

MAR 31 2006

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73842

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant PTR Inc. Committee #2 Phone 208-462-3626
Post Office address 33 Spring Gulch Road, Garden Valley, ID 83622

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 Clarify mistaken record: all 3 water rights have used northside ditch which is separate from other PTR rights used on the southside ditch. (pending application of DWR to correct that error). Change the place of use for 65-3223 to correct acres left out of shape map 65-3222 and 65-8290.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
~~65-3222~~	~~07/26/1881~~	~~2.90 CFS~~	~~Irrigation~~	~~4/01 to 11/01~~
→ <u>65-3223</u>	<u>04/01/1882</u>	<u>.540 CFS</u>	<u>Irrigation</u>	<u>4/01 to 11/01</u>
~~65-8290~~	~~02/04/1928~~	~~.320 CFS~~	~~Irrigation~~	~~4/01 to 11/01~~

2. Total amount of water being transferred 0.021 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Seriver Creek tributary to Middle Fork Payette River4. Point(s) of Diversion: NW 1/4 SW 1/4 Sec 22 Twp 10N Rge 04E B.M.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	22	10N	4E	BOISE	PTR Northside Ditch

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	
~~No change for 65-3222 & 65-8290~~																			
10N	4E	26							4.0										4.0
		27	8.0	10.0		12													30.0

WITHDRAWN

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Existing ditch system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No longer irrigated.

d. Remarks:
Change only affects 1.3 acres.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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

PART 2
(Attach one copy for each right)

See attached

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

9. Describe any other water rights used for the same purpose as described above None Total acres _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

**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.**

See attached map.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.



Subscribed and sworn to before me this

John F. Hase President MTR #2
(Signature of Applicant)
31 day of March, 2006

Lori Harris
(Notary Public)

My commission expires

12-8-06**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 3 attachmentsReceived by SR Date 3/31/06 Protest filed by _____Prelim. check by AK Fee 100.00 W034002Received by sk Date 3-31-06

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-3223

WATER RIGHT NUMBER: 65-3223

Owner Type Name and Address
Current Owner PINE TREE RANCH INC
 C/O SANDRA L KANE
 33 SPRING GULCH RD
 GARDEN VALLEY, ID 83622
 (208)462-3626

Priority Date: 04/01/1882
Basis: Decreed
Status: Active

Source Tributary
SCRIVER CREEK MIDDLE FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.540 CFS	
	<u>Total Diversion:</u>	0.540 CFS	

Location of Point(s) of Diversion
SCRIVER CREEK NW1/4SW1/4 Sec. 22, Twp 10N, Rge 04E, B.M.
BOISE County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	26							4.0										4.0
10N	04E	27	8.0	10.0	12.0														30.0

Total Acres: 34

Conditions of Approval:

- * 1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03221, 65-03222, 65-03224, 65-03225 & 65-08290.
- 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.

* Being corrected by Transfer App. filed 5/22/03,
65-3222 & 3223 & 8290 = north 0.74 } 60% in
65-3221 & 3224 & 3225 = south 0.74 } same 1/4

ATTACHMENT A

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-3223

3. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Remarks:

Comments:

1. RHOWERTO 11/23/1999 POD COMMENT
Comment: CLARIFIED PRBA ERROR OF LOT 3 TO NW4SW4.
2. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
Decreed Date: 2/13/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 65-3223
Class: 2
SF5 Filed Date: 9/20/2002
Special Master Recom Signed Date: 10/17/2002
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 6/16/2000 Objection Status: Active

Water Supply Bank:

2

The acres shown in red are the lands irrigated outside of the designated boundary for PTR water rights. 1.1 acres are irrigated outside of the designated area on the Weimer property and 1.3 acres are irrigated outside the designated area on the Kane property. No other lands were irrigated outside of the designated boundaries. This is what I found on my field visit on 9/7/2005.

Daniel A. Nelson

T10N0 R4E S22 SWSE

1.1 AC

PLACE OF USE
WATER RIGHTS
65-3222 AND 65-8290

1.3 AC

PLACE OF USE WATER RIGHT
65-3223

T10N R04E S27 NWNE

ATTACHMENT
B

PTR Committee #2 Irrigation Association 2006 Annual Meeting Announcement

President: John Kane
Vice President: Don Walker
Sec/Treasurer: Sandra Kane

March 30, 2006

Steve Lester
 Idaho Department of Water Resources
 322 East Front Street
 P. O. Box 83720
 Boise, ID 83720-0098

Dear Mr. Lester:

Last fall (2005) we discussed the possibility of moving 1.3 acres of water right 65-3223 to 1.3 acres of 65-3222 and 65-8290 where we are currently unable to irrigate because it is outside the boundary for PTR water rights. We would like to move ahead with that action.

PTR Committee No. 2 held its annual meeting on March 25th at Terrace Lakes Resort. The meeting announcement, agenda, financial report, rotation schedule, ballot (with return envelope) and copy of Rules and Regulations for the Association were mailed out on February 21, 2006 to all members. The request to consider allowing us to transfer the water usage was item number five on the agenda and the ballot.

Seven members attended the meeting and four members returned completed ballots. The following members were either present or furnished an absentee ballot:

Those in favor of the motion:

Swain Granieri	42 irrigated acres	Absentee Ballot
T. E. Bollinger	6.5 irrigated acres	Absentee Ballot
Nic Cordum	3 irrigated acres	Absentee Ballot
Donald Walker	2.5 irrigated acres	Absentee Ballot
Jerry Smario	3 irrigated acres	Present
Brian J. Sielaff	16 irrigated acres	Present
Marty Arundell	6.35 irrigated acres	Present
John Turnbull	23 irrigated acres	Present
Gary Pelley	3 acres	Present
Gary Kayser	24 irrigated acres	Present
Jack Kane	<u>13.5 irrigated acres</u>	Present
	142.85 Total	

There were no dissenting votes.

PTR, Committee #2, which is the governing body for the three water rights on the northside of Scriver Creek, has officially approved the transfer of said 1.3 acres of water usage. Should you have any questions, or need further verification, please do not hesitate to notify me.

Thanking you in advance for your guidance and assistance.

Sincerely,


 Jack Kane

ATTACHMENT C