

T5628 BLM

Eastern

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5628  
WATER RIGHT NO. 33-07095

RECEIVED

MAR 24 2000

Department of Water Resources  
Eastern Region

This is to certify that: US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
1405 HOLLIPARK DR  
IDAHO FALLS ID 83401

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> |
|-----------------------|----------------------|-----------------------|----------------------|
| STOCKWATER            | 05/01 to 11/15       | 0.02 CFS              | 0.9 AF               |
| WILDLIFE              | 05/01 to 11/15       | 0.01 CFS              | 0.9 AF               |
| Totals                |                      | 0.03 CFS              | 0.9 AF               |

SOURCE

FOWLER SPRING

TRIBUTARY OF

BIG SPRING CREEK

Priority: 03/31/1981

LOCATION OF POINT(S) OF DIVERSION:

NESESE , Sec. 32, Township 09N, Range 28E  
BUTTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

|         |    |      |      |
|---------|----|------|------|
| 08N 27E | 1  | SWNE | SENE |
| 28E     | 6  | SWNE | SWSE |
|         | 18 | NWNW |      |

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

TRANSFER NO. 5628  
WATER RIGHT NO. 33-07095

CONDITIONS OF APPROVAL AND REMARKS

3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
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.
6. 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.
7. BLM record ID for this project is #3303488028.

Dated this 17<sup>th</sup> day of March, 2000.

  
Chief, Water Allocation Bureau

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant U.S.D.I., Bureau of Land Management Phone 208-524-7500  
Post Office address 1405 Hollipark Drive, Idaho Falls, ID 83401

**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 GPS data collected on 7/1/1997 indicates that some of the locations originally claimed were erroneous. Some places of use were omitted from the original permit application.

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

| 1. Right Number | Priority  | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use |
|-----------------|-----------|-----------------------|------------------|---------------|
| 33-07095        | 3/31/1981 | 0.02 cfs/0.9 ac-ft    | Stockwater       | 0501 to 1115  |
|                 |           | 0.01 cfs/0.9 ac-ft    | Wildlife         | 0501 to 1115  |
|                 |           |                       |                  | to            |
|                 |           |                       |                  | to            |

2. Total amount of water being transferred 0.03 cubic feet per second and/or 0.9 acre-feet per annum.

3. Source of water Fowler Spring tributary to Big Spring Creek

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system Headbox ; pipeline to five troughs

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:  
N/A

d. Remarks:  
This water right has been filed in the Snake River Basin Adjudication.

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. 5628

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R33-07095

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| STOCKWATER            | 05/01 to 11/15       | 0.02 CFS              | 0.9 AF               |
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|                       | Totals               | 0.03 CFS              | 0.9 AF               |

SOURCE

FOWLER SPRING

TRIBUTARY OF

BIG SPRING CREEK

Priority: 03/31/1981

LOCATION OF POINT(S) OF DIVERSION:NESESE , Sec. 32, Township 09N, Range 28E  
BUTTE CountyPLACE OF USE:

## STOCKWATER

|     |     |    |   | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE |    |    |    |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |   |
|-----|-----|----|---|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|---|
|     |     |    |   | NENE | NWNE | SWNE | SENE |    |    |    |    | NENW | NWNW | SWNW | SENW |    |    |    |    | NESW | NWSW | SWSW | SESW |    |    |    |    | NESE | NWSE | SWSE | SESE |    |    |    |   |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt | Ac | Lt | Ac   | :    | Lt   | Ac   | Lt | Ac | Lt | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt | Ac | : |
| 08N | 27E | 1  | : |      |      |      |      |    |    |    |    | :    |      |      |      | S  |    |    |    |      | :    |      |      |    |    |    |    | :    |      |      |      |    |    |    | : |
| 08N | 28E | 6  | : |      |      |      |      |    |    |    |    | :    |      |      |      |    |    |    |    |      | :    |      |      |    |    |    |    | :    |      |      |      | S  |    |    | : |
| 08N | 28E | 18 | : |      |      |      |      |    |    |    |    | :    |      |      | S    |    |    |    |    |      | :    |      |      |    |    |    |    | :    |      |      |      |    |    |    | : |

## WILDLIFE

|     |     |    |   | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE |    |    |    |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |   |
|-----|-----|----|---|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|---|
|     |     |    |   | NENE | NWNE | SWNE | SENE |    |    |    |    | NENW | NWNW | SWNW | SENW |    |    |    |    | NESW | NWSW | SWSW | SESW |    |    |    |    | NESE | NWSE | SWSE | SESE |    |    |    |   |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt | Ac | Lt | Ac   | :    | Lt   | Ac   | Lt | Ac | Lt | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt | Ac | : |
| 08N | 27E | 1  | : |      |      |      |      |    |    |    |    | :    |      |      |      | W  |    |    |    |      | :    |      |      |    |    |    |    | :    |      |      |      |    |    |    | : |
| 08N | 28E | 6  | : |      |      |      |      |    |    |    |    | :    |      |      |      |    |    |    |    |      | :    |      |      |    |    |    |    | :    |      |      |      | W  |    |    | : |
| 08N | 28E | 18 | : |      |      |      |      |    |    |    |    | :    |      |      | W    |    |    |    |    |      | :    |      |      |    |    |    |    | :    |      |      |      |    |    |    | : |

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
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 AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Claim No. R33-07095

CONDITIONS/REMARKS:

4. THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF  
WATER DISTRICT 33
4. BLM RECORD ID = 3303488028  
FOREST SERVICE RECORD ID = 040617040217 50002 0  
322 RANGE CATTLE, 200 ANTELOPE, 40 DEER, SAGE GROUSE

Describe any other water rights used for the same purpose as described above:

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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:

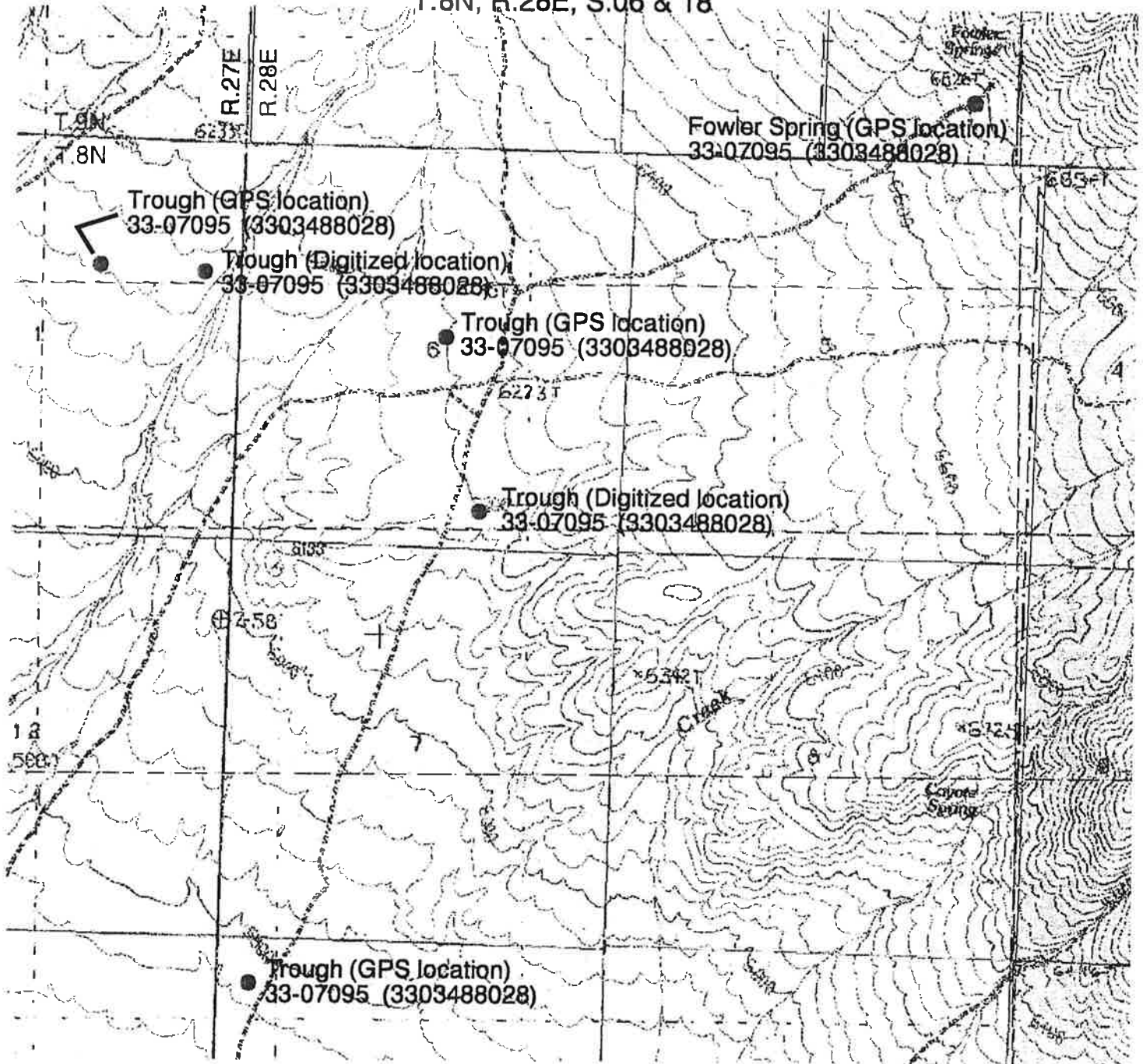
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Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice      ☐ Warranty Deed      ☐ Other \_\_\_\_\_

BLM Claim Filed in the SRBA  
 Fowler Spring 33-07095 (3303488028)  
 T.9N, R.28E, S.32  
 T.8N, R.27E, S.01  
 T.8N, R.28E, S.06 & 18



Badger Creek Quad

1:24,000 Scale



- Final pt33
- East-id.srf
- BLM
- Bureau of Indian Affairs
- Department of Energy
- Forest Service
- Military Reservations
- National Parks & Monuments
- Open water
- Private
- State of Idaho
- U.S. Fish & Wildlife Service



PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.  
 Projection Universal Transverse Mercator  
 Zone 12, 1927 North American Datum  
 No warranty is made by the Bureau of Land Management  
 as to the accuracy, reliability, or completeness of this data  
 for individual use or aggregate use with other data.  
 Prepared by Deena Teel on 8/31/1999 from heads-up  
 digitizing and from GPS data collected on 7/1/1997.

Protraction Dec. on H. #2 approved 1/22/1965

BUTTE COUNTY 023

890 2 page

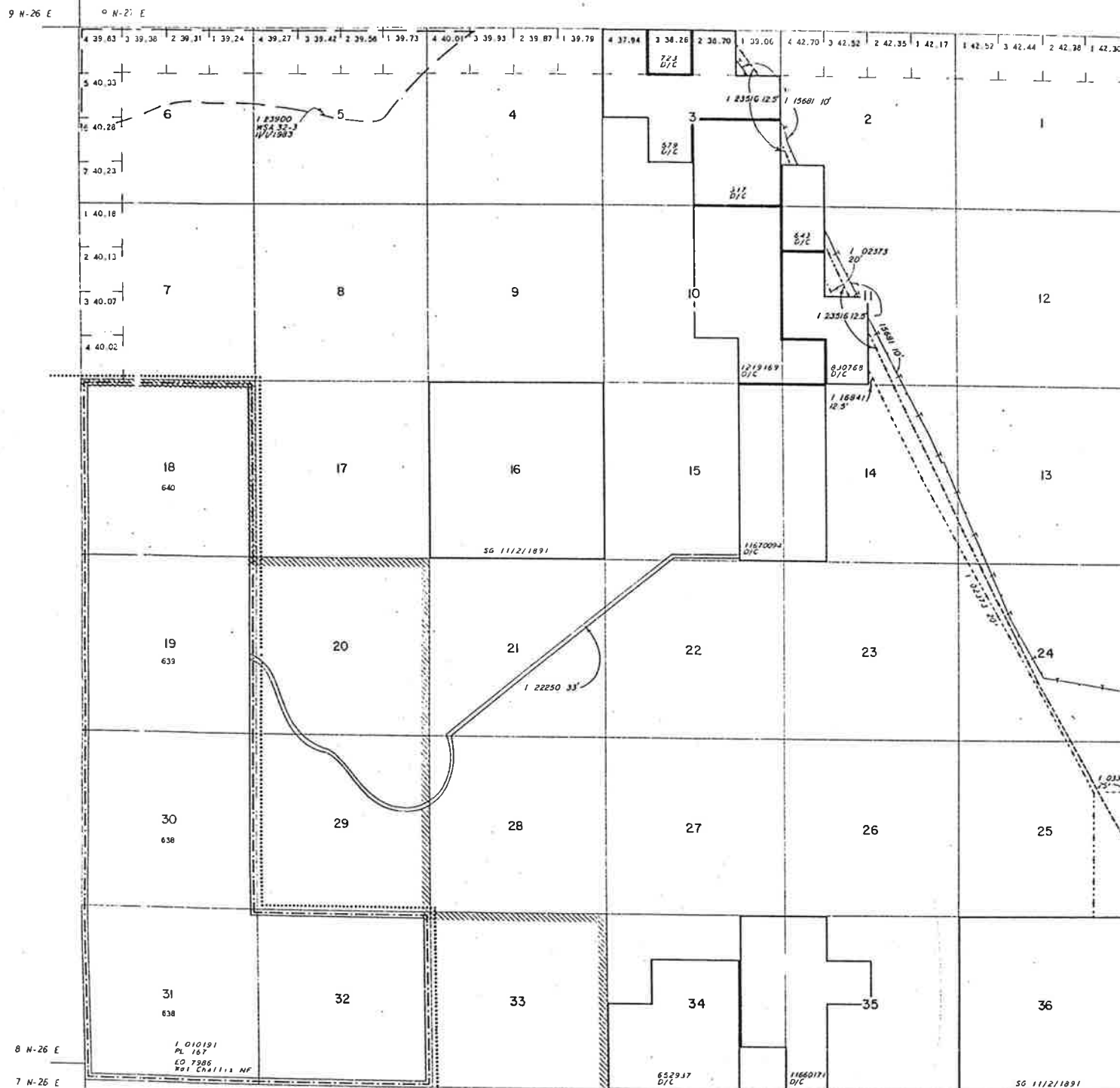
= BLM ownership

75628

\_\_\_\_\_

|            |            |
|------------|------------|
| CURRENT TO | CURRENT TO |
|            |            |
|            |            |

USE PLATS:

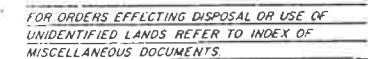


BUTTE COUNTY 023

MT PLAT

1 010191 Det PL 167 (Act of Cong 7/23/1955)  
completed 2/24/1961. All NF surface light by USFS

Page 1 of 8



= BLM own. lip

T56.28

## PART 3

## 8. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(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.

Joe Kraaymil  
(Signature of Applicant)

Subscribed and sworn to before me this 5<sup>th</sup> day of January, 2000.

Dorinda D. Hoffer  
(Notary Public)

My commission expires 11-25-2002

## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and \_\_\_\_\_ attachments

Received by HWT Date 1-6-2000

Protest filed by \_\_\_\_\_

Prelim. check by HWT Fee \$100.00

Receipted by HWT #E025541 Date 1-6-2000

Published in Arco Advertiser

Copies of protest forwarded by \_\_\_\_\_

Pub. dates 1-20 & 1-27-2000

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_

Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_