

T3653 WEARYRICK DITCH CO



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720 -(208) 327-7900

Charlie Moses
646 W HWY 39
83221

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 10, 1990

Willard Adams
Wearyrick Ditch Co.
42 S. 700 W.
Blackfoot, ID 83221

Re: Application for Transfer No. 3653

Dear Mr. Adams:

I have been told that you recently inquired about the status of the above transfer and asked that the Department expedite processing of this transfer. Our office, the state office, received this transfer from the regional office on May 7, 1990. I began reviewing the transfer late yesterday, May 9.

As I reviewed the application, I developed several questions which at this time prohibits me from making any recommendations about approval of this application. I have been unsuccessful in trying to call you directly.

First, I would like to point out that the right you have identified in the transfer, 01-0116, has been split numerous times by previous transfers. This splitting has resulted in numerous individual, fragmented rights which end with letter suffixes and appear as 01-0116A, 01-0116B etc. Your transfer application fails to identify the split portion of the original right 01-0116. By searching our records, I have found a split portion for 9.36 cfs which is diverted at the Wearyrick headgate. This right is identified as 01-0116AH. Our records list 13 different individuals as the current owners of this right. Our records also show that this right is only appurtenant to half of the land identified as the place of use under item B.5 of the proposed transfer. Specifically, 01-0116AH is appurtenant to the NE1/4SW1/4, but not the SE1/4NW1/4 of section 1, T3S R34E. None of the split rights under 01-0116 are appurtenant to the SENW of section 1. There are several rights however that are appurtenant to both of the 40 acre parcels and list the Wearyrick headgate as the point of diversion. These rights include 01-0193 and 01-0247 and are under the name of the Wearyrick Ditch Co. A third right, 01-0002A is also appurtenant to both tracts, but this right lists both the Wearyrick headgate and the Trego headgate as the points of diversion. There are also several other rights, 01-0117AR and 01-00118AK, from the Wearyrick Ditch appurtenant to the NESW, but not appurtenant to the SENW.

1 2 3 4

My primary concern with this transfer is whether you have identified the correct right. Is 01-00116AH the right which you are identifying under your application? Also, I am curious as to the status of the other rights which I identified above, and why they were not listed on your transfer. Are these other rights still active or delivered? Since a portion of the land under your transfer is not covered by any portion of the 01-0116 original right, I don't feel that the transfer application is acceptable at this time.

My second concern with this transfer is that the proposed rate of diversion for the 80 acres appears to be excessive. Please explain to the Department how this rate was determined.

I regret to inform you that the Department can not further consider this transfer until you have addressed my concerns which are outlined above. Please feel free to contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,



Tim Luke

Sr. Water Resource Agent

S.O. 5-7-90

status unknown

Page 1 of STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3653APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Wearyrick Ditch Company c/o Willard Adams Phone 684-4747Post Office address 42 South 700 West, Blackfoot, ID 83221

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 We wish to transfer this water to the head works of the Watson Slough Irrigation Co. which can better deliver water to Mr. Hyrum Lewis' property.

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>01-00116</u>	<u>6-1-1887</u>	<u>3.24 cfs</u>	<u>Irrigation</u>	<u>4-1</u> to <u>11-1</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 3.24 cubic feet per second and/or acre-feet per annum.3. Source of water Snake River tributary to Columbia River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	5	3S	35E	Bingham	Watson Slough Ditch

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	
3S	34E	1								40	40								80

Total acres 80

PART 1

6. General Information:

a. Description of diversion system Head works of Watson Slough Ditch

N/A

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:

This is a diversion point change only. Lands of Hyrum Lewis will be served by
Watson Slough rather than Wearyrick Ditch Co.

d. Remarks:

Adjudication claim for both companies will need to be amended upon approval of
this transfer. Adjudication claim #A01-10048 was used to reflect this right
01-00116AF. The expanded place of use shown in Part 1 of transfer is based on
this claim.**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. T459/01-00116AF 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 Snake River tributary to Columbia River

4. Date or priority June 1, 1887

5. Water is used for the following purpose:

amount 9.370 cfs for Irrigation purposes from 4-1 to 11-1
(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 9.370 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
		SE	SE	32	2S	35E	Bingham	

8. Lands irrigated or place of use:

* See attached list

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	

Total acres

9. Describe any other water rights used for the same purpose as described above 01-00191, 01-00193, 01-00052B,
01-00117AR, 01-00053B

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 3.24 for Irrigation purposes from 4-1 to 11-1
 (cfs/ft) ~~6.33~~
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	32	2S	35E	Bingham	Wearyrick Ditch

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	
3S	34E	1								40	40								80

* Land list as per claim A01-10048

Total acres _____

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

1. amount 6.13 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ft) ~~6.33~~
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	32	2S	35E	Bingham	Wearyrick Ditch

3. Lands irrigated or place of use:

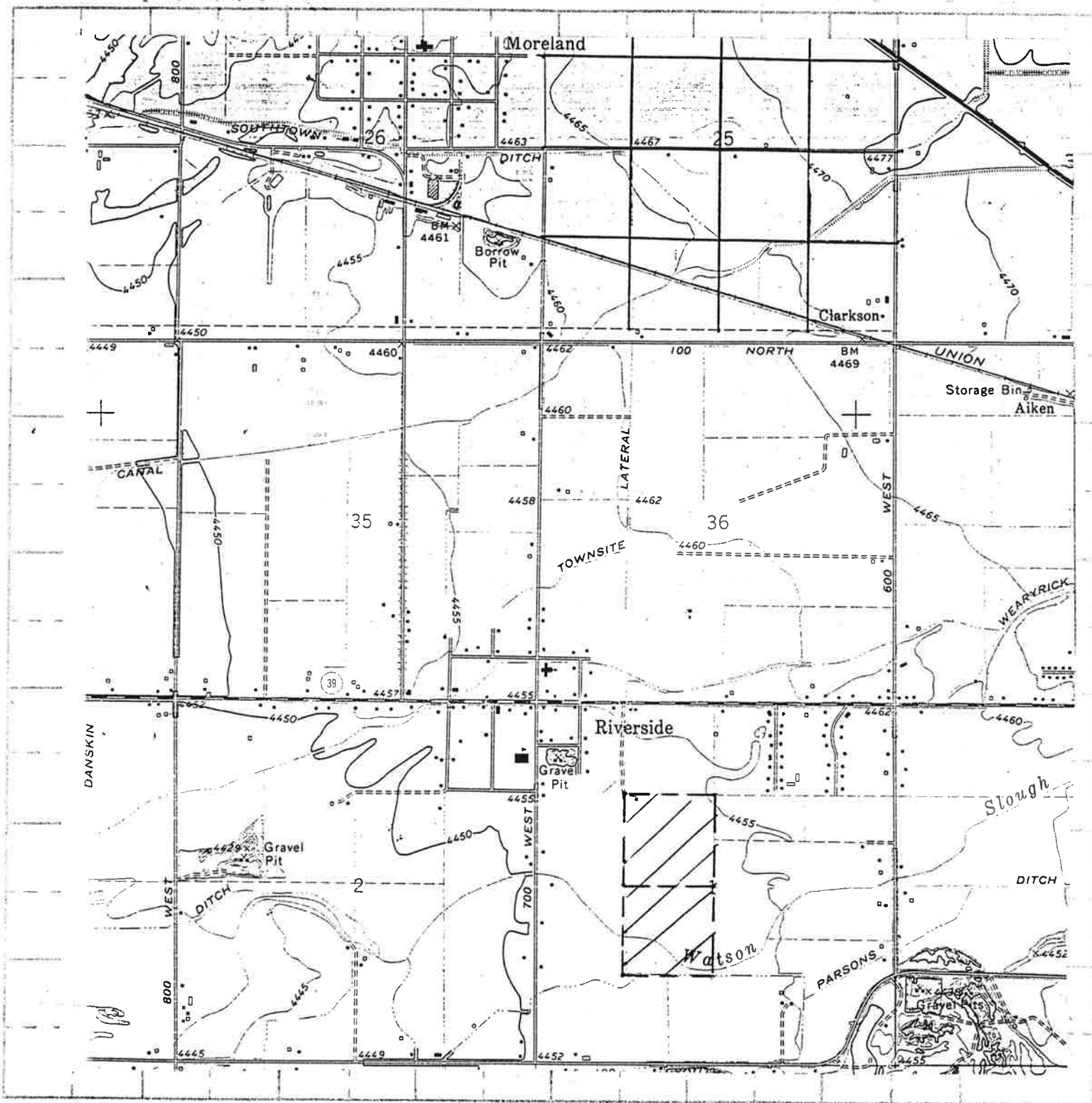
* See attached list

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	

Total acres _____

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				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.

Secretary of Weavrich Ditch Co. William L. A.
 Title — (Signature of Applicant)

Subscribed and sworn to before me this 23rd day of November, 19 89.

Cathryn N King
 (Notary Public)

My commission expires April 21, 1993

FOR DEPARTMENT USE ONLY

Asst 2 by HWJ

Transfer contains pages and attachments

Received by RB Date 11-24-89 Protest filed by

Prelim. check by H Fee \$50.00

Received by HWJ #E011198 Date 11-27-89

Published in Morning News Copies of protest forwarded by

Pub. dates 2-15 & 22-90 Hearing held by Date

Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 rec'd. by

Copy of transfer sent to lien holder

* Place of use attachment
 Taken from adj. claim
 A01-10048

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	34E	35	SE	SE		IRR	10.0
						Section Acres	10.0
		36	SW	SW		IRR	2.0
A01-10048		Page	1			Date:	11/13/89

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02S	34E	36	SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							122.0
03S	34E	1	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	2.0
			NW	NW		IRR	32.0
			SW	NW		IRR	40.0
Hyrum Lewis property			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	8.0
Section Acres							322.0
		2	NW	NE		IRR	20.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	20.0
			SE	NW		IRR	40.0
			NE	SE		IRR	40.0
Section Acres							200.0
		3	NE	SW		IRR	18.0
			NW	SW		IRR	40.0
			SW	SW		IRR	29.0
			SE	SW		IRR	11.0
Section Acres							98.0
		4	SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							360.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	5	NE	SE		IRR	40.0
			SW	SE		IRR	35.0
			SE	SE		IRR	40.0
			Section Acres				115.0
		8	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			Section Acres				155.0
		9	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			Section Acres				160.0
			Total Acres				1542.0

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

01-00193/10046/10047/10049/10050/00247.

14. Remarks:

WEARYRICK DITCH CO. HOLDS THE WATER RIGHT. THE COMPANY HAS ISSUED SHARES TO THE INDIVIDUALS OWNING THE LAND LISTED AS THE PLACE OF USE.

BELOW IS A LISTING OF WATER RIGHTS THAT ARE BEING FILED ON BY THIS CO. BECAUSE MOST OF THESE RIGHTS WERE ACQUIRED THROUGH TRANSFERS FROM OTHER CANALS NEW RIGHT NUMBERS HAVE BEEN ASSIGNED.

NEW NUMBER	OLD NUMBER	PRIORITY	AMOUNT (CFS)
A01-10046	01-00191?	03/06/1885	3.2
A01-00193	01-00193	05/03/1886	38.0
A01-10047	01-00052B (T273)	07/23/1886	2.5
A01-10048	01-00116ANF (T459)	06/01/1887	9.37
A01-10049	01-00117AR (T459)	06/01/1888	1.20
	01-00053B (T273)	06/01/1888	2.0

14. Remarks: Continued

A01-10050	01-00118AK (T459)	06/01/1889	1.59
A01-00247	01-00247	01/22/1916	30.0

FOR MAP OF SERVICE AREA SEE NOTICE OF CLAIM NO. A01-00193.

