

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

RECEIVED
JUN 03 2004
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ORIGINAL

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Lance Hess

Phone (208) 634-7803

Post Office address P.O. Box 732A, Lake Fork, Idaho 83635

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. Provide water for fish propagation, wildlife and maintain pond levels resulting from exchange and evaporative losses in the ponds.

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>65-3211B</u>	<u>12-12-2003</u>	<u>0.19 /</u>	<u>Fish propagation, wildlife</u>	<u>5-1 to 9-15</u>

_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.19 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Lake Fork tributary to North Fork Payette River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NE	3	17N	3E	Valley	

5. Lands irrigated or place of use:

Twp.	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	N E ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	15			H/W	H/W													

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Water is delivered through west side ditch to property. Water will be delivered via ditch directly to ponds.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ____ Yes **XX** 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: Land will be excavated to create ponds.
- d. Remarks: This transfer seeks to convert 10.5 acres of irrigated land to 10.5 acres of pond. Th water formerly used for irrigation will be used to maintain pond levels and temperatures stable, by offsetting evaporative losses and providing some exchange of water in the ponds. Fish will be raised in the ponds and local wildlife will benefit from the addition of these ponds. The initial filling of th pond will be by groundwater being appropriated in an application for permit filed in conjunction wit this transfer.

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 _____, 20 _____.

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/21/2004

WATER RIGHT NO. 65-3211B

Owner Type	Name and Address
Current Owner	BEVERLY A EDWARDS RT 1 BOX 1115 HOMEDALE, ID 83628 (208)337-4588
Original Owner	C W COLENBAUGH LAKE FORK, ID 83635

Priority Date: 12/12/1903

Basis: Decreed

Status: Active

Source	Tributary
LAKE FORK	NORTH FORK PAYETTE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	5/01	9/15	0.547 CFS	
Total Diversion			0.547 CFS	

Location of Point(s) of Diversion:

LAKE FORK	NESENE	Sec. 03	Township 17N	Range 03E	VALLEY County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
17N	03E	15		SWNE	15		SENE	15						

Total Acres: 30

Conditions of Approval:

1.	C20	Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977. This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2.	C18	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.

Remarks:

1.	Explanatory	WATER IS DELIVERED THROUGH WEST SIDE DITCH.
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Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 65K

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

PART 2

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 0.19 for fish propagation, wildlife purposes from 5-1 to 9-15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NE	3	17N	3E	Valley	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	15			H/ W	H/ W													

Total acres 10.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 0.357 for _____ purposes from 5-1 to 9-15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NE	3	17N	3E	Valley	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	15			9.5	10													19.5

Total acres 19.5

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

- | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|-----------------------------------|-----------------------|-----------------|--------------------|
| <u>Fish propagation, wildlife</u> | <u>0.19</u> | _____ | <u>5-1 to 9-15</u> |
| _____ | _____ | _____ | _____ to _____ |
- Quantity and quality of return flows and location of discharge: The amount of return flow after the construction of the ponds is anticipated to be equal to the irrigation return flow. A 1 for 1 exchange between irrigation acres and pond acres is used. The water consumption of the new use is anticipated to be equal to the irrigation consumptive use, therefore the quantity of return flow will also be equal. The quality of the return flow to the shallow ground water is anticipated to be similar to the irrigation return flow. Surface water return flow will have the same quality as the ponds, which can be impacted by fish and wildlife.
- Describe effects on other water uses resulting from the proposed change: No effects to other water use are anticipated.

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 before me this

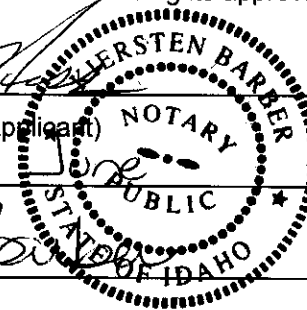
1st

(Signature of Applicant)

day of

2004

Kersten Barber
(Notary Public)



My commission expires

11/26/08**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by sk

Date

6-3-04

Protest filed by _____

Prelim. check by _____

Fee

100.00Received by sk

Date

6-3-04W 031788

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 _____

Place of Use Map for Hess
Application for Permit and
Application for Transfer

(T17N R3E)

