

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00425A  
Date Received: 1/24/1989  
Receipt No: E005581  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: GLEN R GODFREY 208-458-4170  
Address: PO BOX 21  
NEWDALE ID 83436  
OR  
Name: LOUISE GODFREY 208-458-4170  
Address: PO BOX 21  
NEWDALE ID 83436

2. Date of Priority: MAY 1, 1885

3. Source: TETON RIVER, SOUTH FORK Trib. to: HENRYS FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 40E   | 1       | SW     | NW     |     |     | MADISON |
|          |       | 2       | SW     | SW     |     |     | MADISON |

5. Description of diverting works:  
HEADWORKS FOR TETON ISLAND FEEDER.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 1.440 |      |        |

7. Total Quantity Appropriated is:  
1.440 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 600.0 Acre Feet Per Annum.

9. Non-irrigation uses:



10. Place of Use:

| Township      | Range | Section | 1/4 | of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|-----|--------|-----|-----|-------|
| 06N           | 40E   | 2       | NE  | SW     |     | IRR | 40.0  |
|               |       |         | NW  | SW     |     | IRR | 40.0  |
|               |       |         | SW  | SW     |     | IRR | 40.0  |
|               |       |         | SE  | SW     |     | IRR | 40.0  |
|               |       |         | NW  | SE     |     | IRR | 40.0  |
|               |       |         | SW  | SE     |     | IRR | 40.0  |
| Section Acres |       |         |     |        |     |     | 240.0 |
| Total Acres   |       |         |     |        |     |     | 240.0 |

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
22-00424A, 22-00490, 22-00491A

14. Remarks:

TRANS. 2405.

P/D TETON ISLAND FEEDER TO NELSON-JACOBI DITCH.

\*\*\* THIS CLAIM IS RENUMBERED FROM A22-00425B, 12/28/92 ESV.

\*\*\* CONDITIONS OF TRANSFER APPROVAL \*\*\*

FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

APPROVAL OF THIS TRANSFER DOESNOT PRECLUDE THE OPPORTUNITY FOR REVEIW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 01.

A MEASURING DEVICE AND LOCKABLE HEADGATE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE PERMANENTLY MAINTAINED AS A PART OF THE DIVERTING WORKS AT BOTH POINTS OF DIVERSION.

WATER RIGHTS NOS. 22-00424A AND 22-00490 CAN ONLY BE DIVERTED THROUGH THE MCCORMICK-ROWE DITHC (SW1/4NW1/4, SEC. 1 T6N R40E).

WATER RIGHT NOS. 22-00425A AND 22-00491A CAN BE DIVERTED EITHER THROUGH THE MCCORMICK-ROWE DITCH (WHEN DELIVERED WITH RIGHTS 22-00424A AND 22-00490) OR IN THE SW1/4SW1/4 SEC. 2 T6N R40E, AFTER THE APRIL 1, 1898 WTER RIGHTS HAVE BEEN CUT.

THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 22-00424A, 22-00425A, 22-00490 AND 22-00491A SHALL NOT EXCEED 840 ACRE FEET.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO. ET AL.,  
Decree Plaintiff

TETON IRR. CANAL CO. ET AL.  
vs Decree Defendant

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

| OWNER<br>CODE | NAME & ADDRESS      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|---------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | DIRK PARKINSON      | 05/01/1985       | IRRIGATION | 04-15 10-15           | 1.44 CFS          |                     |
| C             | ROBYN PARKINSON     |                  |            |                       | 1.44 CFS          |                     |
|               | PO BOX 326          |                  |            |                       |                   |                     |
|               | ST ANTHONY ID 83445 |                  |            |                       |                   |                     |
|               | (208) 652-7340      |                  |            |                       |                   |                     |
|               |                     |                  |            | TOTAL DIVERSION:      |                   |                     |
|               |                     |                  |            | CONSUMPTIVE USE:      |                   | 600.00 AFA          |

**Stage: DECREED**

MADISON County  
MADISON County

|     |     |   |   | NE    |       |       |       | NW |       |       |       | SW    |   |       |       | SE    |       |   |             |       |       |       |   |       |
|-----|-----|---|---|-------|-------|-------|-------|----|-------|-------|-------|-------|---|-------|-------|-------|-------|---|-------------|-------|-------|-------|---|-------|
|     |     |   |   | NENE  | NWNE  | SWNE  | SENE  | :  | NENW  | NWNW  | SWNW  | SENW  | : | NESW  | NWSW  | SWSW  | SESW  | : | NESE        | NWSE  | SWSE  | SESE  | : |       |
| T   | R   | S | : | Lt Ac | Lt Ac | Lt Ac | Lt Ac | :  | Lt Ac | Lt Ac | Lt Ac | Lt Ac | : | Lt Ac | Lt Ac | Lt Ac | Lt Ac | : | Lt Ac       | Lt Ac | Lt Ac | Lt Ac | : | SUM   |
| 06N | 40E | 2 | : |       |       |       |       | :  |       |       |       |       | : | 40    | 40    | 40    | 40    | : |             | 40    | 40    |       | : | 240.0 |
|     |     |   |   |       |       |       |       | :  |       |       |       |       | : |       |       |       |       | : | TOTAL ACRES |       |       |       | : | 240.0 |

Other Rights: 22-00424A, 22-00490, 22-00491A

T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

P/D TETON ISLAND FEEDER TO NELSON-JACOBI DITCH.  
 \*\*\* THIS CLAIM IS RENUMBERED FROM A22-00425B, 12/28/92 ESV.  
 \*\*\* CONDITIONS OF TRANSFER APPROVAL \*\*\*  
 FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE  
 FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL  
 OF THE TRANSFER SHOULD NOT BE RESCINDED.  
 APPROVAL OF THIS TRANSFER DOESNOT PRECLUDE THE OPPORTUNITY  
 FOR REVEIW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING  
 SNAKE RIVER BASIN ADJUDICATION.  
 USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE  
 WATERMASTER OF STATE WATER DISTRICT NO. 01.  
 A MEASURING DEVICE AND LOCKABLE HEADGATE OF A TYPE APPROVED BY  
 THIS DEPARTMENT SHALL BE PERMANENTLY MAINTAINED AS A PART OF THE  
 DIVERTING WORKS AT BOTH POINTS OF DIVERSION.  
 WATER RIGHTS NOS. 22-00424A AND 22-00490 CAN ONLY BE DIVERTED  
 THROUGH THE MCCORMICK-ROWE DITHC (SW1/4NW1/4, SEC. 1 T6N R40E).  
 WATER RIGHT NOS. 22-00425A AND 22-00491A CAN BE DIVERTED EITHER  
 THROUGH THE MCCORMICK-ROWE DITCH (WHEN DELIVERED WITH RIGHTS  
 22-00424A AND 22-00490) OR IN THE SW1/4SW1/4 SEC. 2 T6N R40E.

DATE: 05/07/99  
PAGE: 2

Log for claim 22-00425A

Spatial Dynamics LTD

6/21/01

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 06n40e         | 2   | NESW | 40               | 40             |         |
| 06n40e         | 2   | NWSW | 40               | 40             |         |
| 06n40e         | 2   | SWSW | 40               | 38             |         |
| 06n40e         | 2   | SESW | 40               | 38             |         |
| 06n40e         | 2   | NWSE | 40               | 40             |         |
| 06n40e         | 2   | SWSE | 40               | 38             |         |
| <b>Totals:</b> |     |      | 240              | 234            |         |

WATER RIGHT  
NUMBER

NAME

CFS

22-00425

RIGHT 22-0425 SPLIT INTO 22-0425A & B BY TRANS. 2062.  
TRANS. 2095/2405 MOVED P/U & P/D FOR RIGHT 22-0425B.

22-00425A GODFREY , GLEN R

1.44

22-00425B RICKS , RAY G.  
RICKS , JOEANN

2.88

RECEIVED

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# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Glen R. Godfrey Phone 458-4170  
Post Office address P.O. Box 21 Newdale, ID

**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 This will enable me to change from gravity to pump irrigation when my 1898 water rights are cut.

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

- | 1. Right Number                                                                                                  | Priority      | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use |
|------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|------------------|---------------|
| A22-00424                                                                                                        | April 1, 1898 | 2.89 cfs              | Irrigation       | 4-15 to 10-15 |
| A22-00425B                                                                                                       | May 1, 1885   | 1.44 cfs              | " "              | " " to " "    |
| A22-00491A                                                                                                       | June 1, 1879  | 2.708 cfs             | " "              | " " to " "    |
| A22-004910                                                                                                       | April 1, 1898 | 8.60 cfs              | " "              | " " to " "    |
| 2. Total amount of water being transferred <u>15.638</u> cubic feet per second and/or _____ acre-feet per annum. |               |                       |                  |               |
| 3. Source of water <u>Teton River, South Fork</u> tributary to <u>Henry's Fork</u>                               |               |                       |                  |               |
| 4. Point(s) of Diversion:                                                                                        |               |                       |                  |               |

[illegible]

5. Lands irrigated or place of use:

[illegible]

**PART 1****6. General Information:**

a. Description of diversion system McCormick-Rowe ditch and a pump  
in the river to flood irrigation.

N.A. b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ 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.

N.A. c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

**d. Remarks:**

The P.D. in the SW 1/4, Sect 4 (McCormick-Rowe Ditch) will be  
used until my 1898 priority water is cut & gravity irrigation then  
not feasible. At that time I will shift to the pump P.D. in Sect. 2

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. 22-00424A/00425A/00490/

And said application is hereby APPROVED, subject to the following limitations and conditions: 00491A

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this \_\_\_\_\_

7<sup>th</sup> day of

December

, 19 92

L. Glen Saylor

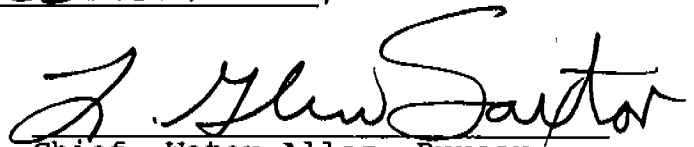
**RECORDED**

DEC 09 1992

**CONDITIONS OF APPROVAL**  
**Transfer of Water Rights**  
**Nos. 22-00424A/00425A/00490/00491A**

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
5. A measuring device and lockable headgate of a type approved by this department shall be permanently maintained as a part of the diverting works at both points of diversion.
6. Water Right Nos. 22-00424A and 22-00490 can only be diverted through the McCormick-Rowe Ditch (SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, T6N, R40E).
7. Water Right Nos. 22-00425A and 22-00491A can be diverted either through the McCormick-Rowe Ditch (when delivered with Rights 22-00424A and 22-00490) or in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 2, T6N, R40E, after the April 1, 1898 water rights have been cut.
8. The combined annual volume of water under Right Nos. 22-00424A/00425A/00490/00491A shall not exceed 840.0 acre feet.

Dated this 7<sup>th</sup> day of December, 1992.

  
Chief, Water Alloc. Bureau

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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A22-00491A on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Teton River, South Fork tributary to Henry's Fork

4. Date or priority June 1, 1879

5. Water is used for the following purpose:

amount 2.708 cfs for Irrigation purposes from 4-1 to 11-1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 2.708 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SW  | NW  | 1    | 6N   | 40E  | Madison | McCormick - Rowe ditch   |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 240

9. Describe any other water rights used for the same purpose as described above A22-00490,

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3538 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Teton River, South Fork tributary to Henry's Fork

4. Date or priority April 1, 1898 (A22-00424) and May 1, 1885 (A22-00425B)

5. Water is used for the following purpose:

122- amount 2.89 cfs for Irrigation purposes from 4-1 to 11-1  
0424 (cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
122- amount 1.44 cfs for Irrigation purposes from 4-1 to 11-1  
0425B (cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

6. Total amount of water under right 4.33 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SW  | NW  | 1    | 6N   | 40E  | Madison | McGermick-Raws Ditch     |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 240

9. Describe any other water rights used for the same purpose as described above A22-00490,

A22-00491 A

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A22-00490 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Teton River, South Fork tributary to Henry's Fork

4. Date or priority April 1, 1898

5. Water is used for the following purpose:

amount 8.60 cfs for Irrigation purposes from 4-1 to 11-1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 8.60 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SW  | NW  | 1    | 6N   | 40E  | Madison | McCormick-Roux Ditch     |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

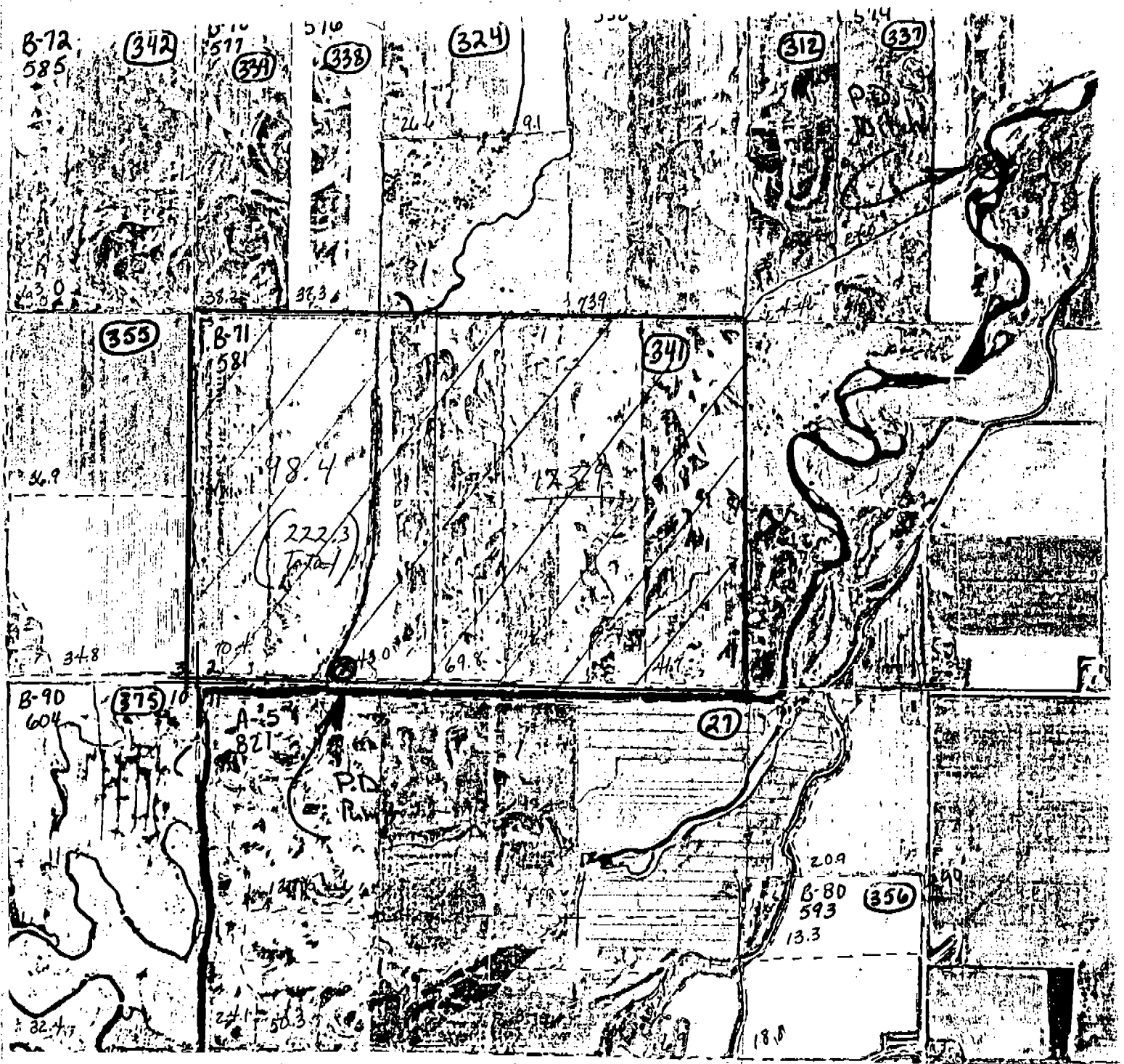
Total acres 240

9. Describe any other water rights used for the same purpose as described above A22-00491 A,

A22-00492 & A22-00493B

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.



DEC 09 1992

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

| 1 | New Nature of Use | Amount<br>(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 9<sup>th</sup> day of July, 19 92.

[Signature]  
(Signature of Applicant)

[Signature]  
(Notary Public)

My commission expires March 1994

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by KCW Date 9 July 92 Protest filed by \_\_\_\_\_Prelim. check by \_\_\_\_\_ Fee \$50.00Receipted by KCW Date 9 July 1992 # E017600Published in Standard-Journal Copies of protest forwarded by \_\_\_\_\_Pub. dates 7-16 & 23-92 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial\_\_\_\_\_ rec'd. \_\_\_\_\_ by [Signature]

Copy of transfer sent to lien holder \_\_\_\_\_

DEC 09 1992

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3538

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

APPROVED

Name of applicant Glen R. or Louise Godfrey Phone (208) 458-4170  
Post Office address P.O. Box 21 Newdale ID 83436

## 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 Land originally irrigated from Teton Island Feeder is now water in conjunction with land receiving water through McCormick Rowe Ditch. Use & delivery of the rights can be more efficiently managed if diverted at a single heading.

## 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>R22-00424</u> | <u>April 1, 1898</u> | <u>2.89</u>        | <u>Irrig.</u> | <u>04/01</u> to <u>11/01</u> |
| <u>R22-00425</u> | <u>May 1, 1885</u>   | <u>1.440</u>       | <u>Irrig.</u> | <u>04/01</u> to <u>11/01</u> |
| _____            | _____                | _____              | _____         | _____ to _____               |
| _____            | _____                | _____              | _____         | _____ to _____               |

2. Total amount of water being transferred 4.33 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Teton River, South Fork tributary to Henry's Fork.

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SW  | NW  | 1    | 6N   | 40E  | Madison | McCormick Rowe Ditch     |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

5. Lands irrigated or place of use: (No Change).

| 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 240

## PART 1

## 6. General Information:

- a. Description of diversion system McCormick Rowe Ditch, 36" culvert  
& concrete weir.
- 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:  
This application does not request a change in place of use.
- d. Remarks:  
The rights described by this transfer are based on historical  
use as recorded on the notices of claims in the Snake  
River Basin Adjudication.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0424D/0425DAnd said application is hereby APPROVED, subject to the following limitations and conditions:

1. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works. 2. The approval of this transfer in no way confirms the rights claimed under A22-0424 and A22-0425B. 3. Use of water under these rights is subject to control by the watermaster of State Water District No. 01, Snake River.

MICROFILMED

SEP 14 1989

Witness my hand this

29<sup>th</sup>

day of

August19 89J. Glen Saxton  
Chief, Water Alloc. Bureau

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No.        Decreed to         
in case of        vs.         
dated        in        county of
- b. License No.        issued by the Idaho Department of Water Resources.
- c. Claim No.        on file with the Idaho Department of Water Resources.
- d. Transfer No. 2405 / 22-00425 B. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other       

3. Source of water Teton River, North Fork tributary to Henry's Fork

4. Date or priority May 1, 1885

5. Water is used for the following purpose:

amount 1.440 for Irrig. purposes from April 1 to Nov. 1  
(cfs/ac-ft)  
amount        for        purposes from        to         
(cfs/ac-ft)  
amount        for        purposes from        to         
(cfs/ac-ft)

6. Total amount of water under right 1.440 cubic feet per second and/or        acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SE  | NW  | 30   | 7N   | 40E  | Fremont | Teton Island Feeder.     |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

**MICROFILMED**

SEP 14 1989

Total acres 240

9. Describe any other water rights used for the same purpose as described above 22-00424, 22-00490

22-00491A.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 22-00424 *less transfer #2062* Decreed to David Nelson  
in case of Rexburg Irr. Co. vs. Teton Irr. Canal Co.  
dated 12/16/1910 in 6<sup>th</sup> District Court county of Fremont
- b. License No.        issued by the Idaho Department of Water Resources.
- c. Claim No.        on file with the Idaho Department of Water Resources.
- d. Transfer No.        which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other       

3. Source of water Teton River, North Fork tributary to Henry's Fork

4. Date or priority April 1, 1898

5. Water is used for the following purpose:

amount 2.89 for Irrigation purposes from April 1 to Nov. 1  
(cfs/ac-ft)  
amount        for        purposes from        to         
(cfs/ac-ft)  
amount        for        purposes from        to         
(cfs/ac-ft)

6. Total amount of water under right 2.89 cubic feet per second and/or        acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|---|----|----|------|------|------|---------|--------------------------|
|     |   | NE | NW | 36   | 7N   | 40E  | Fremont |                          |
|     |   |    |    |      |      |      |         |                          |
|     |   |    |    |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |      |      |      |      |      |      |      |      | 40   | 40   |      |      |      |      |      |      | 80     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

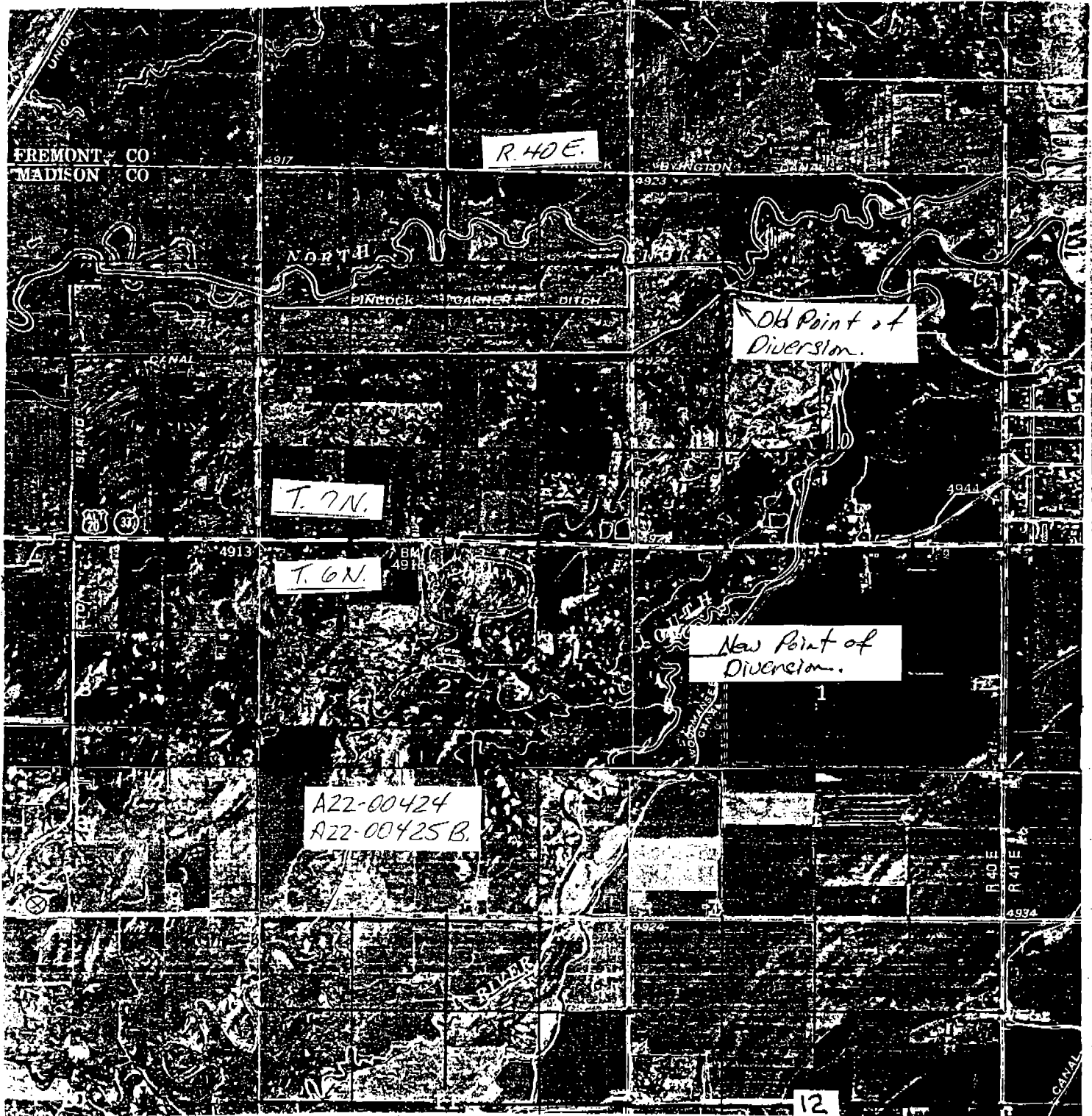
Total acres 80

9. Describe any other water rights used for the same purpose as described above 22-00425B

22-00490 , 22-00491A

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.



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

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

| 1 | New Nature of Use | Amount<br>(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.

Shen R. Sadler

(Signature of Applicant)

Subscribed and sworn to before me this 24 day of January, 1989.

Ernest M. Calver

(Notary Public)

My commission expires 14 June 1994

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and        attachments

Received by EMC Date 24 Jan 1989 Protest filed by       

Prelim. check by HWS Fee 58.00

Receipted by EMC E005590 Date 24 Jan 1989

Published in Herald-Chronicle & Rexburg Standard-Tribune Copies of protest forwarded by       

Pub. dates 4-6 & 13, 89 Hearing held by        Date       

Watermaster recommendation requested on        Recommended for ☒ approval ☐ denial

WD #1 rec'd. 5-2-89 by RDC Sim Gump

Copy of transfer sent to lien holder       

**MICROFILMED**

SEP 14 1989



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 19, 1999

DIRK & ROBYN PARKINSON  
PO BOX 326  
ST ANTHONY ID 83445

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP  
NOTICE OF CLAIM TO A WATER RIGHT A22-00424A,  
A22-00425A, A22-00490, A22-00491A, A22-04029

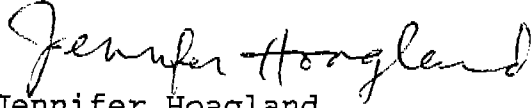
Dear Mr. & Mrs. Parkinson:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

  
Jennifer Hoagland  
Technical Records Specialist

Enclosure

## Merrill &amp; Merrill

P.O. Box 991  
Pocatello, Idaho 83201-0991  
(208) 232-2286  
Fax: (208) 232-2499

## FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 525-7177

Number of pages in addition to this cover sheet:

To: Tony Olenichek

Of: Dept. Water Resources

From: Garry Longmore

Client/Matter:

Date: 4/29/99

COMMENTS:

Dirk Parkinson ① Notice of change ② Contract  
③ Legal Description.

Please contact my office  
if you have any questions



THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (208) 232-2286.

04/29/99 11:02 FAX 2086527342  
04/29/99 10:44 FAX 208322499PARKINSON SD F  
Merrill&MerrillDELOG  
AR002  
0002

04/09/1999 12:55 20865257177

IDWR EASTERN

4-30-99 PAGE 08

Form 12-348/62-165(6) February 1, 1997

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

## NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s): \_\_\_\_\_
- Adjudication Claim No(s): A22-00424A, A22-00425A, A22-00421A,
2. The following REQUIRED information must be submitted with this form: A22-00470, A22-04029
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
  - AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Glen and Louise Godfrey  
310 Park Street, Nampa Idaho 83436
4. New Owner/Claimant(s): Dirk and Kathryn Parkinson  
Name Connection (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address: P.O. Box 326  
City, State and ZIP Code: St. Anthony Idaho 83445  
New Telephone Number: 208 652-7340
5. Date you acquired the property: April 26, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): X Dirk Parkinson Date 4-29-99  
Date \_\_\_\_\_  
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

## REAL ESTATE CONTRACT OF SALE

**THIS AGREEMENT**, made and entered into this 2<sup>nd</sup> day of April, 1999, by and between Glen and Louise Godfrey, husband and wife ("SELLERS") and Dirk and Robyn Parkinson, husband and wife ("BUYERS").

### RECITALS

- A. SELLERS own real property which is more particularly described in exhibit A attached hereto and incorporated by reference. The real property also includes all improvements, water rights, and appurtenances thereto, including but not limited to those water rights set forth in paragraph three (3) of this agreement, except for those water rights expressly excluded from this contract and reserved to SELLERS under the terms of this contract of sale.
- B. SELLER's personal property which shall be sold pursuant to this agreement is more particularly listed below and shall collectively be referred to in this Agreement as the "Equipment."
- Eight (8) Wheel Lincs  
Four (4) Hand-lines  
Two (2) 75 Horsepower Pumps
- C. The SELLERS desire to sell to BUYERS, and BUYERS agree to purchase from SELLERS, all the described real property and equipment, subject to the terms and conditions hereof.

**NOW THEREFORE**, for good and valuable consideration including payments of money, promises, and agreements, recited herein which are contractual and not mere recitals the parties do hereby agree as follows:

### AGREEMENT

#### 1. SALE OF REAL AND PERSONAL PROPERTY.

SELLERS shall sell and BUYERS shall purchase the subject real property and equipment. Except for the water rights expressly reserved to SELLERS under the terms of this contract of sale, all structures, irrigation fixtures, water and water rights including but not limited to storage and decreed water rights, and ditches and ditch rights, appurtenant thereto that are now on or used in connection with the premises shall be included in this sale.

## **2. SURVEY.**

BUYERS surveyed their home place excepted from this purchase which exception is set forth in Exhibit A. The parties desire to use the surveyed legal description for this exception.

## **3. WATER RIGHTS.**

SELLERS agrees to sell the following water rights to BUYER and represents that the real property has such appurtenant water rights:

- i. 107 acre feet of the total 110 acre feet storage water in the Fremont/Madison Irrigation District. SELLERS hereby expressly retain and reserve three (3) acre feet of storage water in the Fremont/Madison Irrigation District, appurtenant to the above described real property. .
- ii. Adjudicated claims based on decreed and beneficial use as follows:  
A22-00424A, A22-00425A, A22-00491A, A22-00490, and A22-04029.

BUYER expressly reserves and retains the stockwater and domestic beneficial use adjudicated claim water right A22-11249.

## **4. PRICE.**

BUYERS shall pay SELLERS for said property a purchase price of five hundred eighty four thousand dollars (\$584,000) in lawful money of the United States of America, payable as follows:

- a. Seventy-five thousand dollars (\$75,000) as earnest money, receipt of which is hereby acknowledged, paid by BUYERS to SELLERS.
- b. Five hundred nine thousand Dollars (\$509,000) payable against principal and to be paid by upon closing by BUYERS to SELLERS.

## **5. POSSESSION.**

BUYERS is granted possession of the real property and equipment of the premises upon closing.

**6. APPORTIONMENTS.**

All taxes and assessments upon the property shall be prorated between the parties as of the day of closing. SELLERS shall pay all taxes and assessments levied upon the property for the time prior to and including said date, and BUYERS shall pay all such taxes and assessments levied upon the property for the term after said date before the same become delinquent.

**7. CLOSING.**

First American Title Company is herein designated both as closing agent for BUYERS and SELLERS. Closing shall be on or before May 1, 1999.

**8. COSTS OF CLOSING/ESCROW AGENT/ATTORNEY'S FEES.**

The cost of Title Insurance shall be paid by SELLERS and any surveys shall be paid by BUYERS. BUYERS and SELLERS shall pay all other closing costs equally, except attorney's fees, including cost of any document preparation done by closing agent, any and all costs of closing as the same may be charged by closing agent. SELLERS and BUYERS will pay their respective attorney's fees.

**9. DEED AND BILL OF SALE.**

SELLERS shall execute a good and sufficient warranty deed for the real property, free and clear of all liens and encumbrances. SELLERS shall purchase at closing, from the sales proceeds paid at closing a standard owner's title insurance policy for the amount of the purchase price, subject to the usual printed exceptions, easements, and reservations of record and accruing taxes. At closing, Sellers shall also deliver to Buyer a bill of sale to the personal property

**10. ENVIRONMENTAL REPRESENTATION.**

To SELLERS' best information and belief, SELLERS represent with respect to the premises and the water sources located on or under the premises, that there has been no spill, discharge, cleanup or contamination of or by any hazardous or toxic waste or substance, and that during the course of their ownership of the real property, the sellers have complied with all federal and state environmental laws and regulations.

The terms "hazardous waste," "hazardous substance," "disposal," "release," and "threatened release," as used in this Contract of Sale shall have the same meanings as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as

amended, 42 U.S.C., Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1987, Pub. L. No 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 49 U.S.C., Section 6001, et seq., or other applicable State or Federal laws, rules or regulations.

#### **11. LEGAL REPRESENTATION.**

The Law Offices of Merrill and Merrill Chartered have served as attorney for BUYERS for this transaction.

#### **12. BINDING EFFECT.**

This agreement is not only binding upon the parties hereto, but upon their respective successors, heirs, administrators and assigns. The terms "SELLERS" and "BUYERS" shall be construed, as used herein, to include the actual parties hereto.

#### **13. INTEGRATION OF AGREEMENT.**

BUYERS and SELLERS acknowledge that the terms of this contract may vary from terms contained in any preliminary agreements, conversations, or dealing had or held prior to the execution of this contract and may vary from any negotiations between BUYERS, or any of BUYERS'S agents prior to the execution of this contract. BUYERS and SELLERS agree that the terms, covenants, and conditions of this contract do supersede all prior negotiations, agreements, statements, and terms; that there are no other agreements not contained in this contract; that this contract shall be and is the final expression of the agreement of the parties and shall control. BUYERS and SELLERS do further agree that no modification of this contract shall be valid unless the same is in writing and executed by both BUYERS and SELLERS.

#### **14. MISCELLANEOUS.**

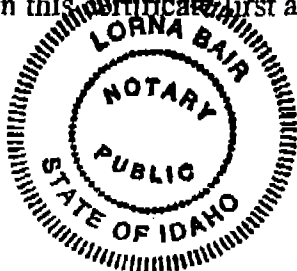
BUYERS and SELLERS agree to execute any other documents necessary to properly perfect SELLERS' interest in and to the property described in this contract.

#### **15. SURVIVAL OF TERMS.**

The terms and provisions of this Contract of Sale shall survive the closing and the execution and delivery of instruments of transfer and conveyance. The terms of this Contract of Sale shall not be merged out by the execution and delivery of the instruments of transfer and conveyance.

GODFREY Husband and Wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



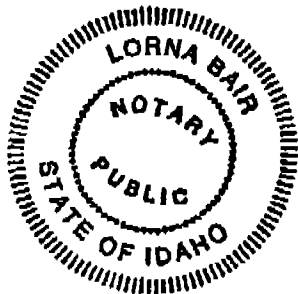
*Lorna Bair*  
 Notary Public for Idaho

Residing at: *St. Anthony*  
 Commission Expires: *2-16-2001*

STATE OF IDAHO, )  
 )ss.  
 County of Madison )

On this *26<sup>th</sup>* day of *April*, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared DIRK PARKINSON AND ROBYN PARKINSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Lorna Bair*  
 Notary Public for Idaho

Residing at: *St. Anthony*  
 Commission Expires: *2-16-2001*

**16. WAIVER.**

A waiver of any default or breach of any term of this Contract of Sale shall not be deemed to be a waiver of any simultaneous or subsequent breach of the same or any other term of this Contract. All waivers must be in writing and must be signed by SELLERS. No failure or delay of SELLERS to exercise any right to remedy hereunder shall operate as a waiver.

**17. SEVERANCE AND VALIDITY.**

If any provision of this contract or any provision of any related document shall be determined by any court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain in full force and effect and shall not be affected, impaired or invalidated thereby. It is agreed that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void, or unenforceable provision or part thereof.

**IN WITNESS WHEREOF** BUYERS and SELLERS have executed this contract this

16<sup>th</sup> day of April, 1999.

SELLERS

Glenn R. Godfrey  
GLENN R. GODFREY

Louise Godfrey  
LOUISE GODFREY

BUYERS

Dirk Parkinson  
DIRK PARKINSON

Robyn Parkinson  
ROBYN PARKINSON

STATE OF IDAHO,       )  
                                  )ss.

County of Madison. )

On this 16<sup>th</sup> day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared GLENN R. GODFREY AND LOUISE

## Exhibit A

W 1/2 SE1/4, SW1/4 of Section 2, Township 6 North, Range 40 East, Boise Meridian  
Madison County, Idaho.

**LESS THE FOLLOWING:** Beginning at a point that is N.89°53'04"W. along the Section line 2019.82 feet from the Southeast Corner of Section 2, Township 6 North, Range 40 East of the Boise Meridian; running thence N. 89°53'04"W. along said Section line 411.20 feet; thence N.00°27'31"W. 358.24 feet; thence S.89°53'04"E 406.55 feet; thence S.01°12'08"E. 358.32 feet to the point of beginning.

**ALSO LESS THE FOLLOWING :** That portion of property deeded to Madison County for the use of a public road further described in warranty deed recorded April 22, 1987, Instrument No. 220677.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 4028

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED

Name of applicant Glen R. Godfrey Phone 458-4170  
Post Office address P.O. Box 21 Newdale, ID

DEC 14 1992  
Department of Water Resources  
Eastern District Office

**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 This will enable me to change from gravity to pump irrigation when my 1898 water rights are cut.

**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>A22-00424</u>  | <u>April 1, 1898</u> | <u>2.89 cfs</u>    | <u>Irrigation</u> | <u>4-15</u> to <u>10-15</u> |
| <u>A22-00425B</u> | <u>May 1, 1885</u>   | <u>1.44 cfs</u>    | <u>" "</u>        | <u>" "</u> to <u>" "</u>    |
| <u>A22-00491A</u> | <u>June 1, 1879</u>  | <u>2.708 cfs</u>   | <u>" "</u>        | <u>" "</u> to <u>" "</u>    |
| <u>A22-00490</u>  | <u>April 1, 1898</u> | <u>8.60 cfs</u>    | <u>" "</u>        | <u>" "</u> to <u>" "</u>    |

2. Total amount of water being transferred 15.638 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Teton River, South Fork tributary to Henry's Fork

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | SW  | SW  | 2    | 6N   | 40E  | Madison | New Pump                 |
|     |     | SW  | NW  | 1    | 6N   | 40E  | " "     | McCormick-Rouse Ditch    |

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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres 240

## PART 1

## 6. General Information:

a. Description of diversion system McCormick-Rowe Ditch and a pump  
in the river to Flood irrigation.

N.A. b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ 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.

N.A. c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

## d. Remarks:

The P.D. in the SW 1/4, Sect 4 (McCormick-Rowe Ditch) will be  
used until my 1898 priority water is cut + gravity irrigation then  
not feasible. At that time I will shift to the pump P.D. in Sect. 2

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-00424A/00425A/00490/

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this

7<sup>th</sup>  
day of

December

19 92

L. Glen Saylor

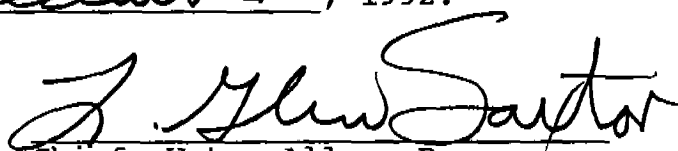
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**CONDITIONS OF APPROVAL**  
**Transfer of Water Rights**  
**Nos. 22-00424A/00425A/00490/00491A**

- 707
1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval. filed  
Joh
  2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded. in
  3. 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.
  4. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
  5. A measuring device and lockable headgate of a type approved by this department shall be permanently maintained as a part of the diverting works at both points of diversion.
  6. Water Right Nos. 22-00424A and 22-00490 can only be diverted through the McCormick-Rowe Ditch (SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, T6N, R40E).
  7. Water Right Nos. 22-00425A and 22-00491A can be diverted either through the McCormick-Rowe Ditch (when delivered with Rights 22-00424A and 22-00490) or in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 2, T6N, R40E, after the April 1, 1898 water rights have been cut.
  8. The combined annual volume of water under Right Nos. 22-00424A/00425A/00490/00491A shall not exceed 840.0 acre feet.

Dated this 7<sup>th</sup> day of December, 1992.

  
Chief, Water Alloc. Bureau

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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A22-00491A on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Teton River, South Fork tributary to Henry's Fork

4. Date or priority June 1, 1879

5. Water is used for the following purpose:

amount 2.708 cfs for Irrigation purposes from 4-1 to 11-1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 2.708 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SW  | NW  | 1    | 6N   | 40E  | Madison | McCormick - Rowe ditch   |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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APR 08 1994

Total acres 240

9. Describe any other water rights used for the same purpose as described above A22-00490,

A22-00424 + A22-00425B

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3538 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Teton River, South Fork tributary to Henry's Fork
4. Date or priority April 1, 1898 (A22-00424) and May 1, 1885 (A22-00425B)

5. Water is used for the following purpose:

A22- amount 2.89 cfs for Irrigation purposes from 4-1 to 11-1  
 0424 (cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 A22- amount 1.44 cfs for Irrigation purposes from 4-1 to 11-1  
 0425B (cfs/ac-ft)

6. Total amount of water under right 4.33 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SW  | NW  | 1    | 6N   | 40E  | Madison | McCormick-Ross Ditch     |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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APR 18 1994  
 Total acres

240

9. Describe any other water rights used for the same purpose as described above A22-00490,

A22-00491A

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A22-00490 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Teton River, South Fork tributary to Henry's Fork

4. Date or priority April 1, 1898

5. Water is used for the following purpose:

amount 8.60 cfs for Irrigation purposes from 4-1 to 11-1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 8.60 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SW  | NW  | 1    | 6N   | 40E  | Madison | McCormick-Bowen Ditch    |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. 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 |        |
| 6N   | 40E  | 2    |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 240    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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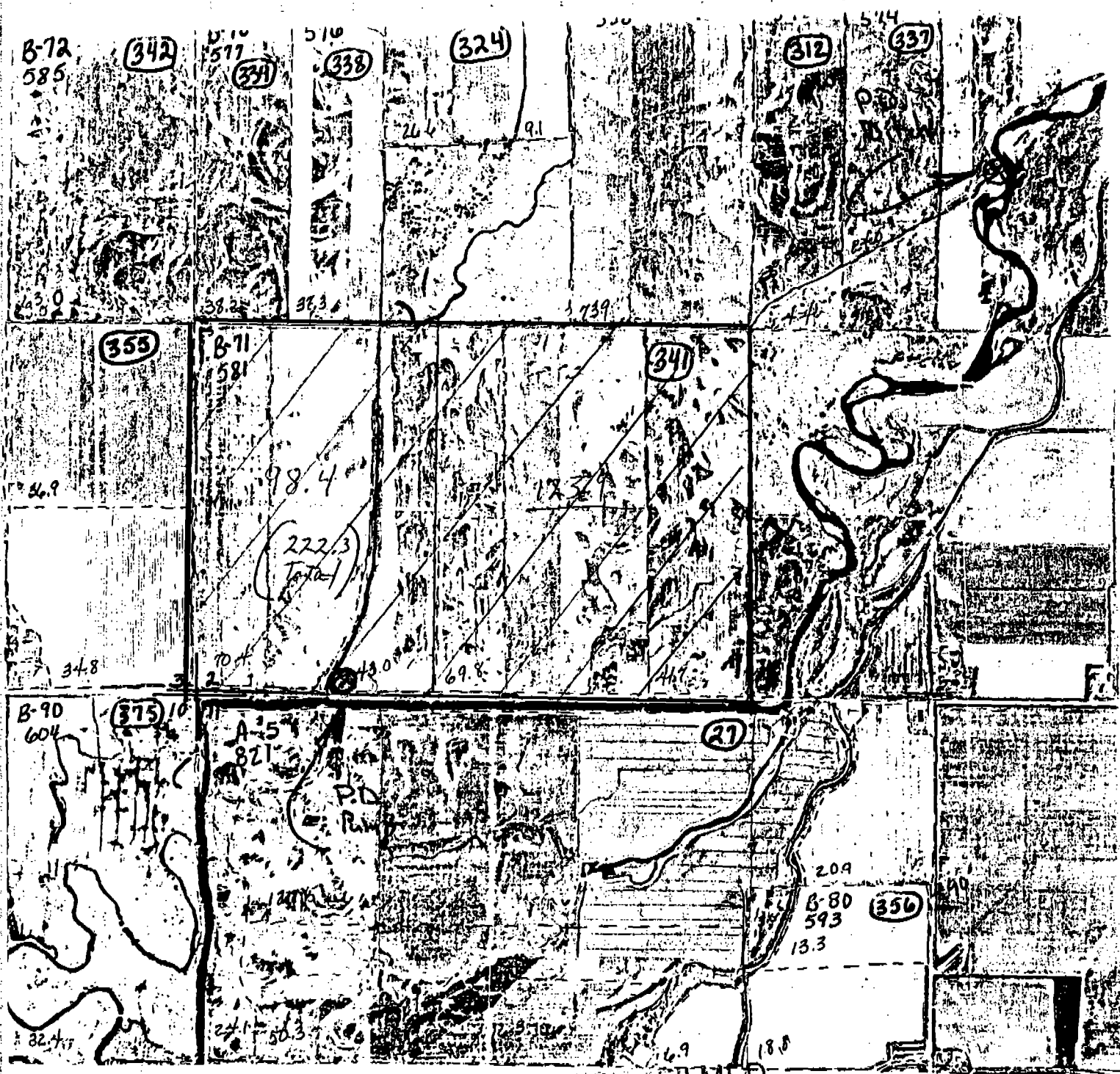
Total acres 240

9. Describe any other water rights used for the same purpose as described above A22-00491A,

A22-00424 + A22-00425B

**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.



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APR 08 1994

POOR ORIGINAL

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

| 1 | <u>New Nature of Use</u> | <u>Amount<br/>(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|---|--------------------------|-------------------------------|------------------------|----------------------|
|   |                          |                               |                        | 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.

Alan S. Jeffrey  
(Signature of Applicant)

Subscribed and sworn to before me this 9<sup>th</sup> day of July, 19 92.

Susan Lott  
(Notary Public)

My commission expires March 1994

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by Kaw Date 9 July 92 Protest filed by \_\_\_\_\_Prelim. check by \_\_\_\_\_ Fee 50<sup>00</sup>Receipted by Kaw Date 9 July 1992 # E017600Published in Standard-Journal Copies of protest forwarded by \_\_\_\_\_Pub. dates 7-16 & 23-92 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial\_\_\_\_\_ rec'd. \_\_\_\_\_ by RR

Copy of transfer sent to lien holder \_\_\_\_\_

MICROFILMED

APR 08 1994

**INTERDEPARTMENT MEMO**

**DATE:** AUG 13, 1992

**FROM:** ERNEST CARLSEN

**RE:** APPLICATION FOR TRANSFER 22-00424/00425B/00491A/00490  
GLEN R. GODFREY

**PURPOSE**

Mr. Godfrey wants to construct an intake from the Teton River to his existing pumps. Then by adding the pumps as a point a point of diversion to his earlier water rights he could pump almost directly from the river. This would eliminate the transmission loss sustained in the McCormick-Rowe Ditch.

**FINDINGS**

- 1) On August 10, 1992, Tony Olenichak and Eric Verner, met with the applicant to perform an on site investigation. Using a pygmy meter Tony and Eric measured the flow of water at the head of the McCormick-Rowe Ditch and at the end of it, where water can either be diverted to Mr. Godfrey's two pumps or discharged into the Teton River. Their measurements reflect a transmission loss of 61% between these two points.
- 2) Mr. Godfrey indicated the existing pump site is the additional point of diversion. With some excavation work he hopes the flow of water at the end of the McCormick-Rowe Ditch can be reversed allowing water from the Teton River water to reach the pumps. The added point of diversion is approximately 1.5 miles downstream from the heading for the McCormick-Rowe Ditch.
- 3) Mr. Godfrey stated he wants to continue diverting water through the McCormick-Rowe Ditch when 1898 priority water rights are being delivered on the Teton River. When these rights are being delivered he has ample water to flood irrigate the 240 acres listed as the POU.
- 4) After the 1898 priority water rights are cut, Mr. Godfrey proposes to cease using the McCormick-Rowe Ditch and then start pumping his remaining rights at the added point of diversion.
- 5) On the day of the inspection Mr. Godfrey was operating one of two pumps. A totalizing meter installed in the mainline indicated he was pumping between 800 to 1000 gpm.
- 6) Mr. Godfrey does not want the new point of diversion added to his 1898 water rights.
- 7) Mr. Godfrey is the only user of the McCormick-Rowe Ditch.

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**CONCLUSIONS**

- 1) The proposed change will neither result in an expansion of the existing rights nor cause injury to other rights.
- 2) The change is expected to increase the efficiency of water delivered to Mr. Godfrey's pumps after the 1898 priority rights are cut.
- 3) There should be no charge against Mr. Godfrey's water rights for potential losses in the river between the heading for the McCormick-Rowe Ditch and his pumps.
- 4) Water should not be delivered to both points of diversion simultaneously.

**RECOMMENDATION/CONDITIONS**

The transfer should be granted with the following conditions:

- 1) Water rights 22-00424 and 22-00490 can only be diverted through the McCormick-Rowe Ditch (T6N R40E SEC 1 SWNW).
- 2) Water rights 22-00425B and 22-00491A can be diverted either through the McCormick-Rowe Ditch when delivered with rights 22-00424 and 22-00490 or in T6N R40E SEC 2 SWSW after the April 1, 1898, water rights have been cut.
- 3) Delivery of these rights is subject to regulation by the Watermaster for Water District 01.
- 4) A lockable headgate and measuring device of a type approved by this Department shall be maintained as a part of the diverting works at both points of diversion.
- 5) Approval of this transfer does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

**ADJUDICATION FOLLOWUP**

A determination will need to be made regarding the need for 15.638 cfs to irrigate 240 acres. Eric Verner did give Mr. Godfrey an excessive flow work sheet which he will need to complete in support of his April 1, 1898 water rights.

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