

REJECTED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 73755

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Norman A Batt Fredrick C. Batt Ellen G. Batt Ellen B. Batt Phone 208 453 8588

Post Office address 1621 Idaho Avenue ; Caldwell, Idaho 83605

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 _____

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JUN 04 2007

WATER RESOURCES
WESTERN REGION

2. Describe the reason for the proposed changes Previous "Place of Use" was sold. This transfer request is to move the "Place of Use" to property which is owned by Applicants. The Water Right was NOT sold with the property.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-4428</u>	<u>6/1/1959</u>	<u>1.5 cfs; 436.5 AFY</u>	<u>Irrigation</u>	<u>3-1 to 11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.50 cubic feet per second and/or 436.50 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	23	4N	5W	Canyon	Batt Well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	32		40	40														80
4N	5W	16																5.4	5.4
4N	5W	16															1.4		1.4

Total Acres 86.8

PART 1**6. General Information:**

- a. Description of diversion system Well. Idaho Power location: 188 Hwy 95 Wilda.
Meter # 05627713. GE "Peerless Pump" 15HP 3PH Model SK6503XA2B.
Pump SN 164050. Well data is unknown. Drilled in mid 1950's.
- 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 effect. The current "Place of Use" retains its water
rights w/ the Wilda Irrigation District, Boise Project. This
"combineable" water right was NOT sold with the land. Please see
next paragraph.
- d. Remarks:
Use of this right is combined with water from Wilda Irrigation District.
The water diverted under right #63-4428 is injected into the Golden Gate Canal in
exchange for Wilda Irrigation water by diverting an equal amount for irrigation at the
"Place of Use." Please See Attachment "B".

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as 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. 63-4428 on file with the Idaho Department of Water Resources.
 - d. Transfer No. which produced this right.
2. Attach 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 Ground Water tributary to
4. Date or priority 6-1-1959
5. Water is used for the following purposes:
 amount 1-5 cfs/436.5 AFY for Irrigation purposes from 3-1 to 11-15
 (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 1-5 cubic feet per second and/or 436.50 acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	23	4N	5W	Canyon	Bath Well

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	5W	9													36			36	72
4N	5W	23						25											25

Total Acres 97

9. Describe any other water rights used for the same purpose as described above Wilden Irrigation District of the Boise Project

PART 2

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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

Idaho Department of Water Resources

T04N, R05W,
SEC 9 & 23

Claim No: 63-4428

Prepared By: Kimberly Brown

Date: June 9, 2006



Place of Use #1

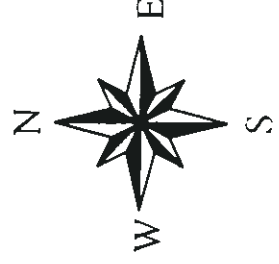
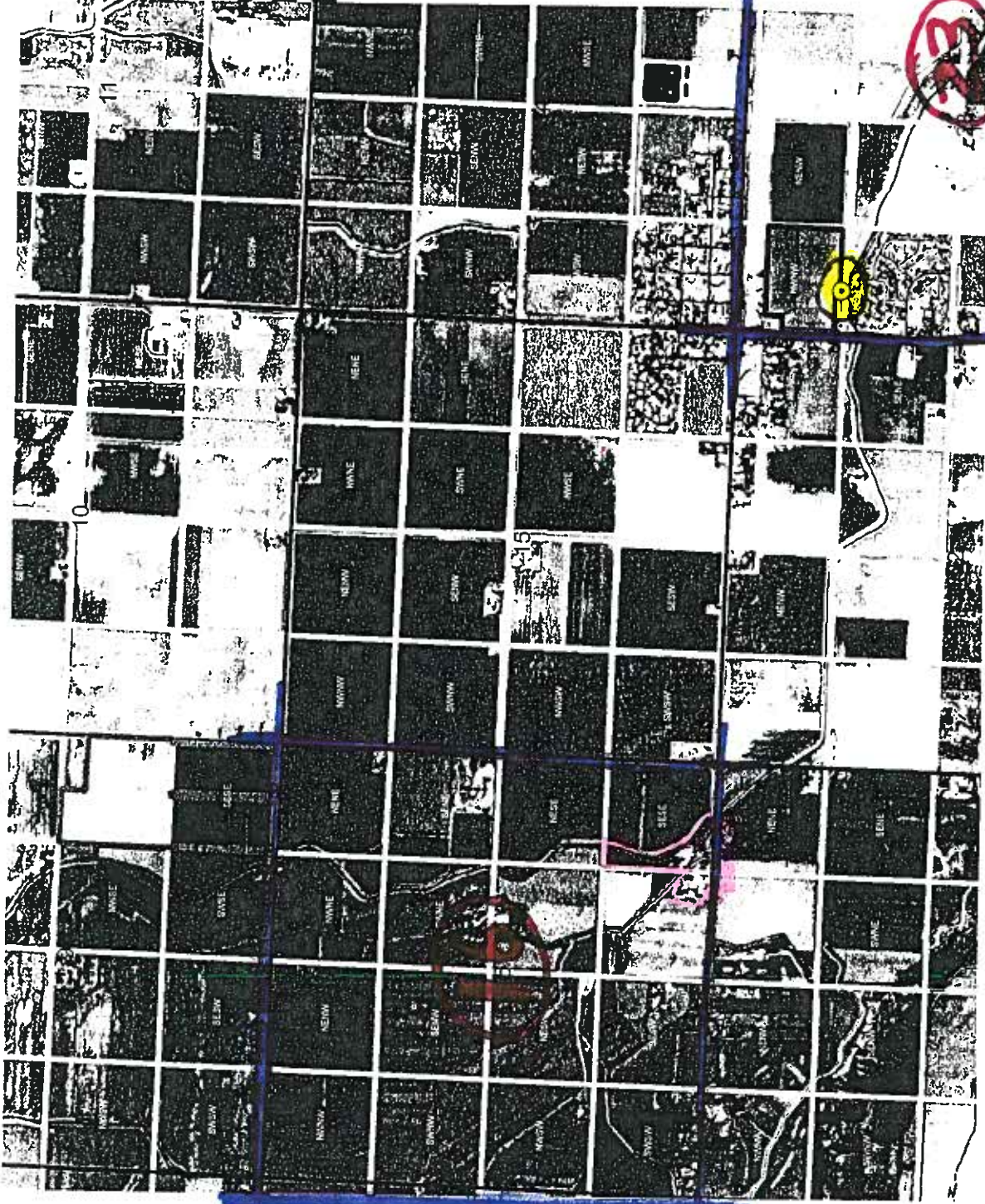


Section Lines

O - Section No.
1/4 1/4



Point of Diversion



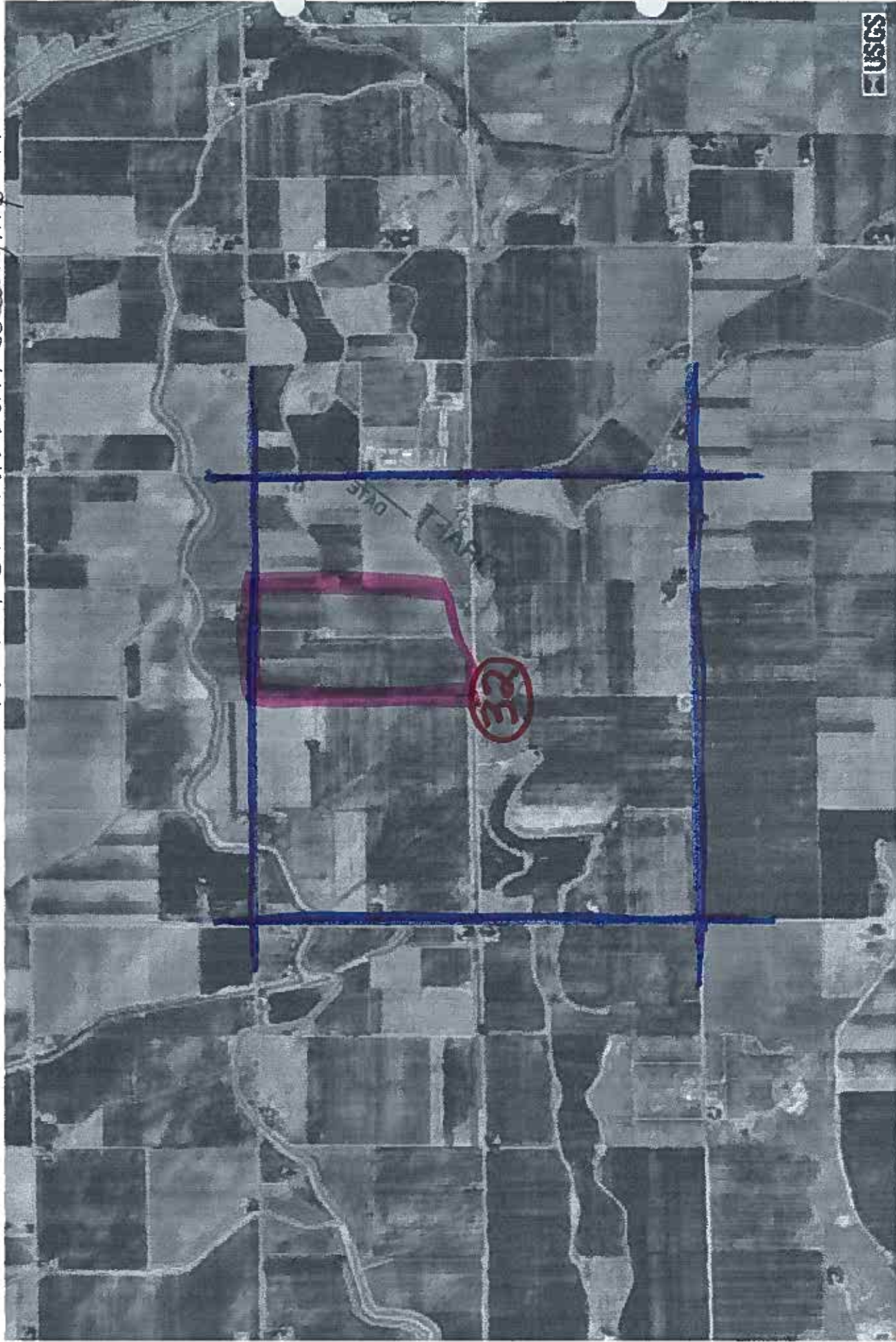
0 0.1 Miles

— Place of Use #2 T4NR4W Sect 32 W $\frac{1}{2}$ NE $\frac{1}{4}$

— Section Lines

(32) - Section No.

— Point of Diversion is on Preceding Map - T4NR5W Sect 23



PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|--------------------------|------------------------|----------------------|
| | | | | 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.

Norman A. Batt
(Signature of Applicant)

Subscribed and sworn to before me this 31 day of May, 2007.

Sammy
(Notary Public)

My commission expires 10/26/12

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by SB Date 6-4-07 Protest filed by _____

Prelim. Check by _____ Fee \$410-

Receipted by DB/W035463 Date 6-4-07

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-4428

ELLEN G BATT
1621 IDAHO
CALDWELL ID 83605
Telephone Number:

~~(208) 482-6448~~

208 453 8588

ELLEN B BATT
1621 IDAHO
CALDWELL ID 83605
Telephone Number:

~~(208) 482-6448~~

11

FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605

11

NORMAN A BATT
1621 IDAHO
CALDWELL ID 83605

11

This water right is still held by the owners recorded hereon. However, the "Place of Use" has changed. Owners will be filing a transfer. As of 1987, the information hereon is correct.

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

None

2. Describe the changes you wish to make in the proposed recommendation:

None

3. Give a brief explanation as to why you disagree with these portions:

NA.

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-30-06

SIGNATURE:

Norman Batt

Please print your name:

Norman Batt

09/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4428

NAME AND ADDRESS: ELLEN G BATT
1621 IDAHO
CALDWELL ID 83605

ELLEN B BATT
1621 IDAHO
CALDWELL ID 83605

FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605

NORMAN A BATT
1621 IDAHO
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.500 CFS
436.50 AFY

Right Nos. 63-4428 and 63-11700 are limited to a total combined diversion rate of 4.16 cfs.

PRIORITY DATE: 06/01/1959

POINT OF DIVERSION:
T04N R05W S23 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	1.500 CFS 436.50 AFY
PLACE OF USE:	<u>IRRIGATION Within CANYON County</u>		
	T04N R05W S09 NESE 36.00	T04N R05W S09 SESE	36.00
	T04N R05W S23 NWNW 25.00		
	97 ACRES TOTAL		

Right Nos. 63-4428 and 63-11700 are limited to the irrigation of a combined total of 213.5 acres in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

The water diverted under this right is injected into the Golden Gate Canal in exchange for Wilder Irrigation District water by diverting an equal amount

"B"

3/4

from this canal for irrigation of the place of use listed on this right.

Idaho Department of Water Resources



T04N, R05W,
SEC 9 & 23

Claim No: 63-4428

Prepared By: Kimberly Brown

Date: June 9, 2006



Place of Use

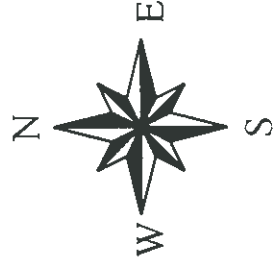


Section Lines

1/4 1/4



Point of Diversion



0 0.1 Miles



"B" 4/4