



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 13, 2012

JACQUELINE D ERNEST
ROBERT M ERNEST
PO BOX 132
CARMEN ID 83462

RE: Application for Transfer No.: 77923
Water Right No(s): 75-69N 75-70N 75-10061Y 75-10062W
Withdrawal of Application

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of the application for transfer referenced above. The withdrawal removes your application from any further consideration or action by the Department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Sharla Cox
Administrative Assistant

RECEIVED

JUL 05 2012

Department of Water Resources
Eastern Region

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)**

I/We, Jacqueline D. Ernest and Robert M. Ernest,
(Applicant's Printed Name) (Applicant's Printed Name)

(Applicant's Printed Name) and _____
(Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 77923 of Water Right

No(s). 75-18N, 75-70N, 75-100b1Y, 75-100b2W

Signed this 27th day of June, 20 12.

Jacqueline D. Ernest
(Signature/Title of Applicant)

Robert M. Ernest
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

RECEIVED

JUL 05 2012

Department of Water Resources
Eastern Region

Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, ID 834025

Re: Water Rights: 75-69N, 75-70N, 75-10061Y, and 75-10062W

To whom it may concern:

The Idaho Department of Fish and Game has been working with local landowners to consolidate the points of diversion for our water rights. During that consolidation the point of diversion, referred to as CC8 located at T22N R22E Sec 02 in the SENWNW will no longer be used to divert water for the above referenced water rights.

Please remove this point of diversion from the water rights.

Thank you.

Jacqueline Ernest



Robert Ernest



RECEIVED

MAY 07 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
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 change

1. APPLICANT(S) JACQUELINE D. & ROBERT M. ERNEST Phone 208-756-8045
2. MAILING ADDRESS P.O. Box 132, CARMEN, ID City CARMEN
State IDAHO Zip 83462 Email _____

☐ 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) 75-69N, 75-70N, 75-10061Y,
75-10062W

☒ 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 .032 cubic feet per second and/or _____ 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 #
22N	22E	2	3	NW	NE	NW	LEMHI	CARMEN CR.	CC9

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:

IDF'S SCREEN AND HEADGATE AND HEADGATE/WEIR FOR CROSS-CONNECTION TO CC-8 DITCH, LOCKABLE GATES.

- b. Who owns the property at the point(s) of diversion? ID F'S EASEMENT.

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

IDF'S EASEMENT OR UP DITCH.

- 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 1/4 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. SEE ALSO ATTACHED DESCRIPTION (NARRATIVE) AND PHOTOS.

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.

Jacqueline D. Ernest
Signature of applicant or authorized agent

JACQUELINE D. ERNEST
Print name and title if applicable

3/21/12
Date

Robert M. Ernest
Signature of applicant or authorized agent

ROBERT M. ERNEST
Print name and title if applicable

3/21/12
Date

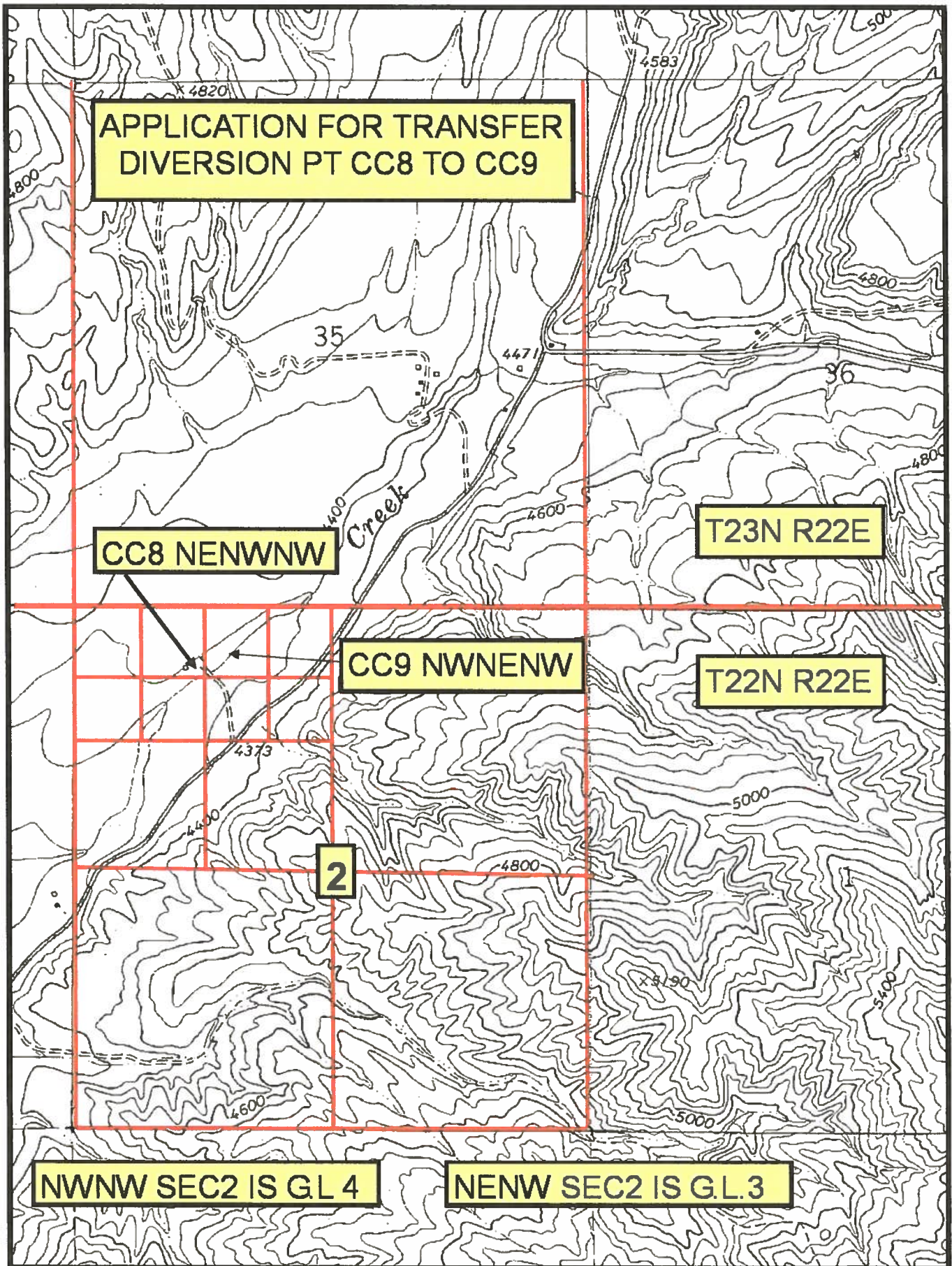
9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per 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](#).

FOR DEPARTMENT USE ONLY

Transfer includes 15 pages of attachments. Received by Km Date 5-9-2012

Fee paid \$2000.00 Date _____ Receipted by _____ Receipt # _____

Preliminary review completed by Km Date 5-9-2012



77 92 3

ATTACHMENT TO APPLICATION FOR TRANSFER
(Point of Diversion)

Name: JACQUELINE & ROBERT ERNEST

Right Numbers: 75-69^NA, 75-70N, 75-10061Y, 75-10062W

Note that this property is currently served by two Diversion Points, CC8 and CC9, both indicated on each decreed right.

The diversion screening program by Idaho Fish & Game for the protection of salmon and steelhead fish has installed a steel headgate and screen at existing diversion point CC9, just upstream from CC8. A short crosscut pipe with steel gate and weir has been installed directly below the CC9 screen. It connects with the ditch from CC8 just below that diversion, which will be closed. Diversion point CC9 will now serve both ditches. Consequently, the diversion point for CC8 is no longer needed.

The existing ditches CC8 and CC9 will continue to serve the same properties as before, but with diversion for both through CC9, rather than through separate CC8 and CC9 diversion points. Although CC8 and CC9 are very close together, the line between government lots 3 and 4 of Section 2, T22N, R22E (NW of the NW and NE of the NW of Section 2) passes between the two diversion points.

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/25/2012

WATER RIGHT NO. 75-69N

75-69N
1888

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACQUELINE D ERNEST
Current Owner	ROBERT M ERNEST
	PO BOX 132
	CARMEN, ID 83462
	(20)756-8045
Attorney	RIGBY ANDRUS & MOELLER CHTD
	PO BOX 250
	REXBURG, ID 83440
	(208)356-3633
Original Owner	THOMAS PALMER

Priority Date: 05/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CARMEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.008 CFS	
Total Diversion			0.008 CFS	

Location of Point(s) of Diversion:

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77923

CARMEN CREEK	NENW Lt 3	Sec. 02	Township 22N	Range 22E	LEMHI County
CARMEN CREEK	NWNW Lt 4	Sec. 02	Township 22N	Range 22E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	2		SWNW	1.7									

Total Acres: 1.7

Conditions of Approval:

1.	E56	The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 75-69N, 75-70N, 75-10061Y and 75-10062W.
2.	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.

Dates:

Licensed Date:

Decreed Date: 01/31/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 75D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

77923

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/25/2012

WATER RIGHT NO. 75-70N

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACQUELINE D ERNEST
Current Owner	ROBERT M ERNEST
	PO BOX 132
	CARMEN, ID 83462
	(20)756-8045
Attorney	RIGBY ANDRUS & MOELLER CHTD
	PO BOX 250
	REXBURG, ID 83440
	(208)356-3633
Original Owner	THOMAS PALMER

Priority Date: 05/01/1892

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CARMEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.011 CFS	
Total Diversion			0.011 CFS	

Location of Point(s) of Diversion:

--	--	--	--	--	--

77923

CARMEN CREEK	NENW Lt 3	Sec. 02	Township 22N	Range 22E	LEMHI County
CARMEN CREEK	NWNW Lt 4	Sec. 02	Township 22N	Range 22E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	2		SWNW	1.7									

Total Acres: 1.7

Conditions of Approval:

1.	E56	The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 75-69N, 75-70N, 75-10061Y and 75-10062W.
2.	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.

Dates:

Licensed Date:

Decreed Date: 01/31/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 75D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

77923

75-10061Y
1875

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/25/2012

WATER RIGHT NO. 75-10061Y

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACQUELINE D ERNEST
Current Owner	ROBERT M ERNEST
	PO BOX 132
	CARMEN, ID 83462
	(20)756-8045
Attorney	RIGBY ANDRUS & MOELLER CHTD
	PO BOX 250
	REXBURG, ID 83440
	(208)356-3633

Priority Date: 05/01/1875

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CARMEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.009 CFS	
Total Diversion			0.009 CFS	

Location of Point(s) of Diversion:

CARMEN CREEK	NWNENW	Sec. 02	Township 22N	Range 22E	LEMHI County
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77928

CARMEN CREEK	SENWNW	Sec. 02	Township 22N	Range 22E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	2		SWNW	1.7									

Total Acres: 1.7

Conditions of Approval:

1.	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.
2.	E56	The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 75-69N, 75-70N, 75-10061Y and 75-10062W.

Dates:

Licensed Date:

Decreed Date: 01/05/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 75D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1.7

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

77928

75-10062W
1882[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/25/2012

WATER RIGHT NO. 75-10062W

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACQUELINE D ERNEST
Current Owner	ROBERT M ERNEST
	PO BOX 132
	CARMEN, ID 83462
	(20)756-8045
Attorney	RIGBY ANDRUS & MOELLER CHTD
	PO BOX 250
	REXBURG, ID 83440
	(208)356-3633

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CARMEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.004 CFS	
Total Diversion			0.004 CFS	

Location of Point(s) of Diversion:

CARMEN CREEK	NWNENW	Sec. 02	Township 22N	Range 22E	LEMHI County
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77923

CARMEN CREEK	SENWNW	Sec. 02	Township 22N	Range 22E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	2		SWNW	1.7									

Total Acres: 1.7

Conditions of Approval:

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Dates:

Licensed Date:

Decreed Date: 01/05/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 75D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1.7

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

77923