

T4476 NORTH HIGHLANDER FARMS

MEMORANDUM

4476
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FEB 15 1995

Department of Water Resources
Eastern District Office

TO: FILE NOS. 35-02499 & A35-12932

FROM: PAM SKAGGS/^{CB}STATE OFFICE

SUBJECT: TRANSFER NO. 4476

DATE: January 6, 1995

=====

Transfer No. 4476 was filed to add a point of diversion, and change and reduce the place of use under Right No. 35-02499. The applicant wanted to clarify the actual place of use.

Review of the right found that SRBA Claim No. A35-12932 overlaps totally with Right No. 35-02499, representing additional water delivered through the same point of diversion and system to the same acres.

I contacted the applicant, R.W. Berrette, and confirmed that both rights were developed on the same system. We discussed the transfer and Mr. Berrette agreed that A35-12932 should be included on the transfer to amend the claim to include the second point of diversion. I contacted H.W. Jones in the Eastern Region office to discuss the matter and he concurred with the inclusion of Claim A35-12932 on the transfer.

The transfer approval will reduce the acres identified under each right to 322 acres which the applicant identified as the correct place of use under these rights. The season and diversion volume was adjusted and added according to department standards.

Recommended conditions include drilling permit requirements, irrigation overlaps, non-confirmation of claim, multiple points of diversion limits, ~~measuring devices~~, combined rights limits and standard transfer approval. (CIM)

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Department of Water Resources
Eastern District Office

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4476 (PART)
WATER RIGHT NO. 35-02499

CONDITIONS/REMARKS:

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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4476 shall not exceed 5.18 cfs, nor total combined annual volume of 1288.0 af.
8. The total combined rate of diversion under this right and Right No. A35-12932 shall not exceed 5.18 cfs.
9. The total combined annual volume of water under this right and Right No. A35-12932 shall not exceed 1288.0 af.
10. This right and Right No. A35-12932 are limited to irrigation of a combined total of 322 acres in a single irrigation season.
11. Right No. A35-12932 is also changed under Transfer No. 4476 and is represented on a separate transfer approval.

Dated this 30th day of

January, 19 95


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF A CLAIM TO A WATER RIGHT

TRANSFER NO. 4476 (PART)
CLAIM NO. A35-12932

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FEB 08 1995

Department of Water Resources
Eastern District Office

This is to certify that: **NORTH HIGHLANDER FARMS INC**
R W BERRETTE
1845 TIFFANY DR
IDAHO FALLS ID 83404

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>
IRRIGATION	04/01 to 10/31	2.38 CFS	1005.5 AF

SOURCE

GROUNDWATER

Priority: 06/22/1961

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 7, Township 03S, Range 33E
NENW , Sec. 7, Township 03S, Range 33E
BINGHAM 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>
03S	33E	6	SWSE 2.0	SESE 4.0		6.0
		7	NENE 40.0	NWNE 38.0	SWNE 37.0	
			SENE 39.5	NENW 40.0	Lot 1(NWNW) 29.0	
		8	Lot 2(SWNW) 29.0	SENE 0.5		293.0
			NWNW 13.0	SWNW 10.0		23.0
						322.0

Total number of acres irrigated: 322.0

CONDITIONS/REMARKS:

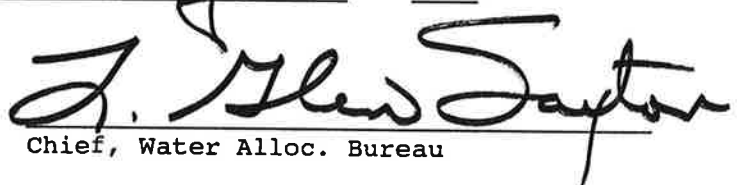
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. Approval of this transfer in no way confirms the right(s) claimed.

TRANSFER NO. 4476 (PART)
CLAIM NO. A35-12932

CONDITIONS/REMARKS:

4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.
6. 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.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4476 shall not exceed 5.18 cfs, nor total combined annual volume of 1288.0 af.
9. The total combined rate of diversion under this right and Right No. 35-02499 shall not exceed 5.18 cfs.
10. The total combined annual volume of water under this right and Right No. 35-02499 shall not exceed 1288.0 af.
11. This right and Right No. A35-02499 are limited to irrigation of a combined total of 322 acres in a single irrigation season.
12. Right No. 35-02499 is also changed under Transfer No. 4476 and is represented on a separate transfer approval.

Dated this 30th day of January, 1995


Chief, Water Alloc. Bureau

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4426

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

HOME (208) 529-3073
MOBILE (208) 357-5070
WORK (208) 523-3230
Phone

Name of applicant NORTH HIGHLANDER FARMS INC

Post Office address C/O R. W. BERRETTE 1845 TIFFANY DR, IDAHO FALLS, ID 83404

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 TO PROVIDE WELL FOR EACH PIVOT - PRESENT
SYSTEM FEEDS 2 PIVOTS - OUR WISH IS TO ADD A WELL TO THIS RIGHT. I ALSO
WISH TO CLARIFY THE ACTUAL PLACE OF USE.

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 |
|--|-----------|-----------------------|------------------|---------------|
| 35-02499 | 3-13-1957 | 2.80 | IRRIGATION | 4-1 to 10-31 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| | | 2.80 | | |
| 2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>GROUNDWATER</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion: _____ | | | | |

[illegible]

5. 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	
3S	33E	6															2	4	6
		7	40	38	37	39½	40	29	29	40					½				293
								L-1	L-2										
		8						13	10										23
																	TOTAL		322

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.

R. W. Bennett
(Signature of Applicant)

Subscribed and sworn to before me this 26th day of October, 19 94.

J. Wayne Merrill
(Notary Public)

My commission expires September 11, 1997

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$100.00 E020435

Receipted by _____ Date _____

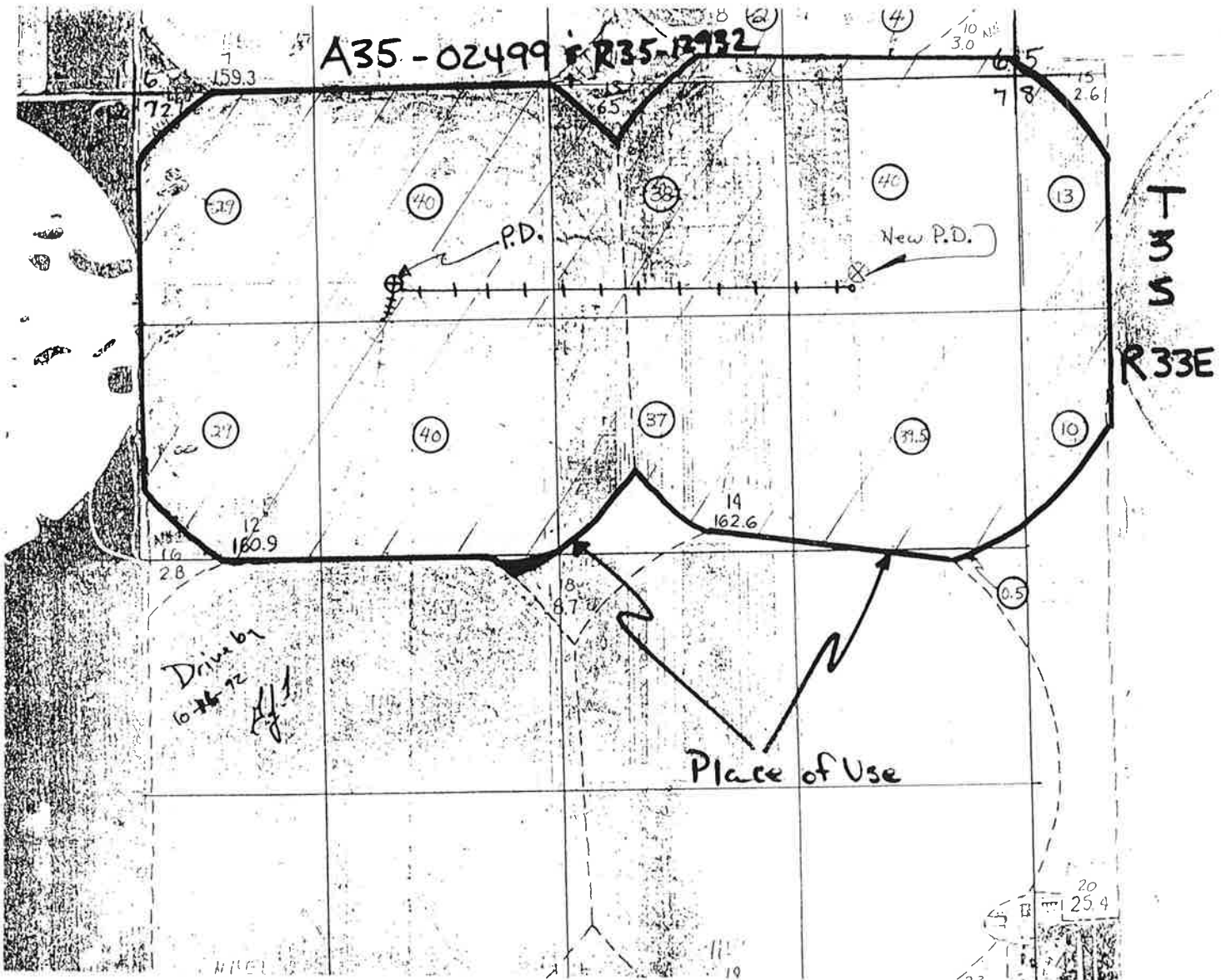
Published in Morning News Copies of protest forwarded by _____Pub. dates 11-17 & 24-94 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

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 in part 1. Clearly depict the land by section, township and range number.



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 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. 35-02499 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 GROUNDWATER tributary to _____

4. Date or priority 3-13-1957

5. Water is used for the following purpose:

amount 2.80 cfs for IRRIGATION purposes from NOT LISTED to _____
(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 2.80 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	NW	7	3S	33E	BINGHAM	

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	
3S	33E	7	40	40	40	40	40	31	31	40					20	20			342

Total acres 342

9. Describe any other water rights used for the same purpose as described above _____

PART 1

6. General Information:

- a. Description of diversion system 2 WELLS AND 2 PIVOTS

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

- d. Remarks:

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 _____
