

T5381 BLM

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED
MAR 10 1999

TRANSFER NO. 5381
WATER RIGHT NO. 34-02567

Department of Water Resources
Eastern Region

This is to certify that: **UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709**

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>
STOCKWATER	01/01 to 12/31	0.01 CFS	1.4 AF
WILDLIFE	01/01 to 12/31	0.01 CFS	1.4 AF
	Totals	0.01 CFS	1.4 AF

SOURCE

TRIBUTARY OF

JIMMY KING SPRING

TRAIL CREEK

Priority: 02/16/1949

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 04N, Range 24E
BUTTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

04N 24E 25

NENW

SWNW

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

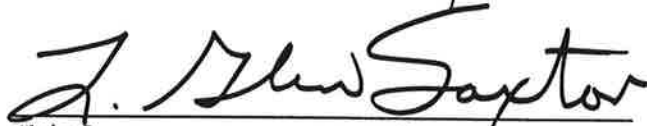
1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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CONDITIONS OF APPROVAL AND REMARKS

4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.
6. Place of use is also identified as BLM project #3403488053.

Dated this 4th day of March, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 34-02567

FROM: Pam Skaggs^{OS}/State Office

SUBJECT: Transfer 5381

DATE: March 3, 1999



Transfer 5381 changes the place of use to include an additional trough as part of the system under Right 34-02567. Wildlife use is also added to reflect existing use by stock and wildlife. No increase in the original use by stock and wildlife is authorized by this transfer approval.

This right has been decreed in the SRBA and updated on the water right database. Recommended conditions include decreed conditions, limited to beneficial use by stock, and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant U.S.D.I., Bureau of Land Management Phone (208) 524-7500
Post Office address 1405 Hollipark Drive, Idaho Falls, ID 83401

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 Installing additional trough to existing pipeline. New trough will be located approximately 1/2 mile southwest of spring. Also want to add wildlife as an incidental purpose of use.

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
34-02567	02/16/1949	0.01 cfs	Stockwater	0101 to 1231
		0.01 cfs	Wildlife	0101 to 1231
				to
				to

2. Total amount of water being transferred 0.01 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Jimmy King Spring tributary to Trail Creek

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system Headbox; pipeline to troughs

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:

A partial decree for this water right was issued on 12/29/1997.
See attached documents.

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. 34-02567 Decreed to U.S.D.I., Bureau of Land Management
in case of Snake River Basin Adjudication
dated 12/29/1997 in The District Court of the Fifth Judicial District of the State of Idaho county of Twin Falls
- 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 Master Title Plat

3. Source of water Jimmy King Spring tributary to Trail Creek

4. Date or priority 02/16/1949

5. Water is used for the following purpose:

amount 0.01 cfs for Stockwater purposes from 0101 to 1231
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 0.01 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	25	4N	24E	Butte	Jimmy King Spring

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	
4N	24E	25					S												

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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 0.01 cfs for Stockwater purposes from 0101 to 1231
 (cfs/ac-ft)
 amount 0.01 cfs for Wildlife purposes from 0101 to 1231
 (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
		NE	NW	25	4N	24E	Butte	Jimmy King Spring

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	
4N	24E	25							SW										

Total acres _____

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

1. amount 0.01 cfs for Stockwater purposes from 0101 to 1231
 (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
		NE	NW	25	4N	24E	Butte	Jimmy King Spring

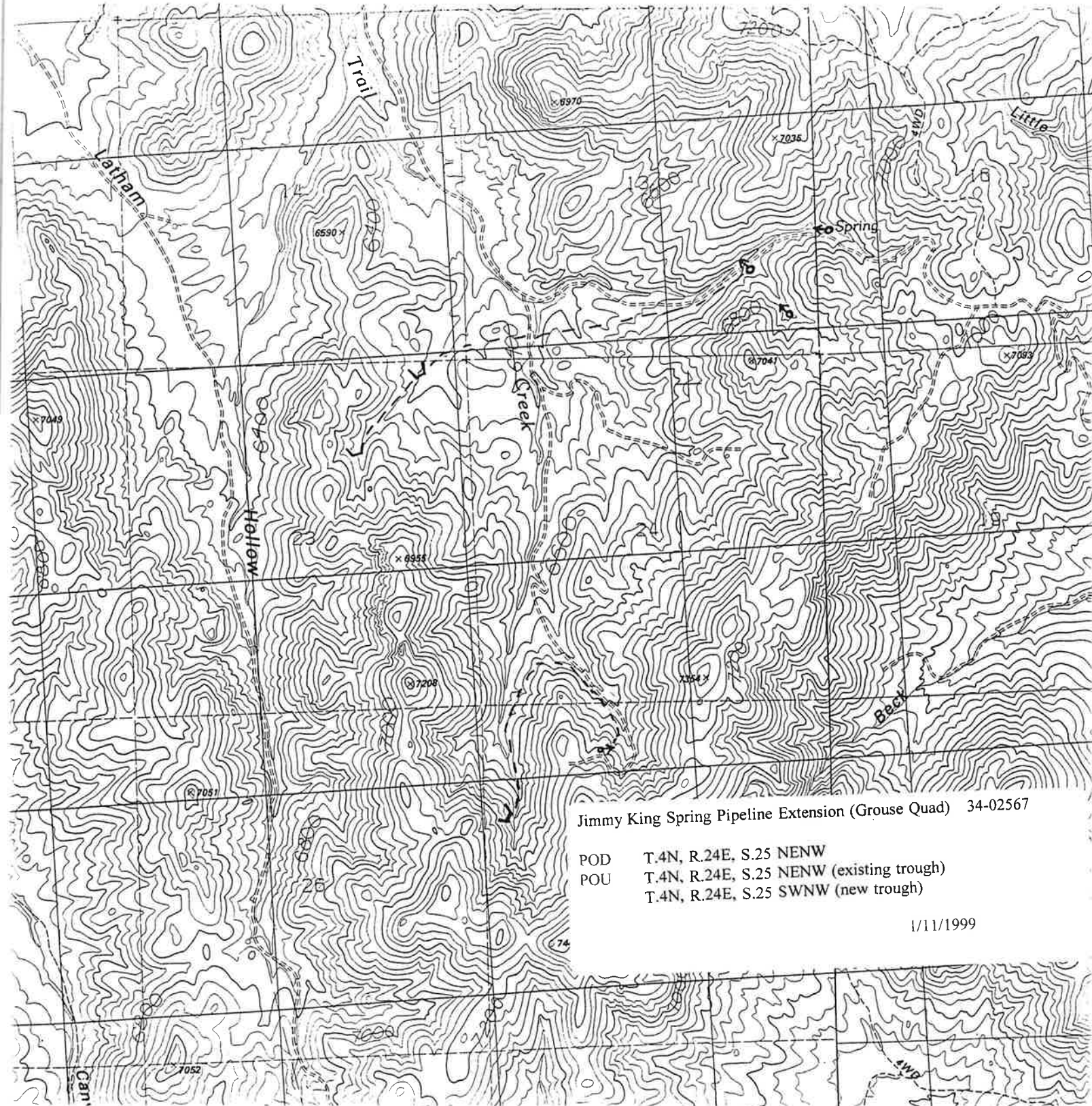
3. Lands irrigated or place of use:

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	
4N	24E	25					S												

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.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Wildlife</u>	<u>0.01 cfs</u>	<u>24 hours/day</u>	<u>0101</u> to <u>1231</u> to

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

Spring will deliver approx. 2 gpm to each trough. Overflow will occur at the location of each trough. At the end of the grazing season, all troughs will be turned off and overflow will occur at the spring site. Quality of diverted waters will not be affected.

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

No effects on other water uses.

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.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 12 day of January, 1999.

[Signature]
(Notary Public)

My commission expires 11-25-2002

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 1-12-1999

Protest filed by _____

Prelim. check by _____ Fee 100^{xx}

Received by HWT #E024683 Date _____

Published in Arco Advertiser

Copies of protest forwarded by _____

Pub. dates Jan 28 & Feb 4, 1999

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____