

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

D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of)

GEORGE W. NEDROW)

of)

Ashton, Idaho)

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

ORDER NO. 933

GRANTING TRANSFER

WHEREAS, On the 30th day of July, 1959, 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 22nd day of September, 1959.

Geo. N. Carter

GEORGE N. CARTER
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT

TRANSFERRED RIGHT NO. 933

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 $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, West 13 rods of Lot 2, and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28, all in Township 9 North, Range 42 East, R.M., and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 8 North, Range 42 East, R.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.

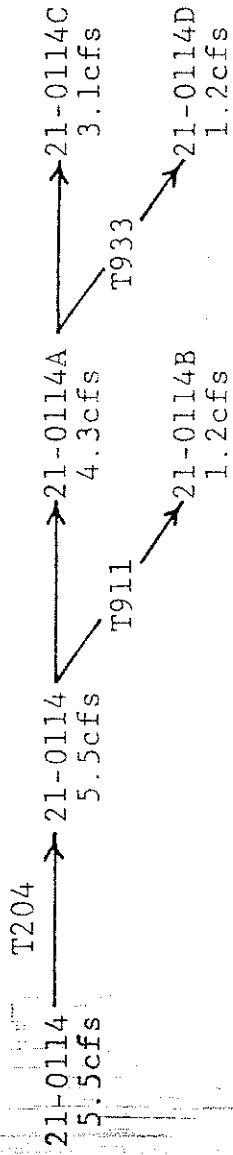
That the right of change in point of diversion and place of use as granted and evidenced by this certificate shall be effective as long as the pump or pumps used with the sprinkler system shall have a total capacity of not over 60 miner's inches of water, but if a pump or pumps are used with a greater 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 22nd day of September, 1959.

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

21-0114



I. Analysis of water right 21-0114 BEFORE Trans 204, 911 & 933

Name: Z. Sundberg
 Amt.: 5.5 cfs
 Priority: 6-1-1890
 Source: Falls River
 P/D: Silkey Ditch
 Acres: 149.85 ac.
 P/U: Lot 1(NWNW), Lot 2(SWNW)
 Lot 3(NWSW), Lot 4(SWSW)
 Sec. 7, T. 8N, R. 42E.

- II. Note: 1) Trans. 204 specified 4.0cfs with P/D Farmers Own remainder 1.5cfs with P/D Silkey Ditch
 2) Water District 01 records indicate (after T204, 911, 933) 2.8cfs with P/D Farmers Own 0.3cfs with P/D Silkey Ditch

III. Analysis Assumptions:

- (1) Acres under right = 150 ac.
- (2) Lots 1,2,3 & 4, Sec. 7, T. 8N, R. 42E are of equal size = 150 ac. ÷ 4 lots = 37.5 ac/lot
- (3) Trans. 911 transferred 1.2cfs of 1.5cfs from Silkey leaving 0.3cfs remaining in the Silkey
- (4) Transfer 933 transferred 1.2cfs of 4.0cfs from Farmers Own leaving 2.8cfs remaining in the Farmers Own
- (5) Trans. 911 & 933 transferred the same 75 acres of Lot 3 & Lot 4. Sec. 7, T. 8N, R. 42E (2 lots @ 37.5 ac/lot = 75 ac.)
- (6) Trans. 911 & 933 removed all of water right from Lot 3 & 4, Sec. 7, T. 8N, R. 42E

IV. Analysis of water right 21-0114 AFTER Trans. 204, 911 & 933

21-0114C	21-0114B	21-0114D
Z. Sundberg	George W. Nedrow	George W. Nedrow
Edgar Barney	1.2cfs	1.2cfs
3.10cfs	06-01-1890	06-01-1890
06-01-1890	Henry's Fork	Henry's Fork
Falls River	Snake River	Snake River
	Various Points on River	Various Points on River
Silkey Ditch (0.3cfs)	Total	Total
Farmers Own (2.8cfs)	2.4 cfs	2.4 cfs
75 acres	75 acres	75 acres
W/in	W/in	W/in
Lot 1(NWNW)	SW $\frac{1}{4}$, SE $\frac{1}{4}$, Lot 2(NESE), Lot 4(SESE)	
Lot 2(SWNW)	Sec. 21, N $\frac{1}{2}$, NE $\frac{1}{4}$, Sec. 28, T. 9N, R. 42E	
Sec. 7, T. 8N, R. 42E	SESE, Sec. 6, T. 8N, R. 42E	



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

RECEIVED

APR 5 1979

Department of Water Resources
Eastern District Office

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

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.



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

M. C. EAGLE, WATERMASTER

BOX 837

IDAHO FALLS, IDAHO

WATER DISTRICT NO.

ROBERT E. SMYLLIE, GOVERNOR

GEO. M. CARTER

STATE RECLAMATION ENGINEER

June 9, 1959

JUN 10 1959

Department of Reclamation

Mr. Geo. M. Carter
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Carter:

The changes in point of diversion plus the transfers have made this application most confusing. Tabulated below is my summary of what I think has taken place. Please check it closely with your records as I am still confused.

Change in Point of Diversion #204

21-0114
21-0115

Changed point of diversion of 4.0 cfs June 1, 1890 (Fall River) ~~3584~~
and 1.2 cfs June 1, 1894 (Black Springs)

from 354, 18 T. 8 N., R. 42 E.
to 354, 13 T. 8 N., R. 43 E.

21-0115 Change in Point of Diversion #242

Changed point of diversion of 0.9 cfs of the June 1, 1894 Black Springs water

from 354, 13 T. 8 N., R. 43 E.
to 354, 18 T. 8 N., R. 42.

21-0114 Transfer #911

Transferred 1.2 cfs of the above 4.0 cfs of June 1, 1890 water from Fall River

from 354, 7, T. 8 N., R. 42 E.
to 354, 21, 20, T. 9 N., R. 42 E.
and 354, 6, T. 8 N., R. 42 E.

It appears to me that the present transfer propose to transfer another 1.6 cfs from the original 4.0 cfs of June 1, 1890 water, leaving 1.6 cfs on the original land.

T933

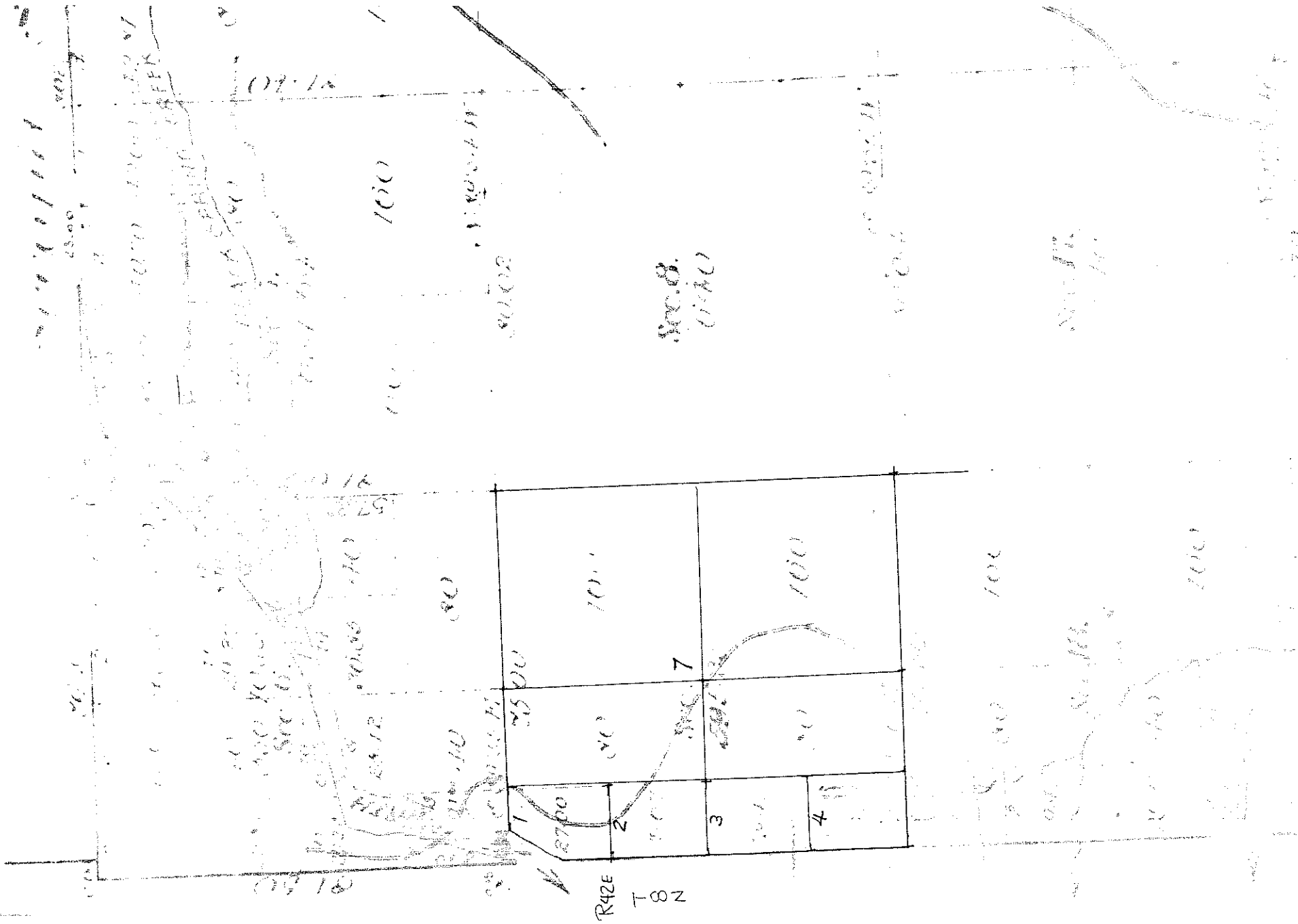
If this is very incorrect to you please return the application to me with your comments.

Very truly yours,

M. C. Eagle

8N42E

1.



Application For Transfer of Water Right

STATE OF IDAHO

County of Madison.

RECEIVED
JUN 1 1959

Department of Reclamation

GEORGE W. NEDROW,

being first duly sworn, deposes and says:

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, 1890, 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 Co., 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, Sec. 7, Twp. 8 N., R. 42, E.B.M.

and is the person ~~to whom such right so issued, or has become the owner thereof in the following manner, i.e. 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

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.

That he intends to divert and convey said 20 miner's inches ^{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. The Petitioner is retaining 20 miner's inches of water in the Silkie 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, 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 $\frac{1}{4}$, Township $\frac{1}{4}$, Range $\frac{1}{4}$, and thereafter conduct same to the above described land through the $\frac{1}{4}$ 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.

George W. Peterson
Applicant.

Subscribed and sworn to before me this 25th day of May, 19 59

Ray W. Rusk
Notary Public.
Reynolds, 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.

What is the total amount of water in inches, or second feet, dedicated to said land? Originally 100 in., 60 in. of same being transferred in 1958, leaving 40 in. to said land till this
What kind of crops are being raised? grain, hay and pasture application.

How much water per acre is now required to irrigate said land? 1/4 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

George W. Hedro

Applicant.

Please refer to application for transfer of water right filed by this applicant in May of 1958, wherein the change in point of diversion and use of 60 miner's inches of this same water was made and approved by the Department.

STATE OF IDAHO,

County of Bonneville

ss.

I, R. L. Eagle,

Watermaster of

Idaho.

Water District No. 36, County of Bonneville et al, State of Idaho, whose postoffice address

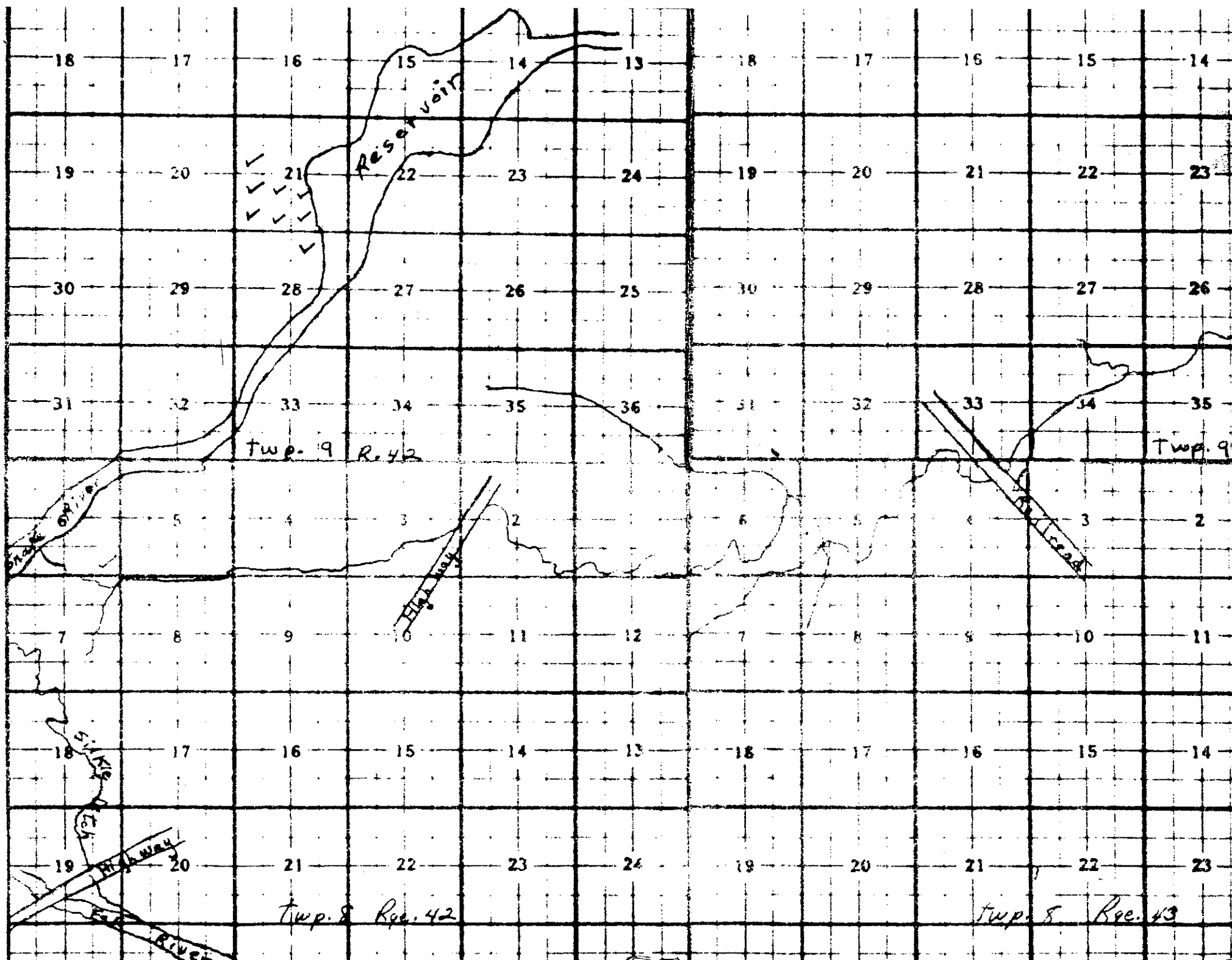
is P.O. Box 697, Idaho Falls, Idaho., have read or heard read the foregoing affidavit and petition

of George W. Hedro,

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:

Watermaster, District No. 36

R. L. Eagle



21-0114



From the desk of

LYLE SWANK

Dave Tuthill called
T.V. 21-0114, 911, 933, 209

Link key to Form 1000 Own 2 copies
never made.

21-0114

INTER-DEPARTMENT MEMO --- 1

FROM KEITH C. WILSON

DATE January 31, 1985

TO Dave Tuthill

SUBJECT File 21-0114

The following analysis was compiled after discussion with WD 01 Watermaster Ronald D. Carlson and review of pages 23 & 24 of Decree Water Rights District No. 01 handbook.

A transfer of 21-0114C will be solicited from current land owners of Lot 1 & 2 Sec. 7, T. 8N, R. 42E to amend the point of diversion to the Silkev Ditch.

(Please Microfische attached copies for water right 21-0114.)

Keith C. Wilson

SIGNATURE

Transferred to sec 21 & 28 & 6

2.40 cfs for 75 ACRES

Leaving 3.10 on the

$W\frac{1}{2}$ NW $\frac{1}{4}$ SEC 7

PD for 2.4 cfs — River

PD for 3.10 is 2.8 from

Farmers own & 0.3 from

Silkey

REMARK — Water for the
75 acres of original lands
has been diverted exclusively
from the Silkey ditch.

DECREE NO. 21-0114

Amount: 5.5 cfs
Section 7:
Lots, 1, 2, 3, and 4, T. 7N, R. 42E for 149.85 acres.

Plat Map: Sec. 7, T. 7N, R. 42E
Lot 1 (NWNW) Total acres 115.35
Lot 2 (SNNW)
Lot 3 (NWSW)
Lot 4 (SWSW)

Application for:

T 204 Barney claimed ownership of 4.00 cfs out of 5.5 for
Lots 1, 2, 3, and 4.
Transfers 4.00 cfs into Farmers Own Ditch.

Note: Decree for 149.85; plat map for 115.35 acres.

Decree may have deleted a portion of land description.
Sunberg may have transferred 1.5 cfs prior to Barney
land purchase.

Application for:

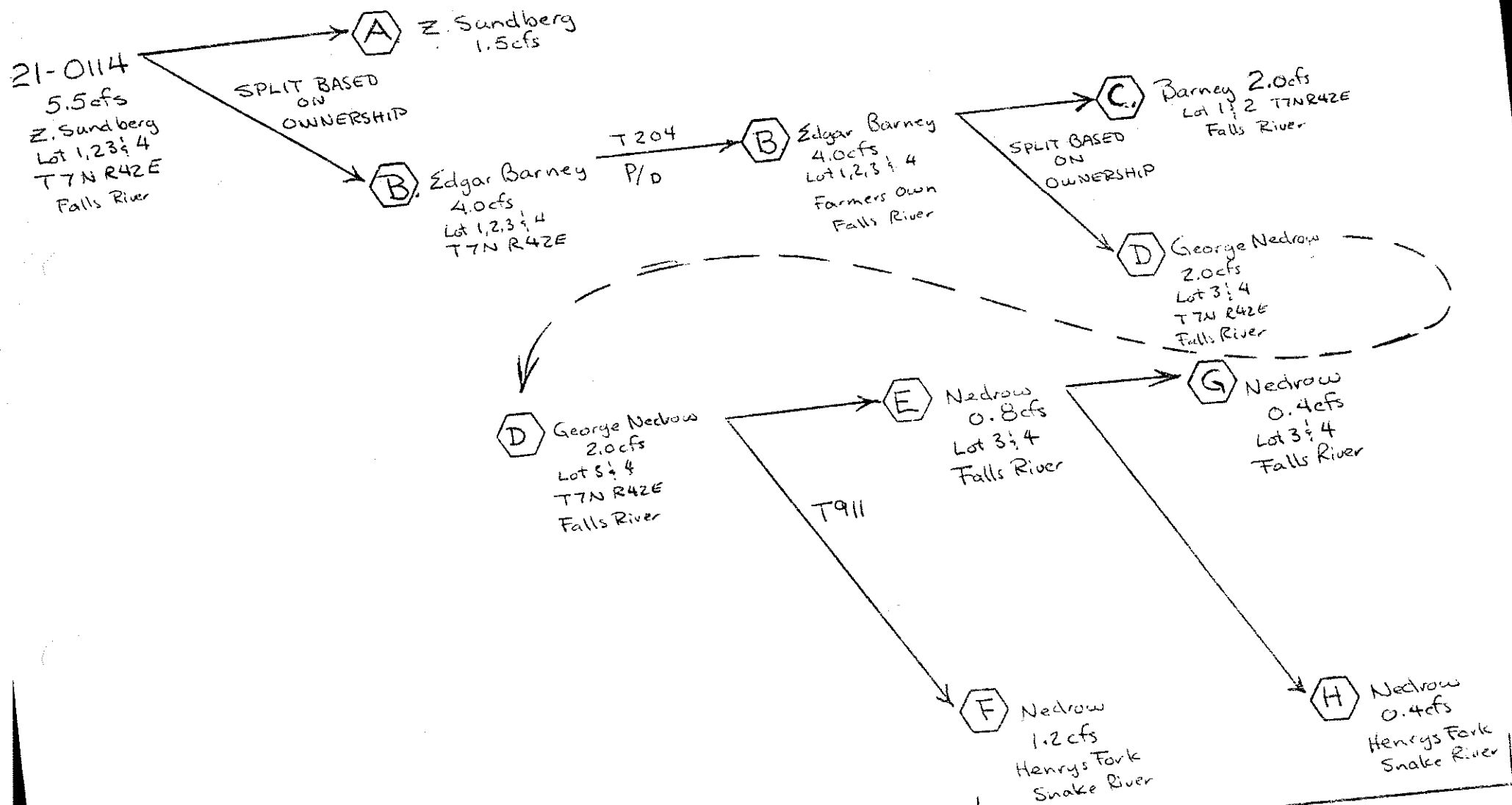
T 911 Nedrow owns Lots 3 and 4 and 2.00 cfs.
Transfer 1.20 cfs off of Lot 3 and 4 and changes
source to Henrys Fork Snake River. Silkey Ditch.
Leaves 0.80 cfs on Lots 3 & 4 and in Silkey Ditch.
Appears T 204 into Farmers Own never made or Mr. Nedrow
unaware of transfer to Farmers Own from Silkey.

Application for:

T 933 Mr. Nedrow states that 1/4 inch per acre is adequate
for irrigation of Lots 3 and 4.
Transfer 0.4 cfs off of Lots 3 and 4 also changes
source to Henrys Fork Snake River.
Leaves 0.40 cfs on Lot 3 and 4 in Silkey Ditch.

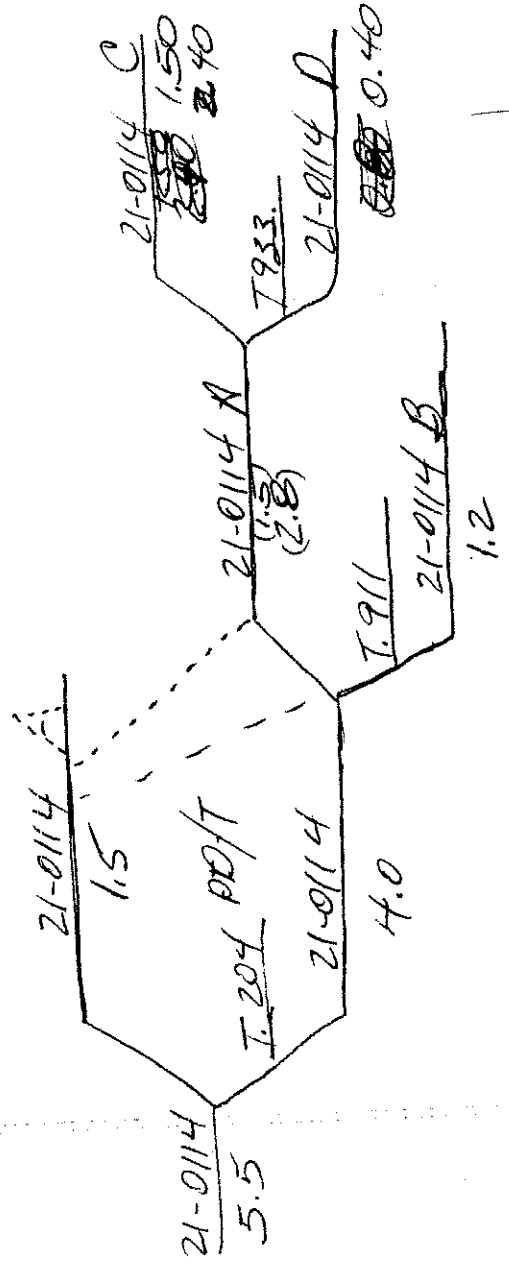
NOTE: (1) All of the above information taken from the
application for transfer.

(2) Transfer No. 204 even though approved may not have
been physically accomplished.



SWNW, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Lot 2(NESE), Lot 4(SESE)
 Sec. 21, N $\frac{1}{2}$, NE $\frac{1}{4}$, Sec. 28, T. 9N, R. 42E
 SESE, Sec. 6, T. 8N, R. 42E

Keith - I have tried to explain below wh 21-0114 D should only be for 0.40 cfs. This should be thoroughly reviewed before entering 21-0114 C & D.



- T. 204 clearly shows that Barney had 4.0 cfs for lots 1 2 3 & 4.

T. 911 states Nedra bought ~~2.0 cfs~~ Lots 3 & 4 from Barney and received 2.0 cfs with land. 1.2 cfs was subsequently transferred, 0.8 cfs was left in Silky Ditch.

T. 933 Nedra transfers $\frac{1}{2}$ of 0.80 cfs to same Pl as T. 911. Leaving 0.40 in Silky Ditch. This Transfer should only have granted 0.40 cfs to be moved.

I am not sure how to ~~create~~ graph but Nedra should not have been granted transfers for 2.4 cfs when he only had 2.0 cfs to begin with. Confirm with Burt and pursue record change. I don't know what happened to 1.5 cfs of origin, but that Barney did not transfer.