

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4764
WATER RIGHT NO. 13-00872A & 13-00872B

RECEIVED
JUN 13 1996

Department of Water Resources
Eastern Region

This is to certify that: **BLAISDELL COTTONWOOD GRAZING CORP**
359 W ST JOHN RD
MALAD ID 83252

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.

RIGHT NO. 13-00872A:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.17 CFS	420.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LEWIS CREEK	COTTONWOOD CREEK

Priority: 06/01/1893

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 17, Township 12S, Range 39E
BANNOCK 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>
12S	39E	17	NESW 20	SESW 20	NWSE 40	120
			SWSE 40			120
Total number of acres irrigated:						120

RIGHT NO. 13-00872B:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.29 CFS	105.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRINGS	COTTONWOOD CREEK

Priority: 06/01/1893

LOCATION OF POINT(S) OF DIVERSION: SESESW , Sec. 4, Township 12S, Range 39E
BANNOCK 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>
12S	39E	4	SESW 20			20
		9	NENW 10			10
Total number of acres irrigated:						30

TRANSFER NO. 4764
WATER RIGHT NO. 13-00872A & 13-00872B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13M.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 6th day of

June

, 19

96


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 13-00872

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER NO. 4764

DATE: May 29, 1996

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Transfer No. 4764 was filed to change the point of diversion, place of use and sources under Right No. 13-00872, effectively dividing the right into two parts and systems from separate sources.

This application describes the right as historically used since approximately 1928 according to the applicant; no physical change will occur. The place of use is specifically describes 150 irrigated acres, rather than the 320 possible acres described under the decree. The two identified sources, Lewis Creek and Springs, are both tributary to Cottonwood Creek like the original source of Cow Hollow Creek and located within the same general area.

No protests or concerns were raised regarding this application. Watermaster comment sheet was received endorsing approval of this application with no other comment. Eastern Region has verified that the application map reflects the correct location of Springs and the legal description has been corrected to match, SESESW, S04.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, measuring device, irrigation overlap & standard transfer conditions. Basin 13 is outside the SRBA so related standard condition regarding review of the validity of the right does not apply.

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 4764

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant BLAISDELL COTTONWOOD GRAZING CORPORATION Phone 208-766-2698
Post Office address 359 W, ST JOHN RD, MALAD ID 83252

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 Change Source + Reduce acres
2. Describe the reason for the proposed changes TO CONFORM THESE WATER RIGHTS AND THE DEPARTMENT'S RECORDS WITH ACTUAL AND HISTORIC USE BY APPLICANT SINCE 1947 AND THEIR PREDECESSOR'S SINCE APPROXIMATELY 1928.

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>13-00872A</u>	<u>6/1/1893</u>	<u>1.17 cfs</u>	<u>IRRIGATION</u>	<u>4/20</u> to <u>9/30</u>
<u>13-00872B</u>	<u>6/1/1893</u>	<u>0.29 cfs</u>	<u>IRRIGATION</u>	<u>4/20</u> to <u>9/30</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.46 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water LEWIS CREEK tributary to COTTONWOOD CREEK
4. Point(s) of Diversion: Springs COTTONWOOD CREEK

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SW	17	12S	39E	BANNOCK	LEWIS CREEK 13-00872A
	SE	NE	SW	4	12S	39E	BANNOCK	~~UNNAMED~~ SPRINGS 13-00872B

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	
12S	39E	4								13-00872B				20					20
		9								10									10
12S	39E	17								13-00872A				20			20	40 40	120

Total acres 150

PART 1

6. General Information:

a. Description of diversion system EARTHERN, STRAW AND PORTABLE CANVAS DAMS UTILIZED
WITH VARIOUS DITCHES.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO 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:
NONE. THE CHANGE IS TO CONFORM THE WATER RIGHTS AND THE DEPARTMENT'S
RECORDS TO REFLECT THE ACTUAL USE CONTINUOUSLY SINCE 1947 BY APPLICANT
AND SINCE 1928 BY THIER PREDECESSORS IN INTEREST.

d. Remarks:

APPLICANT WAS UNAWARE THAT THESE DECREED WATER RIGHTS REFLECTED
INCORRECT POINTS OF DIVERSION AND SOME INCORRECT PLACES OF USE UNTIL
A RECENT EXAMINATION OF THE RIGHTS BY COUNSEL IN CONJUNCTION WITH A
RESTRUCTURE OF THE BLAISDELL FAMILY OPERATION FROM A FAMILY PARTNERHSIP
TO A FAMILY CORPORATION.

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. 450 (13-00872) Decreed to Albert Capson
in case of Utah Power & Light Co., Plaintiff vs. Last Chance Canal Co., Defendant
dated 7/14/1920 in U.S. District Court county of Idaho, Eastern Div.
- 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. _____ 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 Title Report

3. Source of water Cow Hollow Creek tributary to Cottonwood Creek, tributary to Bear River
4. Date or priority 6/01/1893

5. Water is used for the following purpose:

amount 1.460 cfs for irrigation purposes from 4/20 to 9/30
(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 1.460 cubic feet per second and/or _____ acre-feet per annum.
Unnamed in Decree: "through the Walker Ditch"

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
				5	12S	39E	Bannock	Walker Ditch

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	
12S	39E	4											40	40			40	40	160
12S	39E	5															40		40
12S	39E	8	40	40															80
12S	39E	9						40											40

Total acres 320

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

RANGE 39 East

Township 12 South

P/D Cottonwood Cr.

Shingle

Cottonwood

P/D Shingle Cr.

13-00872B

P/D unnamed Springs

P/D Minuteman

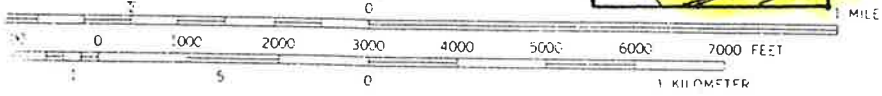
13-00872A

P/D Lewis Creek

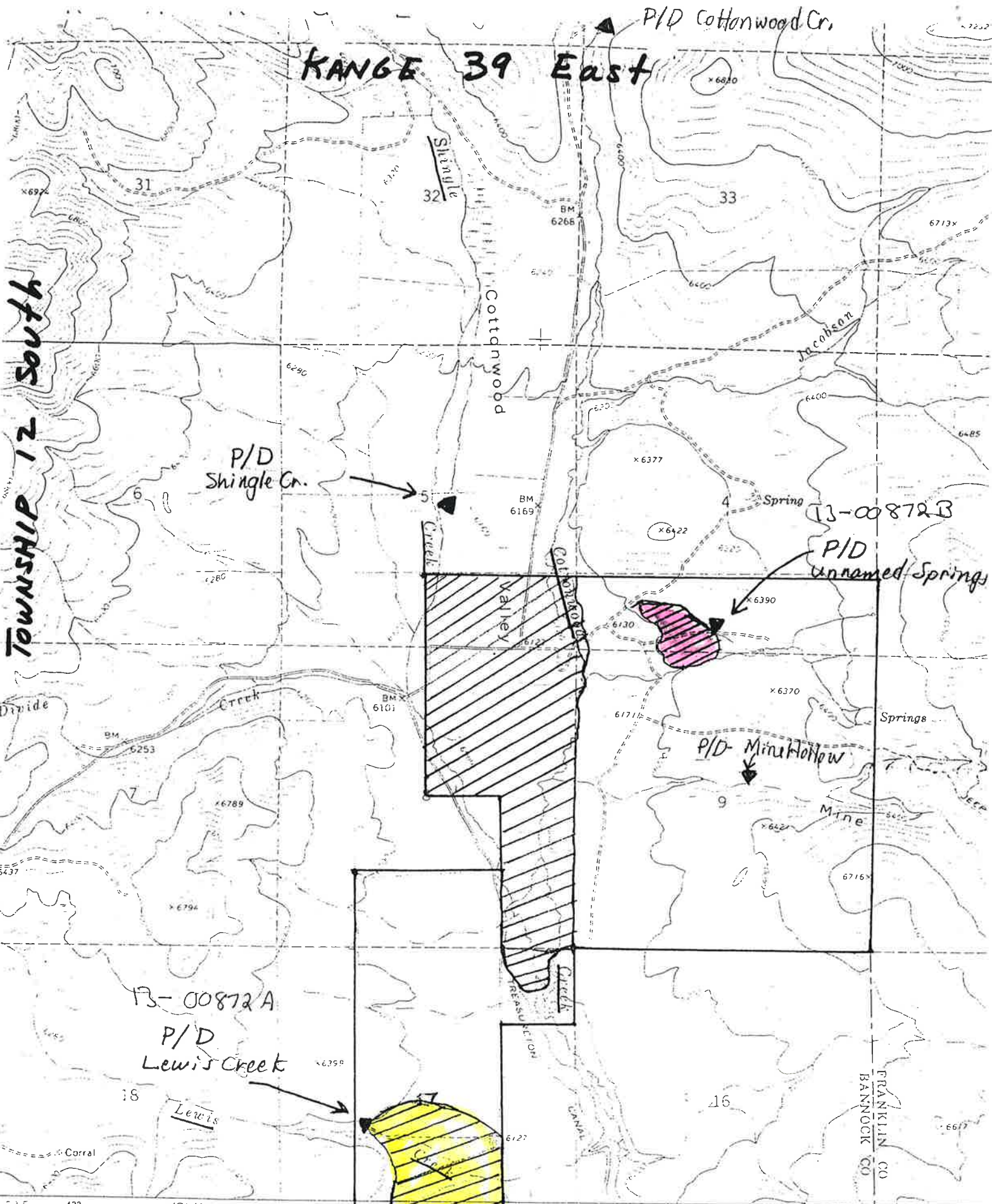
Lewis

FRANKLIN CO
BANNOCK CO

R 32 E 422 (SWAN LAKE) 3668 IV SW
SCALE 1:24,000



ROAD CLASS
Primary highway
hard surface
Secondary highway



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.

J. Dale Blaisdell
(Signature of Applicant)

Subscribed and sworn to before me this 1st day of AUGUST, 19 95.

R. Budge
(Notary Public)

My commission expires 10-11-2001

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by DEM Fee 100^{XX}

Receipted by HWT #E021301 Date 7-19-95 8-3-95

Published in Idaho State Journal Copies of protest forwarded by _____

Pub. dates 2-15-92-1996 Hearing held by _____ Date _____

Watermaster recommendation requested on 2-8-1996 Recommended for ☒ approval ☐ denial

Water Dist 13M rec'd. _____ by RDC

Copy of transfer sent to lien holder _____