

**T5806 HEINZ**

Eastern

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5806  
WATER RIGHT NO(S). 74-00265/74-02319

**RECEIVED**

**OCT 10 2000**

Department of Water Resources  
Eastern Region

This is to certify that: **BEVERLY K HEINZ TRUST**  
**5529 COTTONWOOD CLUB DR**  
**SALT LAKE CITY UT 84117**

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. 74-00265 :  |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 1.50 CFS              | 248.5 AF             |
| Priority: 05/30/1903  |                      |                       |                      |
| Right No. 74-02319 :  |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 0.63 CFS              | 248.5 AF             |
| Priority: 10/29/1956  |                      |                       |                      |
|                       | <b>TOTAL:</b>        | <b>2.13 CFS</b>       | <b>248.5 AF *</b>    |

SOURCE

TRIBUTARY OF

\*\* BASIN CREEK

HAYDEN CREEK

LOCATION OF POINT(S) OF DIVERSION:

NESWNE , Sec. 4, Township 17N, Range 23E  
LEMHI 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> |
|------------|------------|------------|-------------------|----------------------------------|--------------|--------------|
| 17N        | 23E        | 4          | Lot 1 (NENE) 24.5 | Lot 2 (NWNE) 25.0                | SWNE 5.3     |              |
|            |            |            | SENE 16.2         |                                  |              | 71.0         |
|            |            |            |                   | Total number of acres irrigated: |              | 71.0 *       |

CONDITIONS OF APPROVAL AND REMARKS

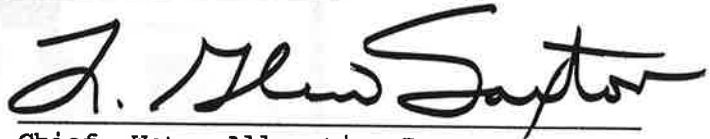
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5806  
WATER RIGHT NO(S). 74-00265/74-02319

CONDITIONS OF APPROVAL AND REMARKS

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. 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. Prior to diversion of water under this approval and Right 74-00265, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Mc Nutt Creek at the original point of diversion and at the point of diversion from Basin Creek.
- \*\* 7. Diversion of water from Basin Creek under Right 74-00265 is limited to those times water is available for diversion under this right and priority from the original source, Mc Nutt Creek.
- \* 8. Rights 74-00265 and 74-02319 when combined shall not exceed a total annual maximum diversion volume of 248.5 af at the field headgate and the irrigation of 71.0 acres.

Dated this 29<sup>th</sup> day of September, 2000.



Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 5806~~\$510~~  
\$ 330APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant **Beverly Kirkham Heinz**

Phone (801) 277-5279

Post Office address **5529 Cottonwood Club Drive, Salt Lake City, Utah 84117**

## 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. **Applicant wishes to move diversion from ditches with no headworks to pump in Basin Creek. Present ditch system does not allow for watermaster control and existing ditches are difficult to maintain and have high transmission loss. New system would include half pivot and handlines for sprinkler irrigation.**

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

| <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|---------------------|-----------------|---------------------------|----------------------|----------------------|
| 74-00265            | 05/30/1903      | 1.50 cfs                  | Irrigation           | 03/15 to 11/15       |
| 74-02319            | 10/29/1956      | 0.63 cfs                  | Irrigation           | 03/15 to 11/15       |
| _____               | _____           | _____                     | _____                | _____ to _____       |
| _____               | _____           | _____                     | _____                | _____ to _____       |

2. Total amount of water being transferred **2.13** cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water **Basin Creek** tributary to ~~Hawley Creek~~  
**Hayden**

4. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|----|----|----|-----|-----|-----|--------|--------------------------|
|     | NE | SW | NE | 04  | 17N | 23E | Lemhi  |                          |
|     |    |    |    |     |     |     |        |                          |
|     |    |    |    |     |     |     |        |                          |
|     |    |    |    |     |     |     |        |                          |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |     |      | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|-----|------|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW  | SE   | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 17N | 23E | 04  | 24.5 | 25 | 5.3 | 16.2 |      |    |    |    |      |    |    |    |      |    |    |    | 71     |
|     |     |     | L1   | L2 |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |     |      |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres

71

**PART 1**

6. General Information:

a. Description of diversion system **Pump in Basin Creek to pipelines for sprinkler irrigation.**

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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:

**None. Change in place of use merely reflects actual use.**

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d. Remarks:

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**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And the said application is hereby \_\_\_\_\_, subject to the following conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
For the Director

**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 74-00265

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 to 11/15       | 1.50 CFS                  |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| MC NUTT CREEK | basin creek         |

Priority: 05/30/1903

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 33, Township 18N, Range 23E  
SESW , Sec. 33, Township 18N, Range 23E  
LEMHI County

**PLACE OF USE:**

## IRRIGATION

|     |     |   |   | 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          | :    | SUM |
| 17N | 23E | 4 | : | 01-25 | 02-27 | 05   | 15   | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :           | 72.0 |     |
|     |     |   |   |       |       |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES | 72.0 |     |

CONDITIONS/REMARKS:

1. AC. IRR.=71.

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

74-02319

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:

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

## PART 2

TRANS NO. 5806

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-02319

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.63 CFS              |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| BASIN CREEK   | HAYDEN CREEK        |

Priority: 10/29/1956

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 33, Township 18N, Range 23E  
SESW , Sec. 33, Township 18N, Range 23E  
SHOSHONE CountyPLACE OF USE:

IRRIGATION

|     |     |   |   | NE    |       |      |      | NW |      |      |      | SW   |    |      |      | SE   |      |    |      |      |      |      |             |      |   |
|-----|-----|---|---|-------|-------|------|------|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|-------------|------|---|
|     |     |   |   | NENE  | NWNE  | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | :  | NESW | NWSW | SWSW | SESW | :  | NESE | NWSE | SWSE | SESE | :           | SUM  |   |
| T   | R   | S | : | Lt    | Ac    | Lt   | Ac   | Lt | Ac   | Lt   | Ac   | Lt   | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt   | Ac   | Lt   | Ac   | Lt          | Ac   | : |
| 17N | 23E | 4 | : | 01-25 | 02-27 | 05   | 15   | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      |             | :    |   |
|     |     |   |   |       |       |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      |             | 72.0 |   |
|     |     |   |   |       |       |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES | 72.0 |   |

CONDITIONS/REMARKS:

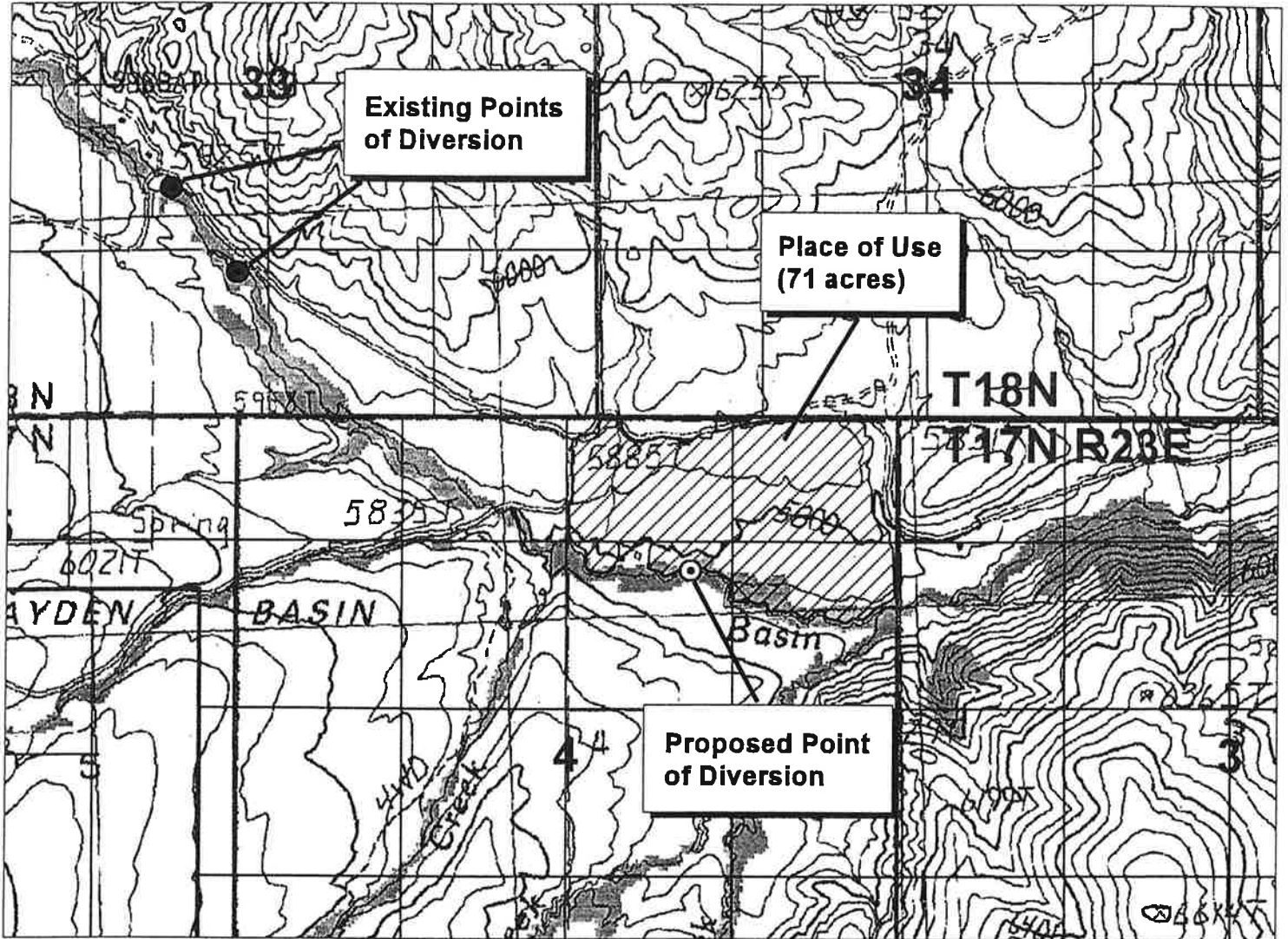
1. AC. IRR.=71.

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

74-00265To 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:

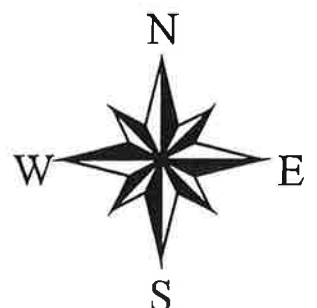
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

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



- Existing Points of Diversion
- ⊙ Proposed Point of Diversion
- ▨ Place of Use

**Transfer -- Kirkham**  
**74-00265, 74-02319**



## PART 3

## B. CHANGES IN NATURE OF USE

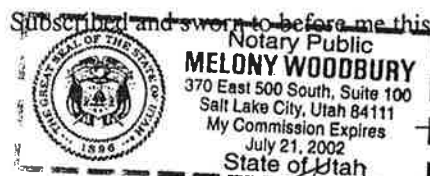
1. 

| <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____                    | _____                    | _____                  | _____ 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.

Beverly K. Seemig  
 (Signature of Applicant)



27th day of July, 2000

Melony Woodbury  
 (Notary Public)

My commission expires July 21, 2002

## FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 10 attachments

Received by \_\_\_\_\_ Date 7-31-00 Protest filed by \_\_\_\_\_

Prelim. Check by \_\_\_\_\_ Fee \$330

Receipted by gc #E026028 Date 7/31/00

Published in RECORDER HERALD Copies of protest forwarded by \_\_\_\_\_

Pub. Dates Aug 10 & 17, 2000 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

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