

T3456 MARYSVILLE CANAL

Page 1 of 1STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3456

JUN 20 1989

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Eastern District OfficeName of applicant Marysville Canal & Improvement Co. Phone 624-7760Post Office address Ashton, ID

A. PURPOSE OF TRANSFER (Wayne C. Davis - Share Holder)

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 Through agreement the Marysville Irrigation Co. removed Wayne Davis' ditch for considerations including the right to transfer water from the canal to be pumped directly from Fall River.

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
- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|---------------------|--------------------|-------------------|--------------------|
| <u>21-0073 H</u> | <u>Nov. 5, 1895</u> | <u>.4 17 cfs</u> | <u>Irrigation</u> | <u>4/1 to 11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred .4 17 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Falls River tributary to Snake River, Henry's Fork
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	20	8N	42E	Fremont	Pump

5. 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	
8N	42E	20			24											39	2		65

PART 1**6. General Information:**

a. Description of diversion system Proposal: small diesel engine with three 1/4 mile hand laterals

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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:

N/A

d. Remarks:

The ditch was removed in 1979. Wayne Davis has not irrigated since that time. He wishes to install a pumping system for the 1989 irrigation season.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

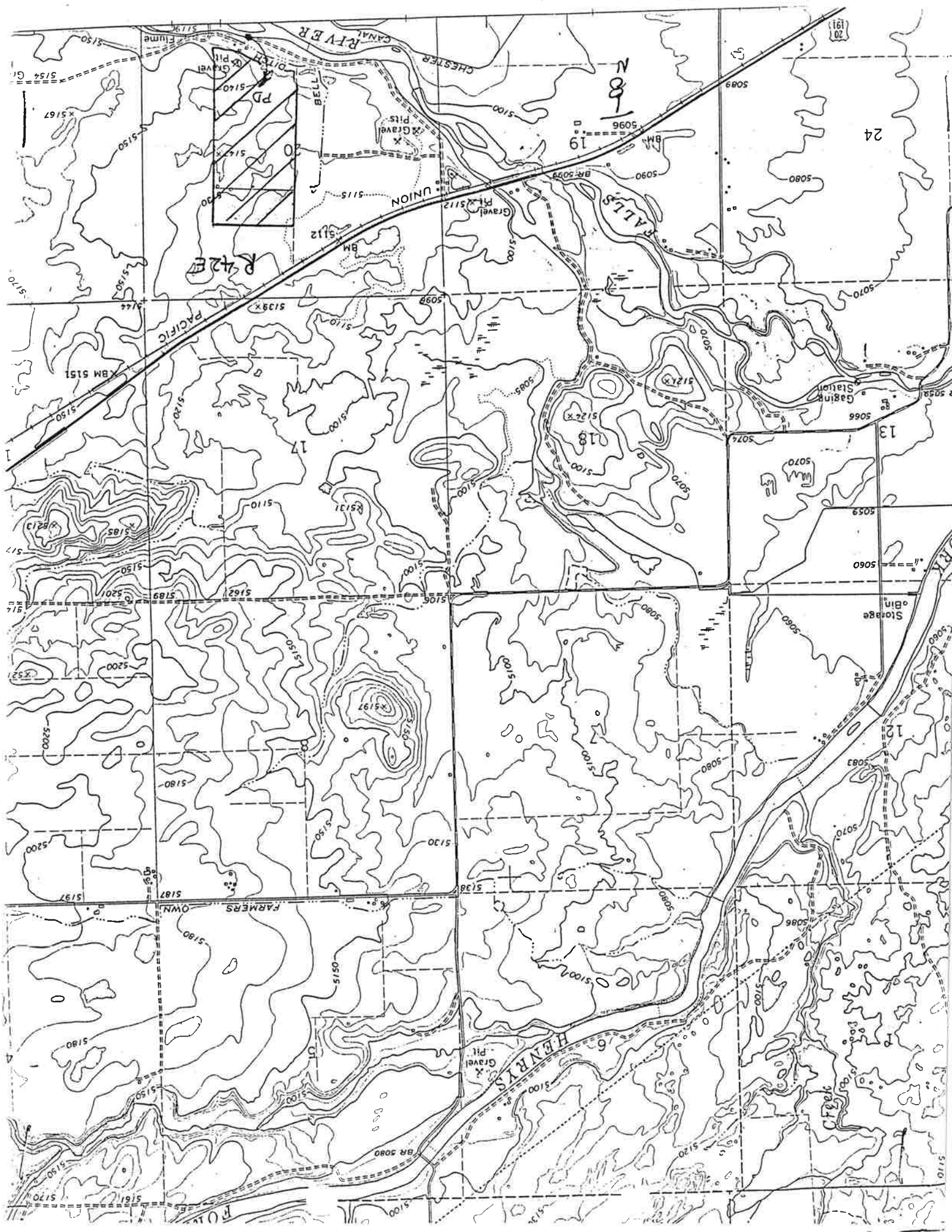
This is to certify that I have examined Application for Transfer of Water Rights No. 21-0073H

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A lockable measuring device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. The use of water on the lands to which the above referenced water right was appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River.
4. Approval of this transfer does not resolve forfeiture issues which may be addressed in the Snake River Adjudication.

Witness my hand this 9th day of June, 19 89

J. 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. 21-0073 Decreed to Marysville Canal & Improvement Co.
in case of Rexburg Irrigation Co., et. al. vs. Teton Irrigation Canal, et. al.
dated 12/16/1910 in District Court county of Fremont
- 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. 21-0073E 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 Fall River tributary to Snake River, Henry's Fork

4. Date or priority November 5, 1895

5. Water is used for the following purpose:

amount 318.08 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 318.08 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
		NW	NW	35	9N	44E	Fremont	Marysville Canal

8. Lands irrigated or place of use: (not specified in decree)

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	
			LANDS OF THE MARYSVILLE CANAL & IMPROVEMENT DISTRICT																

Total acres 6560

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 The Davis' have been unable to irrigate since 1979

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 4 17 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)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	20	8N	42E	Fremont	Davis Pump

3. Lands irrigated or place of use: No Change

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	

$$318.08 \text{ cfs} - 0.417 = 317.66 \text{ cfs}$$

(0.42)

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

1. amount 313.91 *incorrect* 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)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	35	9N	44E	Fremont	Marysville Canal

3. Lands irrigated or place of use: UNDESCRIBED LANDS OF MARYSVILLE CANAL & IMPROVEMENT DISTRICT

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 6495

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

1.

<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<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.

Lawell B Rich Pres Canal Co Directors
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of July, 19 88.

Ernest Carlson

(Notary Public)

My commission expires 14 June 1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by RDC/EMC Date 6-16-88 / 7-7-88

Protest filed by _____

Prelim. check by ESU/ Fee \$50 # E000416

Receipted by dcg Date 6-16-88

Published in Herald Chronicle

Copies of protest forwarded by _____

Pub. dates 7-21 & 7-28-88 dcg

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by RDC

Copy of transfer sent to lien holder _____