

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70720

This is to certify that: STATE OF IDAHO
 DEPT OF FISH & GAME
 1345 BARTON RD
 POCA TELLO ID 83204
 (208)232-4703

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-2137A	AJC/License	01/27/1912	0.24 cfs	N/A	N/A	12.0	PORTNEUF RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-2137A	NO	NO	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
29-2137A	29-2137A	0.24 cfs	48 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.24 cfs	48 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of May, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 29-2137A

As Modified by Transfer No. 70720

In accordance with the approval of Transfer No. 70720, Water Right No. 29-2137A is now described as follows.

Right Holder: STATE OF IDAHO
DEPT OF FISH & GAME
1345 BARTON RD
POCATELLO ID 83204

Priority Date: January 27, 1912

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	04/01	to 10/31	0.24 CFS	48.0 AF
WILDLIFE STORAGE	01/01	to 12/31		48.0 AF
DIVERSION TO STORAGE	04/01	to 10/31	0.24 CFS	
	TOTALS		0.24 CFS	48.0 AF

LOCATION OF POINT(S) OF DIVERSION:

PORTNEUF RIVER SESESE Sec. 7 Twp 07S Rge 35E BANNOCK County

PLACE OF USE: WILDLIFE STORAGE

[illegible]

PLACE OF USE: WILDLIFE

[illegible]

WATER RIGHT NO. 29-2137A
As Modified by Transfer No. 70720

CONDITIONS OF APPROVAL

1. This right authorizes the diversion of an annual total of 48.0 af to be used for the initial filling of the reservoir, for the replacement of losses caused by seepage and evaporation from the reservoir and the artificial stream, for replacement of losses caused by transpiration from riparian vegetation, and for the flow of water through the reservoir.
2. The reservoir established by the storage of water under this right shall not exceed a total capacity of 4.0 acre-feet or a total surface area of 0.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of May, 2004



Chief, Water Allocation Bureau

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70720

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Idaho Dept of Fish & Game Phone 232-4703
Post Office address 1345 Burton Rd Pocatello, ID 83204

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 The Dept acquired this land and water right in 1994 to create the Edson Fichter Nature Area. The water was used in 1998 to irrigate 12 acres of native grasses. Since then irrigation has not been necessary for the grass stands. Current plans for the area are to create a .4 acre wildlife pond. We want to pump water through a pipe to the pond, then allow it to return to the river through a meandering stream.

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
<u>29-02137A</u>	<u>1/27/1912</u>	<u>.24 cfs</u>	<u>wildlife pond</u>	<u>4/1</u> to <u>10/31</u>
		<u>4 AF</u>	<u>wildlife storage</u>	<u>01/01</u> to <u>12/31</u>
				to
				to

2. Total amount of water being transferred .24 cubic feet per second and/or 4.102 acre-feet per annum.

3. Source of water Pontreuf River tributary to Sneke River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>7</u>	<u>7S</u>	<u>35E</u>	<u>Bannock</u>	<u>N/A</u>

5. Lands irrigated or place of use:

5. 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	
7S	35E	7																W	

SCANNED

Total acres

DEC 19 2003

70720

PART 1

6. General Information:

a. Description of diversion system A pump will be placed at the original diversion site the cut banks & deteriorated diversion dam require that a pump be used. The water will be pumped approximately 300 feet to the pond.

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:

The 12 acres now have an established native grass stand & no longer need irrigation. The stand has not needed water since 1998. The change in use will have no adverse impacts.

d. Remarks:

The area involved is the Edison Fichter Nature Area. This is a heavily used interpretive area. The change of use is to create a wildlife pond.

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____.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2137A V1

WATER RIGHT NUMBER: 29-2137A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-2920
Original Owner	ERASTUS M PURKEY POCATELLO, ID 83210
Original Owner	LORRAINE POWELL 5500 BANNOCK HWY POCATELLO, ID 83204 (208)232-2278
Original Owner	JOHN D POWELL JR 5500 BANNOCK HWY POCATELLO, ID 83204 (208)232-2278

Priority Date: 01/27/1912

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.240 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	SE1/4SE1/4	Sec. 7, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	7													1.0	1.0	.8	9.2	12.0

Total Acres: 12

Conditions of Approval:

- c18 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.

SCANNED

DEC 19 2003

page 4 of 7

T70720

Page 2

07/17/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2137A V1

Remarks:

Comments:

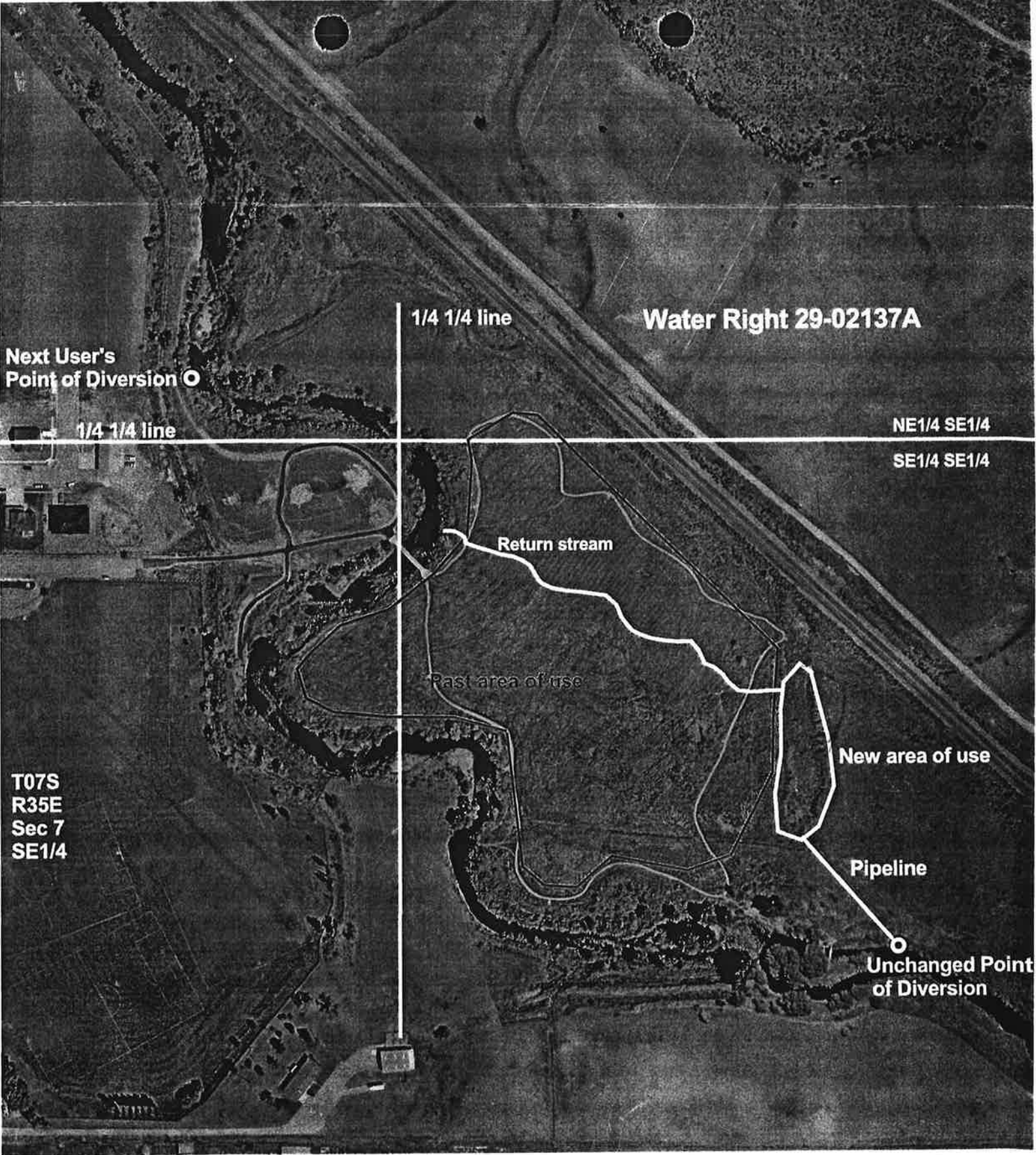
Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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DEC 19 2003

T70720



T-70720

page 5 of 7

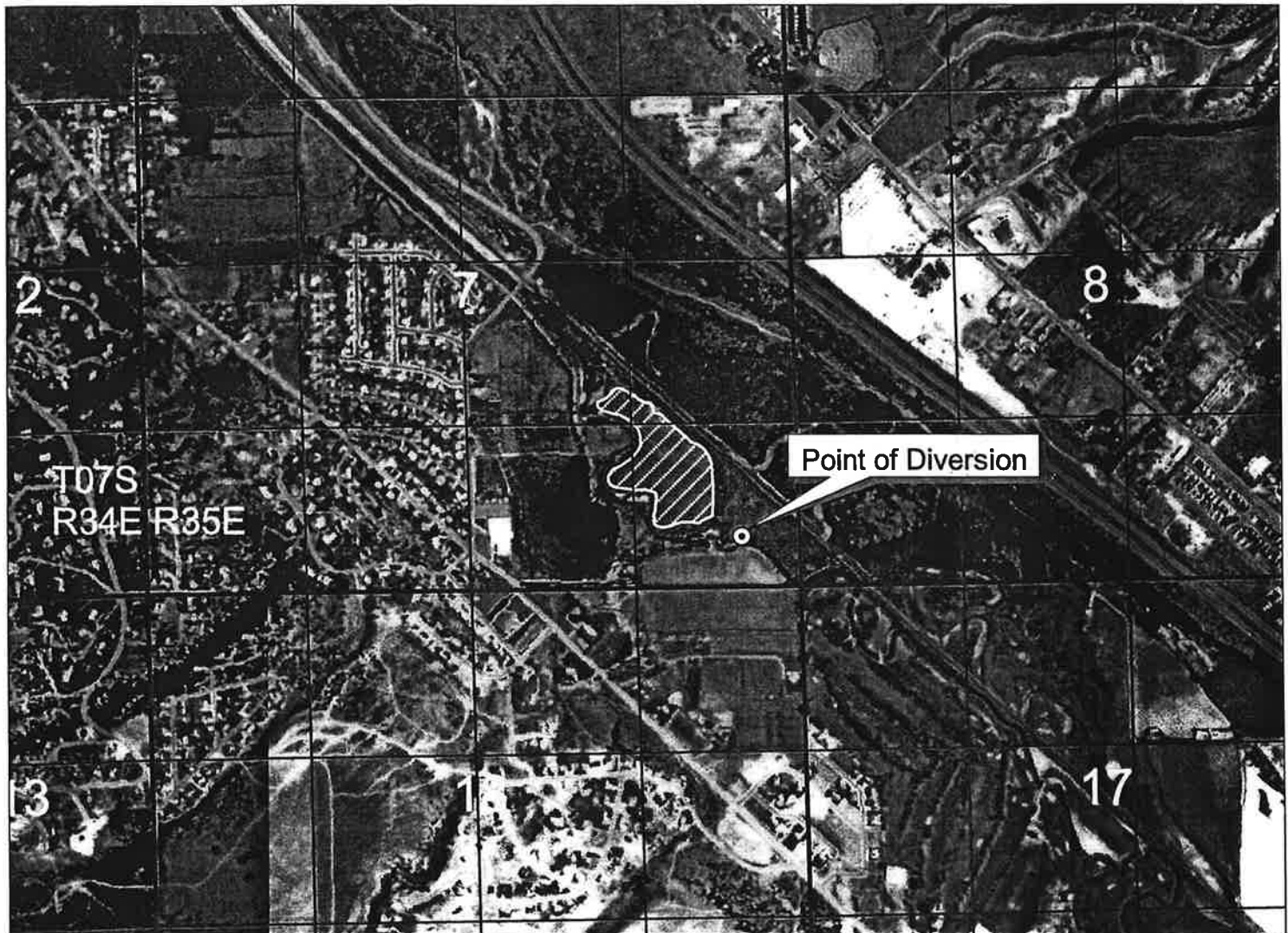
SCANNED

DEC 19 2003



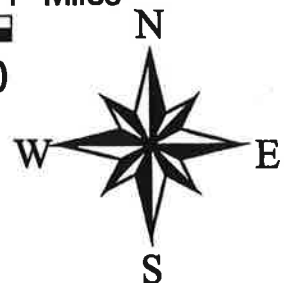
State of Idaho
Department of Water Resources
Eastern Region

Water Right 29-02137A



0.5 0 0.5 1 Miles

1:16000



- Point(s) of Diversion
- Place of Use

- Section Lines
- Quarter Quarter Lines

T 70720

page 6 of 7

SCANNED

DEC 19 2003

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: December 2002

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	wildlife pond	.24 cfs	24/214/yr	9/1 to 10/31
	wildlife storage	4AF		01/01 to 12/31

2. Quantity and quality of return flows and location of discharge: all water will be returned to the river either through surface flow or ground waters. The pond + stream will always be within 300 feet of the river. The only water that will be lost will be from evaporation. Discharged water will have less sediment load than original water. Discharge site will be at NW 1/4 SE 1/4 Sec 7, T 7S, R 35E

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

There will be no negative affects on any other water users. All water will be returned to the river prior to any other user diverting their right.

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.

Subscribed and sworn to before me this 16th day of July, 2003

Eris Anderson (Signature of Applicant)

Cori Cooper
(Notary Public)

My commission expires 08/07

CORI COOPER
Notary Public
State of Idaho

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 6 attachments

Received by SE Date 7/16/03 Protest filed by _____

Prelim. check by _____ Fee \$250

Receipted by SE Date 7/16/03 E029004

Published in Idaho State Journal (Thurs) Copies of protest forwarded by _____

Pub. dates 2/5 & 2/12/04 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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DEC 19 2003

T70720