

T5451 PROBST

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5451
WATER RIGHT NO(S). 13-07134/13-07144

RECEIVED
AUG 20 1999

Department of Water Resources
Eastern Region

This is to certify that: JOHN PROBST
JAYNE PROBST
30974 CHICKEN CREEK RD
SWAN LAKE ID 83281

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. 13-07134 :			
IRRIGATION	04/15 to 10/15	3.18 CFS	840.0 AF
Priority: 08/20/1976			
Right No. 13-07144 :			
IRRIGATION	04/15 to 10/15	5.24 CFS	1445.5 AF
Priority: 07/09/1973			
TOTAL:		* 8.42 CFS	* 1953.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 5, Township 13S, Range 38E
NENW , Sec. 8, Township 13S, Range 38E
BANNOCK 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>
13S	38E	4	NESW 40	SWSW 13	SESW 40	
			NWSE 40			133
		5	NESE 10	NWSE 32	SWSE 33	
			SESE 39			114
		8	NENE 40	NWNE 40	SWNE 40	
			NENW 40	SENW 40		200
		9	NWNE 39	NENW 38	NWNW 40	117
Total number of acres irrigated:						** 564

TRANSFER NO. 5451
WATER RIGHT NO(S). 13-07134/13-07144

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
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.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5451 shall not exceed 8.42 cfs, nor total combined annual volume of 1953.0 af.
6. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- ** 7. Right 13-07134 is limited to the irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 13-07144 is limited to the irrigation of 413.0 acres in the place of use described above in a single irrigation season.
- ** * 9. Rights 13-07134 and 13-07144 when combined shall not exceed the total annual maximum diversion volume of 1953.0 af at the field headgate and the irrigation of 558.0 acres.

Dated this 17th day of August, 1999.

A. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 13-07134 & 13-07144

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5451

DATE: August 16, 1999

Transfer 5451 adds a second point of diversion and changes the place of use under Rights 13-07134 and 13-07144. The applicant is combining the use of these irrigation rights on a 564.0 acre permissible place of use.

Season of use and diversion volume was adjusted to current standards. Recommended conditions include permissible place of use limits, multiple points of diversion/measuring devices, future measuring & annual reporting, combined right limits, irrigation overlap and standard transfer conditions.

APR 09 1999

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant John Probst and Jayne Probst Phone 208-897-5630Post Office address 30974 Chicken Creek Road, Swan Lake, ID 83281

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 Applicants' intent is to combine two existing water rights for use on property covered under both rights. Change will not change total right or total acreage but will combine the two rights so that the total of the two water rights can be used on the total permissible place 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
<u>13-07134</u>	<u>08/20/1976</u>	<u>4.460 cfs</u>	<u>Irrigation</u>	<u>04/01 to 11/01</u>
<u>13-07144</u>	<u>07/09/1973</u>	<u>5.240 cfs</u>	<u>Irrigation</u>	<u>04/01 to 11/01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 9.70 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to N/A

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	8	13S	38E	Bannock	
		SE	SE	5	13S	38E	Bannock	

5. 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	
135	38E	4									40		13	40		40			133
		5													10	32	33	39	114
		8	40	40	40		40			40									200
		9		39			38	40											117

Permissible Place of use Total acres 564

PART 1

6. General Information:

a. Description of diversion system well pump

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:

Water can be used more beneficially by combining properties and
water rights. No negative impact.

d. Remarks:

Combining rights should not affect any other use as applicant owns
all property to which rights pertain.

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

TRANS NO. 5451

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-07144

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	5.24 CFS	1239.0 AF

SOURCE

GROUNDWATER

Priority: 07/09/1973

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 5, Township 13S, Range 38E
BANNOCK 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>
13S	38E	4	NESW 40	SWSW 13	SESW 40	133
		5	NWSE 40	NWSE 32	SWSE 33	114
		8	NESE 10	NWNE 12		51
		9	SESE 39	NENW 38	NWNW 38	115
			NENE 39			
			NWNE 39			
Total number of acres irrigated:						413

CONDITIONS/REMARKS:

PART 2

TRANS NO. 5451

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-07134

STAGE: PERMIT

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	4.46 CFS

SOURCE

GROUNDWATER

Priority: 08/20/1976

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 8, Township 13S, Range 38E
BANNOCK CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	38E	8	NENE 40	NWNE 40	SWNE 40	
			NENW 40	SENE 40		200
		9	NWNW 40			40
Total number of acres irrigated:						240

CONDITIONS/REMARKS:

1. The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

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

John H. Robert Jaime Pichon
(Signature of Applicant)

2nd

day of

April, 19 99

JIM SPINNER
NOTARY PUBLIC
STATE OF IDAHO

Jim Spinner
(Notary Public)

My commission expires

5-16-2005

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachmentsReceived by HWT Date 4-9-1999

Protest filed by _____

Prelim. check by _____ Fee \$100.00Received by HWT # EO24890 Date 4-9-1999Published in Idaho State Journal

Copies of protest forwarded by _____

Pub. dates May 10 & 13, 1999.

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____

