

T5562 CAVANESS

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5562
WATER RIGHT NO. 35-07991B

RECEIVED

MAR 13 2000

This is to certify that: **BEN CAVANESS**
895 FILLMORE
AMERICAN FALLS ID 83211

Department of Water Resources
Eastern Region

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	04/01 to 11/01	0.41 CFS	* 108.0 AF

SOURCE

GROUNDWATER

Priority: 07/02/1981

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 15, Township 09S, Range 28E
POWER 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>
09S	28E	15	NESW 16.0	NWSW 16.0	SWSW 40.0	
			SESW 40.0	SWSE 5.7		117.7
		22	NWNE 0.3	NENW 19.0	NWNW 17.0	36.3
Total number of acres irrigated:						* 154.0 **

CONDITIONS OF APPROVAL AND REMARKS

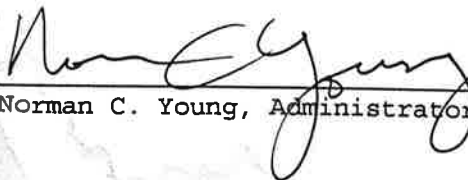
1. This right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
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.

TRANSFER NO. 5562
WATER RIGHT NO. 35-07991B

CONDITIONS OF APPROVAL AND REMARKS

5. 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.
- ** 6. Right 35-07991B is limited to the irrigation of 27.0 acres in the place of use described above in a single irrigation season.
- * 7. Rights 35-07991B and 35-07668 when combined shall not exceed a total annual maximum diversion volume of 616.0 af at the field headgate and the irrigation of 154.0 acres.
8. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 8th day of March, 2000.


Norman C. Young, Administrator

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5562

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant BEN CAVANESS Phone (208) 226-5201
Post Office address 895 Fillmore American Falls, Idaho 83211

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 I reduced the size of the field by 27 acres to delete U.S. Fish & Wildlife lands that were being farmed under a special use permit. The 27 acres from that 27 acres is being added to right 35-07668 which is short of water. The acres are not additive.

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>35-07491B</u>	<u>7/02/1981</u>	<u>0.41</u>	<u>Irrigation</u>	<u>4/01 to 11/01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.41 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
		SE	SW	15	9S	28E	Power	RECEIVED
								SEP 17 1999
								Department of Water Resources
								Eastern Region

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	
9S	28E	15									16	16	40	40			5.7		117.7
		22			0.3		19	17											36.3

* Land list for 35-07668

Total acres * 154

PART 1

6. General Information:

- a. Description of diversion system 100 hp motor to pivot & cone catcher
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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 pivot has been shortened by 2 towers & the pivot point has been re-located. The US Fish & Wildlife land previously irrigated is now dry & planted back to native grasses & forbs. The pump has been valued down & will be retrimmed.
- 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 _____

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.)

1. amount 0.41 cfs for Irrigation purposes from 4/01 to 11/01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SW	15	9S	28E	Power	

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	
9S	28E	16													8	11	3		22
		21	3.5	1.5															5

Total acres 27

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

1. amount 1.29 cfs for Irrigation purposes from 4/01 to 11/01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SW	15	9S	28E	Power	

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	
9S	28E	16													16	4	29	37	86

Total acres 86

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-07991

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	1.70 CFS	452.0 AF

SOURCE

GROUNDWATER

Priority: 07/02/1981

LOCATION OF POINT(S) OF DIVERSION: NWSWSW , Sec. 15, Township 09S, Range 28E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 28E 16	NESE 24	NWSE 15	SWSE 32	108
	SESE 37			5
21	NENE 3.5	NWNE 1.5		
		Total number of acres irrigated:		113

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

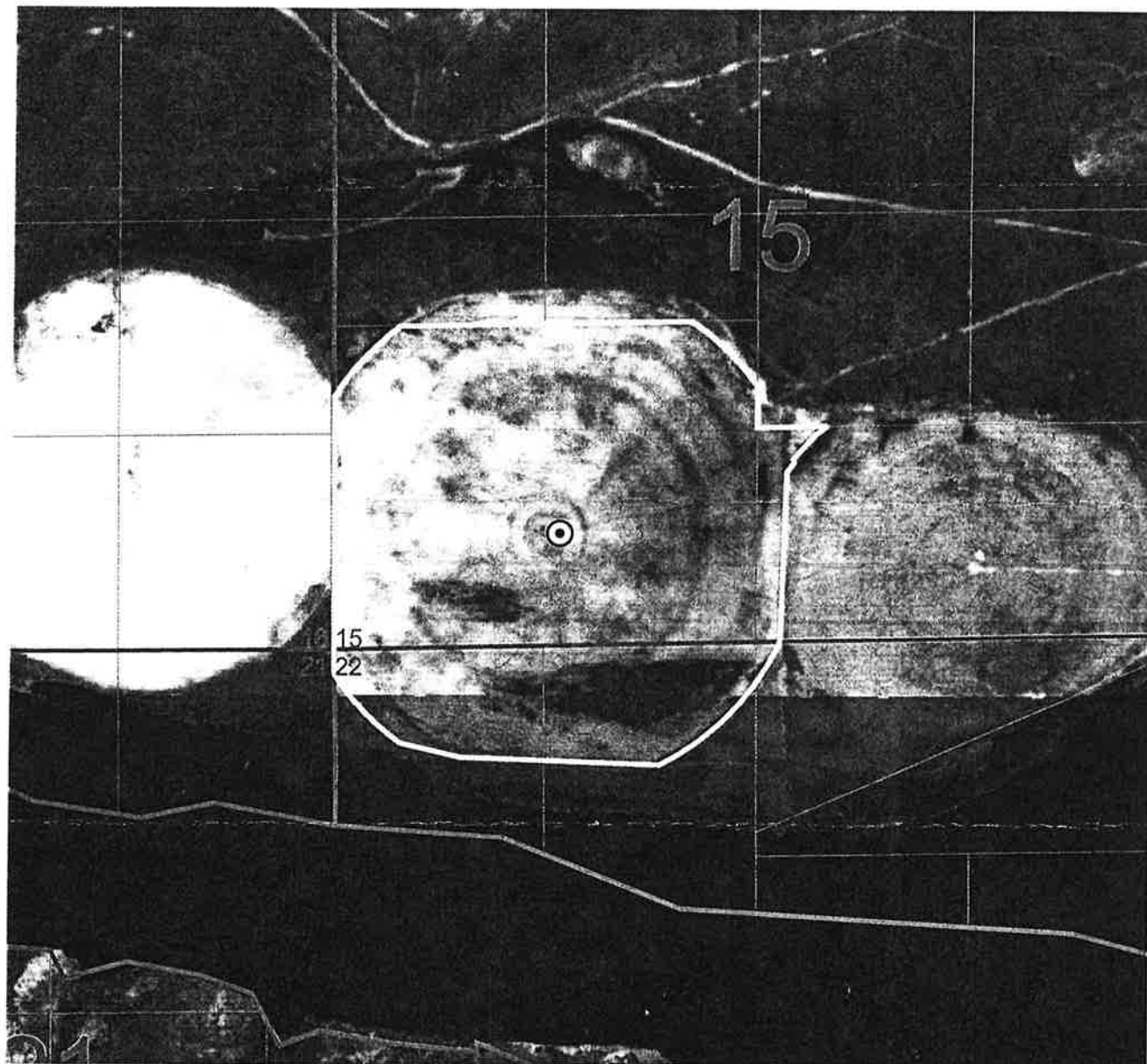
WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Water Right 35-07991B Proposed Place of Use



Township 9 South Range 28 East

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.

See attached map

PART 3

B. CHANGES IN NATURE OF USE

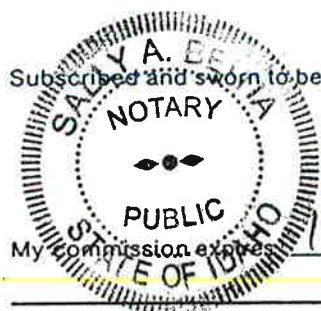
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

16th

day of

September, 19 99

Ben Carmer
(Signature of Applicant)

Sally A. Britia
(Notary Public)

10-01-2004

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachmentsReceived by HWT Date 9-17-99

Protest filed by _____

Prelim. check by _____ Fee 100⁰⁰Received by HWT #E025317 Date 9-17-99Published in Power County Press

Copies of protest forwarded by _____

Pub. dates 10/6 & 10/13/99

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____