

(Internet)

After change

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 72127

RECEIVED

JUL 07 2005

Department of Water Resources
Southern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Delbert M. & Donna L. Hughes Phone 879-2365
Post Office address HC61 Box 3054, Challis ID 83226

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 _____

☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Diversion Consolidation of
Salmon River/Morgan Cr 2 and Salmon River/Morgan
Cr.-4. Elimination of fish barriers on both.

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
* 72-147	5-1-1878	1.6	irrigation	4-1 to 10-31
* 72-148	4-14-1931	.4	irrigation	4-1 to 10-31
* 72-4177	5-3-1935	3.0	irrigation	4-1 to 10-31
* * 72-4177	5-3-1935	9.2 cfs	irrigation/stockwater	4-1 to 10-31 (irr) 4-1 (stock)

2. Total amount of water being transferred 5.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Morgan Cr. tributary to Salmon River

4. Point(s) of Diversion: *moving downstream to consolidate 2 diversions.*

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	SE	23	15N	19E	Custer	SMC - 2/4 new diversion shared with Thornock
7	NE	SW	SW	24	15N	19E	CUSTER	EXISTING POINT OF DIVERSION FOR REMAINING PORTION (9.21 cfs) OF

5. Lands irrigated or place of use:

[illegible]

** Robert Hughes - Donna Hughes 7-14-05 ^{Total} acres 154.2

PART 1**6. General Information:**

a. Description of diversion system A Rock Diversion into headgate then piped to fish screen - outlet into 2 ditch systems.

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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:

No changes - A measureable, lockable headgate is to be included in the fish screen assembly

d. Remarks:

This new point of diversion removes 2 fish barriers and provides a fish screen location for 2 irrigators in one location. ONLY 5.0 cfs WILL BE DIVERTED FROM THE NEW DIVERSION SHARED WITH THORNOCK.

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 _____

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 72-147

Priority Date: 05/01/1878
Origin: Water Right
Basis: Decreed
Status: Active

Source: MORGAN CREEK**Tributary to:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	1.60 CFS		
	Total Diversion		1.60 CFS		

Source and Point(s) of Diversion:

MORGAN CREEK	L7 (NESWSW)	15N	19E	24	CUSTER
MORGAN CREEK	NWSWNE	15N	19E	23	CUSTER

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	
15N	19E	24	6.8	40.0	33.0	.3	16.0			33.0	24.0					1.1		154.2	
			L2	L2	L3	L3										L6			

Total Acres: 154.2

Conditions/Remarks:

1. 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.
2. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE: 72-00147, 72-00148, AND 72-04177.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.21 CFS. COMBINED RIGHT NOS.: 72-00147, 72-00148, AND 72-04177.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A THE IRRIGATION OF A COMBINED TOTAL OF 154.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00147, 72-00148, 72-04177, 72-04028, & 72-04029.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 72-147

Documentation of Ownership of the Current Place of Use *IDWR RECORDS*

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer
N/A

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

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 72-148

Priority Date: 09/14/1931

Origin: Water Right

Basis: Decreed

Status: Active

Source: MORGAN CREEK**Tributary to:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.40 CFS		
	Total Diversion		0.40 CFS		

Source and Point(s) of Diversion:

MORGAN CREEK L7 (NESWSW) 15N 19E 24 CUSTER

MORGAN CREEK NWNWNE 15N 19E 23 CUSTER

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	
15N 19E 24	6.8	40.0	33.0	.3	16.0			33.0	24.0					1.1			154.2
	L2	L2	L3	L3										L6			

Total Acres: 154.2

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A THE IRRIGATION OF A COMBINED TOTAL OF 154.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00147, 72-00148, 72-04177, 72-04028, & 72-04029.
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.
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4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE: 72-00147, 72-00148, AND 72-04177.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 72-148

Documentation of Ownership of the Current Place of Use

IDWR RECORDS

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

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

N/A

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**

Transfer No. _____
Receipt No. _____

Current Water Right No. 72-4177

Priority Date: 05/03/1935
Origin: Water Right
Basis: Decreed
Status: Active

Source: MORGAN CREEK **Tributary to:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	12.21 CFS		
STOCKWATER	10/31	4/01	0.07 CFS		
Total Diversion			12.21 CFS		

Source and Point(s) of Diversion:

MORGAN CREEK	NWSWNE	15N	19E	23	CUSTER
MORGAN CREEK	L7 (NESWSW)	15N	19E	24	CUSTER

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	
15N	19E	24	6.8	40.0	33.0	.3	16.0			33.0	24.0						1.1		154.2
			L2	L2	L3	L3											L6		

Total Acres: 154.2

Conditions/Remarks:

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 72-4177

Documentation of Ownership of the Current Place of Use *IDWR RECORDS*

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

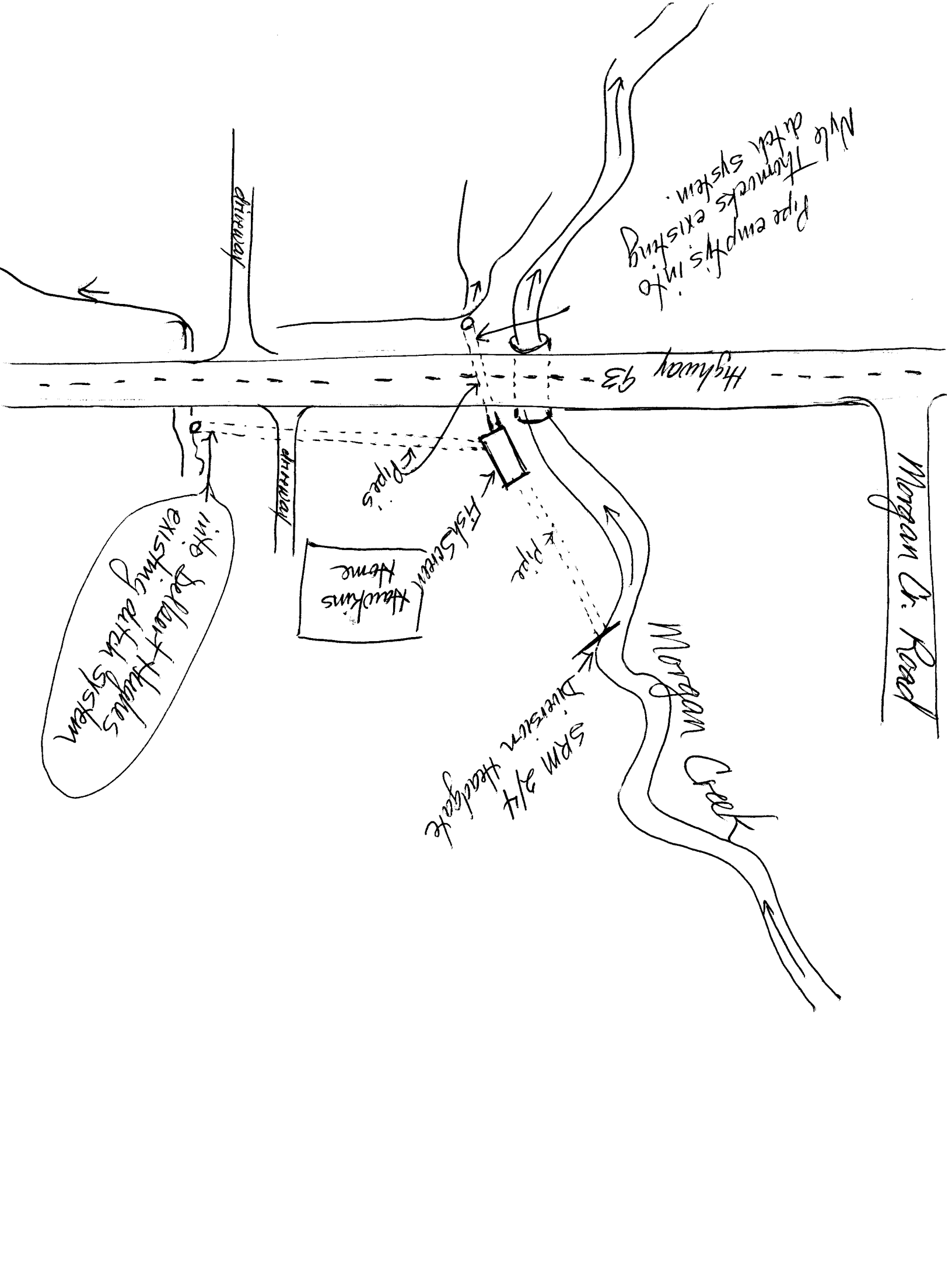
YES

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

N/A

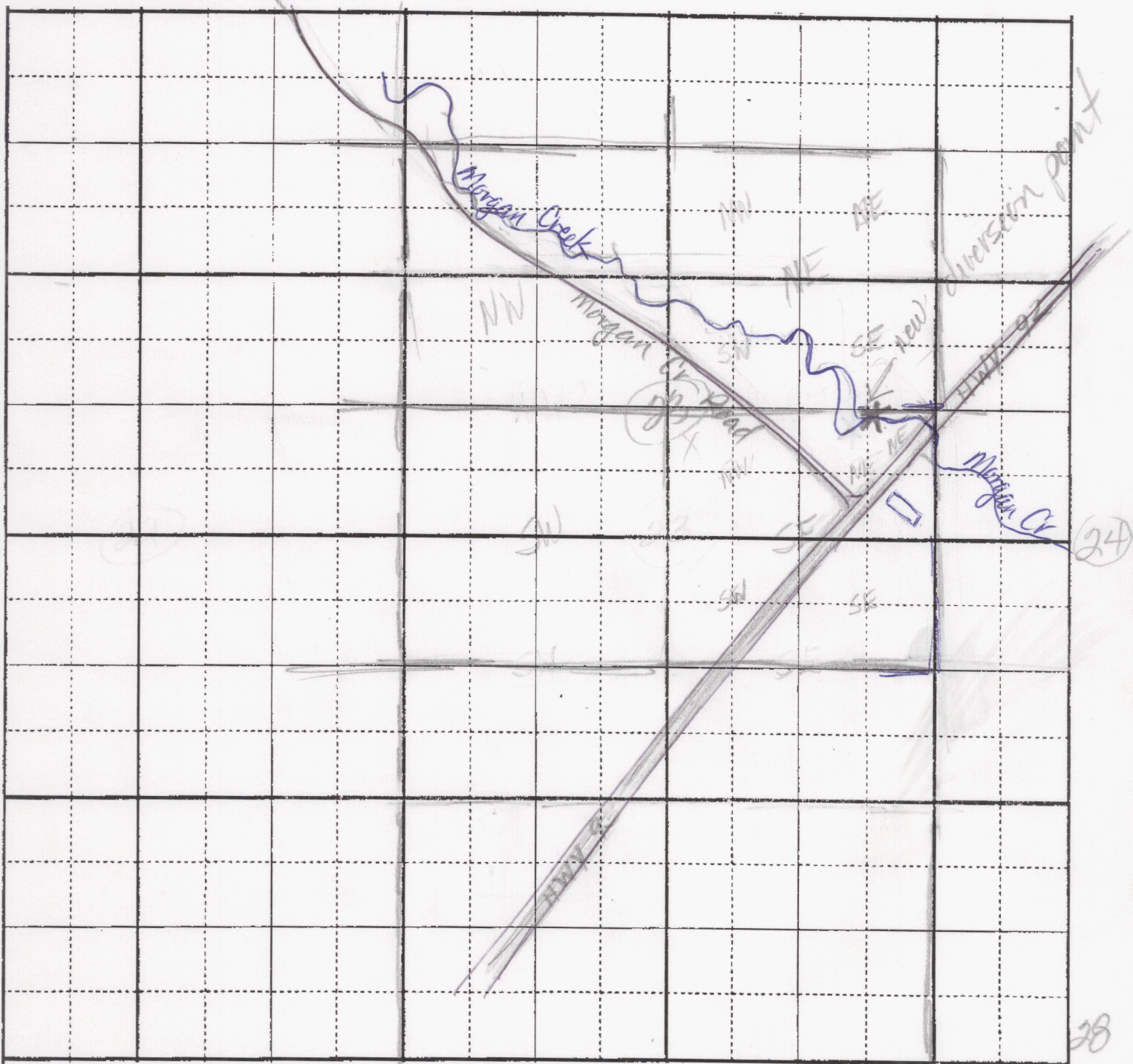
To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO



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.



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

NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ #23



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

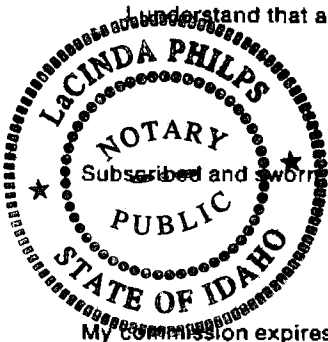
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>NO CHANGES</u>			_____ to _____ _____ to _____

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.



Robert Hughes Donna Hughes
(Signature of Applicant)

Subscribed and sworn to before me this 23rd day of June 2005, 19__.

Lacinda Philps, Challis, ID
(Notary Public)

My commission expires 3-19-07

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by C. SKINNER Date 7/7/2005

Protest filed by _____

Prelim. check by C. SKINNER Fee \$410.00 S027814Received by C. SKINNER Date 7/8/2005

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 _____



Farm Credit Services

105 SW Main
P.O. Box 10
Blackfoot, Idaho 83221-0010
(208) 782-3800 FAX (208) 782-3805

July 1, 2005

Dept. of Water Resources
Twin Falls, ID

RECEIVED

JUL 07 2005

Department of Water Resources
Southern Region

RE: DELBERT HUGHES

TO WHOM IT MAY CONCERN:

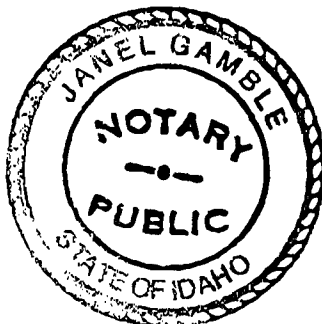
I have reviewed the change in the point of diversion requested for Delbert Hughes' property and approve of those changes. If you have any further questions, please contact me at (208) 782-3800.

Northwest Farm Credit Services, FLCA

BY: W. Gordon Wankier
W. Gordon Wankier, Branch Manager

STATE OF IDAHO)
)ss.
County of Bingham)

On this 1st day of July, 2005, before me personally appeared W. Gordon Wankier, known to me to be an authorized representative of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and each on oath stated that he was authorized to execute said instrument.



Janel Gamble
Notary Public for the State of Idaho
Residing at Blackfoot
My commission expires 6-16-09

To Dept Water Resources
In regards to the Hughes and
Thornock diversion transfer
all funds not used for the Hughes
transfer please refund to Nyle
or Ann Thornock at Box 570 Challis Id.
83226. Thank you for all the help.

Yours truly,
Donna Hughes
Resident Hughes

RECEIVED

JUL 07 2005

Department of Water Resources
Southern Region