

T5308 SIDDOWAY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

SEP 16 1999

TRANSFER NO. 5308
WATER RIGHT NO(S) . 31-00054B/31-00055D Department of Water Resources
Eastern Region

This is to certify that: MAX SIDDOWAY
2568 E 100 N
TETON ID 83451

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. 31-00054B :			
IRRIGATION	05/01 to 09/01	0.75 CFS	183.0 AF
Priority: 06/01/1897			

Right No. 31-00055D :			
IRRIGATION	05/01 to 09/01	1.40 CFS	255.0 AF
Priority: 08/08/1893			

TOTAL: * 2.15 CFS ** 255.0 AF

SOURCE

TRIBUTARY OF

LITTLE WARM CREEK
LITTLE CHING CREEK

CAMAS CREEK
CHING CREEK

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 32, Township 13N, Range 39E
SENE , Sec. 32, Township 13N, Range 39E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13N 39E 32	NESW 1	NESE 15	NWSE 35	
	SWSE 13	SESE 21		85
		Total number of acres irrigated:		** 85

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under Rights 31-00054B and 31-00055D is subject to an agreement dated 05-15-1996 and signed by the right holder to resolve protested matters.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.

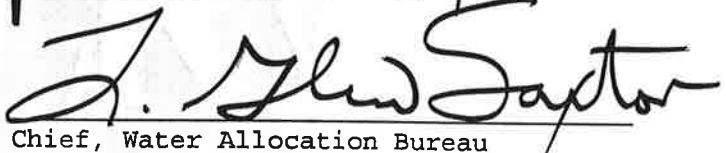
TRANSFER NO. 5308
WATER RIGHT NO(S). 31-00054B/31-00055D

CONDITIONS OF APPROVAL AND REMARKS

3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of the diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- * 4. The total instantaneous diversion of water from all points of diversion under Transfer 5308 shall not exceed 2.15 cfs.
- ** 5. Rights 31-00054B and 31-00055D when combined shall not exceed a total annual maximum diversion volume of 255.0 af at the field headgate and the irrigation of 85.0 acres.
6. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.
10. Two points of diversion are located in SWNE, S32, T13N, R39E.

Dated this 10th day of

September, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 31-00054 & 31-00055A

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5308

DATE: September 10, 1999

RECEIVED
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SEP 16 1999
Department of Water Resources
Eastern Region
Department of Water Resources
Eastern Region

Transfer 5308 changes the source, point of diversion, and place of use to reflect the existing use under a portion of Rights 31-00054 (Parts A & B) and 31-00055A (Parts C & D), splitting each right. The applicant wants to clarify the existing use of these rights and add a point of diversion from Little Ching Creek through this transfer and companion Transfer 4372.

This transfer was protested and the applicant signed an agreement clarifying the use of these rights with other users from related sources. This agreement was prepared with the assistance of the watermaster to resolve all the water users concerns.

Recommended conditions include watermaster control, measuring device & lockable controlling works, multiple points of diversion, subject to protest agreement, combined right limits, irrigation overlap and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant MAX SIDDOWAY Phone 208-458-4275
 Post Office address 2568 E. 100 N. Teton, ID 83451

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 Clarify P.O.U.
2. Describe the reason for the proposed changes My predecessors made an accomplished transfer prior to 1987 whereby points of diversion were established on Little Warm creek. Also I wish to use Little Ching Creek as a source on the ground listed below.

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
31-00055D	8-8-1893	1.40cfs	Irrigation	5-01 to 9-01
31-00054B	6-01-1897	0.75cfs	" "	" to "
				to
				to

2. Total amount of water being transferred 2.15 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Little Warm Creek tributary to Camas Creek
4. Point(s) of Diversion: Little Ching Creek Ching Creek

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	32	13N	39E	Clark	Little Warm Creek (2 spots)
		SE	NE	"	"	"	"	Little Ching Creek

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	
13N	39E	32									1				15	35	13	21	85

Total acres 85

PART 1

6. General Information:

a. Description of diversion system Diversion ditches to flood irrigation
of pasture ground

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA 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:

NA.

d. Remarks:

Jack Hamilton + I split the rights listed 75% for us
and 25% for him based on the acres we purchased
of the original irrigated farm.

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. 31-00054 Decreed to Federal Land Bank of Spokane
in case of Ernest Sauve vs. W. H. Abbott
dated 11/01/1930 in _____ county of _____
- 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 CAMAS CREEK tributary to MUD LAKE

4. Date or priority 6/01/1897

5. Water is used for the following purpose:

amount 1.00 cfs for Irrigation purposes from S-01 to 9-01
(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 1.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not Listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>13N</u>	<u>39E</u>	<u>32</u>					<u>A</u>			<u>A</u>	<u>A</u>	<u>A</u>			<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	

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?
 _____ 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.)

"B"

1. amount 0.75 cfs for Irrigation purposes from 5-01 to 9-01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Not Listed

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	
13N	39E	32									A				A	A	A	A	

Total acres _____ "A"

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

1. amount 0.25 cfs for Irrigation purposes from 5-01 to 9-01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Not Listed

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	
13N	39E	32					A			A	A								

Total acres _____

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- 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. 4372 / 31-00055A 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 Camas Creek tributary to Mud Lake

4. Date or priority 8/08/1893

5. Water is used for the following purpose:

amount 2.25 cfs for Irrigation purposes from 5/01 to 9/01
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.25 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not Listed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
13N	39E	32					A			A	A	A			A	A	A	A	

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?
 _____ 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 1.40 cfs for Irrigation purposes from S-01 to 9-01
 (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) _____
2. Point(s) of Diversion: Not Listed

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	
13N	39E	32									A				A	A	A	A	
											Part					Part			

Total acres _____

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

1. amount 0.85 cfs for Irrigation purposes from S-01 to 9-01
 (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) _____
2. Point(s) of Diversion: Not Listed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

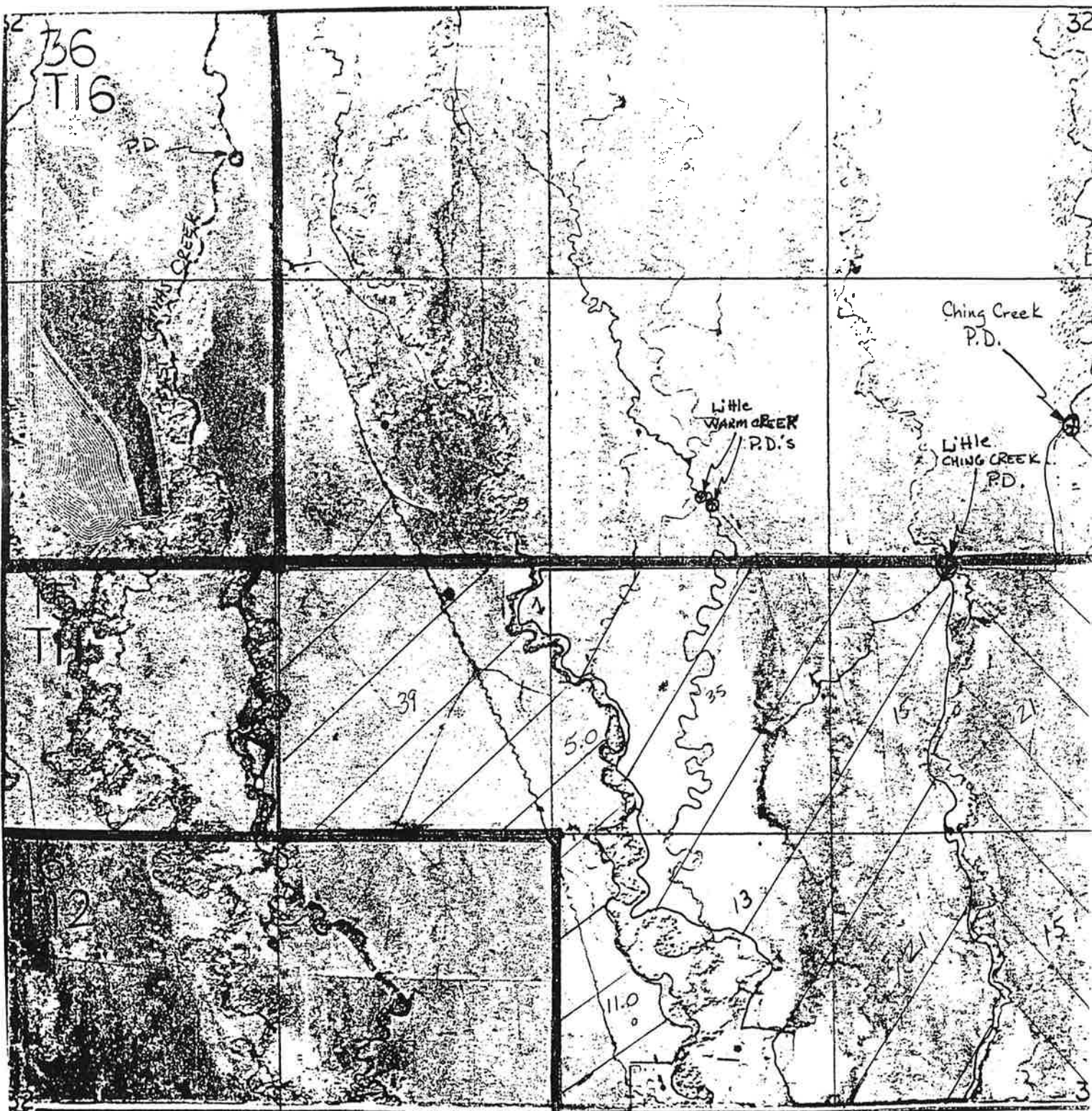
3. Lands irrigated or place of use:

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	
13N	39E	32					A			A	A								

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
				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 23rd day of July, 19 98.

Wendy J. Murphy (Signature of Applicant)

My commission expires 6/23/2000

Wendy J. Murphy (Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 7-1-98 Protest filed by _____

Prelim. check by _____ Fee \$50 \$50

Received by HWT E024142 E024239 Date 7-1-98

Published in Post Register Copies of protest forwarded by _____

Pub. dates Aug 6 & 13, 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____