

T5785 PERKES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5785
WATER RIGHT NO(S). 34-00509B/34-00510B

RECEIVED

OCT 26 2000

Department of Water Resources
Eastern District Office

This is to certify that: **MARSHAL TODD PERKES**
RT 1 BOX 69
MOORE ID 83225

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. 34-00509B :			
IRRIGATION	05/01 to 10/15	0.68 CFS	288.6 AF
Priority: 06/01/1886			
Right No. 34-00510B :			
IRRIGATION	05/01 to 10/15	0.66 CFS	280.1 AF
Priority: 06/01/1902			
TOTAL:		* 1.34 CFS	402.5 AF *

SOURCE
BIG LOST RIVER

TRIBUTARY OF
SINKS

LOCATION OF POINT(S) OF DIVERSION:

SWSWNE , Sec. 9, Township 04N, Range 26E
NWSESE , Sec. 4, Township 05N, Range 26E
BUTTE 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>
04N	26E	16	NENE 37	NWNE 39	SENE 39	115
Total number of acres irrigated:						115 *

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. 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.
3. 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. 5785
WATER RIGHT NO(S). 34-00509B/34-00510B

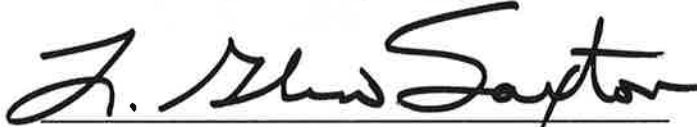
CONDITIONS OF APPROVAL AND REMARKS

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. 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.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5785 shall not exceed 1.34 cfs, nor a total combined annual volume of 402.5 af at the field headgate.
- * 8. Rights 34-00509B, 34-00510B and 34-10369 when combined shall not exceed a total diversion rate of 2.70 cfs, a total annual maximum diversion volume of 402.5 af at the field headgate, and the irrigation of 115.0 acres.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. Approval of Transfer 5785 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 23 day of

October

, 2000.



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5785APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant **Marshal Todd Perkes**

Phone (208) 527-3157

Post Office address **Route 1, Box 69, Moore, Idaho 83225**

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 _____

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JUN 28 2000
Department of Water Resources
Eastern Region

2. Describe the reason for the proposed changes. **Applicant wishes to add the Nichols Diversion as a point of diversion for their existing ditch system.**

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
34-00509 ~~A~~ B	06/01/1886	0.68 cfs	Irrigation	05/01 to 10/15
34-00510 ~~A~~ B	06/01/1902	0.66 cfs	Irrigation	05/01 to 10/15
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred **1.34** cubic feet per second and/or _____ acre-feet per annum.

3. Source of water **Big Lost River** tributary to **Sinks**

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NW	SE	SE	04	05N	26E	Butte	Moore Diversion
	SW	SW	NE	09	04N	26E	Butte	Nichols Diversion

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	
04N	26E	16	37	39		39													115

Total Acres 115

6. General Information:

- 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:

None

- 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 the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

PART 2

TRANS NO. 5785

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R34-00509B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.68 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 06/01/1886

LOCATION OF POINT(S) OF DIVERSION: NWSESE , Sec. 4, Township 05N, Range 26E
BUTTE 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	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04N	26E	16	:	37		39		39				:									:									:	115.0
																												TOTAL ACRES	115.0		

CONDITIONS/REMARKS:

- 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.
- USE OF THIS RIGHT WITH RIGHT NOS. 34-00510B AND 34-10369 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.70 CFS.
- THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE WATERMASTER FOR WATER DISTRICT 34.
- USE OF THIS RIGHT WITH RIGHT NOS. 34-00510B AND 34-10369 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.
- WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE

Claim No. R34-00509B
CANAL.

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

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. 5785

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R34-00510B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.66 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 06/01/1902

LOCATION OF POINT(S) OF DIVERSION: NWSESE , Sec. 4, Township 05N, Range 26E
BUTTE 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	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04N	26E	16	:	37		39		39				:									:									:	115.0
																												TOTAL ACRES	115.0		

CONDITIONS/REMARKS:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-00509B AND 34-10369 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.70 CFS.
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4. USE OF THIS RIGHT WITH RIGHT NOS. 34-00509B AND 34-10369 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.
5. WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE

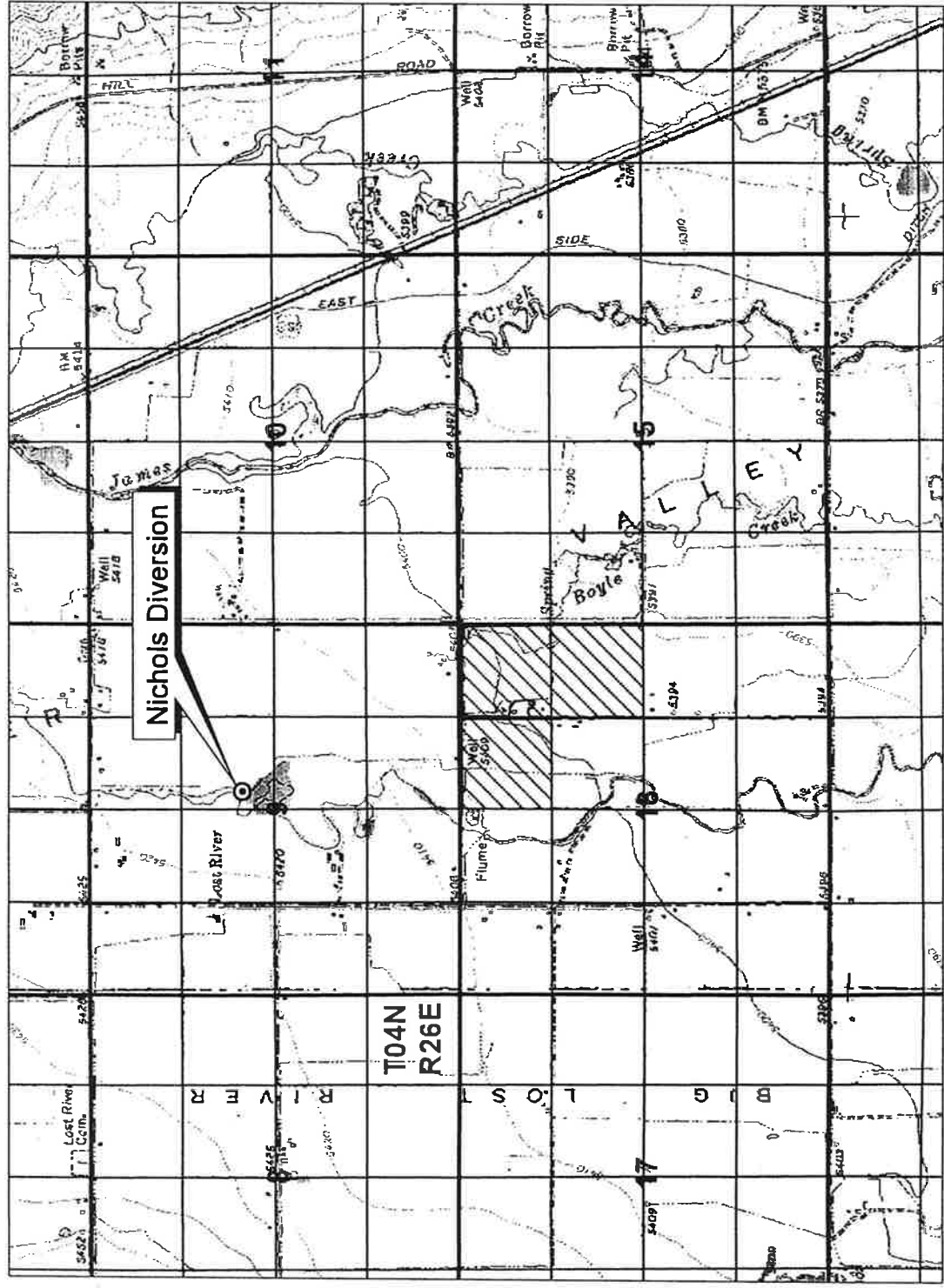
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CANAL.

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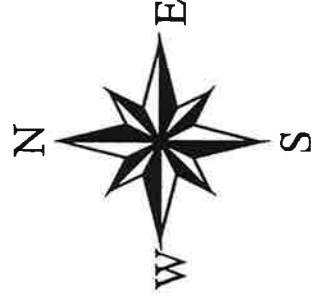
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☒ Warranty Deed ☐ Other _____



○ Additional point of diversion

▨ Place of use



**Transfer 34-00509B, 34-00510B
Perkes, Marshal Todd**

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.

Marshall Todd Parker
(Signature of Applicant)

Subscribed and sworn to before me this 26 TH day of JUNE, 20 00.

John House
(Notary Public)

My commission expires 2-27-03

RESIDING AT ARCO ID

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by HWT Date 6-28-00 Protest filed by _____

Prelim. Check by _____ Fee \$100

Receipted by HWT #E025942 Date 6-28-00

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. Dates 7-20 & 7-27-00 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____