

T5256 KING

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5256
WATER RIGHT NO(S). 34-00426B/34-00427B/34-00554B

RECEIVED

NOV 06 1998

Department of Water Resources
Eastern Region

This is to certify that: **JOHN D KING**
MERLE M KING
HC 60 BOX 280
DARLINGTON ID 83231

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. 34-00426B :			
IRRIGATION	05/01 to 10/15	0.28 CFS	49.0 AF
Priority: 06/01/1884			
Right No. 34-00427B :			
IRRIGATION	05/01 to 10/15	0.34 CFS	63.7 AF
Priority: 05/01/1886			
Right No. 34-00554B :			
IRRIGATION	05/01 to 10/15	0.11 CFS	36.4 AF
Priority: 07/12/1912			
TOTAL:		0.73 CFS	* 63.7 AF

SOURCE
ANTELOPE CREEK

TRIBUTARY OF
BIG LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 31, Township 05N, Range 25E
BUTTE 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>
05N	25E	29	SWNE 13.0	SENE 1.5	SENW 19.7	
			NESW 4.0			38.2

Total number of acres irrigated: * ** 38.2

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. 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.

TRANSFER NO. 5256
WATER RIGHT NO(S). 34-00426B/34-00427B/34-00554B

CONDITIONS OF APPROVAL AND REMARKS

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.
- ** 5. Right 34-00426B is limited to the irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- ** 6. Right 34-00427B is limited to the irrigation of 18.2 acres in the place of use described above in a single irrigation season.
- ** 7. Right 34-00554B is limited to the irrigation of 18.2 acres in the place of use described above in a single irrigation season.
- * ** 8. Rights 34-00426B, 34-00427B and 34-00554B when combined shall not exceed a total annual maximum diversion volume of 63.7 af at the field headgate and the irrigation of 18.2 acres.

Dated this 4th day of November, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 34-00426B, 34-00427B & 34-00554B

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5256

DATE: November 2, 1998

Transfer 5256 changes the point of diversion and place of use under Rights 34-00426B, 34-00427B and 34-00554B. These rights were recently decreed in the SRBA with the agreed upon stipulation to transfer the right and remove it from BLM land. BLM has provided a letter of approval and the applicant is transferring the rights to other land.

The season of use is a non-standard irrigation season as decreed. Diversion volume was identified per current standards. The transfer creates a permissible place of use for these rights and combined limits were identified.

Recommended conditions include watermaster control, irrigation overlap, permissible place of use, combined right limits and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

COPY

Name of applicant John D. and/or Merle M. KING Phone (208) 554-2201
Post Office address HC 60 Box 280 Darlington ID. 83231

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Part of Stipulation signed by Kings and BLM required Kings to transfer the water off of 18.2 acres currently owned by USDI (BLM).

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|------------------|--------------------|-------------------|----------------------------|
| <u>34-00426B</u> | <u>6-1-1884</u> | <u>0.28 cfs</u> | <u>Irrigation</u> | <u>5-1</u> to <u>10-15</u> |
| <u>34-00427B</u> | <u>5-1-1886</u> | <u>0.34 cfs</u> | <u>Irrigation</u> | <u>5-1</u> to <u>10-15</u> |
| <u>34-00554B</u> | <u>7-12-1912</u> | <u>0.11 cfs</u> | <u>Irrigation</u> | <u>5-1</u> to <u>10-15</u> |
- Total amount of water being transferred 0.73 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Antelope Creek tributary to Big Lost River
- Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NE</u>	<u>NW</u>	<u>NE</u>	<u>31</u>	<u>5N</u>	<u>25E</u>	<u>BUTE</u>	

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	
<u>5N</u>	<u>25E</u>	<u>29</u>			<u>13</u>	<u>1.5</u>				<u>19.7</u>	<u>4</u>								<u>38.2</u>

* Permissible Place of Use of 38.2 Acres

Total acres 18.2 / 38.2

PART 1

6. General Information:

a. Description of diversion system Headgate in Creek to Ditch

NA.
(BLM)

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

The land will no longer be irrigated.

d. Remarks:

The point of Diversion will be the same as 34-10124. The place of use is 38.2 acres used in combo. w/ 34-10124. These³ rights should be limited to 18.2 acres w/in the 38.2 place of use.

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 _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 34-00426B

STAGE: **DECREED**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.28 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
ANTELOPE CREEK	BIG LOST RIVER

Priority: 06/01/1884

LOCATION OF POINT(S) OF DIVERSION:

SWSWNE , Sec. 2, Township 04N, Range 24E
CUSTER County
NENWSE , Sec. 2, Township 04N, Range 24E
BUTTE County
NWNWSE , Sec. 2, Township 04N, Range 24E
CUSTER County
NENWNW , Sec. 11, Township 04N, Range 24E
BUTTE County
SWSWSW , Sec. 36, Township 05N, Range 24E
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>
04N	24E	1	SENW	1.3		1.3
		2	NESE	12		12
05N	24E	35	Lot 4 (SESE)	4.9		4.9
Total number of acres irrigated:						18.2

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHT NOS. 34-00427B AND 34-00554B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 14 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00427A, 34-00554A, 34-00427B,

Page 4 of 14

TRANS NO. 5256

Claim No. 34-00426B
34-00426A AND 34-00554B.

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00427B

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.34 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
ANTELOPE CREEK	BIG LOST RIVER

Priority: 05/01/1886

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	
SWSWNE , Sec. 2, Township 04N, Range 24E	CUSTER County
NENWSE , Sec. 2, Township 04N, Range 24E	BUTTE County
NWNWSE , Sec. 2, Township 04N, Range 24E	CUSTER County
NENWNW , Sec. 11, Township 04N, Range 24E	BUTTE County
SWSWSW , Sec. 36, Township 05N, Range 24E	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>
04N	24E	1	SENW	1.3		1.3
		2	NESE	12		12
05N	24E	35	Lot 4 (SESE)	4.9		4.9
Total number of acres irrigated:						18.2

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHT NOS. 34-00426B AND 34-00554B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00427A, 34-00554A, 34-00426B, 34-00426A AND 34-00554B.

Page 6 of 14

TRANS NO. 5256

Claim No. 34-00427B

PART 2

TRANS NO. 5256

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00554B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.11 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
ANTELOPE CREEK	BIG LOST RIVER

Priority: 07/12/1912

LOCATION OF POINT(S) OF DIVERSION:

SWSWNE , Sec. 2, Township 04N, Range 24E
CUSTER County
NENWSE , Sec. 2, Township 04N, Range 24E
BUTTE County
NWNWSE , Sec. 2, Township 04N, Range 24E
CUSTER County
NENWNW , Sec. 11, Township 04N, Range 24E
BUTTE County
SWSWSW , Sec. 36, Township 05N, Range 24E
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>
04N	24E	1	SENW	1.3		1.3
		2	NESE	12		12
05N	24E	35	Lot 4 (SESE)	4.9		4.9
Total number of acres irrigated:						18.2

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- USE OF THIS RIGHT WITH RIGHT NOS. 34-00426B AND 34-00427B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00427A, 34-00554A, 34-00427B, 34-00426A AND 34-00426B.

Page 8 of 14

TRANS NO. 5254

Claim No. **34-00554B**

page 9 of 14 5256

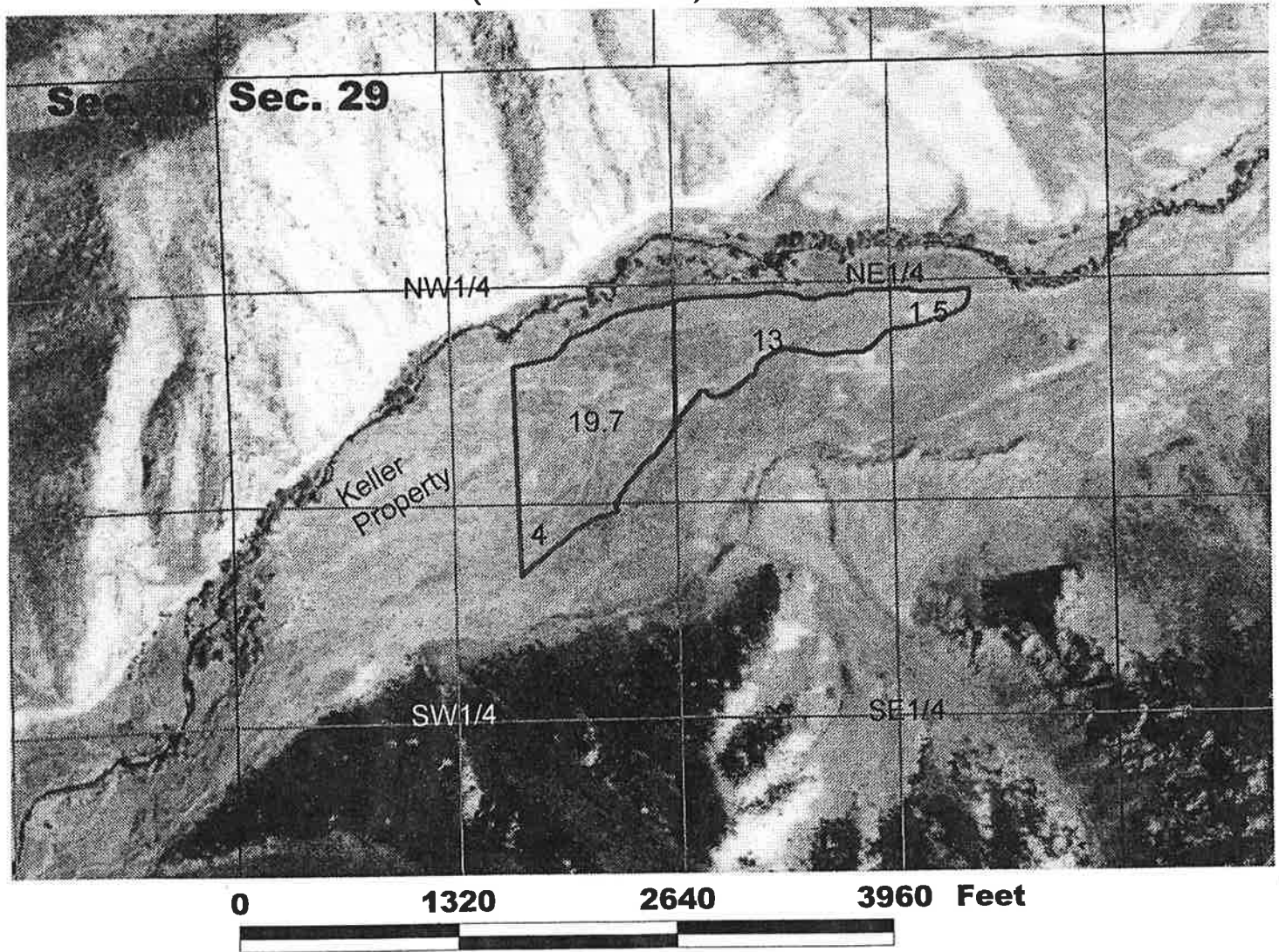
IDAHO DEPARTMENT OF WATER RESOURCES

JOHN & MERLE KING

TRANSFER

34-00426B, 34-00427B & 34-00554B

(34-10124) *NEW Place of Use*



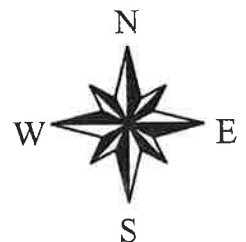
⊙ **Point of Diversion
Location**

▭ **Place of Use
Boundary**

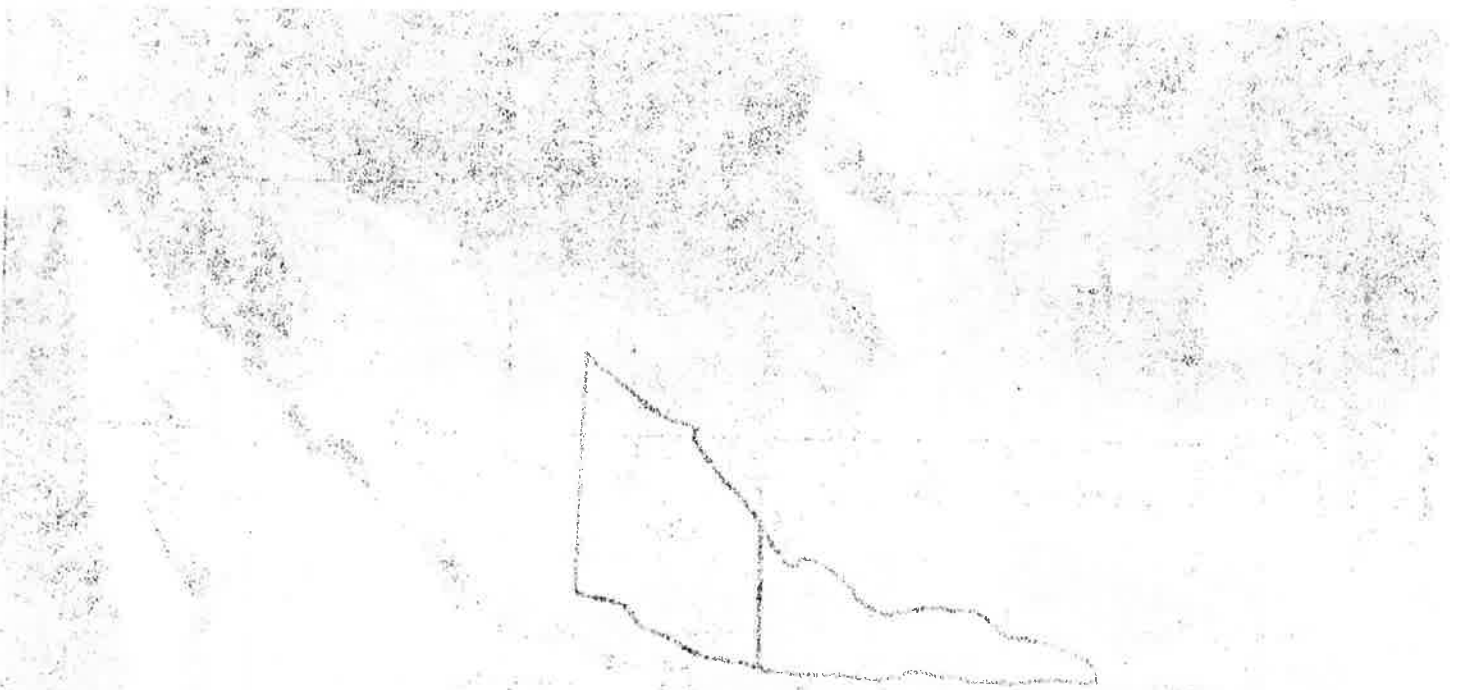
∕ **Section Lines**

▭ **Quarter/Quarter Lines**

Township(s) 5N, Range(s) 25E
Section(s) 29



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Greg Taylor
Date: March 20, 1998



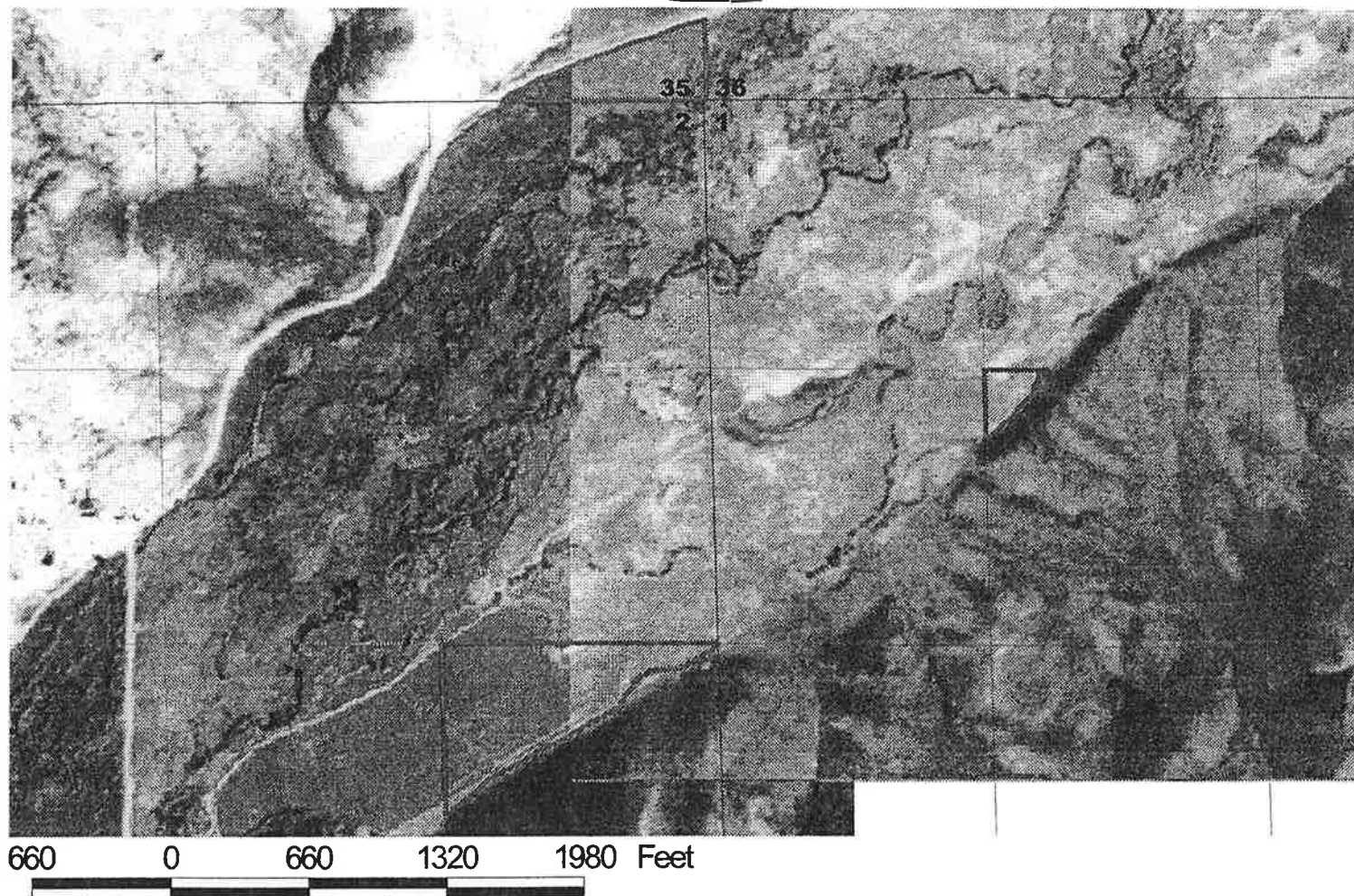
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page 10 5256
IDAHO DEPARTMENT OF WATER RESOURCES

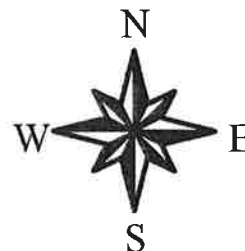
**US Dept of Interior
BLM**

34-00426B, 34-00427B & 34-00554B

PLACE OF USE PRICK TO TRANSFER



Township 4/5 North, Range 24 East



Point of Diversion



Place of Use Boundary



Quarter/Quarter Lines



Section Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared By: Greg Taylor
Date: Sept. 19, 1997



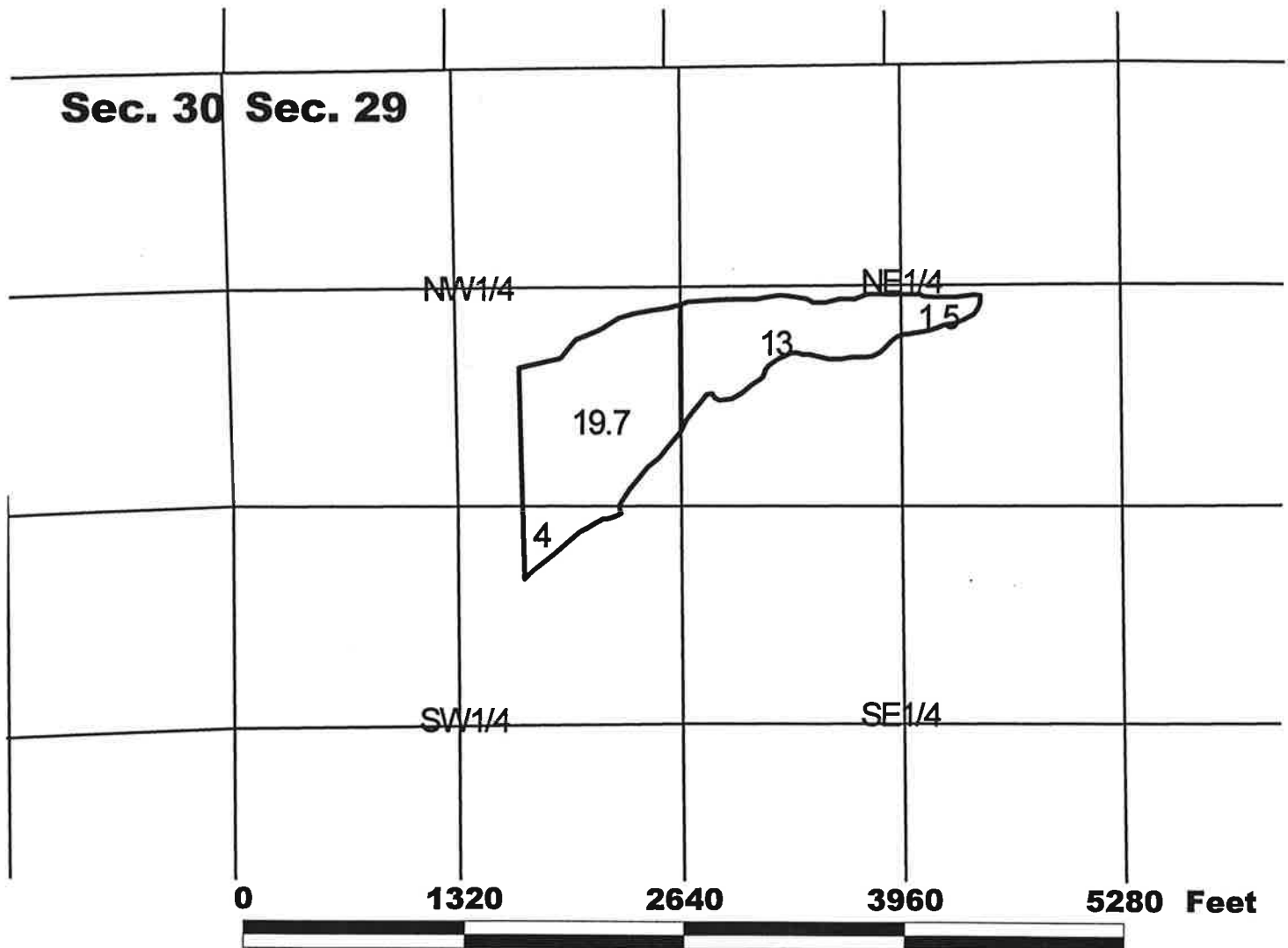
page 11

JOHN & MERLE KING

5256

TRANSFER

34-00426B, 34-00427B & 34-00554B



**Point of Diversion
Location**

**Township(s) 5N, Range(s) 25E
Section(s) 29**



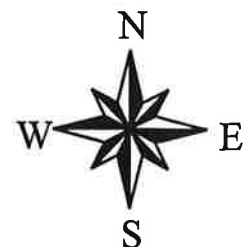
**Place of Use
Boundary**



Section Lines



Quarter/Quarter Lines

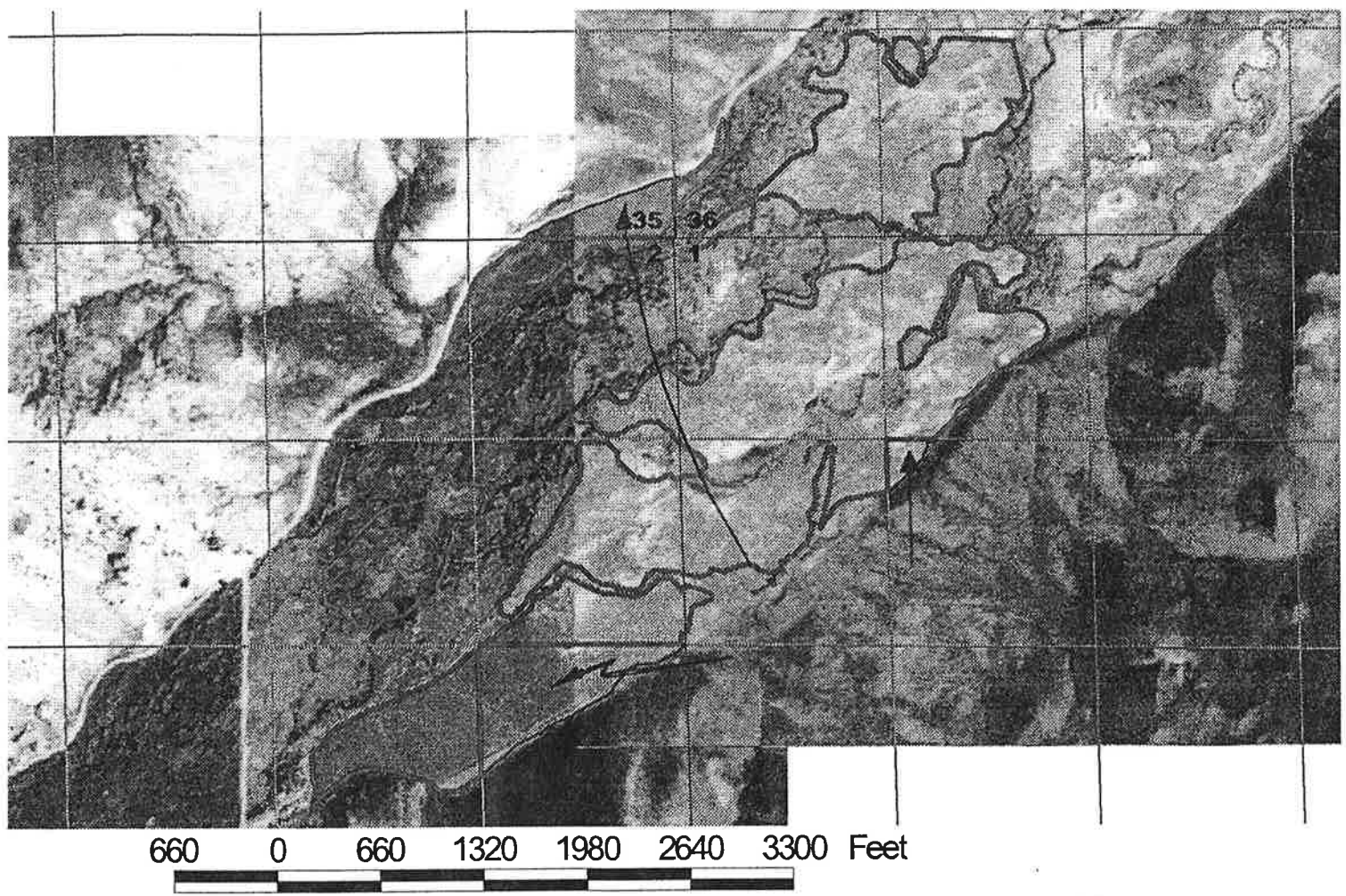


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Greg Taylor
Date: March 20, 1998

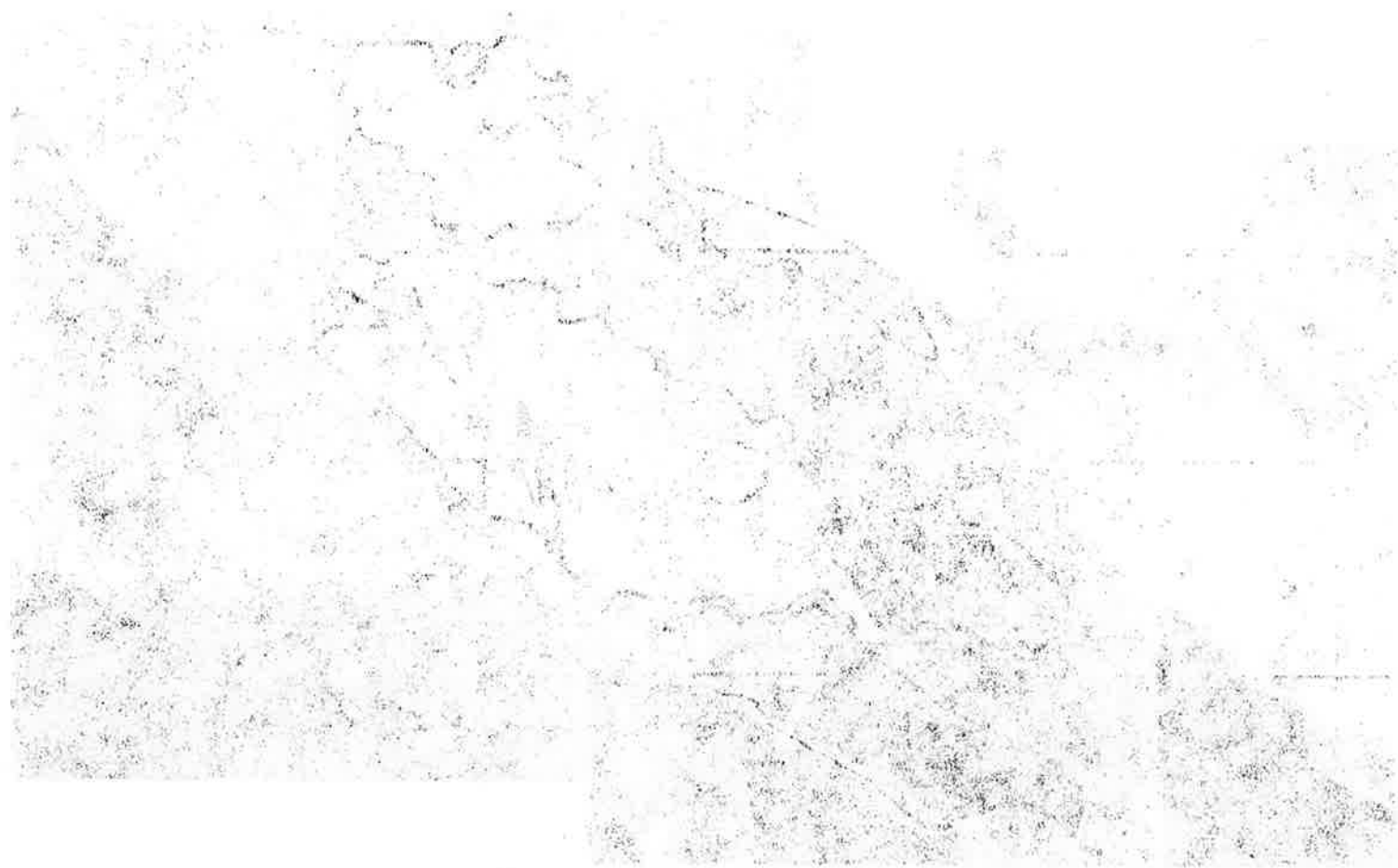
IDAHO DEPARTMENT OF WATER RESOURCES

John & Merle King

34-00426A, 34-00427A & 34-00554A

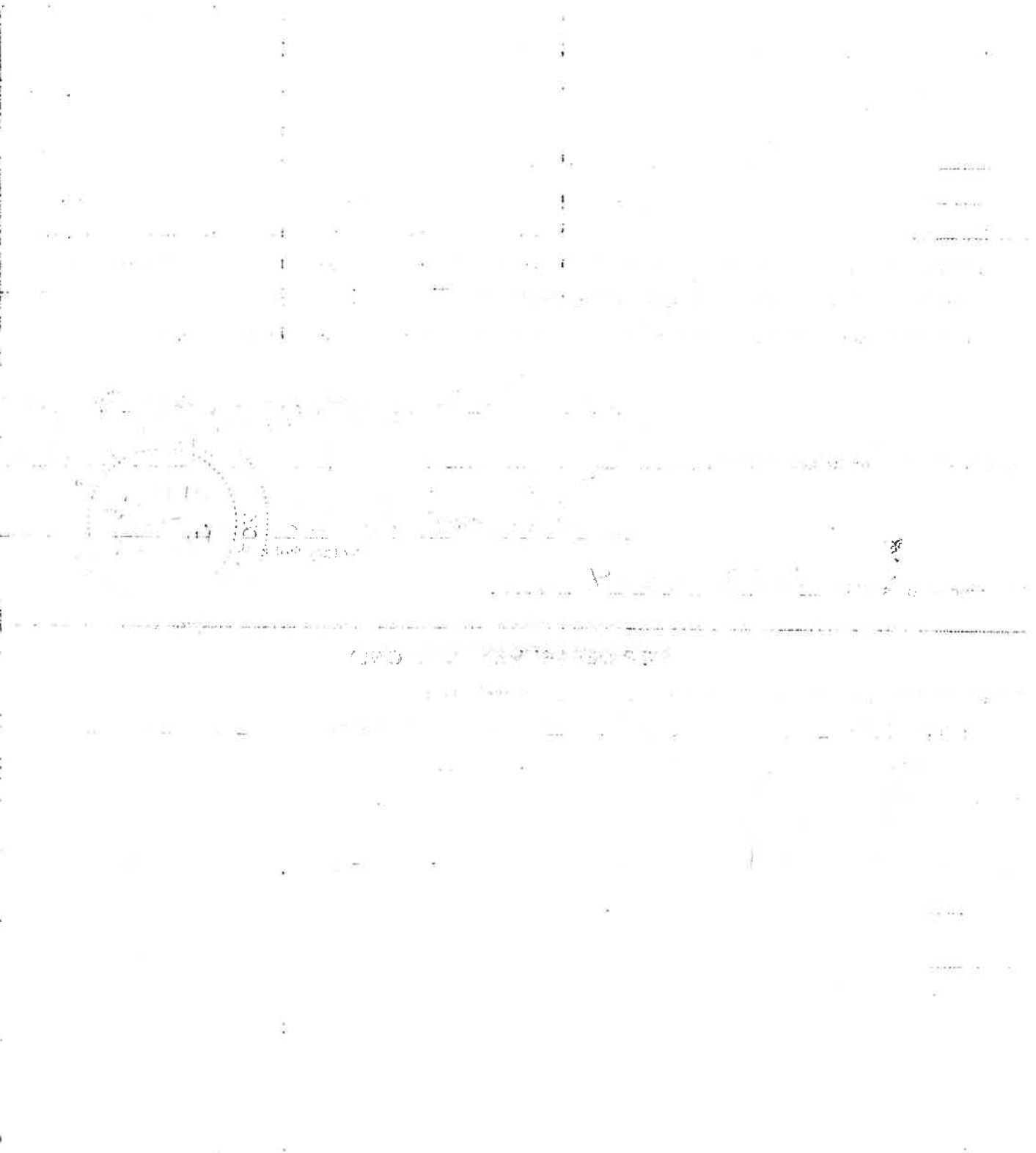


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared By: Greg Taylor
Date: Sept. 19, 1997



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.

John D. King Engineer M. King
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of April, 19 98.

Thomas D. Conn
(Notary Public)

My commission expires 1-23-2004

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWJ Date 4-17-98 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Received by HWJ #E024055 Date 4-17-98

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. dates May 7 & 8, 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:

7250 (SRWR) (931)

May 27, 1998

Harold Jones
Eastern Regional Office
Idaho Department of Water Resources
State of Idaho
900 North Skyline
Idaho Falls, Idaho 83402

**RE: Snake River Basin Adjudication (SRBA) Claims:
34-00426B, 34-00427B and 34-00554B**

Dear Mr. Jones:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that John D. and Merle M. King, wish to transfer water under rights 34-00426B, 34-00427B, and 34-00554B from the federal public property to land which the King's own as private property. The federal public property legal descriptions are as follows:

T04N R24E S01 SENW	1.3 acre
T04N R24E S02 NESE	12.0 acres
T05N R24E S35 Lot 4 (SESE)	<u>4.9 acres</u>

18.2 acres TOTAL to be transferred off of public land.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

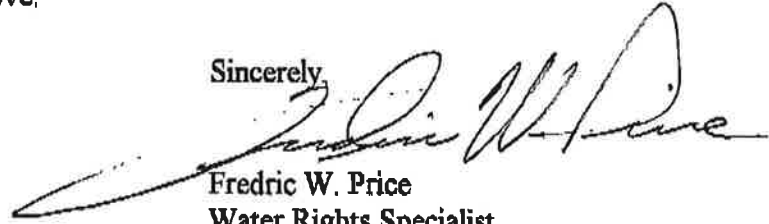
On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

King Transfer

REDISCOVER YOUR PUBLIC LANDS

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fredric W. Price", is written over the word "Sincerely,".

Fredric W. Price
Water Rights Specialist

cc:

R. Lee Leininger, Dept. of Justice, ENRD
Susan Clark, Attorney for IDWR
Carter Fritschley, IDWR-SO
CACI, Boise

King Transfer

REDISCOVER YOUR PUBLIC LANDS

SUBSCRIBED and SWORN to before me this 28 day of May, 1998.

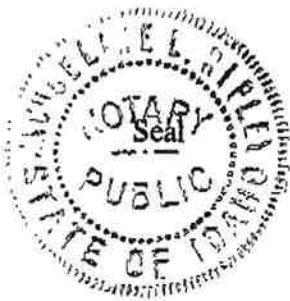
STATE OF IDAHO)

) ss:

COUNTY OF ADA)

On this 28 day of May, 1998, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jacqueline L. Ripley

Notary public in and for the
State of Idaho,
County of Ada

Residing at Besse

My commission expires: 4-7-1999

King Transfer

REDISCOVER YOUR PUBLIC LANDS

