

RECEIVED

JUN 25 2003

3264 W 2900 N
Moore, Id. 83255

Monday, June 23, 2003

Department of Water Resources

Keith Wilson, Senior Resource Agent
Idaho Department of Water Resources
900 N Skyline Dr., Suite A
Idaho Falls, Id. 83402-1718

Re: Transfer 70386 for water right 34-2452

Dear Mr. Wilson:

I wish to append the justification for my request to transfer water right 34-2452 in an amount that exceeds the rate established in the Administrator's Memorandum Transfer Processing No. 24. In addition to my previous reasons I would like to add that in 1961 water right 34-2452 was filed to augment a surface water right - number 34-50 when it was not feasible to fill that right. The rate attached to right 34-50 was 76 miner's inches (or 1.52 cfs). At that time the flood irrigation method was used on the cropland to which these rights are both attached.

The sprinkler irrigation system which is now used to irrigate this cropland was not installed until 1990. The irrigation ditches used to irrigate this cropland prior to 1990 are still in place. The cropland is still terraced as it was prior to installation of the sprinkler system. And the proposed well location could provide irrigation water to the main delivery ditch of the flood irrigation system.

I would like to retain at least the rate originally attached to this cropland in the event that I or some future owner or operator of this land choose to irrigate by the flood method again.

Sincerely,



Bruce Blackmer

Cc: Jeff Peppersack, IDWR, 1301 N. Orchard Street, Boise, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 23, 2003

BOB DUKE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHTS 34-2452, 34-2404 - (Transfer 70386)

Dear Bob:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 70386) in the names of Bruce E. Blackmer and Dale E. Smith.

If you have any questions, please call me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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DIRK KEMPTHORNE
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Director

September 23, 2003

BRUCE E BLACKMER
3264 W 2900 N
MOORE ID 83255

DALE E SMITH
RT 1 BOX 22
MOORE ID 83255-9794

RE: Transfer No.: 70386 - Water Right 34-2452, 34-2404 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,



for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

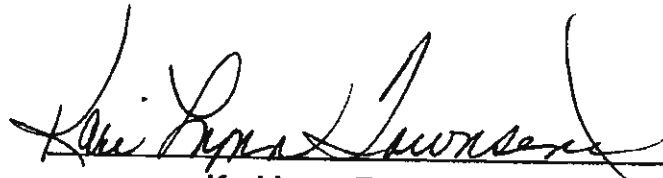
CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70386 - WATER RIGHTS 34-2452, 34-2404

**BRUCE E BLACKMER
3264 W 2900 N
MOORE ID 83255**

**DALE E SMITH
RT 1 BOX 22
MOORE ID 83255-9794**

A handwritten signature in black ink, appearing to read 'Kari Lynn Townsend', written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECEIVED
JUL 11 2003
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Transfer Application No: 34-2452

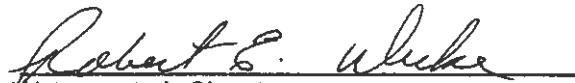
Water Right No(s):

Transfer Applicant's Name:
Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) X Additional Comment: In reviewing this transfer I see no reason to object to this as it appears to have the parties involved best interest addressed.

Dated this 10th, day of July, 2003

Water District No: 34


Watermaster's Signature

Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
JAN 22 2003
Department of Water Resources
Eastern RegionTransfer No. 70386

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Bruce Blackmer Phone (208) 527-4815
Post Office address 3264 W 2900N, Moore Id 83255

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 current well for supplemental water is too far from field (Place of Use)

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

1. Right Number 34-2452 Priority 8/01/1961 Amount (cfs/ac-ft) 1.68 cfs Nature of Use IRRIGATION Period of Use 4/1 to 10/31
2. Total amount of water being transferred 1.68 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	SW	3	4N	26E	Butte	

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	
4N	26E	3									4	5	36	22					67

SCANNED

MAY 12 2003

Total acres 67

6. General Information:

a. Description of diversion system Supplemental water from current well is discharged into west side ditch for delivery to field but it is lost before it arrives

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:

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

SCANNED

MAY 12 2003

170384

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2Transfer No. 703840
Receipt No. _____

Current Water Right No. 34-2452

Priority Date: 08/01/1961
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01 10/31	1.68 CFS		
	Total Diversion	1.68 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWSWNE 05N 26E 33 BUTTE

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	
04N 26E 3										4.0	5.0	36.0	22.0				67.0

Total Acres: 67

Conditions/Remarks:

1. RIGHT NO. 34-02404 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. WATER DELIVERED THROUGH WESTSIDE EAST DITCH.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00050E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 67 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT MAY BE USED IN COMBINATION WITH RIGHT NO. 34-02404 IN ROTATION ON THE PLACE OF USE DESCRIBED ABOVE WHEN BOTH THIS RIGHT AND RIGHT NO. 34-02404 ARE USED ON THE RESPECTIVE PLACE OF USE OF EACH RIGHT IN THE SAME IRRIGATION SEASON.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-00050E IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.91 CFS. USE OF THIS RIGHT WITH RIGHT NO. 34-02404 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.08 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 572.7 AF
4. 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.

Documentation of Ownership of the Current Place of Use _____

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? _____

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer _____

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? _____

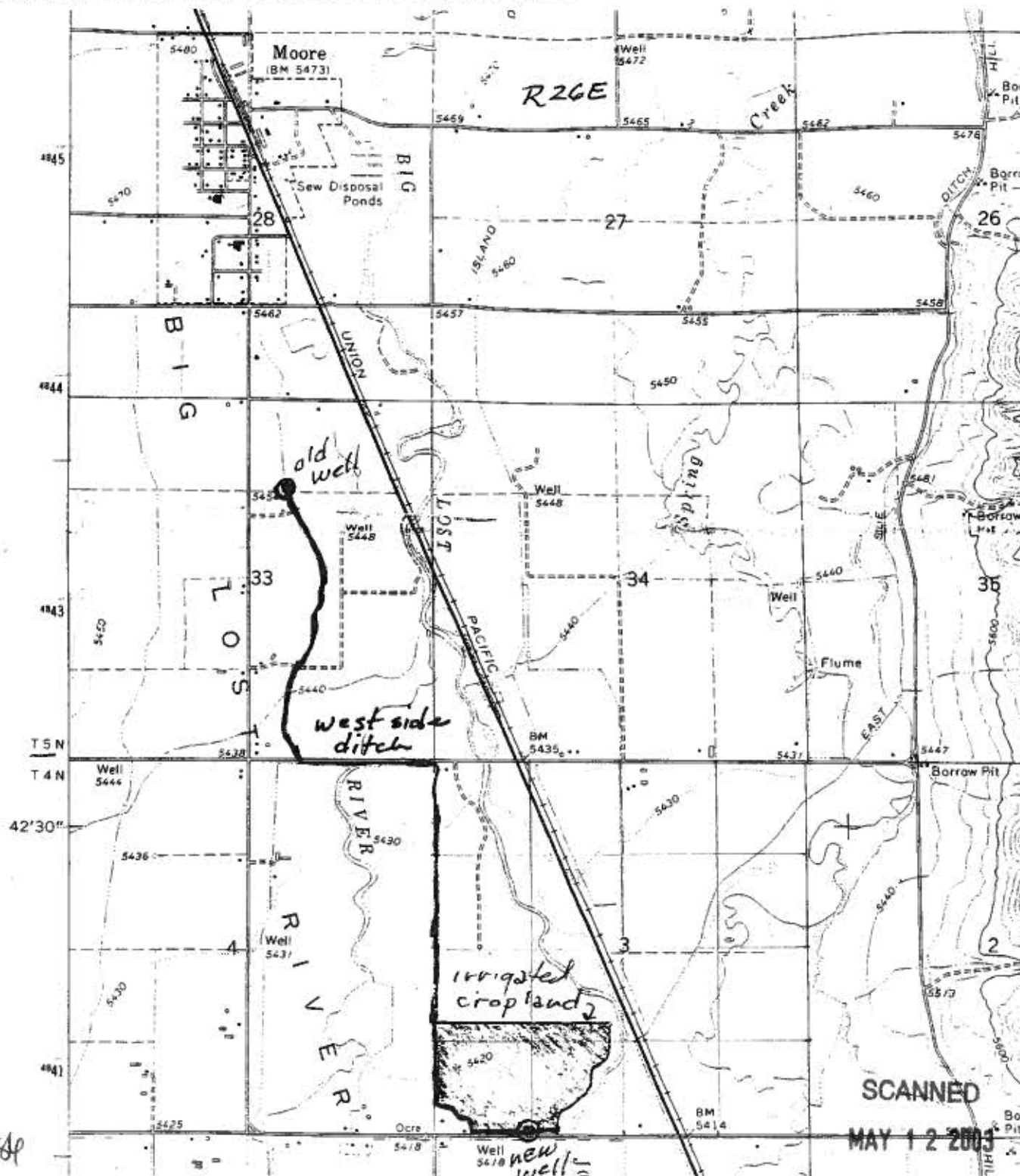
SCANNED

MAY 12 2003

T703840

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCANNED

MAY 12 2003

70384

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

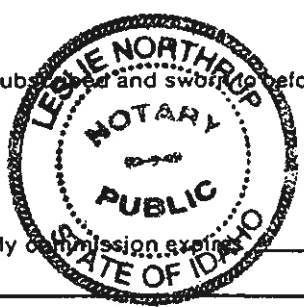
3. Describe effects on other water uses resulting from the proposed change:

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.

Bruce Blackmer
(Signature of Applicant)

Subscribed and sworn to before me this 21st day of January, 192003.



Leslie Northrup
(Notary Public)

My commission expires 9/29/2003

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 1 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by KCW 1/24/03 Fee 290.00

Receipted by HWS E028426 Date 1-10-03

Published in ARCO Advertiser Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. 1/9/03 by se

Copy of transfer sent to lien holder _____

70386

SCANNED
MAY 12 2003

Attachment A
FILE No. 54971.WT

INSTRUMENT NO.

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED ALBERT C. BABCOCK and MARY G. BABCOCK, Husband and Wife Grantor(s), do hereby grant, bargain, sell and convey unto BRUCE E. BLACKMER, a single person (Grantee), whose current address is PO Box 592, Arco ID 83213, the following described real estate situated in BUTTE County, State of Idaho, to wit:

Township 4 North, Range 26 East, Boise Meridian, Butte County, Idaho.

Section 3: The fractional SW1/4 of Section 3, more particularly described as follows:

Beginning at the Southwest corner of said Section 3; thence North 91 rods; thence East 160 rods, to the East line of the said SW1/4; thence South 91 rods; thence West 160 rods to the place of beginning.

TO HAVE AND TO HOLD the described premises, together with all tenements, hereditaments and appurtenances thereto belonging, unto the Grantee, his/her/it successors and assigns forever. Grantor does hereby covenant to and with the Grantee that he/she is the owner in fee simple of said premises and that he/she will warrant and defend the same from all lawful claims whatsoever.

DATED: August 6, 2001

Albert C. Babcock by Shanna Deane Whittier AIF *Mary G. Babcock by Shanna Deane Whittier AIF*
ALBERT C. BABCOCK By Shanna Deane Whittier MARY G. BABCOCK By Shanna Deane Whittier
Attorney-in-Fact Attorney-in-Fact

THIS SPACE FOR COUNTY RECORDERS USE ONLY

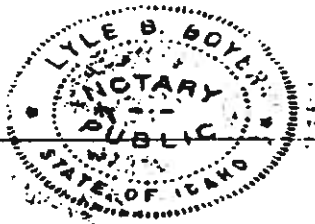
STATE OF IDAHO
COUNTY OF BUTTE

On this 6th day of August in the year 2002, before me, a Notary Public, personally appeared

Shanna Deane Whittier known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Albert C.

Babcock & Mary G. Babcock and acknowledged to me that she subscribed the name of Albert C. Babcock & thereby as principal, and his (her) own name as attorney in fact.

Lyle B. Boyer
Notary Public
Residing at Arco Idaho
Comm. Exp: 5-31-2003



NO. 0038385
RECORDED

AUG 07 2002

2:30 AM PM
BUTTE COUNTY RECORDER

Lyle B. Boyer

Idaho Title & Trust
400 Memorial Drive, PO BOX 50367, Idaho Falls, ID 83402

888 Vision Form SUD710 Rev Jan 97

SCANNED

MAY 12 2003

ATTACHMENT T 70386
1 OF 1

T70386 (34-2452) proposes to change **P/D** from SWNE Sec 33, T5N, R26E on to **P/U** w/in SWSW Sec 2, T4N, R26E. Now there will be no ditch delivery of ground water only delivery of surface right 34-50E Big Lost River.

34-2452 1.68 cfs/67acres Ground water **Decreed Date:** 12/14/2001

1. **34-02404** IS ALSO DIVERTED THROUGH P/D NWSWNE Sec 33, T05N, R26E WATER DELIVERED THROUGH WESTSIDE EAST DITCH.
2. USE OF THIS RIGHT (**34-2452**) W/ **34-00050E** IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF **67 ACRES** IN A SINGLE IRRIGATION SEASON.

**** THIS RIGHT MAY BE USED IN COMBINATION WITH RIGHT NO. 34-02404 IN ROTATION ON THE PLACE OF USE DESCRIBED ABOVE WHEN BOTH THIS RIGHT AND RIGHT NO. 34-02404 ARE USED ON THE RESPECTIVE PLACE OF USE OF EACH RIGHT IN THE SAME IRRIGATION SEASON.**

3. USE OF THIS RIGHT (**34-2452**) W/ **34-00050E** LIMITED TO A TOTAL COMBINED DIV. RATE OF **1.91 CFS**.

USE OF THIS RIGHT (**34-2452**) W/ **34-02404** LIMITED TO A TOTAL COMBINED DIV. RATE OF **3.08 CFS** & TOTAL COMBINED ANNUAL DIVERSION VOLUME OF **572.7 AF**.

Note: <table border="0"> <tr> <td>34-2452</td> <td>1.68 cfs</td> <td>67 ac</td> <td></td> </tr> <tr> <td>34-2404</td> <td>1.40 cfs</td> <td>66 ac</td> <td></td> </tr> <tr> <td></td> <td><u>3.08 cfs</u></td> <td><u>133 ac</u></td> <td><u>572.7 AF</u></td> </tr> </table>	34-2452	1.68 cfs	67 ac		34-2404	1.40 cfs	66 ac			<u>3.08 cfs</u>	<u>133 ac</u>	<u>572.7 AF</u>	133 ac X 3.5 = 465.5 afa Determine why 572.7 afa i.e. % increase 465.5 + 465.5x = 572.7 x = 0.23 or 23% Assume as loss.
34-2452	1.68 cfs	67 ac											
34-2404	1.40 cfs	66 ac											
	<u>3.08 cfs</u>	<u>133 ac</u>	<u>572.7 AF</u>										

Comments:

3. SCHULTZ 5/22/1992 REMARK ADDED ADDED STD REMARK D02 - 0.34 CFS - OTHER RIGHT 34-00050E.

4. CFRITSCH 6/5/1995 BASIS OF CLAIM AND PRIORITY DATE RIGHT WAS ORIGINALLY CLAIMED BASED ON LICENSED RIGHT 34-02452. CLAIM A34-12434 WAS CLAIMED FOR ADDITIONAL WATER FROM THE SAME WELL, HOWEVER IT WAS DISALLOWED BECAUSE NO LAWFUL APPROPRIATION WAS SHOWN. IN ORDER TO SETTLE THE OBJECTION TO 34-12434, THE BASIS OF CLAIM FOR RIGHT 34-02452 WAS CHANGED TO BENEFICIAL USE, THE PRIORITY DATE WAS CHANGED TO 8-1-1961, AND CLAIM NO. 35-12434 WAS WITHDRAWN WITH PREJUDICE. THERE IS ONLY ONE APPROPRIATION FOR THIS WATER USEAGE, AND THE RECOMMENDATION OF BENEFICIAL USE RIGHT 34-02452 REPLACES LICENSED RIGHT 34-02452.

5. CFRITSCH 10/1/1996 COPIED FROM REMARKS
 Comment: 0.34 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-00050E.

6. DSHAFF 3/5/1997 CON REMARK
 Comment: USE OF THIS RIGHT (**34-2452**) W/ **34-00050E** IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF **167.5 AF**.

Adj. Recommendation Report 34-50E V2 1.52 cfs / 67 acres

Remarks:

1. USE OF THIS RIGHT (**34-50E**) W/ **34-02452** LIMITED TO A TOTAL COMBINED DIV. RATE OF **1.91 CFS**.
2. USE OF THIS RIGHT (**34-50E**) W/**34-02452** LIMITED TO THE IRR. A COMBINED TOTAL OF **67 ACRES** IN A SINGLE IRRIGATION SEASON.

Comments:

5. SCHULTZ 5/22/1992 REMARK ADDED
 Comment: ADDED STD REMARK D03 - **0.34 CFS** - OTHER RIGHT 34-02452.

6. CFRITSCH 3/27/1998 COPIED FROM REMARKS
 Comment: **0.34 CFS OF RIGHT NO. 34-02452** LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT (34-50E) & 34-02452.

.....
 03/04/2003

34-2404 1.40cfs / 66 acres Decreed Date: 5/2/1997

1. USE OF THIS RIGHT (34-2404) W/ RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.08 CFS. COMBINED RIGHT NOS.: 34-00555, 34-00641, 34-10234 AND 34-00117E.

USE OF THIS RIGHT (34-2404) W/ 34-02452 IS LIMITED TO A TOTAL COMBINED DIV. RATE OF 3.08 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 572.7 AF.

2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 66 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00555, 34-00641, 34-10234 AND 34-00117E.

** THIS RIGHT MAY BE USED IN COMBINATION WITH RIGHT NO. 34-02452 IN ROTATION ON THE PLACE OF USE DESCRIBED ABOVE WHEN BOTH THIS RIGHT AND RIGHT NO. 34-02452 ARE USED ON THE RESPECTIVE PLACE OF USE OF EACH RIGHT IN THE SAME IRRIGATION SEASON.

3. RIGHT NO. 34-02452 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
STOCKWATER FOR 150 RANGE CATTLE

Comments:

1. VERNER 4/21/1992 RECONCILIATION OF NOTICE OF ERROR: SEE R34-00117E.

Comment: COPIED FROM REMARKS THIS RIGHT IS USED IN COMBINATION WITH RIGHT NOS. 34-00117E AND THE OTHER RIGHTS THEREIN SHALL BE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.80 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 157.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 63 ACRES IN A SINGLE IRRIGATION SEASON.

2. CFRITSCH 10/17/1995 CHANGED REMARKS

Comment: THE DIVERSION RATE PER ACRE REMARK WAS DELETED (REMARK D08) PER MEMO 32. ALSO, THE CONVEYANCE LOSS REMARK WAS REMOVED SINCE THIS RIGHT IS DIVERTED AT THE PLACE OF USE AND IT IS NOT DELIVERED THROUGH A BIG LOST RIVER IRRIGATION DISTRICT CANAL.

3. CFRITSCH 10/15/1996 REVISIONS

Comment: CONFORMED REMARKS AND CONDITIONS TO B.W.I. 12 STANDARDS.

4. DSHAFF 3/5/1997 CON REMARKS

Comment: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 165.0 AF. COMBINED RIGHT NOS.: 34-00555, 34-00641, 34-10234 AND 34-00117E.

03/04/2003

If 0.34 cfs of 34-2452 is used for conveyance loss in delivery of 34-2452 & 34-50E and the total diversion rate is 1.91 cfs.

1. 0.34 cfs loss needs to come from somewhere. 0.34 cfs loss from 34-50E (1.52 cfs) used for loss?
2. 34-2452 (1.68 cfs) reduced by 0.34cfs loss (1.68 - 0.34 = 1.34) & 0.02 cfs/ac (67 x 0.02 = 1.34 cfs)
3. 34-50E (1.52cfs) + 34-2452 (1.68 cfs) = 1.91cfs Does 0.34 cfs come out of 1.91 cfs? If so 34-2452 would be = 0.05 cfs (1.91 - 1.52 = 0.39 - 0.34 = 0.05) If 34-2452 only for loss cannot be transferred.
4. 34-50E will need to be included in a transfer (this one or another) to change conditions.

34-2452 (1.68 cfs) + 34-2404 (1.40 cfs) = 1.68 cfs + 1.40 = 3.08 cfs the limit found in 34-2452 & 34-2404.

****The following statement appears to allow diversion of 3.08 cfs for 67 acres (of 34-2452/50E) and 66 ac (of 34-2404, 34-555, 34-641, & 34-10234) on a rotational basis:**

or 34-2404

"This right may be used in combination with 34-2452 in rotation on the place of use described above with both this right & 34-2452 are used on the respective place of use of each right in the same irrigation season."

or 34-2404

Appears that 34-2404 would also need a transfer to have this statement & 3.8 cfs and 572.7 afa removed from remarks.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2003

Bruce Blackmer
3264 W 2900 N
Moore, ID 83255

RE: Transfer water right 34-2452

Dear Mr. Blackmer:

As we discussed on the phone today the transfer that you submitted had additional information that was not needed. For your convenience enclosed is a transfer that was rewritten using the information on the original transfer.

Please review the transfer, make any necessary changes, sign in front of a notary and return the completed transfer to this office on or before January 29, 2003.

Your prompt response to this matter will be greatly appreciated.

Thank you,

Keith C. Wilson
Senior Resource Agent

SCANNED

MAY 12 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 19, 2003

Bruce Blackmer
2264 W 2900 N
Moore, ID 83255

Re: Transfer 70386 for water right 34-2452

Dear Mr. Blackmer:

Your water right 34-2452 (1.68 cfs/ 67 acres) shares the well, but not the same place of use, with right 34-2404 (1.40 cfs/66 acres). Both rights have a combined right limit for volume (572.7 af), a combined rotational use condition, and a combined diversion rate of 3.08 cfs. The application for transfer proposes to change the system under your right (34-2452) to use a new on-site well. Both your right (34-2452) and 34-2404 will be impacted, and 34-2404 will have to be added to the application as an associated right.

We need more information to decide how to proceed with the application for transfer. You will need to respond in writing, on or before April 21, 2003, with a detailed description of your plans. Your letter will need to address the rotational condition, combined diversion rate, and if you are proposing to separate the two ground water rights and removing the combined conditions. In proposing to use an on-site well any conveyance losses previously accounted for in the delivery (0.34 cfs) of 34-2452 will need to be reduced, or you will need a justification for a greater than the standard 0.02 cfs/acre and 3.5 afa. In addition include any agreement and/or acknowledgement of the transfer from the owner of water right 34-2404 that addresses the rotational, and diversion rate conditions. For your convenience enclosed are copies of both 34-2452 and 34-2404 with the combined conditions indicated in red.

This information needs to be submitted on or before April 21, 2003, so that processing of the application for transfer can continue. Your prompt response will be appreciated.

Thank you,

Keith C. Wilson
Senior Resource Agent

Cc: Dale E. Smith

SCANNED

MAY 12 2003

March 19, 2003

Dale E. Smith
Rt 1 Box 22
Moore, ID 83255-9794

RE: Transfer in the name of Bruce Blackmer water right 34-2452

Dear Mr. Smith:

This letter is to notify you of the changes that Mr. Blackmer wishes to make to his water right number 34-2452. Enclosed is a copy of a letter that I sent to Bruce Blackmer in regards to his transfer of his water right 34-2452. It appears that his transfer will affect the conditions of your water right 34-2404.

Please feel free to contact this office with any questions that you may have about this transfer.

If your address has changed either due to the county rural addressing system or you have moved I have enclosed a change in address form that you can complete and return to this office so that the department has the most current address in our data base.

Thank you,

Keith C. Wilson
Senior Resource Agent

SCANNED
MAY 12 2003

125 South Water Street
P. O. Box 819
Arco, Idaho 83213-0819
Phone (208) 527 8557
Fax (208) 527 3978



Fax

To: Keith Wilson From: Bruce Blackmer
Fax: 525-7177 Pages: 2
Phone: 525-7161 Date: 4/21/13
Re: Transfer 70386 CC:

☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

• Comments:

Keith,

I hope to phone sometime
This week. Also hope to have
a justification ready next
week (if I need one).

Bruce Blackmer

3264 W 2900 N
Moore, Id. 83255

Monday, April 21, 2003

Keith Wilson, Senior Resource Agent
Idaho Department of Water Resources
900 N Skyline Dr., Suite A
Idaho Falls, Id. 83402-1718

Re: Transfer 70386 for water right 34-2452

Dear Mr. Wilson:

In response to your letter of March 19, 2003 at this time I am not able to provide a detailed description of my irrigation plan. I have gathered the necessary soil, climate, and crop data. I have reviewed administrator's memorandum #24. In that memorandum I could not find a reference to the 3.5 afa you mention in paragraph 2 of your letter. Is that a unit of volume - perhaps acre-feet per acre? What is the basis of this requirement?

When I returned the revised transfer request I neglected to retain a copy. Could you provide one for me?

It is not my intent to enlarge the use of water under my water right.

I am primarily concerned with the provision of adequate irrigation water for both crops in a hay-grain rotation. In particular I am concerned with the second and third month of the establishment of an alfalfa-grass seeding. I am also concerned with the final month of maturation of a barley crop.

Theoretically the storage capacity of the sandy loam in my field can only hold enough water to last three days during the hay stand establishment period. And the last month a 67acre barley crop requires a flow that is slightly greater than 1.56 cfs if the current sprinkler system is operated on a twelve day cycle and is 75% efficient.

In chapter 6 of the National Engineering Handbook Irrigation Guide the irrigation design procedure includes 17 steps. Design evaluation is step 9 and design adjustment is step 10. Last Wednesday I met with Jack Jensen, the owner and last operator of the current irrigation system. I need to review the system power and pressure information he provided. It may be possible to reduce these flow requirements with minor design adjustments. I may also have overlooked a design aspect.

Please regard this as a written response to your letter. I am interested in completing the transfer process as quickly as possible. I would like to schedule the well development in time to drill a hay crop this season.

Sincerely,

Bruce Blackmer

Bruce Blackmer

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MAY 12 2003

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MAY 02 2003

3264 W 2900 N
Moore, Id. 83255

Thursday, May 01, 2003

Keith Wilson, Senior Resource Agent
Idaho Department of Water Resources
900 N Skyline Dr., Suite A
Idaho Falls, Id. 83402-1718

Department of Water Resources
Eastern Region

Re: Transfer 70386 for water right 34-2452

Dear Mr. Wilson:

I would like to retain a diversion rate of 1.68 cfs for my water right #34-2452. I have three reasons for retaining this rate.

First, during the second and third month of establishment of an alfalfa/grass mix hay stand the moisture holding capacity in the crop root zone of soil mapping unit 75 (Mooretown-Borco sandy loam) is only 1.44 inches and the wilting stress point is 50% of the moisture holding capacity.

If the crop evapo-transpiration rate 0.21 inches per day then an irrigation cycle of 3 days is necessary to irrigate it.

$$(50\%) (1.44'') = 0.72''$$

$$(0.72'') / (0.21 \text{ "/day}) = 3 \text{ days}$$

This evapo-transpiration rate is reasonable. The potential evapo-transpiration rate in Butte County can exceed 0.3 inches per day between June 1st and August 20th.

The existing irrigation wheel-line system has a pipe length of 40 feet and a distance of 60 feet between risers. Each nozzle orifice is 11/64 of an inch in diameter and at 40 psi has a flow rate of 5.4 gallons per minute.

The current diversion rate (1.68 cfs) will supply enough water for 140 nozzles.

$$(1.68 \text{ cfs}) (450 \text{ gpm/cfs}) = 765 \text{ gpm}$$

$$(765 \text{ gpm}) / (5.4 \text{ gpm/nozzle}) = 140 \text{ nozzles}$$

This rate will only irrigate 46.2 acres in three days with two sets per day.

$$(40') (60') / (43560 \text{ sq ft/ac}) = 0.055 \text{ ac/nozzle}$$

$$(3 \text{ days}) (2 \text{ sets/day}) (140 \text{ nozzles}) (0.055 \text{ ac/nozzle}) = 46.2 \text{ ac}$$

Second, the total seasonal consumptive use of an alfalfa crop in Butte county is 22.38 inches according to the Idaho Irrigation Guide. The total seasonal consumptive use of a 67.4 acre hay/grass stand is 125.8 acre feet.

$$(1/12) (22.4'') (67.4 \text{ ac}) = 125.8 \text{ ac ft}$$

The consumptive use volume attached to water right 34-2452 is 167.5 acre feet. If an irrigation rate of 1.68 cfs (instead of 1.34 cfs) is applied for the entire 60 day period of June 1st to July 30th the difference in water volume is 40.8 acre feet.

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MAY 12 2003

(0.34 cfs) (2 acre feet per day/cfs)

= 0.68 acre feet/day

(0.68 ac ft/day) (60 days)

= 40.8 acre feet

This volume and the total crop consumptive use is less than the volume attached to right 34-2452.

A third reason to retain the higher diversion rate (1.68 cfs) is the opportunity to gain a higher irrigation water application efficiency. If a sprinkler irrigation system can be operated at an application rate that exceeds the crop evapo-transpiration rate then it is not necessary to irrigate continually to meet crop requirements. If a sprinkler system can be shut off during high wind periods system application efficiency will improve.

With regard to separation of combined water rights 34-2452 and 34-2404, this transfer application includes a permanent separation of those two rights. Big Lost River Irrigation District measured the production of the common well last June. At that time the production rate was 616 gpm. This does not exceed the total diversion rate attached to water right 34-2404.

Sincerely,



Bruce Blackmer

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MAY 12 2003

*Dale Smith last
signature page*

Keith Wilson, Senior Resource Agent
Idaho Department of Water Resources
900 N Skyline Dr., Suite A
Idaho Falls, Id. 83402-1718

3264 W 2900 N
Moore, Id. 83255

Thursday, May 01, 2003

Re: Transfer 70386 for water right 34-2452

Dear Mr. Wilson:

I would like to retain a diversion rate of 1.68 cfs for my water right #34-2452. I have three reasons for retaining this rate.

First, during the second and third month of establishment of an alfalfa/grass mix hay stand the moisture holding capacity in the crop root zone of soil mapping unit 75 (Mooretown-Borco sandy loam) is only 1.44 inches and the wilting stress point is 50% of the moisture holding capacity.

If the crop evapo-transpiration rate 0.21 inches per day then an irrigation cycle of 3 days is necessary to irrigate it.

$$(50 \%) (1.44'') = 0.72''$$

$$(0.72'') / (0.21 \text{ "/day}) = 3 \text{ days}$$

This evapo-transpiration rate is reasonable. The potential evapo-transpiration rate in Butte County can exceed 0.3 inches per day between June 1st and August 20th.

The existing irrigation wheel-line system has a pipe length of 40 feet and a distance of 60 feet between risers. Each nozzle orifice is 11/64 of an inch in diameter and at 40 psi has a flow rate of 5.4 gallons per minute.

The current diversion rate (1.68 cfs) will supply enough water for 140 nozzles.

$$(1.68 \text{ cfs}) (450 \text{ gpm/cfs}) = 765 \text{ gpm}$$

$$(756 \text{ gpm}) / (5.4 \text{ gpm/nozzle}) = 140 \text{ nozzles}$$

This rate will only irrigate 46.2 acres in three days with two sets per day.

$$(40') (60') / (43560 \text{ sq ft/ac}) = 0.055 \text{ ac/nozzle}$$

$$(3 \text{ days}) (2 \text{ sets/day}) (140 \text{ nozzles}) (0.055 \text{ ac/nozzle}) = 46.2 \text{ ac}$$

Second, the total seasonal consumptive use of an alfalfa crop in Butte county is 22.38 inches according to the Idaho Irrigation Guide. The total seasonal consumptive use of a 67.4 acre hay/grass stand is 125.8 acre feet.

$$(1/12) (22.4'') (67.4 \text{ ac}) = 125.8 \text{ ac ft}$$

The consumptive use volume attached to water right 34-2452 is 167.5 acre feet. If an irrigation rate of 1.68 cfs (instead of 1.34 cfs) is applied for the entire 60 day period of June 1st to July 30th the difference in water volume is 40.8 acre feet.

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Department of Water Resources
Eastern Region

MAY 12 2003

(0.34 cfs) (2 acre feet per day/cfs) = 0.68 acre feet/day
(0.68 ac ft/day) (60 days) = 40.8 acre feet

This volume and the total crop consumptive use is less than the volume attached to right 34-2452.

A third reason to retain the higher diversion rate (1.68 cfs) is the opportunity to gain a higher irrigation water application efficiency. If a sprinkler irrigation system can be operated at an application rate that exceeds the crop evapo-transpiration rate then it is not necessary to irrigate continually to meet crop requirements. If a sprinkler system can be shut off during high wind periods system application efficiency will improve.

With regard to separation of combined water rights 34-2452 and 34-2404, this transfer application includes a permanent separation of those two rights. Big Lost River Irrigation District measured the production of the common well last June. At that time the production rate was 616 gpm. This does not exceed the total diversion rate attached to water right 34-2404.

Sincerely,

Bruce Blackmer

I agree with the parts of this letter that refer to Idaho Water Right 34-2404.

Dale Smith



SCANNED
MAY 12 2003

MEMORANDUM

Date: May 21, 2003

To: Transfer No. 70386
WR File No. 34-2452

From: Jeff Peppersack

Re: Review of Diversion Rate Information

This transfer proposes to change the point of diversion under the ground water right and would eliminate the conveyance of the ground water through the BLRID Canal. The right was decreed in the SRBA with a total diversion rate of 1.68 cfs for irrigation of 67 acres and a combined rate with surface water right 34-50E of 1.91 cfs. The rate greater than 0.02 cfs per acre was justified based on a 30% shrink due to conveyance loss (67 acres x 0.02 cfs per acre divided by 0.70 = 1.91 cfs). Since the right will no longer be conveyed through the canal, the additional rate for conveyance loss would not be justified under the ground water right so the amount greater than 0.02 cfs per acre (1.34 cfs) needs additional justification.

The applicant submitted an analysis indicating that 1.68 cfs could be justified for establishment of an alfalfa/grass mix hay requiring an ET rate of 0.21 inches per day with soil conditions requiring a 3 day return time (see 5/1/03 letter in file).

With proper sprinkler system design, a rate of 0.02 cfs per acre is adequate for most crops and soil conditions found in the state. For example, using a 1/8 inch nozzle size at 40 psi would provide 3 gpm per nozzle (see attached design sheet). A nozzle flow of 3 gpm per nozzle would provide a gross application rate of 0.12 inches per hour with a 40' by 60' spacing. A gross application rate would provide the required net application of 0.21 inches in just 3 hours (60% efficiency). This set-up would allow for some flexibility due to windy conditions.

Following the analysis provided by the applicant, a rate of 1.34 cfs would provide enough water for 200 nozzles using 1/8 inch nozzle size.

$$1.34 \text{ cfs} \times 449 \text{ gpm/cfs} = 601 \text{ gpm}$$

$$601 \text{ gpm} / (3 \text{ gpm per nozzle}) = 200 \text{ nozzles}$$

a spacing of 40' x 60' provides 0.055 acres/nozzle

$$3 \text{ days} \times (2 \text{ sets/day}) \times 200 \text{ nozzles} \times (0.055 \text{ acres/nozzle}) = 66 \text{ acres}$$

In summary, 0.02 cfs per acre should be adequate for the ground water right with a sprinkler system.



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Lost River Electric Co-op

Lower Valley Power & Light, Inc.
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Salmon River Electric Co-op
Soil Conservation Service
Southside Electric Lines, Inc.
Unity Light & Power Company
Utah Power Company

Energy-Efficient Irrigation Practices Handbook

Table 1. Sprinkler discharge gpm (gallons per minute) for nozzle size (inches) and pressures (psi) (pounds per square inch).

psi	Nozzle Size (in)										
	3/32	7/64	1/8	9/64	5/32	11/64	3/16	13/64	7/32	15/64	1/4
20	1.17	1.60	2.09	2.65	3.26	3.92	4.69	5.51	6.37	7.32	8.34
25	1.31	1.78	2.34	2.96	3.64	4.38	5.25	6.16	7.13	8.19	9.32
30	1.44	1.95	2.56	3.26	4.01	4.83	5.75	6.80	7.86	8.97	10.21
35	1.55	2.11	2.77	3.50	4.31	5.18	6.21	7.30	8.43	9.69	11.03
40	1.66	2.26	2.96	3.74	4.61	5.54	6.64	7.80	9.02	10.35	11.79
45	1.76	2.39	3.13	3.99	4.91	5.91	7.03	8.30	9.60	10.99	12.50
50	1.85	2.52	3.30	4.18	5.15	6.19	7.41	8.71	10.10	11.58	13.18
55	1.94	2.64	3.46	4.37	5.39	6.48	7.77	9.12	10.50	12.15	13.82
60	2.03	2.76	3.62	4.50	5.65	6.80	8.12	9.56	11.05	12.68	14.44
65	2.11	2.88	3.77	4.76	5.87	7.06	8.45	9.92	11.45	13.21	15.03
70	2.19	2.99	3.91	4.96	6.10	7.34	8.78	10.32	11.95	13.70	15.59
75	2.27	3.09	4.05	5.12	6.30	7.58	9.08	10.66	12.32	14.19	16.14
80	2.35	3.19	4.18	5.29	6.52	7.84	9.39	11.02	12.74	14.64	16.67
85	2.42	3.29	4.31	5.45	6.71	8.07	9.67	11.35	13.11	15.10	17.18
90	2.49	3.38	4.43	5.61	6.91	8.31	9.95	11.69	13.51	15.53	17.68
100	2.62	3.57	4.67	5.91	7.29	8.76	10.50	12.32	14.23	16.37	18.64
110	2.75	3.74	4.89	6.19	7.63	9.24	11.00	12.90	14.97	17.17	19.55
120	2.87	3.91	5.10	6.46	7.97	9.65	11.48	13.47	15.63	17.93	20.42
130	2.99	4.07	5.31	6.72	8.30	10.04	11.95	14.02	16.27	18.66	21.25

Note: Figures given are approximate maximum discharge rates for given nozzle size and pressure.

Table 2. Average gross application rate (in/hr).

Spacing (ft)	Gallons per minute from each sprinkler									
	1	2	3	4	5	6	7	8	9	10
20 x 20	0.24	0.48	0.72	0.96	1.20	1.44	1.70	1.93	2.16	2.40
20 x 30	.16	.32	.48	.64	0.80	0.96	1.12	1.28	1.43	1.60
20 x 40	.12	.24	.36	.48	.60	.72	0.84	0.96	1.08	1.20
30 x 30	.11	.21	.32	.43	.54	.64	.75	.86	0.96	1.07
30 x 40	.08	.16	.24	.32	.40	.48	.56	.64	.72	0.80
30 x 50	.06	.13	.19	.25	.32	.38	.45	.51	.58	.64
40 x 40	.06	.12	.18	.24	.30	.36	.42	.48	.54	.60
40 x 50	.05	.10	.14	.19	.24	.29	.34	.38	.43	.48
40 x 60	0.04	0.08	0.12	0.16	0.20	0.24	0.28	0.32	0.36	0.40

Table 3. Net applied depth (in) at 70% efficiency.

Set time (hrs)	Application rate (in/hr)											
	0.10	0.12	0.14	0.16	0.18	0.20	0.24	0.28	0.32	0.36	0.45	0.60
1	.07	.08	.10	.11	.13	.14	.17	.20	.22	.25	.32	.42
2	.14	.17	.20	.22	.25	.28	.34	.39	.45	.50	.63	0.84
3	.21	.25	.29	.34	.38	.42	.50	.59	.67	0.76	0.95	1.26
4	.28	.34	.39	.45	.50	.56	.67	.78	0.90	1.01	1.26	1.68
5	.35	.42	.49	.56	.63	.70	0.84	0.98	1.12	1.26	1.58	2.10
6	.42	.50	.59	.67	.76	.84	1.01	1.18	1.34	1.51	1.89	2.52
7	.49	.59	.69	.78	0.88	0.98	1.18	1.37	1.57	1.76	2.21	2.94
8	.56	.67	.79	0.90	1.01	1.12	1.34	1.57	1.79	2.02	2.52	3.36
9	.63	.76	.88	1.01	1.13	1.26	1.51	1.76	2.02	2.27	2.84	3.78
10	.70	0.84	0.98	1.12	1.26	1.40	1.68	1.96	2.24	2.52	3.15	4.20
12	0.84	1.01	1.18	1.34	1.51	1.68	2.02	2.35	2.69	3.02	3.78	5.04
18	1.26	1.51	1.76	2.02	2.27	2.52	3.02	3.53	4.03	4.54	5.67	7.56
24	1.68	2.02	2.35	2.69	3.02	3.36	4.03	4.70	5.38	6.05	7.56	10.08
36	2.52	3.02	3.53	4.03	4.54	5.04	6.05	7.06	8.06	9.07	11.34	15.12
48	3.36	4.03	4.70	5.38	6.05	6.72	8.06	9.41	10.75	12.10	15.12	20.16

Table 4. Adjustment factor to use with values in table 3 for other than 70% efficiency.

Efficiency	Multiply by	Efficiency	Multiply by
55	0.79	75	1.07
60	0.86	80	1.14
65	0.93	85	1.21



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2003

Bruce Blackmer
3264 W 2900 N
Moore, ID 83255

RE: Transfer 70386 – Review of Diversion Rate Analysis for the need of > 0.02 cfs/ac

Dear Mr. Blackmer:

Enclosed is a Memorandum from Jeff Peppersack outlining the decision of the department that 0.02 cfs/ac (1.34 cfs/67 acres) is adequate for the ground water right with a sprinkler system. In addition I have enclosed the pages used by Mr. Peppersack in reaching his decision.

If you disagree with Mr. Peppersack you may contact him at the following address and phone number:

Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID. 83706
(208) 327-7900

Processing of your transfer will continue. Please feel free to contact this office for any additional assistance.

Sincerely,

Keith C. Wilson
Senior Resource Agent

3264 W 2900 N
Moore, Id. 83255

Monday, June 23, 2003

Keith Wilson, Senior Resource Agent
Idaho Department of Water Resources
900 N Skyline Dr., Suite A
Idaho Falls, Id. 83402-1718

Re: Transfer 70386 for water right 34-2452

Dear Mr. Wilson:

I wish to append the justification for my request to transfer water right 34-2452 in an amount that exceeds the rate established in the Administrator's Memorandum Transfer Processing No. 24. In addition to my previous reasons I would like to add that in 1961 water right 34-2452 was filed to augment a surface water right – number 34-50 when it was not feasible to fill that right. The rate attached to right 34-50 was 76 miner's inches (or 1.52 cfs). At that time the flood irrigation method was used on the cropland to which these rights are both attached.

The sprinkler irrigation system which is now used to irrigate this cropland was not installed until 1990. The irrigation ditches used to irrigate this cropland prior to 1990 are still in place. The cropland is still terraced as it was prior to installation of the sprinkler system. And the proposed well location could provide irrigation water to the main delivery ditch of the flood irrigation system.

I would like to retain at least the rate originally attached to this cropland in the event that I or some future owner or operator of this land choose to irrigate by the flood method again.

Sincerely,

Bruce Blackmer
Bruce Blackmer

Cc: Jeff Peppersack, IDWR, 1301 N. Orchard Street, Boise, Idaho

RECEIVED
JUN 24 2003
Department of Water Resources
Eastern Region

Wilson, Keith

From: Peppersack, Jeff
Sent: Friday, June 06, 2003 9:00 AM
To: Wilson, Keith; Skaggs, Pam
Subject: Transfer No. 70386

I added this memo to comments in the application.

Jeff

Memo to File
Transfer No. 70386
From: Jeff Peppersack
June 6, 2003

Mr. Blackmer, the applicant, called to discuss his water requirements under transfers 70386. He wanted to know what kind of justification would be required for a diversion rate greater than 0.02 cfs/acre. During discussion of his system, Mr. Blackmer indicated that his system (including the ground water use) was developed as a surface application system. He said he wanted to keep that flexibility, if possible. I told him that Dept. policy may allow the greater rate if the system was developed with a greater need and that need will remain. He also indicated that his discussion with NRCS staff determined that smaller nozzle sizes on his sprinkler system would not be practical because it would require more compact spacing. We discussed his present system and agreed that 3 sets per day instead of 2 may be required to cover the fields during establishment of a new crop.

Mr. Blackmer said he is considering changing the location of the well on his application to allow his ground water to be used in the same system as his surface water. The change would include some need for conveyance loss. He understood that his application may need to be amended if the QQ location changes. I told Mr. Blackmer that the reasons indicated may justify the diversion rate greater than 0.02 cfs per acre. He plans to make a final decision on his well location and will provide justification for the rate at that time.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 12, 2003

BRUCE E BLACKMER
3264 W 2900 N
MOORE ID 83255

RE: Application for Transfer No 70386
Water Right No(s) 34-2452 34-2404

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Arco Advertiser on August 21 and 28, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,



W. Roger Warner

Water Right Supervisor

WRW:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 12, 2003

Legal Notice Department

ARCO ADVERTISER

PO BOX C

ARCO ID 83213

RE: Transfer No. 70386

Water Right No(s). 34-2452 34-2404

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 8, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
8/13/03
sc*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 70386

BRUCE E BLACKMER
3264 W 2900 N

MOORE ID 83255, has filed Application No. 70386 for changes to the following water rights within BUTTE County:

Right No. 34-2452

Priority 8/1/1961

Source GROUND WATER

Use IRRIGATION (67 acres) 1.68 CFS

Total Amount 1.68 CFS

Point(s) of Diversion NWSWNE S33 T05N R26E

Place of Use S3 T04N R26E

Right No. 34-2404

Priority 3/1/1961

Source GROUND WATER

Use IRRIGATION (66 acres) 1.40 CFS
STOCKWATER

Total Amount 1.40 CFS

Point(s) of Diversion NWSWNE S33 T05N R26E

Place of Use S33 T05N R26E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant plans on drilling a new well to help eliminate conveyance loss. The new point of diversion is in the SESWSW Sec 3 T4N R26E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before September 08, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 21 and 28, 2003

AFFIDAVIT OF PUBLICATION

I, Vickie Christensen
of The Arco Advertiser, a weekly newspaper of gen-
eral circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of this
notice, per clipping attached, was published weekly
in the regular and entire issue of said newspaper,
and not in any supplement thereof, for

2 consecutive weeks, commencing with
the issue dated August 21, 2003
and ending with the issue dated _____

August 28, 2003

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 28th day of August

in the year of 2003, before me, a Notary

Public, personally appeared

Vickie Christensen

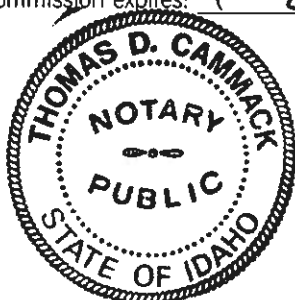
known or identified to me to be the person, whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Cammack

Notary Public for Idaho

Residing at Arco, Id

My commission expires: 1-23-2004



PUBLIC NOTICE

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

TRANSFER NO. 70386

BRUCE E BLACKMER

3284 W 2900 N

MOORE, ID 83255 has filed Application No.
70386 for changes to the following water
rights within BUTTE County:

Right No. 34-2452

Priority: 8/1/1961

Source: GROUND WATER

Use: IRRIGATION (67 acres) 1.68 CFS

Total Amount: 1.68 CFS

**Point(s) of Diversion: NWSWNE S33 T05N
R26E**

Place of Use: S3 T04N R26E

Right No. 34-2404

Priority: 3/1/1961

Source: GROUND WATER

Use: IRRIGATION (66 acres) 1.40 CFS

STOCKWATER

Total Amount: 1.40 CFS

**Point(s) of Diversion: NWSWNE S33 T05N
R26E**

Place of Use: S33 T05N R26E

The purpose of the transfer is to change
a portion of the above rights as follows:

The applicant plans on drilling a new well
to help eliminate conveyance loss. The new
point of diversion is in the SESWSW Sec 3
T4N R26E.

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Resources, Eastern Region, 900 N Skyline
Dr Ste A, Idaho Falls ID 83402 together with
a protest fee of \$25.00 for each application
on or before September 08, 2003. The prot-
estant must also send a copy of the protest
to the applicant.

KARL J. DREHER, Director

Published on August 21 and 28, 2003.

*Received
9/8/03*

MEMORANDUM

Date: July 09, 2003
To: Transfer 70386
From: kwilson
Re: Evaluation

Transfer #70386, filled by Bruce Blackmer, proposes to move his point of diversion (Ground water) as evidenced by right #34-2452, to the place of use under this right, in order to eliminate conveyance losses in the ditch. The overlapping remarks in both this right (34-2452) and water right 34-2404, required that right 34-2404 be included in order to change the remarks in 34-2404. Therefore, the only change made to water right 34-2404 involves changing the remarks eliminating any overlapping language.

Authority to File:

The applicant provided a warranty deed as proof of ownership of the place of use for right 34-2452. Contact was made with Mr. Dale E. Smith, owner of record, for water right 34-2404.

Water Right Validity:

Water rights involved in this transfer were recently decreed in the SRBA. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

By moving the point of diversion to the place of use (farther down the ditch) the ditch loss charged to 34-2452 will no longer be available to others on the ditch. The place of use also has a decreed surface water right (34-0050E) that is delivered by the same ditch. Right 34-0050E has a ditch loss component and, therefore, this transfer should not cause any injury to other water rights.

Enlargement of Use:

Documentation was submitted by Mr. Blackmer, requesting a flow greater than 0.02 cfs per acre. Review of the documentation was made by Jeff Peppersack. According to Mr. Peppersack there is sufficient evidence to justify the rate requested. Therefore, no apparent increase in use proposed.

Local Public Interest:

No negative impacts anticipated.

Beneficial Use/Conservation of Water Resources:

Ditch loss will be eliminated and more efficient use of water will occur.

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

MEMORANDUM

Date: August 05, 2003
To: Transfer 70386
From: kwilson
Re: General

01/10/03 Received transfer.

01/13/03 Started staff review.

01/22/03 E-mailed Ernie Carlson requesting rights be moved from adjudication to allocation database. Called Mr. Blackmer requesting an agreement between parties and to discuss the transfer. Completed a revised transfer based on the conversation with Mr. Blackmer, and forwarded copy to Mr. Blackmer for his review and notarized signature.

01/22/03 Received revised, notarized transfer and completed staff review for data entry.

01/31/03 Data entry completed on transfer.

Between 02/03 and 02/27/03 worked on an analysis of the water rights to determine how excessive flow rate and transfer would affect the associated water rights. The transfer appeared to also affect water rights 34-0050E (Mr. Blackmer) and 34-2404 (Mr. Dale Smith.)

03/04/03 Completed water rights analysis and sent analysis to Jeff Peppersack for review.

03/-/03 Review referred to Pam Skaggs

03/11/03 E-mail from Pam Skaggs. Concluded that 34-50E would not be needed for transfer. Water right 34-2404 would need to be part of the transfer to make changes to conditions. Need an agreement from Mr. Smith (34-2404). Mr. Blackmer needed to submit justification for flow greater than 0.02 cfs per acre.

03/19/03 Letter sent to Mr. Blackmer requested an agreement between parties and justification for greater than 0.02 cfs/acre, and letter to Dale Smith (34-2404) informing him of the proposed change.

04/01/03 Mr. Smith called to inquire about how the transfer would affect the flow for his water right. I informed Mr. Smith as to how we were processing the transfer.

04/14/03 Mr. Blackmer called stating that he was still working on agreement and justification for flow greater than 0.02 cfs per acre.

04/21/03 Received faxed letter from Mr. Blackmer, responding to my letter of 03/19/03.

05/02/03 Received justification letter from Mr. Blackmer and stating his case in reference to 34-2404.

05/06/03 Received a second copy of Mr. Blackmers letter signed by Mr. Dale Smith with an added paragraph agreeing with paragraph in letter dealing with 34-2404.

05/08/03 E-mailed Pam Skaggs informing her of the two copies of Mr. Blackmers letter (One signed by Mr. Blackmer and the second with added paragraph signed by Mr. Dale Smith)

05/09/03 E-mailed copies of the Mr. Blackmers letter to Pam Skaggs.

05/12/03 E-mail request from Pam Skaggs that all documentation needed to be scanned into the transfer file. All documents scanned into file.

05/22/03 E-mail to Pam Skaggs informing her that this office would process the application as documentation was being supplied by applicant.

Received an e-mail from Pam Skaggs indicating how to proceed. Sent a cover letter to Mr. Blackmer and enclosed a copy of rate analysis by Jeff Pettersack showing that 0.02 cfs per acre was sufficient.

06/06/03 Received copy of the conversation memo from Jeff Peppersack to be included in the attached memo to file.

06/13/03 Mr. Blackmer called stating that he had talked with Mr. Peppersack last week and would send another request for flow greater than 0.02 cfs per acre.

06/24/03 Received another justification letter from Mr. Blackmer based on his phone conversation with Mr. Peppersack.

06/26/03 E-mail from Pam Skaggs stating there was sufficient information for granting a flow greater than 0.02 cfs per acre, and to proceed with the transfer.

07/08/03 After several attempts to copy this memo into the transfer comments section retyped this memo into comments.

08/05/03 Received e-mail from Pam Skaggs about changes that still needed to be made and retrieved transfer file. Right 34-2404 completed Arc View and included WD #34. Water right 34-2452 added requested conditions. Also included Water District #34 water master comments