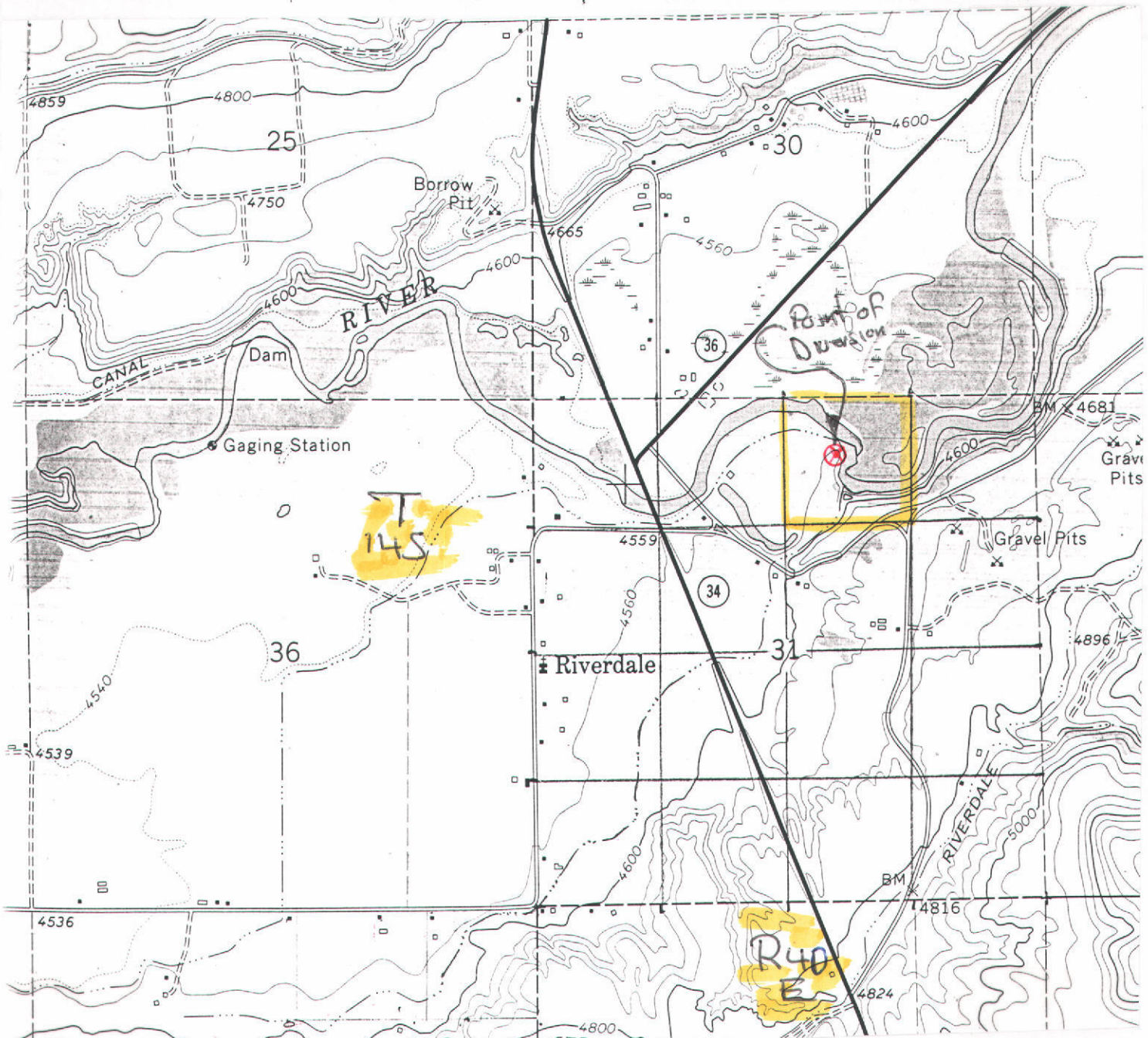
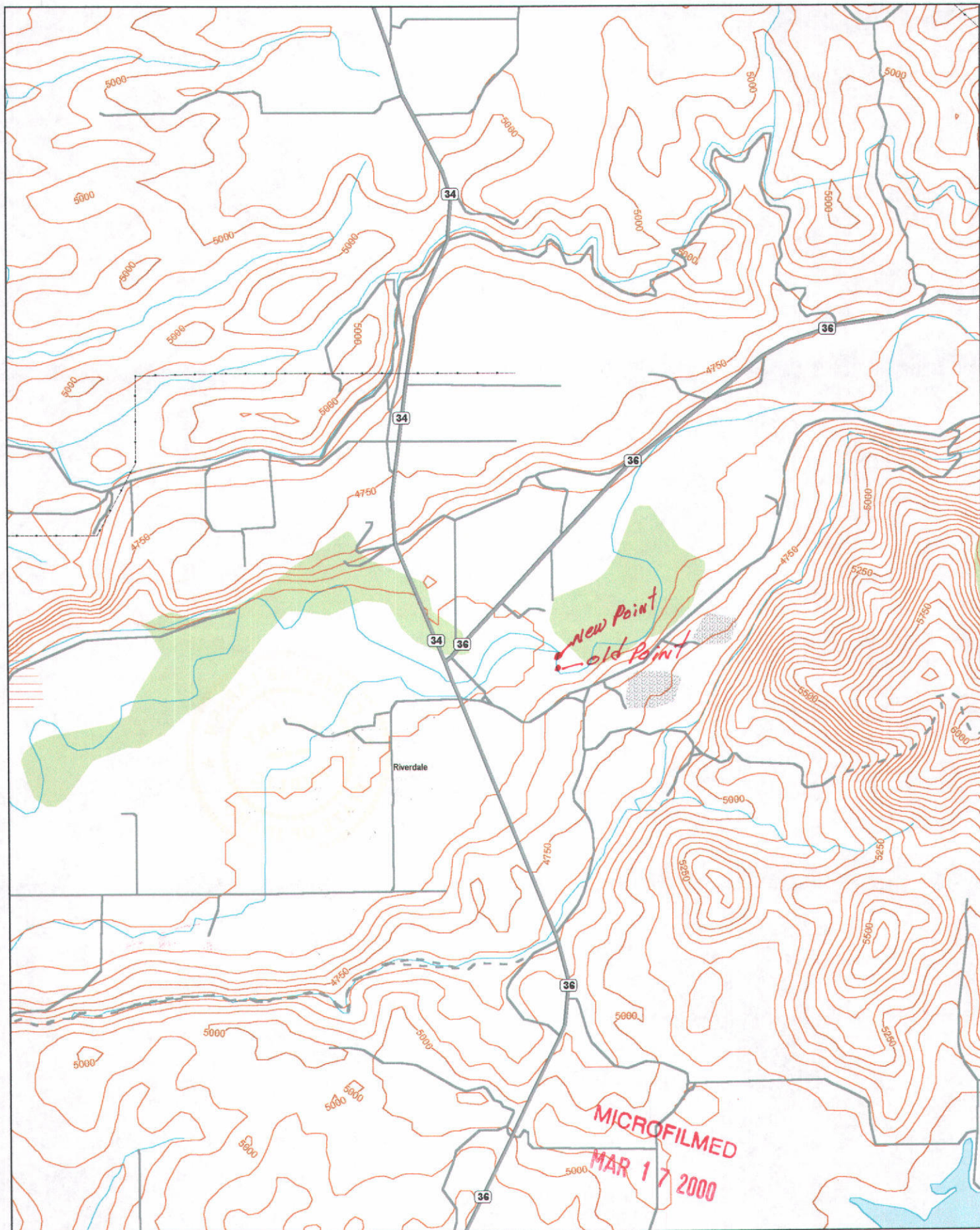


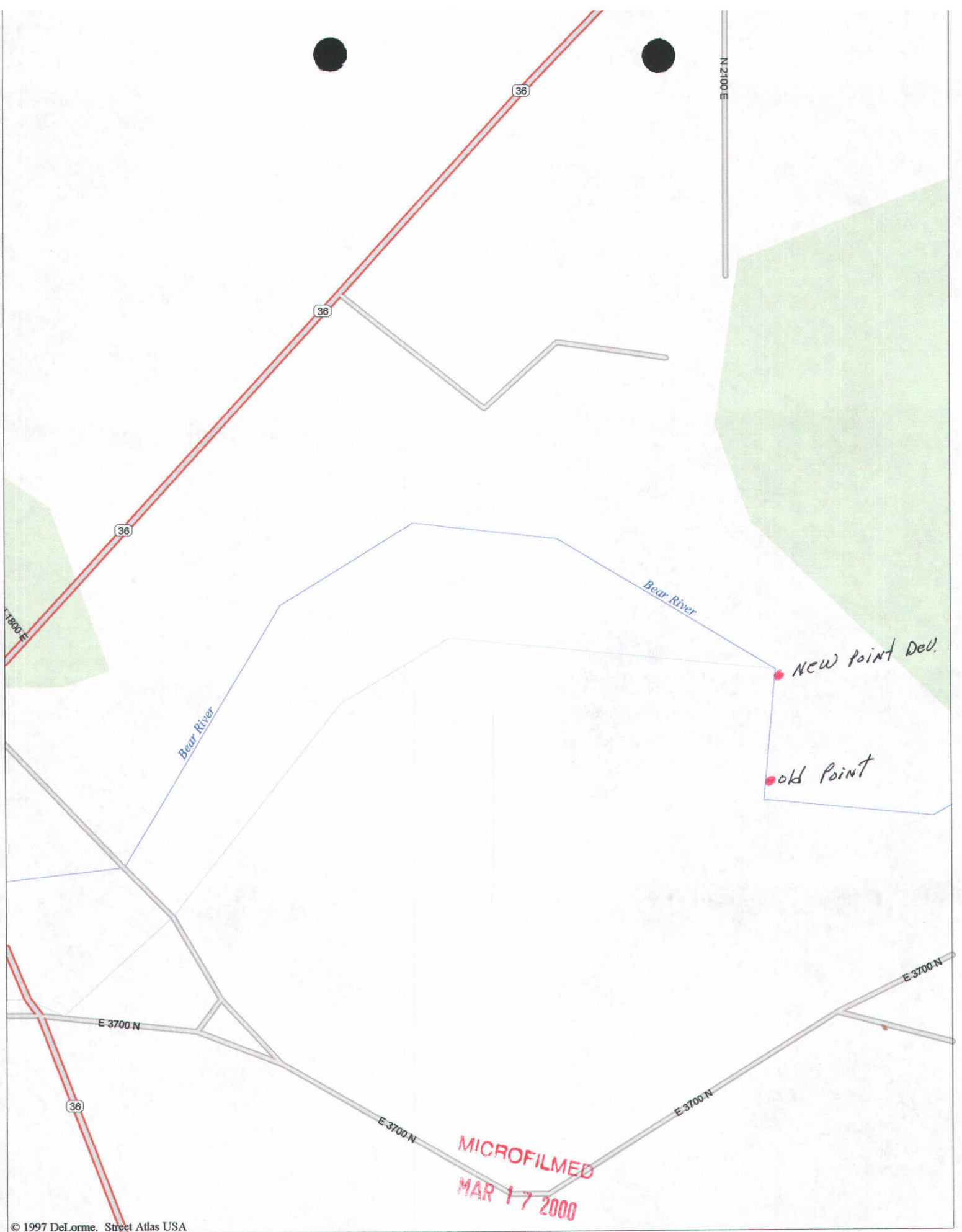
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.





2500 ft



WATER RIGHT
NUMBER

NAME

CFS

13-00972

RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5596.

13-00972A RIVERDALE PRESTON IRRIGATION CO

6.36

13-00972B HIGLEY , JOHN L

0.14

RECORDED

FEB 29 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5596
WATER RIGHT NO. 13-00972B

This is to certify that: **JOHN L HIGLEY**
2003 E 3700 N
PRESTON ID 83263

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	04/20 to 09/30	0.14 CFS	28.0 AF

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

Priority: 06/10/1902

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 31, Township 14S, Range 40E
FRANKLIN 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>
14S	40E	31	NWNE	8		8
Total number of acres irrigated:						8

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. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

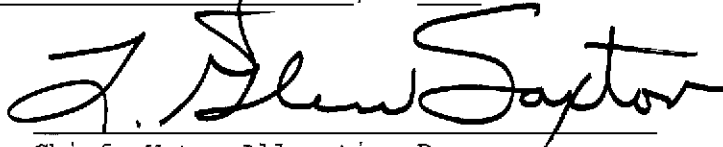
047501-17 150

TRANSFER NO. 5596
WATER RIGHT NO. 13-00972B

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 04/20 and after 09/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 28th day of February, 2000.


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 08 1999 5596

RECEIVED

Department of Water Resources
Eastern Region

DEC 17 1999

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant John L. Higley Phone 208-852-1314
Post Office address 2003 East 3700 North Preston, ID 83263

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 Moving pump 100 yards to decrease elevation from the River. I have purchased 0.14 cfs from the Riverdale-Preston Irrigation Camp in exchange for my stock certificate.

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>13-009723</u>	<u>6/10/1902</u>	<u>0.14 cfs</u>	<u>Irrigation</u>	<u>7/20</u> to <u>9/30</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.14 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
		NW	NE	31	14S	40E	Franklin	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
14S	40E	31		8															8

MICROFILMED

MAR 17 2000

T5596

Total acres 8

PART 1

6. General Information:

a. Description of diversion system 10 hp Electric motor + pump to sprinkler

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:
Place of use not changing, just the diversion pt.

d. Remarks:
I am taking private ownership of water originally delivered by Riverdale-Proctor Irrigation Co.

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 _____

MICROFILMED
MAR 17 2000

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-00972

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	6.50 CFS

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

Priority: 06/10/1902

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 29, Township 14S, Range 40E
 NENE , Sec. 31, Township 14S, Range 40E
 NWNW , Sec. 31, Township 14S, Range 40E
 FRANKLIN 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>
14S	39E	36	NENE 37	NWNE 20	SWNE 5	
			SENE 40	NENW 22	SENE 40	
			NESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		364
40E	29		SWNW 30	SENE 2	NWSW 28	60
	31		NWNE 8	NWNW 10	SWNW 40	
			SENE 26	NESW 8	NWSW 40	
			SWSW 17			149
15S	39E	1	NENE 12	NWNE 30		42
Total number of acres irrigated:						615

CONDITIONS/REMARKS:

1. TRANS #1973.

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MAR 17 2000

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 0.14 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)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	29	14S	40E	Franklin	
		NW	NE	31	"	"	"	
		NW	NW	"	"	"	"	

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	
14S	40E	31		8															8

Total acres 8

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 6.36 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)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	29	14S	40E	Franklin	
		NW	NE	31	14S	40E	"	
		NW	NW	31			"	

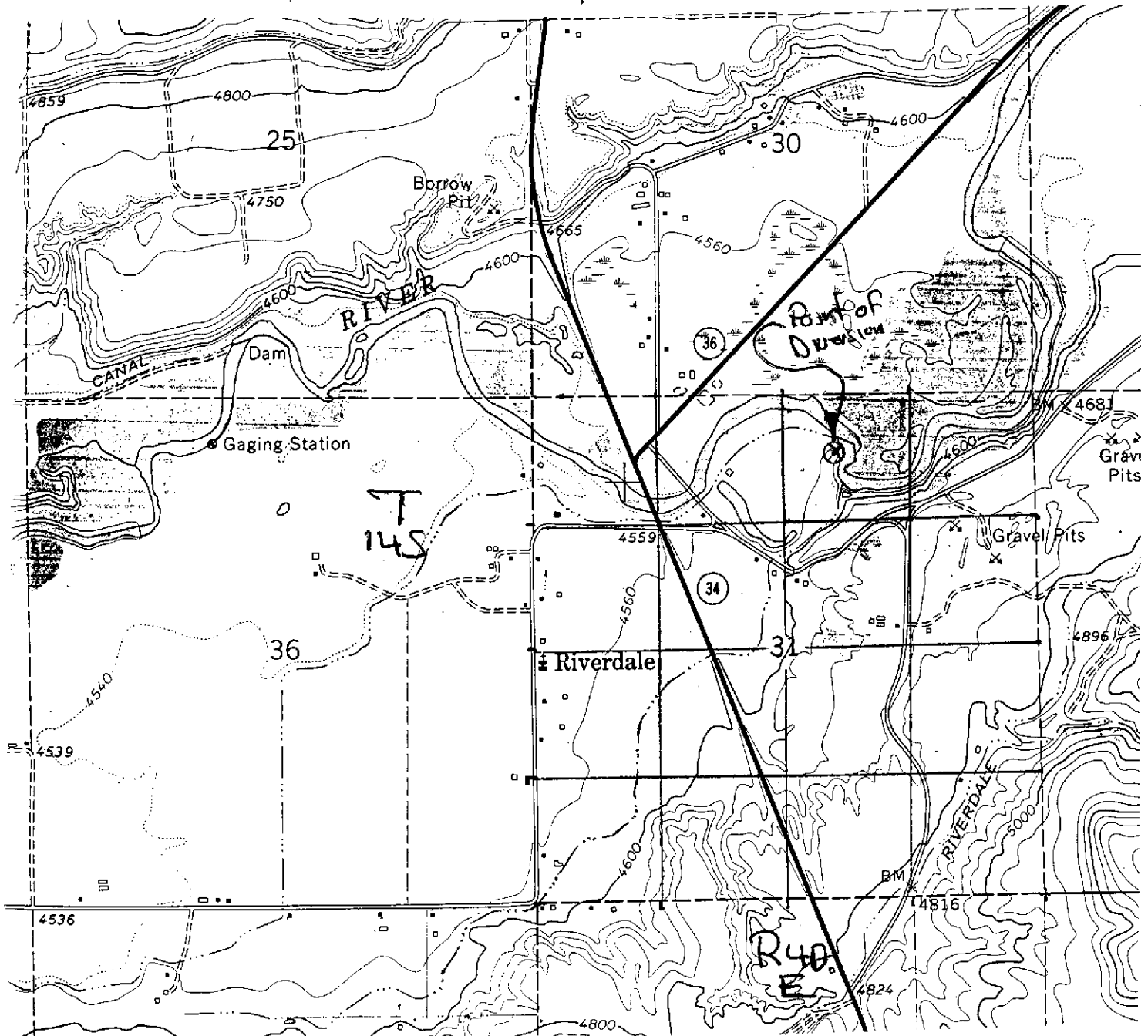
3. Lands irrigated or place of use:

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	
14S	39E	36	37	20	5	40	22			40	40				40	40	40	40	364
	40E	31						10	40	26	8	40	MICROFILMED						141
		29							30	2		28	MAR 17 2000						60
15S	39E	1	12	30															42

Total acres 607

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.



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MAR 17 2000

PART 3

B. CHANGES IN NATURE OF USE

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

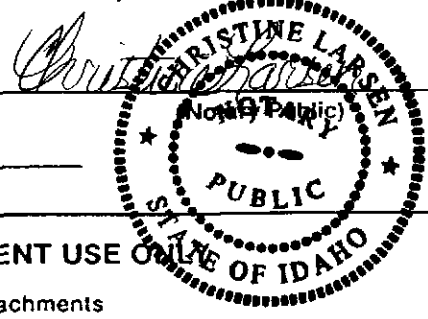
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 15th day of October, 19 99

[Signature]
(Signature of Applicant)

My commission expires 2-16-2002



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by HWJ Date 11-8-99 Protest filed by _____

Prelim. check by _____ Fee \$100

Receipted by [Signature] # E025448 Date 11-8-99

Published in Preston Citizen Copies of protest forwarded by _____

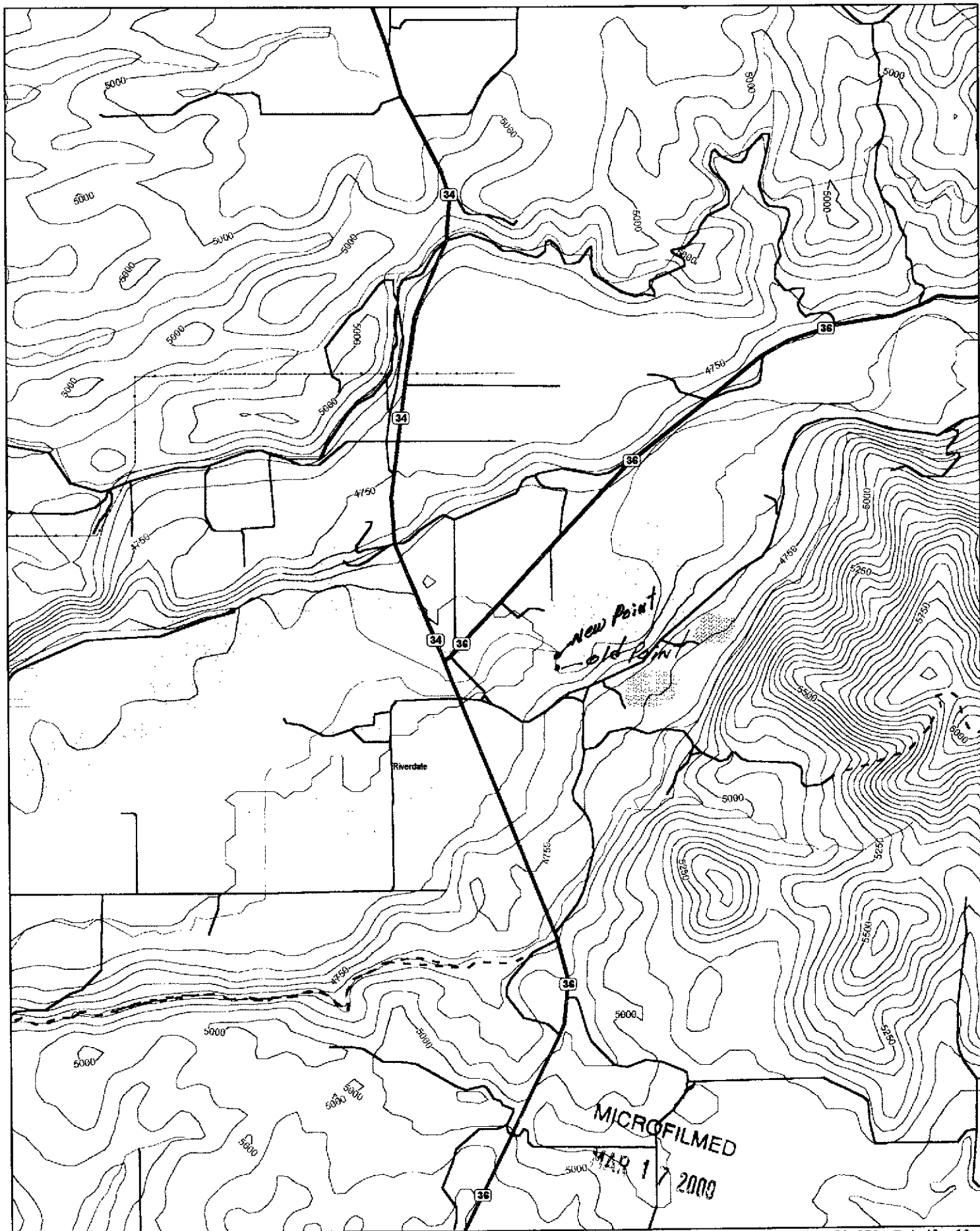
Pub. dates 11-18 & 11-25-99. Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

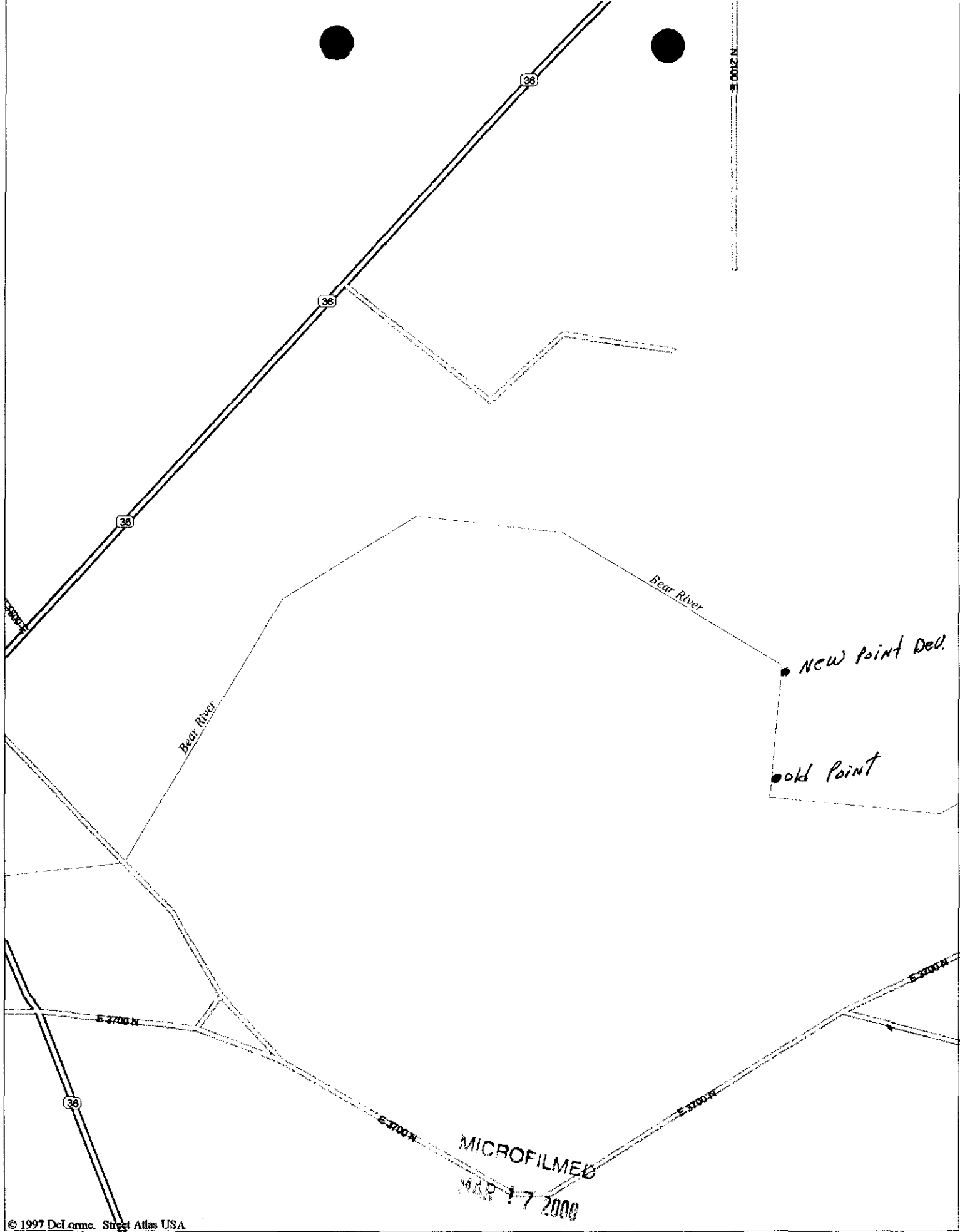
_____ rec'd. by RDC

Copy of transfer sent to lien holder _____

MICROFILMED
MAR 17 2000



2500 ft



DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

13-0971 20. Riverdale-Preston Irrigation Co.:
~~11-0277~~ 1883—June 10 3 c.f.s.
~~11-0278~~ 1902—June 10 6½ c.f.s.

TRANS # 1973
13-0972

21. Riverdale Irrigating Company:
~~11-0279~~ 1882—May 1 13 c.f.s.

13-0973

22. West Cache Irrigation Company:
~~11-0280~~ 1899—Sept. 12 186 c.f.s.

13-0974

23. Battle Creek Irrigation Company:
~~11-0281~~ 1883—July 10 5 c.f.s.

13-0975

land situated in Sections 29 and 30, said Township and Range.

Said water to be diverted from the main channel of Bear River at a point 20 rods Northeasterly from the Southeast corner of the Northeast quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East, B.B.M., and to be used for the irrigation of 615 acres of land in Sections 29 and 31, Township 14 South, Range 40 East, Section 36, Township 14 South, Range 39 East, and Section 1, Township 15 South, Range 39 East, B.B.M.

Said water to be diverted from Bear River in the Northeast quarter of Section 31, Township 14 South, Range 40 East, B.B.M., and to be used for irrigating 800 acres of land in Sections 34, 35 and 36, Township 14 South, Range 39 East, and Sections 1, 2 and 3, Township 15 South, Range 39 East, B.B.M.

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.

Said water to be diverted from Bear River at the point of diversion of the West Cache Irrigation Company last above described, and conveyed through said canal of the West Cache Irrigation Company to a point

MICROFILMED

MAY 17 2000

22

RECORDED

MAY 14 1996

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	Riverdale - Preston Irrigation Co.	6.5 cfs		11-0278
205 (pd change)	Riverdale - Preston Irrigation Co.	6.5 cfs	n/a	11-0278
1973 (pd change)	Riverdale - Preston Irrigation Co.	6.5 cfs	n/a	11-0278

TRANS

Application No. 11-0277/11-0278

APPROVED

Post office address Rt.#2 Preston, Idaho 83263

1. Right evidenced by:

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

3. Source of water Bear River tributary to Great Basin

4. Date of priority. 3cfs June 10, 1883 6.5cfs June 10, 1902

5. Water is used for the following purposes:

11-0277 amount 3.0 c.f.s. for Irrigation purposes from April 1 to Oct. 31

11-0278 amount 6.5 c.f.s. for Irrigation purposes from April 1 to Oct. 31

amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)

6. Total amount of water under right: a. 9.5 cubic feet per second
b. _____ &/or
acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29
Township 14 South Range 40 East, B.M., in Franklin County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

[illegible]

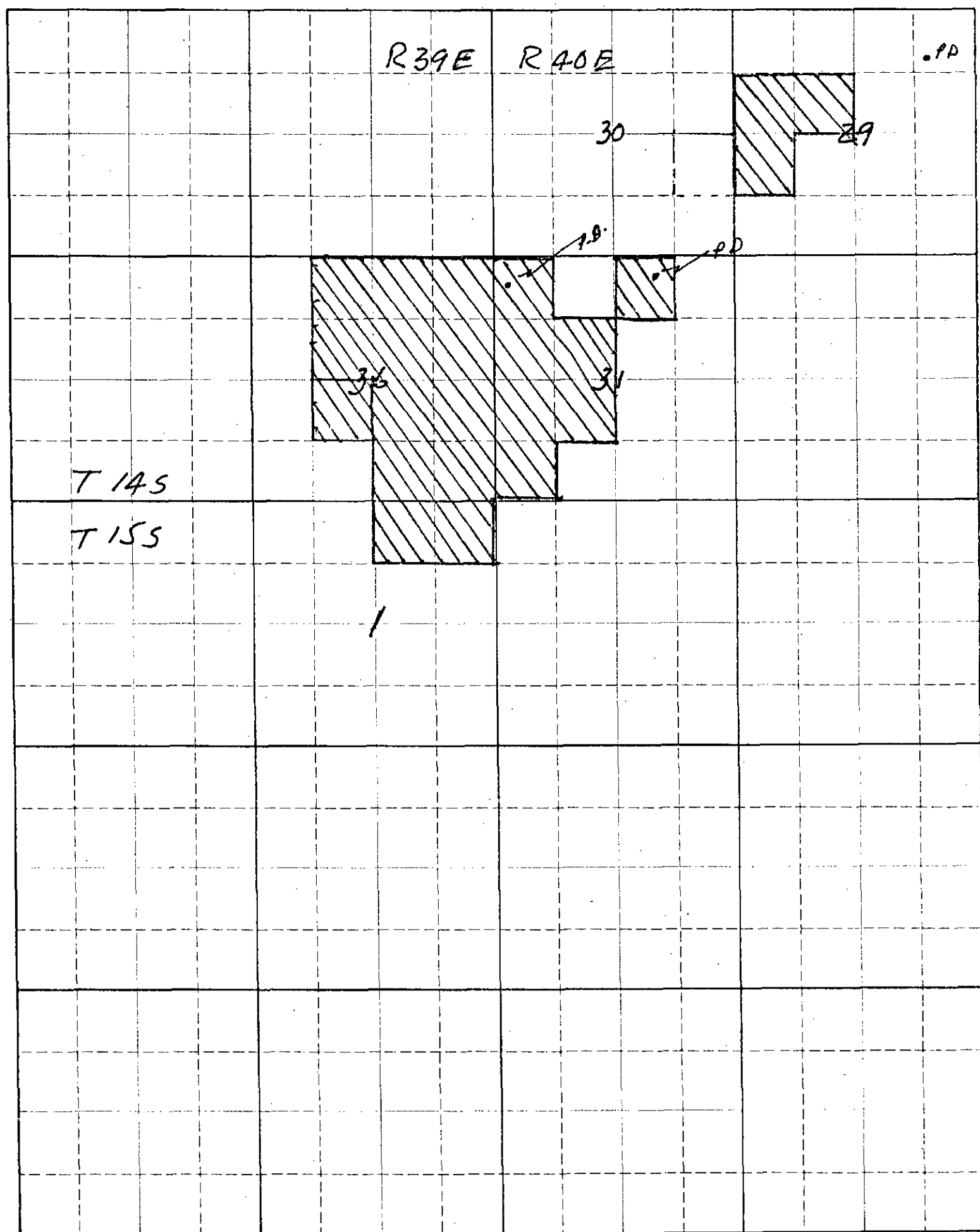
C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 9.5 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29 Township 14 S
Range 40 E, B.M., Franklin County
Additional points NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31 T14S. R40E. and
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 T14S. R40E
- c. Description of diverting works Original diversion and 3 additional
points consisting of canal, pumps, and pipeline from Bear River.
- d. Describe the reasons for applying for a change in the point(s) of diversion _____
To facilitate the installation of a sprinkler system.

2. Change in place of use
 - a. Describe the lands or place of use to which the right will be transferred:

[illegible]

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks The Canal Company is installing a sprinkler system to
irrigate approximately 365 acres. The balance will still be
irrigated by gravity flood irrigation.

I hereby assert that no one will be injured by such change and 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.

President

Secretary

(Signature of applicant)

Subscribed and sworn to before me this 2 day of April, 1976

(Notary public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0277/11-0278,
and said application is hereby APPROVED

- Approval of said application is subject to the following limitations and conditions:
A measuring device of a type approved by this Department be permanently installed
and maintained as part of the diverting works.
- Denial of said application is for the following reasons:

Witness my hand this 17 day of May, 19 76

R. KEITH HIGGINSON, Director

FOR DEPARTMENT USE ONLY

Received by W Date 4-05-76

Prelim. check by L.S.J. Fee 130.00

Receipted by W Date 4-05-76

Published in Oreston Citizen #15734

Pub. dates Apr. 15 & 22, 1976

Watermaster recommendation requested on 4-12-76

Lumell Stokes rec'd.

W.D. 11

Protest filed by

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by DRT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Riverdale Preston Irrigation Company
of Preston, Idaho

For a Change of Point of Diversion on Bear
River in Water District No. 5, Franklin
County, Idaho.

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 205

WHEREAS, On the 21st day of September, 1949, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of the Riverdale Preston Irrigation Company of Preston, Idaho, for a change of point of diversion on Bear River came on regularly for hearing, pursuant to published notice, in due and statutory form and,

AND WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is hereby granted, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 24th day of May, 1950.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer.

11-0278

RECORDED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREE WATER RIGHTS.

No. 205.

THIS IS TO CERTIFY THAT THE RIVERDALE PRESTON IRRIGATION COMPANY, of Preston, Idaho, is the owner of and using a certain water right for three (3) cubic feet per second of the waters of Bear River, with priority of June 10, 1883 and also of six and one-half ($6\frac{1}{2}$) cubic feet per second of the waters of Bear River with priority of June 10, 1902, said water being decreed to said Riverdale Preston Irrigation Company by Judge Frank S. Dietrich of the District Court of the United States for the District of Idaho, Eastern Division, in the case of

UTAH POWER AND LIGHT COMPANY,
Plaintiff,

vs.

LAST CHANCE CANAL CO., et al
Defendants.

said decree bearing date of July 14, 1920, and being appurtenant to the following described lands, to-wit:

1415 acres located in Sections
29 and 31, Township 14 South,
Range 40 East, B.M., Sections
34, 35, and 36, Township 14
South, Range 39 East, B.M.,
Sections 1, 2, and 3, Township
15 South, Range 39 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

And that now, upon the application of the Riverdale Preston Irrigation Company, of Preston, Idaho, for a Certificate of Change of Point of Diversion for 6 cubic feet per second of the waters of Bear River, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

3 cubic feet per second with Priority of June 10, 1883.

6 cubic feet per second with Priority of June 10, 1902.

That said water right is appurtenant to the lands above described.

That the water right above described has heretofore been diverted from Bear River with point of diversion in the NE $\frac{1}{4}$ Section 31, Township 14 South, Range 40 East, B.M. through the Riverdale Preston Ditch.

RECEIVED

That the water right above described will hereafter be diverted from Bear River with point of diversion in the SE¹/₄ SE¹/₄ Section 31, Township 14 South, Range 40 East, B.M. through the same ditch.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 24th day of May, 1950.

Mark R Kulp
MARK R. KULP
State Reclamation Engineer

RECORDED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.

ss.

County of Franklin

Olson E. Smith

, being duly sworn

deposes and says:

That he is the *Publisher* of

THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Sept. 8, 19 *49*, and ending with the issue of *Sept. 15*, 19 *49*.

Olson E. Smith

Fees, \$ *5.55*

Subscribed and sworn to before me this *24th* day

of *January*, 19 *50*

Ed Varsen
Notary Public, Residing at Preston, Idaho

My Commission Expires *May 13*, 19 *50*

NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT

Notice is hereby given that Riverdale Preston Irrigation company, of Preston, Idaho, has

applied to the state reclamation engineer of the state of Idaho for a certificate authorizing them to change the point of diversion of the waters of Bear river, as follows: Amount: 9.0 cubic feet per second, point of diversion: NE ¼, Section 31, Township 14 S, Range 40 E. Place of Use: Sec. 29 & 31, Twp. 14 SR. 40 E. Sec. 36, T. 14 SR. 9 E. Sec. 1, T. 15 SR. 39 E., Sec. 34-35 & 36 T. 14 SR. 39 E. Sec. 1-2 & 3 T. 15 SR. 39 E.

Transfer to

Point of diversion: SW ¼ SE ¼, Section 31, Township 14 S, Range 40 E. place of Use: No change.

And that on the 21 day of September, 1949 at 10 o'clock AM., at Room 107, State House, Boise, Idaho, before the state reclamation engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Mark R. Kulp

State Reclamation Engineer

26-37c

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Franklin

ss.

Ben A. Meek

being first duly sworn, deposes and says: That his postoffice address is Preston, Idaho; That he is the owner of and using

a certain water right, bearing date of priority of June 10 1883, 19....., for 3 c.f.s.
cubic feet per second of the waters of June 10 1902 6 1/2 c.f.s.

Bear River
County of Franklin, State of Idaho, decreed to Riverdale Preston Irri. Co.
by decree of Judge F.S. Deitrich, of the U.S. District Court Judicial District of
the State of Idaho, in and for the County of....., in the case of Utah Power
and Light Co. vs. Last Chance Canal Co. et.al. said decree bearing date of

July 14 1920, for the purpose of irrigating the following described lands, situate, lying
and being in Water Dist. No. 5, in the County of Franklin, and State of Idaho,
to-wit: 615 ac. in Sec. 29-31 T. 14 S. R. 40 E., Sec. 36 T. 14 S. R. 39 E.

Sec. 1 T. 15 S. R. 39 E., Sec. 34-35-36 T. 14 S. R. 39 E., Sec. 1-2-3 T. 15 S. R. 39 E.
Total Ac. 1415 Ad.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: Election as President of the
Riverdale Preston Irri. Co.

That said waters are now diverted from said stream in the N.E. 1/4 of Sec. 31,
Twp. 14 S., Range 40 E., and conducted to the above described lands through the Riverdale
Preston Ditch ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described
to a point located in S.W. 1/4 of S.E. 1/4, Sec. 31, Twp. 14 S., Range 40 E.,
and thereafter conduct same to the above described land through the Riverdale Preston Ditch,
as per map above referred to: For 9 c.f.s. of the above noted right by pumping
to their original ditch.

That his reasons for desiring to make such change are as follows: Pump instalation to avoid
side hill canal which is troublesome and expensive to maintain

That no one will be injured by such change and that such change will be made at affiant's own risk.

Subscribed and sworn to before me this 2 day of August, 1947

Riverdale Preston Irrigation Co.
Ben A. Meek
Affiant
Notary Public

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

I, E. J. Baird, have thoroughly inspected the above application and am familiar with their difficulties, and know of no reason for refusing this application.

E. J. Baird
Watermaster Dist. 5 Idaho

RECORDED

In Equity No. 203

**In the District Court of the United States
for the District of Idaho, Eastern Division**

UTAH POWER & LIGHT COMPANY, a Corporation, *Plaintiff,*

vs.

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; West Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The Bench Canal, and Budge Land & Live Stock Company, Limited, corporations; W. H. Larkins, Jas. Ellsmore, Geo. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Geo. M. Smith, as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson Ditch Company, a corporation; A. J. Nielson, B. R. Meek, Henry McCuen, C. S. Burton and Eli Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; The Riverdale Irrigating Company, Nielson-Meek Company and West Cache Irrigation Company, corporations; E. P. Johnson, Albert Johnson, Hyrum Johnson, Geo. D. Anderson, Joseph T. Pond, Frank W. Harris, A. C. Bosen, Hyrum J. Smith, John E. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David P. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, James Monroe (or Munro), Nellie Simmons, John Baird, William Monroe (or Munro), Orrin Monroe (or Munro), Charles Monroe (or Munro), Charles Foster, Hyrum Foster, Mary Baird, John Woodall (or J. D. Woodall), George Ellis, Skinner Irrigation Company, a corporation; Heber Crane, Fred Bartschi, Charles Bartschi, David Chugg, Phillip Chugg, Fred Stauffer, William Williams, Sr. (or William Morgan Williams), William Williams, Jr. (or William Mormon Williams), Oliver Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas Freeman.

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

- 11 0222 20. *Riverdale-Preston Irrigation Co.:*
11 0278 1883—June 10 3 c.f.s.
1902—June 10 6½ c.f.s.

land situated in Sections 29 and 30, said Township and Range.

Said water to be diverted from the main channel of Bear River at a point 20 rods Northeasterly from the Southeast corner of the Northeast quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East, B.B.M., and to be used for the irrigation of 615 acres of land in Sections 29 and 31, Township 14 South, Range 40 East, Section 36, Township 14 South, Range 39 East, and Section 1, Township 15 South, Range 39 East, B.B.M.

- 11 0279 21. *Riverdale Irrigating Company:*
1882—May 1 13 c.f.s.

Said water to be diverted from Bear River in the Northeast quarter of Section 31, Township 14 South, Range 40 East, B.B.M., and to be used for irrigating 800 acres of land in Sections 34, 35 and 36, Township 14 South, Range 39 East, and Sections 1, 2 and 3, Township 15 South, Range 39 East, B.B.M.

- 11 0280 22. *West Cache Irrigation Company:*
1899—Sept. 12 186 c.f.s.

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.

- 11 0281 23. *Battle Creek Irrigation Company:*
1883—July 10 5 c.f.s.

Said water to be diverted from Bear River at the point of diversion of the West Cache Irrigation Company last above described, and conveyed through said canal of the West Cache Irrigation Company to a point



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN L HIGLEY
2003 E 3700 N
PRESTON ID 83263

RE: Water Right 13-00972B (Transfer 5596)

Dear Mr. Higley:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5596). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 17 2000

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of **February**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 13-00972B (Transfer 5596)

**JOHN L HIGLEY
2003 E 3700 N
PRESTON ID 83263**


**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 29, 2000

PETE PETERSON
WATERMASTER
2483 RIVERDALE RD
PRESTON ID 83263

RE: TRANSFER OF WATER RIGHT 13-00972B (Transfer 5596)

Dear Pete:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5596) in the name of John L. Higley.

Also enclosed is a copy of the reviewers' notes.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 17 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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MAR 17 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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MAR 17 2000

MEMORANDUM

TO: Right 13-00972

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5596

DATE: February 28, 2000

Transfer 5596 changes the point of diversion under a portion of Right 13-00972, splitting the right into Parts A & B. The applicant has purchased 0.14 cfs of water under this right from Riverdale-Preston Irrigation Co. in exchange for shares he held with the company. This small portion of the right will be delivered from a separate private pump located at a lower elevation than the company's diversion to serve his property.

Diversion volume was identified according to current standards. Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, extended irrigation season and standard transfer conditions.

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MAR 17 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5596

Date Reviewed 02-28-2000

Right(s) 13-00972 _____

☒ WRQ/Split Summary ☒ ^{NA} SRBA Status ☒ Run POU Comparison Report

(B) Change P/D C: Add P/D D: Change P/U E: Change Nature of Use
 F: Change Period of Use G: Other H: Change P/D & Add P/D
 I: Change P/D & P/U J: Add P/D & Change P/U

Proof of Ownership IRR Co. Minutes - Sale/Exchange .14 cbs for stock certificate
from John Higley. Bill of Sale of .14 cbs of 1300972 from Riverdale-Preston
IRR Co. - purchaser not identified. - No protest to transfer.

Transfer All of Right ☒ Portion of Right

Resulting Split(s) A+B
A) 6.36 cbs 6.07 Acres
B) .14 cbs 8 Acres 28 afa

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31 Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) Season W61 (4) Rate (5) Volume

(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 11 Water District (12) NO Pertinent Conditions (13) Expansion
WM Comment Revd. 12-17-99

(3) Standard Season > deuced season
 (4) Disproportionate split per sales agreement & transfer < .02 cbs/acre
 (5) Standard Vol. VTR < VDR
 (7) Change P/D - Same RD as
 (8) Split P/U

Transfer Remarks W61

Conditions R04, R43, R63, T07, T08

Database/Processing Notes Standard ☒ Non-Standard _____

Files parts A+B - Clear original when approved.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

02-28-2000
CS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T14S R40E S 31																		
NO MATCHES FOR THIS POU IN AJ-POU																		
1300971	BEAR RIVER :		8					10	40	26	:	8	40	17				: 149
1300972	BEAR RIVER :		8					10	40	26	:	8	40	17				: 149
T1300972A	BEAR RIVER :		8					10	40	26	:	8	40	17				: 149
T1300972B	BEAR RIVER :		8								:							: 8
NO MAPPING INFO AVAILABLE																		

P/D change only. Doesn't unstack rts.

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
13-00972	RIVERDALE PRESTON IRRIGATION CO.	C	06/10/1902	D/	BEAR RIVER	IRR	WR
T13-00972A	RIVERDALE PRESTON IRRIGATION CO.	C	06/10/1902	D/	BEAR RIVER	IRR	WR
T13-00972B	HIGLEY, JOHN L	C	06/10/1902	D/	BEAR RIVER	IRR	WR

11-9-99

5596

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 13-00972 Applicant Higley

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments NA

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? WD 11 - Peter Peterson

also send
copy to
Jody
Williams

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* Measuring as dictated by Bear River water
master and/or IDWR

4. By RDC Date 12/8/99

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 5596

RECEIVED

DEC 17 1999

Department of Water Resources

WATER DISTRICT: 11

WATERMASTER: Pete Peterson

DATE: 12/10/99

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES ☒

NO ☐

COMMENTS:

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Pete Peterson
Watermaster

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MAR 17 2000

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Robert W. Marshall

being duly sworn,

deposes and says:

That he is the PUBLISHER of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

11/17, 1999, and ending

with the issue of 11/24, 1999

Robert W Marshall

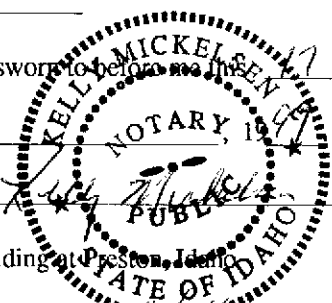
Fee \$ 66.55

Subscribed and sworn to before me this 17 day

of Nov

Notary Public, Residing at Preston, Idaho

My Commission Expires 11/17/2000



NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5596

Notice is hereby given that John L. Higley, 2003 E 3700 N, Preston ID 83263, has applied to the Department of Water Resources to change the point of diversion of a surface water source. The right sought to be changed is evidenced by a Decree and recorded as follows:

Decree No.: 13-00972

Source: Bear River/Great Salt Lake

Amount: 6.50 cfs

Priority: 06/10/1902

Point(s) of Diversion:

NENE SEC 29 T14S R40E, FRANKLIN COUNTY

NWNE SEC 31 T14S R40E, FRANKLIN COUNTY

NWNW SEC 31 T14S R40E, FRANKLIN COUNTY

The water is used for irrigation for 615 acres within SEC 36 T14S R39E, SEC 29 and 31 T14S R40E, and SEC 1 T15S R39E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has always watered his 8 acres in the NWNE SEC 31 T14S R40E with Riverdale-Preston water shares. He has now purchased that water in the amount of 0.14 cfs and will install his own pump in the NWNE SEC 31 T14S R40E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before December 6, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Legal No. 4909 - Publish Nov. 17 and 24, 1999.

MICROFILMED

NOV 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 10, 1999

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 6, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



NOV 17 2000

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5596**

Notice is hereby given that John L Higley, 2003 E 3700 N, Preston ID 83263, has applied to the Department of Water Resources to change the point of diversion of a surface water source. The right sought to be changed is evidenced by a Decree and recorded as follows:

Decree No.:	13-00972	Source: Bear River / Great Salt Lake
Amount:	6.50 cfs	Priority: 06/10/1902
Point(s) of Diversion:	NENE SEC 29 T14S R40E, FRANKLIN COUNTY NWNE SEC 31 T14S R40E, FRANKLIN COUNTY NWNW SEC 31 T14S R40E, FRANKLIN COUNTY	

The water is used for irrigation for 615 acres within SEC 36 T14S R39E, SEC 29 and 31 T14S R40E, and SEC 1 T15S R39E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has always watered his 8 acres in the NWNE SEC 31 T14S R40E with Riverdale-Preston water shares. He has now purchased that water in the amount of 0.14 cfs and will install his own pump in the NWNE SEC 31 T14S R40E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before December 6, 1999. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER
Director**

Published in the Preston Citizen on November 18 and 25, 1999.

MICROFILMED

MAR 17 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

November 9, 1999

KARL J. DREHER
DIRECTOR

JODY L WILLIAMS ESQ
KRUSE LANDA & MAYCOCK LLC
50 W BROADWAY 8TH FLOOR
SALT LAKE CITY UT 84101

RE: Applications for Transfer #5596, Claim to a Water Right #13-04347, Applications for Permit # 11-07450, 13-07576, and 13-07577

Dear Jody:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is December 6, 1999, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

NOV 17 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1999

JOHN L HIGLEY
2003 E 3700 N
PRESTON ID 83263

RE: Application for Transfer #5596

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on November 18 and 25, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

MAR 17 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1999

PETE PETERSON
WATERMASTER #11
2483 RIVERDALE
PRESTON ID 83263

RE: Application for Transfer #5596

Dear Pete:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by December 6, 1999.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

MICROFILMED

MAR 17 2000

NOV 08 1999

EXCERPT FROM THE RIVERDALE-PRESTON IRRIGATION COMPANY MINUTES Department of Water Resources
Eastern Region

Held: May 12, 1999

Excerpt:

Next President Wilford Meek brought up the fact that John Higley wished to trade his water stock certificate for .14 cfs of water from the canal company representing approximately 8 acres of water right, which is his current right.

A discussion was held by the members present. The following facts were pointed out:

1. .14 cfs was approximately equal to the right represented by the stock certificate.
2. This right was for the 8 acres formally owned by Ferrin Sharp and had a separate diversion point and a sprinkler system. If the company were to trade the water for the stock certificate then Mr. Higley would be maintaining his own point of diversion and own sprinkler system and be completely separate from the irrigation company.

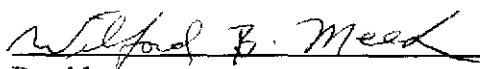
Bob Henderson moved that the Board of Directors be authorized to trade .14 cfs for John Higley's water stock certificate in the Riverdale-Preston Irrigation Company. Eileen Griffith seconded the motion. The motion was approved unanimously by all members present.

ACTION BY THE BOARD OF DIRECTORS:

The board of directors for the Riverdale - Preston Irrigation Company with approval of the membership took the following action.

DeLyle Barrington moved that the Riverdale-Preston Irrigation Company prepare a "bill of sale" for .14 cfs in said company in exchange for water stock certificate No. 21 for 30 Shares in the fore said company. Ronnie Packer seconded the motion and the vote was unanimous.

The above is true and accurate records taken from minutes of action by the Riverdale-Preston Irrigation Company.


President

MICROFILMED

MAR 17 1999

RECEIVED
NOV 08 1999
Department of Water Resources
Eastern Region

BILL OF SALE

Be it known that the Riverdale - Preston Irrigation Company has sold .14 cfs of water from Decree No. 20, as shown in the Bear River Decree (Utah Power and Light Company plaintiff vs. Last Chance Canal Company Limited etal defendant). This right is further known as No. 13-00972, with a priority date of June 10, 1902, with the said .14 cfs becoming his sole property.

August 2, 1999

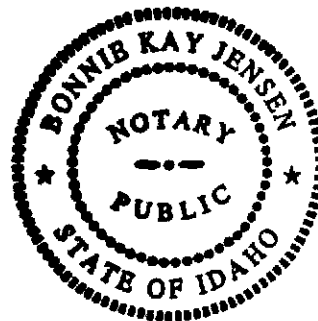
Wilford B. Meek
President

Stephen A. Meek
Secretary Treasurer

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

On this 4th day of August, 1999, before me, a Notary Public, personally appeared Wilford B. Meek and Stephen A. Meek, known or identified to me to be the President and Secretary, respectively, of the Riverdale-Preston Irrigation Company, that executed the within instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Bonnie Kay Jensen
NOTARY PUBLIC FOR IDAHO
Residing at: Preston, Idaho
My Commission Expires: 7-7-2000



MICROFILMED

MAR 17 2000

MICROFILMED
MAR 17 2000

Water Right Number - 11-00278

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
00/00/0000 15 EASTERN Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
-----	-----	-----	-------	-----	------	--------	----------------	----------------	---------------

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	----------------	------------------

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
-----	-----	-----	-------	-----	-------	------	-------------	--------

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN SEE RIGHT NO. 13-00972

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - 02/24/86 05/21/88 CONVERT 07/20/89 CURTIS 10/14/92 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right -
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -

MICROFILMED
17 2000

Water right number - 11-00278

Prefix Translation: WATER RIGHT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

MICROFILMED

MAR 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Pete Peterson
Watermaster, W.D. 11
2483 Riverdale Road
Preston, ID 83263

**RE: DECREEED RIGHT NOS. 11-00277 AND 11-00278 IN THE NAME OF
RIVERDALE-PRESTON IRRIGATION CO.**

Dear Mr. Peterson:

On November 24, 1997, you called me and requested the information for the above two referenced water rights. My review of department files shows the following:

Ident. No: 11-00277 - 3.0 cfs and
11-00278 - 6.5 cfs
Total 9.5 cfs
Owner: Riverdale - Preston Irrigation Co.
Priority: June 10, 1883 (11-00277)
June 10, 1902 (11-00278)
Source: Bear River
Pt of div: NENE Section 29, T14S, R40E, B.M.
NENE & NWNW Section 31, T14S, R40E, B.M.
Place of use: T14S, R39E, B.M.
Sec. 36
NENE - 37
NENE - 20
SWNE - 5
SENE - 40
NENW - 22
SENE - 40
NESW - 40
SE1/4 - 160
T14S, R40E, B.M.
Sec. 29
SWNW - 30
SENE - 2
NWSW - 28
Sec. 31
NENE - 8
NWNW - 10
SWNW - 40
SENE - 26
NESW - 8
NWSW - 40
SWSW - 17

MICROFILMED

MAR 17 2000

T15S, R39E, B.M.

Sec. 1

NENE - 12

NWNE - 30

TOTAL 615 acres

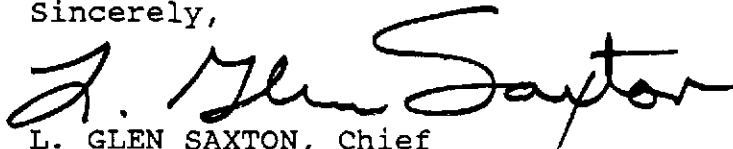
Conditions of Approval: A measuring device of a type approved by this department be permanently installed and maintained as part of the diverting works.

Remarks: The rights described above are authorized by transfer No. 1973 approved by the department on May 17, 1976.

During your phone call, you indicated that you owned all or part of the water rights and were contemplating filing an application for transfer to make a changes in connection with the rights. If the elements of the rights as described above do not correctly describe the present use of the rights, a transfer needs to be filed. Enclosed for your use is an application for transfer form and instructions.

If you have questions, please feel free to contact me or our office in Idaho Falls at phone (208) 525-7171.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 3

c: IDWR - E. Region

MICROFILMED

MAY 17 2000



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 18, 1976

Re: Transfer Nos. 11-0277/11-0278

Riverdale - Preston Irrigation Co.
Rt. #2
Preston, ID 83263

Gentlemen:

Enclosed is a copy of your approved Application for Transfer Nos. 11-0277/11-0278. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enc.

SEE TRANSFER CORRESPONDENCE IN FILE NO. 11-0277

May 25, 1950

Mr. Ben A. Meek, President
Riverdale-Preston Irr. Company
Preston, Idaho

Dear Mr. Meek:

We enclose Certificate authorizing change of point of diversion of nine (9) cubic feet per second of water from Bear River, together with Departmental Receipt No. 22359 for the \$1.00 recording fee.

A copy of this Certificate has been sent to Mr. E. J. Baird, Watermaster, for his information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh
Enc.

CC: Mr. E. J. Baird.

April 4, 1950

Mr. Ben A. Meek, President
Riverdale Preston Irrigation Co.
Preston, Idaho

Dear Mr. Meek:

We are still holding the application of the Riverdale Preston Irrigation Company for change of point of diversion, dated August 2, 1949.

We have written you twice, advising that no protests were received and that upon receipt of the Affidavit of Publication in the Preston Citizen and a recording fee of \$1.00, a Certificate would be issued authorizing such change of point of diversion.

May we ask that you give this matter your prompt attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

December 22, 1949

Mr. Ben A. Meek, President
Riverdale Preston Irrigation Co.
Preston, Idaho

Dear Mr. Meek:

On October 26, 1949, we informed you that no protest had been submitted in connection with your application for change of point of diversion of water right from Bear River and that upon receipt of the Affidavit of Publication in the Preston Citizen and the \$1.00 recording fee, a Certificate authorizing the change would be issued.

We have had no reply to this letter and we are again bringing it to your attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

October 26, 1949

Mr. Ben A. Meek, President
Riverdale Preston Irrigation Co.
Preston, Idaho

Dear Mr. Meek:

There have been no protests in connection with your application to change point of diversion of water right from Bear River.

Therefore, upon receipt of the Affidavit of Publication which the Preston Citizen was instructed to send you and the \$1.00 recording fee, a Certificate authorizing such change will be issued.

Very truly yours,

MARK R. KULF
State Reclamation Engineer
BY

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date August 22, 1949

**The Preston Citizen,
Preston, Idaho.**

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **September 21, 1949** the date set for the hearing, the expense of the publication to be paid by the applicant, **Riverdale Preston Irrig. Co. Ben A. Meek, Pres. Preston, Idaho.**

to whom you should furnish proof of publication on or prior to the date set for the hearing.

Please acknowledge receipt of this notice, and furnish this department with a copy of the first publication, in order that we may check same.

Very truly yours,

WILLIAM H. KEMP
State Reclamation Engineer

By **Roy W. Thompson**
Supervisor of Water Distribution.

RECEIVED
AUG 24 1949
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Riverdale Preston Irrigation Company,
of Preston, Idaho. has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing ~~them~~ to change the point of diversion
~~and to take~~ use of the waters of Bear River,
as follows: Amount: 9.0 Cubic feet per second,
Point of diversion: ¼ NE ¼, Section 31, Township 14.S,
Range 40.E. Place of Use:
~~filed in~~ in Sec. 22 & 31, Twp. 14.S. R. 40.E. Sec. 36, T. 14.S R. 9.E.
Sec. 1, T. 15.S R. 39.E., Sec. 34- 35 & 36 T. 14 S. R. 39.E. Sec. 1-2- & 3
T. 15.S.R. 39.E.

Transfer to

Point of diversion: SW ¼ SE ¼, Section 31, Township 14.S,
Range 40 E. Place of Use: No. change,

And that on the 21 day of September, 194 9
at 10 o'clock A M., at Room 107, State House, Boise, Idaho.
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK. R. KULP.
State Reclamation Engineer.

August 23, 1949

Mr. E. J. Baird, Watermaster
Water District No. 5
Soda Springs, Idaho

Dear Mr. Baird:

We are in receipt of an Affidavit for Change of Point of Diversion of Decreed Water Right in the name of the Riverdale Preston Irrigation Company, requesting the change of point of diversion of 3 second feet of June 10, 1883, and 6 $\frac{1}{2}$ second feet, June 10, 1902, making a total of 9 $\frac{1}{2}$ second feet.

Same Affidavit is requesting the change of point of diversion of only 9 second feet. Kindly let us know if this is correct or if it is a typographical error or does the Company really wish to transfer 9.5 second feet.

Will with-hold publication of notice to the newspaper until we hear from you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

RECEIVED