

2004

Ident. No. TC-01-46DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Kym or Anne Ferguson Phone 208-538-7949
Post Office Address 15533E. Ririe Hwy, Ririe ID 83443

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☐
- Add diversion point(s)
- ☐
- Change place of use
-
- ☐
- Change purpose of use
- ☐
- Other

2. Describe the proposed change(s) and the reason(s) thereof pump no longer in use, water needs to be delivered through Craig and Mattson Canal Company Limited

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>01-223</u>	<u>Jun 1, 1891</u>	<u>6 cfs</u>	<u>Irrigation</u>	<u>04-01 to 11-01</u>
<u>01-258</u>	<u>Jan 22, 1916</u>	<u>3 cfs</u>	<u>Irrigation</u>	<u>04-01 to 11-01</u>

2. Total amount of water being transferred 9.0 cubic feet per second and/or acre-feet per annum3. Source of water Snake River tributary to Columbia River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	SE	36	4N	40E	Jefferson	Mattson-Craig Ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	26						Lot 4		Lot 3									108
04N	40E	27	38			33													71

Total Acres 179

6. General Information:

- a. Who owns the water right to be changed? Kymor Anne Ferguson - ownership change pending
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
the same lands will be irrigated - water will be delivered through Graig and Mattson Canal Co, Ltd.
- d. Has the water right sought to be transferred been used this year? No If yes, explain _____
- e. Absent the changes, how would the right be used for the remainder of the year? The pump is not there. Water can not be used
- f. Describe other water rights used for the same purpose.
Palisades Water users shares will not - cannot be used
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Anne Ferguson

Kym Ferguson
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by JC Date 5-28-04 Fee 850-

Receipted JC # E029899 Recommend: _____ approve _____ deny _____

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-01-46

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

1. Right 01-258 will not be delivered in 2004
 2. Right 01-223 will be shut off w/in 30 days
- Delivery of both rights are subject to
water master control

Witness my hand this 2nd day of June, 2004:

[Signature]
For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 01- 223 ; 01- 258)
KIMOR ANNE Ferguson)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC- 01- 46

WHEREAS, a drought emergency has been declared for Jefferson County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on May 28, 2004, Kym; ANNE Ferguson submitted the attached Temporary Change Application TC-01-46 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

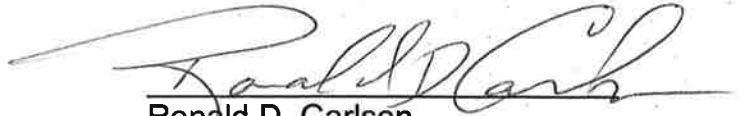
1. Diversion and use of right no(s). 01- 223 ; 01- 258 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-01-46

5. Right(s) 01-223 & 01-258 are limited to the irrigation of a total of 179 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 01 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on December 31, 2004 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval..

DATED this 2nd day of June, 2004.


Ronald D. Carlson
Eastern Regional Manager

TC-01-46

CRAIG and MATTSON CANAL CO., LTD.

**113 N 4925 E
Rigby, ID 83442**

We the undersigned, authorize Kym Ferguson to add an additional nine (9) C.F.S. to the Craig and Mattson Canal Company, Limited, system for the 2004 irrigation season.

Kym Ferguson - President
Clarence Hickman Secretary

DIVERSION # NAME

TC-01-46

Priority CFS Cumulative CFS Water Right Number Comments

13038388 Mattson-Craig Canal

1887-06-01	4.800	4.800	01-00050
1888-06-01	2.400	7.200	01-00225
1900-04-30	15.250	22.450	01-00125A
1916-01-22	14.000	36.450	01-00255

INFO ONLY

13038392 Sunnyside Canal

1882-07-01	1.000	1.000	23-00113B	
1885-06-01	1.600	2.600	01-00195F	
1885-06-01	0.575	3.175	01-00195H	
1886-06-01	0.113	3.288	01-00115F	TR 506
1886-06-01	0.600	3.880	01-00115K	TR 560
1887-06-01	1.027	4.915	01-00116*	TR 506
1888-06-01	14.000	18.915	01-00094B	
1888-06-01	2.400	21.315	01-00286B	
1889-06-01	24.000	45.315	01-00121	
1889-06-01	20.000	65.315	01-00180	
1891-06-01	30.000	95.315	01-00083D	TR 494
1902-04-14	140.000	235.315	01-00046	

13038393 Covington Pump

1974-11-12	7.380	7.380	01-07006
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13038398 Ferguson Pump

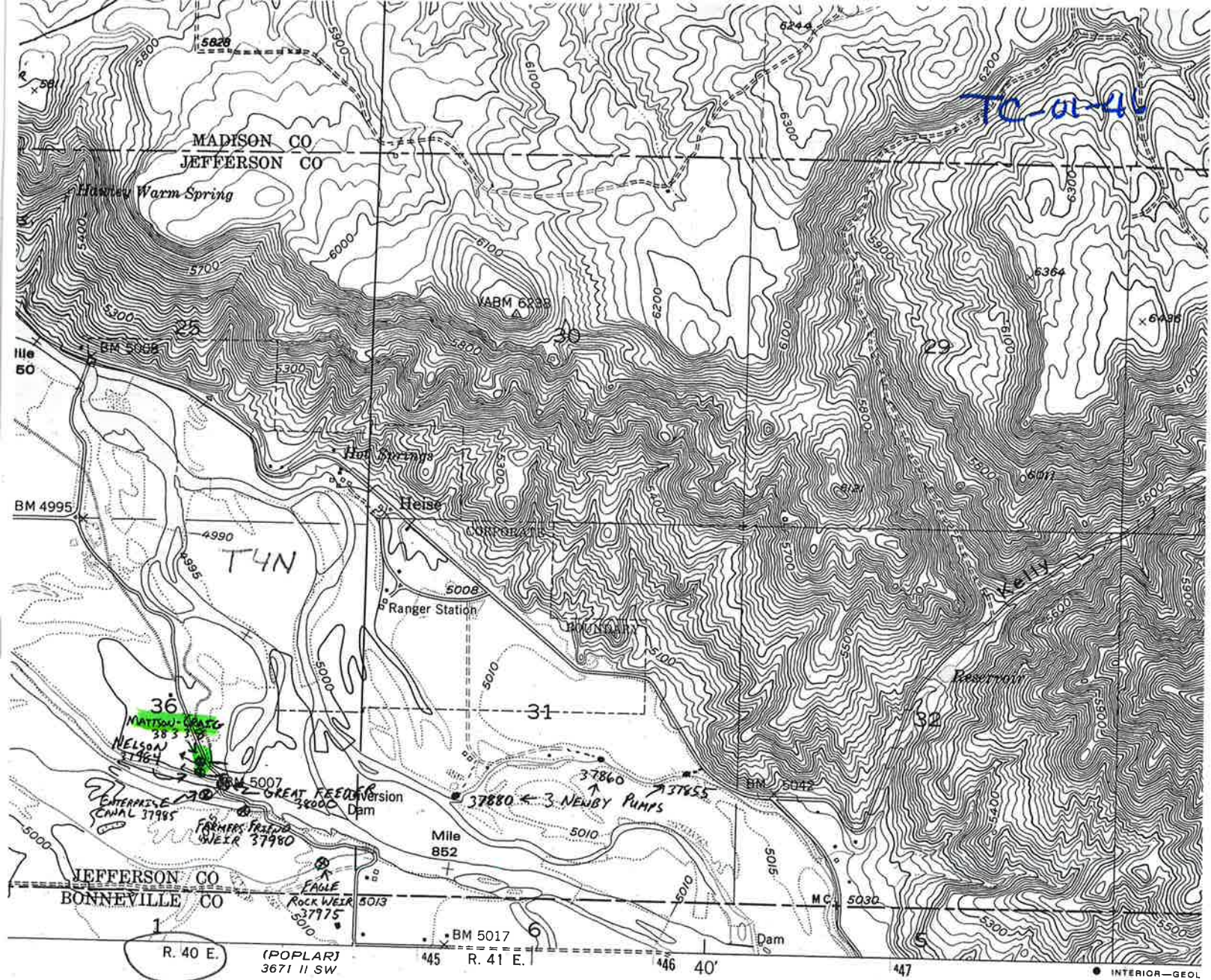
1891-06-01	6.000	6.000	01-00223
1916-01-22	3.000	3.000	01-00258

13038405 Parkinson T Pump

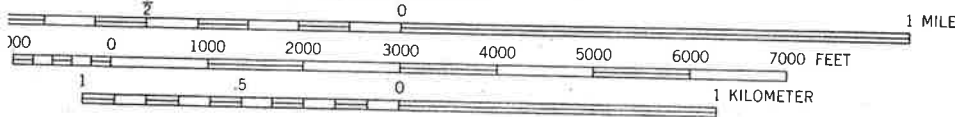
1974-07-22	7.000	7.000	01-07004
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13038426 Lenroot Canal

1884-06-01	9.000	9.000	01-00097	
1885-06-01	9.000	18.000	01-00098	
1885-06-01	0.150	18.150	01-00149B	TR 3923
1886-06-01	9.180	27.330	01-00115H	TR 558
1886-06-01	4.560	31.890	01-00115M	TR 563
1886-06-01	0.620	32.510	01-00150B	
1889-06-01	6.000	38.510	01-00099	
1889-06-01	1.540	40.050	01-00151B	
1891-06-01	15.000	55.050	01-00101A	01-00100 and 01-00101 amended?
1892-06-01	5.000	60.050	01-00101B	01-00100 and 01-00101 amended?
1894-06-01	0.010	60.060	01-00187D	
1899-06-01	76.000	136.060	01-00100*	Amended? (see 01-00101 A&B)
1903-06-01	100.000	236.060	01-00101*	Amended? (see 01-00101 A&B and 01-00100)
1916-01-22	0.770	236.830	01-00251B	
1939-04-01	0.670	237.500	01-00323B	



SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 5 FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Pantaf
 Diversion

TC-01-46

ROAI

Heavy-duty 4

Medium-duty 4

U. S. Ro



QUADRANGLE LOCATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-223

WATER RIGHT NUMBER: 1-223

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEATRICE D BLAKELY 4877 E 150 N RIGBY, ID 83442 (208)538-7332

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	6.000 CFS	
	<u>Total Diversion:</u>		6.000 CFS	

Location of Point(s) of Diversion

SNAKE RIVER L3 (SE1/4NW1/4) Sec. 26,Twp 04N,Rge 40E, B.M. JEFFERSON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 40E 26						38.0	35.0	35.0									108.0
						L 4		L 3									
04N 40E 27	38.0			33.0													71.0
	L 1																

Total Acres: 179

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 11/30/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number: 01

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

TC-01-46

06/01/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-258

WATER RIGHT NUMBER: 1-258

Owner Type Name and Address
 Current Owner BEATRICE D BLAKELY
 4877 E 150 N
 RIGBY, ID 83442
 (208)538-7332

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

Source Tributary
 SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 11/01 3.000 CFS

Total Diversion: 3.000 CFSLocation of Point(s) of Diversion

SNAKE RIVER SE1/4NW1/4 Sec. 26, Twp 04N, Rge 40E, B.M. JEFFERSON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 40E 26						38.0	35.0	35.0									108.0
						L 4		L 3									
04N 40E 27	38.0			33.0													71.0

Total Acres: 179

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 11/30/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

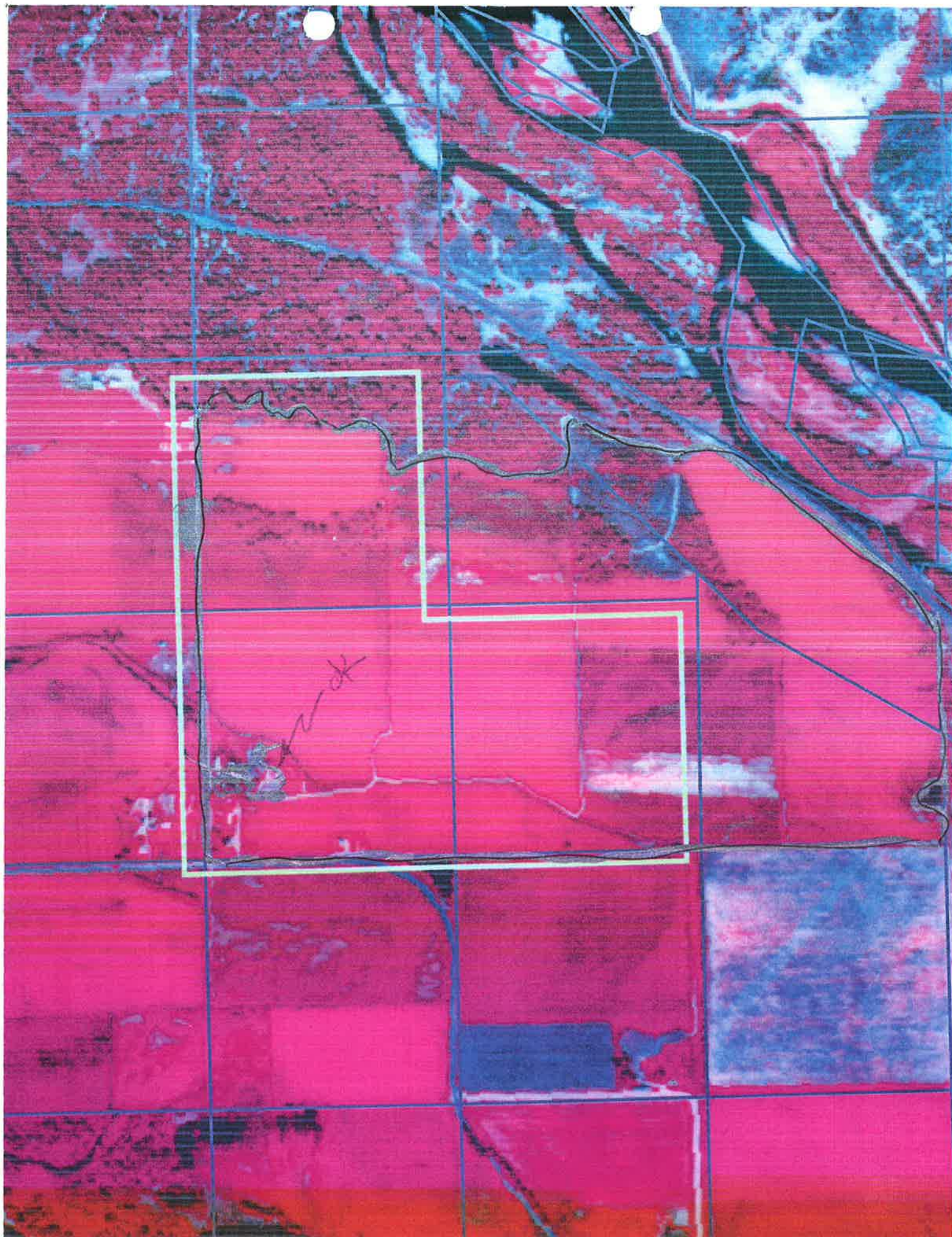
Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Ferguson, P.O.U.

TC-01-46



Notes

Claims A01-00223 + A01-00258

TC-01-46

- 1/ Exam was done on 5-27-04 with new owners, Kym and/or Anne Ferguson
15533 East River Hwy
River, ID

Phone # 538-7949

Cell # 317-7949

- 2/ Change of ownership form was given to the Ferguson's with instructions.

- 3/ Both rights now are diverted thru the headgate of the Craig-Mattson Ditch

GPS 2686116

1383599

File # CRAIGM

- 4/ Map + Report in File A01-00223.

- 5/ Claimants (Fergusons) say River pump was taken out years ago. I will advise them the well used to file a transfer of R&D to the Craig-Mattson Ditch.

AUG 22 2001

7c-01-46 xx

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00223
Date Received: 11/30/1988
Receipt No: E00470
Received By: HCS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A0100223



- Name: BEATRICE BLAKELY
Address: 4877 E. 150 N.
RIGBY, ID 83442
208-538-7332
- Date of Priority: JUN 01, 1891
- Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
- Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 04N | 40E | 26 | SE | NW | | 3 | JEFFERSON |
- Description of diverting works:
PUMP FROM RIVER TO DITCH
- Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 6.000 | | |
- Total Quantity Appropriated is:
6.000 C.F.S. (and/or) A.F.A.
- Total consumptive use is 543.5 Acre Feet Per Annum.
- Non-irrigation uses:
STOCK
- Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	26	NW	NW	4	IRR	38.0
			SW	NW		IRR	35.0
			SE	NW	3	IRR	35.0

Section Acres 108.0

A01-00223

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Date: 11/30/88

MICROFILMED

OCT 19 1992

AUG 22 2001

TC-01-46

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	27	NE	NE	1	IRR	38.0
			SE	NE		IRR	33.0
Section Acres							71.0
Total Acres							179.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A01-00258

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 010223
Case Number:
Court :
Decree date: 1/31/1920

JACOB R. ARNSBERGER
Decree Plaintiff

vs

JOHN EMPEY.
Decree Defendant

SCANNED

AUG 22 2001

7c-01-46

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

N RE THE GENERAL ADJUDICATION
F RIGHTS TO THE USE OF WATER FROM
HE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00258
Date Received: 11/30/1988
Receipt No: E 004770
Received By: Hest

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEATRICE BLAKELY
Address: 4877 E. 150 N.
RIGBY, ID

208-538-7332

83442

2. Date of Priority: JAN 22, 1916

3. Source: SNAKE RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	26		SE	NW		JEFFERSON

5. Description of diverting works:
PUMP IN RIVER TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		

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

8. Total consumptive use is 543.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK USE FROM DITCH

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	26	NW	NW	4	IRR	38.0
			SW	NW		IRR	35.0
			SE	NW	3	IRR	35.0

Section Acres 108.0

A01-00258

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Date: 11/30/88

A0100258



MICROFILMED

OCT 19 1992

TC-01-46

SCANNED
AUG 27 2001

Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	27	NE	NE		IRR	38.0
			SE	NE		IRR	33.0
Section Acres							71.0
Total Acres							179.0

Place of use in counties: JEFFERSON

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

Other Water Rights Used:
A01-00223

Remarks:

basis of Claim: DECREED
Water Right Number: 010258
Case Number:
Court :
Decree date: 6/25/1929

<u>OODVILLE CANAL</u>		<u>CLARK AND EDWARDS CANAL.</u>
Decree Plaintiff	vs	Decree Defendant

MICROFILMED
OCT 19 1992

A0100258