

APP. FOR TRANSFER - BLM
T. 12S R. 27E



● Stock Well

■ Water Trough

Prepared By J E Stanton
8-20-1999

MICROFILMED
DEC 29 1999



T 5542

SRBA CLAIMS: BASIN 43
Malta C342113
Map 1 of 3

**SRBA CLAIM THAT IS NOT FOR
 INSTREAM USE**

- Point Determined by GPS
 Digitized Point
 Area Determined by GPS (reservoir, etc)
 Digitized Area (reservoir, etc)
 Pipeline Determined by GPS
 Digitized Pipeline (Not Actual Route)
 Ditch Determined by GPS
 Digitized Ditch (Not Actual Route)
 Public Land Survey System
 Surface Ownership
 BIA
 BLM
 DOI
 MIL
 NPS
 PRIVATE
 STATE
 USFS
 USFWS
 WATER

10 DIGIT # - BLM Identification
 # for Claim

D - Point of Diversion (POD)

U - Place of Use (POU)

DU - POD and POU

(Represented by one point
 since they are very close
 and not distinguishable
 on a 1:24000 map)

S - Spring

Sm - Stream

W - Well

T - Trough

R - Reservoir

P - Pond

L - Lake

Pl - Playa

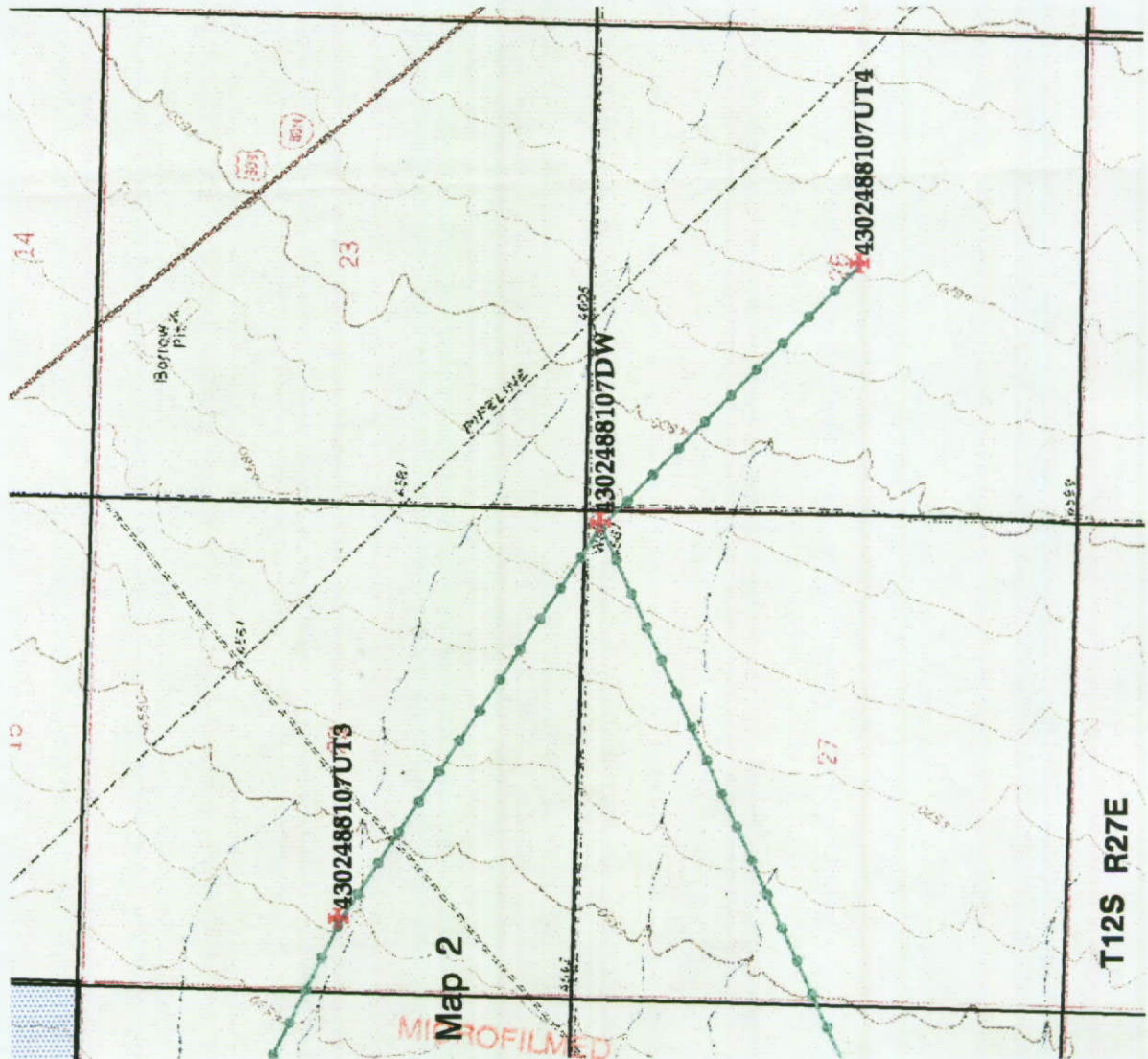
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No warranty is made by the Bureau of
 Land Management for use of the data
 for purposes not intended by BLM.

N



bufo: /gis/projects/water/ripts/121/
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Map 2

DEC 29 1999

T12S R27E

T # 5542

SRBA CLAIMS: BASIN 43
 Mlata C342113
 Map 2 of 3

Map 3

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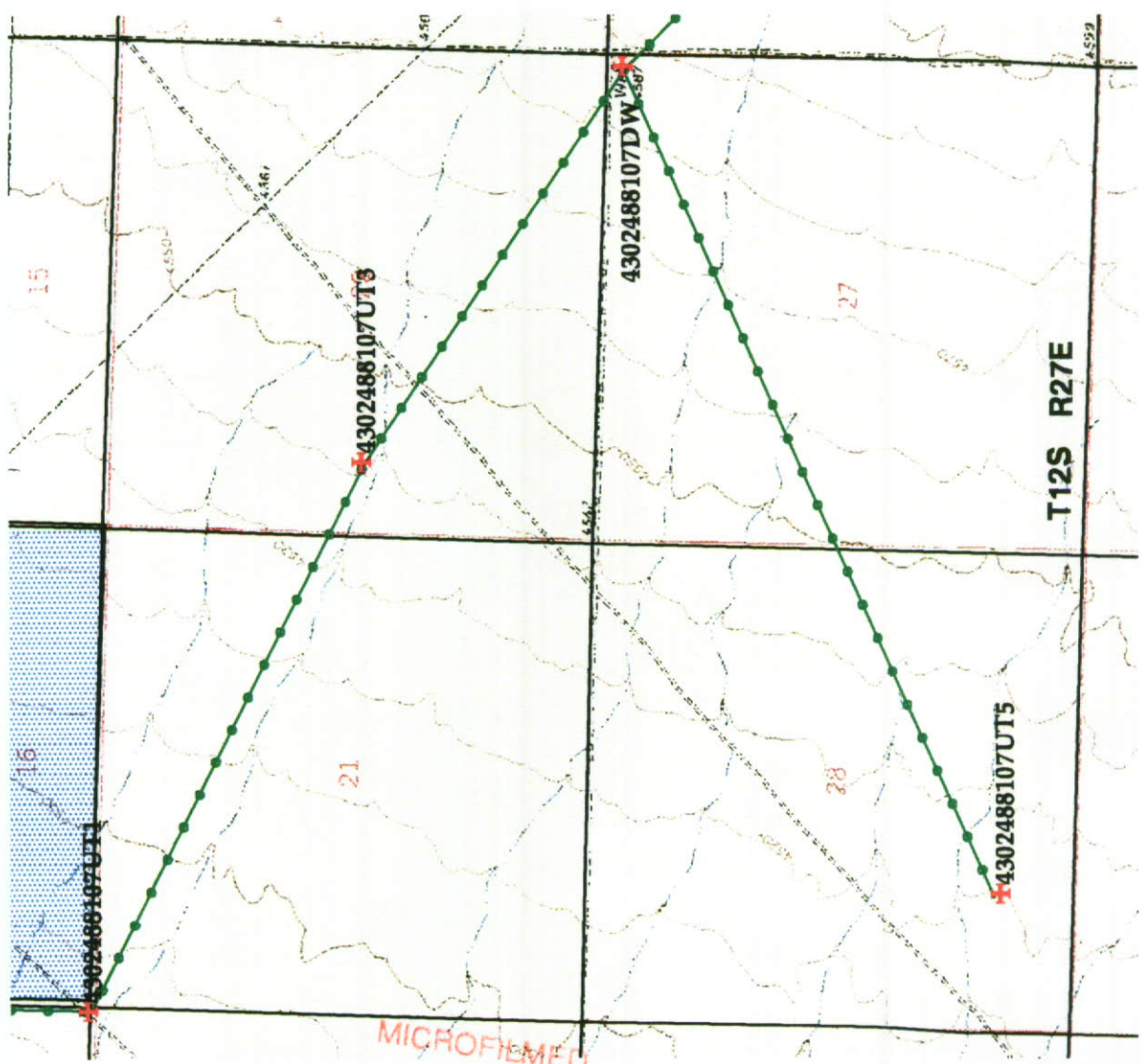
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1:24000

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T#5542

SRBA CLAIMS: BASIN 43
Malta C342113 and Malta NE D342113
Map 3 of 3

**SRBA CLAIM THAT IS NOT FOR
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 Surface Ownership
- | |
|---------------------------|
| BIA |
| BLM |
| DOI |
| MIL |
| NPS |
| PRIVATE |
| STATE |
| USFS |
| USFWS |
| WATER |
| Public Land Survey System |

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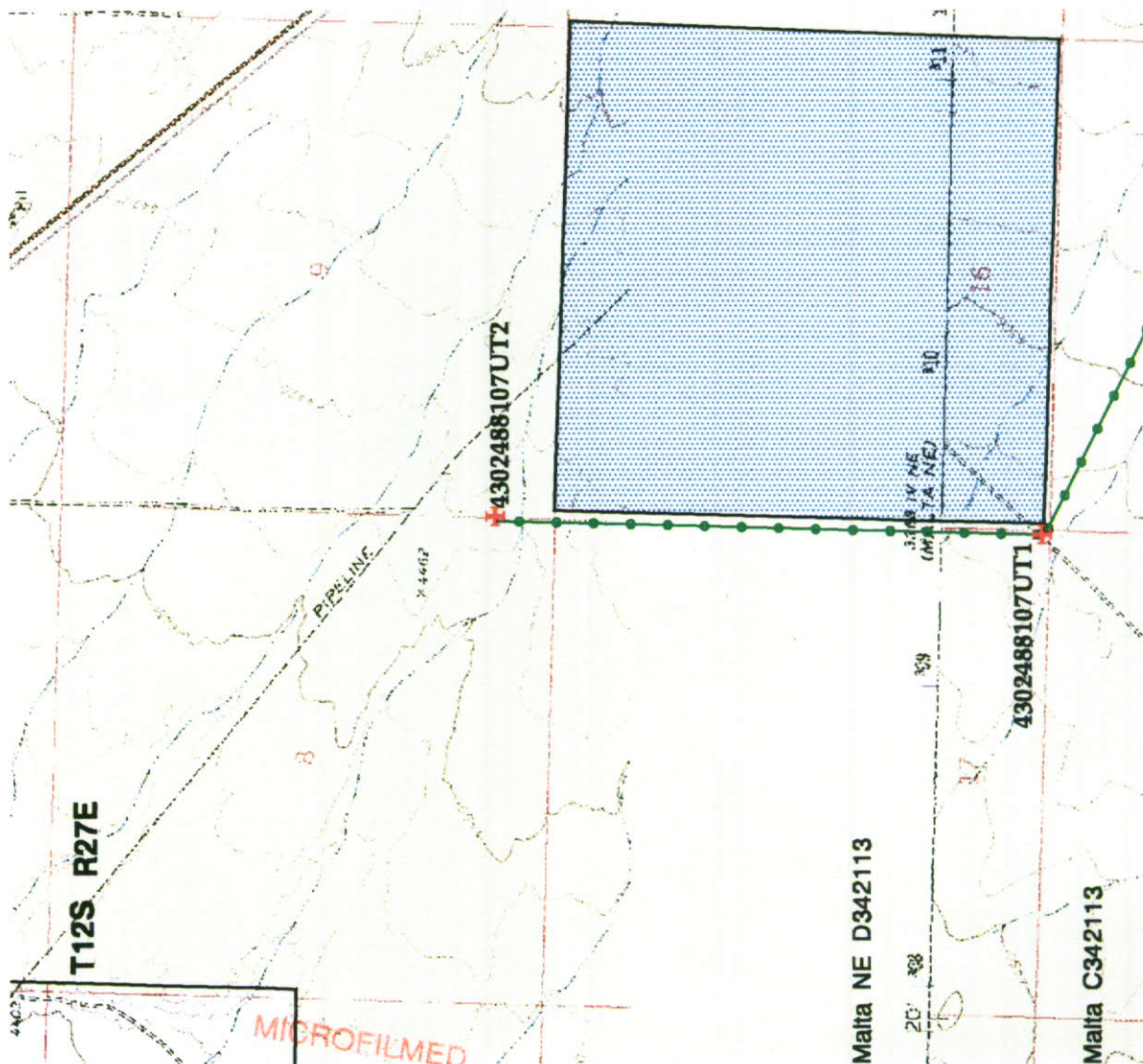
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P - Pond

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Malta NE D342113

Malta C342113

1:24000

No warranty is made by the Bureau of
 Land Management for use of the data
 for purposes not intended by BLM.

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 plots all/arcba/4302488107/aw.apr
 UTM ZONE 12 - DATUM NAD27



T#5542

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5542
WATER RIGHT NO. 43-02707

This is to certify that: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	6.7 AF

SOURCE

GROUNDWATER

Priority: 01/10/1968

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 27, Township 12S, Range 27E
CASSIA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12S 27E	9	SWSW
	17	SESE
	22	NWSW
	26	NWSE
	28	SESW

CONDITIONS OF APPROVAL AND REMARKS

1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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TRANSFER NO. 5542
WATER RIGHT NO. 43-02707

CONDITIONS OF APPROVAL AND REMARKS

4. The quantity of water decreed for this water right is not a determination of historical beneficial use, and shall not exceed 13,000 gallons per day.
5. The place of use is also identified as BLM Record ID 4302488107.

Dated this 9th day of November, 1999.


Chief, Water Allocation Bureau

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DEC 29 1999

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5542

RECEIVED

AUG 09 1999

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

NOV 5 1999

Department of Water Resources
Bozeman RegionDepartment of Water Resources U.S. Bureau of Land Management Phone (208) 677-6626
Post Office address 15 East 200 South, Burley, ID. 83318

A. PURPOSE OF TRANSFER

1. ☒ ~~Change~~ ^{Refine} point of diversion ☐ Add diversion point(s) ☒ Change place of use (adding 5 POU's and deleting the 1 POU on Licence)
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To more accurately describe POU and to more equally distribute livestock use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 43-02707 Priority January 10, 1968 Amount 0.020198 ~~(cfs/second)~~ ⁸ Nature of Use stockwater Period of Use 01/01 to 12/31
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.020198 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater (Flat Well) tributary to _____
4. Point(s) of Diversion: No Change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	27	12S	27E	Cassia	Flat Well

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	
12S	27E	9											S						
12S	27E	17																S	
12S	27E	22										S							
12S	27E	26														S			
12S	27E	28												S					

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Total acres _____

T5542

PART 1

6. General Information:

a. Description of diversion system well, pump, pipeline, and troughs

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

d. Remarks:

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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PART 2

TRANS NO. 5542

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 43-02707

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.02 CFS

SOURCE

GROUNDWATER

Priority: 01/10/1968

LOCATION OF POINT(S) OF DIVERSION:NENENE , Sec. 27, Township 12S, Range 27E
CASSIA CountyPLACE OF USE: STOCKWATERTWN RGE SEC

12S 27E 27

NENE

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. BLM RECORD ID = 4302488107
FLAT WELL
500/CATTLE

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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:

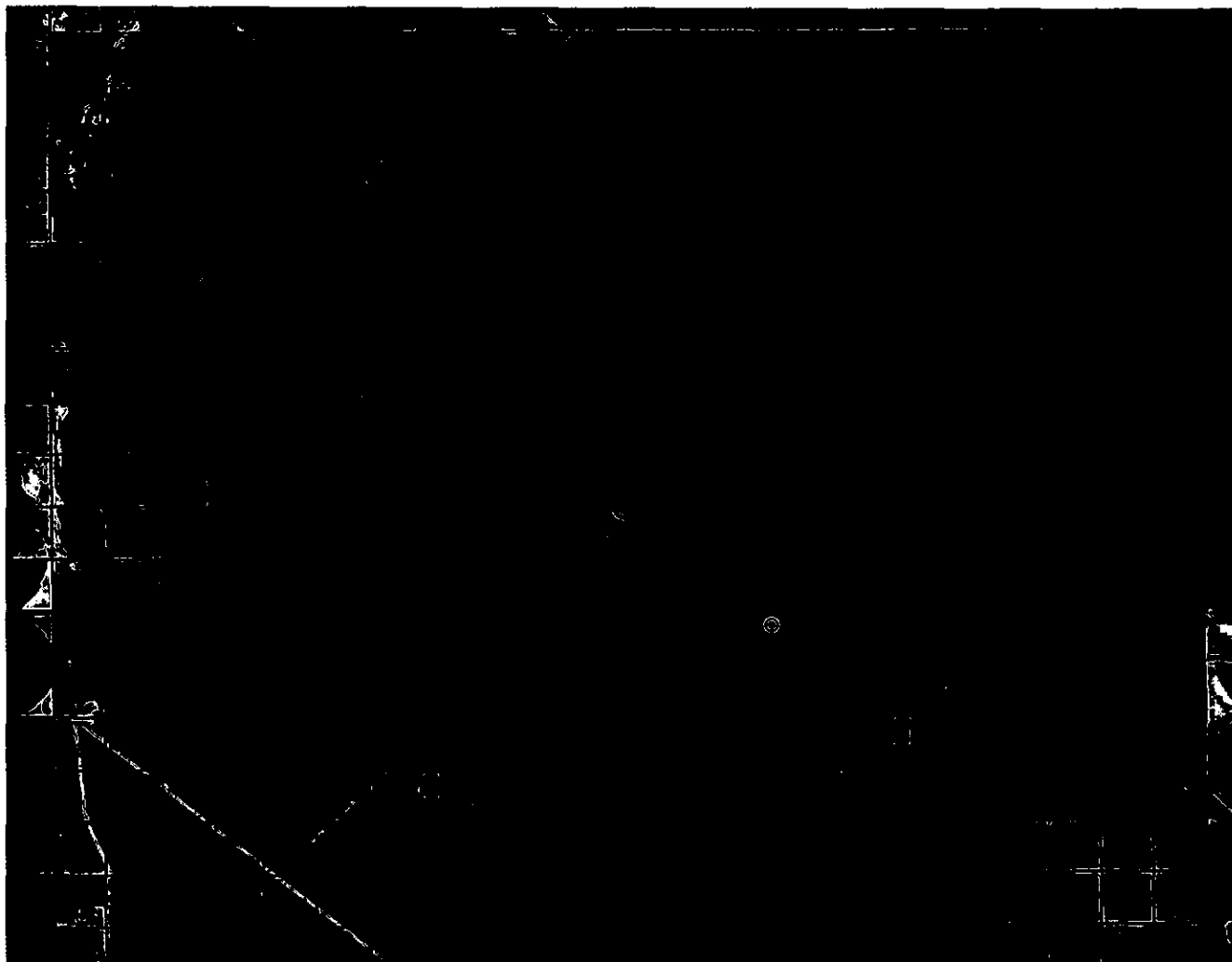
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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Total acres: _____

APP. FOR TRANSFER - BLM
T. 12S R. 27E

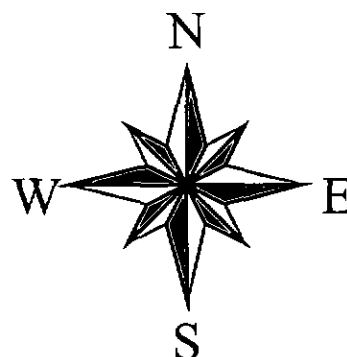


● Stock Well

■ Water Trough

Prepared By J E Stanton
8-20-1999

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T 5542

SRBA CLAIMS: BASIN 43
Malta C342113
Map 1 of 3

**SRBA CLAIM THAT IS NOT FOR
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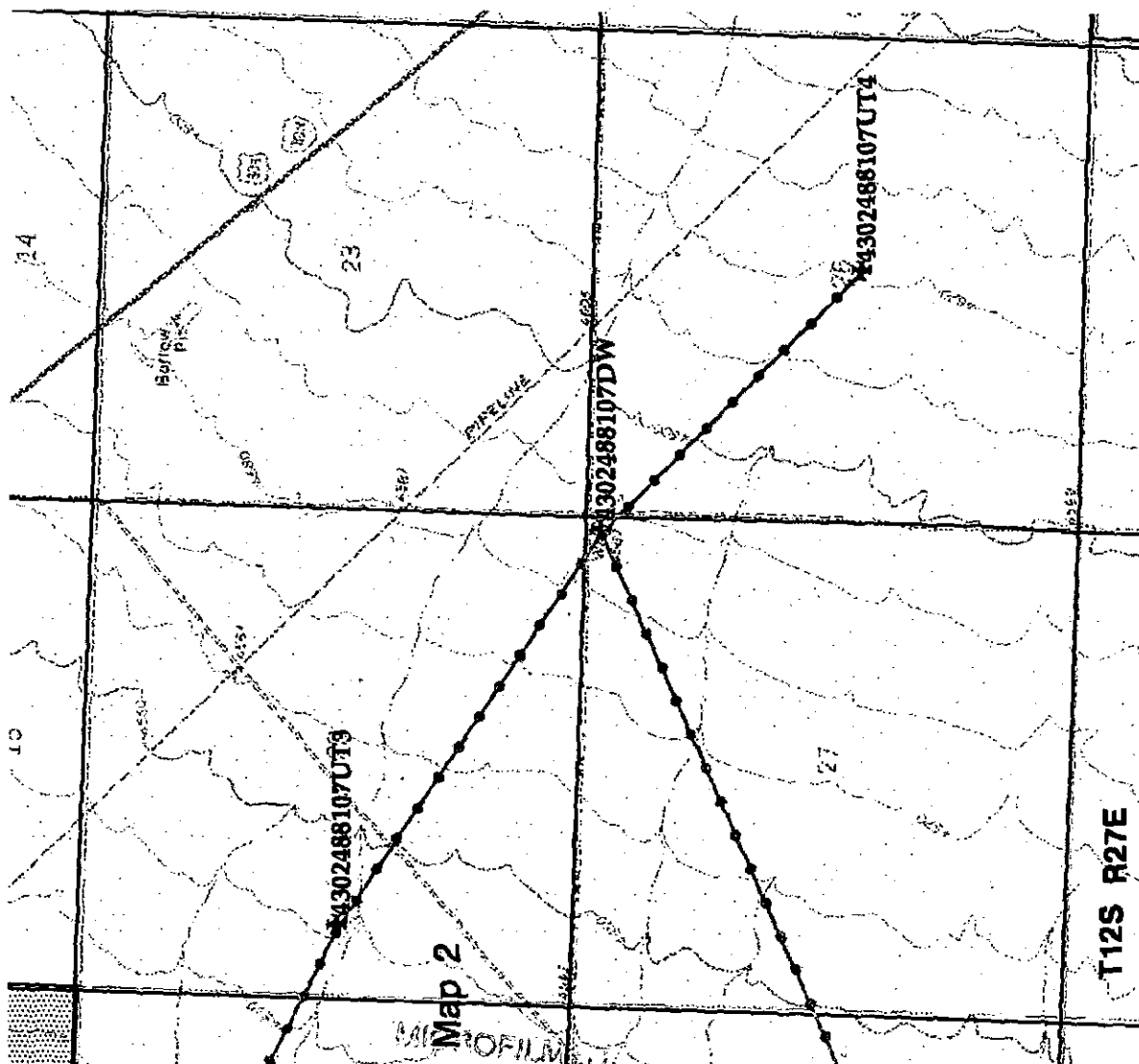
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No warranty is made by the Bureau of
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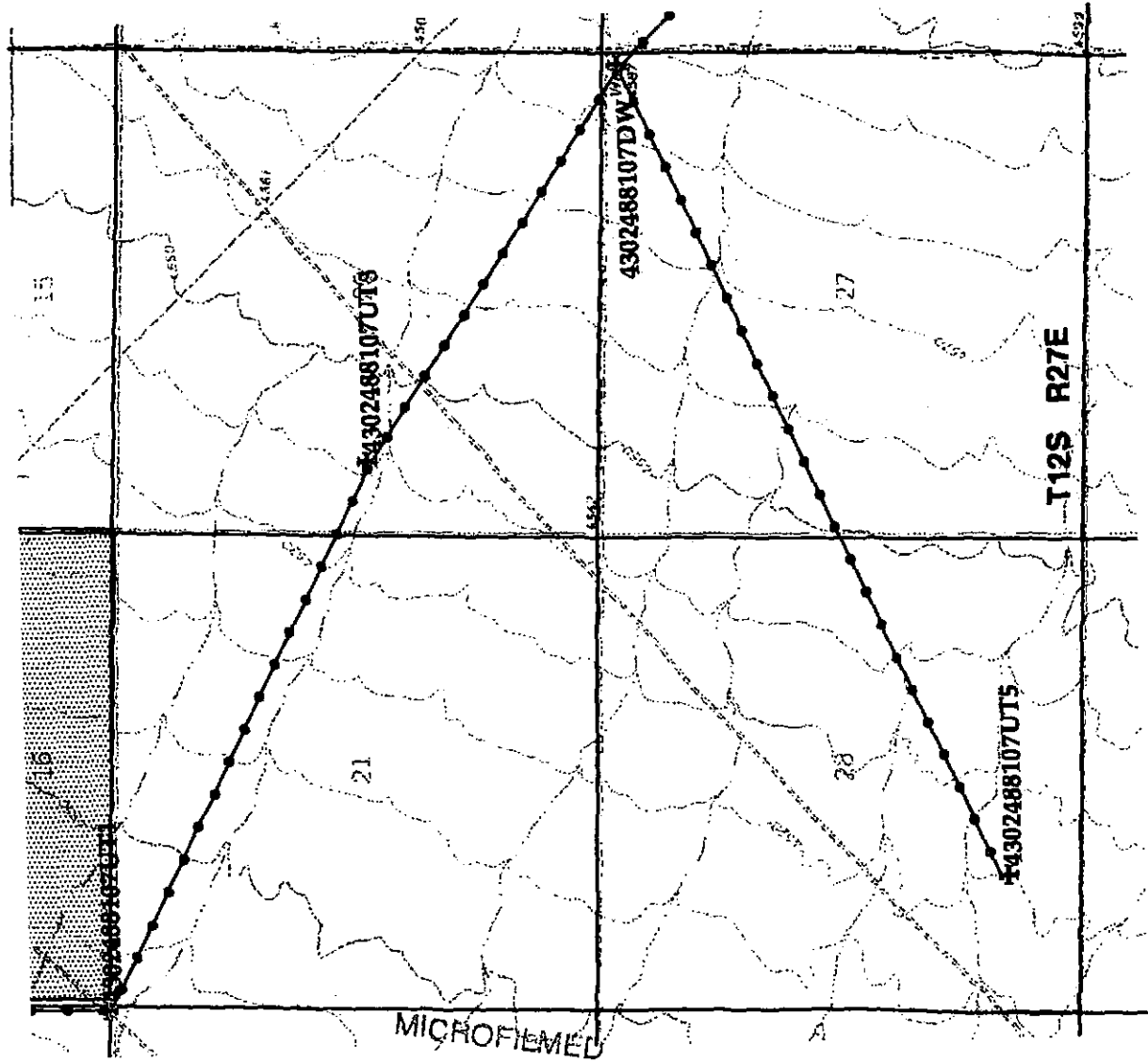


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T # 5542

SRBA CLAIMS: BASIN 43
Mata C342113
Map 2 of 3

Map 3



DEC 29 1999

T#5542

SRBA CLAIM THAT IS NOT FOR
INSTREAM USE

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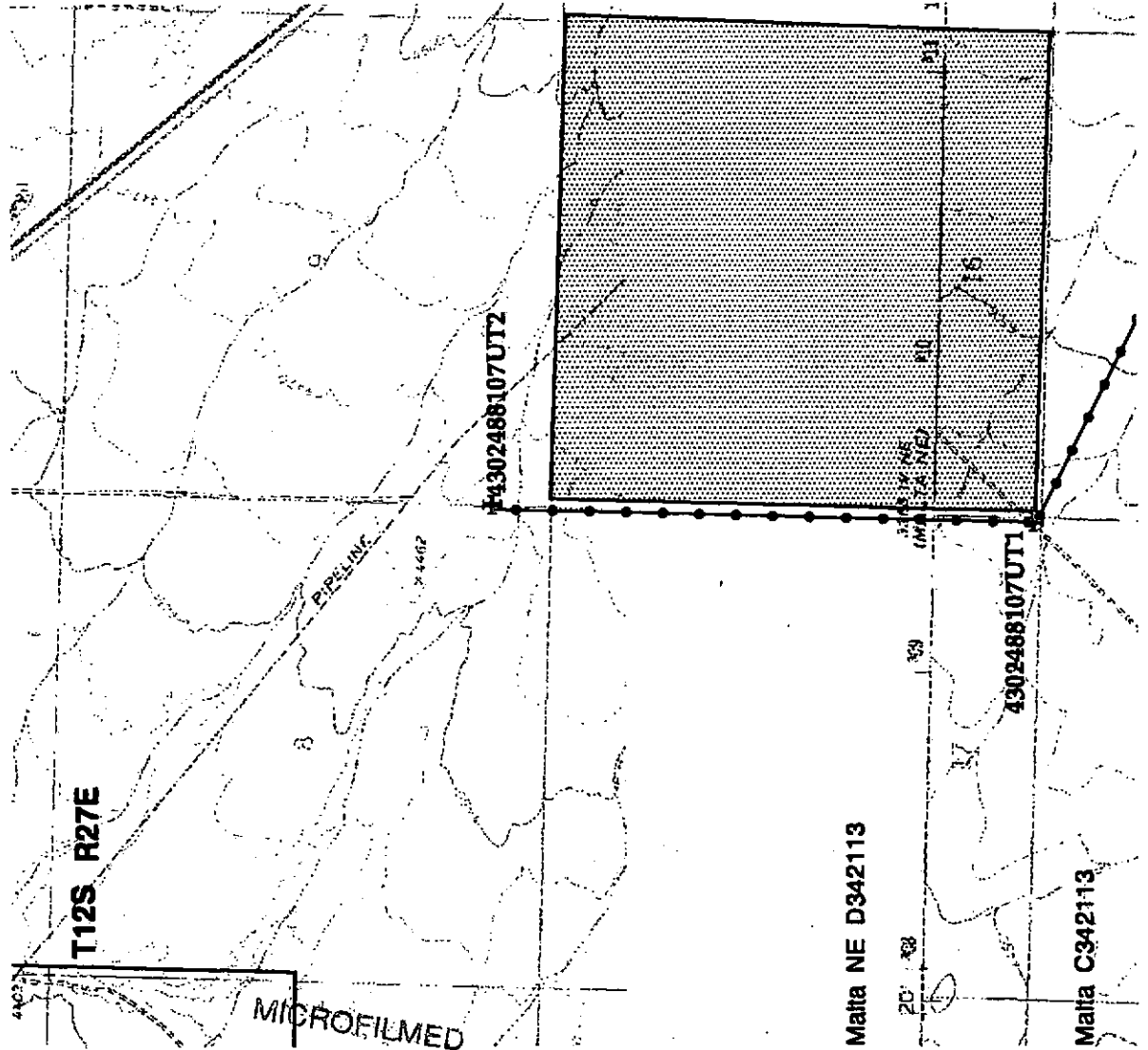
No warranty is made by the Bureau of
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SRBA CLAIMS: BASIN 43
Malta C342113 and Malta NE D342113
Map 3 of 3

**SRBA CLAIM THAT IS NOT FOR
 INSTREAM USE**



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Malta NE D342113

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bufo: lpa/projects/water/rightsh/121
 photo: all/121/4302488107/aw.apr
 UTM ZONE 12 - DATUM NAD27



T#5542

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.

SEE ATTACHED MAP

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

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PART 3

B. CHANGES IN NATURE OF USE

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.

Subscribed and sworn to before me this

Steven R. Davis, Hydrologist
(Signature of Applicant)

4th

day of

August19 99

Dorothy Bonner
(Notary Public)

My commission expires

3-4-2004

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by

J. J. Johnston

Date

8-9-99

Protest filed by

None

Prelim. check by

JS

Fee

\$100, 5022427

Received by

JS

Date

8-9-99

Published in

Idaho Press

Copies of protest forwarded by

Pub. dates

9/27 & 10/4/99

Hearing held by

Date

Watermaster recommendation requested on

N/A

Recommended for

☒

approval

☐

denial

rec'd.

by

ADW

Copy of transfer sent to lien holder

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P. O.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES

BY THE UNITED STATES DEPARTMENT OF THE INTERIOR

Application No. D 2146

Permit No. D 2146 43-2707

District No. _____

- REMARKS:

Flat Well #2-R-722

~~Applicant~~

Agent Bureau of Land Management

District Manager

		LHO								
	27									
						MICROFILMED				
						DEC 29 1999				

Approval of State Reclamation Engineer

The number of this permit is D. 2146

Recorded in Book 5 Page D. 2146 Approved January 17, 1968

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before completed

Witness my hand this 17th day of January, 19 68

State Reclamation Engineer.

~~IN TESTIMONY WHEREOF, We, _____ Governor of the State of Idaho,
and _____ Secretary of State of the State of Idaho, have caused this instrument
to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed,
this _____ day of _____, 19 _____~~

Countersigned:

STATE OF IDAHO

By _____
Secretary of State.

By _____
Governor.

No. D 2146

PERMIT

Date of first receipt at office of State Reclamation Engineer

January 10, 1968 ; 0:00 A.M.

Returned to applicant for correction

Corrected application received

Fees \$ 1.00

STATE OF IDAHO
LICENSE AND CERTIFICATE OF
WATER RIGHT

Water License No. D. 2146

TO Bureau of Land Management

Source of Supply Flat well

Amount .0198 Sec. Feet

Place of Use NE 1/4 Sec. 27

T 12 S., R 27 E., S. 8.M.

Purpose livestock

Date of Priority January 10, 1968

Recorded January 17, 1968

In Book 5 of Licenses, Page 2146

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D. 2146 Priority January 10, 1968 Amount .0198 c.f.s.

This is to certify that Bureau of Land Mgt. of Box 489, Burley, Idaho 83318

made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Flat well under Use Permit No. D. 2146, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume D. 5 of Licenses, at page D. 2146, on the 17th day of January, 19 68

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS THE SEAL and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 17th day of January, 19 68

MICROFILMED

State Reclamation Engineer.

DEC 29 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

RE: Water Right 41-02707 (Transfer 5542)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5542). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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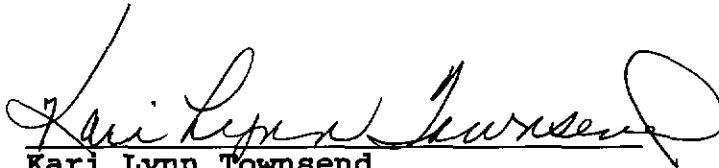
DEC 29 1999

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of November, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 41-02707 (Transfer 5542)

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318**


**Karl Lynn Townsend
Secretary**

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DEC 29 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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DEC 29 1999

MEMORANDUM

TO: File 43-02707

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5542

DATE: November 9, 1999

Transfer 5542 changes the place of use under Right 43-02707. The right has been recommended in the SRBA and this transfer is to reflect changes in the system with additional troughs.

Diversion volume was based on the number of cattle claimed under this right in the SRBA to reflect historical use and avoid expansion through this approval. Recommended conditions include SRBA conditions regarding the quantity of water (non-determination of historical use & 13,000gpd limit), stockwater overlap & beneficial use, and standard transfer conditions.

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TRANSFER REVIEW SHEET

(10-99)

Transfer # 5542

Date Reviewed 11-09-99

Right(s) 43-02707 - As recommended in SRBA

☒ WRQ/Split Summary ☒ SRBA Status NA Run POU Comparison Report

B:Change P/D C:Add P/D

☒ D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership SRBA Claim

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season NA to NA Standard Volume /

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) Volume

(6) ☒ Source (7) ☒ P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) yes Pertinent Conditions (13) NO Expansion w/Vol. limit

(5) 500 x 12 x 365 = 6.7 afa

(8) Change P/U

500 cattle per SRBA Claim + recommendation.

Transfer Remarks P/U aka 4302488107 N11 + N13

Conditions R37, T07, T08

Database/Processing Notes

Standard ☐ Non-Standard ☒

Copy approved version to an "X" prefix, delete "T", comment to base WR.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

11-09-99

SRBA

SUBCASE SUMMARY REPORT 43-02707

[Return to SRBA Home Page](#)

SRBA
11-08-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 43-02707 FILE#: 00040
CLAIMANT: USDI BLM
STATUS: STAYED
WATER SOURCE: GROUNDWATER,
ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.

**** PARTIES INVOLVED ****

USDI BLM

ATTY: US DEPARTMENT OF JUSTICE

**** ROA ENTRIES ****

07-02-1998	OBJ 01 F/B USDI BLM	RB	09-01-1998 0001
02-22-1999	NOTICE SETTING INITIAL HEARING	1S	04-06-1999 0130
04-01-1999	ORDER VACATING INITIAL HRGS AND SETTING DEADLINE-SF-5'S DUE 4-28-99	6B	04-28-1999
04-28-1999	MOTION FOR EXTENSION OF TIME TO FILE SF5'S	MG	04-28-1999
05-04-1999	ORDER GRANTING MOTION FOR EXTENSION		
05-04-1999	ORDER GRANTING MOTION FOR EXTENSION		
06-02-1999	DEADLINE FOR SF5'S PER ORDER GRANTING	ZS	06-11-1999 0500
09-10-1999	MOTION TO STAY SUBCASE PENDING COMPLETION OF ADMINISTRATIVE PROCEEDING (F/B U.S.)	MG	09-10-1999
09-10-1999	ORDER GRANTING MOTION TO STAY SUBCASE		

[Return to SRBA Home Page](#)

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
43-02707	US DEPT OF INTERIOR	C	01/10/1968	L/	GROUNDWATER	STOCK	WR
T43-02707	US BUREAU OF LAND MANAGEMENT	C	01/10/1968	L/	GROUNDWATER	STOCK	WR

43-02707	AMERICA ACTING THROUGH, UNITED STATES OF	C	01/10/1968	L/	GROUNDWATER	STOCK	AJ
A43-02707	AMERICA ACTING THROUGH, UNITED STATES OF	C	01/10/1968	L/	CHOKECHERRY SPRING	STOCK	AJ
						WILDLF	
R43-02707	AMERICA ACTING THROUGH, UNITED STATES OF	C	01/10/1968	L/	GROUNDWATER	STOCK	AJ
same							

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

SKM

TRANSFER NO.

5542

1. Right number(s)

43-02707

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other:

4. Check Existing
Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: Right has been recommended in SRBA. No field work needed.
Recommend approval.

5. Check Proposed Right for amount of land &/or water transferred:

☐ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☐ Proof of ownership of right &/or land from which water is transferred Applicant is claimant of record
- h. ☒ Expansion in use of right - Comments: N/A

- i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): _____

N/A

5. ✓ SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain)

- k. ✓ Comment letters _____ Yes ✓ No
If yes _____ Water District #
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY
SRBA SUPERVISOR REVIEW BY
PUBLICATION REVIEW BY

J. F. Stanton

DATE 8-20-99
DATE _____
DATE _____

1. Legal Notice electronically sent to DWR03::VAULT Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ Yes

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ✓ Yes No
4. Affidavit of publication received? ✓ Yes No
5. Protests received? Yes ✓ No; Acknowledgement sent? Yes
6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. Approve
2. Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated:

11/2/95

4. By AD Date 11/2/59

Date

11/2/55

MEMO

FROM: Allen Merritt *AM*

DATE: November 2, 1999

TO: Transfer File No. ~~5518~~ *5542*
Water Right(s): 43-02707

In the Name of: BLM

SUBJECT: Review and Recommendation

This transfer was filed to settle an objection by BLM of the recommendation of the right in the SRBA. See attached SRBA Summary Report Sheet. The transfer changes or refines the description of the place of use.

Recommendation

I recommend the transfer be approved.

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SRBA

SUBCASE SUMMARY REPORT 43-02707

[Return to SRBA Home Page](#)

SRBA
11-02-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 43-02707 FILE#: 00040
CLAIMANT: USDI BLM
STATUS: STAYED
WATER SOURCE: GROUNDWATER,
ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.

**** PARTIES INVOLVED ****

USDI BLM

ATTY: US DEPARTMENT OF JUSTICE

**** ROA ENTRIES ****

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04-28-1999	MOTION FOR EXTENSION OF TIME TO FILE SF5'S	MG	04-28-1999
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[Return to SRBA Home Page](#)

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T# 5542

WATER RIGHT NO.

43-02707

~~MICROFILMED~~
~~DEC 29 1995~~

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

RECEIVED

OCT 08 1999

Department of Water Resources
Southern Region

County of Cassia)
) SS
STATE OF IDAHO)

**99-382
NOTICE OF APPLICATIONS FOR
PROPOSED CHANGES TO
WATER RIGHTS**

Notice is hereby given that seven applications for transfer and one extension of time to avoid forfeiture application have been filed with the Department of Water Resources as described below:

Transfer No. 5493 by Jack and Kent Harman (1500 N. 461-A E. Rupert, ID 83350) requests modification of rights 36-02415 and 36-15356. The rights are recorded with priority dates of 2/18/1960 and 6/30/1973 respectively. The rights are limited to 4.11 cfs diverted from groundwater for irrigation of 311 acres. The rights are currently diverted and used within Section 12, T07S, R 24E, Minidoka County. The transfer proposes to dry up 26 acres and move that portion (0.34 cfs) to irrigate 26 other acres within Section 9, T07S, R25E, to be diverted from an existing well within NESW Section 8, T07S, R25E, all Minidoka County.

Transfer No. 5495 by Magic Valley Foods Inc. (PO Box 475, Rupert, ID 83350) request modification of rights 36-02250 and 36-11867. The rights are recorded with priority dates of 3/05/1954 and 3/15/1974 respectively. The rights are limited to 4.32 cfs diverted from groundwater for irrigation of 301 acres. The rights are currently diverted and used within Sections 7 and 18, T08S, R23E, Minidoka County. The transfer proposes to dry up 18.4 acres and change the nature use of that portion (0.26 cfs) to year round commercial use in an existing potato processing plant and co-generation facility. These facilities are located in Section 29, T09S, R24E; water to be diverted from two existing wells within SWSW Section 29, T09S, R24E, all Minidoka County.

Transfer No. 5498 & No. 5554 by Peter and Sylvia Grush (2023 S Hwy 81, Malta, ID 83342) request modification of rights 43-02447 and 43-02448. The rights are recorded with priority date of 7/26/1956 for irrigation of 640 acres in Section 13 from two wells (one section 13 and one Section 14 limited to 11.95 cfs) all T13S, R26E, Cassia County.

Transfer No. 5498 proposes to dry up 35 acres of the above rights and move that portion (0.65 cfs) to irrigate 35 acres at a site where it is combined with rights; 43-02450B (priority 10/14/1956, 1.52 cfs for 76 acres), A43-10539 (priority 10/14/1956, 1.22 cfs for 101.6 acres) and A43-10541 (priority 10/14/1956, 0.62 cfs for 52 acres). Combined rights to be diverted from an existing well within NENE Section 27 to irrigate a combined 264 acres at a rate of 4.01 cfs all within Section 27, T13S, R27E, Cassia County. **Transfer No. 5554** proposes to dry up another 77 acres of above rights and move that portion (1.52 cfs) to irrigate 77 acres within a 107 acre permissible place of use within Section 36, T13S, R26E and Section 1, T14S, R26E. Water to be diverted from existing well within Section 1 and combined with dairy waste, all in Cassia County. After said transfer of above rights, 528 acres (0.78 cfs) will remain at the original site.

Transfer No. 5501 by Gary Harper (2040 E. 830 S. Declo, ID 83323) requests that ten water rights from groundwater be combined into a permissible place of use of 1600 acres within Sections 25, 26, 27, 34, 35, T11S, R26E and Section 3, T12S, R26E, all Cassia County. The rights are to be diverted from eight interconnected existing wells within, these same sections. The total rate of diversion from this system is 23.83 cfs. The rights to be combined range in priority from 1948 to 1970 and are currently recorded for use within the proposed permissible place of use with these same wells. For specific details regarding these individual rights please contact IDWR Southern Region.

Transfer No. 5517 & 5542 by the US Bureau of Land Management (15 E. 200 S., Burley, ID 83318) propose to change the place of use of two rights for stockwater which are diverted from groundwater via wells. **Transfer 5517** proposes modification of right 43-02654 (priority 2/6/1957; 0.10cfs) currently diverted from a well within SESE Section 7, T13S, R28E for use in Sections 1, 12 & 13, T13S, R27E and Sections 6, 7, 17, 18 & 20, T13S, R28E. The transfer proposes the place of use to be within Section 12, T13S, R27E and Sections 6, 7, 18 & 20, T13S, R28E all Cassia County. **Transfer 5542** proposes modification of right 43-02707 (priority 1/10/1968; 0.02cfs) currently diverted from a well within NENE Section 27, T12S, R27E for use in same section. The transfer proposes the place of use to be within Sections 9, 17, 22, 26 & 28, T12S, R27E all Cassia County.

Applications for Extension of Time to Avoid Forfeiture by R Reed Call (1395 N. 1500 E., Provo UT 84604) for right 43-02530A recorded with priority of 7/11/1961 for 3.06cfs from groundwater diverted from a well within SWSE Section 12 and used to irrigate 153 acres within SE1/4 Section 12, all T13S, R26E, Cassia County. Right last used in 1994; a five year extension is requested.

Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 15, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed applications. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published by the South Idaho Press on September 27 and October 4, 1999.

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the printed notice attached hereto was duly published in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing issue dated September 27, 1999 and ending with the issue dated October 4, 1999.

Ruth Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 5th day of October in the year of 1999, me, a Notary Public, personally appeared Ruth Holmes identified to me to be the person whose name is subscribed within instrument, and being by me first duly sworn, depose and acknowledge that the statements therein are true, and acknowledged to me executed the same.

John K. Blue
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-

Cost of Publication 176.60
Affidavit Fee 5.00
Total Cost 176.60

OK
MB
10/12/99

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DEC 29 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

September 16, 1999

**KARL J. DREHER
DIRECTOR**

**ATTN LEGALS
SOUTH IDAHO PRESS
230 EAST MAIN
BURLEY ID 83318**

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

**Mary Baldwin
Administrative Assistant**

Enclosure

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DEC 29 1999

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CHANGES TO WATER RIGHTS**

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Transfers No. 5517 & No. 5542 by the US Bureau of Land Management (15 E 200 S, Burley, ID 83318) propose to change the place of use of two rights for stockwater which are diverted from groundwater via wells. **Transfer 5517** proposes modification of right 43-02654 (priority 2/6/1957; 0.10 cfs) currently diverted from a well within SESE Section 7, T13S, R28E for use in Sections 1, 12 & 13, T13S, R27E and Sections 6, 7, 17, 18 & 20, T13S, R28E. The transfer proposes the place of use to be within Section 12, T13S, R27E and Sections 6, 7, 18 & 20, T13S, R28E all Cassia County. **Transfer 5542** proposes modification of right 43-02707 (priority 1/10/1968; 0.02

DEC 29 1999

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Karl J. Dreher, Director

Published in the South Idaho Press on 9/27 & 10/4/99.

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DEC 29 1999

September 16, 1999

ATTN STEVE DAVIS
USDI-BUR OF LAND MGT
15 E 200 S
BURLEY ID 83318

Re: Application for Transfer No. 5542 (43-02707)

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the South Idaho Press for 9/27 and 10/4/99. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS::MB

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