

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

4/40
RECEIVED

TRANSFER NO. 4140
WATER RIGHT NO(S). 25-00057A/25-00059

SEP 17 1993
Department of Water Resources
Eastern District Office

This is to certify that: **HOLLIS T SARGENT**
10960 N 85TH E
IDAHO FALLS ID 83401

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 25-00057A:			
IRRIGATION	04/01 to 10/31	0.54 CFS	108.8 AF
Priority: 04/01/1882	76		
Right No. 25-00059 :			
IRRIGATION	04/01 to 10/31	3.00 CFS	600.0 AF
Priority: 04/01/1882			

SOURCE

WILLOW CREEK

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 16, Township 03N, Range 40E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	40E	21	NESE 30	NWSE 12	SWSE 35	
			SESE 40			117
		22	NWSW 12	SWSW 35		47
		27	NWNW 28			28
		28	NENE 40	NWNE 28	SENE 6	74
Total number of acres irrigated:						266

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4140
WATER RIGHT NO(S). 25-00057A/25-00059

CONDITIONS/REMARKS:

3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Right No. 25-00057A is limited to the irrigation of 27.2 acres in the place of use described above in a single irrigation season.
7. Right No. 25-00059 is limited to the irrigation of 150 acres in the place of use described above in a single irrigation season.

Dated this 2nd day of September, 1993


Chief, Water Alloc. Bureau

5.0. 7-15-93

Form 222
1-87Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4140

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Hollis T. Sargent Phone 522-2368
Post Office address 10960 N 85 E Idaho Falls Id 83401

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 Current place of use has sufficient water from canal system. Transfer is to move water to lands with water permits that have a later priority.

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
<u>A25-00057B</u>	<u>4/1/1876</u>	<u>0.54</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
<u>A25-00059</u>	<u>4/1/1882</u>	<u>3.00</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 3.54 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Willow Creek tributary to Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	16	3N	40E	Bonneville	

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	
3N	40E	21													30	2	35		67
		21														10		40	50
		22									12	35							47
		27						28											28
		28		40	28		6												74

71.1

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A25-00057 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 Willow Creek tributary to Snake River

4. Date or priority 4-1-1876

5. Water is used for the following purpose:

amount 1.60 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 1.60 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
	NE	SE	SE	11	3N	39E	Bonneville	

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	
3N	39E	15	34	40	38		36	38			13								199

Total acres 199

9. Describe any other water rights used for the same purpose as described above A 25-00059/A25-13497

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A25-00059 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 Willow Creek tributary to Snake River

4. Date or priority 4-1-1882

5. Water is used for the following purpose:

amount 3.00 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 3.00 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
	NE	SE	SE	11	3N	39E	Bonneville	

8. 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	
3N	39E	15	34	40	38		36	38			13								199

Total acres 199

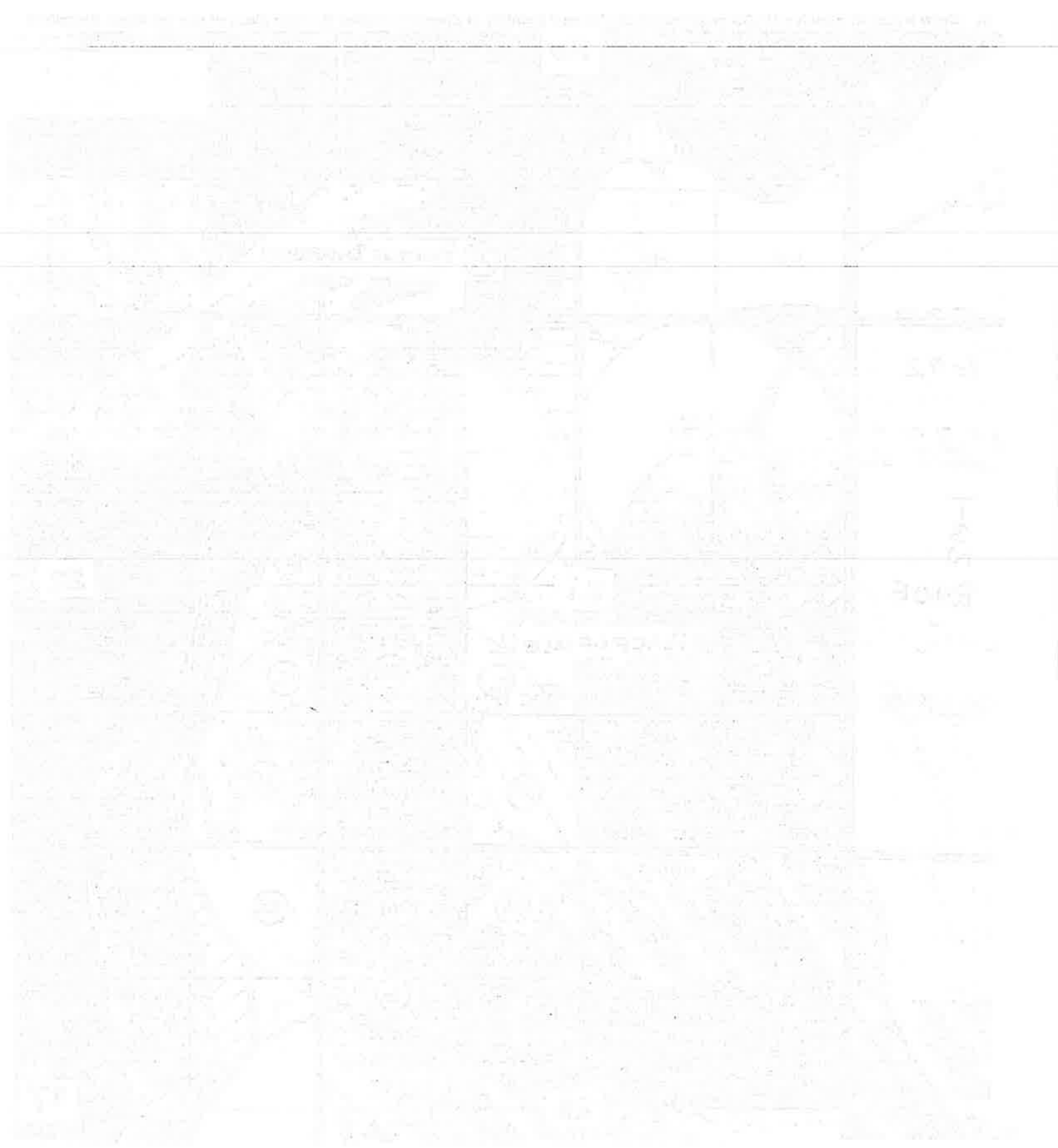
9. Describe any other water rights used for the same purpose as described above A25-00057, A25-13447

CHARTER

OF THE

742ND AIRBORNE MEDICAL HELICOPTER BATTALION

1968



M E M O R A N D U M

DATE: JULY 15, 1993

TO: FILE

FROM: RON CARLSON

RE: TRANSFER APPLICATIONS NOS. 4139 & 4140 HOLLIS T.
SARGENT

Brad and Boyd Foster own farm land located immediately west of Ririe reservoir. They have installed center pivots on this ground and pump water from Willow Creek below the reservoir. Their water supply has primarily been Palisades storage delivered through exchange. In addition they have, in the past, made a double exchange of ground water to the Progressive Irrigation District for Progressive storage exchanged into Willow Creek.

The arrangements that have been made by the Foster brothers have provided for the delivery of adequate water to them even during the water shortage of 1992. I suspect these transfers were initiated based upon my discussions Boyd and Brad Foster had with me. They contacted me about a year ago and wanted to go over their water rights in an effort to determine what additional steps they needed to take to avoid future problems. They asked me to give my opinion of what water rights problems they might face in the future. I told them that, since the contracts for federal storage indicate it to be "supplemental" it might be wise to have a natural flow right appurtenant to these lands. In addition they needed to confirm that these lands are included in the place of use shown for reclamation storage in the SRBA. As a consequence of this meeting they made arrangements with Hollis Sargent to buy his Willow Creek natural flow right and transfer it to their property. The Realtor apparently is holding the money because I have been getting an inquire every week about the status of this transfer.

While, on the surface there appear to be issues of expansion associated with these applications, I believe as a practical matter the transfer of this right will have no net effect. The attached sketch is included to aid the explanation of why this is the case.

Willow Creek was fully appropriated by the time the development of the Snake River was just getting started. Consequently an 1888 water right on Willow Creek is a "high water" right while an 1888 on the Snake is one of the older rights and rarely is subject to being cut. The water supply on Willow Creek is very limited with natural flow of less

than 10 cfs frequently occurring during the later part of the irrigation season. As a result arrangements were made after the Farmers Friend Canal Co., Progressive Irrigation District and the Enterprise Canal were established to deliver water to Willow Creek. Most of the farmers on Willow Creek are part of one of these companies. Since all of the natural flow on Willow Creek is delivered to Willow Creek right holders first and the remaining need is made up from the Snake it becomes generally immaterial to whom the the Willow Creek natural flow is delivered. This transfer will mean Hollis Sargent will be delivered more storage and Fosters less with a net change in the water supply of zero. I do not believe there are issues of expansion associated with this particular change because there is no change in irrigation or consumptive use as a result of the change. The main purpose for the transfer is not the water but the right. I therefore would recommend approval of the proposed change.

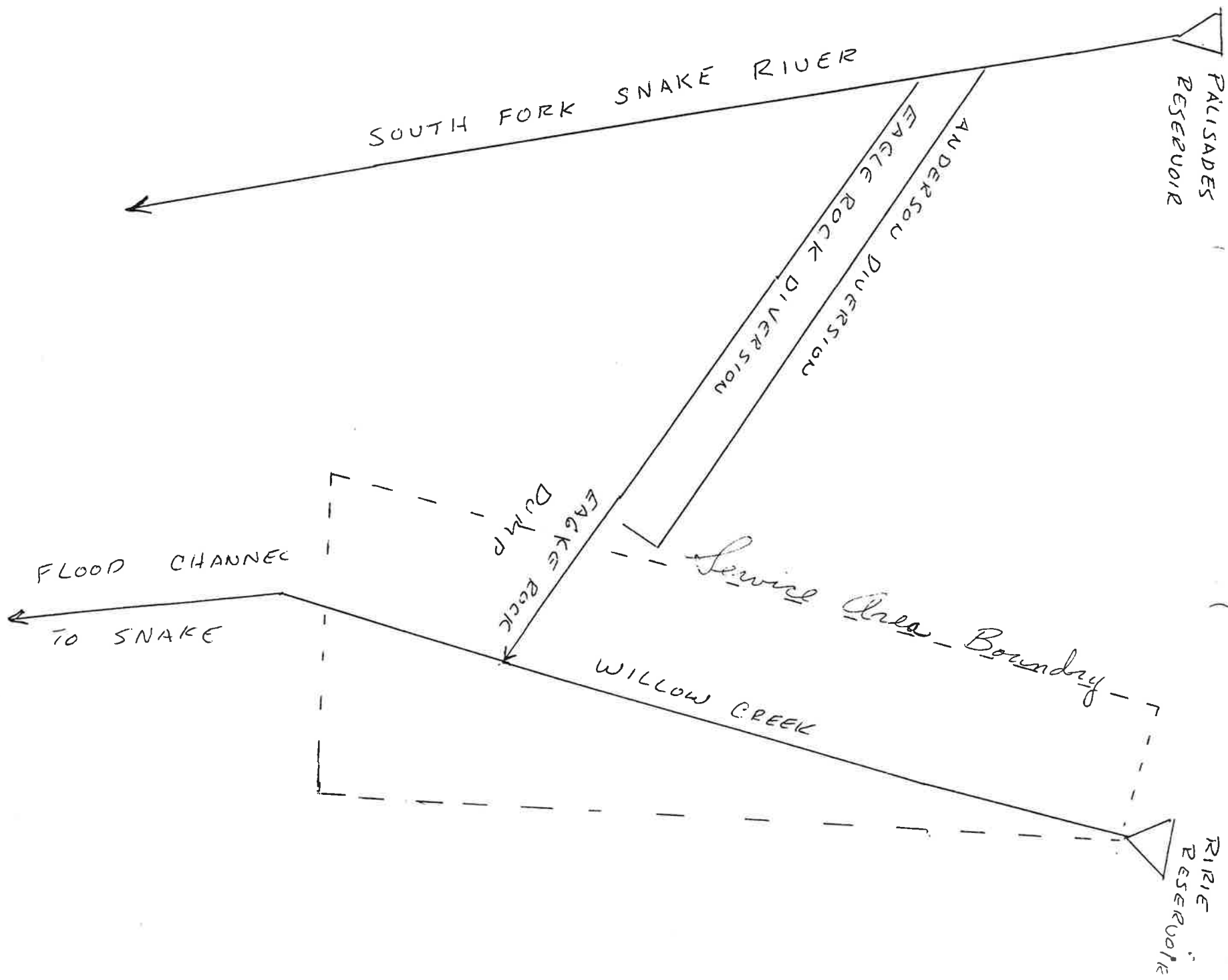
RECOMMENDED CONDITIONS OF APPROVAL

1. Deliveries under these rights shall be limited to 495 acre-feet per year.

2. Delivery of these rights shall be subject to the land owner/operator annually allocating storage to this diversion in an amount equal to at least 100% of the previous year's water delivery. This storage if not used in a given year may not be reallocated during the same year.

3. Delivery of these rights shall be subject to the control of the Watermaster of Snake River Water District 01.

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing SRBA.



FROM: H.W. JONES
TO: RON CARLSON
RE: SARGENT-FOSTER TRANSF. #4139 & 4140

- 1/ THE WATER RIGHTS OR PERMITS THAT SHOW AN OVERLAP ON THE PROPOSED NEW PLACE OF USE ARE LISTED BELOW.
 - a/ CLAIM A01-10214 (PALISADES WATER USERS)
 - b/ PERMIT 25-07567
 - c/ PERMIT 25-07494B
- 2/ THE CONSUMPTIVE IRRIGATION REQUIREMENT UNDER THE WILLOW CREEK RIGHTS FOR THE ORIGINAL PLACE OF USE WOULD BE 2.5 AF X 199 ACRES. THIS IS A TOTAL OF 497.5 AFA.
- 3/ RT. A25-13497 IS BEING LEFT ON THE ORIGINAL POU. THIS IS AN 1888 PRIORITY ON WILLOW CREEK. THIS RT. WOULD ONLY BE DELIVERED DURING HIGH FLOOD WATER TIMES AND IS REALLY OF NO CONSEQUENCE. APPLICANT ALSO HAS CANAL SHARES ON THIS ORIGINAL P.O.U. WHICH WILL BE THE ONLY REAL SOURCE THAT IS RELIABLE. (ENTERPRISE CANAL)

4/40

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4140
WATER RIGHT NO(S). 25-00057A/25-00059

RECEIVED
SEP 17 1993

Department of Water Resources
Eastern District Office

This is to certify that: **HOLLIS T SARGENT**
10960 N 85TH E
IDAHO FALLS ID 83401

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 25-00057A:			
IRRIGATION	04/01 to 10/31	0.54 CFS	108.8 AF
Priority: 04/01/1882	76		
Right No. 25-00059 :			
IRRIGATION	04/01 to 10/31	3.00 CFS	600.0 AF
Priority: 04/01/1882			

SOURCE

TRIBUTARY OF

WILLOW CREEK

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 16, Township 03N, Range 40E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	40E	21	NESE 30	NWSE 12	SWSE 35	
			SESE 40			117
		22	NWSW 12	SWSW 35		47
		27	NWNW 28			28
		28	NENE 40	NWNE 28	SENE 6	74
				Total number of acres irrigated:		266

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4140
WATER RIGHT NO(S). 25-00057A/25-00059

CONDITIONS/REMARKS:

3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Right No. 25-00057A is limited to the irrigation of 27.2 acres in the place of use described above in a single irrigation season.
7. Right No. 25-00059 is limited to the irrigation of 150 acres in the place of use described above in a single irrigation season.

Dated this 2nd day of September, 1993


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4140APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Hollis T. Sargent Phone 522-2368
Post Office address 10960 N 85 E Idaho Falls Id 83401

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 Current place of use has sufficient water from canal system. Transfer is to move water to lands with water permits that have a later priority.

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
A25-00057B 4/1/1876 0.54 Irrigation 4/1 to 10/31
A25-00059 4/1/1882 3.00 Irrigation 4/1 to 10/31
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 3.54 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Willow Creek tributary to Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	16	3N	40E	Bonneville	

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	
3N	40E	21													30	2	35		67
		21														10		40	50
		22									12	35							47
		27							28										28
		28	40	28		6													74

Total acres 266

PART 1

6. General Information:

a. Description of diversion system Diversion pump & Motor to mainline to center pivotb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ 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:

Place of use has other water rights from canal company and flood right A25-13497 (25-00137/136)

d. Remarks:

All Remaining rights (A25-00057 & A25-00059) are being transferred to same system under this and a second transfer.**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 _____

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. A25-00057 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 Willow Creek tributary to Snake River

4. Date or priority 4-1-1876

5. Water is used for the following purpose:

amount 1.60 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 1.60 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
	NE	SE	SE	11	3N	39E	Bonneville	

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	
3N	39E	15	34	40	38		36	38			13								199

Total acres 199

9. Describe any other water rights used for the same purpose as described above A 25-00057/A25-13497

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO 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 0.54 cfs for Irrigation purposes from 4/1 to 10/31
 (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	SE	SE	11	3N	39E	Bonneville	

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	
3N	39E	15					16			38	13								67

Total acres 67

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

1. amount 1.06 cfs for Irrigation purposes from 4/1 to 10/31
 (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	SE	SE	11	3N	39E	Bonneville	

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	
3N	39E	15	34	40	38		20												132

Total acres 132

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A25-00059 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 Willow Creek tributary to Snake River

4. Date or priority 4-1-1882

5. Water is used for the following purpose:

amount 3.00 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 3.00 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
	NE	SE	SE	11	3N	39E	Bonneville	

8. 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	
3N	39E	15	34	40	38		36	38			13								199

Total acres 199

9. Describe any other water rights used for the same purpose as described above A25-00057, A25-13447

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO 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 _____ for _____ purposes from _____ to _____
 (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

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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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

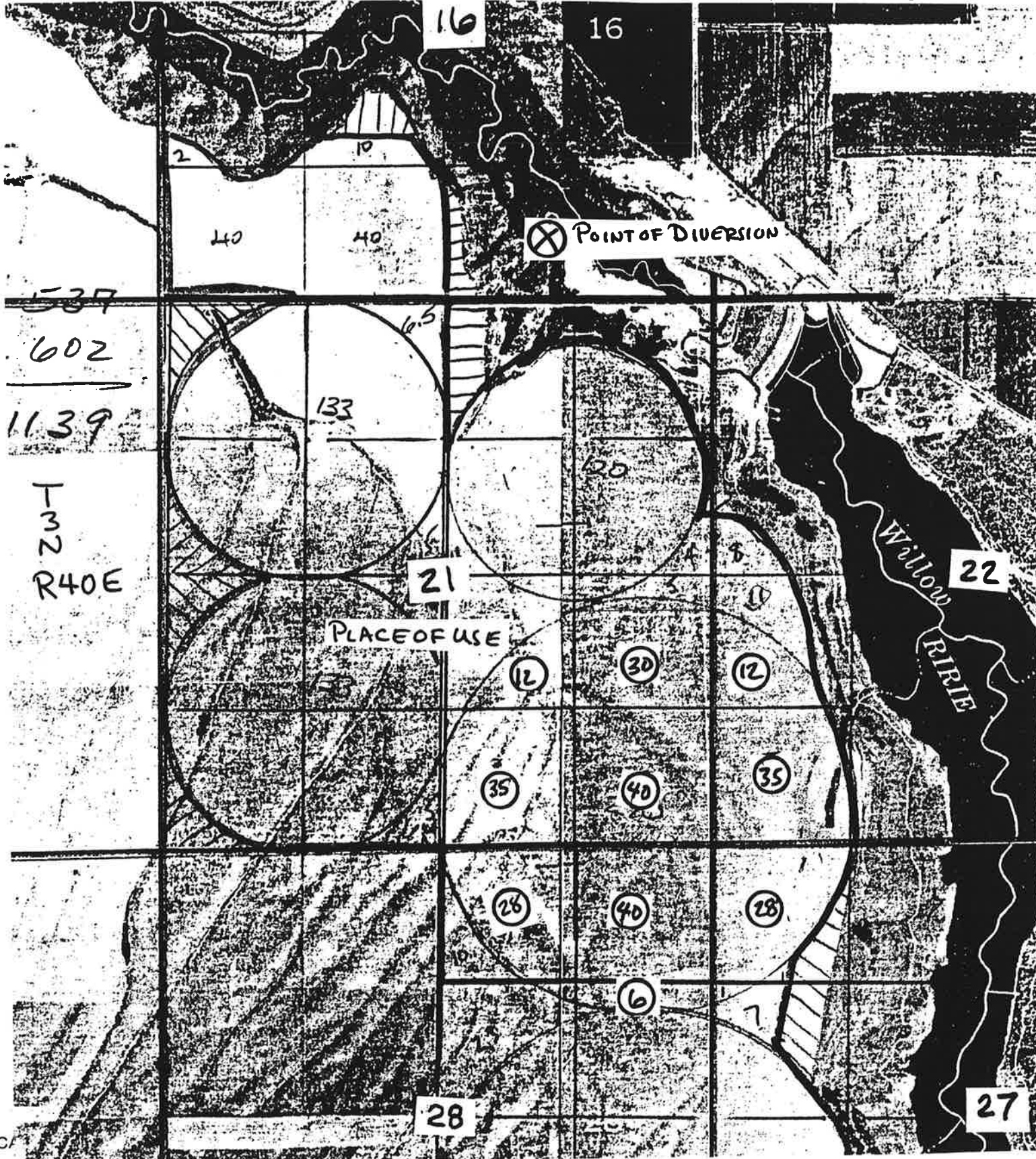
3. Lands irrigated or place of use:

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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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

1	New Nature of Use	Amount (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.

Hollis Sargent
(Signature of Applicant)

Subscribed and sworn to before me this 6th day of MAY, 1993.

Lynn Powell
(Notary Public)

My commission expires 3/22/97

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Assisted by Kaw Date 5-7-93 Protest filed by _____

Prelim. check by _____ Fee 50⁰⁰ # E018566

Received by Kaw Date 5-7-93

Published in May 27 & June 3, 1993 Copies of protest forwarded by _____

Pub. dates Post Register Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

M E M O R A N D U M

DATE: JULY 15, 1993

TO: FILE

FROM: RON CARLSON

RE: TRANSFER APPLICATIONS NOS. 4139 & 4140 HOLLIS T.
SARGENT

Brad and Boyd Foster own farm land located immediately west of Ririe reservoir. They have installed center pivots on this ground and pump water from Willow Creek below the reservoir. Their water supply has primarily been Palisades storage delivered through exchange. In addition they have, in the past, made a double exchange of ground water to the Progressive Irrigation District for Progressive storage exchanged into Willow Creek.

The arrangements that have been made by the Foster brothers have provided for the delivery of adequate water to them even during the water shortage of 1992. I suspect these transfers were initiated based upon my discussions Boyd and Brad Foster had with me. They contacted me about a year ago and wanted to go over their water rights in an effort to determine what additional steps they needed to take to avoid future problems. They asked me to give my opinion of what water rights problems they might face in the future. I told them that, since the contracts for federal storage indicate it to be "supplemental" it might be wise to have a natural flow right appurtenant to these lands. In addition they needed to confirm that these lands are included in the place of use shown for reclamation storage in the SRBA. As a consequence of this meeting they made arrangements with Hollis Sargent to buy his Willow Creek natural flow right and transfer it to their property. The Realtor apparently is holding the money because I have been getting an inquire every week about the status of this transfer.

While, on the surface there appear to be issues of expansion associated with these applications, I believe as a practical matter the transfer of this right will have no net effect. The attached sketch is included to aid the explanation of why this is the case.

Willow Creek was fully appropriated by the time the development of the Snake River was just getting started. Consequently an 1888 water right on Willow Creek is a "high water" right while an 1888 on the Snake is one of the older rights and rarely is subject to being cut. The water supply on Willow Creek is very limited with natural flow of less

than 10 cfs frequently occurring during the later part of the irrigation season. As a result arrangements were made after the Farmers Friend Canal Co., Progressive Irrigation District and the Enterprise Canal were established to deliver water to Willow Creek. Most of the farmers on Willow Creek are part of one of these companies. Since all of the natural flow on Willow Creek is delivered to Willow Creek right holders first and the remaining need is made up from the Snake it becomes generally immaterial to whom the the Willow Creek natural flow is delivered. This transfer will mean Hollis Sargent will be delivered more storage and Fosters less with a net change in the water supply of zero. I do not believe there are issues of expansion associated with this particular change because there is no change in irrigation or consumptive use as a result of the change. The main purpose for the transfer is not the water but the right. I therefore would recommend approval of the proposed change.

RECOMMENDED CONDITIONS OF APPROVAL

1. Deliveries under these rights shall be limited to 495 acre-feet per year.

2. Delivery of these rights shall be subject to the land owner/operator annually allocating storage to this diversion in an amount equal to at least 100% of the previous year's water delivery. This storage if not used in a given year may not be reallocated during the same year.

3. Delivery of these rights shall be subject to the control of the Watermaster of Snake River Water District 01.

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing SRBA.

PALISADES
RESERVOIR

RIRIE
RESERVOIR

SOUTH FORK SNAKE RIVER

ANDERSON DIVERSION

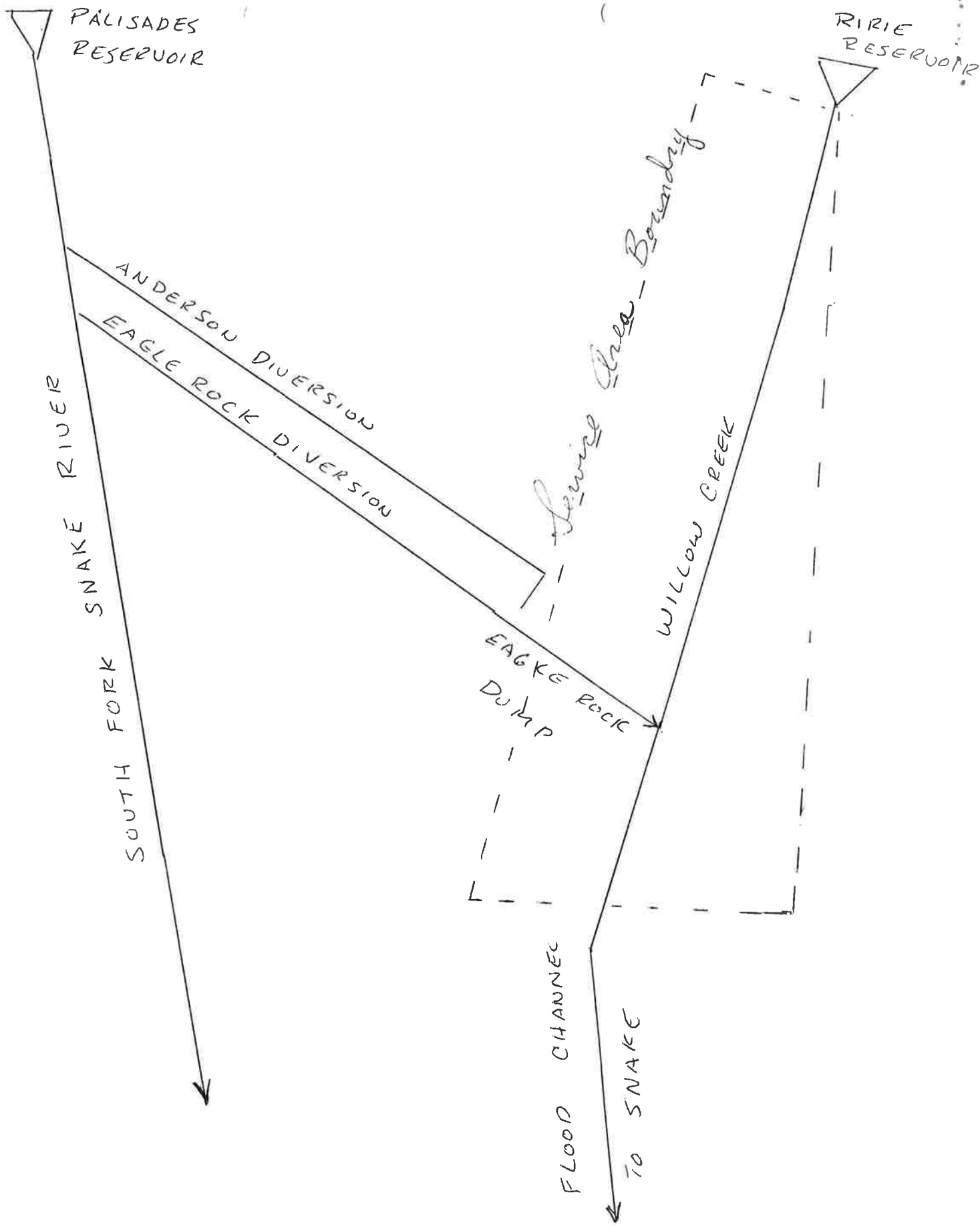
EAGLE ROCK DIVERSION

Sewage Area Boundary

WILLOW CREEK

EAGLE ROCK
DUMP

FLOOD CHANNEL
TO SNAKE



FROM: H.W. JONES
TO: RON CARLSON
RE: SARGENT-FOSTER TRANSF. #4139 & 4140

- 1/ THE WATER RIGHTS OR PERMITS THAT SHOW AN OVERLAP ON THE PROPOSED NEW PLACE OF USE ARE LISTED BELOW.
 - a/ CLAIM A01-10214 (PALISADES WATER USERS)
 - b/ PERMIT 25-07567
 - c/ PERMIT 25-07494B
- 2/ THE CONSUMPTIVE IRRIGATION REQUIREMENT UNDER THE WILLOW CREEK RIGHTS FOR THE ORIGINAL PLACE OF USE WOULD BE 2.5 AF X 199 ACRES. THIS IS A TOTAL OF 497.5 AFA.
- 3/ RT. A25-13497 IS BEING LEFT ON THE ORIGINAL POU. THIS IS AN 1888 PRIORITY ON WILLOW CREEK. THIS RT. WOULD ONLY BE DELIVERED DURING HIGH FLOOD WATER TIMES AND IS REALLY OF NO CONSEQUENCE. APPLICANT ALSO HAS CANAL SHARES ON THIS ORIGINAL P.O.U. WHICH WILL BE THE ONLY REAL SOURCE THAT IS RELIABLE. (ENTERPRISE CANAL)

