

Original Sent
to Base for Review
#65
9-24-90

Transfer No. 2065

Application No. 21 2045

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

Name of applicant LaVar A. Cherry &/or Donna P. Cherry Phone 652-3357
Post office address Box 472, Ashton, Idaho 83420

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 21-2045 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 _____

By purchase from Miles F. Jones

3. Source of water Spring Creek tributary to Henrys Fork Snake River

4. Date of priority Dec. 3, 1911

5. Water is used for the following purposes:

amount 1.00 for Irrigation purposes from * to *
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 1.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3
Township 9N Range 43E, B.M., in Fremont County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9N	43E	11								20				5					25
		14					25												25

*Period not specified in the license.

Total number of acres to be irrigated 50

Posted

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, 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	

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

1. Change in point of diversion
- a. Amount of water to be diverted 1.00 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE ¼ NE ¼, Section 10 Township 9N
Range 43E, B.M., Fremont County
Additional points _____
- c. Description of diverting works 10' earth dam, pump, pipeline and sprinkler system
- d. Describe the reasons for applying for a change in the point(s) of diversion
To get the recorded point of diversion and place of use to agree with what
is happening in the field.

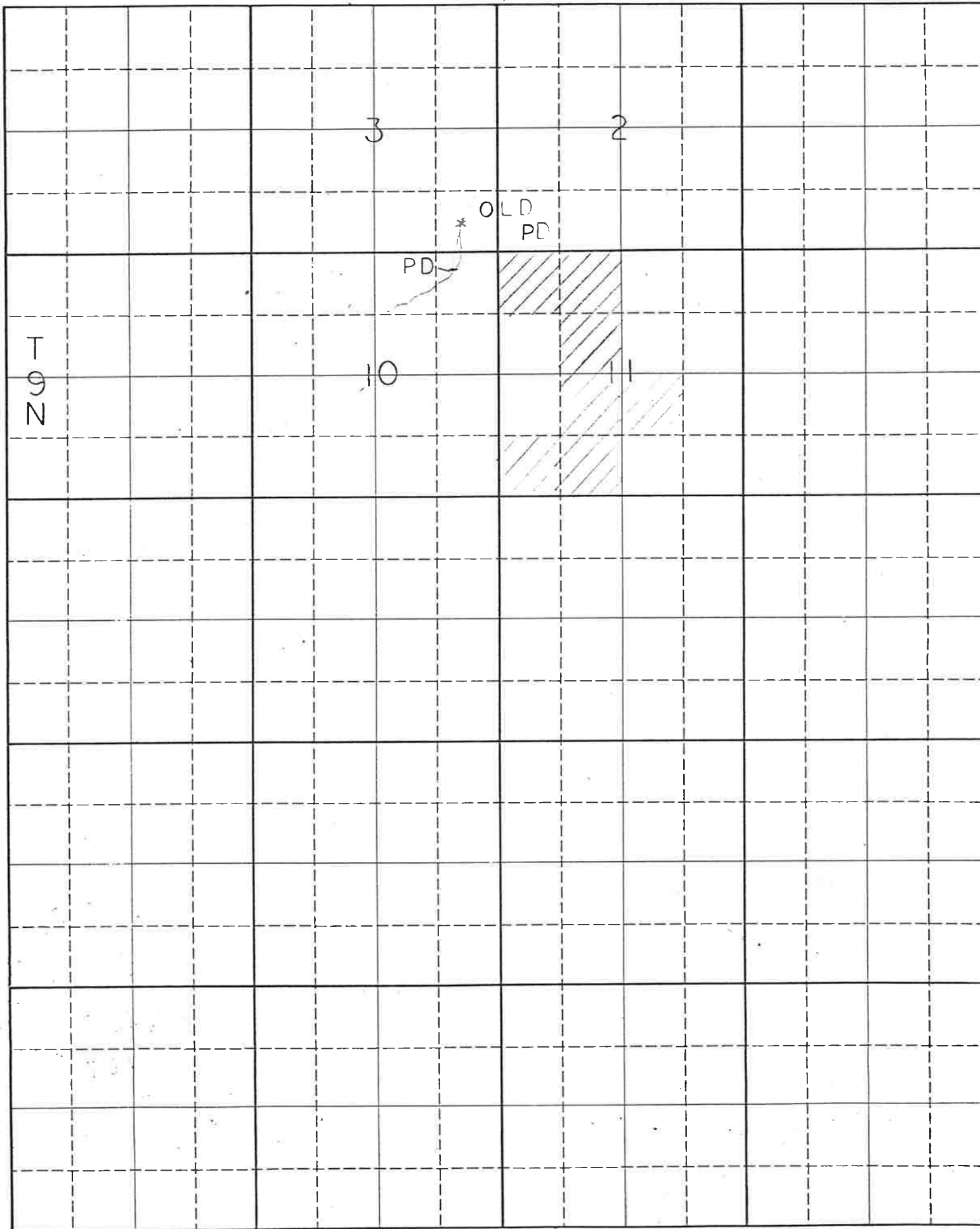
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	43E	11					10	16		25	20		30	35		30			166

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R43E



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

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 21st day of March, 19 77
Dennis P. Cherry
(Signature of applicant)

My commission expires March 21, 1979
Loren O. Hilborn
(Notary public)

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 _____.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by OW Date 3-21-77

Prelim. check by RDC Fee \$30.00

Receipted by OW Date 3-21-77

Published in Bozeman Herald #6461

Pub. dates March 31 & April 7, 1977

Watermaster recommendation requested on 3-27-77

WD #21 rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial _____
by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 30, 1990

RECEIVED

NOV - 1 1990

Department of Water Resources
Eastern District Office

LaVar A. Cherry
P.O. Box 472
Ashton, ID 83420

Dear Mr. Cherry:

RE: APPLICATION FOR TRANSFER NO. 2065 OF RIGHT NO. 21-2045

Enclosed at your request is a copy of the above referenced application for transfer.

The department will consider that the application for transfer has been superceded by the adjudication claim filed by Frank G. Summers, as described in my prior letter of October 9, 1990. The department also plans to consider the adjudication claim to be the more current representation of the water use and to not separately treat the application for transfer unless you can show a reason to treat it separately.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region - Water rights
- Adjudication
- Harold Jones ✓

Encl: 1

RECEIVED

OCT 12 1990

Department of Water Resources
Eastern District Office

October 9, 1990

LaVar A. Cherry
P.O. Box 472
Ashton, ID 83420

Dear Mr. Cherry:

RE: APPLICATION FOR TRANSFER NO. 2065 OF RIGHT NO. 21-2045

On March 21, 1977, you submitted the above referenced application for transfer which is still pending in department files. Final action to either approve or deny the application has not occurred.

A review of department records shows that the Snake River Basin adjudication claim which was filed on this water right by Frank G. Summers claims the right differently than the original right and differently from the pending application for transfer.

Since the adjudication claim is likely the more current representation of the water right than the application for transfer, the department intends to void the application for transfer and allow the adjudication claim to be the document to represent the water right unless you provide justification within thirty (30) days to show why the application for transfer should be considered separately by the department.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region - Water rights
- Adjudication
- Harold Jones