

Transfer No. 2947
Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

c/o Ronald Baird

Name of applicant Mink Creek Irrigation Comp. No. 4 & 3 Phone 852-0421
Post Office address Rt. 2, Box 565 Preston, ID 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)

b. License No. T515/11-0836A 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 Applicants are original right holders.

3. Source of water Mink Creek tributary to Bear River

4. Date of priority May 1, 1882

5. Water is used for the following purposes:

amount 9.10cfs for Irrigation purposes from 4-20 to 7-25

amount 6.90cfs for Irrigation purposes from 7-25 to 9-1

amount 4.55cfs for Irrigation purposes from 9-1 to 9-30
(month/day — both dates inclusive)

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

7. Location of original point of diversion is Near east $\frac{1}{4}$ corner $\frac{1}{4}$ of Section 22

Township 13S Range 41E, B.M., in Franklin County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S	41E	19																	
		20																	*
		27																	
		28																	
		30																	
		31																	
		32																	
		33																	
13S	40E	25																	
		36																	
14S	41E	6																	

Total number of acres to be irrigated 655

*Not listed in decree

9. Describe any other water rights used for the same purpose as described above _____
T915/11-0835A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

If yes, describe in item D, REMARKS

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, 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:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

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

1. General Information 11-0836A - 9.10 See section A5
11-0835A - 5.67
a. Amount of water to be diverted 14.77 c.f.s. &/or _____ acre feet
b. Description of diverting works headgate to weir to open ditch to lateral service ditch
c. Describe the reasons for the proposed changes plan to abandon lower ditch to allow all water to be taken from a point of diversion on the upper ditch which will allow more efficient use of gravity flow system.
2. Change in point of diversion
Point of diversion NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27 Township 13S
Range 41E, B.M., Franklin County
Additional points _____
3. Change in place of use See attached sheet
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

place of use to which the right will be transferred

[illegible]

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. None
-
5. 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.

[illegible]

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

T915/11-0835A

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ (Name of court) county of _____

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 Applicant
is original holder of right

3. Source of water Mink Creek tributary to Bear River

4. Date of priority May 1, 1882

5. Water is used for the following purposes:

* amount 5.67cfs for Irrigation purposes from 4-20 to 7-25
amount 3.78cfs for Irrigation purposes from 7-25 to 9-1
amount 2.83cfs for Irrigation purposes from 9-1 to 9-30
(month/day — both dates inclusive)

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

7. Location of original point of diversion is _____ 1/4 of NE 1/4 of Section 32

Township 13S Range 40E, B.M., in Franklin County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	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	
<u>13S</u>	<u>41E</u>	<u>30</u>																	*
		<u>31</u>																	*
		<u>32</u>																	*

*Not stated in decree

Total number of acres to be irrigated 300

9. Describe any other water rights used for the same purpose as described above _____

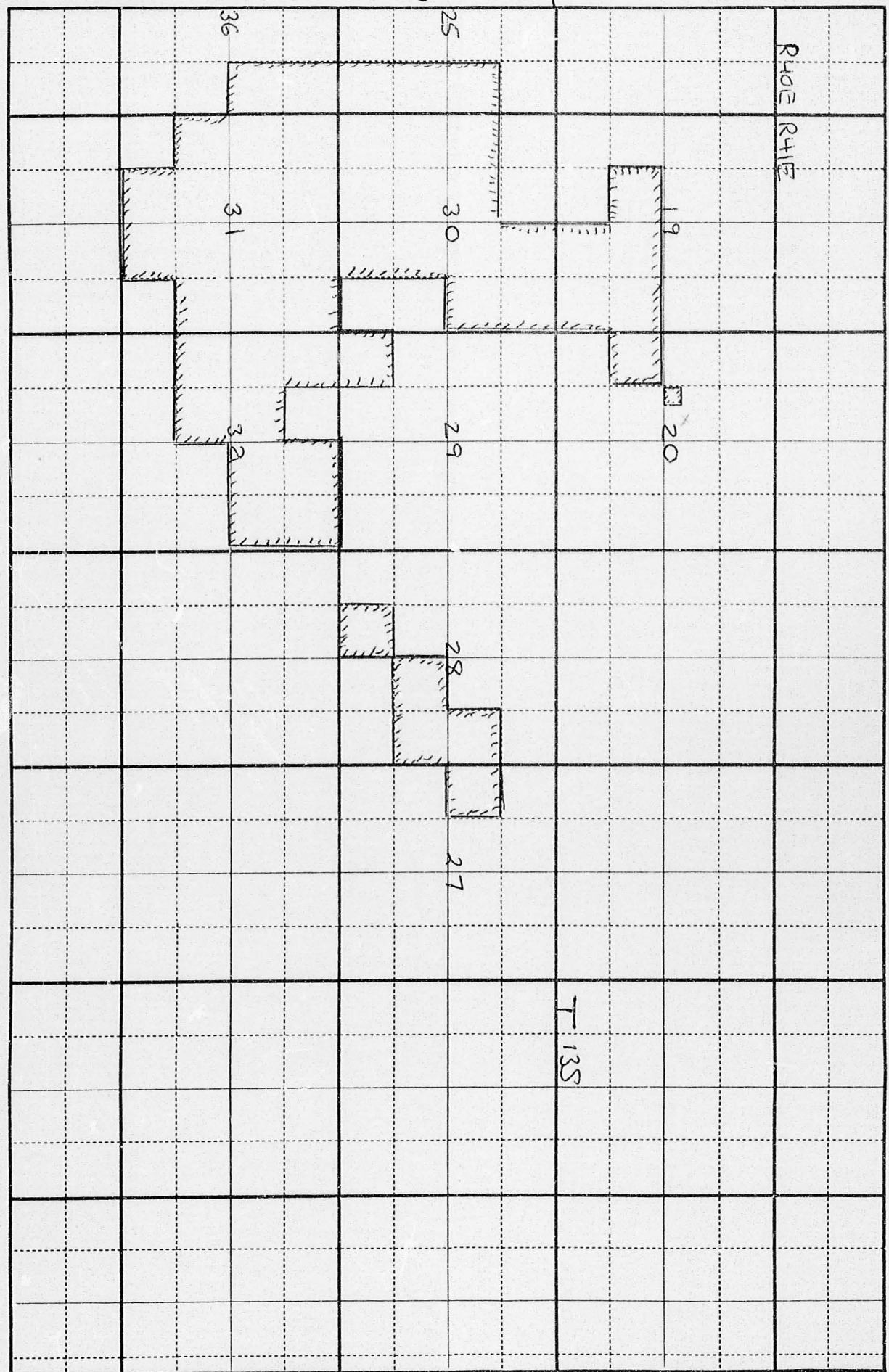
10. To your knowledge, has _____ of the water right undergone a period of five or more consecutive years of nonuse? No
If yes, describe in item D. REMARKS

Description and location of place of use:

Total number of acres irrigated 738

NAME OF APPLICANT Mink Creek Irrigation Camp

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

X *Ernest C. Baird*
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of July, 19 83.

Karel L. Condeun
(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. 11-0835A/11-0836A and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 13N, Mink Creek.

Witness my hand this 5th day of April, 19 84.

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u><i>HLW</i></u>	Date <u>8-17-83</u>	Protest filed by _____
Prelim. check by <u><i>KCW</i></u>	Fee <u>\$50.00</u>	_____
Received by <u><i>BP</i></u>	Date <u>8/18/83</u>	# <u>29618</u>
Published in <u><i>Protest Notice</i></u>	Copies of protest forwarded by _____	
Pub. dates <u>10/20 11/13/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>10-21-83</u>	Recommended for <u>approval</u> denial	
<u>WD #11</u> rec'd. <u>10-28-83</u>	by <u><i>EMC</i></u>	

#875

NOV 15 1983

No 1980

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the Co-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 Oct 27, 1983, and ending

with the issue of Nov 11, 1983.

Fee \$ 34.38

Subscribed and sworn to before me this 30th day of Nov, 1983.

Kenn W. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 11-0836A/11-0835A

Notice is hereby given that Mink Creek Irrigation Comp. No. 4 and 3, Preston, Idaho, has applied to the Department of Water Resources for a change in the place of use of the water of Mink Creek tributary to Bear River. The rights sought to be changed are evidenced as follows:

T515/11-0836A

AMOUNT: 9.10 cfs.

PRIORITY: 5-01-1882

POINT OF DIVERSION: Sec 22, T. 13S, R. 41E, B.M.

The water is used to irrigate 655 acres within Sec. 19, 20, 27, 28, 30, 31, 32, 33, T. 13S, R. 41E; Sec. 25, 36, T. 13S, R. 40E; Sec. 6, T. 14S, R. 41E.

T915/11-0835A

AMOUNT: 5.67 cfs

PRIORITY: 5-01-1882

POINT OF DIVERSION: NE 1/4, Sec. 32, T. 13S, R. 40E, B.M., Franklin County.

The water is used to irrigate 300 acres within Sec. 30, 31, 32, T. 13S, R. 41E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW 1/4 NW 1/4, Sec. 27, T. 13S, R. 41E, B.M., Franklin County; and used to irrigate 738 acres within the SW 1/4 NW 1/4, Sec. 27, SE 1/4 NE 1/4, SE 1/4 SW 1/4, N 1/2 SE 1/4, Sec. 28, NE 1/4, W 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4, Sec. 32, N 1/2, N 1/2 S 1/2, SE 1/4 SW 1/4, SW 1/4 SE 1/4, Sec. 31, NE 1/4, S 1/2 NW 1/4, SW 1/4, W 1/2 SE 1/4, Sec. 30, SE 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 20, SW 1/4 SW 1/4, Sec. 29, NE 1/4 SW 1/4, SE 1/4, Sec. 19, T. 13S, R. 41E; SE 1/4 NE 1/4, E 1/2 SE 1/4, Sec. 25, E 1/2 NE 1/4, Sec. 36, T. 13S, R. 40E.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402 on or before Nov. 14, 1983.

A. KENNETH DUNN
Director

Published Preston Citizen, 10/27 & 11/03/83.

Legal No. 1980 - Oct. 27, Nov. 3, 1983. 586

RECEIVED
DEC 06 1983

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. 11-0836A/11-0835A

Notice is hereby given that Mink Creek Irrigation Comp. No. 4 & 3, Preston, Idaho has applied to the Department of Water Resources for a change in the place of use of the water of Mink Creek tributary to Bear River. The rights sought to be changed are evidenced as follows:

T 515/11-0836A AMOUNT: 9.10 cfs PRIORITY: 5-01-1882
POINT OF DIVERSION: Sec. 22, T. 13S, R. 41E, B.M.

The water is used to irrigate 655 acres within Sec. 19, 20, 27, 28, 30, 31, 32, 33, T. 13S. R. 41E; Sec. 25, 36, T. 13S, R. 40E; Sec. 6, T. 14S, R. 41E.

T 915/11-0835A AMOUNT: 5.67 cfs PRIORITY: 5-01-1882
POINT OF DIVERSION: NE $\frac{1}{4}$, Sec. 32, T. 13S, R. 40E, B.M.,
Franklin County.

The water is used to irrigate 300 acres within Sec. 30, 31, 32, T. 13S, R. 41E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 13S, R. 41E, B.M., Franklin County; and used to irrigate 738 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 32, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 19, T. 13S, R. 41E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 36, T. 13S, R. 40E.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402 on or before November 14, 1983.

A. KENNETH DUNN
Director

Published Preston Citizen, 10/27 & 11/03/83

*Proofed
10/25/83
JP*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 19, 1983

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before NOVEMBER 14, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

October 20, 1983

RE: Application for Transfer No. 11-0836A/0835A
MINK CREEK IRRIGATION CO. 3 & 4

Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before November 14, 1983.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 11-0836A/0835A

OCT 28 1983

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Eastern District Office

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Franklin-Caribou-Bear Lake State of Idaho,
whose address is 279 E 3rd North, Soda Springs, Idaho 83276
have read the attached copy of the application for transfer of water right for Mink
Creek Irrigation Company, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: None

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Soda Springs, Idaho, this 27th day of October 19 83.

Russell D. Stoker
(signature)

Please use reverse side if needed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KEITH C WILSON

1. Right number 11-0835A T/SIS 11-0836A T/SIS Applicant MINK CREEK IRR Comp No 4+3
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Listing actual acres irrigated
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:
☒ All of right.
N/A ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
☒ Check description of point(s) of diversion.
☒ Check description of place of use. Pl check made on copy of 4-1983 map
☒ Check map (shows p.d. and p.u. after transfer).
☒ Check for correct signature, notarization, and fee.
☒ Check proof of ownership of right &/or original owners land from which water is transferred.
☒ Check for expansion in use of right. Comments Decree did not specify
Pl acres - expansion in use irrigated unknown
☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A -
j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 13 N Mink Creek

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 10-20-83 Received on 10-28-83
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Calc OIE, 05 (WD #13 N Mink Creek)

4. By Ernest Carlson Date Dec 19 1983

Join use above conditions 3-6-84
* All uses within Watermaster Districts require special conditions.

April 5, 1984

RE: Transfer of Water Right Nos. 11-0835A & 11-0836A

Mink Creek Irrigation Comp. #3 & 4
c/o Ronald Baird
Rt. 2, Box 565
Preston, ID 83263

Dear Mr. Baird:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2347). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure