

21-0114

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Department of Water Resources
Eastern District Office

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

MR. GEORGE W. NEDROW
Ashton, Idaho)

ORDER NO. 911

GRANTING TRANSFER

For a Transfer of Water Right
and Change in Point of Diver-
sion--in Water District No. 36
County of Fremont, Idaho)

WHEREAS, On the 12th day of June, 1958, at the Department of Reclamation, of the State of Idaho, at Boise, Idaho, this matter of the application of George W. Nedrow, of Ashton, Idaho, for a transfer of water right and change in point of diversion came on regularly for hearing, pursuant to the published notice in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more efficient beneficial use and that no one will be injured thereby.

NOW, THEREFORE, It is ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 20th day of August, 1958.

Geo. N. Carter
GEO. N. CARTER
State Reclamation Engineer

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S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT

TRANSFERRED RIGHT NO. 911

511-115 →
THIS IS TO CERTIFY, That George W. Nedrow of Ashton, Idaho, is the owner of and using a certain water right bearing date of priority of June 1, 1890, for 1.2 cubic feet per second (60 miner's inches) of the waters of Fall River, County of Fremont, State of Idaho, decreed to Z. Sundberg by decree of Judge J. M. Stevens of the sixth Judicial District of the State of Idaho, in and for the County of Fremont in the case of

Rexburg Irrigation Company, et al

vs

Teton Irrigation Canal Co., et al

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

Lots 3 and 4 of Section 7, Township
8 North, Range 42 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 3 of Decrees, at Page No. 450.

That said George W. Nedrow has become the owner of said water right by purchase;

And, that now upon the application of George W. Nedrow of Ashton, Idaho, for the transfer of 1.2 cubic feet per second (sixty (60) miner's inches) of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.2 cubic feet per second (sixty (60) miner's inches) of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation purposes, are described as follows, to-wit:

1.2 cubic feet per second (60 miner's inches) to parts of SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, West 13 rods of Lot 2, and SE SW $\frac{1}{4}$ Section 21; NW NE $\frac{1}{4}$ Section 28, all in Township 9 North, Range 42 East, B.M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 8 North, Range 42 East, B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

60 miner's inches bearing date of priority
of June 1, 1890

That the water right hereby transferred has heretofore been conducted from Fall River to the first above described lands through the Silkie (Silkey) Ditch with point of diversion in the SW $\frac{1}{4}$ of Section 18, Township 8 North, Range 42 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through a sprinkler system with various points of diversion along Henry's Fork more accessible to the said lands.

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

That the right of change in point of diversion and place of use as granted and evidenced by this certificate shall be effective as long as the pump or pumps used with the sprinkler system shall have a total capacity of not over 60 miner's inches of water, but if a pump or pumps are used with a greater capacity, then this certificate of transfer shall be of no further force or effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of August, 1958.


GEO. N. CARTER
State Reclamation Engineer

Application For Transfer of Water Right

STATE OF IDAHO

County of Madison.

ss.

GEORGE W. NEDROW

That his name is George W. Nedrow

; that he is of lawful age, a citizen

of the United States and of the State of Idaho, and that his postoffice address is

Ashton, Idaho

That he is the owner and using a certain water right, bearing date of priority of June 1, 181890,
for 60 miner's inches of the waters of Fall River

County of Fremont, State of Idaho, decreed to Z. Sundberg

by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of

Idaho, in and for the county of Fremont in the case of Rexburg Irrigation Company,
et al. vs. Teton Irrigation Canal Co., et al.,

said decree bearing date of Dec. 16, 1910.

for the purpose of irrigating the following described lands situate, lying and being in Water District
No. 36 in the County of Fremont and State of Idaho, to-wit: Lots 3 and 4 of

Sec. 7 Twp. 8 N., R. 42, E.B.M.

and is the person ~~and is the person~~
to whom such right so issued, or has become the owner thereof in the following man-ner, i.e. By purchase from Earl Barney and Eula Barney, who purchased the same
from Edgar Barney, who purchased the same from Z. Sundberg.
as per abstract of title of said water right hereto attached and made a part of this statement;That said waters are now diverted from said stream in the SW $\frac{1}{4}$ of
Section 18, Township 8, Range 42 E. B. M., and con-

ducted to the above described lands through the Silkie Ditch,

as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to ~~change the place of use of 60 miner's inches~~
change the place of use of 60 miner's inches

of said water upon the above described land, and to convey and use same upon the following tract,

situate, lying and being in the County of Fremont and State of Idaho, to-wit: Parts of
SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; Lot 4; NW $\frac{1}{4}$ SE $\frac{1}{4}$; W. 13 rods of Lot 2; and S $\frac{1}{2}$ SW $\frac{1}{4}$, all in
Sec. 21, Twp. 9 N., R. 42, E.B.M. Also, N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 28, Twp. 9 N., R. 42,
E.B.M.; and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, Twp. 8 N., R. 42, E.B.M.That reasons for desiring to make such transfer are as follows: The Water can be put to a much
more satisfactory, beneficial use with more lands irrigated with the same
amount of water. Much of the above described land is hilly and rocky and,
therefore, cannot all be irrigated, but by the use of a sprinkling system,
many acres of low lands and hill sides can be irrigated that have not been
irrigated heretofore.RECEIVED
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Department of Reclamation
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Department of Reclamation

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That he intends to divert and convey said 60 miner's in. ~~stream~~ of water to the tract

of land last above described in the following manner and as per map accompanying this application: That the water shall be diverted to the use of said lands by the use of pumps from Henry's Fork through a sprinkling system. Said pump will be a portable pump which will pump the water from said Henry's Fork at the nearest point accessible to the above described lands. That petitioner is retaining 40 miner's inches of water in the Silkie ditch, and, therefore, will remain jointly responsible for the maintenance of said ditch.

This is a private community ditch.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in $\frac{1}{4}$ of $\frac{1}{4}$ of Section, Township, Range, and thereafter conduct same to the above described land through the ditch, as per map appended. The point of diversion shall be at any point on said Henry's Fork more accessible to the lands described above to be irrigated thereby.

That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Geo. W. Medlow
Applicant.

Subscribed and sworn to before me this 7th day of May, 19 58.

Lay W. Loughby
Notary Public.
Ledberg, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall River

Where is the diversion point located? SW $\frac{1}{4}$ of Sec. 18, Twp. 8 N., R. 42, E.B.M.

Through what ditch is it now conducted? Silkie Ditch

How much land is now irrigated by the water sought to be transferred? 80 acres with 100 inches.

Give the description: Lots 3 and 4 of Sec. 7, Twp. 8 N., R. 42, E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 100 inches.

What kind of crops are being raised? grain, hay and pasture

How much water per acre is now required to irrigate said land? 1/2 in. per acre.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? It will still be adequately irrigated.

Give location of new point of diversion, if change is to be made. At accessible points along Henry's Fork.
Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred? It will irrigate as much land as the water will permit. The land is very uneven and only parts of same can be irrigated.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. No., other than the Fremont-Madison Irrigation District water right.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.

Signed Geo. W. Medraw
Applicant.

STATE OF IDAHO, }
County of Bannock } ss.

I, Lynn Randall, Watermaster of Snapac River

Water District No. 36, County of , State of Idaho, whose postoffice address is Idaho Falls, have read or heard read the foregoing affidavit and petition

of Geo. W. Medraw, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Better Use of the water

Watermaster, District No. 36

Lynn Randall

Dated at Idaho Falls, Idaho, this 8 day of May, 19 58.

That he intends to divert and convey said 60 minor's Lbs. ~~amounting~~ water to the tract

as and last above described in the following manner and as per map accompanying this application
That the water shall be diverted to the use of said lands by the use of
pumps from Henry's Fork through a sprinkling system. Said pump will be a
portable pump which will pump the water from said Henry's Fork at the nearest
point accessible to the above described lands. That petitioner in retaining
ing 40 minor's inches of water in the Illinois ditch, and, therefore, will
remain jointly responsible for the maintenance of said ditch.

Note If this water right has heretofore been carried jointly in a ditch with other water, applicant
should secure written consent of other owners or users to removal from its original carrier and file
such consent with this affidavit

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described
to a point located in 1/4 of 1/4 of Section Township Range
and thereafter conduct same to the above described land through the ditch.
as per map appended. The point of diversion shall be at any point on said Henry's
Fork more accessible to the lands described above to be irrigated thereby.

That his reasons for desiring to make such change are as follows:

Petitioner desires that no one will be injured by such transfer, or change in point of diversion, and
that the change will be made at petitioner's own risk.

Wherefore, Affiant and Petitioner pray that the State Reclamation Engineer of the State of
Idaho issue to him the proper certificate authorizing such change in point of diversion and or place
of use, in accordance with the provisions of Sections 42-104 and 42-222 of the Idaho Code.

Geo. W. Madson
Applicant.

Subscribed and sworn to before me this

7th day of May 1930

For W. Madson
Henry, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream or other water source? Fall River
Where is the diversion point located? NW 1/4 Sec. 10, Twp. 3 N., R. 42, E. 2 N.
Through what ditch is it now conducted? Illinois Ditch
How much land is now irrigated by the water which is to be transferred? 80 acres with 100
Lbs. of water. Land 1 and 2 of Sec. 7, Twp. 4 N., R. 42, E. 2 N.

What is the total amount of water in inches, or second feet, allocated to said land? 100 inches.

What kind of crops are being raised? Grain, hay and pasture

How much water per acre is now required to irrigate said land? 1/2 in. per acre.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? It will still be adequately irrigated.

Give location of new point of diversion, if change is to be made. At accessible points along Henry's Fork.
Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred? It will irrigate as much land as the water will permit. The land is very uneven and only parts of same can be irrigated.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. No, other than the Fremont-Madison Irrigation District water right.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount,

date and source

Signed

Geo. W. Madison
Applicant.

STATE OF IDAHO.

County of

Carmichael

I,

Lyman Randall

Watermaster of

Snake River

Water District No. 36, County of

State of Idaho, whose postoffice address

is Idaho Falls

, have read or heard read the foregoing affidavit and petition

of Geo. W. Madison

, and, of my own knowledge, believe the statements therein

as to all matters therein alleged, and that no one will be injured by the transfer proposed to be made.

and I hereby declare my approval of said petition, and request that the State Commissioner of Agriculture

make his certificate of transfer as requested, on the first appearance of the applicant at the office of the

transfer prayed for in the following to-wit:

Snake River of the water



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

M E M O R A N D U M

TO: Lyle Swank
FROM: Dave Tuthill *DT*
DATE: April 2, 1979
SUBJ: File 21-0114

Pursuant to our telephone conversation, this memorandum outlines a problem found with transfers on right 21-0114. The solution to the problem will require solicitation of a new transfer at the regional level. The problem therefore is given to you as a low priority project.

We were first made aware of a discrepancy in the water right by Bob Sutter. He found a delivery incongruity while working on the Basin 01 water rights program, dealing with the Farmer's Own Ditch and The Silkey Ditch. A subsequent investigation has yielded the following:

Water Right 21-0114 was originally decreed to a Mr. Z. Sundberg, for 5.5 cfs from Fall River, 6-1-1890. Transfer No. 204 changed the point of diversion for 4 cfs of this right from the Silkey Ditch to the Farmer's Own Ditch, in 1950, leaving (5-4 =1.5) cfs with the point of diversion from the Silkey Ditch.

In 1958 Transfer No. 911, filed by George W. Nedrow, changed the point of

50-20

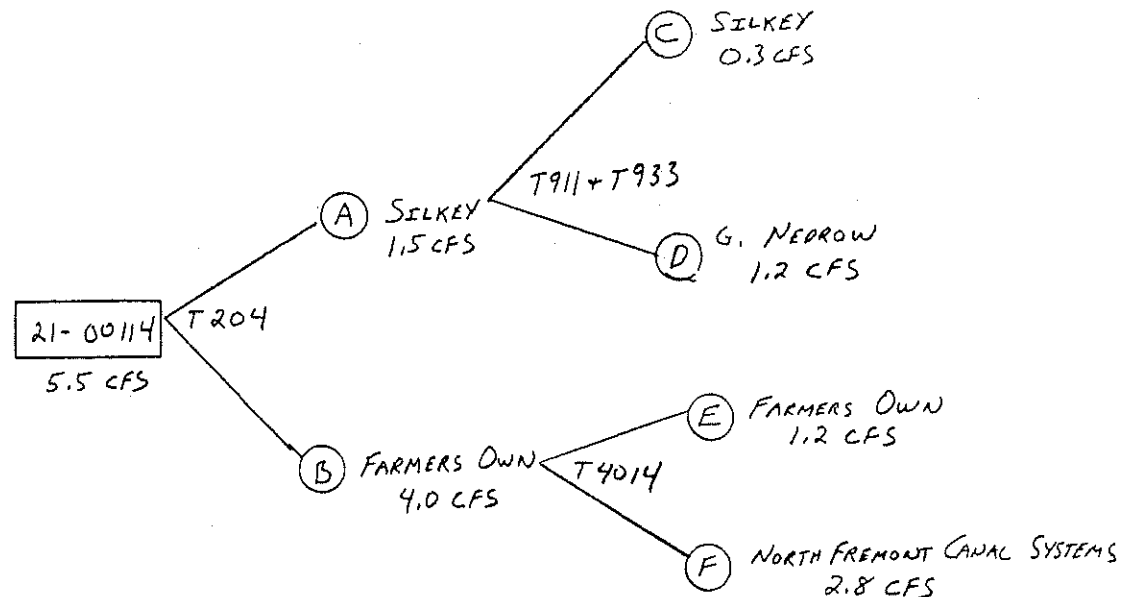
diversion and place of use of 1.2 cfs, from the Silkey Ditch. Since only 1.5 was available with the point of diversion at the Silkey Ditch, this leaves .3 cfs in the Silkey.

In 1959 Transfer No. 933, filed by George W. Nedrow, changed the point of diversion and place of use of 1.2 cfs, again from the Silkey. At this point it is obvious that there is a problem, since only .3 cfs remained in the Silkey. In discussing this transfer, H.S. Eagle in a letter of June 9, 1959 stated that Transfers Nos. 911 and 933 were probably both taken from the 4.0 cfs in Transfer 204! This is contrary to the statements in Transfers nos. 911 and 933 that the water^{was} previously diverted from the Silkey. Transfer 933 was evidently approved with this understanding.

After a thorough review of the application for transfer filed by Mr. Nedrow it appears that all information would fit together if transfer No. 204 was never effected and was unknown to Mr. Nedrow. A telephone conversation with the current property owners of the land under Transfer No. 204 revealed that the Silkey Ditch is currently the means of water delivery -- the land owners had never heard of the Farmer's Own Ditch.

The conclusion is that some lands irrigated per water right 21-0114 have the wrong official point of diversion. In a technical sense the water right may have been lost; however, we can probably recognize that an error was made in the initial transfer, and a correction transfer should be solicited from the current land owners in an effort to correctly describe this water right.

7/11/95



ADJUDICATION FILES
 WITH WATER RIGHT
 # 21-00114
 (ENC. A21-10557)

YSIS OF SPLITS TO WATER RIGHT # 21-00114.

TRANSFERS #911 & #933 APPEAR TO BE FOR SAME 1.2 CFS.

GEORGE NEOROW CLAIMED 1.2 CFS IN SRBA (A21-10557)

ARLO DEE BLANCHARD CLAIMED 0.3 CFS THRU SILKEY IN SRBA (A21-00114)

NORTH FREMONT CANAL SYSTEM CLAIMED 2.8 CFS IN SRBA (A21-00114A)

ROBERT FUCHS CLAIMED 3.9 CFS THRU FARMERS OWN IN SRBA (A21-00114C)

IDWR CODING OF WATER RIGHT SPLITS IS DIFFERENT.

TRANSFER #4014 ONLY INCLUDED 2.8 CFS PROBABLY BECAUSE IT WAS ASSUMED THAT G. NEOROW OWNED 2.4 CFS.

T. OLENICHAK
WATER DISTRICT #1

From: DWR70::TOLENICH 11-JUL-1995 15:51:14.58
To: DWR01::SHOWE, TOLENICH
CC:
Subj: WD #1 WATER RIGHT ACCOUNTING

Sheryl,

Here's a water right problem you and Bob may be able to help me with:

How are rights 21-00114 (Sundberg, 5.5 cfs, Jun 1, 1890) and 21-00115 (Sundberg, 1.2 cfs, Jun 1, 1894) entered in the WD #1 accounting program?

It appears to me that 3.9 cfs of 21-00114 is in the Farmers Own Canal (13047575) and the remaining 1.6 cfs is in George Nedrow (1305940). Of the 1.2 cfs in 21-00115, 0.3 cfs is in the Farmers Own Canal and the remaining 0.9 cfs isn't in the program.

Am I right so far? If so, then I would propose the following changes:

0.3 cfs of 21-00115 should be in Farmer's Own and the remaining 0.9 cfs in the Silkey Canal (13049010). Transfer #204 changed the point of diversion for the entire 1.2 cfs to the Farmers Own and Transfer #242 moved 0.9 cfs from the Farmers Own to the Silkey. The adjudication claims filed by Robert & Donna Fuchs (A21-00115A and A21-00115B) reflect this same situation.

21-00114 is much more confusing. After reviewing Transfers #204, #911, and #933, along with the corresponding memos, and the adjudication claims, I've come to the following conclusions. Transfer #204 moved 4.0 cfs of the total 5.5 cfs to the Farmers Own Canal, leaving 1.5 cfs in the Silkey Canal. George Nedrow moved 1.2 cfs in each of his transfers #911 and #933 from the Silkey to his pump on the Henry's Fork. He also claimed only 1.2 cfs of this right in his adjudication claim, A21-10557. This leads me to believe that transfers #911 and #933 were for the same 1.2 cfs, leaving 0.3 cfs in the Silkey canal which was claimed in the adjudication by Arlo Dee Blanchard (A21-00114). North Fremont Canal Suystem (A21-00114A) claimed 2.8 cfs, and Robert Fuchs (A21-00114C) claimed 3.9 cfs of water right 21-00114. Both claimed the Farmers Own Canal as the diversion works.

If my assumptions are correct, I would propose that the water right accounting program reflect hat 21-00114 (5.5 cfs) be divided as follows: 4.0 cfs to Farmers Friend (the greatest amount they would be entitled to), 1.2 cfs to George Nedrow (as he claimed in the adjudication), and 0.3 cfs to the Silkey Canal (as claimed by Arlo Dee Blanchard).

What do you think?

Tony O.