

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5300

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Name of applicant Don Lambert Produce, Elquist Ranches Inc. Phone 678-2668
Post Office address c/o Cory King, 203 E 1100 S, Dunley, ID 83318

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 Well drilled under T. 5038 was dry, so a replacement well is needed at a new location.

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 |
|--|-----------|-----------------------|------------------|---------------|
| 45-04009 | 5-9-1953 | 3.54/1411 | Innig. | 4-1 to 10-31 |
| 45-04013B | 4-10-1948 | 0.88/371.8 | " | " to " |
| 45-04024 | 5-9-1953 | 2.93/1237.9 | " | " to " |
| 45-04025 | " | 2.20/929.5 | " | " to " |
| 2. Total amount of water being transferred <u>9.35</u> cubic feet per second and/or <u>3950.2</u> acre-feet per annum. | | | | |
| 3. Source of water <u>Groundwater</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion: | | | | |

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SW	5	13S	23E	Cassia	New well to be drilled - possible site
	SE	SE	SW	8	"	"	"	Existing well
	NW	SW	SW	5	"	"	"	New well - possible site
								(only one new well will be drilled)

5. Lands irrigated or place of use: No Change

[illegible]

Total acres _____

5300/66721

PART 1

6. General Information:

- a. Description of diversion system Two connected wells & pumps, ditches & pipelines into existing ditch from Land Ranch Spring. Splitter box in ditch to proportion water between the 2 applicants
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A
- d. Remarks:
App. for T. 5147 is pending in the name of Elquist Ranches. Assuming it is approved before this new application, the ^{new} application will modify that transfer. We are filing a joint transfer rather than amending the existing application.

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 _____.

PART 2

TRANS NO. 5300

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-04009

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.34 CFS	1411.0 AF

SOURCE

GROUNDWATER

Priority: 05/09/1953

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 5, Township 13S, Range 23E
 SESW , Sec. 8, Township 13S, Range 23E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S	22E	24	NESE 40	NWSE 40	SWSE 40	
			SESE 40			160
		25	NENE 40	NWNE 40	SWNE 40	
			SENE 40			160
	23E	15	NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
		19	NENE 40	Lot 1 (NWNE) 40	Lot 2 (SWNE) 40	
			SENE 40	NESE 40	Lot 3 (NWSE) 40	
			Lot 4 (SWSE) 40	SESE 40		320
		20	NENE 40	Lot 1 (NWNE) 40	Lot 2 (SWNE) 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	480
		29	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		30	NENE 40	Lot 1 (NWNE) 40	Lot 2 (SWNE) 40	
			SENE 40			160
Total number of acres irrigated:						2240

CONDITIONS/REMARKS:

Water Right No. 45-04009

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5038 shall not exceed 9.35 cfs, nor total combined annual volume of 3950.2 af.
8. Approval of Transfer 5038 does not confirm claimed Rights 45-04009, 45-04013B, 45-04024 and 45-04025.
9. Approval of Transfer 5038 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Rights 45-04009, 45-04024 and 45-04025 each have identified two priority dates of 05-09-1953 and 05-15-1955.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-04013B

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.88 CFS	371.8 AF

SOURCE

GROUNDWATER

Priority: 04/10/1948

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 5, Township 13S, Range 23E
 SESW , Sec. 8, Township 13S, Range 23E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S	22E	36	SWNE 5	SENW 40	NESW 40		
			NWSW 40	SWSW 40	SESW 40		
			NESE 40	NWSE 40	SWSE 40		
			SESE 40				365
23E	6	Lot 2(NWNE)	30				30
	31	Lot 2(SWNE)	5	Lot 3(NWSE)	30	Lot 4(SWSE)	40
		SESE	25				100
13S	22E	1	Lot 1(NENE)	20	Lot 2(NWNE)	40	60
23E	6	Lot 1(NENE)	5				5
Total number of acres irrigated:							560

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Water Right No. **45-04013B**

CONDITIONS/REMARKS:

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5038 shall not exceed 9.35 cfs, nor total combined annual volume of 3950.2 af.
8. Approval of Transfer 5038 does not confirm claimed Rights 45-04009, 45-04013B, 45-04024 and 45-04025.
9. Approval of Transfer 5038 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-04024

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.93 CFS	1237.9 AF

SOURCE

GROUNDWATER

Priority: 05/09/1953

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 5, Township 13S, Range 23E
SESW , Sec. 8, Township 13S, Range 23E
CASSIA County

PLACE OF USE: IRRIGATION

[illegible]

CONDITIONS / REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Water Right No. 45-04024

CONDITIONS/REMARKS:

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5038 shall not exceed 9.35 cfs, nor total combined annual volume of 3950.2 af.
8. Approval of Transfer 5038 does not confirm claimed Rights 45-04009, 45-04013B, 45-04024 and 45-04025.
9. Approval of Transfer 5038 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Right 45-04024 is limited to irrigation of 520.0 acres in the place of use described above in a single irrigation season.
11. Rights 45-04024 and 45-04025 when combined shall not exceed irrigation of 892.0 total acres in a single irrigation season.
12. Rights 45-04009, 45-04024 and 45-04025 each have identified two priority dates of 05-09-1953 and 05-15-1955.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-04025

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.20 CFS	929.5 AF

SOURCE

GROUNDWATER

Priority: 05/09/1953

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 5, Township 13S, Range 23E
 SESW , Sec. 8, Township 13S, Range 23E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S	22E	25	NESE 33	NWSE 33	SWSE 33	132
			SESE 33			
		36	NENE 33	NWNE 40	SWNE 40	
			SENE 33	NENW 33	NWNW 33	
			SWNW 33	SENE 40	NESW 40	
			NWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	565
	23E	31	Lot 2(SWNE) 5	Lot 3(NWSE) 30	Lot 4(SWSE) 40	
			SESE 25			100
13S	22E	1	Lot 1(NENE) 20	Lot 2(NWNE) 40		60
	23E	6	Lot 1(NENE) 5	Lot 2(NWNE) 30		35
Total number of acres irrigated:						892

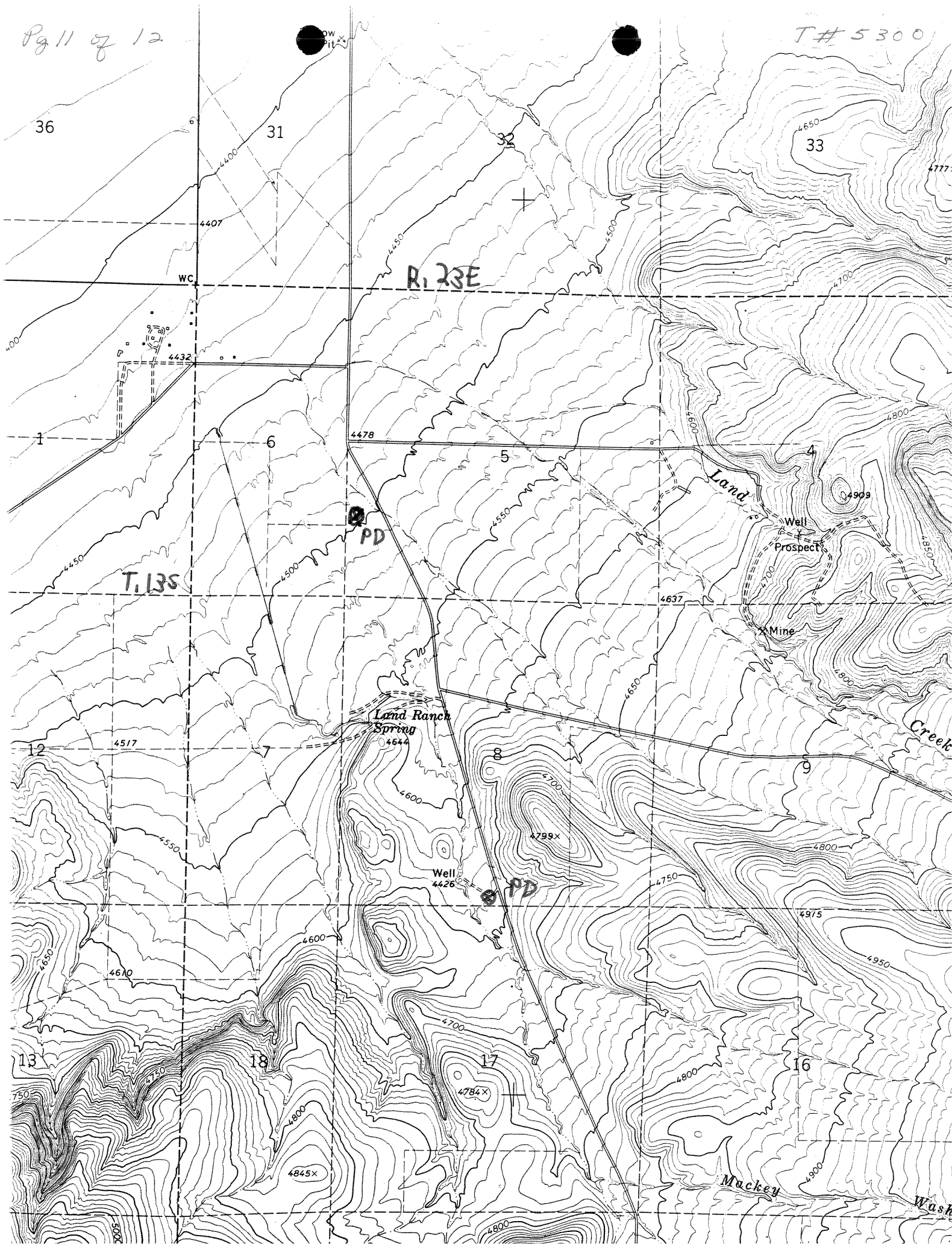
CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Water Right No. 45-04025

CONDITIONS/REMARKS:

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5038 shall not exceed 9.35 cfs, nor total combined annual volume of 3950.2 af.
8. Approval of Transfer 5038 does not confirm claimed Rights 45-04009, 45-04013B, 45-04024 and 45-04025.
9. Approval of Transfer 5038 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Right 45-04025 is limited to irrigation of 520.0 acres in the place of use described above in a single irrigation season.
11. Rights 45-04024 and 45-04025 when combined shall not exceed irrigation of 892.0 total acres in a single irrigation season.
12. Rights 45-04009, 45-04024 and 45-04025 each have identified two priority dates of 05-09-1953 and 05-15-1955.



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 18th day of May, 19 98.

(Signature of Applicant)

J.F. Stanton

(Notary Public)

My commission expires 10-25-2000**FOR DEPARTMENT USE ONLY**Transfer contains 12 pages and 0 attachmentsReceived by J.F. Stanton Date 5-18-98Protest filed by NonePrelim. check by JF Fee \$100.5021131Receipted by JS Date 5-18-98Published in So. Ill. Press

Copies of protest forwarded by _____

Pub. dates 7/20 & 7/27/98

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☒ approval ☐ denial

_____ rec'd. _____

by JS

Copy of transfer sent to lien holder _____

RECEIVED**JUL 10 1998**Department of Water Resources
Southern Region