

T4637 SQUIRREL CREEK IRRIGATION & CANAL CO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4637
WATER RIGHT NO. 21-00109C

4637
RECEIVED

OCT 10 1995

Department of Water Resources
Eastern District Office

This is to certify that: **SQUIRREL CREEK IRRIGATION & CANAL CO LTD**
C/O MARTIN BERGMAN
PO BOX 277
ASHTON ID 83420

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	04/15 to 10/15	20.00 CFS	4112.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SQUIRREL CREEK	CONANT CREEK
CONANT CREEK	FALLS RIVER

Priority: 09/01/1901

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 15, Township 08N, Range 43E
SENE , Sec. 8, Township 08N, Range 44E
SESW , Sec. 8, Township 08N, Range 44E
FREMONT 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>
08N	43E	10	NENE 40	SWNE 40	SENE 40	
			SENE 32	NESW 32	NWSW 40	
			SWSW 40	SESW 34	NESE 40	
			NWSE 40	SWSE 33	SESE 40	451
		15	NENE 34	NWNE 34	SWNE 38	
			SENE 40	NENW 38	NWNW 38	
			SWNW 40	SENE 40	NESW 18	
			NWSW 14	NESE 40	NWSE 33	
			SWSE 20	SESE 20		447
44E	8		NENE 31	SENE 1	SWNW 40	
			SENE 40	NESW 32	NWSW 40	
			SWSW 38	SESW 22	SWSE 33	277

Total number of acres irrigated: 1175

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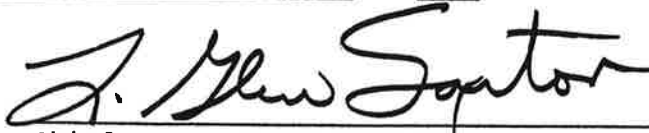
CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. 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.
5. 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.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. 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.
8. 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.
9. 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.
10. The total instantaneous diversion of water from all points of diversion under Transfer No. 4637 shall not exceed 20.0 cfs, nor a total combined annual volume of 4,112.5 af for irrigation not to exceed 1,175.0 total acres in a single irrigation season.
11. Prior to diversion of water from Conant Creek, the right holder shall provide a means of measurement acceptable to the Department upstream from the confluence of Squirrel Creek and Conant Creek to provide the watermaster with an accurate measurement of the flow of water from Squirrel Creek into Conant Creek.
12. Diversion of water from Conant Creek under Right No. 21-00109C shall not exceed the measured flow of water from Squirrel Creek into Conant Creek less the amount of water for conveyance losses as determined by the watermaster.

Dated this 3rd day of

October

, 1995


Chief, Water Alloc. Bureau

MEMORANDUM

RECEIVED

OCT 10 1995

TO: FILE NO. 21-00109C

FROM: PAM SKAGGS²/STATE OFFICE

Department of Water Resources
Eastern District Office

SUBJECT: TRANSFER NO. 4637

DATE: October 2, 1995

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Transfer No. 4637 was filed to change and add points of diversion, change and reduce the place of use to historically irrigated acres and add a new source. This small canal company serves 9 shareholders who want to change the delivery system from the existing ditch system to pumps and pressurized pipelines. This transfer will reduce conveyance losses and increase the flows in Squirrel Creek.

The season of use and diversion volume were adjusted to current standards and Conant Creek was added as a second source. The original point of diversion at the head of the ditch system was dropped in favor of the addition of three points of diversion from the creeks to adjacent land parcels. The place of use has been reduced from 1,312.0 acres to 1,175.0 acres currently irrigated acres.

A protest agreement was reached between water users on Conant Creek and the applicant that includes specific conditions of use. Recommended conditions of approval include subject to protest agreement, watermaster control, future reporting conditions, irrigation overlap, right-of-way, multiple points of diversion, measuring devices, specific annual limits and standard transfer conditions.

Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4637

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant SQUIRREL CREEK IRRIGATION AND CANAL CO., LTD. Phone (208) 652-7735
Post Office address 1/2 MARTIN BERGMAN, P.O. Box 277, Ashton, ID 83420

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 ADD SOURCE
2. Describe the reason for the proposed changes APPLICANT WISHES TO CONVERT FROM PRESENT DITCH SYSTEM TO PRESSURIZED PIPELINES. PRESENT SYSTEM HAS CONSIDERABLE LOSSES DUE TO SOIL STRUCTURE AND LACK OF REPAIR. PROPOSED PIPELINES WILL CUT LOSSES AND INCREASE FLOWS IN SQUIRREL CREEK. CHANGE IN PLACE OF USE REFLECTS SPRA NOTICE OF CLAIM A21-00109C

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>21-00109C</u> | <u>9/1/1901</u> | <u>20.0 cfs</u> | <u>IRRIGATION</u> | <u>4/1</u> to <u>11/1</u> |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 20.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SQUIRREL CREEK tributary to CONANT CREEK
4. Point(s) of Diversion: CONANT CREEK TRIB. TO FALLS RIVER

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	15	8N	43E	FREMONT	"POINT OF DIVERSION 1" (Conant Creek)
		SE	NE	8	8N	44E	FREMONT	"POINT OF DIVERSION 2"
		SE	SW	8	8N	44E	FREMONT	"POINT OF DIVERSION 3"

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	43E	10	40		40	40				32	32	40	40	34	40	40	33	40	451
		15	34	34	38	40	33	38	40	40	18	14			40	33	20	20	447
8N	44E	8	31			1			40	40	32	40	38	22			33		277

Total acres 1175

PART 1

6. General Information:

- a. Description of diversion system TWO PUMPING STATIONS IN SQUIRREL CREEK AND ONE PUMPING STATION IN CONANT CREEK TO PIPELINES TO SPRINKLER SYSTEMS (HANDLINES, WHEEL LINES, CENTER PIVOTS) FOR IRRIGATION OF SHAREHOLDERS' PROPERTY.
- N/A b. 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:
REFLECTS HISTORIC USE AS RECORDED IN SRBA NOTICE OF CLAIM A21-00109C.
NOTE REDUCTION OF IRRIGATED ACRES FROM 12569.
- d. Remarks:
APPLICANT IS CANAL COMPANY THAT DELIVERS WATER TO SHAREHOLDERS FOR USES DESCRIBED ABOVE. SEE ATTACHED "INITIAL ASSESSMENT" PREPARED BY HIGH COUNTRY PC&D. SRBA NOTICE OF CLAIM ALSO ATTACHED.

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

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A. DESCRIPTION OF RIGHT AS RECORDED

No. 21-00109C

Name: SQUIRREL CREEK CANAL
Address: C/O MARTIN BERGMAN
P.O. BOX 277
ASHTON ID 83420

Telephone: (208) 652-7735

Priority Date	Water Use	Use Period From To	Diversion Rate	Diversion Volume
09/01/1901	IRRIGATION	04-01 11-01	20.00 CFS	AFA
Total Diversion:			20.00 CFS	AFA

Source: SQUIRREL CREEK Tributary to: FALLS RIVER

Point(s) of Diversion: T08N R44E SEC3 SWSE County: FREMONT

Place of Use for: IRRIGATION County: FREMONT

Twn Rge Sec	: NE NW SW SE	: NE NW SW SE	: NE NW SW SE	: NE NW SW SE	: SUM
08N 43E 10	: 40 40 40	: 32	: 40 40 40 40	: 40 40 40 40	: 472.0
08N 43E 15	: 40 40 40 40	: 40 40 40 40	: 20 20	: 40 40 40 40	: 520.0
08N 44E 8	: 40	: 40 40	: 40 40 40 40	: 40	: 320.0
Total Acres:					1312.0

Other Rights Used: 21-02126

Remarks: P/D SQUIRREL CREEK CANAL.
TRANS. 1707 SPLIT INTO 21-0109A & 21-0109B.
TRANS. 2320 CHANGED P/D ON 21-0109B.
TRANS. 2569 COMBINED 21-0109A & 21-0109B INTO 21-0109C.

Stage: DECREED Plaintiff: REXBURG IRRIGATION CO.
Defendant: TETON IRRIGATION CANAL CO., ET. AL.
Date: 12/16/1910

Misc: Water District Number: 01 Field Exam Fee: SRBA Claim: Y
Abandonment/Fortfeiture: N

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

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

Martin Bergman

(Signature of Applicant)

Subscribed and sworn to before me this 13 day of may, 19 85.

(Notary Public)

My commission expires 2-25-2000**FOR DEPARTMENT USE ONLY**Transfer contains 7 pages and _____ attachmentsReceived by Jo EO21043 Date 5-18-95

Protest filed by _____

Prelim. check by _____ Fee \$100Receipted by Jo Date _____Published in Herald Chronicle

Copies of protest forwarded by _____

Pub. dates June 8-15-1995

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.

SEE ATTACHED MAPS

