

RECEIVED

FEB 19 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 14 2013

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☒ Change diversion point(s)☐ Add diversion point(s)☐ Ownership change1. APPLICANT(S) U.S.D.I., Bureau of Land Management, Idaho State Office Phone (208) 373-38312. MAILING ADDRESS 1387 S. Vinnell Way City BoiseState Idaho Zip 83709 Email fwprice@blm.gov☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. LIST WATER RIGHT NUMBER(S) 36-08326
NCAP dated 01-17-13☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.4. TOTAL AMOUNT OF WATER transferred is _____ cubic feet per second and/or 1.4 acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
06S	24E	02		NW	SW	NE	Minidoka	Unnamed Streams	
06S	24E	02		SE	SW	NE	Minidoka	Unnamed Streams	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

These are two natural playas that have been excavated.

- b. Who owns the property at the point(s) of diversion? U.S.D.I., Bureau of Land Management

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently leased to the Water Supply Bank,

☐☒

currently used in a mitigation plan limiting the use of water under the right(s), or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

Print name and title if applicable
Fredric W. Price
Water Rights Specialist

Date

02-14-2013

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

Purpose of Transfer: The Proof of Beneficial Use submitted by BLM introduced a 2nd POD but identified the wrong 10 acre tract for the GPS point attached. The License was issued consistent with the proof. This transfer seeks to correct the 10 acre tract description (NESWNE should be NWSWNE).

FOR DEPARTMENT USE ONLY

Transfer includes 17 pages of attachments.

Received by HP

Date 2-14-13

Fee paid 200.00 Date 2-14-13

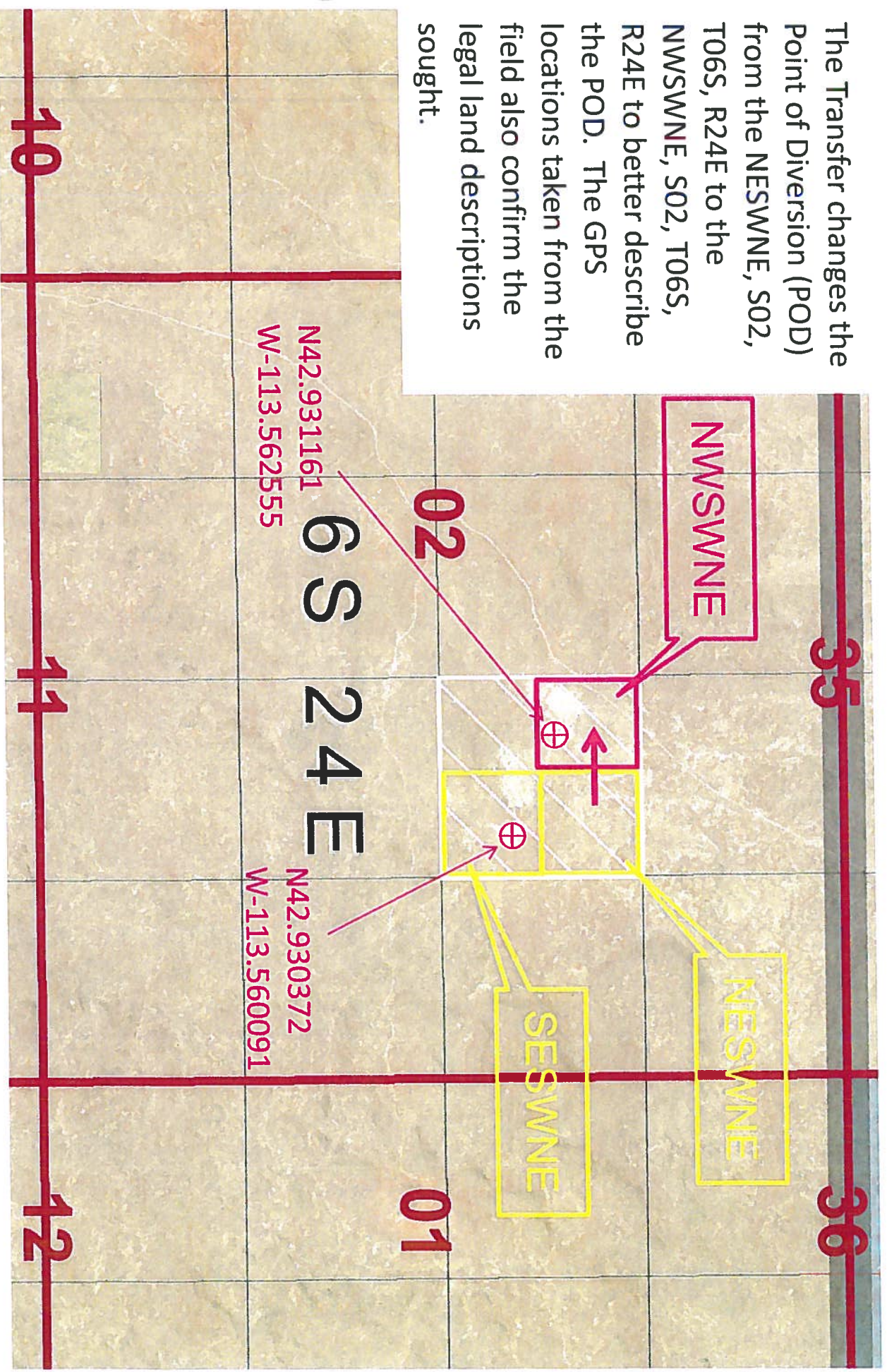
Received by HP

Receipt # 0096557

Preliminary review completed by

Date

The Transfer changes the Point of Diversion (POD) from the NESWNE, S02, T06S, R24E to the NWSWNE, S02, T06S, R24E to better describe the POD. The GPS locations taken from the field also confirm the legal land descriptions sought.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

Water Rights: 36-8326

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

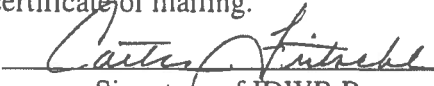
- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 1-17-13


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 18, 2013, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Director of IDWR
PO Box 83720
Boise ID 83720

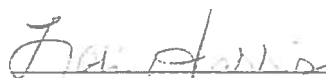
☒ hand-delivered

3. Copies to all parties to the subcase:

United States of America
USDI Bureau of Land Management
1387 S Vinnell Way
Boise ID 83709-1657

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-8326

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE:

Source:

Tributary:

UNNAMED STREAMS

SINKS

UNNAMED STREAM

QUANTITY:

1.400 AFY

2.000 AFY

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.

PRIORITY DATE: 05/22/1987

POINT OF DIVERSION:

NW
T06S R24E S2 (NE)SWNE
Within MINIDOKA County

T06S R24E S2 SESWNE
Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
STOCKWATER STORAGE	04/01 06/15	0.50 AFY
<u>STOCKWATER STORAGE</u>	<u>10/16 12/31</u>	<u>1.00 AFY</u>
<u>WILDLIFE STORAGE</u>	<u>01/01 12/31</u>	<u>0.50 AFY</u>

PLACE OF USE:

STOCKWATER STORAGE within MINIDOKA County
T06S R24E S02 SWNE
WILDLIFE STORAGE within MINIDOKA County
T06S R24E S02 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - License

Permit

BLM Record ID Nos. = 3602488202.2 & 3602488202.3

BLM RECORD ID - 3602488202 STOCKWATER, 1000 SHEEP, WILDLIFE,
VARIABLE AMOUNT

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08326

Priority: May 22, 1987

Maximum Diversion Volume: 1.4 AF

It is hereby certified that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 22, 1987; and has
submitted Proof of Beneficial Use on January 04, 1988. An examination indicates that the works have a
storage capacity of 1.4 af of water from:

SOURCE

UNNAMED STREAMS

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	0.5 AF
STOCKWATER STORAGE	04/01 to 06/15	0.5 AF
STOCKWATER STORAGE	10/16 to 12/31	1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAMS SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp 06S, Rge 24E, B.M., MINIDOKA County

UNNAMED STREAMS NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp 06S, Rge 24E, B.M., MINIDOKA County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 24E 2			X														

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 24E 2			X														

CONDITIONS OF APPROVAL

1. 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.

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08326

2. BLM Record ID Nos. = 3602488202.2 & 3602488202.3

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 12th day of July, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

OCT 11 2001

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08326

RECEIVED
JUN 27 2001
Department of Water Resources
Southern Region

Date of Priority: May 22, 1987

Maximum Diversion Volume: 1.4 AF

Comes now US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 36-08326, and requests that the permit be changed as follows:

Source: UNNAMED STREAMS Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	0.5 AF
STOCKWATER STORAGE	04/01 to 06/15	0.5 AF
STOCKWATER STORAGE	10/16 to 12/31	1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAMS SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp 06S, Rge 24E, B.M., MINIDOKA County
UNNAMED STREAMS NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp 06S, Rge 24E, B.M., MINIDOKA County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	24E	2			X														

PLACE OF USE: STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	24E	2			X														

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 21st day of June, 2001.

Steven Davis Hydrologist
(Signature & Title)

MICROFILMED
JUN 27 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08326

FOR DEPARTMENT USE ONLY

Preliminary check by fw Fee = \$50. Received by gs # 5024087 Date 7-2-01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-08326 with the following:

CONDITIONS OF APPROVAL

1. 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.
2. BLM Record ID Nos. = 3602488202.2 & 3602488202.3

Witness my hand this 12th day of July, 2001.

Acting for

Billy D. Fleener for
KARL J. DREHER
Director

MICROFILMED

DEC 4 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 16 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-0832-6

1. Owner: Bureau of Land Management Phone No. 678-5514

Current Address: Rt 3 Box 1 Burley ID 83318

2. Accompanied by: Steve Davis EXAM DATE: June 9, 2000

Address: _____ Phone No. _____

Relationship to Permit Holder: Employee

3. Source: Unnamed Streams (runoff) tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#3		SE	SW	NE	02	6S	24E	Minidoka	GPS locations
#2		NE	SW	NE	02	6S	24E	Minidoka	documented by Steve Davis

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46S	24E	02			S														

MICROFILMED

OCT 11 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-08326

1997 JAN 27 AM 10:46
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 2.0 AFY

PRIORITY DATE: 05/22/1987

POINT OF DIVERSION: T06S R24E S02 SESWNE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STORAGE	04-01 06-15	0.5 AFY
	STOCKWATER STORAGE	10-16 12-31	1.0 AFY
	WILDLIFE STORAGE	01-01 12-31	0.5 AFY

PLACE OF USE: STOCKWATER STORAGE Within MINIDOKA County
T06S R24E S02 SWNE

STOCKWATER STORAGE
SAME AS OTHER USE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

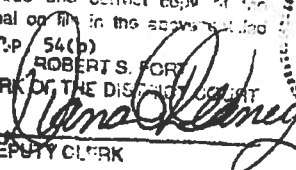
DATED: JAN 27 1997

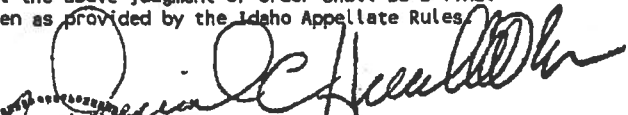

SAMUEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: JAN 27 1997

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the court's files.
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-08326 ROBERTS, FOR
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK


SAMUEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication
FIFTH
JUDICIAL
DISTRICT
CLERK OF DISTRICT COURT
TWIN FALLS COUNTY, IDAHO

PAGE 1
JAN-24-1997

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Form 202
6/85

MAY 22 1987

STATE OF IDAHO

Ident. No. 36-8326

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant BUREAU OF LAND MANAGEMENT Phone (208) 678-5514

Post office address Route 3, Box 1 - Burley, Idaho 83318

2. Source of water supply (Run-off) unnamed stream(s) which is a tributary of sinks

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____

Sec. 2 Township 6 S Range 24 E B.M. Minidoka County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

storage for
Amount .5 for sheep purposes from 4/1 to 6/15 (both dates inclusive)
(~~cfs~~ acre-feet per annum)

storage for
Amount 1.0 for Sheep purposes from 10/16 to 12/31 (both dates inclusive)
(~~cfs~~ acre-feet per annum)

storage for
Amount .5 for wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(~~cfs~~ acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 2.0
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Halogeton Reservoirs #2 and #3: two
excavated playas that are located in natural depressions and have no dams.

b. Height of storage dam excavated reservoir feet; active reservoir capacity .3 acre-feet; total
reservoir capacity 1.0 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the proposed beneficial use is
five years (minimum 1 year).

MICROFILMED

OCT 02 1987

TRANSFER 78447

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 1,000 Sheep
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. 60 antelope, sage hens, and other wildlife species

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 S	24 E	2			S, W														

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. D-1366

11. a. Who owns the property at the point of diversion? Bureau of Land Management
- b. Who owns the land to be irrigated or place of use? Bureau of Land Management
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

001 02 1987

HA LOGETON RESERVOIR #5001

(JDR)

MINIDOKA ALLOTMENT

#1210

Hallogeton Reservoir #1135

Proposed Reservoir Sites

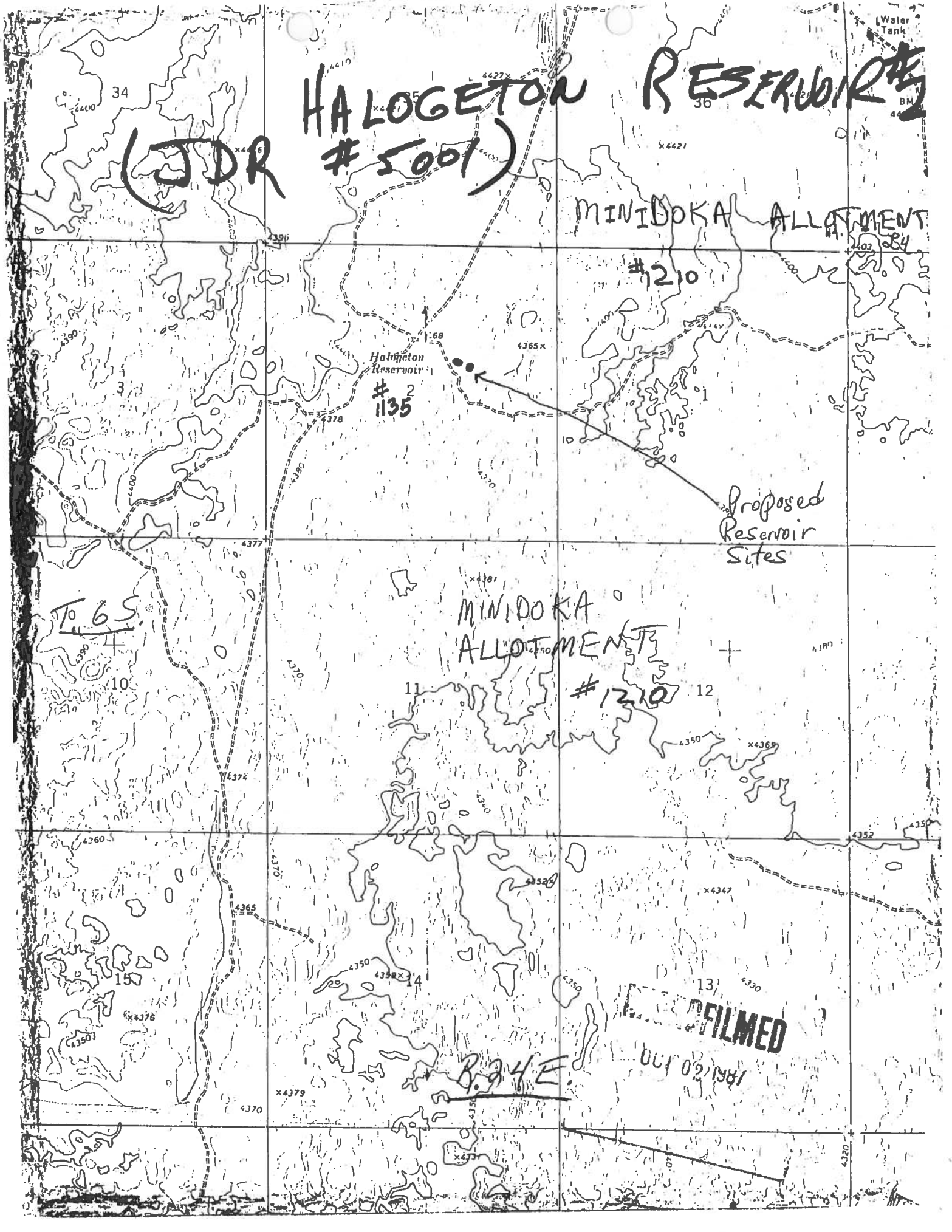
MINIDOKA ALLOTMENT #1210

To 65

FILED

OCT 02 1987

B.34E



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

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OCT 10 1964

REF FILMED

~~OCT 02 1987~~

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ferrance M. Costello
(Applicant)

(Applicant)

Terrance M. Costello - Snake River Area Manager

Received by LG Date 6/10/87 Time 4:00 Proposed Priority 5/22/87
Date 5-22-87 Time 8:30 Preliminary check by CH
Fee \$ 30.00 Receipted by af # ID-910-BP7-0015 Date 7-8-87
Publication prepared by M. Baldwin Date 7/15/87 Published in So. Idaho Press
Publication approved M. Baldwin Date 8/27/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-8326, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 92.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 22nd day of September, 1987.

J. New Saylor
Chief, Operations Bureau

MICROFILMED

OCT 02 1987

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

MARGE BARENDREGT being first
duly sworn, deposes and says that She is the

Clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for two (2)
consecutive weeks, commencing with the issue
dated Aug 6 1987, and ending
with the issue dated Aug 13 1987.

Marge Barendregt

Subscribed and sworn to before me
this 21st day of Aug

1987

Ratty Staker Notary Public

Cost of Publication 24.64

Notary Fee .50

Total Cost 25.14

NOTICE OF APPLICATION
FOR WATER RIGHTS

The following application(s) have been filed
to appropriate the public waters of the State of
Idaho.

34-8336

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT, THIRD STATE OF-
FICE, 3500 AMMANVILLE TERRACE, BOISE, ID
83706

Source: UNPAVED STREAMS, to BUREAU
Description: BEARING 200° 02' 00S R 200' 12"
along North side of main West of Snake River
Use: STOCKWATER STORAGE (0.5 AF)
STOCKWATER STORAGE (1.0 AF)
WILDLIFE STORAGE (0.5 AF)

Date Filed: 5-22-1987
In: Shoshone CO-7,000 R 1200

The Permit(s) shall be subject to all prior
water rights. Permits must be filed with the
Director, Dept. of Water Resources, Southern
Region, 2700 4th Avenue North, Twin Falls,
Idaho 83401 on or before August 24, 1987.

Karl Quinn, Dir.
Permit(s) filed on August 6

RECEIVED

AUG 23 1987

Department of Water Resources
Southern Region Office

MICROFILMED

OCT 02 1987

OK
MB
8/27/87

STATEMENT

MEMBER OF ASSOCIATED PRESS

PHONE 678-2201

RECEIVED

South Idaho Press

ESTABLISHED 1904
230 EAST MAIN BOX 190
BURLEY, IDAHO 83318PUBLISHED
DAILY
MONDAY
THRU
FRIDAY
AND SUNDAY
MORNINGS

AUG 25 1987

Department of Water Resources
Southern Region Office
2148 4th Ave E.Twin Falls, Idaho
83301

87-306

TERMS:
ALL ACCOUNTS
DUE AND
PAYABLE ON
20TH OF MONTH
FOLLOWING CHARGE

\$ _____

Please detach this stub and mail with your remittance. Your cancelled check serves as your receipt.

DATE	DESCRIPTION:	LINES OR INCHES	CODE	CHARGES	CREDITS	BALANCE
BALANCE FORWARD						
8/21/87	Regal	28x2	@.88	24.64		25.14
#36-8326	87-306					
	notary			.50		
						OK MB 8/27/87

PAY LAST
AMOUNT IN
THIS COLUMNSOUTH IDAHO PRESS
BURLEY, IDAHO

MICROFILMED

OCT 02 1987

MEMORANDUM

Date: February 25, 2013
To: Transfer 78447 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the legal description for a recorded point of diversion on a 1.4 AF stockwater/wildlife storage water right, 36-8326 from NESWNE to the NWSWNE within Twp 06S, Rge 24E, Sec. 2, B.M. This water right was originally claimed on a permit that listed one POD in the SESWNE and a *Partial Decree* was entered for this right as permitted on 1/27/1997. Following that, an amended license was issued on 7/12/2001 which added a second point of diversion for a second reservoir, but apparently placed it in the wrong ten acre tract. A *Notice of Completed Administrative Proceeding* was filed on 1/22/2013 informing the court that the license was issued and an *Amended Directors Report* was also filed, that reflected elements of the water right claim as licensed. A hearing was scheduled concerning this matter and then a *Notice of Administrative Proceeding* was filed to notify the court that this application for transfer is currently pending.

Overlap analysis indicates there is a decreed water right, 36-2832, for 0.50 AF stockwater/wildlife storage on the reservoir in the NWSWNE tract. Aerial and satellite imagery indicate there are only two reservoirs in this 40 acre tract and the locations match the legal descriptions as provided in the application for transfer. Apparently, water right 36-2832, which was decreed on 3/20/1998 was overlooked during the beneficial use field exam and the subsequent licensing amendment that added the second POD to the license in 2001. As such, a combined limit condition will be placed on this water right limiting the combined storage of both rights to 1.40 AF.

Since the application only proposes a paper change and not an actual physical change, it is recommended that the application be processed without advertising.

- **Authority to File:** Applicant is listed as the current owner of water right 36-8326 and lands involved in this transfer.
- **Water Right Validity:** Water right 36-8326 was originally decreed in the SRBA on 1/27/1997 and as noted above an Amended Partial Decree is pending.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing