

T4914 WEST CACHE IRRIGATION DIST

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4914
WATER RIGHT NO. 13-00974

This is to certify that: **WEST CACHE IRRIGATION COMPANY**
C/O ED COTTLE
1207 S 400 E
TRENTON UT 84338

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	* 186.00 CFS	* 51912.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 09/12/1899

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 25, Township 14S, Range 39E
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S 39E 19				
20				
29				
30				
16S 39E 4				
5				
17				
19				
20				
29				
30				

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.

TRANSFER NO. 4914
WATER RIGHT NO. 13-00974

CONDITIONS OF APPROVAL AND 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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. Use of water under this water right will be regulated by the watermaster of State Water District No. 11, Bear River District, Idaho in conjunction with the equivalent authority for the second point of diversion located within Utah.
6. Upon a satisfactory showing by the watermaster of Water District No. 11, as determined by the department, that the rate of diversion from the authorized points of diversion cannot be properly controlled to insure there is no injury to other water users and that there is no enlargement in use of water under this transfer, the Director may rescind approval of this transfer.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and method of accounting 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. 4914 shall not exceed 186.0 cfs, nor total combined annual volume of 51,912.0 af.
9. A second point of diversion is authorized within the NENW, Sec 3, T14N, R01W, Cache County, Utah S.L.B.&M.
10. Right No. 13-00974 is limited to the total combined irrigation of 14,832 acres within the place of use described above located in the state of Idaho and the place of use described below within the state of Utah.
11. The portion of the place of use located within Utah is described as follows: Sec 34 and 35, T15N, R01W; Sec 03, 04, 09, 10, 11, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 and 36, T14N, R01W; Sec 01, 02, 03, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36, T13N, R01W; Sec 05, 06, 07, 08, 18, 19 and 30, T13N, R01E; Sec 01, 02, 03, 04, 11 and 12, T12N, R01W; S.L.B.&M.

Dated this 17th day of December, 1996.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 13-00974

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: TRANSFER NO. 4914

DATE: December 9, 1996

=====

Transfer No. 4914 was filed to add a second point of diversion under Right No. 13-00974 to be located in Utah to better serve lands located there. The proposed new point of diversion will reduce losses through an unstable portion of the canal system. The transfer was advertised in both Idaho and Utah in the affected vicinity under this right and no protests were received.

The application had not been signed or properly notarized by the applicant & was returned to correct the oversight prior to final recommendation for approval.

No watermaster comment was returned by the watermaster of Water District 11, Bear River when the file was forwarded to the State Office. I contacted Pete Peterson, watermaster, by telephone to discuss the transfer. He feels that with the second point of diversion in Utah, controlling the total diversion will be difficult at best. Cooperation in the past has not been reliable.

He has been working on a river model and new accounting program with Bill Ondrechen, Technical Section, and feels that this transfer will create difficulties without strong conditions and controls. He is concerned about receiving accurate diversion information from the Utah point of diversion for accurate accounting within the new program and recommends measuring devices and the possibility of placing both points of diversion under his direct control.

This decreed right describes a permissible place of use consisting of sections listed in both Idaho and Utah, but limited to the irrigation of 14,832 total acres. Season of use and diversion volume were adjusted to current standards.

Recommended conditions include irrigation overlap, measuring devices & total diversion limits, watermaster control & cooperation with designated Utah counterpart, permissible place of use limits, legal description of the point of diversion & place of use in Utah, right-of-way and standard transfer conditions.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

4914
Transfer No. ~~RECEIVE~~
SEP 19 1983
Department of Water Resources

Name of applicant West Cache Irrigation Company Phone 801-563-3501
Post Office address % Ed Cottle; 1207 South, 400 East, Trenton, Utah 84338

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 This additional diversion point will allow water to be pumped into the canal below a section of the canal that is very unstable. The total amount of water diverted should be less than at present because less water will be lost due to seepage. The river watermaster will make sure the combined diversions are within our decreed right, and accurate measuring devices will be constructed at the additional site.
- B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF AFTER THE PROPOSED CHANGES: _____

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>13-00974</u> <u>~~22~~</u>	<u>1899 Sept 12</u>	<u>186 c.f.s.</u>	<u>Ag</u>	<u>Apr. 20</u> to <u>Sept 20</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 186 c.f. 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	25	14S	39E	Franklin, Id	West Cache Canal Head
		NE	NW	3	14N	1 W	Cache Co. Ut.	West Cache Canal Pump Station <i>NEW</i>
							Said water to be diverted from Bear River _____ at a point 700 feet North and 42°33' West of a point 43 feet East of the South _____	

5. Lands irrigated or place of use: No Change

Said water to be diverted from Bear River at a point 700 feet North and 42°33' West of a point 43 feet East of the Southeast corner of the Southwest quarter of Section 25, Township 14 South, Range 39 East, B.B.M., and to be used for the irrigation of 14,832 acres in Sections 19, 20, 29 and 30, Township 15 South, Range 39 East, Sections 4, 5, 17, 19, 20, 29 and 30, Township 16 South, Range 39 East, B.B.M., Sections 35 and 34, Township 15 North, Range 1 West, S.L.B.&M., Sections 3, 4, 9, 10, 11, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 and 36, Township 14 North, Range 1 West, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, Township 13 North, Range 1 West, Sections 5, 6, 7, 8, 18, 19 and 30, Township 13 North, Range 1 East, Sections 1, 2, 3, 4, 11 and 12, Township 12 North, Range 1 West, S.L.B.&M.

[illegible]

14,832 ac.

PART 1**6. General Information:**

- a. Description of diversion system 50 miles of main canal and 50 miles of major lateral
deliver water to farmers in south west Franklin county, Id. and northwest Cache
county, Ut.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:
The additional point of diversion will not change the lands being irrigated. Every few
years we have a major failure of the canal somewhere between the head and the Idaho
line. A pumping station below this area would allow us to run the canal at a lower, safer
level, and still meet the farmers needs during peak demand.
- d. Remarks:
For example, the failure last year cost \$125,000.00 to repair, and the system was shut
down for 3 weeks during the most critical use period. The crop loss alone was
estimated at over \$1,000,000.00. The pumping station would be used to keep the canal
at a more safe level, and provide water in the event of a complete failure.

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)

RECEIVED
SEP 19 1993
Department of Water Resources

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 13-00974
 - a. Decree No. 22 Decreed to West Cache Irrigation Company
in case of Utah Ppwer and Light Company vs. The Last Chance Canal Company
dated July 14, 1920 in District Court of U.S. county of District of Id. 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 N/A
3. Source of water Bear River tributary to Grat Salt Lake
4. Date or priority 1899 Sept 12
5. Water is used for the following purpose:
 amount 186 c.f.s. for Irrigation purposes from Apr 20 to Sept 20
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
6. Total amount of water under right 186 c.f.s. 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
		SE	SW	25	14S	39E	Franklin, Id.	West Cache Canal Head

8. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4

Said water to be diverted from Bear River at a point 700 feet North and 42°33' West of a point 43 feet East of the Southeast corner of the Southwest quarter of Section 25, Township 14 South, Range 39 East, B.B.M., and to be used for the irrigation of 14,832 acres in Sections 19, 20, 29 and 30, Township 15 South, Range 39 East, Sections 4, 5, 17, 19, 20, 29 and 30, Township 16 South, Range 39 East, B.B.M., Sections 35 and 34, Township 15 North, Range 1 West, S.L.B.&M., Sections 3, 4, 9, 10, 11, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 and 36, Township 14 North, Range 1 West, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, Township 13 North, Range 1 West, Sections 5, 6, 7, 8, 18, 19 and 30, Township 13 North, Range 1 East, Sections 1, 2, 3, 4, 11 and 12, Township 12 North, Range 1 West, S.L.B.&M.

	Totals
1/4	

14,832 ac.

9. Describe any other water rights used for the same

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 186 c.f.s. for Irrigation purposes from Apr 20 to Sept 20
 (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
			NW	3	14N	1W	Cache Co. Ut.	West Cache Canal Pump Station

3. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE 1/4				NW		Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	

Said water to be diverted from Bear River at a point 700 feet North and 42°33' West of a point 43 feet East of the Southeast corner of the Southwest quarter of Section 25, Township 14 South, Range 39 East, B.B.M., and to be used for the irrigation of 14,832 acres in Sections 19, 20, 29 and 30, Township 15 South, Range 39 East, Sections 4, 5, 17, 19, 20, 29 and 30, Township 16 South, Range 39 East, B.B.M., Sections 35 and 34, Township 15 North, Range 1 West, S.L.B.&M., Sections 3, 4, 9, 10, 11, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 and 36, Township 14 North, Range 1 West, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, Township 13 North, Range 1 West, Sections 5, 6, 7, 8, 18, 19 and 30, Township 13 North, Range 1 East, Sections 1, 2, 3, 4, 11 and 12, Township 12 North, Range 1 West, S.L.B.&M.

14,832 ac.

C. DESCRIPTION OF UNCHANGED PORTION OF F

1. amount _____ for _____
 (cfs/ac-ft) _____
 amount _____ for _____
 (cfs/ac-ft) _____
 amount _____ for _____
 (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:

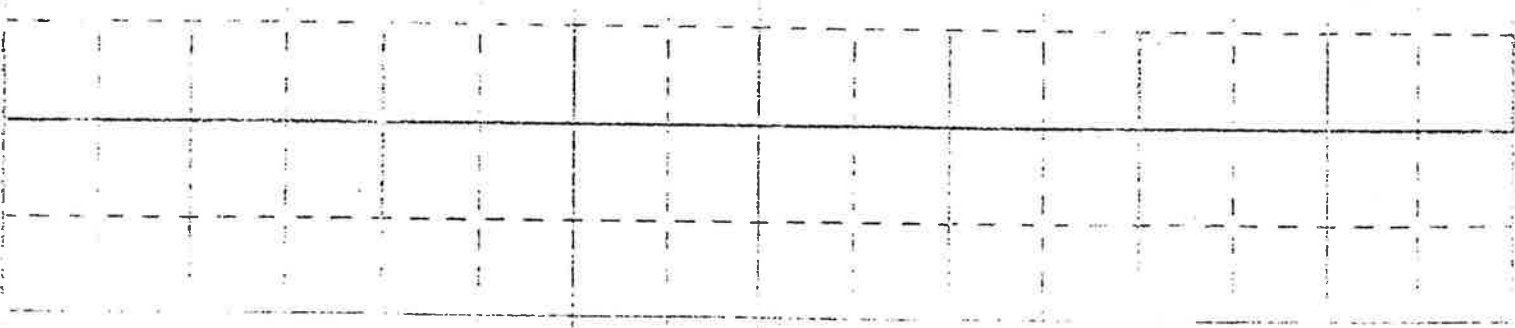
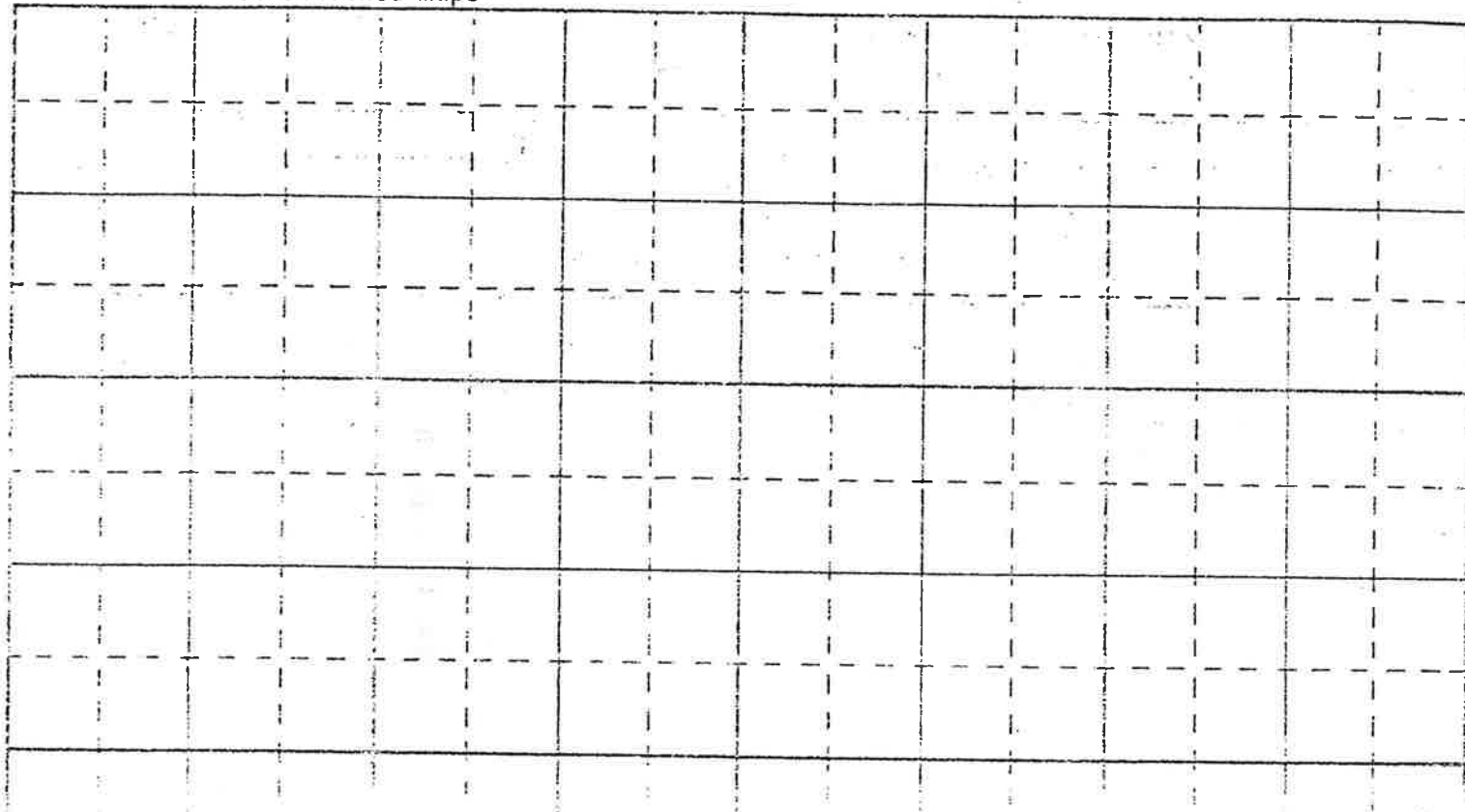
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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

Please see attached maps



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

NO CHANGE

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.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$100.00 Receipt # C036591Receipted by Re J Date 9-19-96

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by Ra

Copy of transfer sent to lien holder _____