

10/09/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 10/31/2006**

Water right number: 63-21348B

SCOTT R NICHOLSON  
PO BOX 690  
MERIDIAN ID 83680-0690  
Telephone Number: (208) 888-1593

SHERRI C NICHOLSON  
PO BOX 690  
MERIDIAN ID 83680-0690  
Telephone Number: (208) 888-1593

**RECEIVED  
OCT 23 2006  
DEPARTMENT OF WATER RESOURCES**

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-26-06

SIGNATURE: Scott R. Nicholson

Please print your name: Scott R. Nicholson

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800

**SCANNED  
OCT 23 2006**

10/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-21348B  
NAME AND ADDRESS: SCOTT R NICHOLSON  
PO BOX 690  
MERIDIAN ID 83680-0690  
SHERRI C NICHOLSON  
PO BOX 690  
MERIDIAN ID 83680-0690

SOURCE: UNNAMED DRAINS TRIBUTARY: WARM SPRINGS CREEK  
QUANTITY: 0.460 CFS  
65.30 AFY

Right Nos. 63-353A, 63-360A, 63-7911, 63-7912, 63-21348A, 63-21348B  
and 21608 are limited to a total combined diversion rate of 3.42 cfs.

When notified by the Department, the right holder shall install and maintain a  
measuring device of a type acceptable to the Department as part of the  
diverting works.

PRIORITY DATE: 04/01/1947

POINT OF DIVERSION:  
T01S R02W S8 NESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 04/30          | 0.320 CFS       |
|                       | 05/01 06/30          | 0.370 CFS       |
|                       | 07/01 11/15          | 0.460 CFS       |

The use of water for irrigation under this right may begin as early as March  
1 and may continue to as late as November 15, provided other elements of  
the right are not exceeded. The use of water before April 1 under this  
remark is subordinate to all water rights having no subordinated early or late  
irrigation use and a priority date earlier than the date a partial decree is  
entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T01S R02W S08 SESE 14.50  
14.5 ACRES TOTAL

Right Nos. 63-353A, 63-360A, 63-7911, 63-7912, 63-21348A, 63-21348B  
and 21608 are limited to the irrigation of a combined total of 171 acres in a  
single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Failure of the right holder to comply with the conditions of this transfer is  
cause for the Director to rescind approval of the transfer.

This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho  
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



# Idaho Department of Water Resources

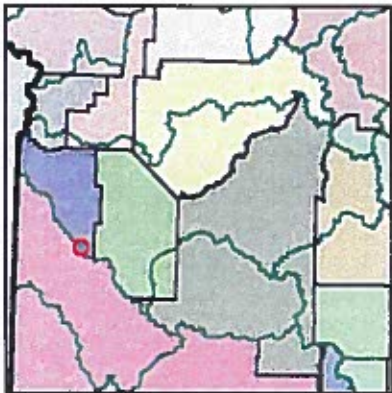
SRBA Recommendation:

**63-21348B**

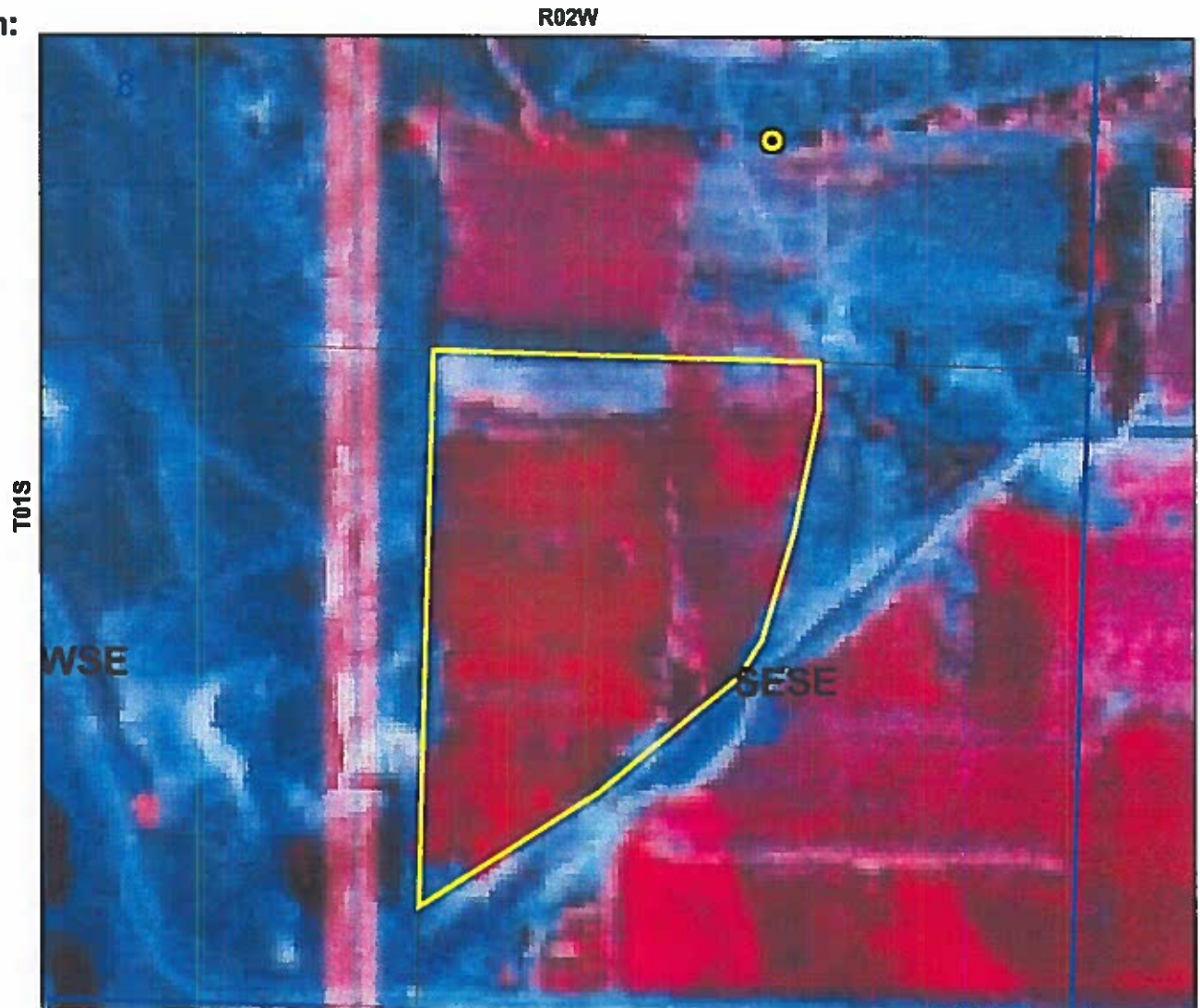
(Irrigation)

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County  
IDWR Basin 63



0 0.1 0.2 Miles



Prepared by M. Ciscell  
On Monday, October 9, 2006  
1987/88 Aerial Photography

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED  
 DEPARTMENT OF  
 WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| _____                 | 63-353                       | A     | _____                 | 63-21348                     | B     |
| _____                 | 63-360                       | A     | _____                 | <del>63-21348</del>          | _____ |
| _____                 | 63-7911                      | _____ | _____                 | _____                        | _____ |
| _____                 | 63-7912                      | _____ | _____                 | _____                        | _____ |
| _____                 | 63-21348                     | A     | _____                 | _____                        | _____ |

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

\* B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

E K ALLEN

HC 71 Box 2025, CASCADE, ID 83611

4. New Owner/Claimant(s)

SCOTT R NICHOLSON Sherri Nicholson

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

- \* New Mailing Address

P.O. Box 690

- \* City, State and ZIP Code

Meridian ID 83690-0690

- \* New Telephone Number

(208) 588-1593

- \* 5. Date you acquired the property

12/13/01

WARRANTY DEED IN 63-353A

**SCANNED**

**JUL - 7 2006**

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

\* 7.

Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*Scott R. Nicholas*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

|                       |            |                     |
|-----------------------|------------|---------------------|
| Received by _____     | Date _____ | Fee _____           |
| Received by _____     | Date _____ | Receipt No. _____   |
| Processed by _____ AJ | Date _____ | WR _____ Date _____ |

10/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-21348B

NAME AND ADDRESS: SCOTT R NICHOLSON  
PO BOX 690  
MERIDIAN ID 83680-0690

SHERRI C NICHOLSON  
PO BOX 690  
MERIDIAN ID 83680-0690

SOURCE: UNNAMED DRAINS

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.460 CFS  
65.30 AFY

Right Nos. 63-353A, 63-360A, 63-7911, 63-7912, 63-21348A, 63-21348B  
and 21608 are limited to a total combined diversion rate of 3.42 cfs.

When notified by the Department, the right holder shall install and maintain a  
measuring device of a type acceptable to the Department as part of the  
diverting works.

PRIORITY DATE: 04/01/1947

POINT OF DIVERSION:  
T01S R02W S8 NESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 04/30          | 0.320 CFS       |
|                       | 05/01 06/30          | 0.370 CFS       |
|                       | 07/01 11/15          | 0.460 CFS       |

The use of water for irrigation under this right may begin as early as March  
1 and may continue to as late as November 15, provided other elements of  
the right are not exceeded. The use of water before April 1 under this  
remark is subordinate to all water rights having no subordinated early or late  
irrigation use and a priority date earlier than the date a partial decree is  
entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T01S R02W S08 SESE 14.50  
14.5 ACRES TOTAL

Right Nos. 63-353A, 63-360A, 63-7911, 63-7912, 63-21348A, 63-21348B  
and 21608 are limited to the irrigation of a combined total of 171 acres in a  
single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Failure of the right holder to comply with the conditions of this transfer is  
cause for the Director to rescind approval of the transfer.

This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho  
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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: A63-21348B  
Date Received: 3/ 1/1990  
Receipt No: X777777  
Received By: \_\_\_\_\_

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED  
ACQUIRED UNDER STATE LAW

1. Name: E. K. ALLEN 208-382-4122  
Address: HC 71 BOX 2025  
CASCADE ID 83611

2. Date of Priority: APR 1, 1947

3. Source: UNNAMED DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 02W   | 8       | NE     | SE     |     |     | CANYON |

5. Description of diverting works:  
25 AND 15 HP PUMPS AND SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 04/30 | 0.320  |      |        |
| IRRIGATION | 05/01 | 06/30 | 0.370  |      |        |
| IRRIGATION | 07/01 | 11/15 | 0.460  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

MICROFILMED  
JUL 27 1994

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 02W   | 8       | SE     | SE  |     | IRR | 14.5  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 14.5  |
|          |       |         |            |     | Total Acres   | 14.5  |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

THIS CLAIM COMBINES 0.30 CFS FROM 63-00353 4/1 TO 4/30, 0.35 CFS FROM 63-00354 5/1 TO 6/30, 0.43 CFS FROM 63-00355 7/1 TO 11/15 INTO THIS CLAIM WHICH VARIES THE CFS PER DATES ABOVE. THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-21348, FEE PAID UNDER RECEIPT NO. W010144. KW 6/11/91.

CLAIM AMENDED PER TRANSFER NO. 3818 APPROVED 11/24/92. NOTE: AMOUNTS OF WATER UNDER EACH IRRIGATION SEASON ARE NOT CUMULATIVE PER ORIGINAL DECREE AND SHOULD NOT BE SHOWN AS SUCH ON APPROVED TRANSFER.

A MEASURING DEVICE AND LOCKABLE HEADGATE OF A TYPE APPROVED BY THIS DEPT. SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.

THE COMBINED ANNUAL VOLUME OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 65.3 ACRE FEET.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 3818 IN FILE. KW 5/16/94

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

MICROFILMED

JUL 27 1994

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do        do not        wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Date: 05/16/94

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
WATER RIGHT NOS. 63-00353B/00354B/00355B

This is to certify that: **E K ALLEN**  
**HC 71 BOX 2025**  
**CASCADE ID 83611**

has requested that a change of water rights be recorded as follows:

| <u>BENEFICIAL USE</u>          | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|--------------------------------|----------------------|--------------------------|
| Right 63-00353B:<br>IRRIGATION | 04/01 - 04/30        | 0.32                     |
| Right 63-00354B:<br>IRRIGATION | 05/01 - 06/30        | 0.37                     |
| Right 63-00355B:<br>IRRIGATION | 07/01 - 11/15        | 0.46                     |
|                                | Total                | 1.15                     |

Priority: 04/01/1947

Source: UNNAMED DRAINS

tributary to: WARM SPRINGS CREEK

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 8, Township 01S, Range 2W, CANYON County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> |
|------------|------------|------------|--------------|
| 01S        | 02W        | 8          | SESE 14.5    |

Total number of acres irrigated: 14.5

This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

CONDITIONS/REMARKS:

1. A measuring device and lockable headgate of a type approved by this Department shall be permanently installed and maintained as a part of the diverting works.
2. The combined annual volume of water under Rights 63-00353B/00354B/00355B shall not exceed 65.3 acre feet.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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.

**MICROFILMED**

**JUL 27 1994**

TRANSFER OF WATER RIGHT  
WATER RIGHT NOS. 63-00353B/00354B/00355B

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 24<sup>th</sup> day of November, 19 92

A. New Saylor  
Chief, Water Alloc. Bureau

MICROFILMED

JUL 27 1994

POOR ORIGINAL

Page 1 of 10

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 388

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of applicant E.K. Allen Phone 382-4122  
Post Office address HC 71 Box 2025 Cascade ID. 83611

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 Access to new point of diversion  
for new owner's land in S. & SESE.

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>63-00353B</u> | <u>4/1/1947</u> | <u>.50 cfs</u>     | <u>Irrigation</u> | <u>4/1</u> to <u>1/30</u>  |
| <u>63-00354B</u>   | <u>4/1/1947</u> | <u>.50 cfs</u>     | <u>Irrigation</u> | <u>5/1</u> to <u>6/30</u>  |
| <u>63-00355B</u>   | <u>4/1/1947</u> | <u>.50 cfs</u>     | <u>Irrigation</u> | <u>7/1</u> to <u>11/15</u> |

2. Total amount of water being transferred 1.50 cubic feet per second and/or 5 acre-feet per annum WY 1974
3. Source of water Drain tributary to Wapinit Spring - Creek  
(local name only, not on USGS map)
4. Point(s) of Diversion:

| Lot | % | % | % | Sec.           | Twp.      | Rge.      | County        | Local name for diversion          |
|-----|---|---|---|----------------|-----------|-----------|---------------|-----------------------------------|
|     |   |   |   | <u>NE SE 8</u> | <u>15</u> | <u>2W</u> | <u>Canyon</u> | <u>For 63-00353B to 63-00355B</u> |

6. Lands irrigated or place of use:

| 3. Land Acquired or Proposed |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|------------------------------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 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 |
| 15                           | 2W   | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 25     | 25     |
|                              |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                              |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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\* See 12/6/80 memo

Total acres 25

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Transfer No. \_\_\_\_\_

PART 1

3. General Information:

a. Description of diversion system 25" 15 hp. pump & siphon. Ditch on other  
loss becomes N/A with siphon use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

N/A

d. Remarks:

This transfer also serves to clarify "date" for 63-00353  
through 63-00355 (see Memo 12/6/90). Additionally, the transfer will be  
helpful in analyzing SRGA claims A63-21348 & A63-21608-7A63-00354

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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STRA9

Transfer No. \_\_\_\_\_

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. 63-00353 Decreed to Ellen T. Sprout  
In case of Carl E. Nicholson vs. Reynolds Irrigated District  
dated 6/11/1956 in 7th Juv. Dist. Court county of Canyon  
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 Drains tributary to Warm Springs Creek

4. Date of priority 4/1/1947

5. Water is used for the following purposes:

amount 2.40 cfs for irrigation purposes from 4/1 to 4/30  
(cfs/acre-ft) Rate not in debt for stockwater purposes from 4/1 to 4/30  
(cfs/acre-ft) " " " " for domestic purposes from 4/1 to 4/30  
(cfs/acre-ft)

6. Total amount of water under right 2.40 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 |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     | 10   | 15   | 2W   | Canyon | per decree information   |

8. Lands irrigated or place of use: ACRES/ROW NOT IN DECREE

| 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 |        |
| 15   | 2W   | 2    |        |        |        |        | X      | X      | X      | X      |        |        |        |        | X      | X      | X      |        |        |
|      |      | 9    |        |        |        |        |        |        |        |        | X      | X      |        |        |        |        |        |        |        |

Total acres

9. Describe any other water rights used for the same purpose as described above

63-00355

63-00354

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PART 2

Transfer No. \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
NO If yes, describe \_\_\_\_\_

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED PARTS B7C SHW straight across from  
 (If the entire right is to be changed by the applicant, omit part B and C.) in tracts in  
deceased rights

1. amount .315 cfs for irrigation purposes from 4/1 to 4/70  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     | 10   | 15   | 2W   | Canyon | per deceased             |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. 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 |        |
| 15   | 2W   | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 14.5   | 14.5   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 14.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.085 cfs for irrigation purposes from 4/1 to 4/70  
 amount \_\_\_\_\_ for irrigation purposes from 4/1 to 4/70  
 amount \_\_\_\_\_ for domestic purposes from 4/1 to 4/70

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     | 10   | 15   | 2W   | Canyon | per deceased             |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. 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 |        |
| 15   | 2W   | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 16.5   | 31.0   |
|      |      | 9    |        |        |        |        |        |        |        |        |        |        |        | 28.37  |        |        |        |        | 65     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

\*  $\frac{2.40 \text{ cfs}}{110.5 \text{ acres}} = .02172 \text{ cfs/acre}$ , then  $\times 14.5 = .315 \text{ cfs}$  Total acres 96  
 $\times 96 = 2.085 \text{ cfs}$   
2.400 cfs total

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POOR ORIGINAL

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PART 2

Transfer No. \_\_\_\_\_

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. 63-00354 Decreed to Ellen T. Sprout  
In case of Carl E. Nicholson vs. Reynolds Irrigation District  
dated 6/11/1956 In 7th Jno. Dist. Court county of Canyon  
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 Drains tributary to Warner Springs Creek  
4. Date of priority 4/1/1947

5. Water is used for the following purposes:  
amount 2.80 cfs for irrigation purposes from 5/1 to 6/30  
amount Rate not to exceed for stockwater purposes from 5/1 to 6/30  
amount " " " for domestic purposes from 5/1 to 6/30

6. Total amount of water under right 2.80 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | N | S | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|------|------|------|--------|--------------------------|
|     |   |   | 10   | 15   | 2W   | Canyon | per deed information     |

8. Lands irrigated or place of use: ACRES/00 NOT IN DECREE

| 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 |        |
| 15   | 2W   | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

9. Describe any other water rights used for the same purpose as described above 63-00353  
63-00355

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## PART 2

Transfer No. \_\_\_\_\_

No If yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

49

**2. Point(s) of Diversion:**

2. Lands irrigated or place of use:

Total score 54.5

2.43

**2. Point(s) of Diversion:**

3. Land irrigated or place of use:

#  $\frac{2.80 \text{ cfs}}{110.5 \text{ acres}} = .02534 \text{ cfs/acre}$ , then  $\times 145 = .367 \text{ cfs}$  Total across 96  
 $\times 96 = 2.433 \text{ cfs}$   
2.800 total

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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

Right evidenced by:

a. Decree No. 68-00355 Decreed to Ellen T. Sprout  
in case of Carl E. Nielsen vs. Raymond J. Davidson  
dated 6/11/1956 in 7th Twp. 21st. 1st. 1st. 1st. county of Canyon  
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 Drained tributary to Warm Springs Creek

4. Date of priority 4/11/1947

5. Water is used for the following purpose:

|                                  |                       |                          |                |
|----------------------------------|-----------------------|--------------------------|----------------|
| amount <u>9.50 cfs</u>           | for <u>irrigation</u> | purposes from <u>7/1</u> | to <u>7/15</u> |
| amount <u>Rate not to exceed</u> | for <u>stockwater</u> | purposes from <u>7/1</u> | to <u>7/15</u> |
| amount <u>" "</u>                | for <u>domestic</u>   | purposes from <u>7/1</u> | to <u>7/15</u> |

6. Total amount of water under right 3.50 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | W | W | W | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   | 10   | 15   | 2W   | Canyon | per decree information   |

8. Lands irrigated or place of use: ACRES/OO-NUT in DECAGE

| 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 |        |
| 15   | 2W   | 9    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      | 9    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

9. Describe any other water rights used for the same purpose as described above

63-00354

Total acres 63-00353

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Page 8 of 10 PART 2 Transfer No. 459

18. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
NO If yes, describe \_\_\_\_\_

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED PARTS 8 & 9 SHOW PARTIAL TRANSFER  
 (If the entire right is to be changed by the applicant, omit part B and C.)  
IN TRACTS IN DENVER COUNTY

amount 459 cfs for irrigation purposes from 7/1 to 11/15  
 amount (cfs/acre-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount (cfs/acre-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount (cfs/acre-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

2. Point(s) of Diversion: \_\_\_\_\_

| Lot | N | E | S | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   | 10   | 15   | 2W   | Canyon | per Denver               |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. 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 |        |
| 15   | 2W   | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 14.5   |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 14.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)  
7.040 cfs for irrigation purposes from 7/1 to 11/15

amount 7.040 cfs for irrigation purposes from 7/1 to 11/15  
 amount (cfs/acre-ft) \_\_\_\_\_ for stockwater purposes from 7/1 to 11/15  
 amount (cfs/acre-ft) \_\_\_\_\_ for domestic purposes from 7/1 to 11/15  
 amount (cfs/acre-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

2. Point(s) of Diversion: \_\_\_\_\_

| Lot | N | E | S | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   | 10   | 15   | 2W   | Canyon | per Denver               |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. 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 |        |
| 15   | 2W   | 8    |        |        |        |        |        | 14     | 11     |        |        |        |        |        |        | .5     | 16.5   | 31     |        |
|      |      | 9    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 96

\*  $\frac{3.50 \times 24}{110.5 \text{ acres}} = .05167 \text{ cfs/acre}$ , then  $\times 14.5 = .459 \text{ cfs}$   
 $\times 96 = 3.040 \text{ cfs}$

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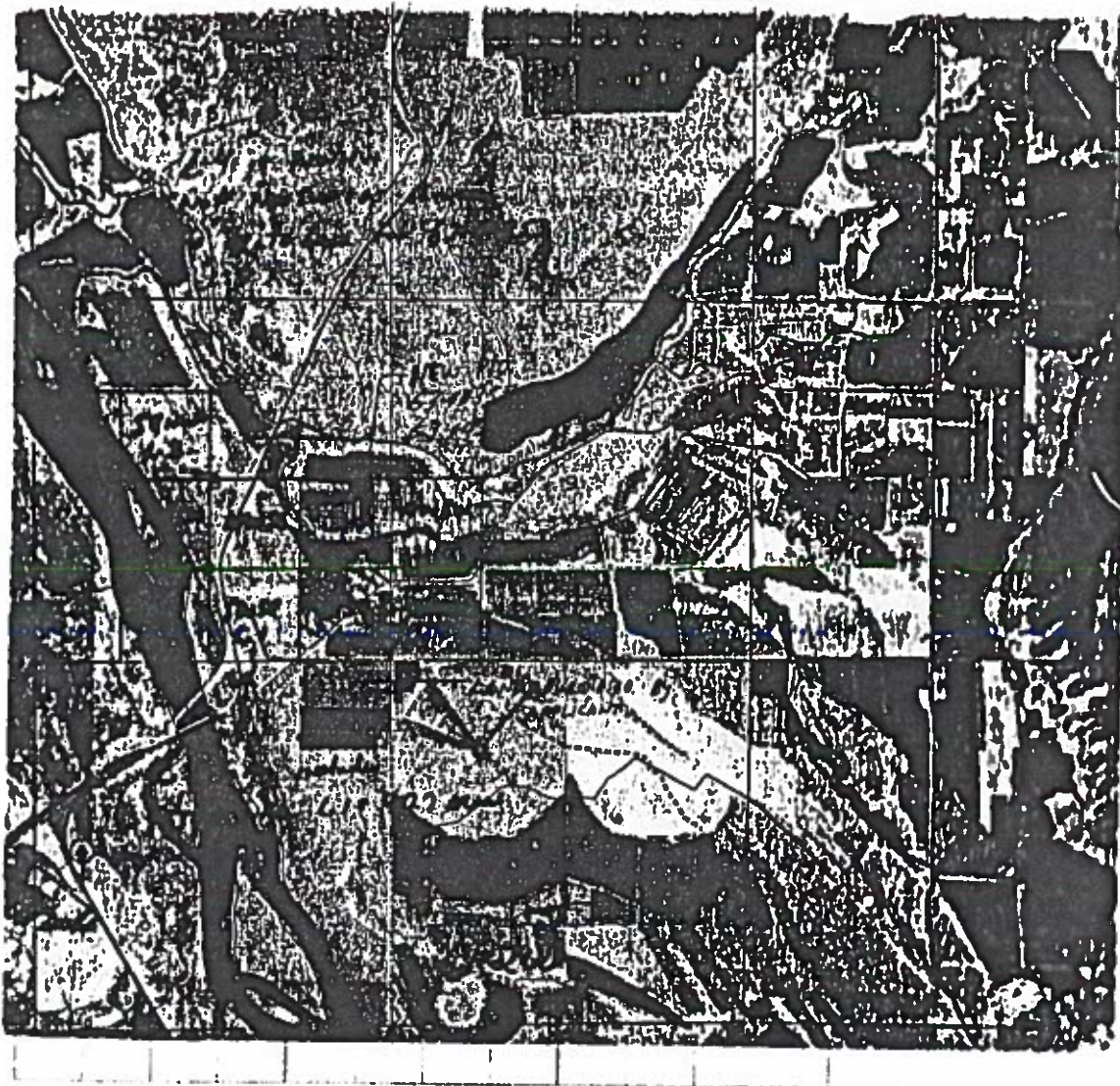
Page 9 of 10

Transfer No. \_\_\_\_\_

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 use 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.

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JUL 27 1994

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Page 10 of 10

Transfer No. \_\_\_\_\_

PART 3

B. CHANGES IN NATURE OF USE

N/A

| 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.

*[Signature]*  
(Signature of Applicant)

Subscribed and sworn to before me on this 10 day of December, 1992.  
Notary Public, State of Idaho  
Residing at Cascade, Idaho

*[Signature]*  
(Notary Public)

My commission expires 2-11-94

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 5 attachments  
Received by RH Date 1/13/91 11/14/90 Protest filed by \_\_\_\_\_  
Prelim. check by SL Fee \$50  
Receipted by LH Date 11-14-90 # N012859  
Published in Press-Tribune Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 2/6 & 2/13/91 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial  
by DET  
Copy of transfer sent to lien holder \_\_\_\_\_

MICROFILMED  
JUL 27 1994

POOR ORIGINAL

MEMORANDUM

TO: Files 63-00353/00354/00355  
FROM: Sharla  
DATE: October 2, 1992  
RE: Transfer Review (No. 3818)

The above referenced transfer proposes to change the point of diversion under a portion of each of these rights.

Advertising was completed correctly. Steve Lester, in a memo revised 1/23/91, has summarized the computation and confirmation of acres. He recommends that the transfer be approved for 14.5 confirmed acres. On the back sides of the Part 2's of the transfer application, Steve has shown the breakdown of the amounts of water to be listed under each right in the transfer. Attachment D located in the file is a change of ownership of a beneficial use adjudication claim. The document substantiates that a transfer of 25 acres was made to Mr. Allen. Based on the acreage confirmation supplied by Steve, it is more than likely that this claim will be recommended for less acres as well. The transfer approval is being prepared from Steve's recommendations and will contain the following conditions:

- T07 The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 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.
- T09 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.

A measuring device and lockable headgate of a type approved by this department shall be permanently installed and maintained as a part of the diverting works.

The combined annual volume of water under Right Nos. 63-00353B/00354B/00355B shall not exceed 65.3 acre feet.

MICROFILMED

JUL 27 1994

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: A63-21348B  
Date Received: 3/ 1/1990  
Receipt No: X777777  
Received By: DE-KW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: E. K. ALLEN 208-382-4122  
Address: HC 71 BOX 2025  
CASCADE, ID 83611

2. Date of Priority: APR 1, 1947

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 02W   | 8       |        | SE     | SE  |     | CANYON |

5. Description of diverting works:  
40HP PUMP, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 04/30 | 0.300 |      |        |
| IRRIGATION | 05/01 | 06/30 | 0.350 |      |        |
| IRRIGATION | 07/01 | 11/15 | 0.430 |      |        |

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 02W   | 8       | SE     | SE  |     | IRR | 25.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 25.0  |
|          |       |         |            |     | Total Acres   | 25.0  |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

THIS CLAIM COMBINES 0.30 CFS FROM 63-00353 4/1 TO 4/30, 0.35 CFS FROM 63-00354 5/1 TO 6/30, 0.43 CFS FROM 63-00355 7/1 TO 11/15 INTO THIS CLAIM WHICH VARIES THE CFS PER DATES ABOVE.  
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-21348, FEE PAID UNDER RECEIPT NO. W010144.  
KW 6/11/91.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

## CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

☒ Water Right Number(s): A63-21348

☒ Name and Address of Former Claimant(s): Frankes O. & Frank L. Engle

9450 Ferry Rd.

Melba ID. 83641

☒ New Claimant(s): E.K. Allen

HC 71 Box 2025

☒ New Mailing Address: \_\_\_\_\_

Cascade Eden 83611

☒ New Telephone Number: (208) 382-4122

☒ Does the change in ownership result in a splitting of the water right claimed? ☒ yes ☐ no  
If yes, then describe the portion of the water right that is now claimed by the new owner:

25 ACRES OF THE 40 ACRES CLAIMED IN THE SE SE<sup>of</sup> SECTION

8, T1S - R2W.

☐ Attach proof of ownership

Describe proof attached: \_\_\_\_\_

(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

☒ Signature of New Claimant(s): Emmett R Allen

☒ Date: 10-4-90

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SEP 03 1992

RECEIVED

NOV 11 1990

CHANGE IN OWNERSHIP

Page 2

Department of Water Resources

Western Regional Office

[✓] Signature of Former Claimant(s): Frank Engel

Date: 10-22-90

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY  
BOISE, IDAHO 83705  
(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15  
IDAHO FALLS, IDAHO 83402  
(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.  
STATEHOUSE MAIL  
BOISE, IDAHO 83720  
(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST  
TWIN FALLS, ID 83301  
(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210  
COEUR D'ALENE, IDAHO 83814  
(208) 765-4639

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: A63-21348  
Date Received: 3/01/1990  
Receipt No: W010144  
Received By: CE Pdb

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FRANK L. ENGLE 208-495-2701  
Address: 9450 FERRY RD.  
MELBA, ID 83641

OR

Name: FRANCES D. ENGLE 208-495-2701  
Address: 9450 FERRY RD.  
MELBA, ID 83641

2. Date of Priority: APR 01, 1947

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 02W   | 8       | SE     | SE     |     |     | CANYON |

5. Description of diverting works:  
40HP PUMP, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 04/30 | 0.900 |      |        |
| IRRIGATION | 05/01 | 06/30 | 1.050 |      |        |
| IRRIGATION | 07/01 | 11/15 | 1.310 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 01S      | 02W   | 8       | SE     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 40.0  |
|          |       | 9       | SW     | SW  |     | IRR           | 36.0  |
|          |       |         |        |     |     | Section Acres | 36.0  |
|          |       |         |        |     |     | Total Acres   | 76.0  |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

THIS CLAIM COMBINES 0.9 CFS FROM A63-00353 4/1 TO 4/30  
1.05 CFS FROM A63-00354 5/1 TO 6/30  
1.31 CFS FROM A63-00355 7/1 TO 11/15  
INTO THIS CLAIM WHICH VARIES THE CFS PER DATES ABOVE

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Frank Engel Date: 12-17-90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of LDA ) ss.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day  
of Dec 19 90 R. J. Lawrence  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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: A63-21348  
Date Received: 3/01/1990  
Receipt No: W610/44  
Received By: DLH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FRANK L. ENGLE 208-495-2701  
Address: 9450 FERRY RD.  
MELBA, ID 83641  
OR  
Name: FRANCES D. ENGLE 208-495-2701  
Address: 9450 FERRY RD.  
MELBA, ID 83641

2. Date of Priority: APR 01, 1947

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 02W   | 8       | SE     | SE     |     |     | CANYON |

5. Description of diverting works:  
40HP PUMP, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.520  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 01S      | 02W   | 8       | SE     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 40.0  |
|          |       | 9       | SW     | SW  |     | IRR           | 36.0  |
|          |       |         |        |     |     | Section Acres | 36.0  |
|          |       |         |        |     |     | Total Acres   | 76.0  |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

THIS CLAIM COMBINES 0.5 CFS FROM A63-00353  
0.5 CFS FROM A63-00354  
0.52CFS FROM A63-00355  
INTO THIS CLAIM WHICH IS 0.02 CFS/ACRE

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not Y wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Frank S. Engle Date: 3-1-90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of ADA ) SS.

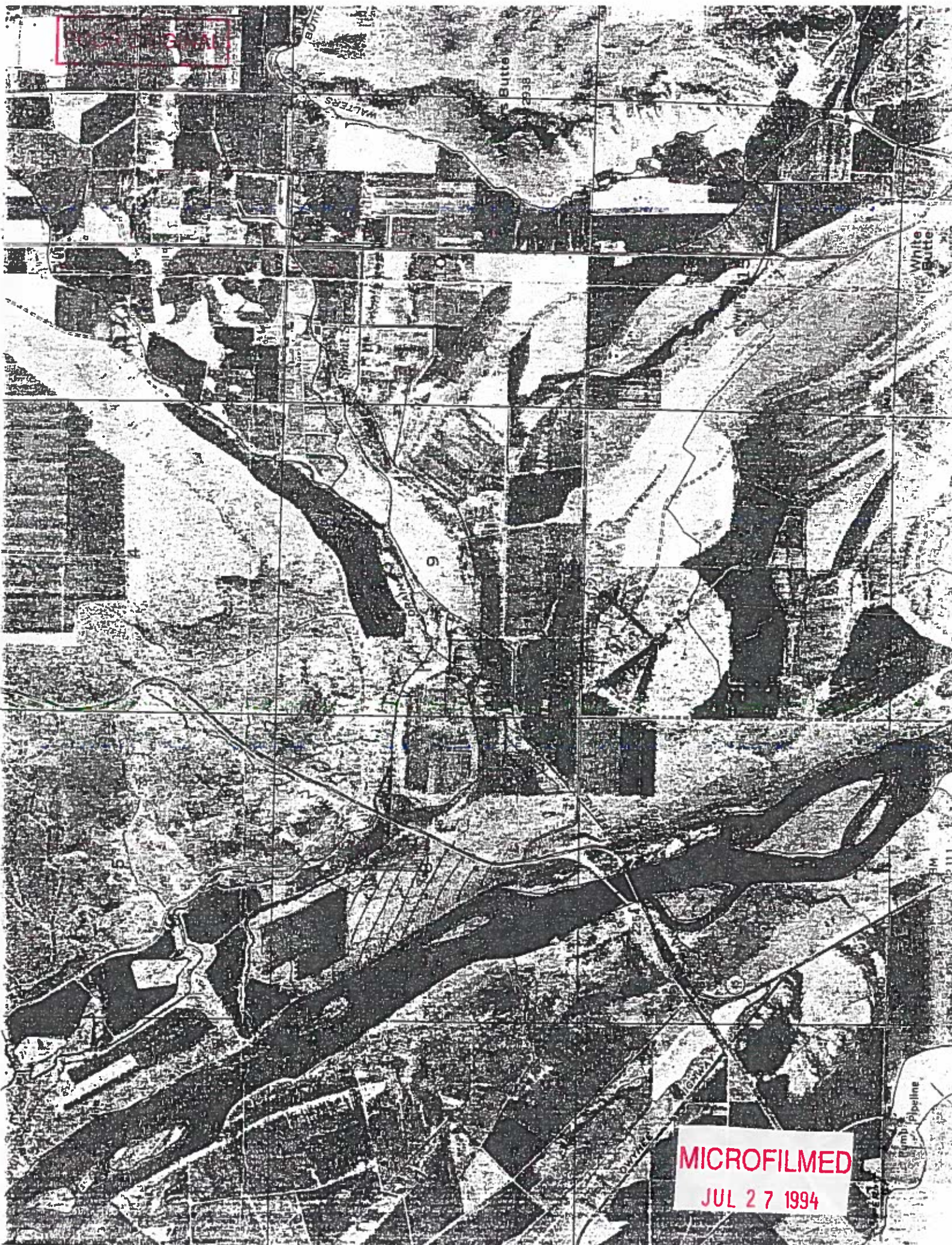
Subscribed and sworn (or affirmed) before me this 1st day  
of MAR 19 90 [Signature]  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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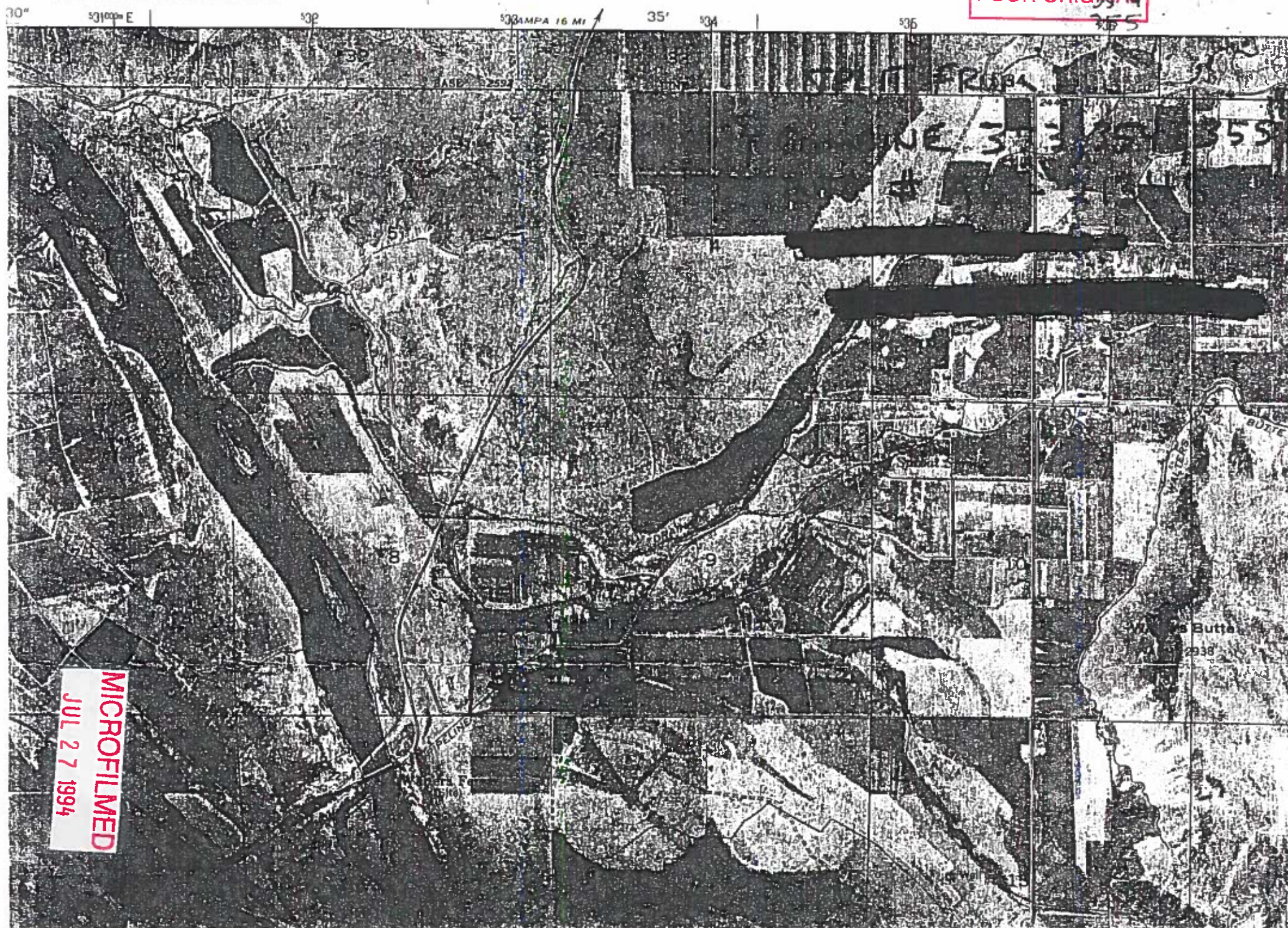
**JUL 27 1994**



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

1520 871

POOR ORIGINAL



MICROFILMED  
JUL 27 1994



# Idaho Department of Water Resources

SRBA Recommendation:

**63-21348B**

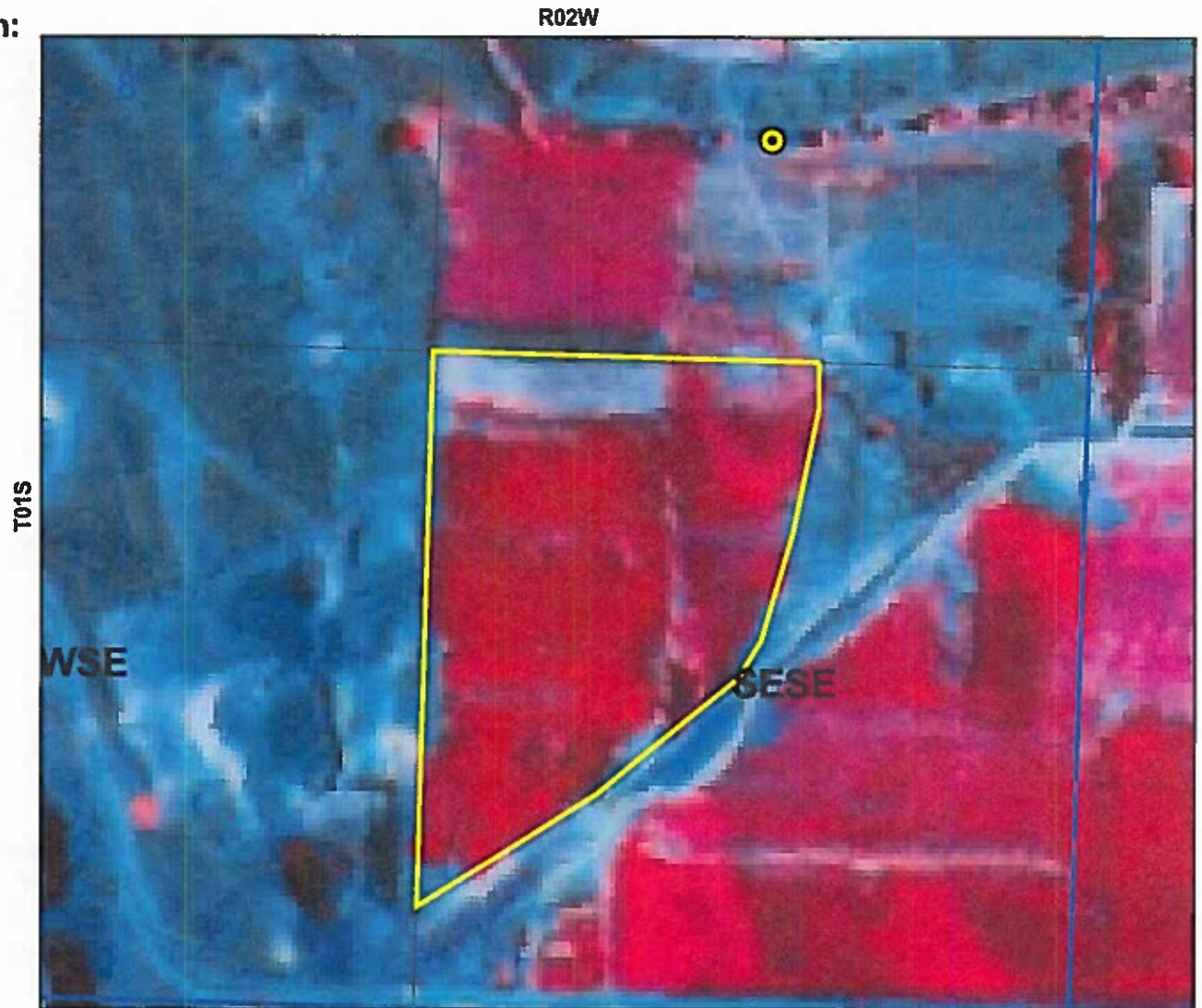
(Irrigation)

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County  
IDWR Basin 63



0 0.1 0.2 Miles



Prepared by M. Ciscell  
On Tuesday, October 17, 2006  
1987/88 Aerial Photography

# ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A63-21348B

| WR ELEMENT            | FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD                                  |
|-----------------------|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|---------------------------------------------|
| PRIORITY*             | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  |                                             |
| PT. OF DIV.           | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  | DATA ENTRY COMPLETED<br>BY _____ DATE _____ |
| SOURCE                | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  |                                             |
| PL. OF USE            | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  | FINAL RECOMMENDATION<br>BY _____ DATE _____ |
| DIV. AMOUNT<br>CFS/AF | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  |                                             |
| CONSUMPTIVE<br>USE    |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| NATURE OF<br>USE      | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  |                                             |
| PERIOD OF<br>USE      | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  |                                             |
| BASIS OF<br>CLAIM     | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  |                                             |
| REMARKS               |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |

N/A  
\*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN  
SUBMITTED - YES \_\_\_\_\_ NO \_\_\_\_\_.

\*\*IF CLAIMANT CONTACT IS NEEDED, COMPLETE  
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: \_\_\_\_\_

## VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE COMMENTS) = 6



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 12, 1991

RE: Notice of Claim No. A63-21348B

E. K. Allen  
HC 71, Box 2025  
Cascade, ID 83611

Dear Claimant:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the lands and appurtenant water right covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact me.

Sincerely,

KAY WALKER  
Sr. Water Resource Agent  
Adjudication Bureau

KW:k  
Enclosure

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SEP 03 1992

Water Right Number: A63-21348

FIRST PAGE

Water Uses:

| Use Code | Description | From | To    | CFS     | AFA |
|----------|-------------|------|-------|---------|-----|
| 01       | IRR         | 4/ 1 | 4/30  | 0.900 ① |     |
| 01       | IRR         | 5/ 1 | 6/30  | 1.050 ② |     |
| 01       | IRR         | 7/ 1 | 11/15 | 1.310 ③ |     |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |
| —        | —           | —/—  | —/—   | —       | —   |

(GOLD2=Update)

(GOLD4=Prev Screen)  
(GOLD5=Next Screen)

(GOLD6=End of Data)

(Enter=Exit)  
(GOLD8=Cancel)

$$\textcircled{1} \quad 0.90 \text{ cfs} \div 76 \text{ ac} = 0.01184 \text{ cfs/ac}$$

$$A63-21348B = \swarrow \times 25 = 0.296 \approx 0.30 \text{ cfs}$$

$$A63-21348A = \times 51 = 0.603 \approx 0.60 \text{ cfs}$$

$$\textcircled{2} \quad 1.05 \text{ cfs} \div 76 \text{ ac} = 0.01381 \text{ cfs/ac}$$

$$A63-21348B = \swarrow \times 25 = 0.345 \approx 0.35 \text{ cfs}$$

$$A63-21348A = \times 51 = 0.704 \approx 0.70 \text{ cfs}$$

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SEP 03 1992

$$\textcircled{3} \quad 1.31 \text{ cfs} \div 76 \text{ ac} = 0.01723 \text{ cfs/ac}$$

$$A63-21348B = \swarrow \times 25 = 0.430 \approx 0.43 \text{ cfs}$$

$$A63-21348A = \times 51 = 0.879 \approx 0.88 \text{ cfs}$$

KW 6/11/91

A63-21348

MEMORANDUM

TO: TRANSFER APPLICATION FOR 63-00353 THROUGH 63-00355  
FROM: STEVE LESTER  
DATE: DECEMBER 6, 1990 - REVISED 1/23/91  
RE: CLARIFICATION OF DATABASE, ACRES, AND RATES

E.K. Allen filed a transfer application on SRBA Claim A63-21348, a claim filed by Frank and Frances Engle. Mr. Allen apparently bought 25 acres in Sec. 8 SESE and wants to relocate a diversion point for his acres. Claim A63-21348 is based on a combination of split portions of decreed rights 63-00353 through 00355. Decree file 63-T-1 covers these rights (see Attachment B).

DATABASE

The transfer serves to clarify database details for source, season of use, and point of diversion. The source (drains tributary to Warm Springs Creek) actually includes surface and ground water in a "...common and interdependent source..." and perhaps should be noted in the remarks section of the database. The tributary is a local name not recognized on a USGS quad.

The season of use in 63-00355 includes 7/1-11/15, not 7/1-3/31 as shown in the database. The original point of diversion is identified as T1S R2W Sec. 10 (tract not specified). See Part II of the decree for confirmation of season and P/D.

Although the decree does not explicitly state the duty of irrigation water, Part V of the decree can be interpreted to mean up to .02 cfs/acre: "...amount of water herein allotted...is required and necessary for the proper growing of crops...". Because all three decreed rights cover the same P/U, one can infer that the largest right, 63-00355 for 3.50 cfs, describes the maximum number of acres for all three rights. Assume that the rights cover no more than 175 acres based on a decree of .02 cfs/ac. Note that the rights cover different parts of the irrigation season and together include 4/1-11/15 (the latter interpreted from IDWR standards for the area).

COMPUTATION OF ACRES

Mr. Allen indicated per 1/23/91 telecon that he bought 25 acres located north of the pipeline/ditch that more or less bisects the tract. Note that in Sec. 8 SESE, irrigated land includes 14.5 acres north of the pipeline/ditch and 16.5 acres south of it. The transfer addresses a P/D change and will result in three split rights (63-00353 A & B etc.). The decree did not identify acres per tract. We can identify the acres/tract via the 1987 ASCS aerial photo (see Attachment A). To further interpret the photo, I met with Mike Anderson on 12/6/90 at the Canyon County ASCS office to discuss the photo and to look at other aerial information (slides of area offer better look at irrigated land). The acres listed on pages 4, 6, and 8 of the transfer derive from the meeting and photo interpretation and include 110.5 irrigated acres within the place of use of 63-00353 through 63-00355, which was determined from technical methods and 1987 data without visiting the P/U.

cf  
ASCs  
5/2/91

MICROFILMED

SEP 03 1992

In the future, SRBA field work related to the P/U may reveal additional irrigated land in some of the tracts, e.g. pasture irrigation that does not appear to be irrigated on the photos. The following list outlines possible discrepancies that may occur between photo interpretation and site visits (approx. 49 acres).

1. Sec. 8 SENW - 29 acres not irrigated in the last five years (per Mike Johnson).
2. Sec. 8 Lot 2 (NESW) - 4 acres same as #1.
3. Sec. 8 NWNWSE - 4 acres same as #1 & 2. Nos. 1-3 are west of Hwy. 45.
4. Sec. 8 E 1/2 NWSE - approx. 10 acres conceivably could or did at one time include pasture or other low intensity irrigation.
5. Sec. 8 NE 1/4 Lot 1 (SWSE) - same as #3 but approx. 2 acres. Nos. 4 and 5 are east of the highway.

According to photos and Mike Johnson's records, the land in Sec. 8 NWSE and SWSE east of Hwy. 45 has not been irrigated for many years. Much of it is a cinder cone area used for cinder extraction in construction, landscaping, and so on.

Attachment A delineates cropland in the tracts identified in rights 63-00353 through 00355 as well as SRBA claims A63-00355A, 21608, and 21348. The claims relate to split and combined parts \* of the decreed rights. The transfer file will be helpful in analyzing the SRBA claims. Copies of this memo were filed with the above claims. (\* see page 3)

#### CONCLUSION

These rights became quite confusing after reviewing the SRBA files. Possibly, a partial transfer of one or more of the rights occurred prior to 1987 via a verbal agreement between landowners but without a transfer approved by IDWR. This raises an adjudication issue that is perhaps outside of the scope of the current transfer application. If so, the P/D transfer could be linked to 14.5 acres in Allen's portion of the decreed rights without consideration of the SRBA claims. On the other hand, the interests of the involved parties, including IDWR, may be served by solving the riddle of these rights during the processing of this transfer.

Based on the former choice, the confirmed irrigated acres and rate per acre for each right are shown on application pages 4, 6, and 8. Therefore, the P/D transfer includes the following instead of the rates and 25 acres on page 1 of the application:

|           |         |                 |                           |
|-----------|---------|-----------------|---------------------------|
| 63-00353B | .32 cfs | for 14.5 acres, |                           |
| 63-00354B | .37 cfs | for 14.5 acres, |                           |
| 63-00355B | .46 cfs | for 14.5 acres  | (total equals 14.5 acrs). |

**MICROFILMED**

**SEP 03 1992**

Transfer 63-00353 through 63-00355, Page 3

\* 63-00353 2.40 cfs irrig.

63-00354 2.80 " "

63-00355 3.40 " "

A63-00353A 0.88 cfs irrig. (from 63-00353)

A63-21608 1.00 " " (did not specify amount per right in split/combo)

A63-21348 1.52 " " (.5 from 00353, .5 from 00354, .52 from 355)

MICROFILMED

SEP 03 1992