

09/26/2003

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

RIGHT NUMBER: 23-67D
NAME AND ADDRESS: JAMES M CHICK FAMILY TRUST
JAMES M CHICK TRUSTEE
PO BOX 393
COVINA CA 91723
SOURCE: INDIAN CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 5.300 AFY
PRIORITY DATE: 05/01/1888
POINT OF DIVERSION:

T01N R44E S18 SESESW Lot 6 Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	1/01 12/31	5.30 AFY

PLACE OF USE: RECREATION STORAGE Within BONNEVILLE County

T01N R44E S18 Lot 6 SESW

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

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: Decreed

SCANNED
Water Right 23-67D
JUL 08 2004

Water Right Number 23-000670

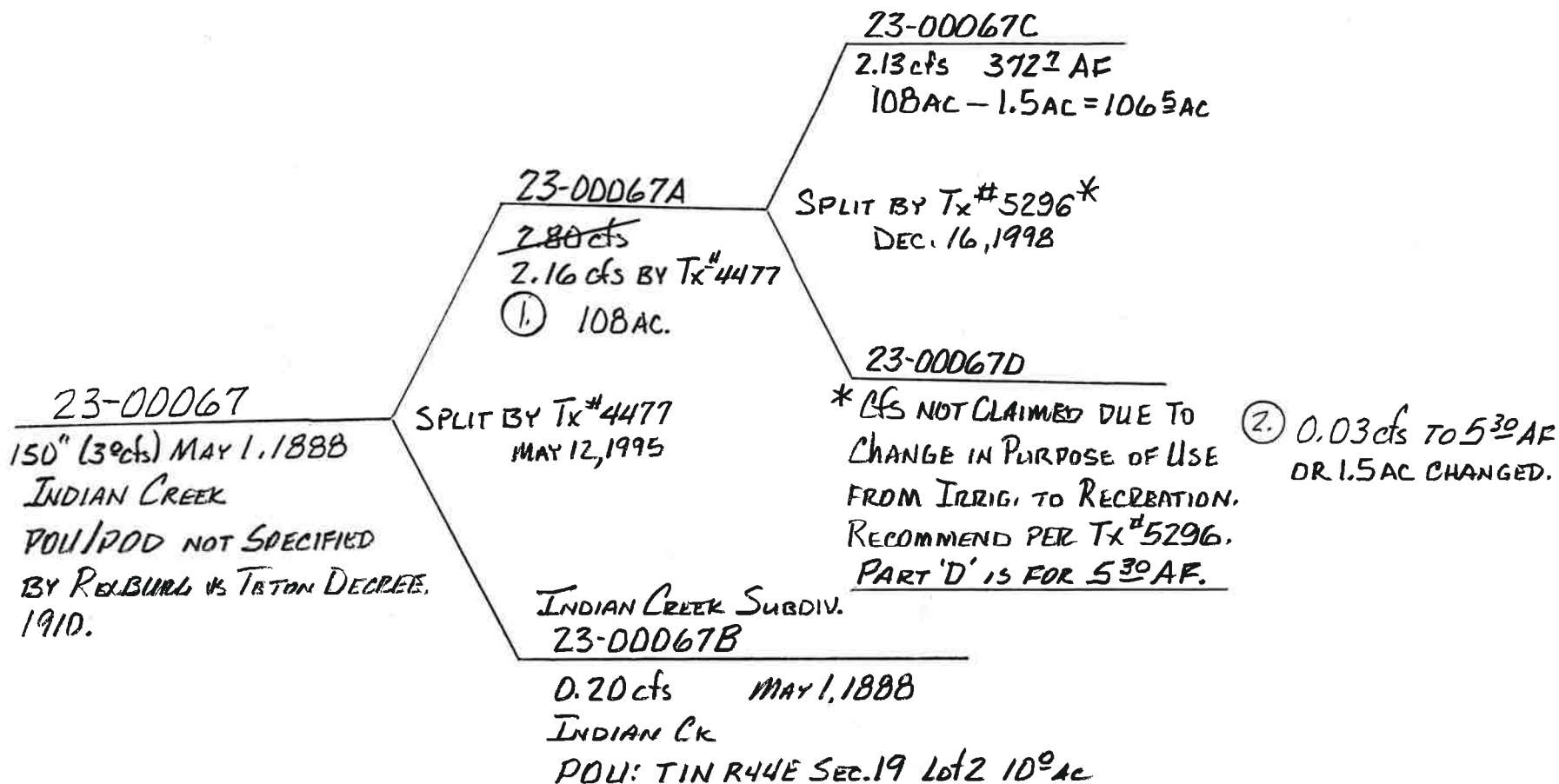
Recommended as Claimed

☐ Claimed as Beneficial Use, ☐ Claimed as Licensed, ☐ Claimed as Decreed

NOTES:

*CLAIMED IN ACCORDANCE WITH TX #5296. SO RECOMMENDED
SEE TRANSFER #5296 ATTACHED AND SPLIT HISTORY.*

*8/29/03 FB: THERE IS NO PDD. INDIAN CREEK FLOWS DOWN THE
CHANNEL TO THE POND. THERE IS NO CONTROL STRUCTURE
IN THE POND - WHEN THE POND FILLS THERE IS AN OUT-FLOW
CHANNEL TO (A BACK CHANNEL) SNAKE RIVER.*



NOTES:

- ① TRANSFER #4477 REDUCED THE 'A' PORTION
IN ACCORDANCE WITH THE ACRES FOUND TO BE
IRRIGATED. AS $108 \text{ AC} \times 0.02 \text{ cfs/AC} = 2.16 \text{ cfs}$.
- ② TRANSFER #5296 CHANGED 0.03 cfs (1.5 AC)
OF 23-00067A TO RECREATION POND USE.

JUL 08 2004

SCANNED

Easton

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

DEC 21 1998

Department of Water Resources
Eastern Region

TRANSFER NO. 5296
WATER RIGHT NO. 23-00067D

23-00067A ^C/_D

This is to certify that: **JAMES M CHICK FAMILY TRUST**
JAMES M CHICK TRUSTEE
PO BOX 393
COVINA CA 91723

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		5.3 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
INDIAN CREEK	SNAKE RIVER, SOUTH FORK		

Priority: 05/01/1888

LOCATION OF POINT(S) OF DIVERSION: Lot 6(SESW), Sec. 18, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

01N 44E 18 Lot 6(SESW)

7/6/1989

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5296
WATER RIGHT NO. 23-00067D

CONDITIONS OF APPROVAL AND REMARKS

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.
6. The first year that water is diverted to recreation storage use under Right 23-00067D, irrigation use under Right 23-00067C shall be limited to 105.6 acres, 2.11 cfs and 369.6 afa.
7. The reduction of irrigation under Right 23-00067C during the first year will provide the additional storage volume to fill the pond when combined with the 5.3 af associated with the 1.5 acres no longer irrigated.
8. Any year that the pond volume drops below 3.0 af, irrigation shall be reduced proportionately at a rate of 3.5 acre feet per acre under Right 23-00067C to provide the additional volume required to fill the pond.

Dated this 16th day of December, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 23-00067A

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5296 *etc*

DATE: December 15, 1998

Transfer 5296 changes the point of diversion, place, nature and season of use under a portion of Right 23-00067A, splitting the right into Parts C and D. ✓

The applicant proposes to develop an on-stream pond with 1.5 acre surface area and 8.3 af capacity. The consumptive use requirement will be met by reducing irrigation 1.5 acres. ✓
In order to provide sufficient volume for the pond, an additional 0.9 acre will not be irrigated the first year the pond is filled. Any other year that the pond level falls below 3.0 af, a proportionate number of acres shall not be irrigated to provide the additional volume to fill the pond.

Recommended conditions include watermaster control, measuring devices, irrigation limits under the remaining irrigation portion of this right, and standard transfer conditions. ✓

J. Chuck's Pond 23-00067D

Looks SE only



APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant James M Chick Family Trust Phone 626-915-1685
Post Office address James M Chick, Trustee, PO Box 393 Covina CA 91723

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 Applicant is constructing an on-stream pond in conjunction with a stream enhancement project (23-S-78). The pond will be excavated into property now irrigated under the transferred water right. Purpose is to change nature of use to year round storage for a portion of the right.

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
D	<u>23-00067</u>	<u>5/1/1888</u>	<u>8.3 ac ft</u>	<u>Storage for Rec.</u>	<u>1/1</u> to <u>12/31</u>
C	<u>23-00067</u>	<u>5/1/1888</u>	<u>2.13 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
					to
					to

- D 2. Total amount of water being transferred 0.03 cubic feet per second and/or 8.30 acre-feet per annum.
3. Source of water Indian Creek tributary to South Fork, Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
D 6	NE	SE	SW	18	1N	44E	Bonneville	
C 7		SW	SE	18	1N	44E	Bonneville	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
D 1N	44E	18												SR L6					
C 1N	44E	18									14 L6	30 L9	4 L5	28.5 L6			16 L7		92.5
		19		10 L2			4 L2												14.0

PART 1

6. General Information:

a. Description of diversion system Excavate 200' x 300' x 6' pond into existing topograp
divert stream into pond(on-stream pond) create rock drop structure with
rock apron at outlet into natural channel.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Excavating the pond will remove 1.5 acres of currently irrigated land
forming a 1.5 acre surface area pond. The remaining place of use
(106.5 acres) will be irrigated as it has been under right 23-00067A.

d. Remarks:
Transfer proposes reducing 23-00067A from 108 acres irrigation to 106.5
acres and reducing rate of diversion from 2.16 cfs to 2.13 cfs and to
now store up to 8 acre feet of water year round.

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:

Witness my hand this _____ day of _____, 19 _____.

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4477 23-00067A 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 Indian Creek tributary to South Fork, Snake River

4. Date or priority 5/1/1888

5. Water is used for the following purpose:

amount Irrigation for 2.16 purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.16 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
7		SW	SE	18	1N	44E	Bonneville	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	44E	18									14 L6	30 L4	4 L5	30 L6			16 L7		94
		19		10 L2			4 L2												14

Total acres 108

9. Describe any other water rights used for the same purpose as described above None

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

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

1. amount 0.03 for Irrigation purposes from 04/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

"D"

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
7		SW	SE	18	1N	44E	Bonneville	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	44E	18												1.5 L6					1.5

Total acres 1.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.13 for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

"C"

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
7		SW	SE	18	1N	44E	Bonneville	

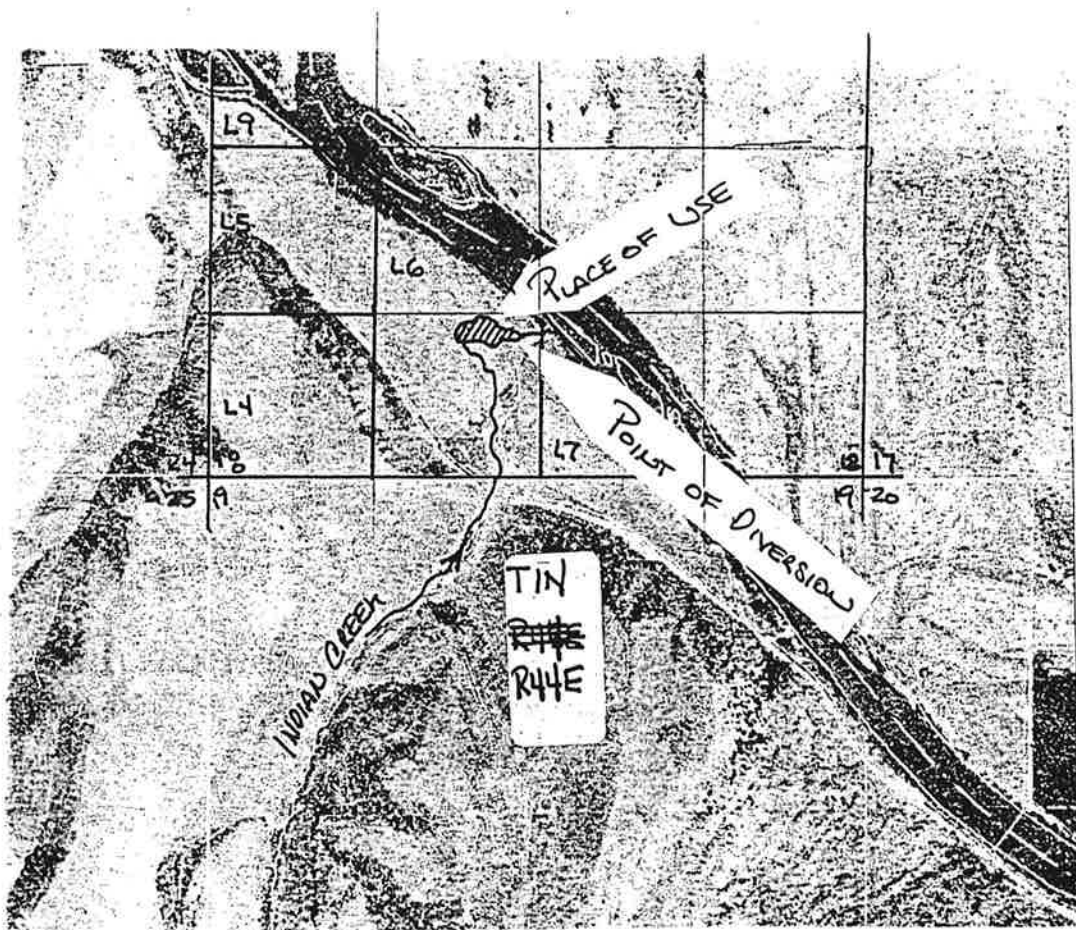
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	44E	18									14 L6	30 L9	4 L5	28.5 L6		16 L7			92.5
		19		10 L2				4 L2											14

Total acres 106.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

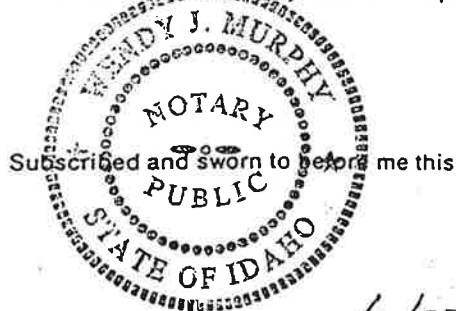
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

Jamez M. Chick Trustee
(Signature of Applicant)

24th

day of

June

, 19 98.

Wendy J. Murphy
(Notary Public)

My commission expires

6/23/00

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____

Protest filed by _____

Prelim. check by _____ Fee 100⁰⁰Receipted by SC E024238 Date 7-1-98Published in Post Register

Copies of protest forwarded by _____

Pub. dates 7/16 & 7/23/98

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____

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: **A23-00067D**
Date Received: 7/ 6/1989
Receipt No: X777777
Received By: _____

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

1. Name: JAMES M CHICK FAMILY TRUST
Address: JAMES M CHICK TRUSTEE
PO BOX 393
COVINA CA

626-915-1685

91723

2. Date of Priority: MAY 1, 1888

3. Source: INDIAN CREEK

Trib. to: SNAKE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	18	SE	SW		6	BONNEVILLE

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
RECREATION STORAGE	01/01	12/31			5.30

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

5.30 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

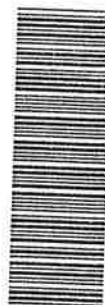
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	18	SE	SW	6	REC S	

11. Place of use in counties: BONNEVILLE

A230067D



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

13. Other Water Rights Used:

14. Remarks:

The first year that water is diverted to recreation storage use under Right 23-00067D, irrigation use under Right 23-00067C shall be limited to 105.6 acres, 2.11 cfs and 369.6 afa.

The reduction of irrigation under Right 23-00067C during the first year will provide the additional storage volume to fill the pond when combined with the 5.3 af associated with the 1.5 acres no longer irrigated.

Any year that the pond volume drops below 3.0 af, irrigation shall be reduced proportionately at a rate of 3.5 acre feet per acre under Right 23-00067C to provide the additional volume required to fill the pond.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIG. CO. ET AL
Decree Plaintiff

TETON IRRIGATION CANAL CO ET
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: _____