

Comment Report

22-13285

1. kwalker 7/22/2004 Application Review

Comment: This application should be held until Transfer 71085 is ready for approval also. The 2 applications should be sent in for approval together since the transfer will provide the mitigation water that will allow new use approval in the moratorium area. Per phone conversation with region today the transfer application has to be reviewed by Pam before advertising can occur.

2. kwalker 11/30/2004 Permit Review

Comment: Transfer 71085 approved 11/2/2004. Recommend approval of this right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71085

This is to certify that: LEWIS M MITHUN
PO BOX 765
TETON VILLAGE WY 83025
(307)733-7457

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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
22-49	AJC/Decreed	01/22/1916	1.28 cfs	N/A	N/A	64.0	DICK CREEK, UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

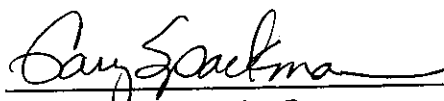
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
22-49	YES	YES	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
22-49	22-13283	0.45 cfs	46.0 af	N/A	N/A	22-13282	0.83 cfs	N/A	N/A	41.5
COMBINED TOTALS		0.45 cfs	46.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of November, 2004



Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 22-49

SCANNED
NOV 13 2004

WATER RIGHT NO. 22-13282
As Modified by Transfer No. 71085

In accordance with the approval of Transfer No. 71085, Water Right No. 22-13282 is now described as follows.

Right Holder: LEWIS M MITHUN
 PO BOX 765
 TETON VILLAGE WY 83025

Priority Date: January 22, 1916

Source: DICK CREEK
 UNNAMED STREAM

Tributary: TETON RIVER
 DARBY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.83 CFS	
			0.83 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SESW Sec. 10 Twp 04N Rge 45E TETON County

DICK CREEK NWSE Sec. 10 Twp 04N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	45E	10													41.5

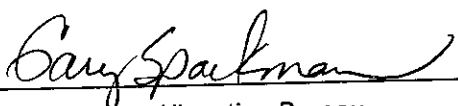
Total Acres: 41.5

CONDITIONS OF APPROVAL

- Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 2nd day of November, 2004


 Chief, Water Allocation Bureau

SCANNED
 NOV 12 2004

WATER RIGHT NO. 22-13283
As Modified by Transfer No. 71085

In accordance with the approval of Transfer No. 71085, Water Right No. 22-13283 is now described as follows.

Right Holder: ROBERT G KIRK
 PO BOX 4779
 JACKSON WY 83001

Priority Date: January 22, 1916

Source: DICK CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	04/15	to 10/31	0.45 CFS	
WILDLIFE STORAGE	01/01	to 12/31		26.1 AF
WILDLIFE	04/15	to 10/31	0.45 CFS	46.0 AF
			0.45 CFS	46.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DICK CREEK SWNWNE Sec. 9 Twp 04N Rge 45E TETON County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	45E	9													

CONDITIONS OF APPROVAL

1. The reservoir established by the storage of water under this right shall not exceed a total capacity of 12 acre feet or a total surface area of 8 acres.
2. This right authorizes the diversion of an annual total of 46.0 af to be used for the initial filling of the reservoir, for the replacement of losses caused by seepage and evaporation from the reservoir.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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.

RECORDED
 JUN 1 1986

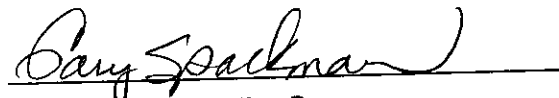
WATER RIGHT NO. 22-13283
As Modified by Transfer No. 71085

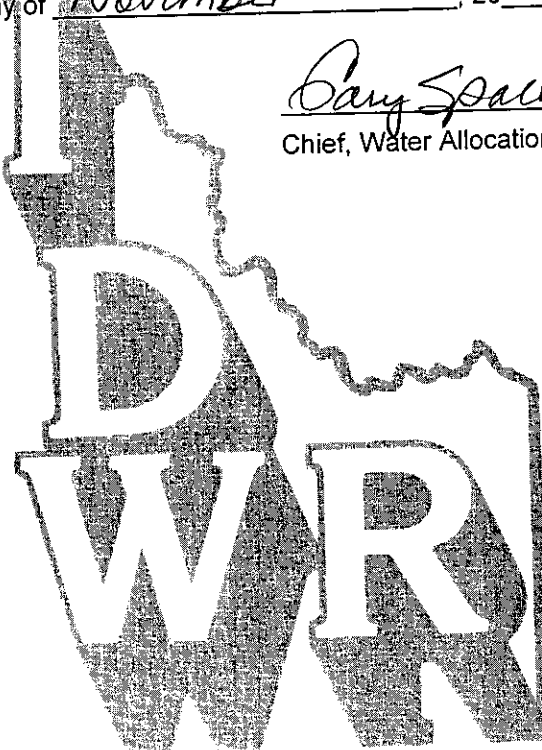
CONDITIONS OF APPROVAL

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right. Irrigation is not an authorized use of water under this right.

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 2nd day of November, 2004


Chief, Water Allocation Bureau



EDANNED
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