

T5524 TUBBS

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5524
WATER RIGHT NO. 15-02037B

RECEIVED

OCT 25 1999

Department of Water Resources
Eastern Region

RECEIVED

OCT 21 1999

Department of Water Resources
Southern Region

This is to certify that: **DON W TUBBS**
CARLEAN C TUBBS
3232 W HWY 38
MALAD ID 83252

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>
IRRIGATION	04/15 to 10/15	0.88 CFS	280.0 AF

SOURCE

GROUNDWATER

Priority: 04/13/1953

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 1, Township 15S, Range 35E
ONEIDA 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>
15S	35E	1	NENE 40	SENE 40		80
Total number of acres irrigated:						80

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device 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.
3. 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.

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WATER RIGHT NO. 15-02037B

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this 18th day of October, 1999

J. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 15-02037

FROM: Pam Skaggs^{JS}/State Office

SUBJECT: Transfer 5524

DATE: October 13, 1999

Transfer 5524 changes the point of diversion under a portion of Right 15-02037, splitting the right into Parts A and B. The transfer also corrects an error on the original licensed place of use identifying Township 15S instead of 14S for the acres in Section 1. No physical change in the place of use occurs through this transfer.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements, future measuring & reporting, irrigation overlap and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Don W. or Carlean C Tubbs Phone (208) 766-2477
Post Office address 3232 W. Hwy 38, Malad Id 83252

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 Splitting P/U & Adding a P/D
2. Describe the reason for the proposed changes Adding a point of diversion on a portion of the water right to eliminate long Mainline

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

1. Right Number 15-02037B Priority 4/13/1953 Amount (cfs/ac-ft) 0.88 cfs Nature of Use IRRIGATION Period of Use 4/1 to 11/1
2. Total amount of water being transferred 0.88 cfs cubic feet per second and/or _____ acre-feet 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
		NE	NE	1	15S	35E	ONEIDA	

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	
15S	35E	1	40			40													80

Total acres 80

PART 1

6. General Information:

a. Description of diversion system well pump mainline to lateral with sprinklers

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:

None, Adding a point of diversion for that portion in E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 1, T15S, R35E to eliminate long mainline.

d. Remarks:

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. 5524

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02037

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.00 CFS
DOMESTIC	to	
	Totals	2.00 CFS

SOURCE

GROUNDWATER

Priority: 04/13/1953

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 36, Township 14S, Range 35E
ONEIDA 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>
14S	35E	36	NESW 37	NWSW 25	SESW 40	102
15S	35E	1	NENE 40	SENE 40		80
Total number of acres irrigated:						182

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. LIC. INCORRECTLY SHOWS LANDS IN SEC. 1, TWP 14S.

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.) 15-02037 B

1. amount 0.88 cfs for IRRIGATION purposes from 4/1 to 11/1
 (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	SW	35	14S	35E	ONEIDA	

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	
15S	R35E	1	40			40													80

Total acres 80

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 15-02037 A

1. amount 1.12 cfs for IRRIGATION purposes from 4/1 to 11/1
 (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	SW	35	14S	35E	ONEIDA	

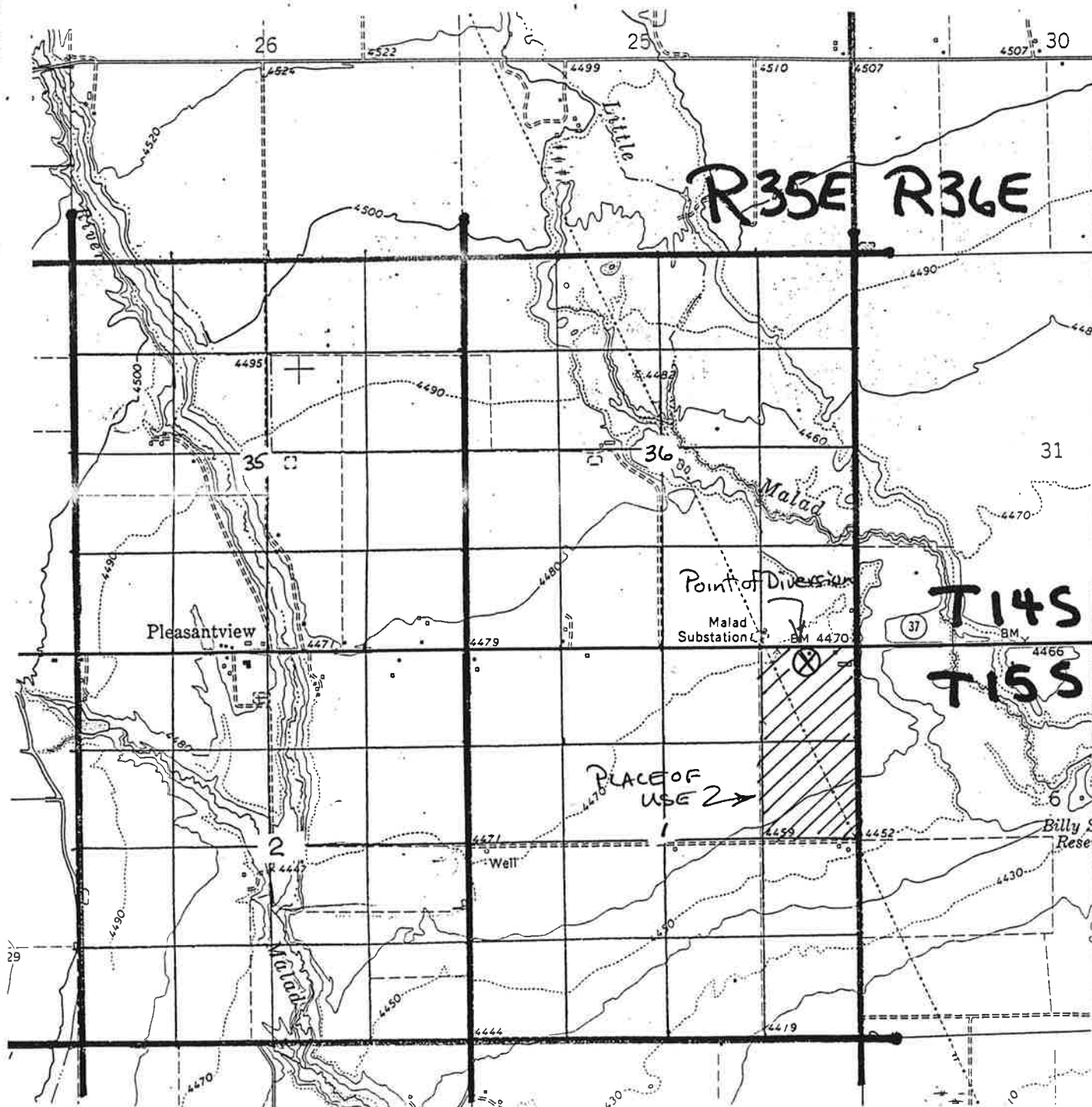
3. Lands irrigated or place of use:

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	
14S	35E	36									37	25		40					102

Total acres 102

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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.

Don W Tubbs
(Signature of Applicant)

Subscribed and sworn to before me this 20th day of July, 19 99.

[Signature]
(Notary Public)

My commission expires 10-2003

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$100^{xx}

Receipted by got Date 7-21-99

Published in Idaho Enterprise EOZS152

Pub. dates 8/5 & 8/12/99

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____