

T5646 MILLER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5646
WATER RIGHT NO(S). 35-00028/35-00029

RECEIVED
MAR 29 2000

This is to certify that: JOHN L MILLER
PO BOX 2260
NAPA CA 94558

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>
Right No. 35-00028 :			
Priority: 05/01/1888			
IRRIGATION	04/01 to 10/31	0.70 CFS	248.8 AF
RECREATION	04/01 to 10/31	0.50 CFS	175.2 AF
RECREATION STORAGE	01/01 to 12/31		175.2 AF
SUBTOTAL:		1.20 CFS	424.0 AF
Right No. 35-00029 :			
Priority: 05/01/1897			
IRRIGATION	04/01 to 10/31	0.23 CFS	97.2 AF
RECREATION	04/01 to 10/31	0.17 CFS	71.8 AF
RECREATION STORAGE	01/01 to 12/31		71.8 AF
SUBTOTAL:		0.40 CFS	169.0 AF
TOTAL:		1.60 CFS	* 424.0 AF

SOURCE

UNNAMED STREAM

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWSESW , Sec. 24, Township 04S, Range 32E
BINGHAM 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>
04S	32E	25	NWNW 13.8	SWNW 20.0		33.8
		26	SWNE 12.0	SENE 16.4		28.4
Total number of acres irrigated:						* 62.2

TRANSFER NO. 5646
WATER RIGHT NO(S) . 35-00028/35-00029

PLACE OF USE: RECREATION

TWN RGE SEC

04S 32E	24	NWSW		
	25	NWNW		
	26	NENE	SWNE	SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
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.
- * 5. Rights 35-00028 and 35-00029 when combined shall not exceed a total annual maximum diversion volume of 248.8 af at the field headgate for the irrigation of 62.2 acres, and a total annual maximum diversion volume of 175.2 af for recreation and storage uses.
6. The storage of water under Rights 35-00028 and 35-00029 is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
7. The first year that water is diverted to recreation storage use, the irrigation use under Rights 35-00028 and 35-00029 shall be limited to 50.7 acres, 0.57 cfs and 202.8 afa.
8. The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 175.2 af associated with the 43.8 acres no longer irrigated.
9. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
10. Source known locally as Boone Creek.

Dated this 24th day of March, 2000


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5646

RECEIVED

JAN 27 2000

Phone _____ Department of Water Resources
Eastern Region

Post Office address P. O. BOX 2260 NAPA, CA 94558

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 INCREASING SIZE OF THREE PONDS AND NEED TO DRY UP 43.8 ACRES TO ALLOW FOR THE TOTAL POND SURFACE INCREASE OF 43.8 ACRES EVAPORATION LOSS

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>35-00028</u>	<u>05/05/1888</u>	<u>0.50 CFS</u>	<u>REC/STORAGE</u>	<u>01/01</u>	<u>to 12/31</u>
<u>35-00029</u>	<u>05/01/1987</u>	<u>0.17 CFS</u>	<u>REC/STORAGE</u>	<u>01/01</u>	<u>to 12/31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>to </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>to </u>

3. Source of water UNNAMED STREAM tributary to SNAKE RIVER

[illegible][illegible]

PART 1

6. General Information:

a. Description of diversion system WATER NATURALLY FLOWS THROUGH PONDS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO 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:

43.8 ACRES OF IRRIGATED LAND WILL BE DRIED UP

d. Remarks:

POND #1 SURFACE INCREASE BY 13.2 ACRES; POND #2 SURFACE INCREASE BY 26.1 ACRES; POND #3 SURFACE INCREASE BY 4.5 ACRES. THE TOTAL OF 43.8 ACRES INCREASE, WILL BE SAME AS NUMBER OF ACRES UNDER IRRIGATION DRIED UP. USE CHANGED TO COVER EVAPORATION LOSS ON PONDS.

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 35-00028 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 box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water UNNAMED STREAM tributary to SNAKE RIVER

4. Date or priority 05/01/1888

5. Water is used for the following purpose:

amount 1.20 CFS for IRRIGATION purposes from 04/01 to 10/31
(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 right 1.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SW	24	04S	32E	BINGHAM	

8. 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	
04S	32E	25						19	20										39
		26	09		22	36													67

Total acres 106

9. Describe any other water rights used for the same purpose as described above _____

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 0.50 CFS for IRRIGATION purposes from 04/01 to 10/31
 (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
	SW	SE	SW	24	04S	32E	BINGHAM	

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	
04S	32E	25						5.2											5.2
		26	09		10	19.6													38.6

Total acres 43.8

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

1. amount 0.70 CFS for IRRIGATION purposes from 04/01 to 10/31
 (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
	SE	SE	SW	24	04S	32E	BINGHAM	

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	
04S	32E	25						13.8	20										33.8
		26			12	16.4													28.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 35-00029 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 box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water UNNAMED STREAM tributary to SNAKE RIVER

4. Date or priority 05/01/1897

5. Water is used for the following purpose:

amount 0.40 CFS for IRRIGATION purposes from 04/01 to 10/31
(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 right 0.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SW	24	04S	32E	BINGHAM	

8. 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	
04S	32E	25						19	20										39
		26	09		22	36													67

Total acres 106

9. Describe any other water rights used for the _____

[illegible]

BIRD HAVEN

UNION

Well

T# Well 5646

NEW POU

Across To Dry Up

T 45

C	A	N
---	---	---

F	A	L	L	S
-----	-----	-----	-----	-----

T 5646

R32E

McTucker

McTucker

SNAKE
INDIAN

BINGHAM	CO
BANNOCK	CO

15646

page 7 of 8

* Mile
735

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	REC/STORAGE	0.67 CFS	CONTINUOUS	01/01 to 12/31
				to

2. Quantity and quality of return flows and location of discharge:
N/A

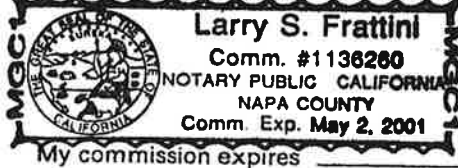
3. Describe effects on other water uses resulting from the proposed change:
NONE

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.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of JANUARY, 19 2000



[Signature]
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 7 attachments

Received by HwJ Date 1-27-2000 Protest filed by _____

Prelim. check by KGV Fee \$100.00

Receipted by HwJ # E025573 Date 1-27-2000

Published in Morning News Copies of protest forwarded by _____

Pub. dates Feb 10 & 17, 2000 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____