

(Internet)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

73302

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Bruce H Wheatley Phone 254-3357
Post Office address 2584W ARIMO RD ARIMO 83214

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 separate water rights change
irrigated place of use shape. MAKE a 5 Acres
house lot parcel. use existing pad ditch.
EXISTING PLACE IS LARGER FOR THIS LOT.

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

1. Right Number 3776 Priority 1893 Amount (cfs/ac-ft) .10 Nature of Use IRR Period of Use 4/1 to 10/31
2. Total amount of water being transferred .10 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GARDEN CRK tributary to MARSH CRK
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system ditch to flood irrigation
NORTHSIDE DITCH 2

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:
it will be dry.

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 said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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01/09/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10642

WATER RIGHT NUMBER: 29-10642

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE H WHEATLEY 2584 W ARIMO RD ARIMO, ID 83214 (208)254-3357
Current Owner	DARLENE WHEATLEY 2584 W ARIMO RD ARIMO, ID 83214 (208)254-3357

Priority Date: 05/01/1893

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GARDEN CREEK	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01	to 10/31	0.375 CFS	
	<u>Total Diversion:</u>		0.375 CFS	

Location of Point(s) of Diversion

GARDEN CREEK	SE1/4NE1/4NW1/4	Sec. 7,	Twp 10S,	Rge 36E, B.M.
BANNOCK County				
GARDEN CREEK	SW1/4NW1/4NE1/4	Sec. 7,	Twp 10S,	Rge 36E, B.M.
BANNOCK 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	
10S	36E	8						17.0	35.0				.6						52.6

Total Acres: 52.6

Conditions of Approval:

1. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-374, 29-375, 29-383A, 29-384 AND 29-10642 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
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.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10642

3. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.05 CFS. COMBINED RIGHT NOS.: 29-374, 29-375, 29-383A, 29-384, 29-10642
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-374, 29-375, 29-383A, 29-384, 29-10642.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-374, 29-375, 29-383A, 29-384, 29-10642.

Remarks:

Comments:

1. aruberry 12/13/2002 CLAIM
Comment: THIS CLAIM IS ACTUALLY A DECREED RIGHT FROM GARDENCK VS T. WOLVERTON, ET AL. THE WATER RIGHT WAS OMITTED FROM THE TYPED REFERENCE SO IT HAD NO WATER RIGHT NUMBER.

2. dcarlson 12/19/2006 POD
Comment: Correlated PODID 582322 from SpatialDataID 239980 to SpatialDataID 239944

3. dcarlson 12/19/2006 POD
Comment: Correlated PODID 582322 from SpatialDataID 239980 to SpatialDataID 239944

4. dcarlson 12/19/2006 POD
Comment: Correlated PODID 582322 from SpatialDataID 382709 to SpatialDataID 239980

5. dcarlson 12/19/2006 POD
Comment: Correlated PODID 582322 from SpatialDataID 382709 to SpatialDataID 239980

Dates and Other Information:

Licensed Date:
Decreed Date: 3/22/2004
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.05		52.6

Combined Water Rights: 29-383A , 29-374 , 29-375 , 29-384 , 29-10642

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29-10642

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PART 2

Transfer No. 73302

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 .10 for IRR purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: SAWE

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	
10S	36E	8					2												2
			TOTAL →				5												5

Total acres 5

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

1. amount .275 for IRR purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: SAWE

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	
10S	36E	8					15	35			.6								50.6
			TOTAL AFTER 2 BOA				8.5	31			.6								40.1

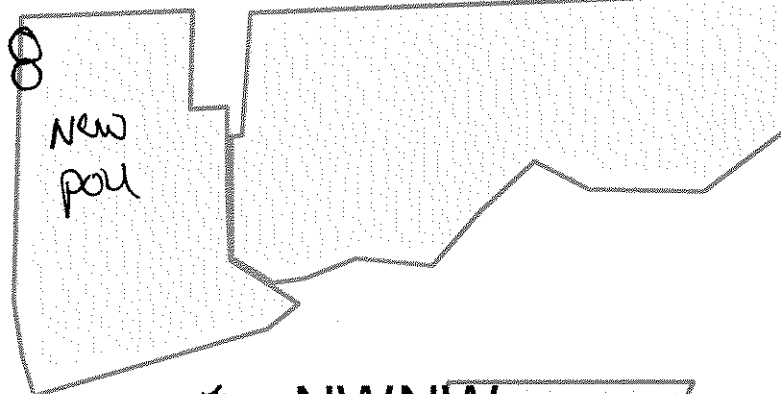
73302

Total acres _____

SESE

SWSW

SESW



NENE

NENW

REMOVE

NWNW

1/24/11

10S
36E

SENE

SWNW

SENW

NESE

NWSW

NESW

PART 3

B. CHANGES IN NATURE OF USE

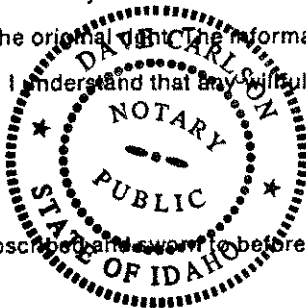
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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 use. 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.



David A. Carlson
(Signature of Applicant)

Subscribed and sworn to before me this

9

day of

JAN

, 19

2007

David Carlson
(Notary Public)

My commission expires

2/28/2008

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 0 attachments

Received by DC Date _____

Protest filed by _____

Prelim. check by _____ Fee \$100

E03 2529

Receipted by _____ Date _____

Published in Id State Journal

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 _____