

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Half Circle Cattle Company, Inc.
Name of applicant c/o Holden, Kidwell, Hahn & Crapo Phone 523-0620
Post Office address P. O. Box 129, Idaho Falls, Idaho 83402

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 31-0309

a. Decree No. -150- Decreed to Wood Livestock Company, a corporation
(Name)
in case of Sauve vs Abbott
dated in Nov 1, 1930 in United States District county of District of Idaho
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is successor in interest to lands described in attached copy of deed.
3. Source of water Spring Creek tributary to East Camas Creek
4. Date of priority October 1, 1900
5. Water is used for the following purposes:

amount 1.6 cfs for Irrigation purposes from May 1 to Nov. 1
~~April 1~~~~Nov 1~~
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 1.6 cubic feet per second
&/or
b. _____ acre feet per annum
"On or near land to be irrigated and hereafter described"
7. Location of original point of diversion is _____ ¼ of _____ ¼ of Section _____
Township 13N Range 39 E., B.M., in Clark County
Additional points of diversion, if any _____
8. Lands irrigated or place of use: See attached copy of land list from page 93 of decree

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

* 31-0308, -0310, -0311, 0312, -0313, -0314, -0315, -0316

Total number of acres to be irrigated _____

- * 9. Describe any other water rights used for the same purpose as described above All rights under decree nos. 150 and 151 were appurtenant to above land list.
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.6 c.f.s. &/or _____ acre feet
- b. Description of diverting works treated lumber headgate on Spring Creek;
ditch to place of use.
- c. Describe the reasons for the proposed changes Applicant owns a portion of lands
described in "Land List No. 7" in decree to which decree makes some 9
rights appurtenant. For at least 50 years, Applicants land has been irrigated
with only 3 of said rights. The purpose of this application is to make the
record comply with the actual use of one of those rights.

2. Change in point of diversion

Point of diversion SE ¼ NW ¼, Section 34 Township 13N
Range 39 E., B.M., Clark County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer There will be no effect because if there ever was an actual transfer,
it occurred many years ago and irrigation practices are intended to
continue as at present.

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.
HALF CIRCLE CATTLE COMPANY, INC.

BY: M. J. Lawrence & Sons
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of JULY, 19 83.

[Signature]
(Notary Public)

My commission expires LIFE

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____.

FOR DEPARTMENT USE ONLY

Received by <u>EME</u>	Date <u>7/29/83</u>	Protest filed by _____
Prelim. check by <u>HWS</u>	Fee <u>50.00</u>	_____
Received by <u>BP</u>	Date <u>8/1/83</u> # <u>29377</u>	_____
Published in <u>Standard Journal</u>		Copies of protest forwarded by _____
Pub. dates <u>11/10 - 11/17/83</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for <u>approval</u> <u>denial</u>
_____ rec'd. _____		by _____

LAND LIST NO. 7

Legal Subdivision	Section	Township North	Range E.B.M.
E $\frac{1}{2}$ SW $\frac{1}{4}$	34	13	39
E $\frac{1}{2}$ NE $\frac{1}{4}$	34	13	39
S $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$	9	12	39
SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$	4	12	39
S $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; Lots 3 and 4	4	12	39
W $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$	9	12	39
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33	13	39
W $\frac{1}{2}$ NE $\frac{1}{4}$; Section 34; SW $\frac{1}{4}$ SW $\frac{1}{4}$	> 27	~~13~~	39
E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 33; W $\frac{1}{2}$ SW $\frac{1}{4}$	34	13	39
Lots 4 and 4; SE $\frac{1}{4}$ NE $\frac{1}{4}$	6	13	39
All of Section	9	13	39

MEMORANDUM

TO: 31-0309

DATE: 1/5/84

FROM: Ernest Carlsen

This application requests the transfer of 1.60 cfs onto 230 acres within a 31- acre area and could easily represent an acreage expansion from 80 acres.

Companion applications submitted at the same time to transfer 31-0308/31-0310 and 31-0216 were all prepared to reflect an application rate of 0.02 cfs/acre. Furthermore, some of the new place of use is located on the other side of Spring Creek and may not be irrigable from the designated point of diversion.

A field investigation should be conducted to confirm the lands actually irrigated. Information should also be obtained from Don Shenton concerning the number of acres originally covered by the right and whether his records reflect the use of this water by Half Circle Cattle Company. Documentation of the irrigated acreage should also be filed with application for transfer no. 31-0216 (Protested)

January 5, 1984

Holden, Kidwell, Hahn & Crapo
Attn: Kent Foster
P.O. Box 129
Idaho Falls, ID 83402

RE: Application for Transfer of rights 31-0309, 31-0216
HALF CIRCLE CATTLE CO.

Dear Kent:

A review of the above applications reveals the need for our Department to conduct a field investigation prior to further action on the application to transfer #31-0309. The investigation to be conducted next summer, will identify the actual lands irrigated and collect other available data related to the right.

Since protested application for transfer of right #31-0216 involves the same place of use and point of diversion, we propose to delay a hearing on this application until the above investigation has been conducted.

Please advise if you or your client wish to be present at the time of the investigation.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:bp