

T5434 WILBURN

So 5/17/99

RECEIVED

R 24 1999

Page 1 of 6

Department of Water Resources  
Eastern Region

Transfer Number 5434

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF A WATER RIGHT**  
**PART 1**

Name of applicant: Darrell and/or Karen Wilburn Phone: (208) 588-2618

Mailing address: Route 1, Box 46, Darlington, Idaho 83255

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add point of diversion(s) ☐ Change place of use  
☒ Change nature of use ☐ Change period of use ☐ Other: \_\_\_\_\_

2. Describe the reason for the proposed changes: Applicants wish to change nature of use from stock-  
water to commercial use for a 58-unit RV park and small commercial building with two showers and  
toilets for the park. Use will include 1/2 acre of lawn watering around commercial building.

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

| 1. | Right Number    | Priority          | Amount<br>(cfs/ac-ft) | Nature of Use     | Period of Use                |
|----|-----------------|-------------------|-----------------------|-------------------|------------------------------|
|    | <u>34-10522</u> | <u>01/25/1988</u> | <u>0.09 cfs</u>       | <u>Commercial</u> | <u>1-May</u> to <u>1-Nov</u> |
|    | _____           | _____             | _____                 | _____             | _____ to _____               |
|    | _____           | _____             | _____                 | _____             | _____ to _____               |
|    | _____           | _____             | _____                 | _____             | _____ to _____               |

2. Total amount of water being transferred: 0.09 cfs and/or 5.4 ac-ft per annum

3. Source of water: Groundwater tributary to: \_\_\_\_\_

4. Point(s) of diversion:

| Lot | 1/4 | 1/4       | 1/4       | Sec.      | Twp.      | Rge.       | County        | Local name for diversion |
|-----|-----|-----------|-----------|-----------|-----------|------------|---------------|--------------------------|
|     |     | <u>NW</u> | <u>SW</u> | <u>11</u> | <u>6N</u> | <u>25E</u> | <u>Custer</u> |                          |
|     |     |           |           |           |           |            |               |                          |
|     |     |           |           |           |           |            |               |                          |
|     |     |           |           |           |           |            |               |                          |
|     |     |           |           |           |           |            |               |                          |

5. Land irrigated or place of use:

|           |            |           | NE |    |    |    | NW |    |    |    | SW |          |    |    | SE |    |    |    | Totals |
|-----------|------------|-----------|----|----|----|----|----|----|----|----|----|----------|----|----|----|----|----|----|--------|
| Twp.      | Rge.       | Sec.      | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW       | SW | SE | NE | NW | SW | SE |        |
| <u>6N</u> | <u>25E</u> | <u>11</u> |    |    |    |    |    |    |    |    |    | <u>C</u> |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |
|           |            |           |    |    |    |    |    |    |    |    |    |          |    |    |    |    |    |    |        |

Total acres: \_\_\_\_\_

## PART 1

6. General information:

- a. Description of diversion system: Well, pump and pipelines to 58 RV spaces and commercial building with two showers and toilets for patrons. Commercial building will include small lawn area (not to exceed 1/2 acre) adjacent to building.

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

           Yes   y   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:

ACTION OF THE DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights Number \_\_\_\_\_

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 A WATER RIGHT**  
PART 2

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No.: 34-10522 Decreed to: Darrel and Karen Wilburn  
in the case of: State of Idaho vs. United States et al  
dated: December 3, 1996 in Fifth District Court 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 descriptor below:

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water: Groundwater tributary to: \_\_\_\_\_4. Date of priority: January 25, 1988

## 5. Water is used for the following purpose:

amount 0.09 cfs for Stockwater purposes from 1-Jan to 31-Dec  
(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 this right: 0.09 cfs cfs and or \_\_\_\_\_ ac-ft per annum

## 7. Point(s) of diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp.           | Rge.          | County | Local name for diversion |
|-----|-----|-----|-----|------|----------------|---------------|--------|--------------------------|
|     |     | NW  | SW  | 11   | <del>25E</del> | <del>6N</del> | Custer |                          |
|     |     |     |     |      | 6N             | 25E           |        |                          |
|     |     |     |     |      |                |               |        |                          |

## 8. Land irrigated or place of use:

|      |      |      |  | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|------|------|------|--|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp. | Rge. | Sec. |  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 6N   | 25E  | 11   |  |    |    |    |    |    |    |    |    |    | S  |    |    |    |    |    |    |        |
|      |      |      |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total acres: \_\_\_\_\_

9. Describe any other water rights used for the same purposes as described above: None

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, please describe: \_\_\_\_\_

## PART 2

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(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 |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

#### 3. Land irrigated or place of use:

|      |      |      | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|------|------|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp. | Rge. | Sec. | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total acres: \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(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 |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

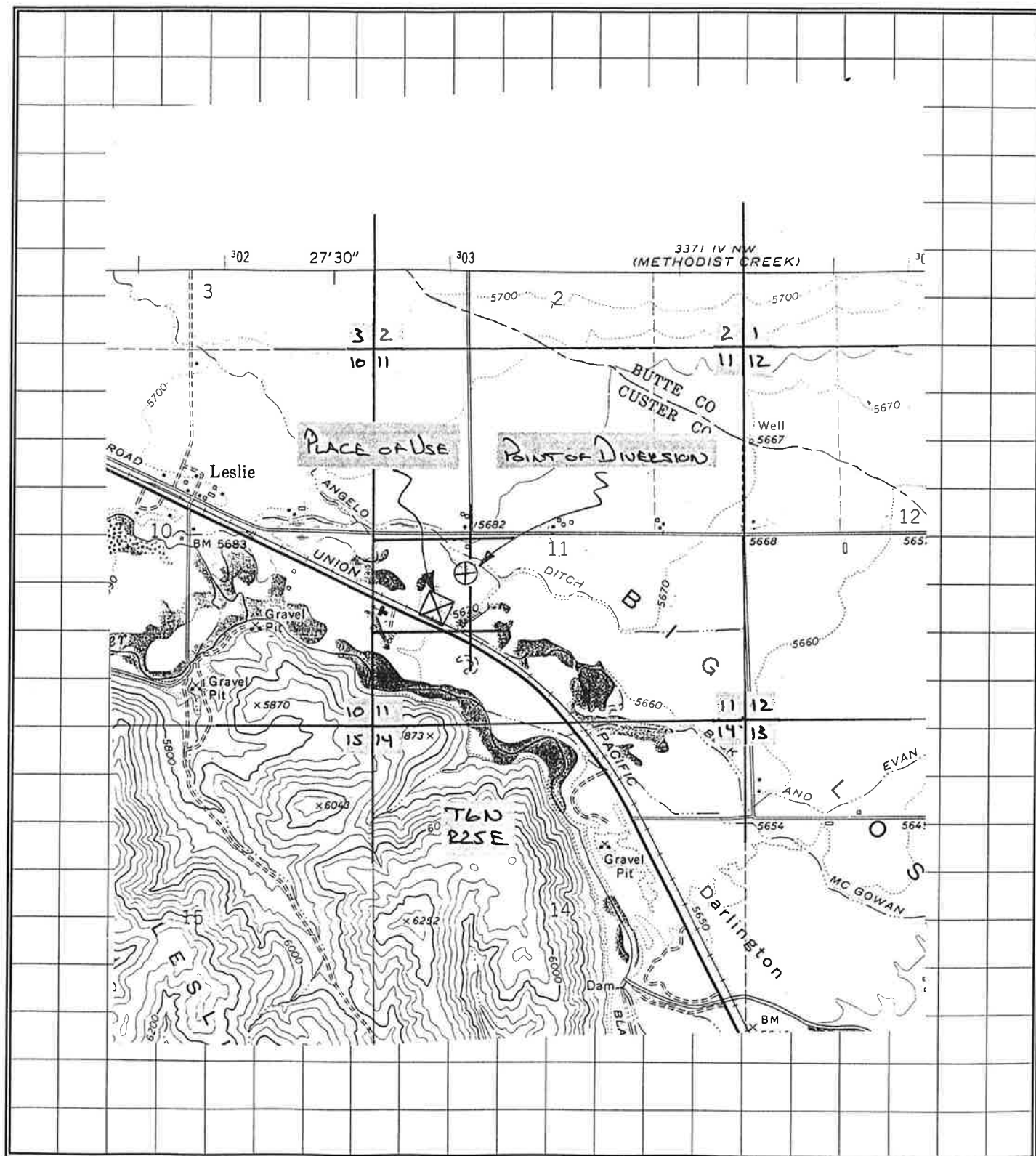
#### 3. Land irrigated or place of use:

|      |      |      | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|------|------|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp. | Rge. | Sec. | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|      |      |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total acres: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF A 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. | <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/day/yr.</u> | <u>Period of Use</u>         |
|----|--------------------------|------------------------------|----------------------|------------------------------|
|    | <u>Commercial</u>        | <u>0.09 cfs/5.4 afa</u>      |                      | <u>1-May</u> to <u>1-Nov</u> |
|    |                          |                              |                      | to                           |

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

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

**The entire stockwater use as recorded presently will be converted to commercial use.**

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

  
(Signature of Applicant)

Subscribed and sworn to before me this 22 day of March, 19 99

*Kay Gortensky*  
(Notary Public)

My commision expires 2-28-2003

FOR DEPARTMENT USE ONLY

Transfer contains: 6 pages and \_\_\_\_\_ attachments

Received by: HWT Date: 3-24-99

Prelim. check by: \_\_\_\_\_ Fee: \$100 <sup>XX</sup>/<sub>00</sub>

Received by: HWT Date: \_\_\_\_\_

Receipt Number: # E024856

Published in: Challis Messenger

Published dates: 4/8 & 4/15/99

Watermaster recommendation requested on: \_\_\_\_\_

\_\_\_\_\_ rec'd: \_\_\_\_\_

Copy of transfer sent to lien holder on: \_\_\_\_\_

Protest filed by: \_\_\_\_\_

Copies of protest forwarded by: \_\_\_\_\_

Hearing held by: \_\_\_\_\_ Date: \_\_\_\_\_

Recommended for: ☒ approval ☐ denial

by: RDC