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DEC 16 2009

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Department of Water Resources
Eastern Region

Transfer No. 76167

Receipt No. E035509

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information KAREN PLACE BROUSSARD
4485 OLD LOOP RD
MACKAY ID 83251
(208)588-2333

Will this transfer result in an ownership change? Yes ☒ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
34-14089	WR/Decreed	0.08		4.4	6.0	BIG LOST RIVER
34-14091	WR/Decreed	0.13			6.0	BIG LOST RIVER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-14089	NO	YES	YES	NO	NO	YES
34-14091	NO	YES	YES	NO	NO	YES

Describe the reason for the proposed changes

The purpose of this transfer is to provide mitigation to off set impacts from diverting under pending permit 34-14101. The two water rights covered by this application will continue being diverted through the Sharp Ditch and then delivered to the head of my ditch off of the Sharp. A short distance down my ditch the water will pass through a measuring device and then directed into an infiltration pit and allowed to sink.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
34-14089	0.08 cfs			
34-14091	0.13 cfs			
TOTAL	0.21 cfs			

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

Karen Place-Brown 12-15-09
(Signature of Applicant)

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 34-14089

Priority Date: April 22, 1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER

Tributary: SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 10/15	0.08 CFS		
	Total Diversion	0.08 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NWNWSE Sec. 12 Twp 07N Rge 23E CUSTER 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	
07N	24E	20		6.0															6.0

Total Acres: 6

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-14091 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 6 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. WATER IS DELIVERED THROUGH THE SHARP DITCH.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

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?
NO

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

The place of use will continue to be irrigated but under 34-14101 and this right will be used for mitigation.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 34-14091

Priority Date: June 01, 1894

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER

Tributary: SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 10/15	0.13 CFS		
	Total Diversion	0.13 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NWNWSE Sec. 12 Twp 07N Rge 23E CUSTER 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	
07N 24E 20		6.0															6.0

Total Acres: 6

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. WATER IS DELIVERED THROUGH THE SHARP DITCH.
5. USE OF THIS RIGHT WITH RIGHT NO. 34-14089 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 6 ACRES IN A SINGLE IRRIGATION SEASON.

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6. THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

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?
NO

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

The place of use will continue to be irrigated but under 34-14101 and this right will be used for mitigation.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 34-14089

Priority Date: April 22, 1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER

Tributary: SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
GROUND WATER	05/01 10/15	0.08 CFS		
RECHARGE				
Total Diversion		0.08 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NWSESE Sec. 12 Twp 07N Rge 23E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADING FOR SHARP DITCH TO DITCHES TO INFILTRATION PIT.

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N 24E 17												X					

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 34-14091

Priority Date: June 01, 1894

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
GROUND WATER RECHARGE	05/01 10/15	0.13 CFS		
Total Diversion		0.13 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NWSESE Sec. 12 Twp 07N Rge 23E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADING FOR SHARP DITCH TO DITCHES TO INFILTRATION PIT.

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
07N 24E 17												X					

Mitigation Plan

I purchased 6 irrigated acres in T07N R24E S20 NWNE which is at the very end of a private ditch that historical served a fairly large irrigated farm just north of Mackay. The farm has now been subdivided and the ditch goes through several tracts owned by different individuals, none of which irrigate their property. Because of this change, getting water to my property has become a continual challenge. In order to irrigate my property with fewer struggles and frustrations, I filed application for permit 34-14101 to divert groundwater from my domestic well for irrigation of the 6 acres. To mitigate for the depletion to the aquifer caused by pumping groundwater, I propose sinking my surface water rights to recharge the aquifer in an amount equivalent to the volume being pumped.

My plan is to continue diverting my decreed surface water rights 34-14089 and 34-14091 from the Big Lost River through the Sharp Ditch and then into my ditch. Just a short distance downstream from the head gate on my ditch the water will go through a measuring device and then be directed into an infiltration pit and allowed to sink. The infiltration pit will be located in T07N R24E S17 NWSESW. Because of the gravelly soil, the pit will be fairly small but of sufficient size I expect the water will sink quickly.

To ensure diversion from the well under permit 34-14101 coincides in time with water being provided for recharge, I plan to limit the water diverted from my well to the volume of water provided for recharge over the prior twenty four hour period. Though water right 34-14091 with a priority of 06-01-1894 for 0.13 cfs, is frequently curtailed during the irrigation season, water right 34-14089 with a priority of 04-22-1884 for 0.08 cfs, is one of the earlier rights and is never curtailed. At a minimum when only 34-14089 is being delivered there should be 0.158 acre feet of water going to recharge over a twenty four hour period. This will allow me to divert the 0.15 cfs under pending permit 34-14101 for up to 12.7 hours daily and not exceed the recharged volume.

To implement this plan, I am filing an application for transfer to change the place of use and nature of use of rights 34-14089

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Eastern Region

and 34-14091 to mitigate for the use proposed by pending permit 34-14101. The transfer proposes to change the nature of use of these Big Lost River rights from irrigation to groundwater recharge. The source of water will not change.

Karen Place-Broussard 12-15-03

Signature

Date



Idaho Department of Water Resources

Current

Water Right

34-14089, 34-14091

(IRRIGATION)

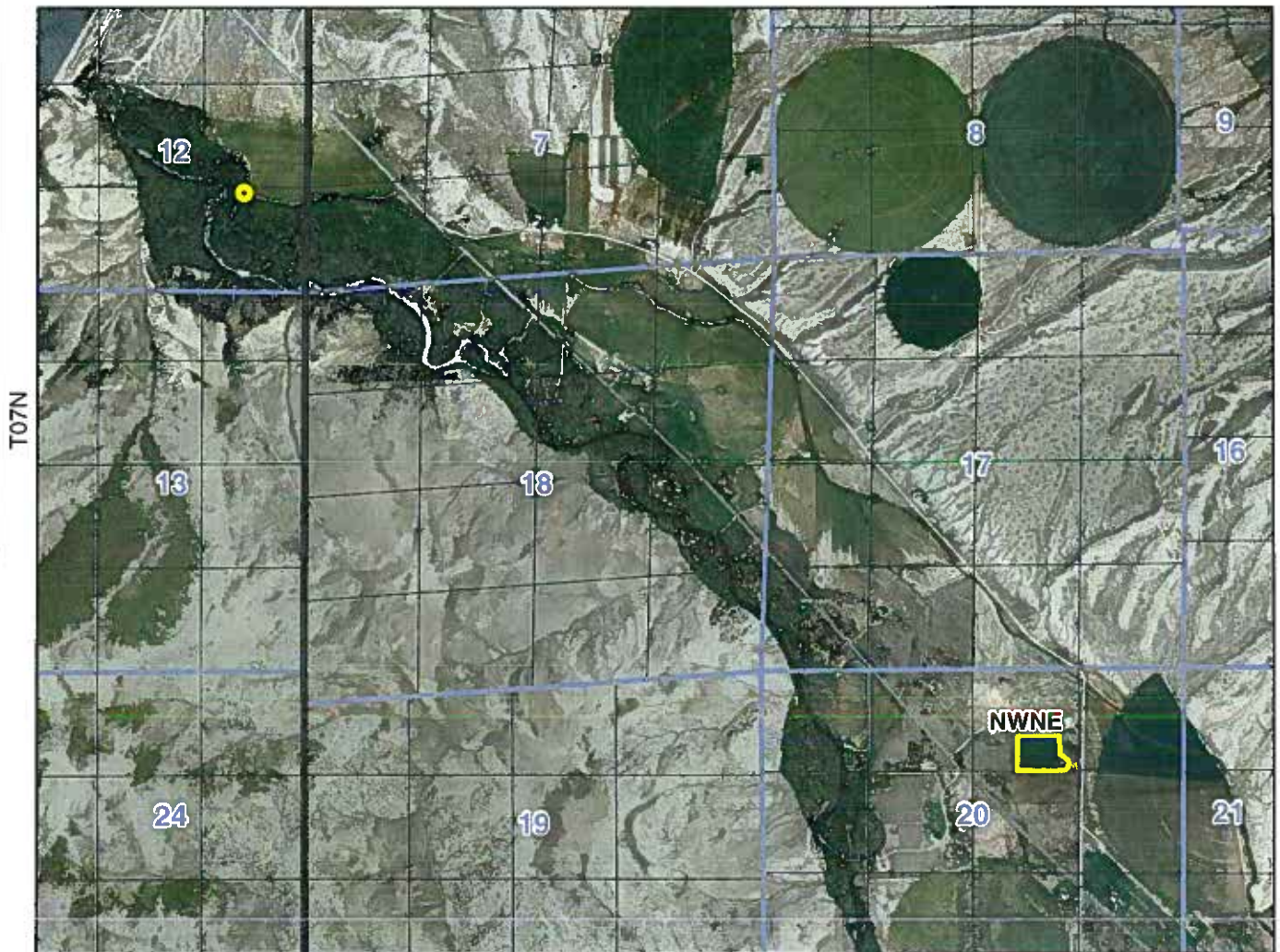


Custer County
IDWR Basin 34

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

R23E



Prepared by Blake Jordan
On December 22, 2009
2006 Aerial Photography

0 0.45 0.9 1.8 Miles

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Idaho Department of Water Resources

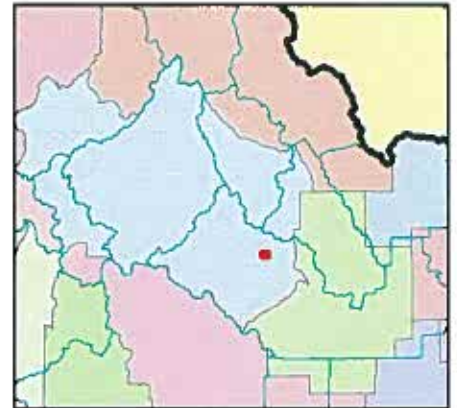
Proposed
Water Right

34-14089, 34-14091

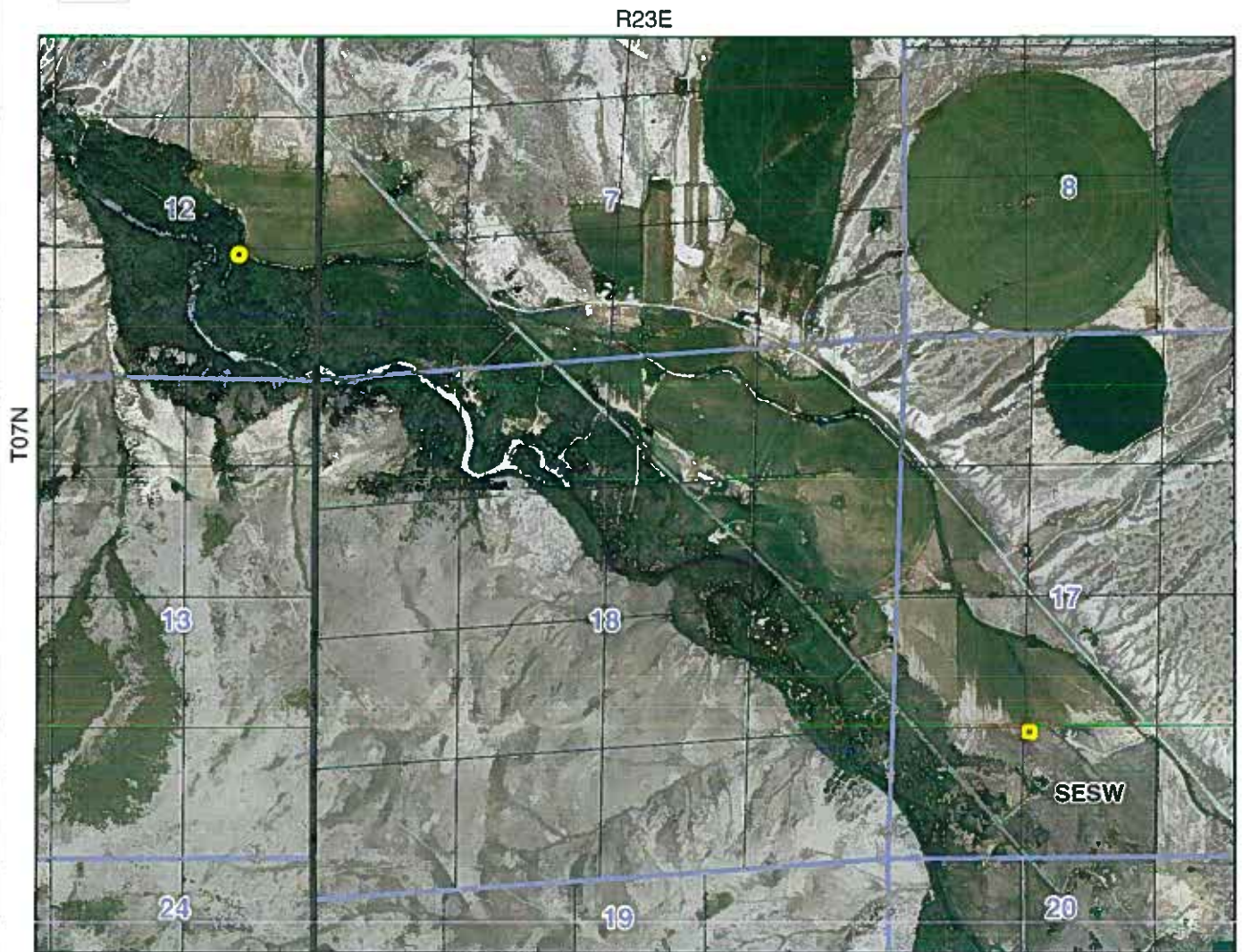
(GROUND WATER RECHARGE)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Custer County
IDWR Basin 34



Prepared by Blake Jordan
On December 22, 2009
2006 Aerial Photography

0 0.35 0.7 1.4 Miles

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