

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5214

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED**FEB 23 1998**Department of Water Resources
Eastern Region**RECEIVED****APR 29 1998**

Name of applicant U.S. Bureau of Land Management Phone (208) 766-4766
Post Office address 138 S. Main, Malad City, ID, 83252

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 Add places of use.

Department of Water Resources

2. Describe the reason for the proposed changes A pipeline is being constructed within a grazing allotment to provide additional sources of stockwater. Additional water will facilitate livestock distribution and more uniform grass utilization.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
17-02108	February 28, 1961	.03 cfs	stockwater	1/1 to 12/31

2. Total amount of water being transferred .03 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water ground water (Black Pipeline Well #1) tributary to sinks

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	9	16 S	30 E	Oneida	Black Pine Well #1

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	
16 S	30 E	9		S															
16 S	30 E	10																S	
16 S	30 E	12											S						
16 S	30 E	14					S												
16 S	30 E	22																S	
16 S	30 E	23			S														

Total Acres _____

PART 1

6. General Information:

a. Description of diversion system Well, electric submersible pump, pipe, 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 or 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:

Not applicable.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Applications 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 _____

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 17-02106

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.03 CFS

SOURCE

GROUNDWATER

Priority: 02/14/1961

LOCATION OF POINT(S) OF DIVERSION:NWNE , Sec. 9, Township 16S, Range 30E
ONEIDA CountyPLACE OF USE: STOCKWATERTWN RGE SEC

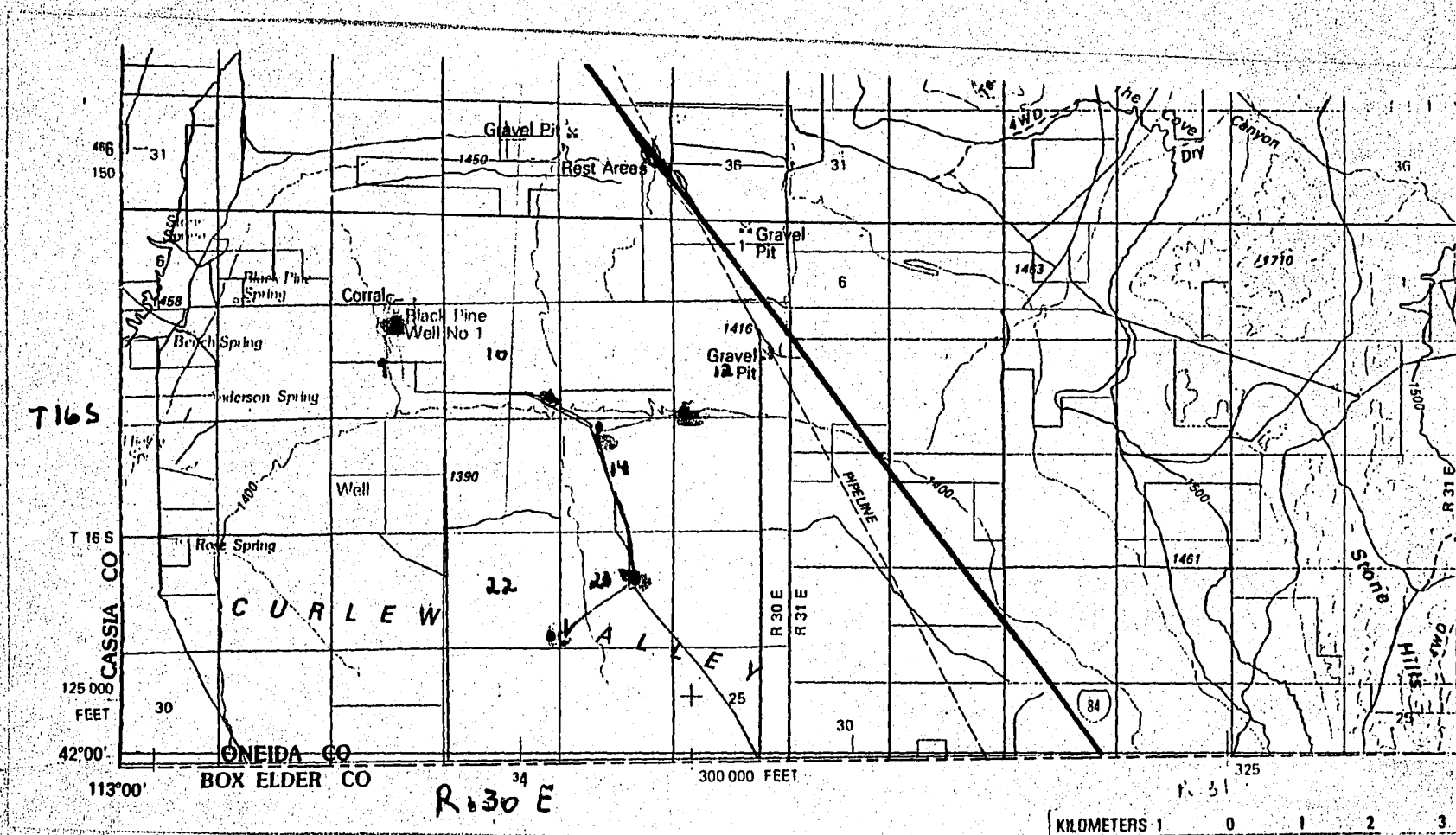
16S 30E 9 NWNE

CONDITIONS/REMARKS:

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



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

PART 3

Transfer No. 5214

B: CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year period of use
(cfs/ac-ft)

_____ 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.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of January, 19 98.

Walter O. Duggan
(Notary Public)

My commission expires 11/1/99

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 2-24-98 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Receipted by HWT #E023910 Date 2-24-98

Published in Idaho Enterprise Copies of protest forwarded by _____

Pub. dates March 5 & 12, 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RC

Copy of transfer to lien holder _____

Approval of State Reclamation Engineer

The number of this permit is D. 1408

Recorded in Book 4 Page D. 1408 Approved February 24, 1961

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 24th day of February, 1961

Geo. H. Carter

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT L. SHULTS Governor of the State of Idaho, and ARNOLD WILLIAMS 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 24th day of February, 1961

Countersigned:

STATE OF IDAHO

By _____ Secretary of State.

By _____ Governor.

No. D. <u>1408</u>	PERMIT
Date of first receipt at office of State Reclamation Engineer <u>8:00 A. M. February 14, 1961</u>	Returned to applicant for correction
Corrected application received	Fees \$ <u>1.00</u>
STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	
Water License No. D. <u>1408</u>	U. S. Department of Interior TO Bureau of Land Management
Source of Supply <u>Black Pine Well</u>	Amount <u>0.03</u> Sec. Feet
Place of Use <u>Black Pine Well</u>	Purpose <u>Licensed Livestock</u>
Date of Priority <u>February 14, 1961</u>	Recorded <u>February 28, 1961</u>
In Book <u>4</u> of Licenses, Page <u>1408</u>	

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D. 1408 Priority February 14, 1961 amount 0.03 c.f.s.

This is to certify that Bureau of Land Management of Burley, Idaho made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Black Pine Well under Use Permit No. D. 1408, 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. 4 of Licenses, at page D. 1408, on the 28th day of February, 1961

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 28th day of February, 1961

Geo. H. Carter

State Reclamation Engineer.

Address all Communications to

P. O.

APPLICATION FOR PERMIT

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. 1408

Permit No. D 1408 17-2108

District No. _____

1. Name of Applicant U. S. Department of the Interior, Bureau of Land Management
2. Post Office Address Box 460, Burley, Idaho
3. Quantity of water claimed 0.03 cfs 2-14-1961
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply Black Pine Well
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion S 88° 30' E 2992 feet distant from the NW corner of Section 9,
Twp. 16 S., Rge. 30 E., B.M., and is in the NW ¼ of the NE ¼ of Section 9, Twp. 16 S., Rge. 30 E., B.M.
in the County of Oneida 7/
6. Location of point of use S 88° 30' E 2992 feet distant from the NW corner of Section 9,
Twp. 16 S., Rge. 30 E., B.M., and in the NW ¼ of the NE ¼, Sec. 9, Twp. 16 S., Rge. 30 E.
7. Water to be used for Licensed Livestock 1/1-12/31
8. Estimated cost of works \$2500.00
9. Kind of works Cased well with electric motor and 20' stock tank
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size _____
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use June 30, 1960
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam _____ feet: Length at top _____ feet.
- (b) Material from which dam is constructed _____
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located _____ feet from the _____ corner of
Section _____, Twp. _____, Rge. _____, B.M.

REMARKS:

U. S. Department of the Interior
Applicant Bureau of Land Management

Agent Robert J. Jefferys
 for Jack F. Wilson, District Manager

[illegible]

T/65
R30E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5214
WATER RIGHT NO. 17-02108

This is to certify that: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
138 S MAIN
MALAD CITY ID 83252

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	0.03 CFS	13.4 AF
<u>SOURCE</u> GROUNDWATER			

Priority: 02/14/1961

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 9, Township 16S; Range 30E
ONEIDA County

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
16S	30E	9	NWNE
		10	SESE
		12	SWSW
		14	NENW
		22	SESE
		23	SWNE

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.

Dated this 15 day of May, 1998

J. Blum Saxton
Chief, Water Allocation Bureau

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5214

Notice is hereby given that US Dept of Interior, Bureau of Land Management, 138 S Main, Malad City, ID 83252, has applied to the Department of Water Resources to add places of use of the waters of a groundwater source. The right sought to be change is evidenced by a license and recorded as follows:

License No.: 17-02108 Source: Groundwater
Amount: 0.03 cfs Priority: 02/28/1961
Point(s) of Diversion: NWNE SEC 9 T16S R30E, ONEIDA COUNTY
The water is used for stockwater from 01/01 to 12/31 within the NWNE SEC 9 T16S R30E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add water troughs to the system to better distribute livestock. The 5 new locations are in SEC 10, 12, 14, 22, and 23 T16S R30E.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before March 23, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Idaho Enterprise on March 5 and 12, 1998.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

February 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO ENTERPRISE
PO BOX 205
MALAD CITY ID 83252

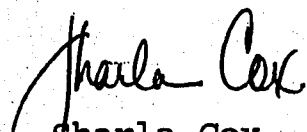
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before March 23, 1998.

Yours truly,


Sharla Cox
Secretary

Enc.

2413

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with 3-5, 1998, and ending with the issue of 3-12, 1998.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 2 day of April in the year of 1998, before me, Susan J. Wittman, a Notary Public, personally appeared Kristine D. Smith, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Susan J. Wittman
Notary public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2000

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CHANGE OF A WATER RIGHT
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KARL J. DREHER
Director

Published in the Idaho Enterprise on March 5 and 12, 1998
L. #2413 3/5/12/98/T2

RECEIVED

APR 07 1998

Department of Water Resources
Eastern Region

MEMORANDUM

TO: File 17-02108

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5214

DATE: May 14, 1998

Transfer 5214 changes the place of use under Right 17-02108. The applicant, BLM, is adding a pipeline and additional water trough sites to facilitate livestock distribution and more uniform grazing. ✓

This transfer modifies the original D permit which identifies only "licensed livestock" under the use description. I telephoned the BLM office in Malad and requested more information about the number of cattle that have historically been assigned to this allotment. Matt Renbace, Range Management Specialist, determined that 1,000 cattle are the maximum number of cattle to be authorized use in this allotment. Diversion volume of 13.4 afa for stockwater purposes has been identified on the transfer approval. ✓

Recommended conditions includes the right being limited to actual beneficial use with any overlapping stockwater rights and standard transfer conditions. ✓

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.



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

May 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
138 S MAIN
MALAD CITY ID 83252

RE: Water Right 17-02108 (Transfer 5214)

Dear Water Rights Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5214). 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.

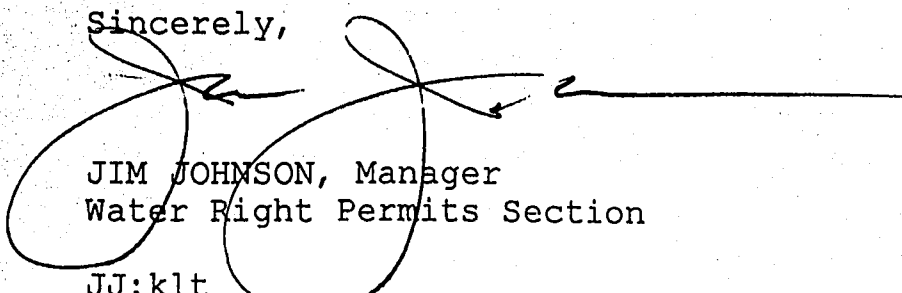
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

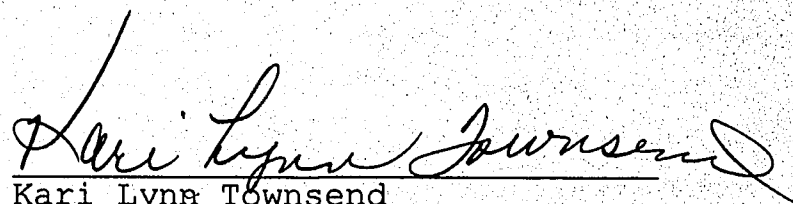
JJ:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

WATER RIGHT 17-02108 (Transfer 5214)

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
138 S MAIN
MALAD CITY ID 83252


Kari Lynn Townsend
Secretary