

T4594 KETCH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4594

WATER RIGHT NO(S). 11-00910/11-00911/11-00912/11-00918
11-00919/11-00920/11-00921/11-00922/11-00923.

RECEIVED

This is to certify that: FERN KEETCH
C/O SCOTT NELSON
PO BOX 53
PARIS ID 83261

OCT 18 1995

Department of Water Resources
Eastern District Office

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. 11-00910 :			
IRRIGATION	04/15 to 07/01	6.60 CFS	1008.0 AF
IRRIGATION	07/02 to 09/30	4.40 CFS	794.2 AF
		6.60 CFS	1085.0 AF
Priority: 04/15/1877			
Right No. 11-00911 :			
IRRIGATION	04/15 to 10/15	1.70 CFS	617.1 AF
Priority: 04/15/1883			
Right No. 11-00912 :			
IRRIGATION	04/15 to 09/30	3.00 CFS	999.7 AF
Priority: 04/15/1877			
	SUBTOTAL:	11.30 CFS	1085.0 AF
Right No. 11-00918 :			
IRRIGATION	04/15 to 07/01	0.30 CFS	45.8 AF
IRRIGATION	07/02 to 09/30	0.20 CFS	36.1 AF
		0.30 CFS	81.9 AF
Priority: 04/15/1877			
Right No. 11-00919 :			
IRRIGATION	04/15 to 10/15	1.20 CFS	280.0 AF
Priority: 04/15/1883			
Right No. 11-00920 :			
IRRIGATION	04/15 to 10/15	0.20 CFS	72.6 AF
Priority: 04/15/1884			
	SUBTOTAL:	1.70 CFS	280.0 AF

TRANSFER NO. 4594

WATER RIGHT NO(S). 11-00910/11-00911/11-00912/11-00918
11-00919/11-00920/11-00921/11-00922/11-00923

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00921 :			
IRRIGATION	04/15 to 07/01	2.25 CFS	343.6 AF
IRRIGATION	07/02 to 09/30	1.50 CFS	270.7 AF
		2.25 CFS	367.5 AF
Priority: 04/15/1877			
Right No. 11-00922 :			
IRRIGATION	04/15 to 10/15	0.50 CFS	181.5 AF
Priority: 04/15/1883			
Right No. 11-00923 :			
IRRIGATION	04/15 to 10/15	0.10 CFS	36.3 AF
Priority: 04/15/1884			
SUBTOTAL:		2.85 CFS	367.5 AF
TOTAL:		* 15.85 CFS	* 1085.0 AF

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 34, Township 13S, Range 44E
SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	44E	34	NESW 14	SESW 28	NESE 5	
			NWSE 4	SWSE 31	SESE 23	105
		35	SWNW 1	NWSW 30	SWSW 40	71
14S	44E	3				
14S	44E	3				
14S	44E	3	Lot 1(NENE) 30	Lot 2(NWNE) 19	SWNE 8	
			SENE 40	Lot 3(NENW) 37		134
13S	44E	34				
13S	44E	34				

Total number of acres irrigated: ** 310

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

TRANSFER NO. 4594

WATER RIGHT NO(S). 11-00910/11-00911/11-00912/11-00918
11-00919/11-00920/11-00921/11-00922/11-00923CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4594 and combined Right Nos. 11-00910, 11-00911, 11-00912, 11-00918, 11-00919, 11-00920, 11-00921, 11-00922 and 11-00923, shall not exceed 15.85 cfs, nor a total combined annual volume of 1,085.0 af for irrigation of 310.0 acres.
- **9. Combined Right Nos. 11-00918, 11-00919 and 11-00920 shall not exceed a total combined annual diversion volume of 280.0 af for the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- **10. Combined Right Nos. 11-00921, 11-00922 and 11-00923 shall not exceed a total combined annual diversion volume of 367.5 af for the irrigation of 105.0 acres in the place of use described above in a single irrigation season.
11. Right Nos. 11-00910, 11-00918 and 11-00921 are classified as meadow lands or rights, and are understood to mean those lands along Bear River producing what is commonly called "wild hay" or "natural meadow grass", which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River.
12. Right Nos. 11-00911, 11-00912, 11-00919, 11-00920, 11-00922 and 11-00923 are classified as agricultural lands or rights, and are intended to mean those lands which have been cultivated and irrigated for the production of crops.
13. Any year that there is insufficient water in Bear River to fully supply all the decreed agricultural rights, the meadow rights will be reduced proportionately to provide 75% of the water for all the agricultural rights between June 17 and July 4th, and provide the full amount of water for the agricultural rights after July 4th.

Dated this 13th day ofOctober, 1995.
Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 11-00910/00911/00912/00918/00919/
00920/00921/00922/00923

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4594

DATE: October 10, 1995

RECEIVED

OCT 18 1995

Department of Water Resources
Eastern District Office

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Transfer No. 4594 was filed to add a point of diversion and change the place of use, creating a permissible place of use under some of the rights. These rights are part of the same decree that combines rights into sets of 3 for each separate place of use, 1 meadow and 2 agricultural rights. Originally these rights were decreed for separate places of use, but have been used together on the same place of use described on the transfer application since the early 70's.

The application and recommendations included an error listing Right No. 11-00912 as 0.30 cfs instead of 3.0 cfs, and also didn't identify the number of acres listed under each group of rights as decreed. The recommendations for this transfer approval have been modified to adjust for these differences.

The total rate of diversion being transferred, 15.85 cfs for 310 acres, appears excessive at 0.05 cfs/acre, but the meadow rights are restricted to specific limitations of filling the agricultural rights first. The agricultural rights alone reflect a more reasonable rate of 0.02161 cfs/acre, 6.7 cfs/310 acres. The decree also identified rates of diversion ranging from 0.03 to 0.02 cfs/acre depending on the season and location of the right. Additional flow rate in excess of 0.03 cfs/acre is assumed to be for conveyance purposes and the rights are conditioned to limit the total diversion volume per acre diverted from the pump to the fields.

The season of use and diversion volume were adjusted to current standards where not specifically designated. The first set of rights reduced the place of use from 322 acres to 310 currently irrigated acres while creating a permissible place of use for the other two sets of rights.

Other recommended conditions include watermaster control, irrigation overlap, future annual reporting, right-of-way, permissible place of use, multiple points of diversion, measuring devices, decree conditions, combined right limits and standard transfer conditions.

(See Attached Evaluation Sheet)

EVALUATION SHEET TRANSFER NO. 4594

WR#	Priority/Type	Rate	Acres Decree/Transfer		Diversion Volume
11-00910	1877 Meadow Rt.	6.60 cfs	322.0	310.0	1,085.0 afa
	(04-15 to 07-01	6.60 "	"	"	1,008.0 ")
	(07-02 to 09-30	4.40 "	"	"	794.2 ")
11-00911	1883 Ag. Rt.	1.70 "	"	"	617.1 "
11-00912	1877 Ag. Rt.	3.00 "	"	"	999.7 "
Subtotal:		11.30 cfs	(322.0)	310.0	1,085.0 afa
11-00918	1877 Meadow Rt.	0.30 cfs	80.0	310.0	81.9 afa
	(04-15 to 07-01	0.30 "	"	"	45.8 ")
	(07-02 to 09-30	0.20 "	"	"	36.1 ")
11-00919	1883 Ag. Rt.	1.20 "	"	"	280.0 "
11-00920	1884 Ag. Rt.	0.20 "	"	"	72.6 "
Subtotal:		1.70 cfs	(80.0)	310.0	280.0 afa
11-00921	1877 Meadow Rt.	2.25 cfs	105.0	310.0	367.5 afa
	(04-15 to 07-01	2.25 "	"	"	343.6 ")
	(07-02 to 09-30	1.50 "	"	"	270.7 ")
11-00922	1883 Ag. Rt.	0.50 "	"	"	181.5 "
11-00923	1884 Ag. Rt.	0.10 "	"	"	36.3 "
Subtotal:		2.85 cfs	(105.0)	310.0	367.5 afa
Total:		*15.85 cfs	*310.0 acres		*1,085.0 afa

50. 8-28-95

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4594

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant FERN KEETCH Phone 945-2022
Post Office address 90 Scott Nelson, P.O. Box 53, Paris ID 83261

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 _____

SEE ATTACHMENT 1

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 |
|-----------------|----------|--------------------|---------------|----------------|
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- SEE ATTACHMENT 2
2. Total amount of water being transferred 13.15 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water BEAR RIVER tributary to GREAT SALT LAKE
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	34	13S	44E	BEAR LAKE	STEWART DAM
		SW	SE	35	13S	44E	" "	Kent-Lavacco Ditch

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	
13S	44E	34									14			28	5	4	31	23	105
		35							1		30	40							71
14S	44E	3	30	19	8	40	37												134
			L1	L2			L3												

SEE ATTACHMENT 4 FOR ACREAGE LIMITATIONS

Total acres 310

PART 1

6. General Information:

a. Description of diversion system .

SEE ATTACHMENT 1

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

SEE ATTACHMENT 1

d. Remarks:

SEE ATTACHMENT 3 FOR REMARKS ON WATER RIGHT STRUCTURE

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 _____

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00910	CONTINENTAL LIFE INSURANCE CO.	04/15/1877	IRRIGATION IRRIGATION	04-15 07-01 07-01 09-30	6.60 CFS 4.40 CFS 6.60 CFS 0.00 AFA	DECREED TOTAL TOTAL
SOURCE: BEAR RIVER						
TRIBUTARY: GREAT SALT LAKE						
POINT OF DIVERSION:						
T13S R44E S35 SWSE						
PLACE OF USE: IRRIGATION						
T13S R44E S34 NESW SESE						
T14S R44E S03 Lot 1 (NENE) Lot 4 (NNW)						
Lot 2 (NWNE) SWNE						
Lot 3 (NENW)						
CONDITIONS OF APPROVAL:						
REMARKS: MEADOW RIGHT.						
P/D KENT LAROCO DITCH.						
OTHER RIGHTS:						

Transfer No. 4594

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 2

RIGHT	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00911	CONTINENTAL LIFE INSURANCE CO.	04/15/1883	IRRIGATION	04-15 09-30	1.70 CFS	DECREED
					1.70 CFS	TOTAL
					0.00 AFA	TOTAL
	SOURCE: BEAR ^{River} LAKE POINT OF DIVERSION: T13S R44E S35 SWSE PLACE OF USE: IRRIGATION T13S R44E S34 NESW SESE T14S R44E S03 Lot 1 (NENE) Lot 2 (NWNE) Lot 3 (NENW) Lot 4 (NWNW) CONDITIONS OF APPROVAL: REMARKS: AGRICULTURAL RIGHT. P/D KENT LAROCOCO DITCH. OTHER RIGHTS:					

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APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
41-00912	CONTINENTAL LIFE INSURANCE CO.	04/15/1884	IRRIGATION	04-15 09-30	1.80 CFS .30	DECREED
	SOURCE: BEAR LAKE		TRIBUTARY: GREAT SALT LAKE		1.80 CFS 0.00 AFA .30	TOTAL TOTAL
	POINT OF DIVERSION: T13S R44E S35					
	PLACE OF USE: IRRIGATION T13S R44E S34					
	T14S R44E S03 Lot 1 (NENE) Lot 4 (NNNW)		Lot 2 (NWNE)			Lot 3 (NENW)
	CONDITIONS OF APPROVAL:					
	REMARKS: AGRICULTURAL RIGHT. P/D KENT LAROCO DITCH.					
	OTHER RIGHTS:					

Eastern Region Feds data
entry should have been
0.20 cfs, not 1.80 cfs.

4-11-00

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00918	GEORGE PARKER	04/15/1877	IRRIGATION IRRIGATION	04-15 07-01 07-01 09-30	0.30 CFS 0.20 CFS 0.30 CFS 0.00 AFA	DECREED TOTAL TOTAL
SOURCE: BEAR RIVER		TRIBUTARY: GREAT SALT LAKE				
POINT OF DIVERSION: T13S R44E S35 SWSE						
PLACE OF USE: IRRIGATION T13S R44E S35 NWSW		SWSW				
CONDITIONS OF APPROVAL:						
REMARKS: P/D KENT-LAROCOCO DITCH MEADOW RIGHT.						
OTHER RIGHTS: 11-0919/0920.						

Transfer No. 4594

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APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00919	GEORGE PARKER	04/15/1883	IRRIGATION	04-15 09-30	1.20 CFS	DECREED
					1.20 CFS	TOTAL
					0.00 AFA	TOTAL
	SOURCE: BEAR RIVER		TRIBUTARY: GREAT SALT LAKE			
	POINT OF DIVERSION: T13S R44E S35		SWSE			
	PLACE OF USE: IRRIGATION T13S R44E S35		NWSW			
			SWSW			
	CONDITIONS OF APPROVAL:					
	REMARKS: AGRICULTURAL RIGHT. P/D KENT LAROCOC DITCH.					
	OTHER RIGHTS: 11-0918/0920.					

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APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00920	GEORGE PARKER	04/15/1884	IRRIGATION	04-15 09-30	0.20 CFS	DECREED
					0.20 CFS	TOTAL
					0.00 AFA	TOTAL
	SOURCE: BEAR RIVER		TRIBUTARY: GREAT SALT LAKE			
	POINT OF DIVERSION: T13S R44E S35		SWSE			
	PLACE OF USE: IRRIGATION T13S R44E S35		NWSW			
			SWSW			
	CONDITIONS OF APPROVAL:					
	REMARKS: AGRICULTURAL RIGHT. P/D KENT LAROCO DITCH.					
	OTHER RIGHTS: 11-0918/0919.					

Transfer No. 4594

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00921	EDWARD LAROCOO	04/15/1877	IRRIGATION IRRIGATION	04-15 07-01 07-01 09-30	2.25 CFS 1.50 CFS 2.25 CFS 0.00 AFA	DECREED TOTAL TOTAL
SOURCE: BEAR RIVER						
POINT OF DIVERSION:						
T13S R44E S35 SWSE						
PLACE OF USE: IRRIGATION						
T14S R44E S03 SENW NESW NESE						
CONDITIONS OF APPROVAL:						
REMARKS: MEADOW RIGHT.						
P/D KENT LAROCOO DITCH.						
OTHER RIGHTS: 11-0922/0923						

Transfer No. 4594

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00922	EDWARD LAROCOO	04/15/1883	IRRIGATION	04-15 09-30	0.50 CFS	DECREED
					0.50 CFS	TOTAL
					0.00 AFA	TOTAL
	SOURCE: BEAR RIVER		TRIBUTARY: GREAT SALT LAKE			
	POINT OF DIVERSION: T13S R44E S35		SWSE			
	PLACE OF USE: IRRIGATION T14S R44E S03		SEW			
		NESW		NESE		
	CONDITIONS OF APPROVAL:					
	REMARKS: AGRICULTURAL RIGHT. P/D KENT LAROCOO DITCH.					
	OTHER RIGHTS: 11-0921/0923					

Transfer No. 4594

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APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00923	EDWARD LAROCCO	04/15/1884	IRRIGATION	04-15 09-30	0.10 CFS	DECREED
					0.10 CFS	TOTAL
					0.00 AFA	TOTAL
	SOURCE: BEAR RIVER		TRIBUTARY: GREAT SALT LAKE			
	POINT OF DIVERSION: T13S R44E S35		SWSE			
	PLACE OF USE: IRRIGATION T14S R44E S03		SEW			
		NESW		NESE		
	CONDITIONS OF APPROVAL:					
	REMARKS: AGRICULTURAL RIGHT P/D KENT LAROCCO DITCH.					
	OTHER RIGHTS: 11-0921/0922					

Transfer No. 4594

ATTACHMENT 1: PURPOSE OF PROPOSED TRANSFER

This application for transfer proposes to change the point of diversion for the listed water rights from the original diversion works of the Kent-LaRocco Ditch downstream to Stewart Dam which diverts water from Bear River to the Rainbow Inlet Canal and ultimately into Bear Lake. The original point of diversion system consists of an old earthen dike and an open ditch that is very labor intensive to maintain. The dike needs to be rebuilt each year before water can be diverted into the Kent-LaRocco.

The applicant is planning to build a small pumping station along the Rainbow Inlet Canal at the place of use to deliver water from the canal. A pipeline beneath the Rainbow Inlet is presently being constructed to replace a flume that had been in place for several years to serve the place of use on either side of the inlet.

The changes in the place of use proposed in this application for transfer reflect the actual historic use of water on the property. Except for delivery by priority, little, if any, differentiation has occurred in the use of the listed water rights since the "LaRocco" parcel was acquired in 1972. As a result, this application for transfer shows a common 310 acre place of use for each water right. Attachment 4 reviews the proportional share of the total 310 acre place of use that each "set" of rights covers.

ATTACHMENT 2: LISTING OF WATER RIGHTS

WATER RIGHT	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	Q FOR USE PERIOD	TOTAL Q OF RIGHT
11-00910	04/15/1877	IRRIGATION	04-15 07-01 07-01 09-30	6.60 CFS 4.40 CFS	6.60 CFS
11-00911	04/15/1883	IRRIGATION	04-15 09-30	*****	1.70 CFS
11-00912	04/15/1884	IRRIGATION	04-15 09-30	*****	0.30 CFS
11-00918	04/15/1877	IRRIGATION	04-15 07-01 07-01 09-30	0.30 CFS 0.20 CFS	0.30 CFS
11-00919	04/15/1883	IRRIGATION	04-15 09-30	*****	1.20 CFS
11-00920	04/15/1884	IRRIGATION	04-15 09-30	*****	0.20 CFS
11-00921	04/15/1877	IRRIGATION	04-15 07-01 07-01 09-30	2.25 CFS 1.50 CFS	2.25 CFS
11-00922	04/15/1883	IRRIGATION	04-15 09-30	*****	0.50 CFS
11-00923	04/15/1884	IRRIGATION	04-15 09-30	*****	0.10 CFS
TOTAL Q == >					=====
					13.15 CFS

Transfer 11-00910...

ATTACHMENT 3: EXPLANATION OF WATER RIGHT STRUCTURE

Water rights 11-00910, 11-00918 and 11-00921 are classified as "meadow rights" by the Preston Montpelier Irrigation Co. vs. Dingle Irrigation Co. decree. Although they are prior to the "agricultural rights"; 11-00911, 11-00912, 11-00919, 11-00920, 11-00922 and 11-00923, the "meadow rights" are considered to be junior and are only to be delivered if there is sufficient water to fill the "agricultural rights" as shown below:

"IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That if at any time between the 17th day of June and the 4th day of July of any year there shall not be sufficient water in the Bear River to supply the above designated agricultural lands consisting of 6012.25 acres, then and in that event, there shall be taken from the lands or rights herein designated as meadow rights pro rata a sufficient amount of water so that said 6012.25 acres of agricultural land shall receive 75 per cent of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply said 6012.25 acres with the full amount of their decreed water right, then, and in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights."

When the "meadow rights" are included in cfs/acre calculations over the 310 acres listed as place of use, the result is an excessive 0.04242 cfs/acre (13.15 cfs total divided by 310 irrigated acres). However, when only the "agricultural rights" are used for the same calculations, the result is a reasonable 0.01290 cfs/acre (4.00 cfs total divided by 310 irrigated acres). Considering the strict conditions placed on delivery of the "meadow rights" shown above, there appears to be little need for concern over the apparent "excessive" flows shown in this application for transfer.

Review of the place of use listed shows that there are three additional decreed water rights; 11-00914, 11-00915 and 13-00987 (misnumbered from 11-00913), that appear to overlap those shown in this application. Discussions with the operator and owner of the place of use show that they do not believe these three rights have been historically used on the place of use and therefore are not included this transfer.

Transfer 11-00910...

ATTACHMENT 4: ACREAGE LIMITATIONS FOR EACH WATER RIGHT

The water rights listed in this application for transfer were decreed by the Preston Montpelier Irrigation vs. Dingle Irrigation in sets of "threes"; each place of use, or farm, receiving an early "meadow right" and two later priority "agricultural rights". As explained in Attachment 3, the "meadow rights" are "first in time", they are delivered to users only after most, or all of the "agricultural rights" are delivered, depending on the time of year.

Much reference is made in the decree to the 6012.25 acres of land covered by the "agricultural rights", however no acreage is recorded as a place of use for any of the rights. As a result, an acreage analysis must be made based on the combined flow of the "agricultural rights" for each set. This transfer lists a similar 310 acre permissible place of use for each right. Water rights in a set are then limited to a specific number of acres within the permissible place of use based on the set's portion of the total 4.00 cfs "agricultural" flow rate.

The chart below shows the acreage limitations for each right within the permissible place of use.

WATER RIGHT	TYPE OR DESIGNATION	Q FOR WATER RIGHT	Q FOR AG RTS WITHIN SET	% OF TOTAL Q & AC BY SET	TOTAL ACRES FOR EACH RT
<u>SET 1:</u>					
11-00910	MEADOW	*****			155
11-00911	AGRICULTURE	1.70 CFS			155
11-00912	AGRICULTURE	0.30 CFS	2.00 CFS	50%	155
<u>SET 2:</u>					
11-00918	MEADOW	*****			108.5
11-00919	AGRICULTURE	1.20 CFS			108.5
11-00920	AGRICULTURE	0.20 CFS	1.40 CFS	35%	108.5
<u>SET 3:</u>					
11-00921	MEADOW	*****			46.5
11-00922	AGRICULTURE	0.50 CFS			46.5
11-00923	AGRICULTURE	0.10 CFS	0.60 CFS	15%	46.5
TOTAL AG Q >			=====		
			4.00 CFS		

Transfer 11-00910...

ATTACHMENT 4: ACREAGE LIMITATIONS FOR EACH WATER RIGHT (Continued)

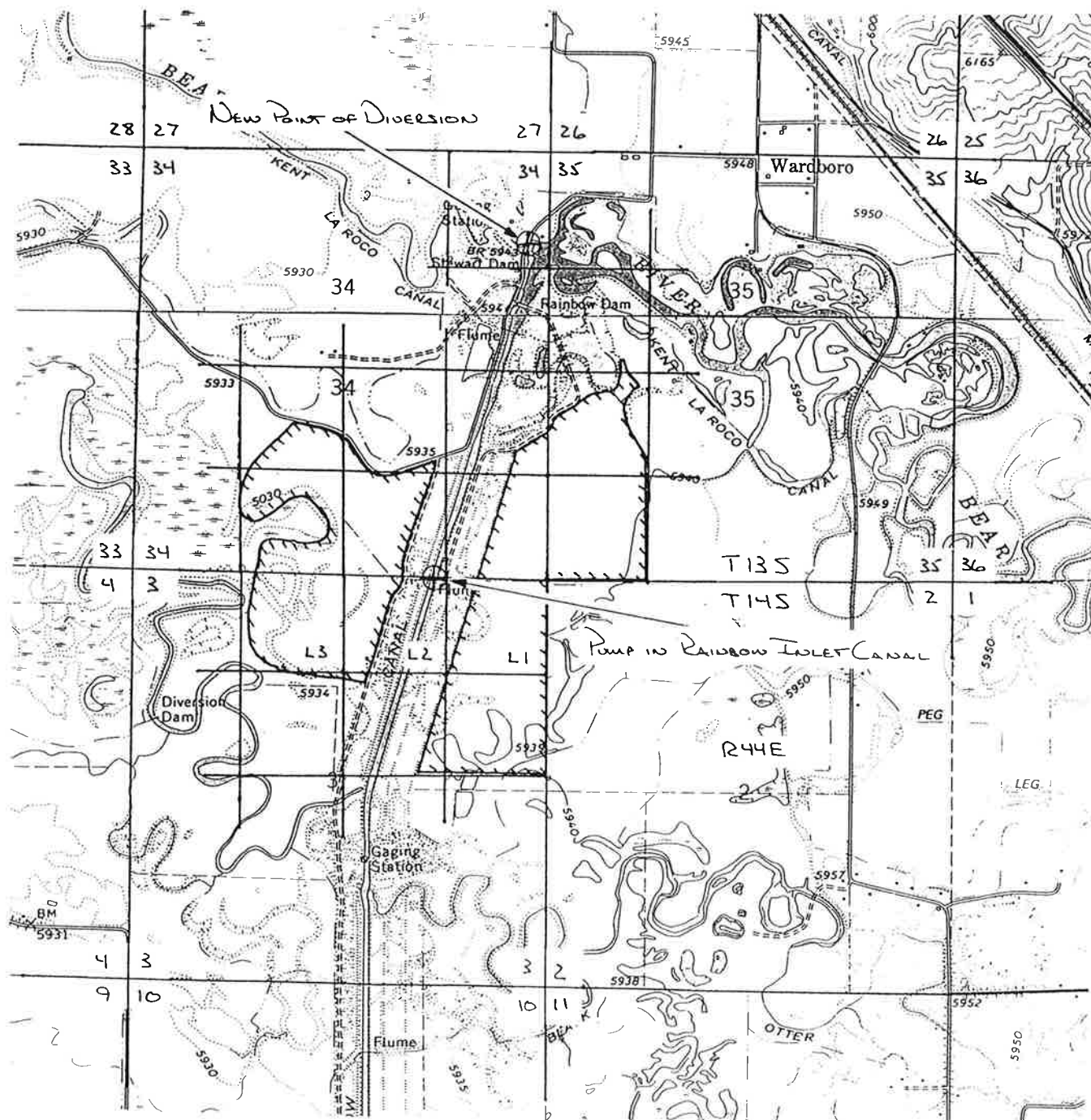
Water rights 11-00910, 11-00911 and 11-00912 (Set 1) hold 50% of the total "agricultural" flow for the 310 acre parcel. Therefore, they are limited to a total of 155 acres within the 310 acres listed as place of use. Rights 11-00918, 11-00919 and 11-00920 (Set 2) hold 35% and are limited to a total of 108.5 acres within the 310 acres listed as place of use. Rights 11-00921, 11-00922 and 11-00923 (Set 3) hold 15% and are limited to 46.5 acres within the 310 acre place of use.

The above conditioning should be placed on the respective rights at the time of approval of this Application for Transfer by the Department.

Transfer 11-00910...

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.



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.

X Fern Keetch
(Signature of Applicant)

Subscribed and sworn to before me this 10 day of April, 1995.

Deloy M. Buchanan
(Notary Public)

My commission expires

Feb 28, 2000**FOR DEPARTMENT USE ONLY**Transfer contains 18 pages and attachmentsReceived by WM Date 4/12/95 Protest filed by Prelim. check by Fee #10045 E020889Receipted by HWT Date 4-12-95Published in Statewide Copies of protest forwarded by Pub. dates April 27 & May 4, 1995 Hearing held by Date Watermaster recommendation requested on Recommended for ☐ approval ☐ denial rec'd. by Copy of transfer sent to lien holder