

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70593

This is to certify that: D WAYNE BAKER And/Or MELODIE L BAKER
HC 68 BOX 304
CLAYTON ID 83227
(208)838-2440

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-196	WR/Decreed	05/01/1895	1.20 cfs	N/A	N/A	38.7	SALMON RIVER
72-197	WR/Decreed	05/01/1936	1.20 cfs	N/A	N/A	38.7	SALMON RIVER

Purpose of Transfer (Changes Proposed)

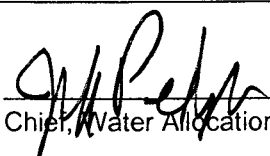
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-196	NO	YES	NO	NO	NO	NO
72-197	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-196	72-196	1.20 cfs	N/A	N/A	38.7		N/A	N/A	N/A	N/A
72-197	72-197	1.20 cfs	N/A	N/A	38.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.40 cfs	N/A	N/A	39.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20 day of June, 2003

For  Chief, Water Allocation Bureau

MICROFILMED

DATE: 6-1-03

WATER RIGHT NO. 72-196
As Modified by Transfer No. 70593

In accordance with the approval of Transfer No. 70593, Water Right No. 72-196 is now described as follows.

Right Holder: D WAYNE BAKER
 HC 68 BOX 304
 CLAYTON ID 83227-9601

And

MELODIE L BAKER
 HC 68 BOX 304
 CLAYTON ID 83227

Priority Date: May 01, 1895

Source: EAST FORK SALMON RIVER **Tributary:** SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.20 CFS	
			1.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK SALMON RIVER L3 (NENW) Sec. 5 Twp 09N Rge 18E CUSTER 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	
09N	18E	4	8.8	12.0															20.8
			L 1	L 2															
10N	18E	33									9.7					8.2			17.9
											L 5					L 6			

Total Acres: 38.7

MICROFILMED

APR 1 1980

WATER RIGHT NO. 72-196
As Modified by Transfer No. 70593

CONDITIONS OF APPROVAL

1. Rights 72-196 and 72-197 when combined shall not exceed the irrigation of 39 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. Rights 72-197, 72-199, 72-200, and 72-10534 are also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of June, 2003

For  _____
Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 72-197
As Modified by Transfer No. 70593

In accordance with the approval of Transfer No. 70593, Water Right No. 72-197 is now described as follows.

Right Holder: MELODIE L BAKER
 HC 68 BOX 304
 CLAYTON ID 83227

And

D WAYNE BAKER
 HC 68 BOX 304
 CLAYTON ID 83227-9601

Priority Date: May 01, 1936

Source: EAST FORK SALMON RIVER **Tributary:** SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.20 CFS	
			1.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK SALMON RIVER L3 (NENW) Sec. 5 Twp 09N Rge 18E CUSTER 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	
09N	18E	4	8.8	12.0															20.8
			L 1	L 2															
10N	18E	33									9.7						8.2		17.9
											L 5						L 6		

Total Acres: 38.7

MICROFILMED

WATER RIGHT NO. 72-197
As Modified by Transfer No. 70593

CONDITIONS OF APPROVAL

1. Rights 72-196 and 72-197 when combined shall not exceed the irrigation of 39 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. Rights 72-196, 72-199, 72-200, and 72-10534 are also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of June, 20 03

For  _____
Chief, Water Allocation Bureau

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-00197

NAME AND ADDRESS: D WAYNE BAKER
MELODIE L BAKER
HC 68 BOX 304
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 05/01/1936

POINT OF DIVERSION: T09N R18E S04 LOT 04 (NWNW) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.20 CFS

PLACE OF USE: Irrigation Within Custer County
T09N R18E S04 LOT 01 (NENE) 8.8 LOT 02 (NWNE) 12.0
T10N R18E S33 LOT 05 (SESW) 9.7 LOT 06 (SWSE) 8.2
38.7 Acres Total

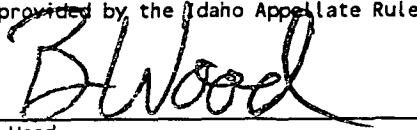
USE OF THIS RIGHT WITH RIGHT NO. 72-00196 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 39 ACRES IN A SINGLE
IRRIGATION SEASON.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

AUG 1 - 84

MEMORANDUM

TO: FILE 72-197
FROM: VAULT
RE: TRANSFER # 70593
DATE: 6.24.03

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 72-196

MICROFILMED
OCT 11 2003