

RECEIVED

Transfer No. 01-0023/01-0297/
01-2068/01-2064

Application No. 2024

NOV 29 1976

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PENDING

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Department of Water Resources

Name of applicant Canyon View Irrigation Company Phone 208-785-4001

Post office address P. O. Box 411, Twin Falls, Idaho 83301 (1430 Filer Ave. East)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: See description of water right contained in attached copy of Contract of Sale from Rockford Canal Company to Canyon View Irrigation Company. (See Page B-4)

This water right is to be used in conjunction with Permit #2 7100 and when put to beneficial use will not exceed the number of acres contained within this original right for natural water.

dated _____ in _____ county of _____ (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 See attached copy of Agreement of Sale from Rockford Canal Company to Canyon View Irrigation Company.

3. Source of water Snake River (see _____ tributary to _____)

4. Date of priority attached agreement

5. Water is used for the following purposes:
amount entire for irrigation purposes from April 1 to November 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 92.2 cubic feet per second
b. 14,918.7425 acre feet per annum

7. Location of original point of diversion is SE 1/4 of NE 1/4 of Section 34
Township 1 S. Range 36 E. B.M. in Bingham County

Additional points of diversion, if any None

8. Lands irrigated or place of use:

TWP.	RANGE	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	
25	33E.	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
35	33E.	2	40	40	40	40	40	40	40	40	40	40							400
		3				40			40		40	40	40	40	40	40	40	40	400
		4													40				40
		10	40	40	40	40	40	40	40	40	40	40	40		40	40	40	40	600
		11			40	40				40	40				40				200
		12							40	40	40	40	40	40		40	40		320
		13		40	40		40	40	40	40	40	40	40	40	40	40	40	40	560
		14													40	40			80
		15	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
		20			40	40						40	40						160
		24	40	40	40	40	40	40											240
		29	40	40	40		40	40	40	40	40	40	40				40	40	520
35	34E	18					40	40	40	40	40	40	40						320

Total number of acres to be irrigated 5,040

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right 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. Total amount purchased under attached contract, less required transmission loss. _____ c.f.s. &/or _____ acre feet
- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE _____ ¼ SE _____ ¼, Section _____ Township _____
Range _____, B.M., _____ Twin Falls _____ County
Additional points _____

- c. Description of diverting works Milner Dam, Twin Falls Canal Company main highline to later 1-A and to the end of 1-A, then through Canyon View Canal system to lands described below.
- d. Describe the reasons for applying for a change in the point(s) of diversion Water is being transferred from land located in Bingham County, Idaho, to land located in Twin Falls County, Idaho, and Owyhee County, Idaho.

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	

Total number of acres to be irrigated _____

		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	
8	12E	30	40	40	40	40									40	40	40	40	320
8	12E	31	40	40	40	40									40	40	40	40	320
8	12E	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
8	12E	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
8	12E	20									40	40	40	40					160
8	12E	28									40	40	40	40					160
8	12E	33					40	40	40	40									160
9	12E	3					40	40	40	40	40	40	40	40	40	40	40	40	480
9	12E	4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	8	40	40	40	40													160
9	12E	9	40	40	40	40	40	40	40	40									320
9	12E	10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	15	40	40	40	40	40	40	40	40					40	40	40	40	480
9	12E	14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	22	40	40	40	40									40			40	240
9	12E	23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	27	40	40	40	40									40	40	40	40	320
9	12E	34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	12E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	12E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	12E	2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	12E	3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	12E	10	40	40	40	40													160
10	12E	11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	12E	12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	12E	13	40	40	40	40	40	40		40	40				40	40		40	440
9	13E	7									40	40	40	40					160
9	13E	18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	16									40	40	40	40	40	40	40	40	320
9	13E	19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

CONTINUED TO NEXT PAGE

		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	
9	13E	20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	27		40	40		40	40	40	40	40	40	40			40	40		480
9	13E	28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
9	13E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	2					40	40	40	40		40	40						240
10	13E	3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
10	13E	10	40	40	40	40	40	40	40	40									320
10	13E	16	40	40	40		40	40	40	40									280
10	13E	17	40	40	40	40													160

Total number of acres to be irrigated 31280

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.

CANYON VIEW IRRIGATION COMPANY, INC.
by Richard L. Jones, Pres.
(Signature of applicant)

Subscribed and sworn to before me this 10th day of May, 19 76

James V. ...
(Notary public)
Residing at Bill Idaho

My commission expires 1-7-79

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 CW Date 10-14-76
DRT 7-27-76
7-23-76
Prelim. check by RDC Fee \$30.00
Receipted by CW Date 11-22-76
Published in Blackfoot News # 4431
Times News
Pub. dates Dec. 2 & 9, 1976
Watermaster recommendation requested on 11-26-76
WD 01 det rec'd. _____
Thomson

Protest filed by _____

Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for _____ approval _____ denial _____
by _____

RECEIVED
DEC 31 1986

Department of Water Resources

ok to file
BDF

December 29, 1986

RE: Application No. 2024 for the Transfer of Water Right
No. 01-0023
Application No. 2578 for the Transfer of a Portion of
Water Right 27-0004

Mr. Thomas K. Schafer, P.E./L.S.
CH2M Hill
Boise Office
P.O. Box 8748
Boise, ID 83707

Dear Mr. Schafer:

Thank you for your October 28th letter concerning the above captioned transfer applications. We have noted in our records that Canyon View Irrigation Company acquired Mr. Kerbs' interest in application No. 2578 proposing to transfer 2.66 cfs under right No. 27-0004.

Your letter requests continued deferment of action on the applications by the Department. However, we feel conducting an administrative conference at this point would be beneficial. Though a date has not been selected, I am reasonably certain the conference will be held in Twin Falls.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

cc: Loren Holmes, Southern Region
✓ Bob Fleenor, State Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Department of Water Resources

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$10.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder Canyon View Irrigation Company
- Post office address P. O. Box 411, Twin Falls, ID 83301
2. The right was obtained or is evidenced by: See Exhibit "A" attached hereto
- a. Decree to _____ in Case of _____
- (Name)
- vs. _____, Dated _____ in _____
- (Name of Court)
- Court, County of _____ Fully describe decree _____
- b. License No. _____ issued by the Department of Water Resources.
- c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water Snake River tributary to _____
- (Name of stream or source)
4. Date of priority of right See Exhibit "A"
5. Amount of water a. See Exhibit "A" c.f.s. and/or
- b. _____ acre feet/annum
6. Water is used for irrigation from April 1 to November 1
- from _____ to _____
- from _____ to _____
- (Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34
- Township 1 S, Range 36 E., B.M., in Bingham County;
- Additional points of diversion, if any None

8. Lands irrigated or place of use:

Twp.	Rge.	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 $\frac{1}{4}$	
2S	33E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
3S	33E	2	40	40	40	40	40	40	40	40	40	40							400
3S	33E	3				40			40		40	40	40	40	40	40	40	40	400
3S	33E	4													40				40
3S	33E	10	40	40	40	40	40	40	40	40	40	40	40	40		40	40	40	600
3S	33E	11			40	40				40	40					40			200
3S	33E	12							40	40	40	40	40	40		40	40		320
3S	33E	13		40	40		40	40	40	40	40	40	40	40	40	40	40	40	560
3S	33E	14													40	40			80
3S	33E	15	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
3S	33E	20			40	40					40	40							160
3S	33E	24	40	40	40	40	40	40											240
3S	33E	29	40	40	40		40	40	40	40	40	40	40				40	40	520
3S	34E	18					40	40	40	40	40	40	40						320

Total number of acres irrigated 5,040

9. Give last date when water was applied to beneficial use 10/15/77
Length of extension of time requested See attached Exhibit "B" years, or until 4/15/88
(Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See Exhibit "B" attached hereto

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

by Hugo E. Meyer
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of April, 1981.

Allen Gannon
(Notary Public)

My commission expires Sept. 6, 1981

Residing at Buhl, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

That water under water rights 01-0023 and 01-0297 be put to beneficial use on or before April 1, 1988.

Witness my hand this 9th day of October, 1981.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

For Department Use Only

Received by Jin Date 4/14/81 Time 8:00 AM Preliminary check by Jin
Fee \$ 50.00 Receipted by lw Date 8-3-81 # 19738 Publication prepared by lw
Published in Blackfoot News Dates 8/20 & 8/27/81
Publication approved by lw Date 9/14/81 Protests filed by:

Copies of protests forwarded by Hearing held by Date

Recommended for X Approval // Denial by Jin

EXHIBIT "A"

- a. 77.9 cfs or 3,894.95 miner's inches of the Natural Flow of the Snake River having a priority date of February 6, 1895, being a portion of that right decreed to the American Falls Canal and Power Company under the terms of the Decree entered in the case of Rexburg Irrigation Company, et al, vs. Teton Irrigation Canal Company, et al, by Judge J. M. Stevens, judge of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, dated December 16, 1910. (Also known as "The Rexburg Decree.")
- b. 14.3 cfs or 716.7 miner's inches of the Flood Waters of the Snake River having a priority date of April 1, 1939, being a portion of that right decreed to the Aberdeen-Springfield Canal Company, in the case of Aberdeen-Springfield Canal Company et al, vs. Henry Eagle, et al, by Judge Willard C. Burton, judge of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, dated March 12, 1969, (Also known as the "Supplemental Decree.")

01-0023

file 01-B

01-0297

file
01-1

EXHIBIT "B"

9. Length of extension of time requested: Extension of an additional 5 years after expiration of the initial 5 year period is requested. Initial 5 year period will expire 10/14/82.
10. These water rights have been sold under contract of sale by Rockford Canal Co. to Canyon View Canal Co. Canyon View Canal Co. proposes to change the point of diversion to the Milner Dam in Twin Falls County, Idaho, and then transport the water to the main canal and Highline Canal system of the Twin Falls Canal Co. system to a point where the water will be placed in the Canyon View Canal System to be applied to a beneficial use in Twin Falls County, Idaho. The director of the Department of Water Resources already has on file a petition to change the point of diversion and place of use. The Twin Falls Canal Co. has resisted the plans of Canyon View Irrigation Co. to use a part of the Twin Falls Canal Co. canal system. Following unsuccessful attempts to negotiate with the Twin Falls Canal Co. for a right of way through its canal system, a declaratory judgment action was filed with the Twin Falls County District Court to determine the rights, if any, to condemn such a right of way through the Twin Falls Canal Co. system. The decision of the District Court was appealed to the Idaho Supreme Court, and only recently a decision was rendered by the Idaho Supreme Court granting unto Canyon View Irrigation Co. the right to institute condemnation proceedings to obtain a right of way through the Twin Falls Canal Co. system. Actions are now being taken to file a proceeding to condemn such a right of way.

As a result of the delays caused by the above litigation, it has been impossible for Canyon View Irrigation Co. to put this water to beneficial use. In the event Canyon View Irrigation Co. is successful in its litigation, a period of time will be required to complete construction of the irrigation system and to transport the water rights in question to the lands located in Twin Falls County, Idaho. It is also the applicant's understanding that the Idaho State Department of Water Resources has postponed taking action on the application of Canyon View Irrigation Co. to change the point of diversion and place of use of the above described water rights until such time as the condemnation proceeding with Twin Falls Canal Co. is completed. The delay occasioned by the court proceedings has been unavoidable and Canyon View Irrigation Co. asks for an additional 5 year period to complete all such litigation, to construct and improve the necessary canal system needed to transport the water to its lands in Twin Falls County, Idaho, and to complete the final action on its application to change point of diversion and place of use previously filed with the Department of Water Resources. The water in question was last used during the 1977 irrigation season, and accordingly the initial 5 year period will expire upon the end of the 1982 irrigation season. Accordingly, this request for extension asks that Canyon View Irrigation Co. be given until the commencement of the 1988 irrigation season to complete all the above steps needed to put the water to beneficial use and to avoid the forfeiture of the said water rights.