

**T3739 KUKACHKA**



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Transfer No. 3739**APPROVED****SEP 6 1996 APPLICATION FOR TRANSFER OF WATER RIGHT****PART 1**

Department of Water Resources

Eastern District Office

Name of applicant Francis R. Kukachka Phone 547-3837Post Office address 17 Old Oregon Rd. Soda Springs, ID 83276**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 New point of diversion is adjacent to my ground.  
I would pump directly out of the creek rather than take water from the Higley - Body  
ditch.

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

- | 1. Right Number | Priority           | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use              |
|-----------------|--------------------|-----------------------|-------------------|----------------------------|
| <u>11-00370</u> | <u>May 1, 1891</u> | <u>0.005</u>          | <u>Irrigation</u> | <u>4-20</u> to <u>9-30</u> |
| <u>11-00371</u> | <u>May 1, 1901</u> | <u>0.011</u>          | <u>Irrigation</u> | <u>4-20</u> to <u>9-30</u> |
| <u>11-00372</u> | <u>May 1, 1908</u> | <u>0.06</u>           | <u>Irrigation</u> | <u>4-20</u> to <u>9-30</u> |
|                 |                    |                       |                   | to _____                   |
2. Total amount of water being transferred 0.08 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Bailey Creek tributary to Bear River
4. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|----|----|----|------|------|------|-----------|--------------------------|
|     | NE | NE | NW | 5    | 10S  | 42E  | Bear Lake |                          |
|     |    |    |    |      |      |      |           |                          |
|     |    |    |    |      |      |      |           |                          |
|     |    |    |    |      |      |      |           |                          |

**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 |        |
| 10S  | 42E  | 5    |      |      |      |      | 4    |      |      |      |      |      |      |      |      |      |      |      | 4      |
|      |      |      |      |      |      |      | L-3  |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 4

**PART 1**

## 6. General Information:

a. Description of diversion system 1 HP pump in creek with 1½" line to place of use.b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X 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:

NA

## d. Remarks:

Most of the irrigable land in Sect. 5 is now subdivided. Irrigation on those lands  
is from wells. I wish to continue to irrigate my pasture from Bailey Creek.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 11-0370/0371/0372And said application is hereby APPROVED, subject to the following limitations and conditions:1. Use of water under these rights are subject to control by the watermaster of StateWater District No. 11A, Bailey Creek.2. These rights when combined shall provide no more than 3.0 afa per acre for the landsabove.

Witness my hand this

30<sup>th</sup>

day of

August, 19 90J. Glen Saxton  
Chief, Water Alloc. Bureau

**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. 11-00371 Decreed to Harvey W. Higley  
in case of Utah Power and Light Co. vs. Last Chance Canal Co.  
dated 7-14-1920 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. \_\_\_\_\_ 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 Bailey Creek tributary to Bear River

4. Date or priority May 1, 1901

5. Water is used for the following purpose:

amount 0.70 cfs for Irrigation purposes from 4-20 to 9-30  
(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 0.70 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  |
|-----|---|----|----|------|------|------|-----------|---------------------------|
|     |   | NW | SW | 5    | 10S  | 42E  | Bear Lake | Rhinehart - Hopkins Ditch |
|     |   | SW | SW | 5    | 10S  | 42E  | Bear Lake | Higley - Body Ditch       |
|     |   |    |    |      |      |      |           |                           |

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 |        |
| 10S  | 42E  | 5    |      |      |      |      | A    | A    | A    | A    | A    |      |      | A    |      |      |      |      | 250    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 250

9. Describe any other water rights used for the same purpose as described above 11-00370, 11-00372

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

\_\_\_\_\_ 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 0.011 for Irrigation purposes from 4-20 to 9-30  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|---|----|----|------|------|------|-----------|--------------------------|
|     |   | SW | SW | 5    | 10S  | 42E  | Bear Lake | Higley - Body Ditch      |
|     |   |    |    |      |      |      |           |                          |
|     |   |    |    |      |      |      |           |                          |

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 |        |
| 10S  | 42E  | 5    |      |      |      |      | 4    |      |      |      |      |      |      |      |      |      |      |      | 4      |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 4

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

1. amount 0.689 for Irrigation purposes from 4-20 to 9-30  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion  |
|-----|---|----|----|------|------|------|-----------|---------------------------|
|     |   | SW | SW | 5    | 10S  | 42E  | Bear Lake | Higley - Body Ditch       |
|     |   | NW | SW | 5    | 10S  | 42E  | Bear Lake | Rhinehart - Hopkins Ditch |
|     |   |    |    |      |      |      |           |                           |

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 |        |
| 10S  | 42E  | 5    |      |      |      |      | A    | A    | A    | A    | A    |      |      | A    |      |      |      |      | 246    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 246

**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. 11-00372 Decreed to Harvey W. Higley  
in case of Utah Power and Light Co. vs. Last Chance Canal Co.  
dated 7-14-1920 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. \_\_\_\_\_ 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 Bailey Creek tributary to Bear River

4. Date or priority May 1, 1908

5. Water is used for the following purpose:

amount 4.0 for Irrigation purposes from 4-20 to 9-30  
(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 4.0 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  |
|-----|---|----|----|------|------|------|-----------|---------------------------|
|     |   | NW | SW | 5    | 10S  | 42E  | Bear Lake | Rhinehart - Hopkins Ditch |
|     |   | SW | SW | 5    | 10S  | 42E  | Bear Lake | Higley and Body Ditch     |
|     |   |    |    |      |      |      |           |                           |

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 |        |
| 10S  | 42E  | 5    |      |      |      |      | A    | A    | A    | A    | A    |      |      | A    |      |      |      |      | 250    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 250

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
 \_\_\_\_\_ 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 0.06 for Irrigation purposes from 4-20 to 9-30  
 (cfs/ac-ft)  
 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 |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     |     | SW  | SW  | 5    | 10S  | 42E  | Bear Lake | Higley - Body 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 |        |
| 10S  | 42E  | 5    |        |        |        |        | 4      |        |        |        |        |        |        |        |        |        |        |        | 4      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 4

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

1. amount 3.94 for Irrigation purposes from 4-20 to 9-30  
 (cfs/ac-ft)  
 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  |
|-----|-----|-----|-----|------|------|------|-----------|---------------------------|
|     |     | SW  | SW  | 5    | 10S  | 42E  | Bear Lake | Higley - Body Ditch       |
|     |     | NW  | SW  | 5    | 10S  | 42E  | Bear Lake | Rhinehart - Hopkins 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 |        |
| 10S  | 42E  | 5    |        |        |        |        | A      | A      | A      | A      | A      |        |        | A      |        |        |        |        | 246    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 246

**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. 11-00370 Decreed to Harvey W. Higley  
in case of Utah Power and Light Co. vs. Last Chance Canal Co.  
dated 7-14-1920 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. \_\_\_\_\_ 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 Bailey Creek tributary to Bear River

4. Date or priority May 1, 1891

5. Water is used for the following purpose:

amount 0.30 cfs for Irrigation purposes from 4-20 to 9-30  
(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 0.30 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  |
|-----|---|----|----|------|------|------|-----------|---------------------------|
|     |   | NW | SW | 5    | 10S  | 42E  | Bear Lake | Rhinehart - Hopkins Ditch |
|     |   | SW | SW | 5    | 10S  | 42E  | Bear Lake | Higley and Body Ditch     |
|     |   |    |    |      |      |      |           |                           |

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 |        |
| 10S  | 42E  | 5    |      |      |      |      | A    | A    | A    | A    | A    |      |      | A    |      |      |      |      | 250    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 250

9. Describe any other water rights used for the same purpose as described above 11-00371, 11-00372

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
 \_\_\_\_\_ 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 0.005 cfs for Irrigation purposes from 4-20 to 9-30  
 (cfs/ac-ft)  
 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 |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     |     | SW  | SW  | 5    | 10S  | 42E  | Bear Lake | Higley - Body 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 |        |
| 10S  | 42E  | 5    |        |        |        |        | 4      |        |        |        |        |        |        |        |        |        |        |        | 4      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 4**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.295 for Irrigation purposes from 4-20 to 9-30  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

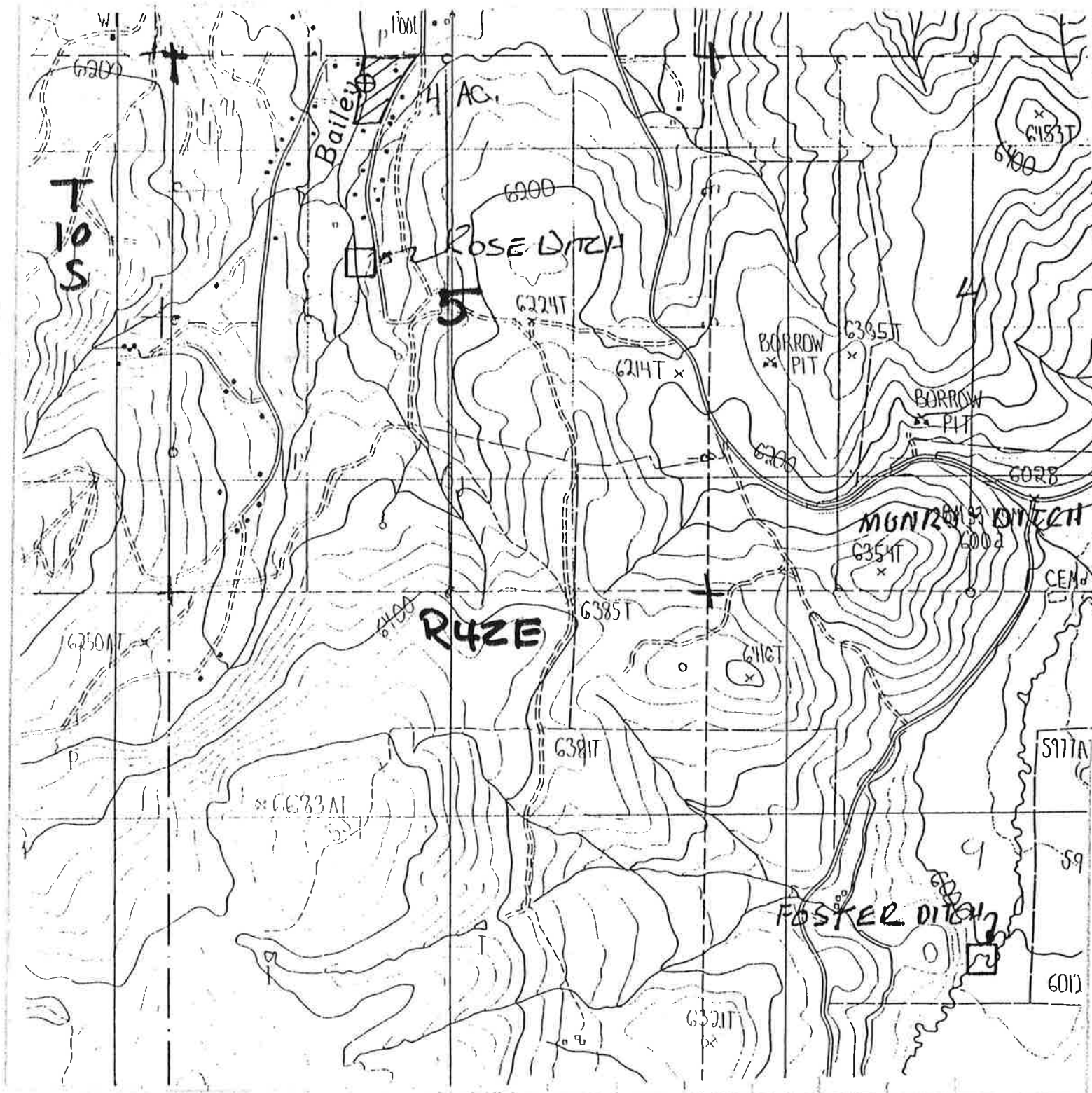
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion  |
|-----|-----|-----|-----|------|------|------|-----------|---------------------------|
|     |     | SW  | SW  | 5    | 10S  | 42E  | Bear Lake | Higley - Body Ditch       |
|     |     | NW  | SW  | 5    | 10S  | 42E  | Bear Lake | Rhinehart - Hopkins 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 |        |
| 10S  | 42E  | 5    |        |        |        |        | A      | A      | A      | A      | A      |        |        | A      |        |        |        |        | 246    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 246

**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 | 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.

Francis R. Kubaeha  
(Signature of Applicant)

Subscribed and sworn to before me this 14<sup>th</sup> day of June, 19 90.

JoAnn L. Rhodes  
(Notary Public)

My commission expires 2-19-91

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by Qul Date 6-15-90 Protest filed by \_\_\_\_\_

Prelim. check by DMD Fee 3000 # EQ14847

Receipted by HWT Date 6-15-90

Published in Caribou Cnty Press Copies of protest forwarded by \_\_\_\_\_

Pub. dates 7-19-26-90 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by Rxc

Copy of transfer sent to lien holder \_\_\_\_\_