

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.



Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3728APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant George Dovel on Elisabeth V. Wallace Phone 793-2768
Post Office address Rt. 1 Box 61 Horseshoe Bend, Id. 83629

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 Ceasing irrigation of 10 acres in NWNW 5.13 & commencing irrigation of 10 acres in SWSE 5.12. Adding a point of diversion to each right to the point where watermaster delivers water.

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
<u>65-10951</u>	<u>June 1, 1912</u>	<u>.84 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>(see remarks)</u>		<u>.03 cfs</u>	<u>Stockwater</u>	<u>1/1</u> to <u>12/31</u>
<u>65-10953</u>	<u>June 1, 1946</u>	<u>.04 cfs</u>	<u>Domestic</u>	<u>1/1</u> to <u>12/31</u>
				to _____

2. Total amount of water being transferred .88 cubic feet per second and/or _____ acre-feet per annum.
 3 Source of water Porter Creek tributary to Payette River
 4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
<u>2</u>		<u>SW</u>	<u>NW</u>	<u>7</u>	<u>7N</u>	<u>3E</u>	<u>Boise</u>	<u>Watermaster delivery point, pld for both rights</u>
		<u>NW</u>	<u>SE</u>	<u>12</u>	<u>7N</u>	<u>2E</u>		<u>2nd pld for 65-10951</u>
		<u>SW</u>	<u>SW</u>	<u>12</u>	<u>7N</u>	<u>2E</u>		<u>2nd pld for 65-10953</u>

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	
<u>7N</u>	<u>2E</u>	<u>12</u>															<u>11</u>		<u>26</u>
		<u>13</u>															<u>S</u>		<u>16</u>
<u>7N</u>	<u>2E</u>	<u>12</u>																	

Total acres 42

PART 1

6 General Information.

a. Description of diversion system headgate & gravity ditches; dam, culvert to concrete boxes; headgate for gravity pipeline sprinkler system.

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 Mortgagee is A. & R. Madarieta
See Attachment A & B

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

10 acres in NW 1/4 S.13 will no longer be irrigated.

d. Remarks:

Stockwater use is shown as clarification of assumptions in Payette Decree.
"Findings of Fact" No. 12 & "Conclusions of Law" No. 7 are the basis for this.
Stockwater includes 100 head. Stockwater rate is included in irrigation rate
but not added to irrigation rate (.84 cfs and .03 cfs equal total of .84 cfs).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No 65-10951/10953

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

1. Use of water under this license is subject to control by the watermaster of State Water District No. 65-B, Porter Creek. 2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval. 3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

SEP 18 1990

Witness my hand this 31st day of August 1990

A. Glen Saxton
Chief, Water Alloc. Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by.

- a. Decree No. 65-10951 Decreed to Angel & Rose I. Madarieta
in case of A & C Corp. et al vs. State of Idaho
dated Jan. 21, 1986 in 3rd Jud. District county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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

See Attachments A & B

3. Source of water Porter Creek tributary to Payette River

4. Date or priority June 1, 1912

5. Water is used for the following purpose:

amount .84 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount (stockwater for impound but not listed as a line item in decree) purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .84 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	SE	12	7N	2E	Boise	

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	
7N	2E	12												15			1		16
		13					11	15											26

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Total acres 42

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

NONE

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 *ENTIRE RIGHT REMAINS UNDER ONE OWNERSHIP*
(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 _____

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DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

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 in case of A & C Corp. et al vs State of Idaho
 dated Jan. 21, 1986 in 3rd Jud. District county of gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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

*See Attachments
A & B*

3. Source of water Porter Creek tributary to Poyette River

4. Date or priority June 1, 1946

5. Water is used for the following purpose

amount .04 cfs for Domestic 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 .04 cubic feet per second and/or _____ 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	SW	12	7N	2E	Boise	

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	
7N	2E	12																	—

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SEP 13 1990

Total acres _____

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

None

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 *ENTIRE RIGHT REMAINS UNDER ONE OWNERSHIP*
(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	

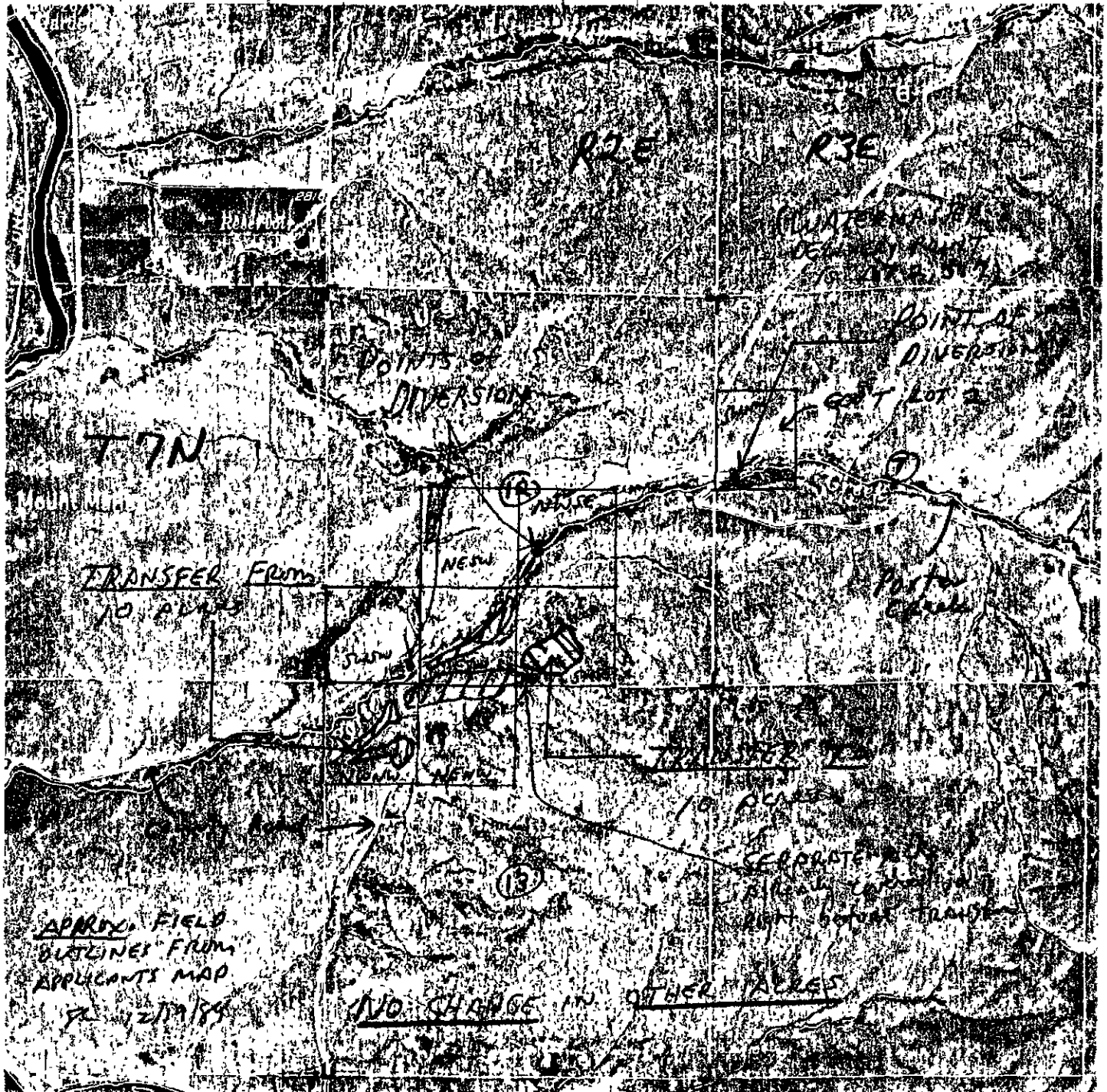
Total acres _____

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.



PART 3

B. CHANGES IN NATURE OF USE N/A

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 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.

George Dovel
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of January, 19 90.

David R. Tuttle
(Notary Public)

My commission expires 9/15/1994

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by SL Date 1/22/90 Protest filed by _____

Prelim check by SL Fee \$50 W006773

Receipted by ORT Date 11/22/1989

Published in Idaho World Copies of protest forwarded by _____

Pub. dates 2/7 & 2/14/90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd 5/23/1990 by DR

Copy of transfer sent to lien holder _____

RECORDED

SEP 18 1990

WR0749NP
No. 65-10953 ✓

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/19/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE DOVEL ✓	06/01/1946 ✓	DOMESTIC ✓	01/01 12/31 ✓	0.040 CFS ✓	1.20 AFA
C	ELISABETH V WALLACE ✓ RT 1 BOX 61 ✓ HORSESHOE BEND ID 83629 ✓					
TOTAL DIVERSION:					0.040 CFS ✓	1.20 AFA

Water Source: PORTER CREEK ✓

Tributary to: PAYETTE RIVER ✓

Stage: DECREED

Point(s) of Diversion:

T07N R02E S12 ✓ SWSW ✓
R03E S07 Lot 02(✓ SWSW) ✓

BOISE County
BOISE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
07N 02E 12 ✓ : : : D ✓ :															

Pou County: BOISE

Conditions of Approval:

- ✓R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65B. ✓
- ✓T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- ✓T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates: App. Received: Priority Date: 06/01/1946
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65B ✓ Field Exam Fee:

Comments: Date: 07/19/2000 User-ID: KWALKER Subject: Transfer 3728
This transfer was never updated in the computer system when it was approved on August 31, 1990. Today I updated the water right to match the approved transfer.

Audit: 04/02/86 04/30/88 CONVERT

DEPARTMENT MEMO

AUGUST 31, 1990

FROM: BRENDA MILLER

TO: FILE 65-10953

SUBJECT: TRANSFER NO. 3728

SEE FILE 65-10951 FOR ALL CORRESPONDENCE REGARDING THE
ABOVE REFERENCED TRANSFER.

MICROFILMED

SEP 18 1990