

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71892**AMENDED** APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Kenneth D Andrews, Jim Andrews Phone 208 776-5380Post Office address 6948 East Old Oregon Trail Rd., Lava Hot Springs, Idaho 83246

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 _____Department of Water Resources
Eastern Region

RECEIVED

OCT 24 2005

2. Describe the reason for the proposed changes
- To change place of use of water so it can be used more beneficially

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
<u>29-13401</u>	<u>07/06/1868</u>	<u>0-720 CFS</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
<u>29-13399</u>	<u>05/01/1896</u>	<u>0-560 CFS</u>	<u>Irrigation</u>	<u>04/15</u> to <u>09/15</u>

2. Total amount of water being transferred
- 1-280
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- Partners River
- tributary to
- Snake River

4. Point(s) of Diversion:
- X

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
E.B.S.C.	NE	SE	SW	12	9S	37E	Bannock	No Name

5. 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	
9S	37E	12																3.1	
9S	37E	13																2.8	
9S	37E	14																1.7	
9S	37E	13																2.3	
9S	37E	14																3.4	
9S	37E	14																2.0	
9S	37E	23																3.2	
9S	37E	23																3.1	
9S	37E	24																3.5	
9S	37E	12																1.1	
9S	37E	13																2.1	
9S	37E	13																2.7	
9S	37E	14																3.4	
9S	37E	14																3.3	
9S	37E	23																2.2	
9S	37E	23 Lot 1																1.2	
9S	37E	23																	

Total Acres 327.4327.3

71892

PART 1

6. General Information:

a. Description of diversion system Water is diverted from Bob Smith Creek into a lateral ditch for approx 1/2 mile which enters into a gravity flow pipeline.

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 change at all

d. Remarks:
If transfer is granted it will allow very beneficial use of water to ground that now has a very junior water right

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

page 3 of 8

Page 1

Transfer No. 71892
Receipt No. _____

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

Current Water Right No. 29-13399

Priority Date: 05/01/1896
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: PORTNEUF RIVER **Tributary to:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.56 CFS		
	Total Diversion	0.56 CFS		

Source and Point(s) of Diversion:

PORTNEUF RIVER L4 (SWSWNW) 09S 37E 20 BANNOCK

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	
09S 37E 19				24.0 L 3													24.0
09S 37E 20							20.0 L 4										20.0

Total Acres: 44

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. USE OF THIS RIGHT WITH RIGHT NO. 29-13401 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.88 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 29-13401 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 28 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

SCANNED

71892

page 4 of 8

Page 2

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

Transfer No. 71892
Receipt No. _____

Current Water Right No. 29-13399

7. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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?

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

71892

page 5 of 8

Page 1

Transfer No. 71892
Receipt No. _____

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

Current Water Right No. 29-13401

Priority Date: 07/06/1868

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.72 CFS		
	Total Diversion	0.72 CFS		

Source and Point(s) of Diversion:

PORTNEUF RIVER L4 (SWSWNW) 09S 37E 20 BANNOCK

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	
09S 37E 19				24.0 L 3													24.0
09S 37E 20							20.0 L 4										20.0

Total Acres: 44

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. USE OF THIS RIGHT WITH RIGHT NO. 29-13399 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.88 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 29-13399 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-12053.

71892

09/11/13
09/11/13

page 6 of 8

Page 2

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

Transfer No. 71892
Receipt No. _____

Current Water Right No. 29-13401

8. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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?

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

71892

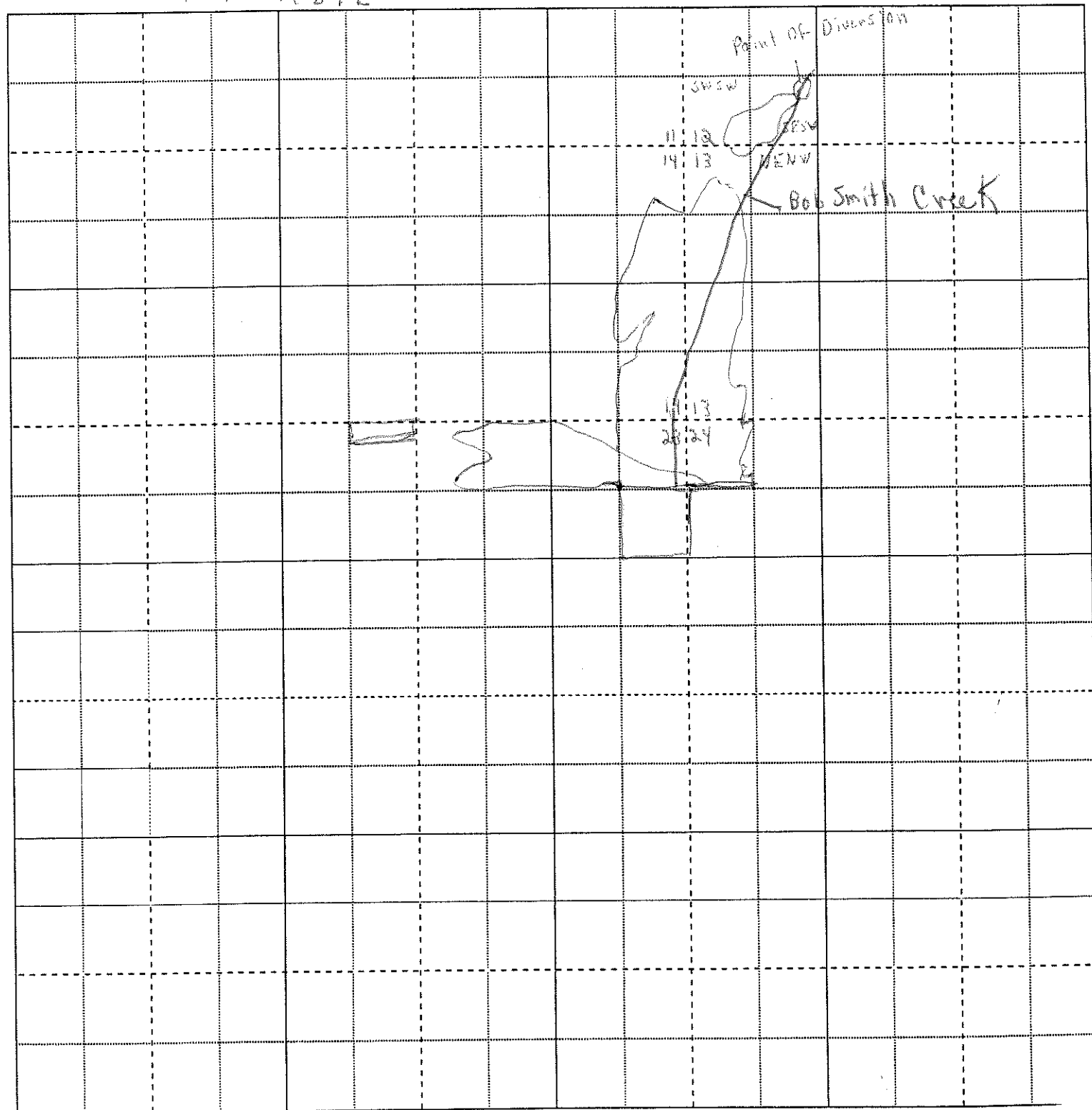
EXAMINED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

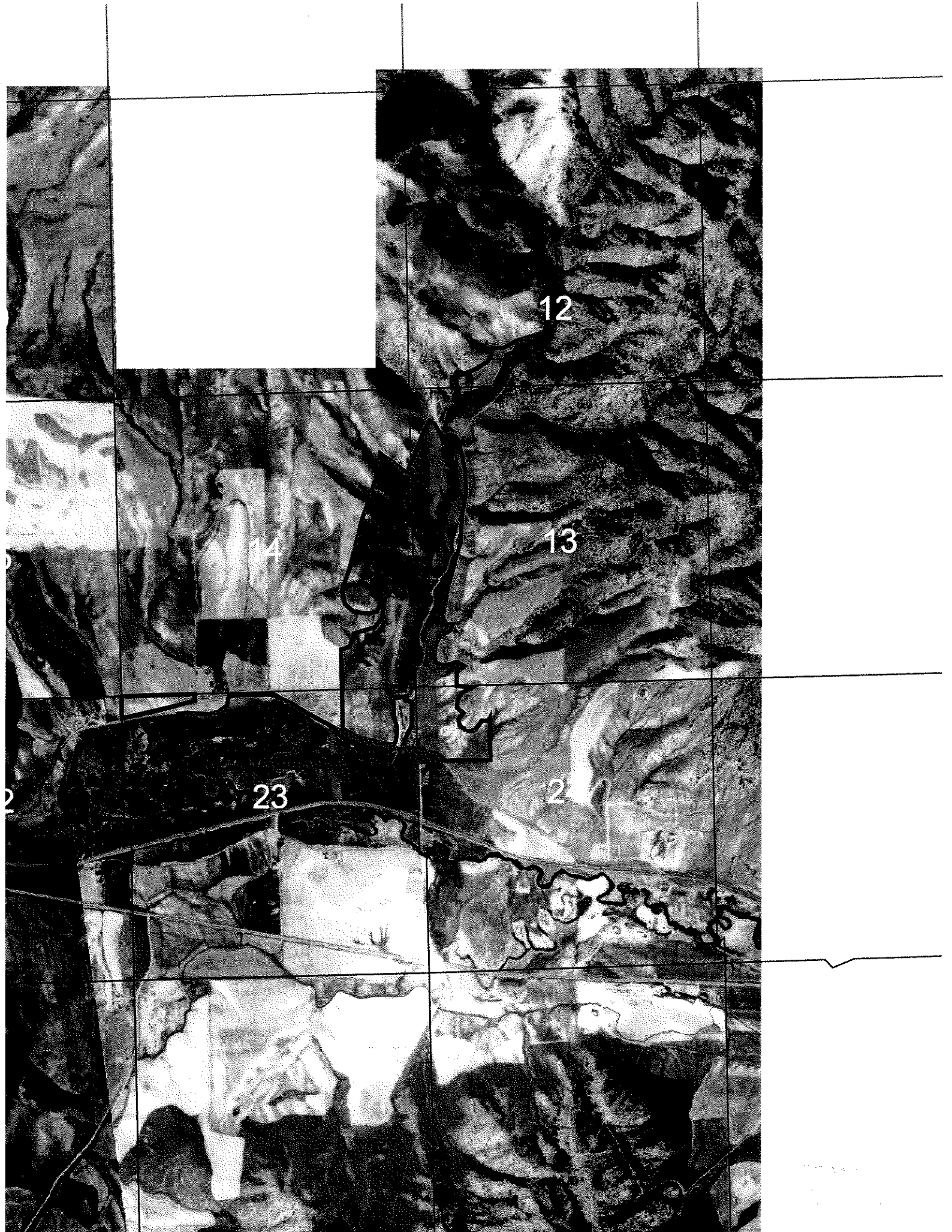
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

T9S R37E



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

71892



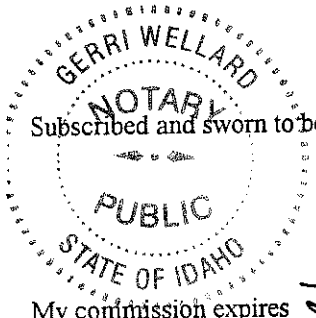
PART 3

E. CHANGES IN NATURE OF USE

- | 1. | New Nature of Use | Amount(cfs/af-ft) | Hours/days/year | Period of Use |
|----|-------------------|-------------------|-------------------|------------------------------|
| | <u>Irrigation</u> | <u>0.720</u> | <u>Continuous</u> | <u>04/01</u> to <u>10/31</u> |
| | <u>Irrigation</u> | <u>0.560</u> | <u>Continuous</u> | <u>04/15</u> to <u>09/15</u> |
2. Quantity and quality of return flows and location of discharge:
Water would be used by by sprinkler irrigation. If there was any return flow it would come into Bob Smith Creek, Thence to Portneuf River
3. Describe effects on other water uses resulting from the proposed change:
Would not adversely any other water uses.
Note - There is a claimed adverse affect but claimant is also proposing a point of diversion change which would nullify any adverse affect.

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.



Kimberly Andrew Jim Andrew Colleen Andrew
(Signature of Applicant)
Subscribed and sworn to before me this 26th day of January, 20 04.
Gerri Wellard
(Notary Public)

My commission expires January 2005

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 7 attachments

Received by KRW Date _____ Protest filed by _____

Prelim. Check by _____ Fee 290.00

Received by KRW Date 3/23/05 EO 30695

Published in Idaho State Journal Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____ by KRW

Copy of transfer sent to lien holder _____