

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 26 2019

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the offices where your application can be submitted. for help completing this form and for mailing addresses of Department

Check all that apply:

AMENDED

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** West Cache Irrigation Company Phone 435-563-35012. **MAILING ADDRESS** c/o Ed Cottle, 1207 S 400 E City TrentonState UT Zip 84338 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 13-974 (186 cfs)

- ☒ Attach a copy of the water right(s) as recorded, available at _____, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 12 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at _____, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SE	SW	25	14S	39E	Franklin	Bear River	Main Canal
N	Utah		SW	SE	34	15N	01W	Cache	Bear River	Cornish Pumps
Y	Utah		NW	NE	30	13N	01W	Cache	Bear River	Cutler Res Pump

83369

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

See attached.

- b. Who owns the property at the point(s) of diversion? Cutler Res Pump = PacifiCorp

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

We are currently negotiating an easement/access agreement with PacifiCorp for the Cutler Pump site.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a _____ form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an _____
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at _____, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

SID MUNK
Print name and title if applicable

6-24-19
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The _____ is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the _____

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____
Fee paid \$1300 Date 6/17/19 Received by MP Receipt # E045085
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☒
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

**Application for Transfer 83369
West Cache Irrigation Company**

Response to Question 6a:

Riverdale diversion point is the head of our canal system. The Cornish Pump diversion point is used to supplement water down below during high demand, to eliminate having to run high water through a precarious section of the canal. These two diversion points are equipped with telemetry systems that report hourly on the Bear River Basin website. Both diversion points have staff gauges that our watermasters use to keep flows consistent to meet demand.

The new diversion point at Cutler Reservoir is needed to pump into a new 8.75 mile pressurized system to replace the open Newton lateral ditch. We would like to move 12 cfs from the Cornish Pump to the Cutler Pump. We will be installing the same telemetry system on the cutler pump station that will report on the Bear River Basin website.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/20/2019

Water Right 13-974

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WEST CACHE IRRIGATION CO C/O ED COTTLE 1207 S 400 E TRENTON, UT 84338 (801) 563-3501

Priority Date: 9/12/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR RIVER	GREAT SALT LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	186.000 CFS	51,912.0 AF
	<u>Total Diversion</u>		186.000 CFS	51,912.0 AF

Source and Point(s) of Diversion

BEAR RIVER	SESW	Sec. 25, Twp 14S, Rge 39E, FRANKLIN County
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Place Of Use

IRRIGATION within FRANKLIN County

T15S R39E S19
T15S R39E S20
T15S R39E S29
T15S R39E S30
T16S R39E S4
T16S R39E S5
T16S R39E S17
T16S R39E S19
T16S R39E S20
T16S R39E S29
T16S R39E S30

Conditions of Approval:

1. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
2. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 11, Bear River District, Idaho in conjunction with the equivalent authority for the second point of diversion located within Utah.
Upon a satisfactory showing by the watermaster of Water District No. 11, as determined by the department, that the rate of diversion from the authorized points of

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/20/2019

diversion cannot be properly controlled to insure there is no injury to other water users and that there is no enlargement in use of water under this transfer, the Director may rescind approval of this transfer

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and method of accounting acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under Transfer No. 4914 shall not exceed 186.0 cfs, nor total combined annual volume of 51,912.0 af.

A second point of diversion is authorized within the NENW, Sec 3, T14N, R01W, Cache County, Utah S.L.B.&M.

Right No. 13-00974 is limited to the total combined irrigation of 14,832 acres within the place of use described above located in the state of Idaho and the place of use described below within the state of Utah.

The portion of the place of use located within Utah is described as follows: Sec 34 and 35, T15N, R01W; Sec 03, 04, 09, 10, 11, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 and 36, T14N, R01W; Sec 01, 02, 03, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36, T13N, R01W; Sec 05, 06, 07, 08, 18, 19 and 30, T13N, R01E, Sec 01, 02, 03, 04, 11 and 12, T12N, R01W; S.L.B.&M.

4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SWNW SENW

NWSW NESW NWSE

25

14S39E

Main Canal

SWSW SESW SWSE

36

NWNW NENW NWNE

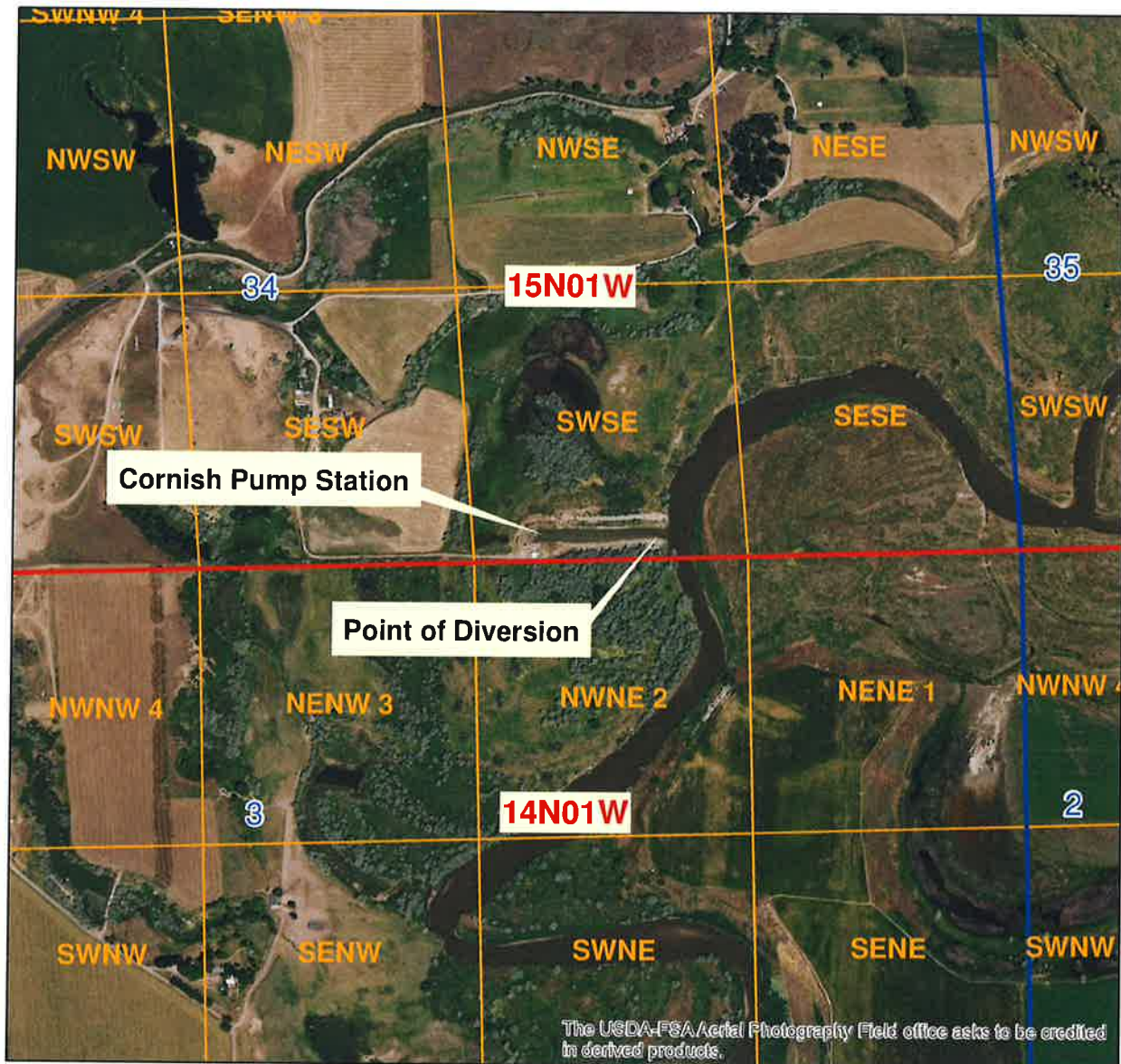
The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

 Township/Range
 Sections
 QQ

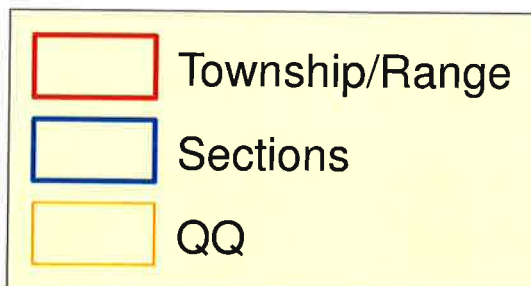


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**Application for Transfer 83369
West Cache Irrigation Company**



2013 Aerial Photo



0 750 1,500 Feet



Application for Transfer 83369

West Cache Irrigation Company

Legend

 Cutler Pump Station

Cutler Pump Station

Google Earth

© 2018 Google

1000 ft



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No. C 27289		Due no later than Jul 31, 2018 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. WEST CACHE IRRIGATION COMPANY (THE) ED COTTLE 1207 S 4TH E TRENTON UT 84338		ALTON W BUTTARS 2829 WEST 4600 SOUTH WESTON ID 83286	
				3. <u>New</u> Registered Agent Signature:*	
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
SECRETARY	ED COTTLE	1207 SOUTH 400 EAST	TRENTON	UT	USA 84338
DIRECTOR	SID MUNK	2425 WEST 5900 NORTH	AMALGA	UT	USA 84335
DIRECTOR	LARRY B PITCHER	12034 N 4800 W	CORNISH	UT	USA 84308
PRESIDENT	GLADE T GRIFFIN	338 NORTH MAIN	TRENTON	UT	USA 84338
VICE PRESIDENT	MICHAEL SPACKMAN	270 S 1200 E	TRENTON	UT	USA 84338
DIRECTOR	RYAN MERRILL	3402 W 3000 N	BENSON	UT	USA 84335
5. Organized Under the Laws of: UT C 27289		6. Annual Report must be signed.* Signature: Edward Lee Cottle Name (type or print): Edward Lee Cottle Date: 05/29/2018 Title: sec			
Processed 05/29/2018		* Electronically provided signatures are accepted as original signatures.			

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4914
WATER RIGHT NO. 13-00974

This is to certify that: **WEST CACHE IRRIGATION COMPANY**
C/O ED COTTLE
1207 S 400 E
TRENTON UT 84338

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>
IRRIGATION	04/15 to 10/15	* 186.00 CFS	* 51912.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 09/12/1899

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 25, Township 14S, Range 39E
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	39E	19				
		20				
		29				
		30				
16S	39E	4				
		5				
		17				
		19				
		20				
		29				
		30				

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

83369

TRANSFER NO. 4914
WATER RIGHT NO. 13-00974

CONDITIONS OF APPROVAL AND REMARKS

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.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 11, Bear River District, Idaho in conjunction with the equivalent authority for the second point of diversion located within Utah.
6. Upon a satisfactory showing by the watermaster of Water District No. 11, as determined by the department, that the rate of diversion from the authorized points of diversion cannot be properly controlled to insure there is no injury to other water users and that there is no enlargement in use of water under this transfer, the Director may rescind approval of this transfer.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and method of accounting acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4914 shall not exceed 186.0 cfs, nor total combined annual volume of 51,912.0 af.
9. A second point of diversion is authorized within the NENW, Sec 3, T14N, R01W, Cache County, Utah S.L.B.&M.
10. Right No. 13-00974 is limited to the total combined irrigation of 14,832 acres within the place of use described above located in the state of Idaho and the place of use described below within the state of Utah.
11. The portion of the place of use located within Utah is described as follows: Sec 34 and 35, T15N, R01W; Sec 03, 04, 09, 10, 11, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 and 36, T14N, R01W; Sec 01, 02, 03, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36, T13N, R01W; Sec 05, 06, 07, 08, 18, 19 and 30, T13N, R01E; Sec 01, 02, 03, 04, 11 and 12, T12N, R01W; S.L.B.&M.

Dated this 17th day of December, 1996.


Chief, Water Alloc. Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the offices where your application can be submitted. for help completing this form and for mailing addresses of Department

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** West Cache Irrigation company Phone _____
 2. **MAILING ADDRESS** C/O Ed Cottle 1207 S 400 E City Trenton
 State Utah Zip 84338 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 13-00974

- ☐ Attach a copy of the water right(s) as recorded, available at _____, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 12 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at _____, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	1				25	14S	39E	Franklin		
	2				34	14N	1W	Cache		
	3				30	13N	1W	Cache		

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6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Riverdale diversion point is the head of our canal system. The Cornish pump diversion point is used to supplement water down below during high demand, to eliminate having to run high water through a precarious section of the canal. The New diversion point at Cutler is needed to pump into a new pressurized system to replace the open Newton Lateral Ditch. We would like to move 12 CFS from the Cornish Pump to Cutler.

- b. Who owns the property at the point(s) of diversion?

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☐ No

- ☐ If yes and there are multiple owners, attach a form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at , Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Sid Munk
Signature of applicant or authorized agent

SID MUNK President
Print name and title if applicable

6-13-19
Date

Ed Cottle sec
Signature of applicant or authorized agent

Ed Cottle
Print name and title if applicable

6-13-19
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid 1,380.00 Date 6-17-19 Receipted by mp Receipt # E045085

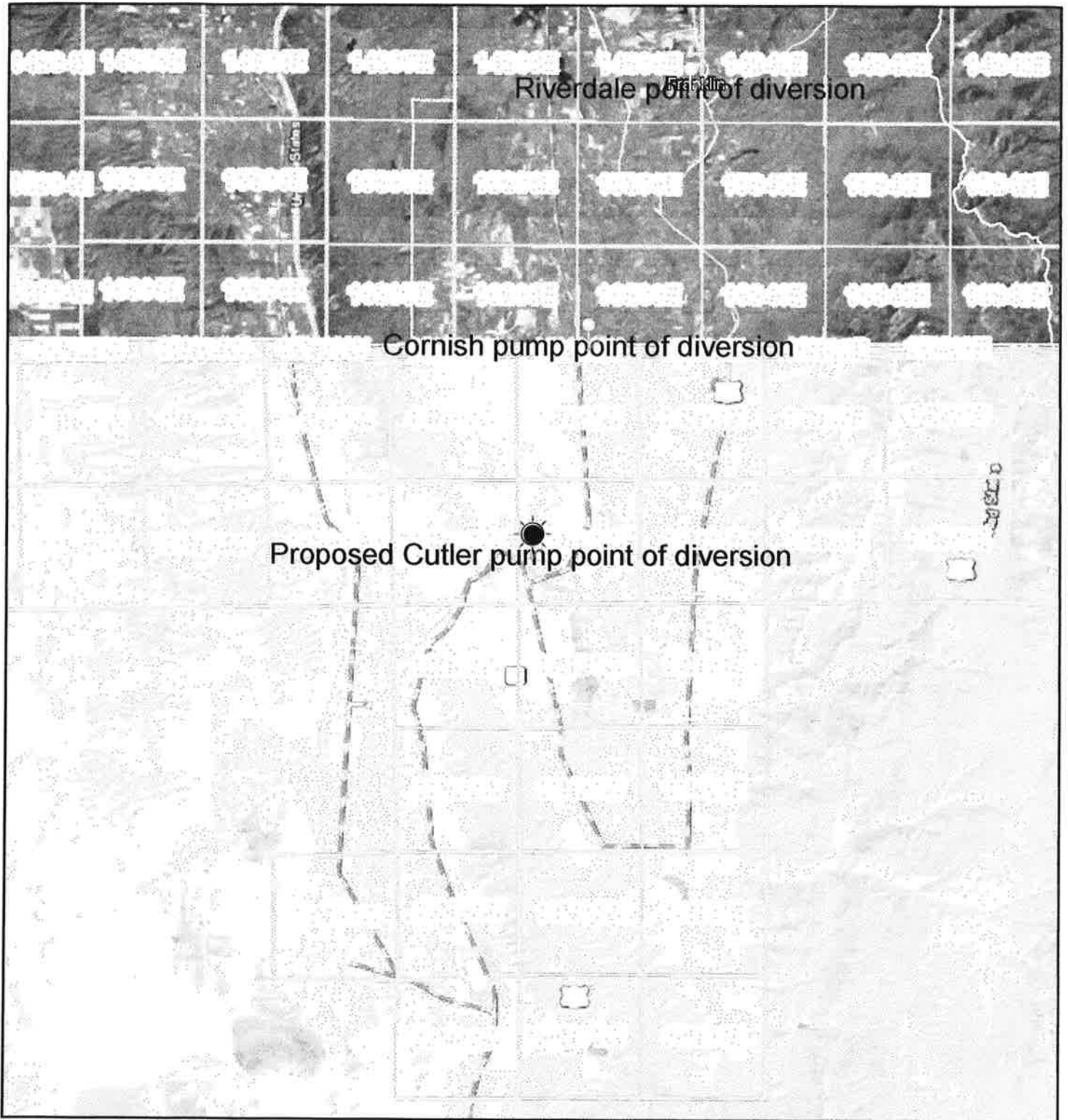
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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Application for Water Right



6/13/2019, 7:18:09 AM

Points

- Override 1
- Override 2

Override 3

Override 4

Counties

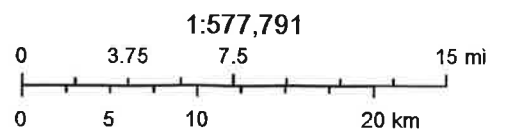


Township/Range



Idaho Outline

Idaho Mask



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps. Idaho Department of Water

83369