

T5388 TREGO DITCH COMP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5388
WATER RIGHT NO(S). 01-00002A/01-00148/01-00266/01-04061

This is to certify that: TREGO DITCH COMPANY
C/O WILBUR GREGORY
533 W 37 S
BLACKFOOT ID 83221

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. 01-00002A :			
IRRIGATION	04/01 to 10/31	65.41 CFS	5208.0 AF
Priority: 06/01/1890			
Right No. 01-00148 :			
IRRIGATION	04/01 to 10/31	4.00 CFS	640.0 AF
Priority: 06/01/1902			
Right No. 01-00266 :			
IRRIGATION	04/01 to 10/31	18.00 CFS	5208.0 AF
Priority: 01/22/1916			
Right No. 01-04061 :			
IRRIGATION	04/01 to 10/31	9.89 CFS	4178.4 AF
Priority: 06/06/1965			
TOTAL:		* 97.30 CFS	* 5208.0 AF

SOURCE
SNAKE RIVER

TRIBUTARY OF
COLUMBIA RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENE), Sec. 27, Township 02S, Range 35E
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>
02S	35E	31	NWNE 7	SWNE 40	SENE 37	
			Lot 2 (SWNW) 30	SENE 30	NESW 40	
			Lot 3 (NWSW) 40	Lot 4 (SWSW) 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			464
		32	SWNW 17	SENE 4	NESW 40	
			NWSW 40	SWSW 20	SESW 40	

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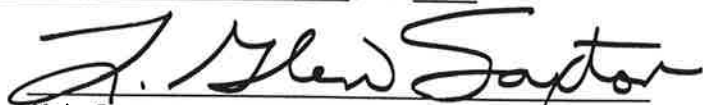
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			NWSE	15	Lot 2 (SWSE)	35			211
03S	35E	5	Lot 8 (NENW)	18	Lot 9 (NWNW)	40	SWNW	10	
			NWSW	5					73
		6	Lot 1 (NENE)	40	Lot 2 (NWNE)	40	SWNE	40	
			SENE	40	Lot 3 (NENW)	40	Lot 4 (NWNW)	40	
			Lot 5 (SWNW)	40	SENE	40	NESW	40	
			Lot 6 (NWSW)	33	Lot 7 (SESW)	28	NESE	38	
			NWSE	40	SWSE	40	SESE	15	554
Total number of acres irrigated:									* 1302 **

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 5388 does not confirm claimed Right 01-04061.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
- ** 8. Right 01-00148 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- * 9. Rights 01-00002A, 01-00148, 01-00266, and 01-04061 when combined shall not exceed a total diversion rate of 97.30 cfs, a total annual maximum diversion volume of 5208.0 af at the field headgate, and the irrigation of 1302.0 acres.
10. Approval of Transfer 5388 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 24th day of November, 1999


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 01-00002A, 01-00148, 01-00266 & 01-04061

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5388

DATE: November 23, 1999

Transfer 5388 changes the point of diversion and clarifies the specific place of use under Rights 01-00002A, 01-00148, 01-00266 and 01-04061. The applicant and Danskin Ditch Company have agreed to consolidate their rights in the Danskin ditch to be more efficient and help prevent flooding.

The three decreed rights had non-specific places of use within the same area as 1302 acres identified under the transfer and statutory claim 01-04061. Right 01-00148 is limited specifically to 160 total acres within the 1302-acre permissible place of use.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include non-confirmation of claim 01-04061, watermaster control, measuring device & lockable controlling works, irrigation overlap, permissible place of use under Right 01-00148, combined right limits, right-of-way and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant TREGO DITCH Comp 50 Wilbur Gregory Phone (208) 785-3695
Post Office address 533 W. 37 S. Blackfoot, ID 83221

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes The Danskin Canal has agreed to carry our water since using their diversion would be more efficient and also by eliminating our original diversion we might prevent flooding during high water times.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|-------------------|--------------------|-------------------|----------------------|
| <u>01-00002A</u> | <u>6/01/1890</u> | <u>65.41 cfs</u> | <u>Irrigation</u> | <u>4-01 to 10-31</u> |
| <u>01-00148</u> | <u>6/01/1902</u> | <u>4.00 cfs</u> | <u>Irrigation</u> | <u>" to "</u> |
| <u>01-00266</u> | <u>1/22/1916</u> | <u>18.00 cfs</u> | <u>Irrigation</u> | <u>" to "</u> |
| <u>01-04061</u> | <u>06/06/1965</u> | <u>9.89 cfs</u> | <u>Irrigation</u> | <u>" to "</u> |
- Total amount of water being transferred 97.3 cubic feet per second and/or _____ acre-feet per annum.
- Source of water SNAKE RIVER tributary to Columbia River
- Point(s) of Diversion: _____

Lot:	1/4	3/4	1/2	Sec.	Twp.	Rge.	County	Local name for diversion
1	NE	NE	NE	27	2S	3SE	Bingham	DANSKIN 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	
2S	3SE	31		7	40	37			30	30	40	40	40	40	40	40	40	40	
									L-2			L-3	L-4						
		32							17	4	40	40	20	40		15	35		
																L-2			
3S	3SE	5					K8	40	10		5								
							L-8	L-9											
		6	40	40	40	40	40	40	40	40	33		28	38	40	40	15		
			L-1	L-2			L-3	L-4	L-5		L-6		L-7						

Total acres 1302

PART 1

6. General Information:

a. Description of diversion system Headwaters of the Danskin Canal then in 2 miles to a cut-over ditch which dumps back into the original Trego Ditch

NA

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.

NA.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

See attached Canal Consolidation Agreement

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 _____

PART 2

TRANS NO. 5388

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 01-00266

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	18.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SNAKE RIVER	COLUMBIA RIVER

Priority: 01/22/1916

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 27, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S 35E 31	SWNE	SENE	SWNW	
	SENW	NESW	NWSW	
	SWSW	SESW	NESE	
	NWSE	SWSE	SESE	
32	SWNW	NESW	NWSW	
	SWSW	SESW	NESE	
	SESE			
03S 34E 1	SESE			
35E 5				
6				

CONDITIONS/REMARKS:

1. P/D SOURCE - WD01.
2. DECREE P/D NWSW, S33 T2S R35E.

PART 2

TRANS NO. 5388

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 01-00148

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SNAKE RIVER	COLUMBIA RIVER

Priority: 06/01/1902

LOCATION OF POINT(S) OF DIVERSION: Lot 10(SENW), Sec. 27, Township 02S, Range 35E
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	35E	6	Lot 7 (SWSW) SESE	SESW	SWSE	

CONDITIONS/REMARKS:

1. P/U INCOMPLETE. AC. IRR. = 160.
2. P/D INCOMPLETE FROM USGS MAP.
3. P/D TREGO DITCH.

PART 2

TRANS NO. 5388

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 01-00002A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	65.41 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SNAKE RIVER	COLUMBIA RIVER

Priority: 06/01/1890

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 27, Township 02S, Range 35E
 SESE , Sec. 32, Township 02S, Range 35E
 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>
02S	35E	31	NENW	Lot 1 (NWNW)	Lot 2 (SWNW)	
			SESW		Lot 3 (NWSW)	
			Lot 4 (SWSW)	SESW	NWSE	
		32	NENW	NWNW	SWNW	
			SESW	NESW	NWSW	
			SWSW	SESW	NESE	
			SWSE	SESE		
		33	NWNW	SWNW		
03S	34E	1	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE	
			SENE	Lot 3 (NENW)	Lot 4 (NWNW)	
			SESW	NESW		
	35E	5	NENW	NWNW	SWNW	
			SESW			
		6	Lot 1 (NENE)	Lot 2 (NWNE)	Lot 3 (NENW)	
			Lot 4 (NWNW)	Lot 5 (SWNW)	SESW	
			NESW	Lot 6 (NWSW)	NESE	
			NWSE			

CONDITIONS/REMARKS:

1. TRANS. 1565.
2. P/D TREGO DITCH - PUMP FROM RIVER SEC. 32.

PART 2

TRANS NO.

5388

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 01-04061

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	9.89 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SNAKE RIVER	COLUMBIA RIVER

Priority: 06/06/1965

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (SENW), Sec. 27, Township 02S, Range 35E
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>
02S	35E	31	NWNE 7	SWNE 40	SENE 37	
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03S	35E	5	Lot 8 (NENW) 18	Lot 9 (NWNW) 40	SWNW 10	
			NWSW 5			73
		6	Lot 1 (NENE) 40	Lot 2 (NWNE) 40	SWNE 40	
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			Lot 6 (NWSW) 33	Lot 7 (SESW) 28	NESE 38	
			NWSE 40	SWSE 40	SESE 15	554
				Total number of acres irrigated:		1302

CONDITIONS/REMARKS:

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.



CHANGES IN NATURE OF USE

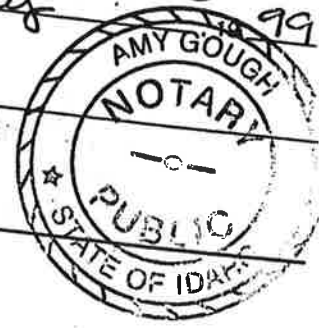
PART 3

Transfer No.

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of
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 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.

Subscribed and sworn to before me this 19th day of January 1999
Karl Epler (Signature of Applicant) President Title
Amy Gough (Notary Public)
My commission expires 6-16-03



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments
Received by HWS Date 1-21-1999
Prelim. check by _____ Date 1-22-1999
Receipted by HWS # E024734 Fee 100.00 Protest filed by _____
Published in Morning News, ID Statesman, Post Register, Times News, Lewiston Tribune
Pub. dates 2/4 & 2/11/99 Copies of protest forwarded by _____
Watermaster recommendation requested on _____ Hearing held by _____ Date _____
_____ rec'd. _____ Recommended for ☐ approval ☐ denial
Copy of transfer sent to lien holder _____ by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

DEC 01 1999

Department of Water Resources
Eastern Region

TRANSFER NO. 5388

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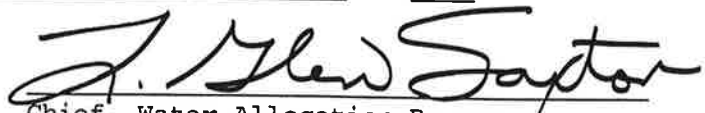
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Chief, Water Allocation Bureau

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FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5388

DATE: November 23, 1999

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