

**STARTING
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65-2917

Transfer #3883

MICROFILMED
JUN 26 1992

RECEIVED
NOV 22 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3883

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources, United States of America, Acting through the Regional Director

Name of applicant Pacific Northwest Region, Bureau of Reclamation Phone (208) 334-1165

Post Office address Box 043 - 550 West Fort Street, Boise ID 83724

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 Add place and nature of use.

2. Describe the reason for the proposed changes. To add anadromous fish enhancement to the listed uses for the identified Reclamation storage reservoirs. The change to be for a three-year term, w/option to renew for an additional three-year term. Final expiration on or before 12-31-97. The change is to authorize release of up to 427,000 acre-feet of water per year from Reclamation storage to accommodate the salmon saving study efforts of the Columbia River Fish and Wildlife Program.

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
Cascade-- (65-2927A)	12-24-1937	745,200	A L L	1-1 to 12-31
(65-2927B)	12-24-1937	2,500	EXISTING USES	1-1 to 12-31
(65-2917)	12-31-1926	163,000	OF RECORD	1-1 to 12-31
Deadwood-- (65-9483)	12-31-1926	173,000	P L U S FISH ENHANCEMENT	1-1 to 12-31

2. Total amount of water being transferred _____ cubic feet per second and/or 250,000 acre-feet per annum.

3. Source of water Payette & Deadwood Rivers tributary to Snake River

4. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	26	14N	3E	Valley	Cascade Reservoir
		SW	SE	8	11N	7E	Valley	Deadwood Reservoir

5. 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	
IRRIGATION - NO CHANGE																			
Fish Enhancement - Lower Snake River within and out of State																			
Hells Canyon Dam to confluence of Columbia River																			
POWER - NO CHANGE																			

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PART 1**6. General Information:**a. Description of diversion system Federal Reclamation Project Damsb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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 impacts foreseen. Storage waters excess to annual agricultural or other needs will be acquired through the existing water banks or otherwise for release for anadromous fish enhancement.

d. Remarks:

Up to a total of 427,000 acre-feet of water will be acquired from the Boise, Payette, and Snake River storage reservoirs each year as required by the Phase II Amendments to the Columbia River Fish and Wildlife Program adopted by the Northwest Power Planning Council. A maximum of 250,000 acre-feet of water may come from the Payette River Reservoirs. The balance will be acquired from the Boise and Snake River Reservoirs. Annual Diversions will not exceed 200,000 acre-feet from Cascade Reservoir or 50,000 acre-feet from Deadwood Reservoir.

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

65-02927A

Cascade Reservoir

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 3667 Decreed to United States Dept. of Interior
in case of State of Idaho vs. A&C Corp., et al
dated _____ in 3rd Judicial District county of Gem
- b. License No. R-646 / 65-2927A issued by the Idaho Department of Water Resources.
- c. Claim No. A65-02927A 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 N/A
3. Source of water Payette River tributary to Snake River
4. Date or priority 12-24-37
5. Water is used for the following purpose:
- amount 745,200 for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount 745,200 for Power purposes from 1-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right _____ cubic feet per second and/or 745,200 acre-feet per annum.
7. Point(s) of Diversion:

[illegible]

8. Lands irrigated or place of use:

[illegible]

Total acres 150,000

SEE PART 1 - ITEM 8

9. Describe any other water rights used for the same purpose as described above

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 _____

NOT RECORDED
JUN 26 1992

PART 2

(Attach one copy for each right)

1. Right evidenced by:

Right evidenced by:

a. Decree No. 3667 Decreed to United States Dept. of Interior
in case of State of Idaho vs. A&C Corp., et al
dated _____ in 3rd Judicial District county of GEM

b. License No. 65-2927B (R646) issued by the Idaho Department of Water Resources.

c. Claim No. A65-02927B 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 N/A

3. Source of water Payette River tributary to Snake River
4. Date or priority 12-24-37

5. Water is used for the following purpose:

amount 2,500 ac.ft. for Municipal purposes from 1-1 to 12-31
(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:

[illegible]

8. 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	
			PAYETTE & FRUITLAND																

NOT RECORDED

JUN 26 1992

Total acres N/A

9. Describe any other water rights used for the same purpose as described above _____

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 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	

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 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	

Total acres _____

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

65-2917
 Deadwood Res.

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 3667 Decreed to United States Dept. of Interior
 in case of State of Idaho vs. A&C Corp., et al
 dated _____ in 3rd Judicial District county of Gem
- b. License No. 65-2917 (R-403) issued by the Idaho Department of Water Resources.
- c. Claim No. A65-02917 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 N/A

3. Source of water Deadwood River tributary to So. Fk. Payette River

4. Date or priority 12-31-1926

5. Water is used for the following purpose:

amount 173,000 ac.ft. for Power purposes from 1-1 to 12-31
 (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 173,000 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	8	11N	7E	Valley	Deadwood Res.

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	

BLACK CANYON POWER PLANT

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Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

65-9483

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 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	

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 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	

Total acres _____

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APPLICATION FOR TRANSFER OF WATER RIGHT

65-9483
Deadwood Res.

(Attach one copy for each right)

1. Right evidenced by:

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: ☐ ☒ N/A

3. Source of water Deadwood River tributary to So.Fk.Payette River

5. Water is used for the following purpose:

6. Total amount of water under right _____ cubic feet per second and/or 173,000 acre-feet per annum.

7. Point(s) of Diversion:

8. Lands irrigated or place of use:

WINTER OF 1961

JUN 26 1992

Total acres 150,000

9. Describe any other water rights used for the same purpose as described above

65-2927A

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 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	

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 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	

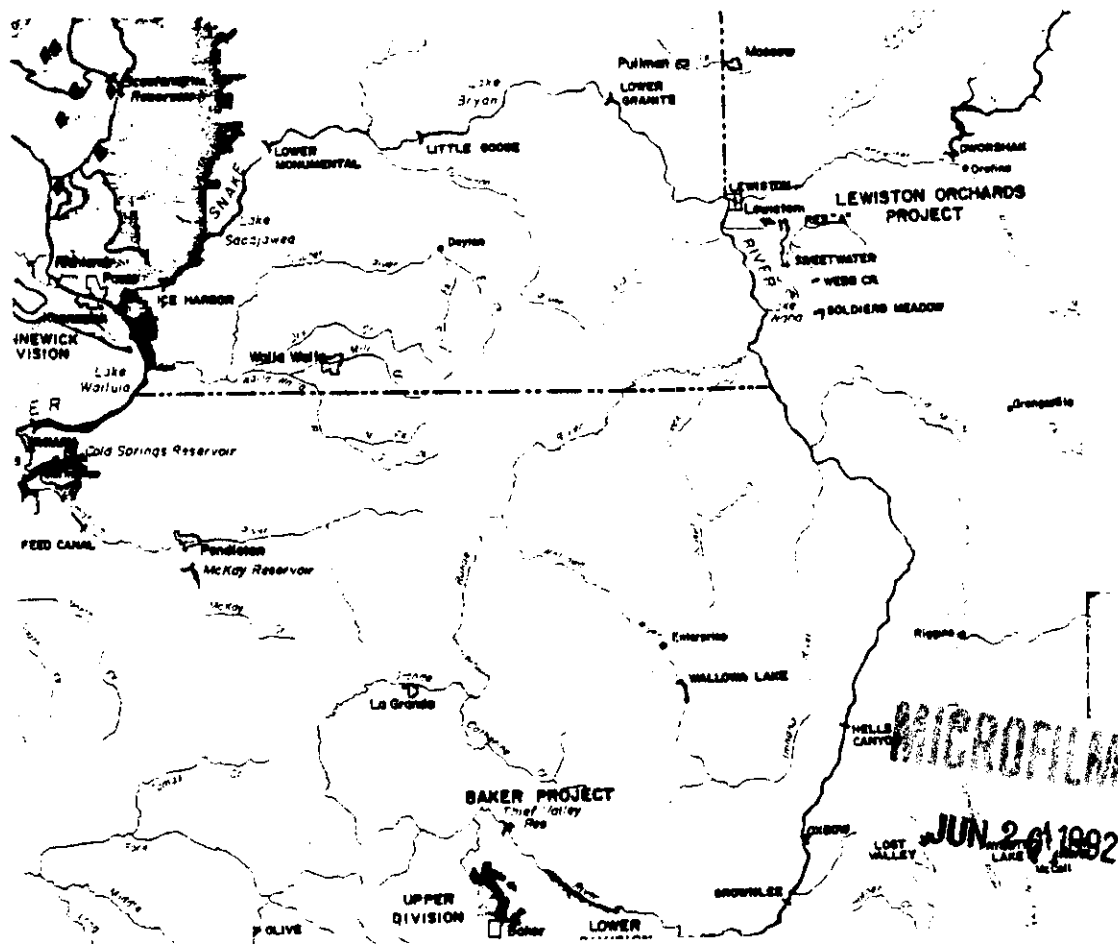
Total acres _____

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JUN 26 1992

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.

★	
65-2927A POD 65-2927B Sec. 26, T14N, R3E	65-9483 POD 65-2917 Sec. 8, T11N, R7E -
	★



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

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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Fish Enhancement</u>	<u>250,000 ac.ft.</u>	<u>365 days/year</u>	<u>1-1 to 12-31</u>
	_____	_____	_____	_____ to _____

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

N/A

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

POWER - Adverse impacts to Federal Powerplants will vary from severe to moderate,
depending on release schedules, stream flows, and amount of water in storage.Other Uses - No adverse impacts. Contractors will be provided an opportunity to
benefit from marketing of water deliveries or storage carry-over foregone.

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.

(Signature of Applicant)

Subscribed and sworn to before me this 15th day of November, 1991.

(Notary Public)

My commission expires 1-12-97

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 11-22-91 Protest filed by _____Prelim. check by _____ Fee 50.00 _____Receipted by [Signature] Date 11-22-91 _____

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 _____

FILED
JUN 26 1992

See All Other

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JUN 26 1992

Correspondence In

Fiche # 01-2064

Transfer # 3883

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE
65-2917	U. S. DEPT. OF INTERIOR BUREAU OF RECLAMATION, ATTN: 424 BOX 043, 55C WEST FORT, DULLES, IDAHO 83724	12/31/1926	POWER STORAGE	1/ 1 12/31	163000.00 AFA ---- CFS	SHSE S 8 T11N R 7E	LC11 S22 T 7N R 1W
	POWER FROM STOR	1/ 1 12/31	163000.00 AFA ---- CFS *163000.00*AFA *----*CFS				SAME AS OTHER USE

JUN 26 1992
 MED
 1592

**NOW
STARTING
RIGHT
SIDE OF
FILE**

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: June 17, 1992

RE: APPLICATION FOR TRANSFER NO.S 3883, 3884 & 3885 IN NAME OF U.S
BUREAU OF RECLAMATION - MICROFILM RECORDS OF TRANSFERS

=====

In December of 1991, the Bureau of Reclamation (BOR) filed transfers on its water rights for reservoirs located in the Payette, Boise and Upper Snake River drainages. The transfers proposed release of up to 427,000 acre-feet of storage water from the various BOR reservoirs for enhancement of stream flows to aid in migration of anadromous fish. Three separate transfers were filed for the separate drainages even though all the transfers were filed by the BOR and proposed the release of storage water for stream flow augmentation.

These transfers generated over 30 protests from water user groups and over 600 form letter protests from individual water users. Nearly all of the form letter protestants were members of one of the 30 plus protest groups.

The 1992 Idaho Legislature passed legislation which provided statutory authorization for the rental of storage water under certain conditions to augment lower Snake River flows for salmon migration purposes. This legislation essentially removed the need for the BOR transfer filings. The BOR subsequently withdrew the applications.

Due to the voluminous correspondence, briefs, pleadings and testimony etc. related to these transfers, IDWR staff has elected to make one complete microfilm record of all three transfers. The complete microfilm record for the three transfers will be found in microfiche jackets for water right no. 01-2064. The microfiche jackets for right no.s 65-2917 and 63-3613 will contain copies of the original transfer applications 3883 and 3884 respectively. All other material for these two transfers and transfer no. 3885 will be found under microfiche jackets 01-2064. All of the hard copy material/documentation will be located in a separately marked file cabinet drawer for oversized microfilm documents in the DWR water rights vault.

Note: Certain documents found in the hard file have been microfilmed. Non-microfilmed documents include form letter protests, and testimony and exhibits submitted by the ⁴⁴¹ dated March 2, 1992.

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JUN 16 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: Water Right Transfer No.s 3883, 3884 & 3885

DATE: 2-20-92

The Bureau of Reclamation filed water right transfers on all all Bureau reservoirs within Idaho. The transfers were submitted in November, 1991. Numerous protests have been received. This water right is included in one of the above transfers. The transfers have been filed in order to recognize release of storage water for fish enhancement purposes (i.e.; to benefit salmon fish migrations).

Since the transfer applications are lengthy and involve numerous rights, a copy of the appropriate transfers are not included in this file. Please refer to the transfer application file for information concerning the transfers.

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JUN 26 1992