

T5568 MEDICINE LODGE RANCH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern
RECEIVED

MAR 31 2000

Department of Water Resources
Eastern Region

TRANSFER OF WATER RIGHT

TRANSFER NO. 5568
WATER RIGHT NO(S) . 32-00009A/32-00010A/32-00011A
32-00012A/32-00013A

This is to certify that: **MEDICINE LODGE RANCH**
C/O STUART BREINHOLT
HC 61 BOX 1380
DUBOIS ID 83423

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. 32-00009A : IRRIGATION Priority: 02/01/1884	04/01 to 11/01	0.19 CFS	80.6 AF
Right No. 32-00010A : IRRIGATION Priority: 04/15/1884	04/01 to 11/01	0.29 CFS	123.1 AF
Right No. 32-00011A : IRRIGATION Priority: 05/01/1884	04/01 to 11/01	1.26 CFS	534.8 AF
Right No. 32-00012A : IRRIGATION Priority: 04/15/1885	04/01 to 11/01	3.62 CFS	928.9 AF
Right No. 32-00013A : IRRIGATION Priority: 11/01/1885	04/01 to 11/01	0.23 CFS	97.6 AF
TOTAL:		* 5.59 CFS	* 928.9 AF

SOURCE

MEDICINE LODGE CREEK

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 11N, Range 34E
SWNESE , Sec. 25, Township 11N, Range 34E
CLARK County

TRANSFER NO. 5568
 WATER RIGHT NO(S). 32-00009A/32-00010A/32-00011A
 32-00012A/32-00013A

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>
11N	34E	25	SESE 27			27
		36	NENE 1			1
35E	30	Lot 2 (SWNW)	38	SESW 38	39	
		Lot 3 (NWSW)	38	Lot 4 (SWSW) 38	30	221
	31	Lot 1 (NWNW)	20			20
Total number of acres irrigated:						* 269

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32C.
2. 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.
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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
- * 7. Rights 32-00009A, 32-00010A, 32-00011A, 32-00012A and 32-00013A when combined shall not exceed a total diversion rate of 5.59 cfs from all points of diversion, a total annual maximum diversion volume of 928.9 af at the field headgate, and the irrigation of 265.4 acres.
8. Two points of diversion are located within NENW, S25, T11N, R34E.
9. Rights 32-02000A and 32-02056A are also diverted through the points of diversion described above.

Dated this 28th day of March, 2000.


 Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant MEDICINE LODGE RANCH c/o Stuart Breinholt (manager) Phone 208-374-5775Post Office address HC 61 Box 1380 Dubois, ID

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 have purchased the rights listed below and I'm concentrating them on the portion of the original land lot that I purchased. Rights 32-02000A + 32-02050A will stay with the remainder of the ranch owned by the Shiffletts.

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

- | 1. Right Number | Priority | Amount
(cfs/acre-ft) | Nature
of Use | Period of Use |
|-----------------|------------|-------------------------|------------------|---------------|
| R32-0009A | 2/01/1884 | 0.19 cfs | Irrigation | 4/01 to 11/01 |
| R32-00010A | 4/15/1884 | 0.29 cfs | Irrigation | 4/01 to 11/01 |
| R32-00011A | 5/01/1884 | 1.26 cfs | " " | " to " |
| R32-00012A | 4/15/1885 | 3.62 cfs | " " | " to " |
| R32-00013A | 11/01/1885 | 0.23 cfs | " " | " to " |
2. Total amount of water being transferred 5.59 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Medicine Lodge Creek tributary to Sinks
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	25	11N	34E	Clark	
		NE	NW	"	"	"	"	

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	
11N	34E	25																27	27
		36	1																1
									L-2			L-3	L-4						
	35E	30							38	38	39	38	38	30					221
		31						20											20
								L-1											

* Limited to 265.4 acs
 as per sales contract - *Jeff*

* Total acres 269

PART 1

6. General Information:

a. Description of diversion system

Pump in creek to sprinkler lines + ditch
+ flooding on lower piece

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 Shifflett will irrigate their piece with licenses
32-02000A + 32-02056A.

d. Remarks:

A companion transfer will be filed to concentrate rights 32-02000A
+ 32-02056A on the Shifflett acreage

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. R32-00009A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	0.19 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MEDICINE LODGE CREEK	SINKS

Priority: 02/01/1884

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 11N, Range 34E
 SWNESE , Sec. 25, Township 11N, Range 34E
 CLARK 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>
11N	34E	25	SENE 9	NESE 38	NWSE 31	
			SWSE 34	SESE 38		150
		36	NENE 40	NWNE 30		70
35E	30	Lot 2 (SWNW)	38	SENE 38	NESW 39	
		Lot 3 (NWSW)	38	Lot 4 (SWSW)	SESW 30	221
		31 Lot 1 (NWNW)	35			35
Total number of acres irrigated:						476

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. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.91 CFS. COMBINED RIGHT NOS.: 32-00010A, 32-00011A, 32-00012A, 32-00013A, 32-02000A, 32-02056A
4. TWO POINTS OF DIVERSION LOCATED IN T11N, R34E, S25, NENW.
5. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 476 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00010A, 32-00011A, 32-00012A, 32-00013A, 32-02000A, 32-02056A

PART 2

TRANS NO. 5568

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R32-00010A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	0.29 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MEDICINE LODGE CREEK	SINKS

Priority: 04/15/1884

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 11N, Range 34E
 SWNESE , Sec. 25, Township 11N, Range 34E
 CLARK 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>
11N	34E	25	SENE	9	NESE	38	NWSE	31	
			SWSE	34	SESE	38			150
		36	NENE	40	NWNE	30			70
35E	30	Lot 2 (SWNW)	38	SENE	38	NESW	39		
		Lot 3 (NWSW)	38	Lot 4 (SWSW)	38	SESW	30		221
		31 Lot 1 (NWNW)	35						35
				Total number of acres irrigated:					476

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.
- THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.91 CFS. COMBINED RIGHT NOS.: 32-00009A, 32-00011A, 32-00012A, 32-00013A, 32-02000A, 32-02056A
- TWO POINTS OF DIVERSION LOCATED IN T11N, R34E, S25, NENW.
- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 476 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00009A, 32-00011A, 32-00012A, 32-00013A, 32-02000A, 32-02056A

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R32-00011A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	1.26 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MEDICINE LODGE CREEK	SINKS

Priority: 05/01/1884

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 11N, Range 34E
SWNESE , Sec. 25, Township 11N, Range 34E
CLARK 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>
11N	34E	25		SENE 9		NESE 38		NWSE 31	
				SWSE 34		SESE 38			150
		36		NENE 40		NWNE 30			70
	35E	30	Lot 2 (SOWN)	38		SENW 38		NESW 39	
			Lot 3 (NWSW)	38	Lot 4 (SWSW)	38		SESW 30	221
		31	Lot 1 (NWNW)	35					35
					Total number of acres irrigated:				476

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. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.91 CFS. COMBINED RIGHT NOS.: 32-00009A, 32-00010A, 32-00012A, 32-00013A, 32-02000A, 32-02056A
4. TWO POINTS OF DIVERSION LOCATED IN T11N, R34E, S25, NENW.
5. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 476 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00009A, 32-00010A, 32-00012A, 32-00013A, 32-02000A, 32-02056A

PART 2

TRANS NO. 5508

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R32-00012A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	3.62 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MEDICINE LODGE CREEK	SINKS

Priority: 04/15/1885

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 11N, Range 34E
 SWNESE , Sec. 25, Township 11N, Range 34E
 CLARK 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>
11N	34E	25	SENE 9	NESE 38	NWSE 31	
			SWSE 34	SESE 38		150
		36	NENE 40	NWNE 30		70
35E	30	Lot 2 (SWNW)	38	SENE 38	NESW 39	
		Lot 3 (NWSW)	38	Lot 4 (SWSW) 38	SESW 30	221
		31 Lot 1 (NWNW)	35			35
				Total number of acres irrigated:		476

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.
- THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS.
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- TWO POINTS OF DIVERSION LOCATED IN T11N, R34E, S25, NENW.
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PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. R32-00013A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	0.23 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MEDICINE LODGE CREEK	SINKS

Priority: 11/01/1885

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 11N, Range 34E
 SWNESE , Sec. 25, Township 11N, Range 34E
 CLARK County

PLACE OF USE: IRRIGATION

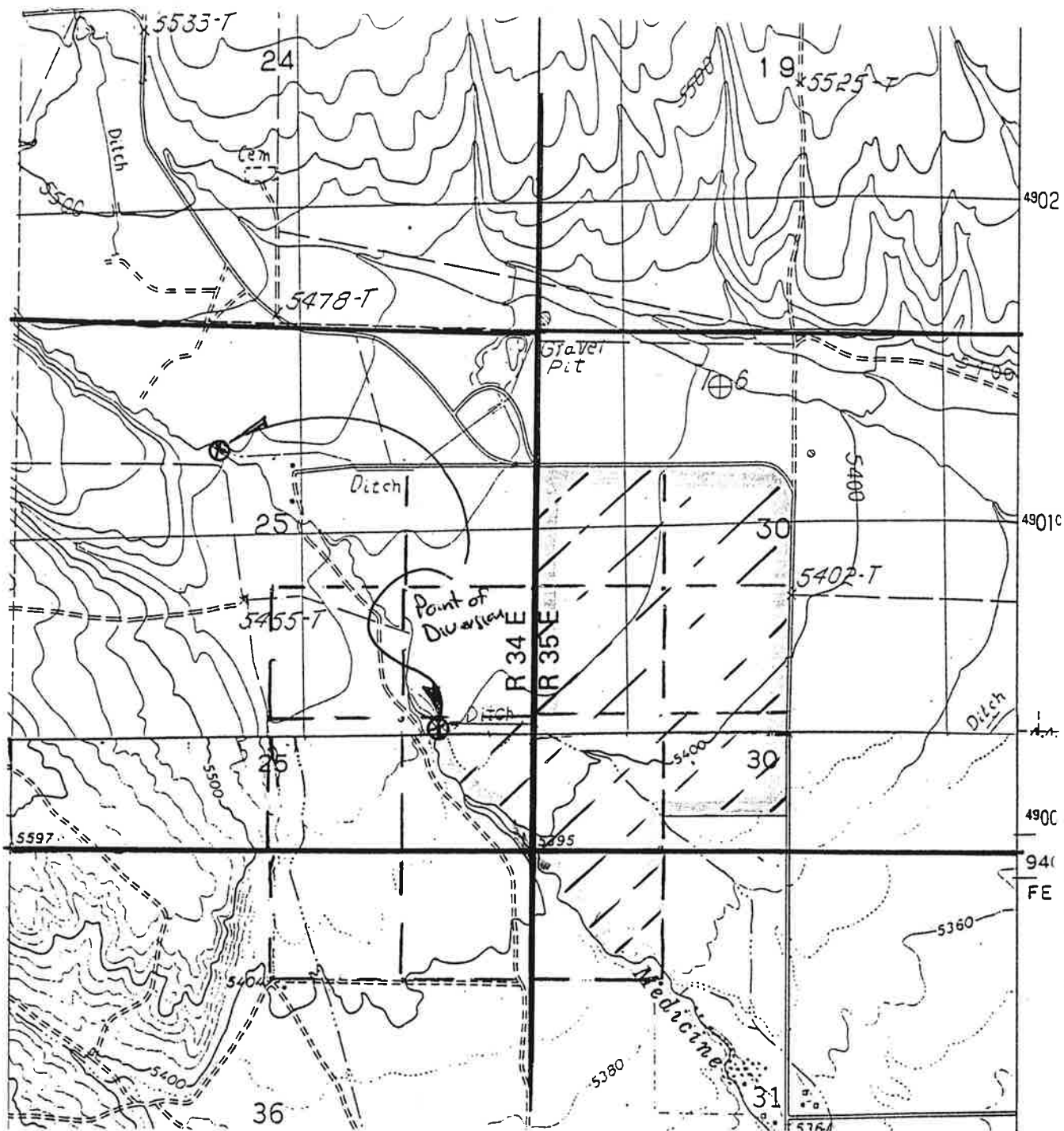
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
11N	34E	25	SENE	9	NESE	38	NWSE	31	
			SWSE	34	SESE	38			150
		36	NENE	40	NWNE	30			70
35E	30	Lot 2	(SNNW)	38	SENE	38	NESW	39	
		Lot 3	(NNSW)	38	Lot 4	(SWSW)	38	SESW	30
		31	Lot 1	(NNSW)	35				35
Total number of acres irrigated:									476

CONDITIONS/REMARKS:

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2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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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:

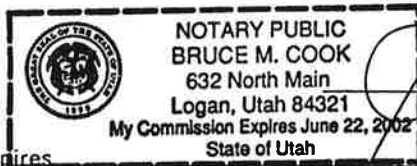
3. Describe effects on other water uses resulting from the proposed change:

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.

E Marlone Goble
(Signature of Applicant)

Subscribed and sworn to before me this 4th day of October, 19 99.



Bruce M. Cook
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and _____ attachmentsReceived by HWT Date 10-6-99

Protest filed by _____

Prelim. check by Kaw Fee \$100.00Receipted by HWT #E025361 Date 10-6-99Published in Post Register

Copies of protest forwarded by _____

Pub. dates 10/21 & 10/28/99

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____