irrigation water will be passed through the pond as part of the delivery route to the irrigated ground.
The portion of the right changed to recreational storage will cover shrink in the pond.

3. Describe effects on other water uses resulting from the proposed change:

No other people have water rights from Lehman Creek.

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 wilful misrepresentations made in this application may result in voiding its approval.

Andrew Dike Gordon

(Signature of Applicant)

Subscribed and sworn to before me this 11th day of January, 19 99.

Cris R. Mink

(Notary Public)

My commission expires 10-19-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$100^{xx}

Received by HWS #E024725 Date _____

Published in Challis Messenger Copies of protest forwarded by _____

Pub. dates Jan 28 & Feb 4, 1999 Hearing held by _____ Date _____

Water master recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec.d. _____ by _____

Copy to transfer sent to lien holder _____