

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
FEB 18 2016
Department of Water Resources
Eastern Region

Name of Applicant(s) North Fremont Canal Company Phone 652 3332
Mailing address PO Box 307 Ashton ID 83420 Email latchley@ida.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Dennis Wamko
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

2/18/16
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Correcting PODs, adding two pumps: M. Reynolds #2 Pump (and a point of injection) and Orme Place Pump, and updating the large POU. This one transfer is the aggregate of two transfers filed separately, yet simultaneously.

This transfer corrects errors in North Fremont Canal System's points of diversion and large POU, and also combines two transfers that were submitted separately, yet simultaneously.

The first transfer, submitted by Jared Baum and received on January 27, 2016, sought to add his land into the North Fremont Canal Company boundary, as well as a point of injection and a point of redirection, in T09N R42E Section 15 SWSE (Lot 5) and Section 33 SWNENW of the same Section respectively. The diversion would be limited to 0.40 cfs.

The second transfer proposed to bring in the Flying A Ranch's 156 acres into the large POU boundary. It was received on February 2, 2016. It proposed drying up acres within the canal company's large POU. It also added a point of diversion in the NWSW of Section 36, T09N, R43E, limited to 1.88 cfs.

While both of those transfers were signed by representatives of North Fremont Canal Systems, they were prepared by individual shareholders.

On 2/18/2016, North Fremont Canal Systems then submitted a third transfer that combined the above two transfers, and also corrected errors that stemmed from the adjudication. Those errors included correcting points of diversion, and adding in areas to the large POU that have been irrigated by North Fremont Canal Systems before 1987. Those lands and points of diversion were supposed to be included in the adjudication, but were not.

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☒ Yes	09N	43E	36			NW	SW	Fremont	Fall River	Orme Place Pump
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application. Page _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

At all PODs, headgates or flow meters are installed and regulated by WD 1.

- b. Who owns the property at the point(s) of diversion? _____

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

N/A -- no physical changes to PODs. For the additional PODs, see attached agreements and court decisions.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land will be dried up as described in an attachment but will remain in the large POU.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$700 Date 7/18/2016 Received by JS Receipt # E041833

Add'l fee paid \$500 Date 11/27/2016 Received by SC Receipt # FD4 1776

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

\$580

2-2-2016

Page 6

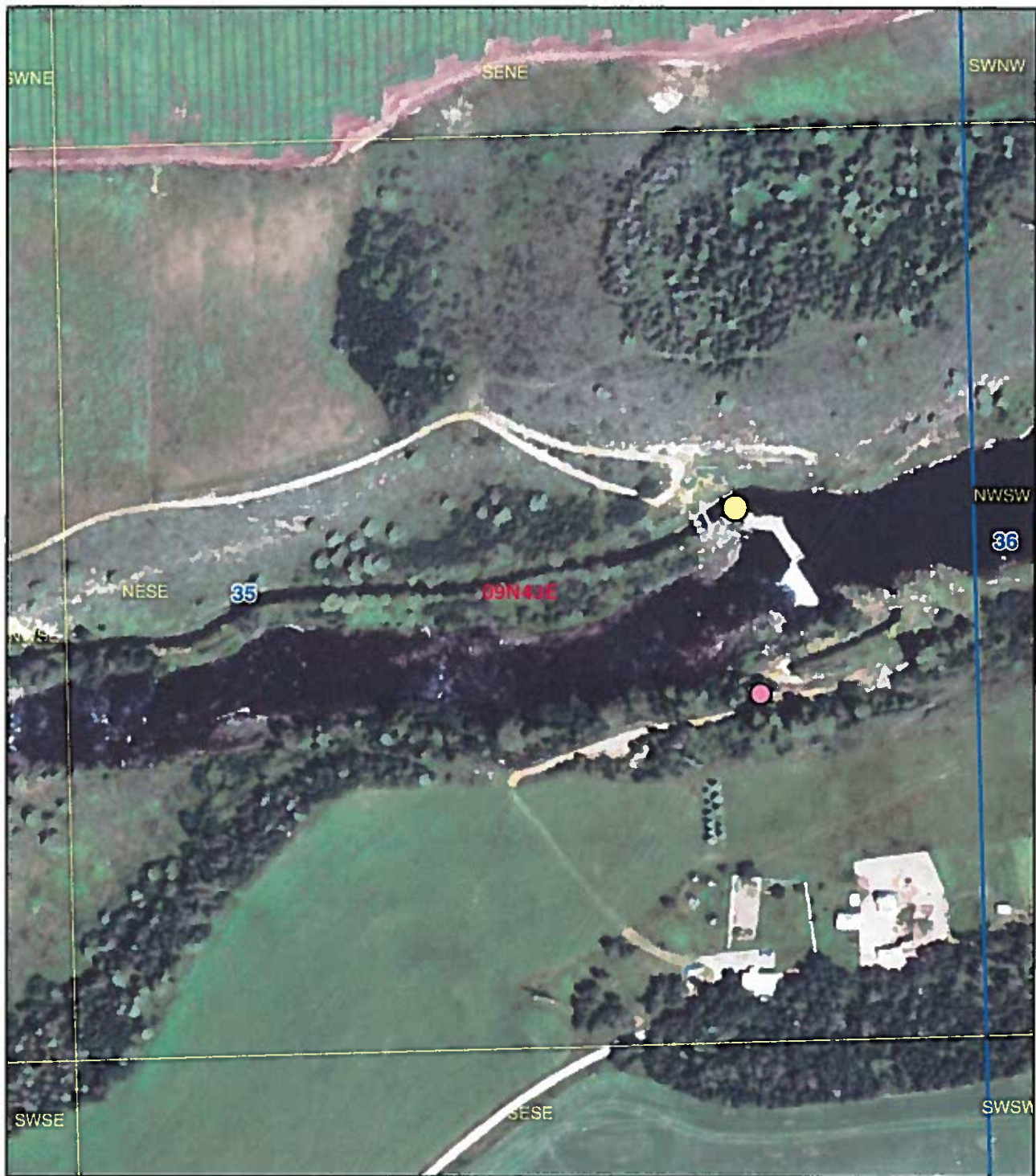
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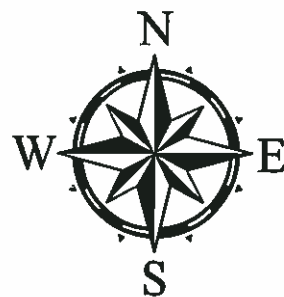
North Fremont Canal POD Corrections



2015 Imagery

Legend

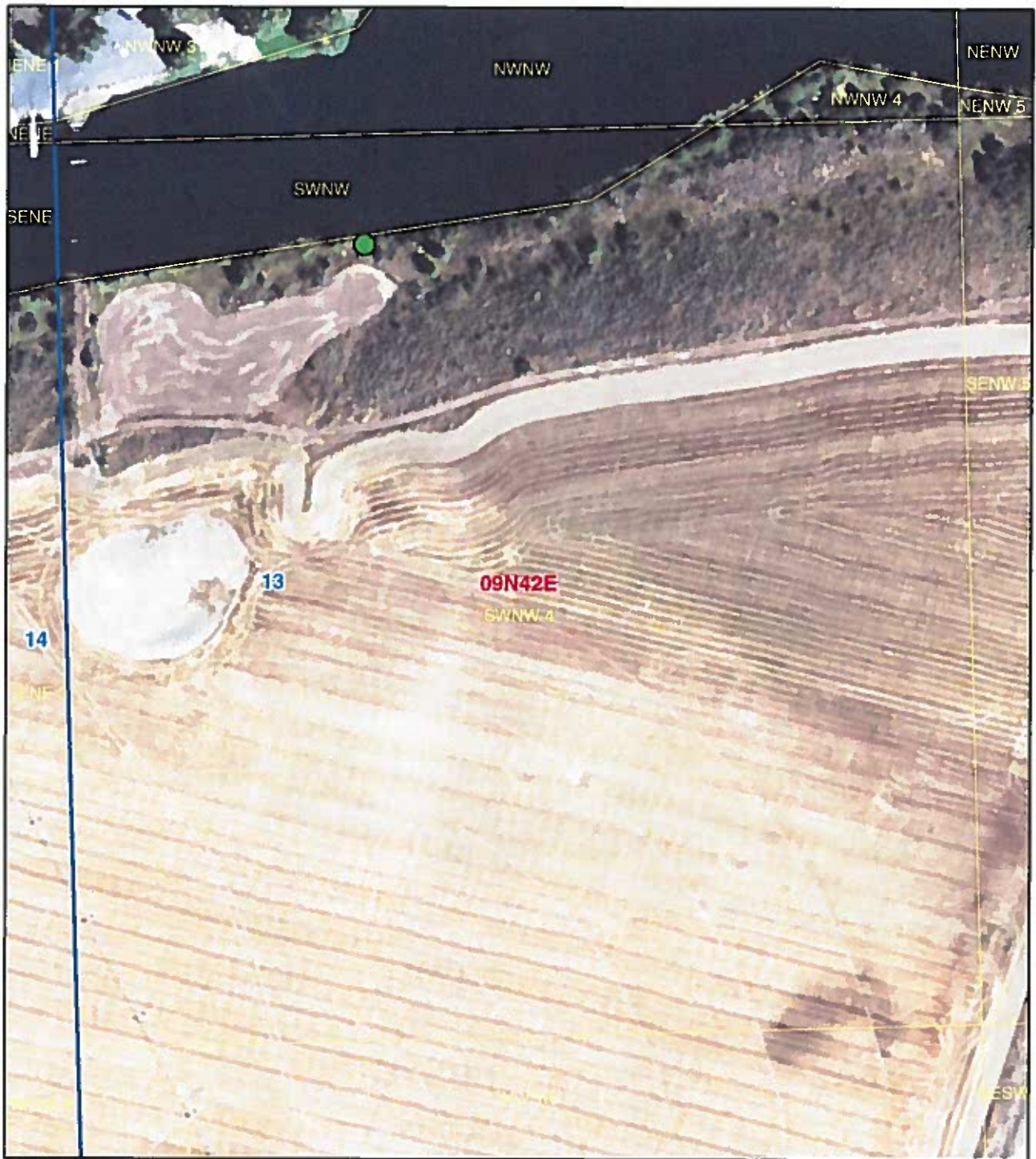
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-  G6 (Griffel) Pump
-  Township/Range
-  Sections
-  QQ



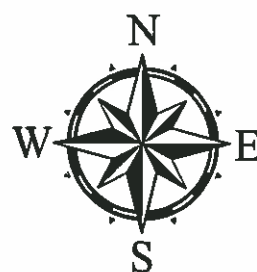
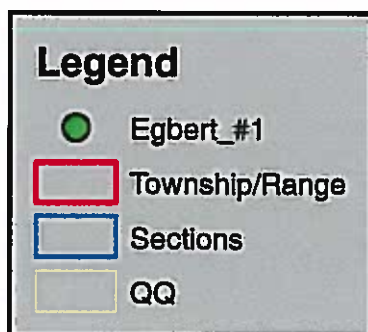
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North Fremont Canal POD Corrections

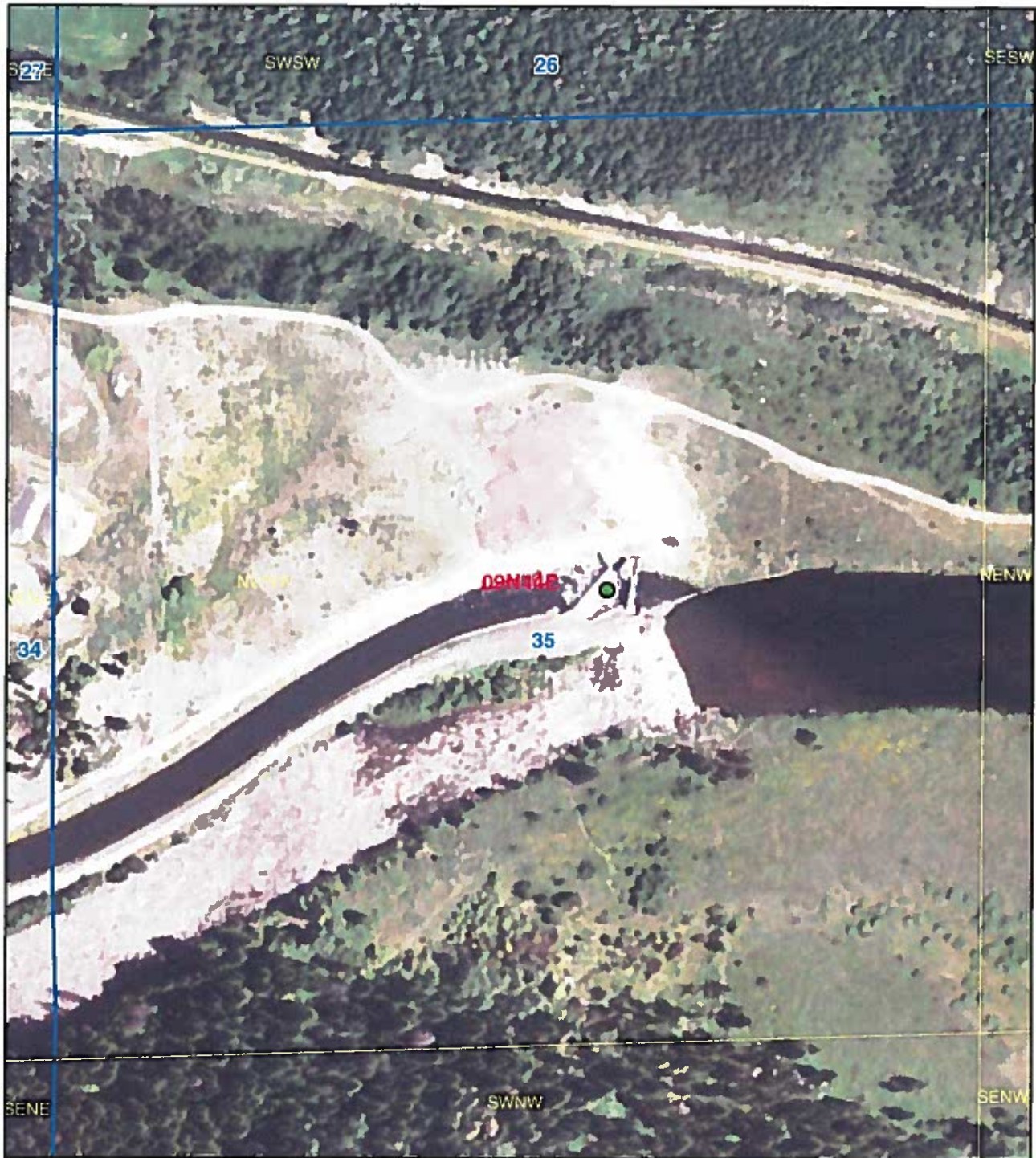


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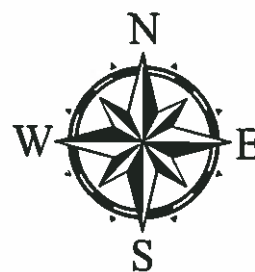
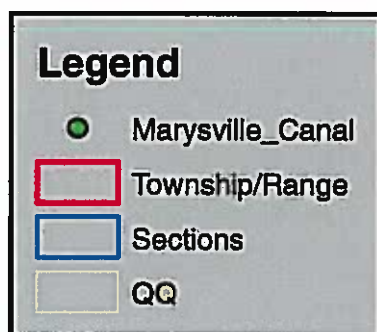


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North Fremont Canal POD Corrections



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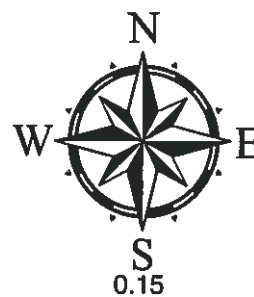
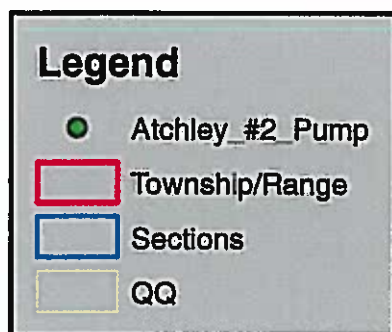


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North Fremont Canal POD Corrections



2015 Imagery

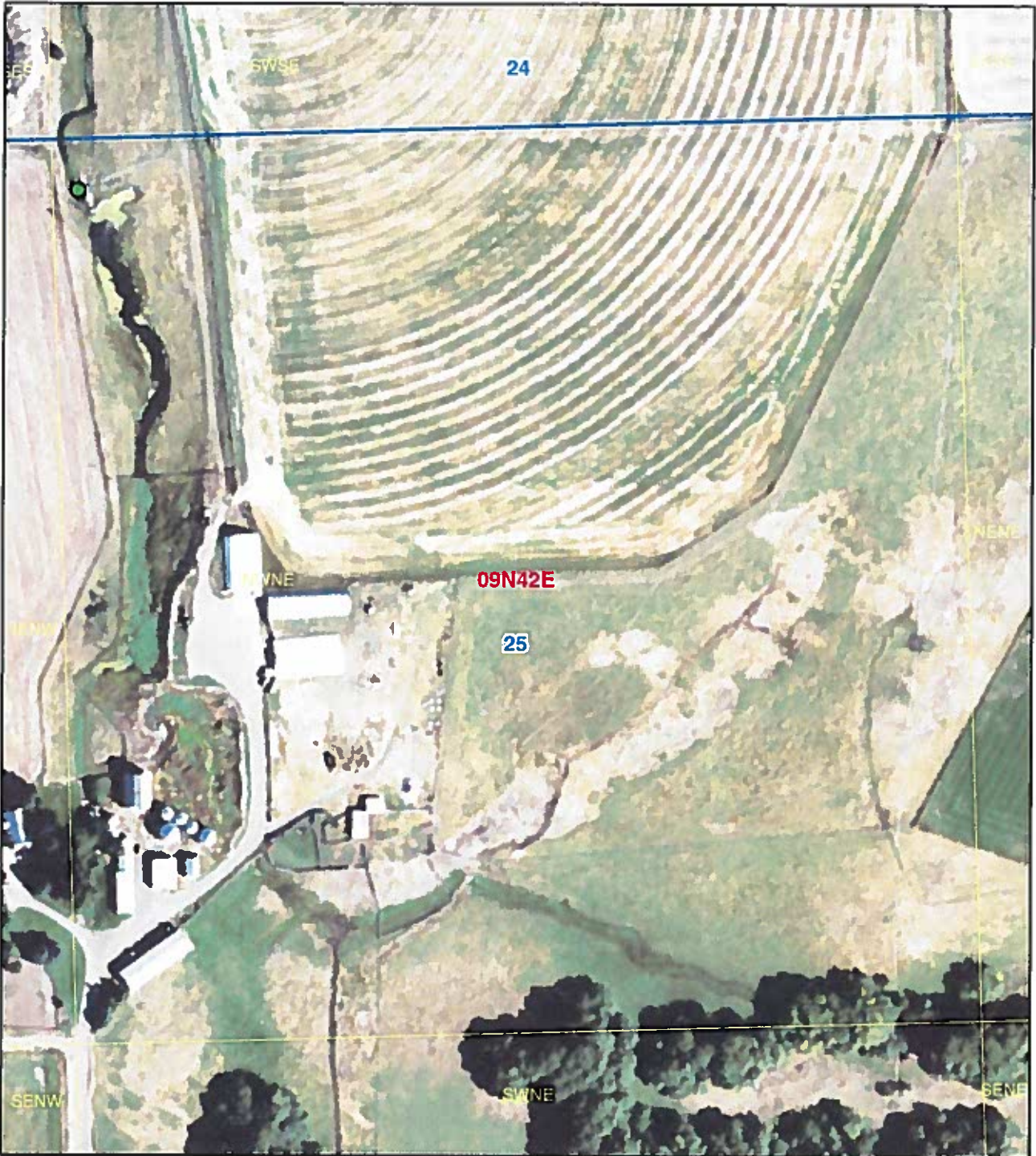


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1

North Fremont Canal POD Corrections



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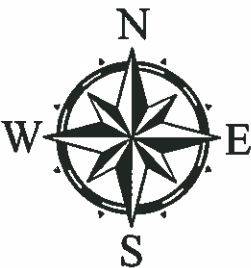
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Baker_Pump

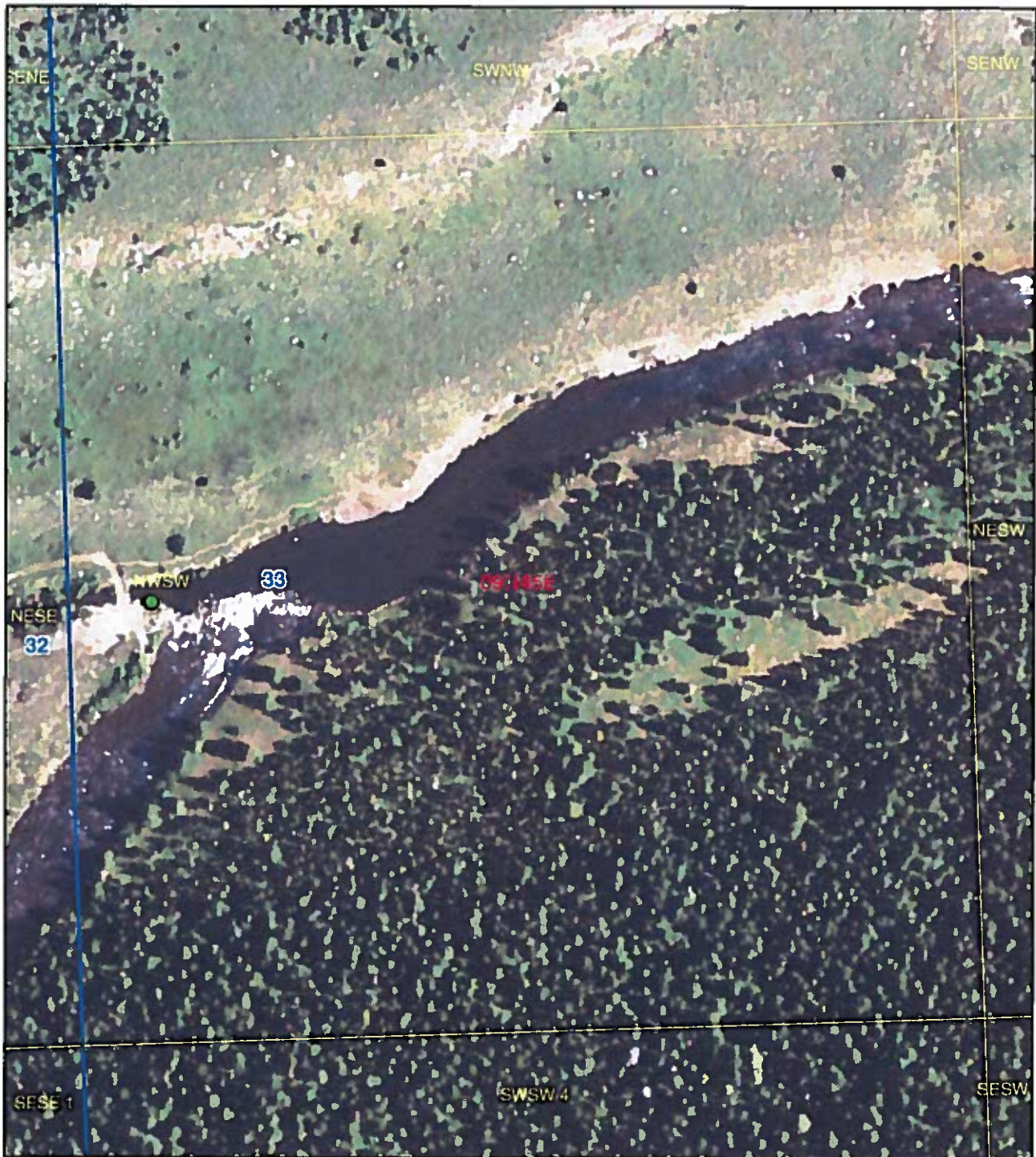
Township/Range

Sections

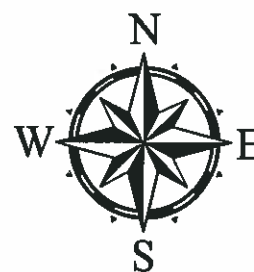
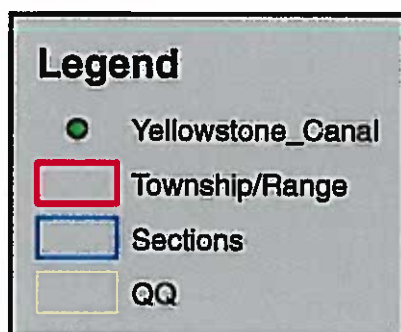
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North Fremont Canal POD Corrections



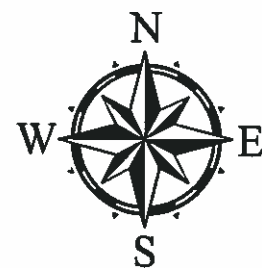
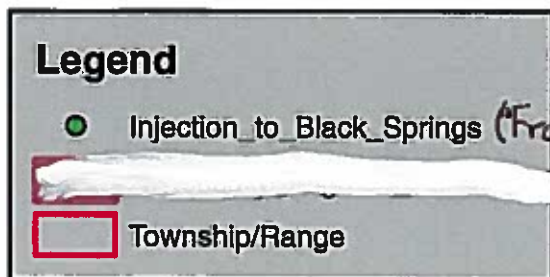
2015 Imagery



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North Fremont Canal Company Large POU Update



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North Fremont Canal POD Corrections



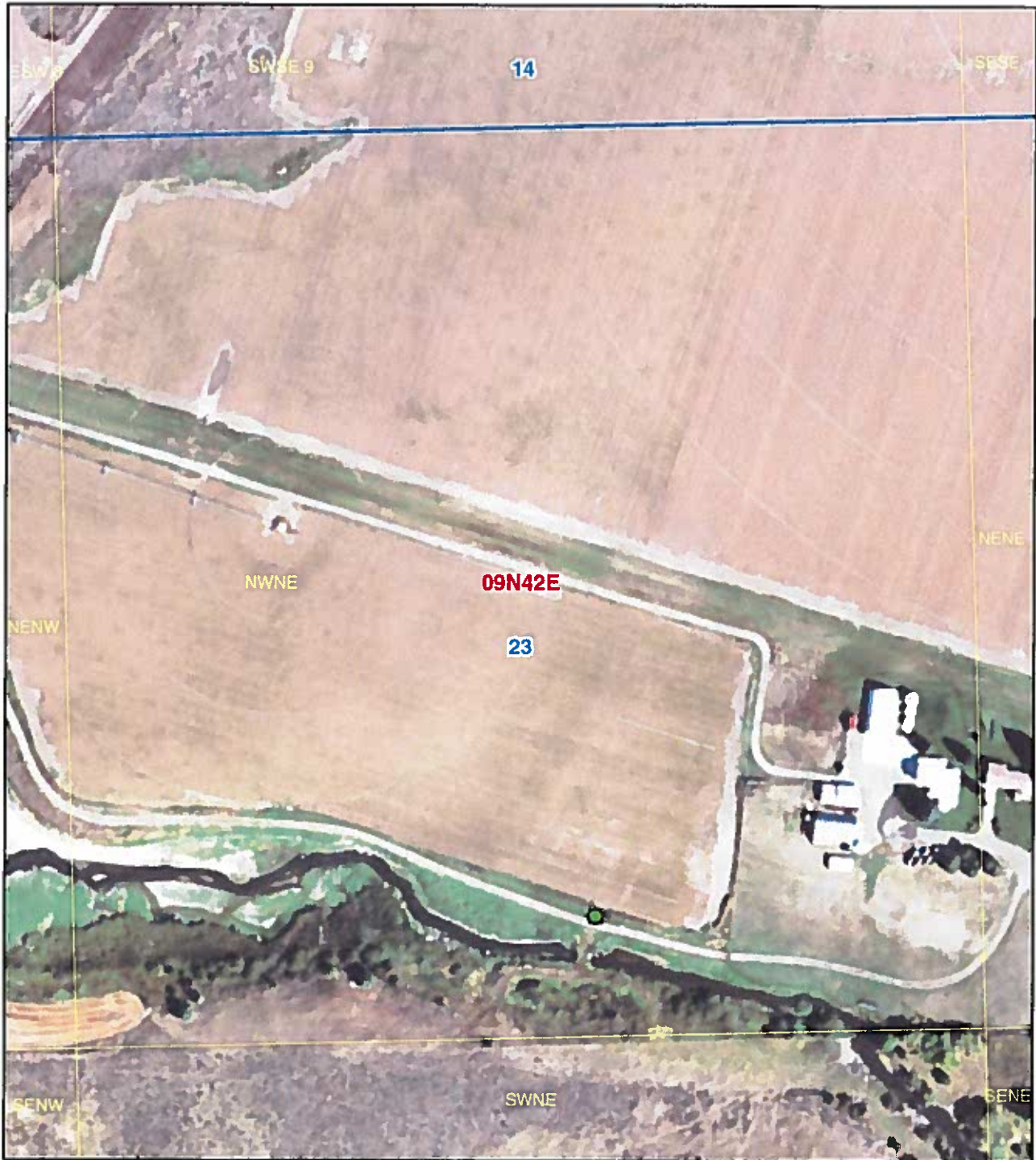
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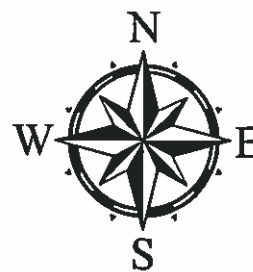
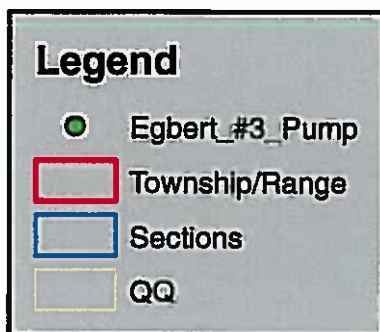
- Fransen_Pump
- Township/Range
- Sections
- QQ



North Fremont Canal POD Corrections



2015 Imagery



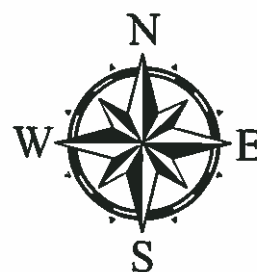
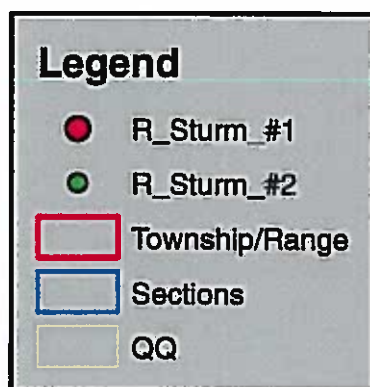
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North Fremont Canal POD Corrections



2015 Imagery



0 0.04 0.08 0.16 Miles

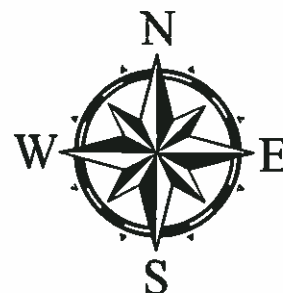
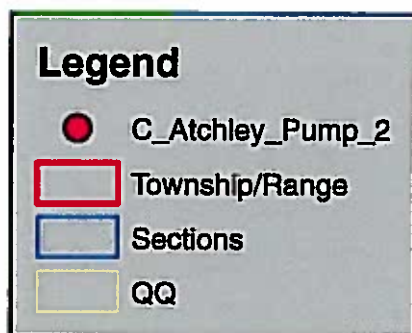
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North Fremont Canal POD Corrections



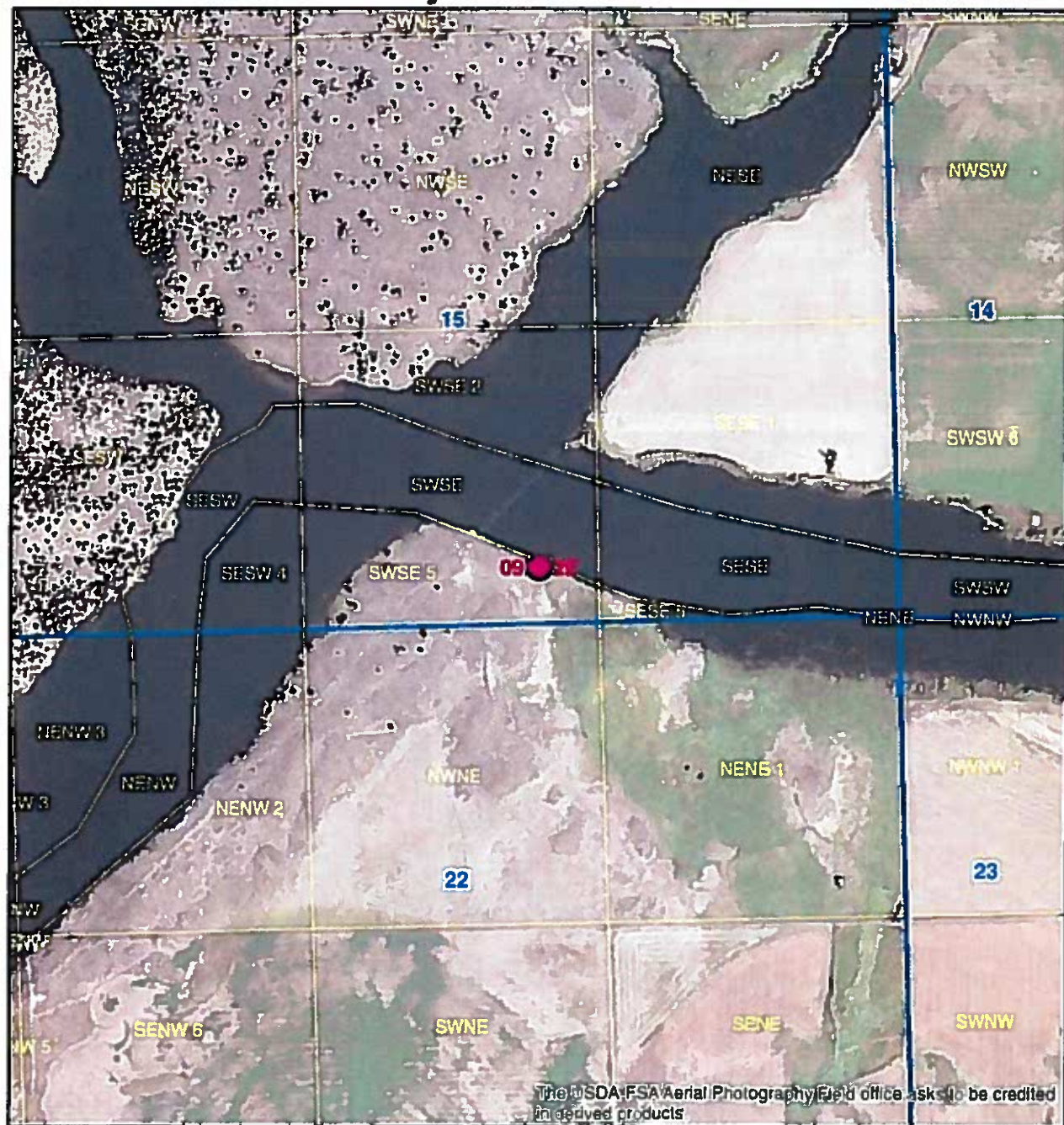
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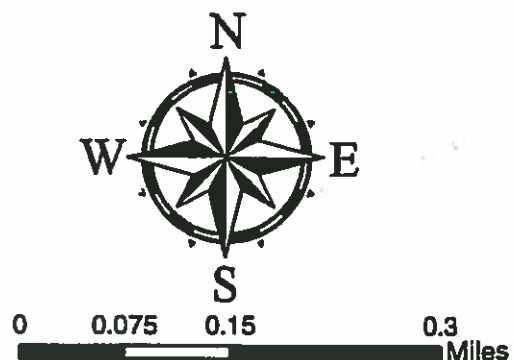
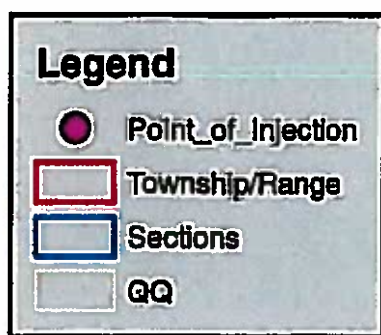
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North Fremont Canal Systems Jared Baum Farm Addition

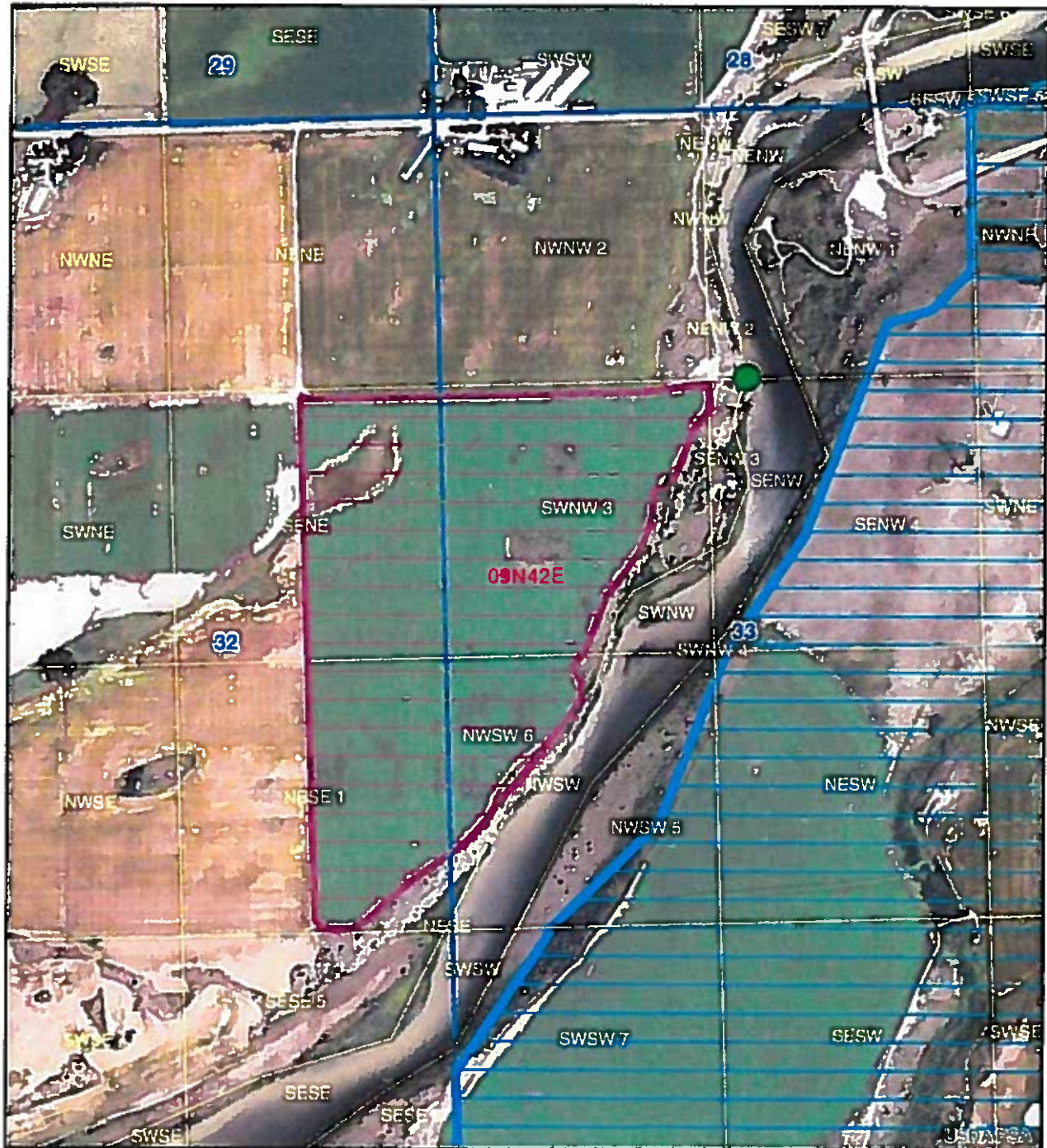


2013 Imagery

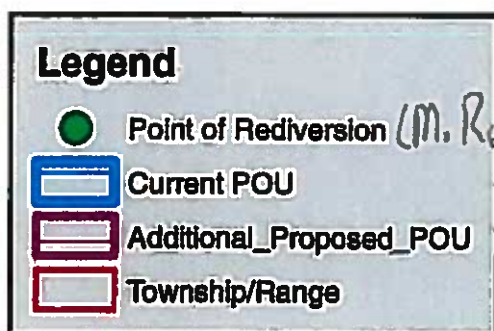


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North Fremont Canal Systems *Jared* Baum Farms Addition



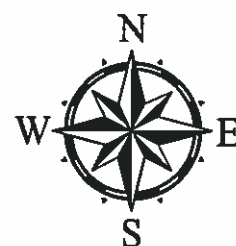
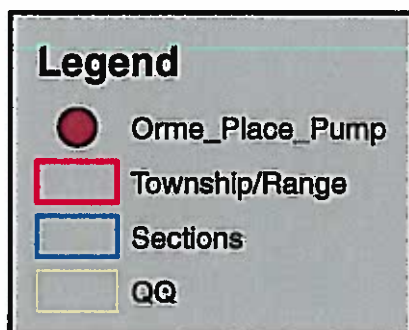
2011 Imagery
Map Designed by Cooper Fritz



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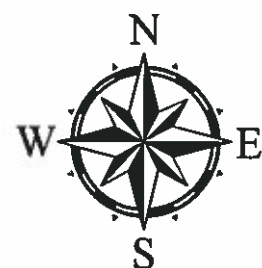
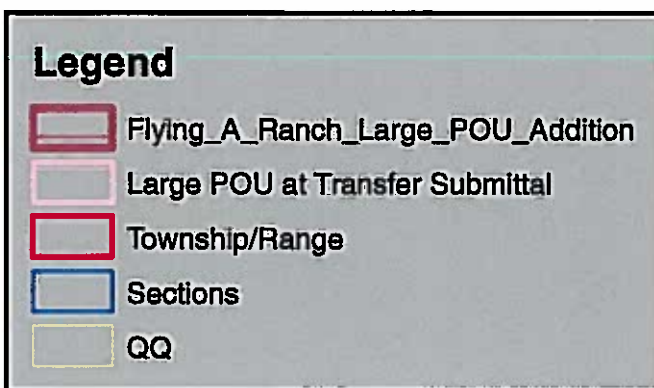
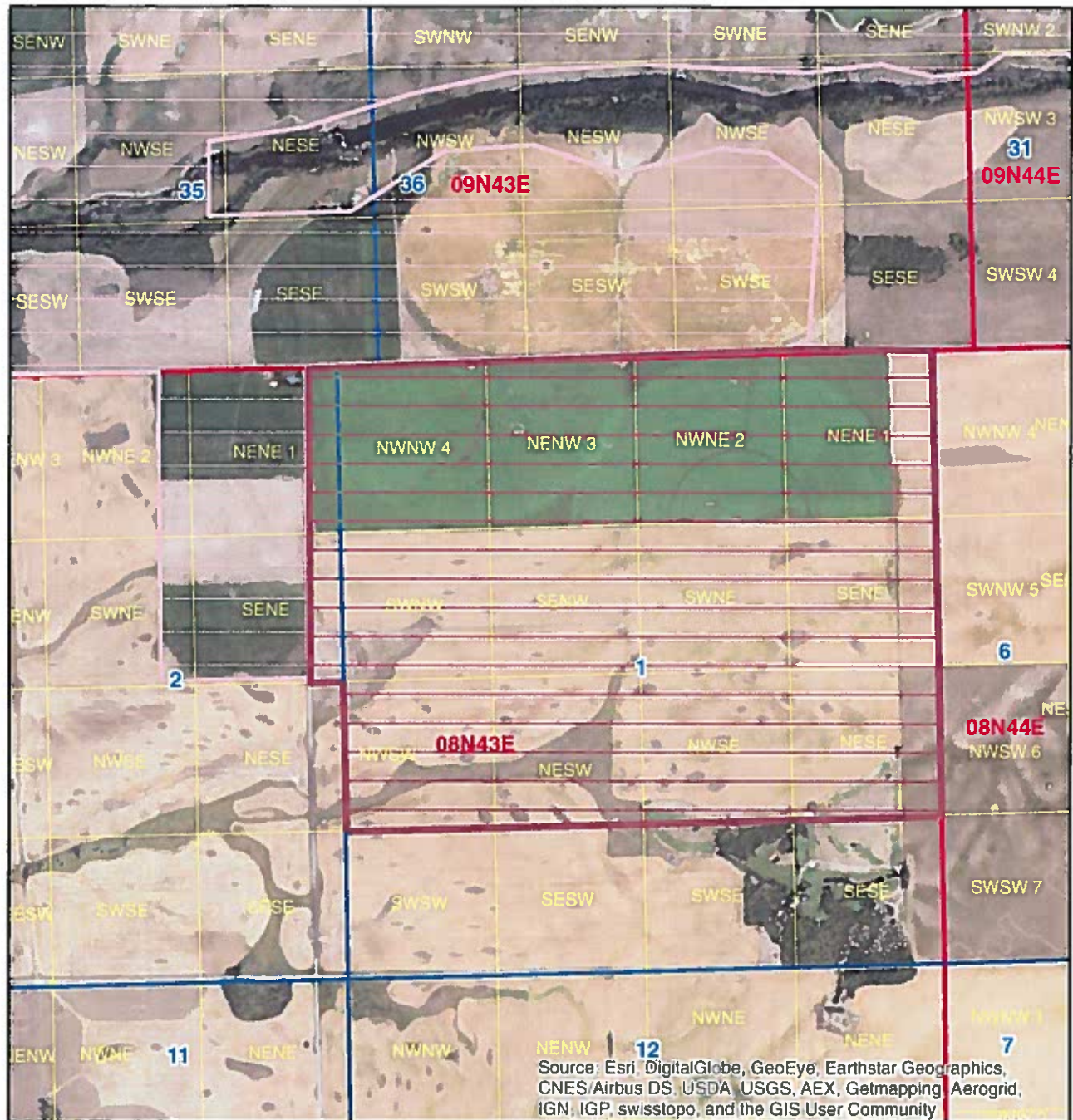
North Fremont Canal POD Addition



0 0.025 0.05 0.1 Miles

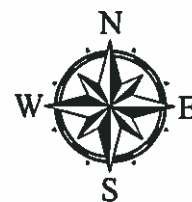
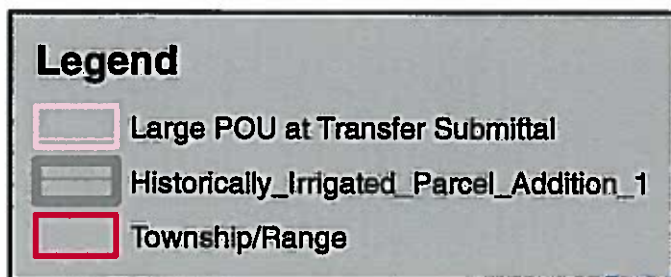
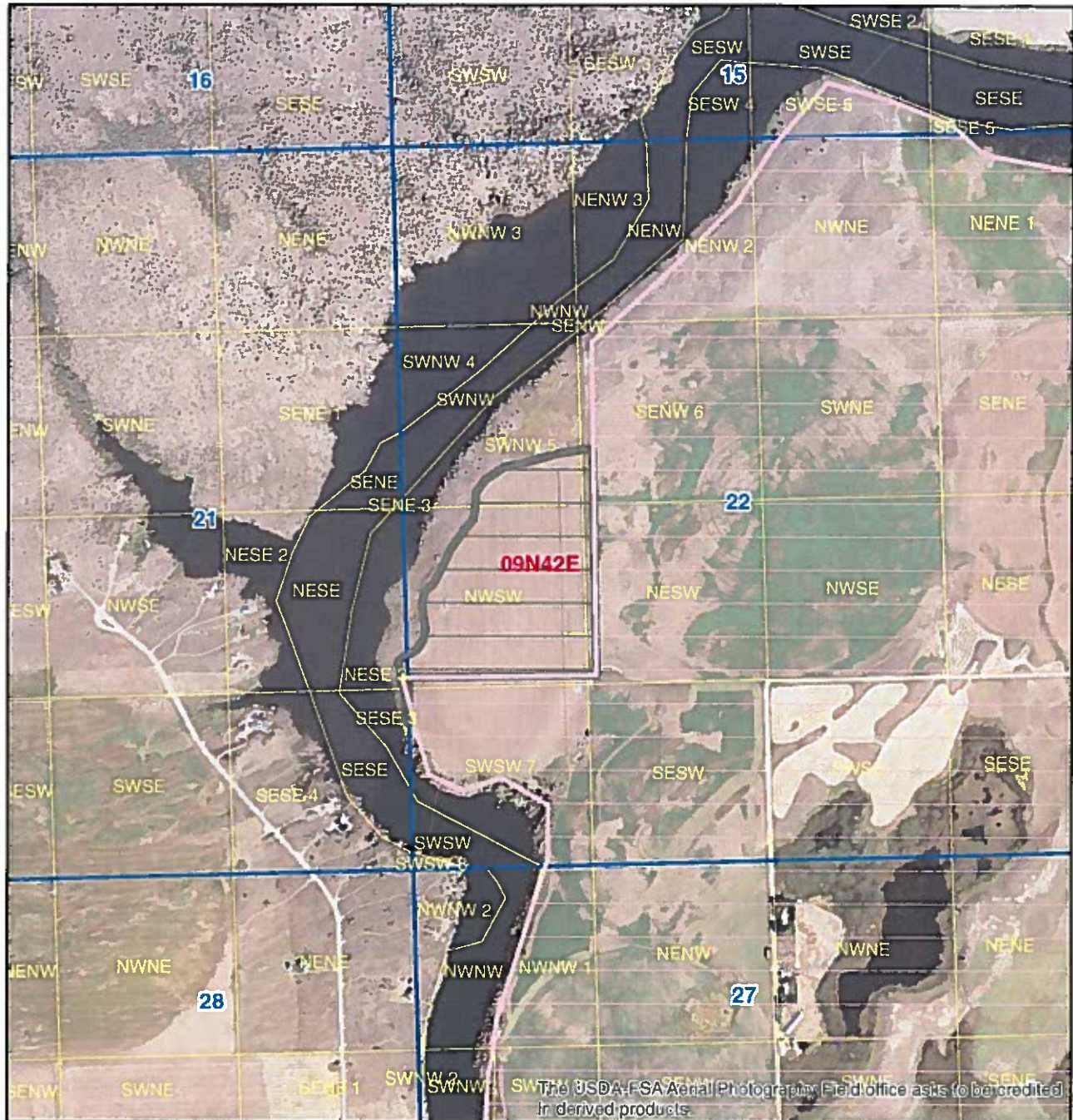
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North Fremont Canal Company Large POU Update



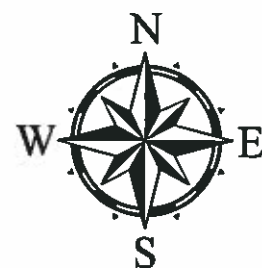
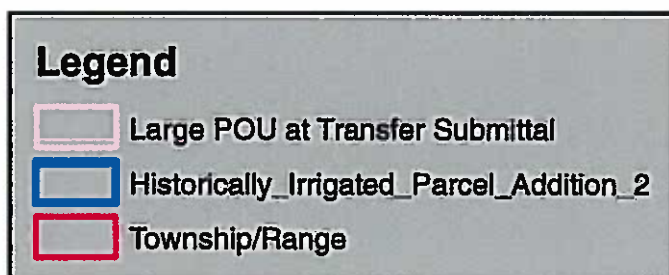
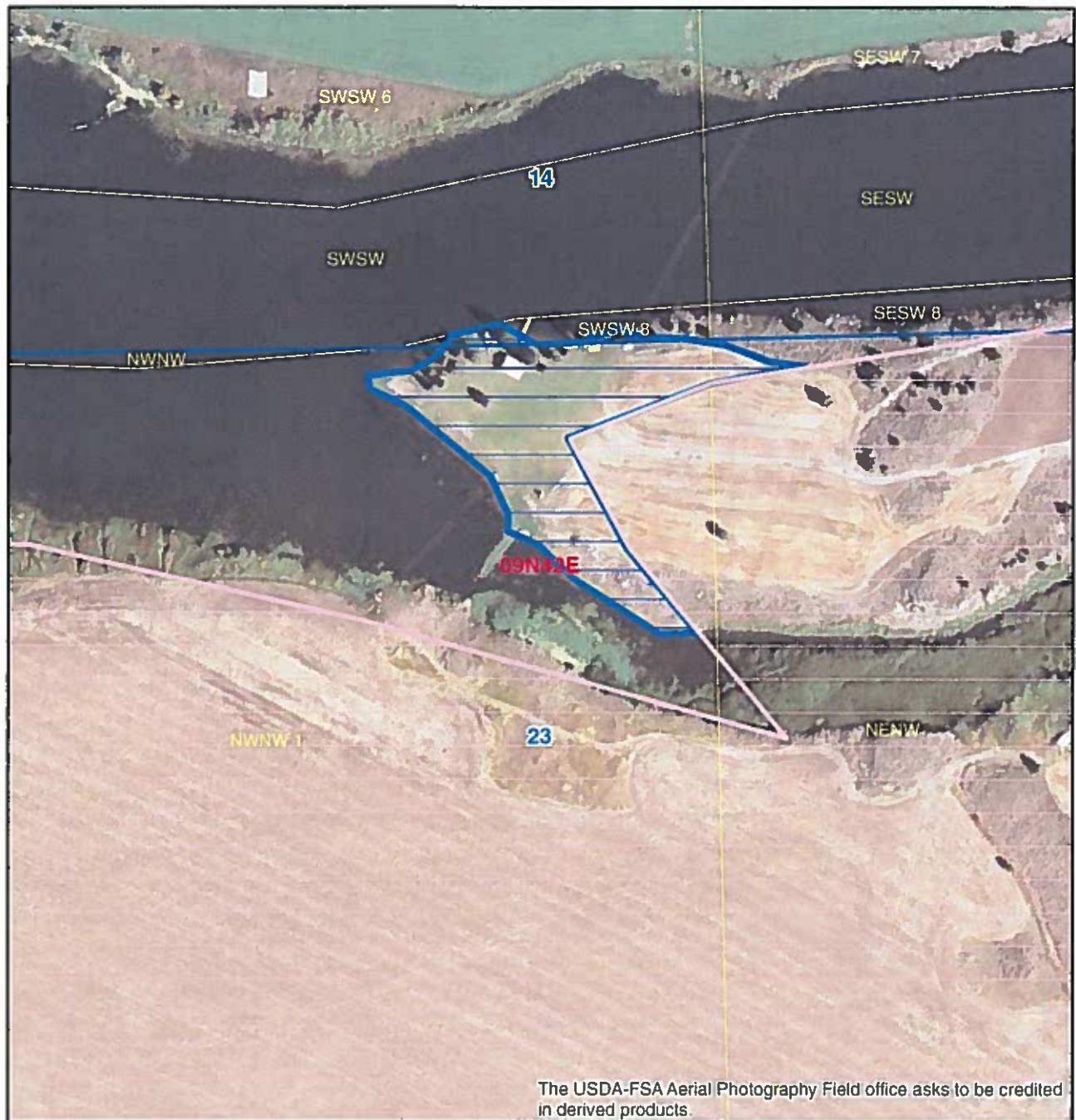
0 0.15 0.3 0.6 Miles

North Fremont Canal Company Large POU Update



0 0.1 0.2 0.4 Miles

North Fremon Canal Company Large POU Update



0 0.03 0.06 0.12 Miles

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NWSW NESW NWSE

SWSW SESW

09N43E

14

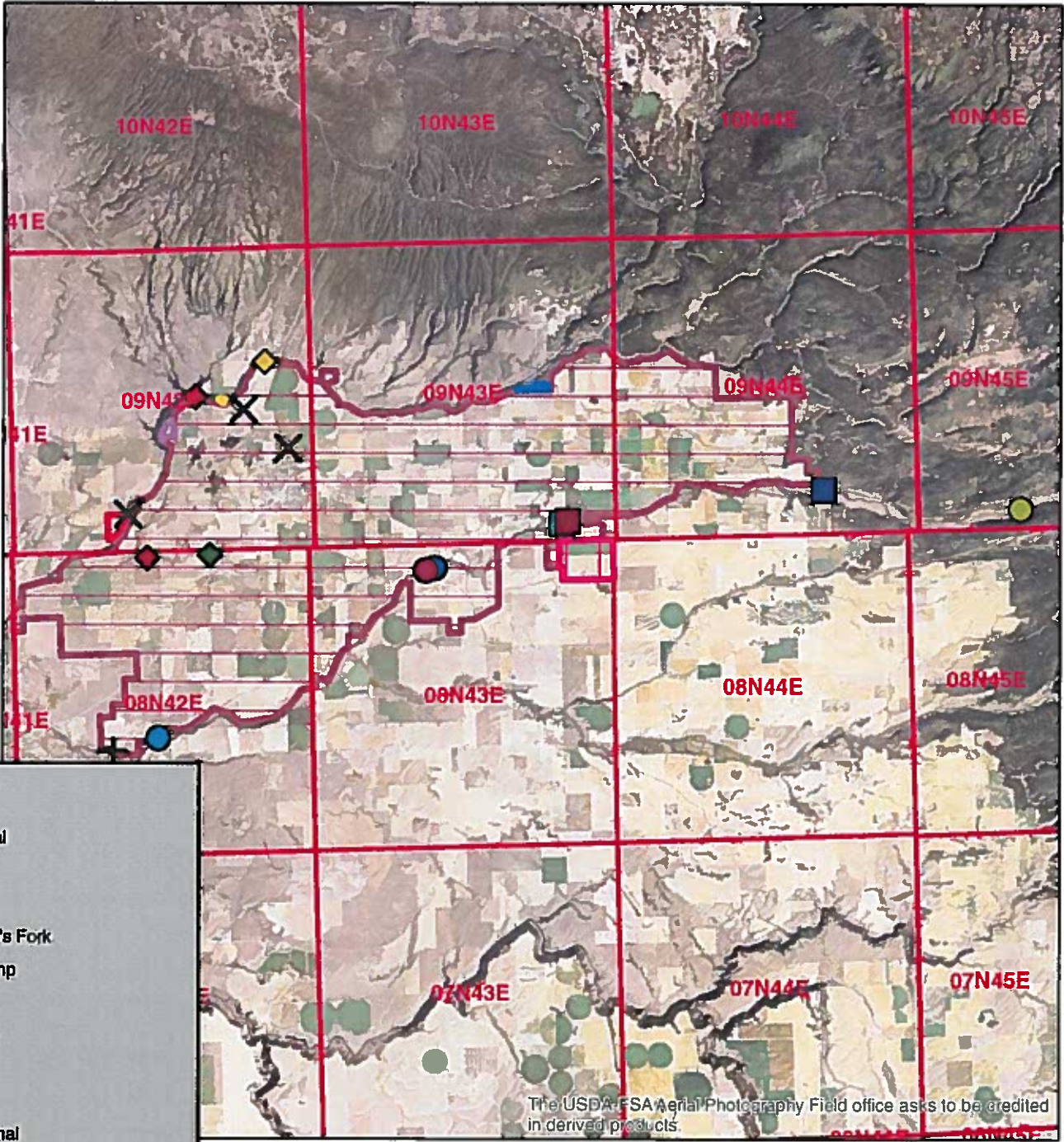
23

NWNE

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



POD Addition and Corrections, and Large POU Adjustments



Legend

- Yellowstone Canal
- R Stum #2
- R Stum #1
- Injection to Henry's Fork
- Orme Place Pump
- Marysville Canal
- Fransen Injection
- G6 Pump
- Fransen Pump
- Farmers Own Canal
- Egbert #3 Pump
- Z Egbert #1
- C Atchley Pump 2
- Baker Pump
- Atchley #2 Pump
- M. Reynolds Pump #2
- Large POU at Transfer Submittal
- Historically Irrigation Parcel Addition 1
- Historically Irrigation Parcel 3
- Historically Irrigated Parcel Addition 2
- Flying A Ranch Large POU Addition
- Baum POU Addition
- Township/Range

12/2/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC C/O LON ATCHLEY PO BOX 241 ASHTON, ID 83420 (208)652-3332

Status: Active

Tributary
HENRYS FORK

Volume

FALL RIVER	SESE	Sec. 22, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E,	FREMONT County
FALL RIVER	L4(SWNW)	Sec. 13, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NWNE	Sec. 25, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E,	FREMONT County
FALL RIVER	NWNW	Sec. 35, Twp 09N, Rge 44E,	FREMONT County
FALL RIVER	L1(NENE)	Sec. 4, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	L1(NESE)	Sec. 21, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	NWNE	Sec. 23, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 23, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NWSW	Sec. 33, Twp 09N, Rge 45E,	FREMONT County

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2015

08N	42E	6			X L13						X L9			X	X	X L14	X	X	0.0
08N	42E	7	X	X	X	X	X	X L1	X L2	X		X L3			X			X	0.0
08N	42E	8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
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08N	43E	1						X L4											0.0
08N	43E	2	X L1	X L2	X	X	X L3												0.0
08N	43E	3	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	X	X	X	X	X	0.0
08N	43E	4	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	X	X	X	X	X	0.0
08N	43E	5	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	X	X	X	X	X	0.0
08N	43E	6	X L1	X L2	X	X	X L3	X L4	X L5	X	X	X L6	X L7	X	X	X	X	X	0.0
08N	43E	7	X	X	X	X	X	X L1	X L2	X	X	X L3	X L4	X	X	X	X		0.0
08N	43E	8		X			X	X	X	X		X							0.0
08N	43E	9	X	X	X	X	X	X	X	X					X				0.0

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08N	43E	10	X	X	X		X	X	X	X								0.0
08N	43E	18		X	X		X	X	X	X	X	X						0.0
							L1	L2			L3							
09N	42E	13			X	X			X	X	X	X	X	X	X	X	X	0.0
					L6	L6			L4	L5				L8				
09N	42E	14				X								X	X	X	X	0.0
					L3									L8	L4	L4	L9	
09N	42E	15															X	0.0
																	L5	L5
09N	42E	22	X	X	X	X	X			X	X	X	X	X	X	X	X	0.0
			L1				L2			L6			L7					
09N	42E	23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
								L1										
09N	42E	24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	42E	25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	42E	26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	42E	27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
								L1				L4						
08N	42E	27							X									0.0
									L3									
09N	42E	28												X		X	X	0.0
														L3		L5	L4	
09N	42E	33	X	X	X	X	X			X	X	X	X	X	X	X	X	0.0
							L1			L4		L5	L7					
09N	42E	34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	42E	35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	42E	36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	13	X	X	X	X	X		X	X	X	X	X	X	X	X	X	0.0
09N	43E	14												X	X	X		0.0
09N	43E	18								X	X	X	X	X		X		0.0
											L3	L4						
09N	43E	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
							L1	L2			L3	L4						
09N	43E	20			X	X			X	X	X	X	X	X	X	X	X	0.0
09N	43E	21			X	X	X		X	X	X	X	X	X	X	X	X	0.0
09N	43E	22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
							L1	L2			L3	L4						
09N	43E	31	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0

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								L1	L2			L3	L4						
09N	43E	32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	43E	36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	44E	15											X				X		0.0
09N	44E	16										X	X						0.0
09N	44E	17							X	X	X	X	X	X	X	X	X	X	0.0
09N	44E	18			X	X			X	X	X	X	X	X	X	X	X	X	0.0
									L2			L3	L4						
09N	44E	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
								L1	L2			L3	L4						
09N	44E	20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	44E	21	X		X	X		X	X	X	X	X	X	X	X	X	X	X	0.0
09N	44E	22		X	X		X	X	X	X	X	X	X	X		X	X		0.0
09N	44E	26											X						0.0
09N	44E	27		X	X		X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	44E	28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	44E	29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
09N	44E	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
								L1	L2			L3	L4						
09N	44E	31	X	X	X	X	X	X	X	X	X	X							0.0
								L1	L2			L3							
09N	44E	32	X					X											0.0
09N	44E	33		X			X	X											0.0

POU Total Acres: 31,539.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 129 Place of use is within the area served by North Fremont Canal Systems Inc.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5. R63 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 place of

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- use.
6. 004 This right does not grant any right-of-way or easement across the land of another.
 7. T07 The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
 8. T08 Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
 9. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
 10. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
 11. R43 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(s).
 12. E56 The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Comments:

1. mciscell 7/28/2015 POD
PODID 820809 correlated from SpatialDataID 360691 to SpatialDataID 497080

Dates and Other Information

Decreed Date: 10/2/2012
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		31,539.0
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POU	12/29/2011	mhollday			Closed
Summary	12/29/2011	mhollday	12/29/2011	mhollday	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
POU	12/29/2011	mhollday	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
POU	12/29/2011	mhollday	Updated Shape

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POU	12/29/2011	mhollday	Updated PLS
Summary	12/29/2011	mhollday	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	1/30/2012	mhollday	Updated Shape
POD	1/30/2012	mhollday	PODID 820812 correlated from SpatialDataID 368788 to SpatialDataID 368788
POD	7/28/2015	mciscell	PODID 820809 correlated from SpatialDataID 360691 to SpatialDataID 497080

SubCase:

SubCaseNumber: 21-48

Class: 2

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

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Water Right 21-49

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC C/O LON ATCHLEY PO BOX 241 ASHTON, ID 83420 (208)652-3332

Priority Date: 5/1/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	12.000 CFS	
	<u>Total Diversion</u>		12.000 CFS	

Source and Point(s) of Diversion

FALL RIVER	L4(SWNW)	Sec. 13, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	L1(NESE)	Sec. 21, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	NWNE	Sec. 23, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	L1(NENE)	Sec. 4, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 23, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NWNE	Sec. 25, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E, FREMONT County
FALL RIVER	NWNW	Sec. 35, Twp 09N, Rge 44E, FREMONT County
FALL RIVER	NWSW	Sec. 33, Twp 09N, Rge 45E, FREMONT County
FALL RIVER	SESE	Sec. 22, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E, FREMONT County

Place Of Use

IRRIGATION within FREMONT County

Large POU not displayed

Total Acres = 31,539.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use

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- described by the digital boundary.
3. 129 Place of use is within the area served by North Fremont Canal Systems Inc.
 4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
 5. R63 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 place of use.
 6. 004 This right does not grant any right-of-way or easement across the land of another.
 7. T07 The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
 8. T08 Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
 9. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
 10. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
 11. R43 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(s).
 12. E56 The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		31,539.0
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		

SubCase:

SubCaseNumber: 21-49

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

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Water Right 21-73B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC C/O LON ATCHLEY PO BOX 241 ASHTON, ID 83420 (208)652-3332

Priority Date: 11/5/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.000 CFS	
	<u>Total Diversion</u>		4.000 CFS	

Source and Point(s) of Diversion

FALL RIVER	L4(SWNW)	Sec. 13, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NWNE	Sec. 23, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	L1(NESE)	Sec. 21, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	L1(NENE)	Sec. 4, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 23, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NWNE	Sec. 25, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E, FREMONT County
FALL RIVER	NWNW	Sec. 35, Twp 09N, Rge 44E, FREMONT County
FALL RIVER	NWSW	Sec. 33, Twp 09N, Rge 45E, FREMONT County
FALL RIVER	SESE	Sec. 22, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E, FREMONT County

Place Of Use

IRRIGATION within FREMONT County

Large POU not displayed

Right Acre Limit = 240.0

Total Acres = 31,539.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A

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- map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 129 Place of use is within the area served by North Fremont Canal Systems Inc.
 4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
 5. R63 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 place of use.
 6. 004 This right does not grant any right-of-way or easement across the land of another.
 7. T07 The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
 8. T08 Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
 9. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
 10. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
 11. R43 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(s).
 12. E56 The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
 13. K06 This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		31,539.0
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		

SubCase:

SubCaseNumber: 21-73B

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

7/23/2015

Water Right 21-73D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC C/O LON ATCHLEY PO BOX 241 ASHTON, ID 83420 (208)652-3332

Priority Date: 11/5/1895

Basis: Decreed

Status: Active

Source
FALL RIVER

Tributary
HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.000 CFS	
	Total Diversion		4.000 CFS	

Source and Point(s) of Diversion

FALL RIVER	SESE	Sec. 22, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E,	FREMONT County
FALL RIVER	NWNE	Sec. 25, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	L1(NENE)	Sec. 4, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	L1(NESE)	Sec. 21, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 23, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E,	FREMONT County
FALL RIVER	NWNW	Sec. 35, Twp 09N, Rge 44E,	FREMONT County
FALL RIVER	NWSW	Sec. 33, Twp 09N, Rge 45E,	FREMONT County
FALL RIVER	L4(SWNW)	Sec. 13, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NWNE	Sec. 23, Twp 09N, Rge 42E,	FREMONT County

Place Of Use

IRRIGATION within FREMONT County

Large POU not displayed
Right Acre Limit = 240.0
Total Acres = 31,539.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A

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3. 129 Place of use is within the area served by North Fremont Canal Systems Inc.
 4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
 5. R63 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 place of use.
 6. 004 This right does not grant any right-of-way or easement across the land of another.
 7. T07 The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
 8. T08 Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
 9. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
 10. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
 11. R43 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(s).
 12. E56 The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
 13. K06 This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		31,539.0
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		

SubCase:

SubCaseNumber: 21-73D

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

7/23/2015

80683

IDAHO DEPARTMENT OF WATER RESOURCES

7/23/2015

Proof Report

- described by the digital boundary.
3. 129 Place of use is within the area served by North Fremont Canal Systems Inc.
 4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
 5. R63 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 place of use.
 6. 004 This right does not grant any right-of-way or easement across the land of another.
 7. T07 The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
 8. T08 Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
 9. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
 10. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
 11. R43 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(s).
 12. E56 The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		31,539.0
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		

SubCase:

SubCaseNumber: 21-73F

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/23/2015

Water Right 21-73J

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC C/O LON ATCHLEY PO BOX 241 ASHTON, ID 83420 (208)652-3332

Priority Date: 11/5/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	317.660 CFS	
	<u>Total Diversion</u>		317.660 CFS	

Source and Point(s) of Diversion

FALL RIVER	NWNW	Sec. 35, Twp 09N, Rge 44E,	FREMONT County
FALL RIVER	NWNE	Sec. 25, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	L1(NENE)	Sec. 4, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	L1(NESE)	Sec. 21, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	L4(SWNW)	Sec. 13, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NWNE	Sec. 23, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 23, Twp 09N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E,	FREMONT County
FALL RIVER	NWSW	Sec. 33, Twp 09N, Rge 45E,	FREMONT County
FALL RIVER	SESE	Sec. 22, Twp 08N, Rge 42E,	FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E,	FREMONT County

Place Of Use

IRRIGATION within FREMONT County

Large POU not displayed

Right Acre Limit = 6,320.0

Total Acres = 31,539.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/23/2015

- map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 129 Place of use is within the area served by North Fremont Canal Systems Inc.
 4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
 5. R63 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 place of use.
 6. 004 This right does not grant any right-of-way or easement across the land of another.
 7. T07 The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
 8. T08 Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
 9. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
 10. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
 11. R43 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(s).
 12. E56 The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
 13. K06 This right is limited to the irrigation of 6320 acres within the place of use described above in a single irrigation season.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		31,539.0
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		

SubCase:

SubCaseNumber: 21-73J

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/23/2015

Water Right 21-75

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC C/O LON ATCHLEY PO BOX 241 ASHTON, ID 83420 (208)652-3332

Priority Date: 6/1/1894

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.000 CFS	
	<u>Total Diversion</u>		3.000 CFS	

Source and Point(s) of Diversion

FALL RIVER	SESE	Sec. 22, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E, FREMONT County
FALL RIVER	L1(NESE)	Sec. 21, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	L1(NENE)	Sec. 4, Twp 08N, Rge 42E, FREMONT County
FALL RIVER	L4(SWNW)	Sec. 13, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 23, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NWNE	Sec. 25, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NWNW	Sec. 35, Twp 09N, Rge 44E, FREMONT County
FALL RIVER	NWSW	Sec. 33, Twp 09N, Rge 45E, FREMONT County
FALL RIVER	NWNE	Sec. 23, Twp 09N, Rge 42E, FREMONT County
FALL RIVER	NESE	Sec. 35, Twp 09N, Rge 43E, FREMONT County

Place Of Use

IRRIGATION within FREMONT County

Large POU not displayed

Total Acres = 31,539.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/23/2015

- described by the digital boundary.
3. 129 Place of use is within the area served by North Fremont Canal Systems Inc.
 4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
 5. R63 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 place of use.
 6. 004 This right does not grant any right-of-way or easement across the land of another.
 7. T07 The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
 8. T08 Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
 9. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
 10. The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
 11. R43 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(s).
 12. E56 The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		31,539.0
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		171.6
21-75 ,21-10944		

SubCase:

SubCaseNumber: 21-75

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

7/23/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC C/O LON ATCHLEY PO BOX 241 ASHTON, ID 83420 (208)652-3332

Basis: Decreed
Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.900 CFS	
	<u>Total Diversion</u>		1.900 CFS	

80683

IDAHO DEPARTMENT OF WATER RESOURCES

7/23/2015

Proof Report

7. F01 Water is delivered through Farmers Own Canal.
8. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9. G01 Point of injection into and point of redirection from Black Springs Creek.
10. X53 Diversion of water under this right from Fall River is limited to those times when water is available for diversion under the priority of this right at the original point of diversion in T8N R42E S4 NENE Lot 1.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
21-48 ,21-49 ,21-73B ,21-73D ,21-73F ,21-73J ,21-75 ,21-10944		31,539.0
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
21-75 ,21-10944		171.6

SubCase:

SubCaseNumber: 21-10944

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rmikesell

Basis of Claim: Decreed

Date Filed: 7/26/2006

Objection Status: Active

Water Supply Bank:

N/A

6 June 2015

Rex Baum Farms
1408 N 3600 E
Ashton, ID 83420

Rex,

As per your request, permission to Rex Baum Farms and/or Jared Baum to use the irrigation pump and mainline located on property owned by Henry's Fork River Properties, LLC adjacent to Jared Baum's residence to provide irrigation water to the land owned by Jared Baum is granted.

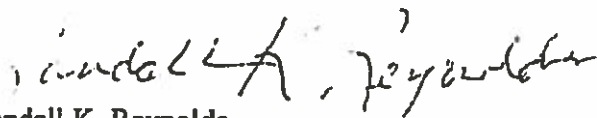
The irrigation pump is situated on the west bank of the Henry's Fork River below the Ora Bridge. The mainline runs in a westerly direction from the pump along the south property line of a parcel of land owned by Henry's Fork River Properties, LLC to the west property line of said parcel.

Jared Baum's property is located directly south of the mainline.

This authorization to use pump and mainline for irrigation purposes is conditional and based on the assumption that water rights have been secured for Jared Baum's parcel of land. Rex Baum Farms also continues to agree to maintaining said pump and mainline.

Permission is granted by Henry's Fork River Properties, LLC to Rex Baum Farms and/or Jared Baum exclusively until revoked and may be withdrawn upon 90-day notification to Rex Baum Farms but not during the months of May through October of the calendar year. This is to provide water access to existing planted crops until harvest is completed.

Sincerely,



Randall K. Reynolds
Manager
Henry's Fork River Properties, LLC

6 June 2015

Rex Baum Farms
1408 N 3600 E
Ashton, ID 83420

Rex,

As per your request, permission to Rex Baum Farms and/or Jared Baum to use the irrigation pump and mainline located on property owned by Henry's Fork River Properties, LLC adjacent to Jared Baum's residence to provide irrigation water to the land owned by Jared Baum is granted.

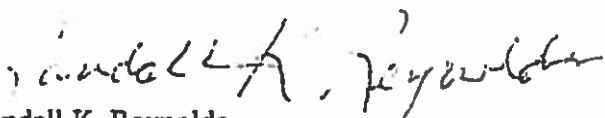
The irrigation pump is situated on the west bank of the Henry's Fork River below the Ora Bridge. The mainline runs in a westerly direction from the pump along the south property line of a parcel of land owned by Henry's Fork River Properties, LLC to the west property line of said parcel.

Jared Baum's property is located directly south of the mainline.

This authorization to use pump and mainline for irrigation purposes is conditional and based on the assumption that water rights have been secured for Jared Baum's parcel of land. Rex Baum Farms also continues to agree to maintaining said pump and mainline.

Permission is granted by Henry's Fork River Properties, LLC to Rex Baum Farms and/or Jared Baum exclusively until revoked and may be withdrawn upon 90-day notification to Rex Baum Farms but not during the months of May through October of the calendar year. This is to provide water access to existing planted crops until harvest is completed.

Sincerely,



Randall K. Reynolds
Manager
Henry's Fork River Properties, LLC

North Fremont Canal System

P.O. Box 307 Ashton, Idaho 83420

RESOLUTION

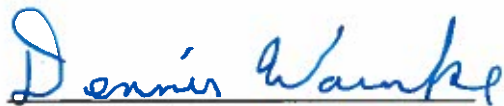
To: Fremont Madison Irrigation District

From: North Fremont Canal System

Date: December 3, 2015

To whom it may Concern:

The North Fremont Canal System on this date approved the pending application of Rex and Jared Baum as well as the Glen Atchley application to be included in the NFCS irrigation boundaries. The Rex and Jared Baum pump will be in the Snake River and the Atchley pump will be in Fall River. Both will be added to the NFCS water right decrees. Even with the inclusions of these lands NFCS will not be exceeding 31,539 acres irrigated.



Dennis Warnke President



Sean Maupin Vice President

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 27 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) North Fremont Canal system Phone 208 652-3332
Mailing address P.O. Box 307 Ashton, ID 83420 Email Latchley@ida.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Dennis Warnke
Signature of Applicant or Authorized Representative

Dennis Warnke
Print Name and Title if applicable

12/17/15
Date

Sean Maupin
Signature of Applicant or Authorized Representative

Sean Maupin Vice Pres.
Print Name and Title if applicable

1-18-16
Date

Jared Baum
Signature of Applicant or Authorized Representative

Jared Baum
Print Name and Title if applicable

1-27-16
Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
- This transfer adds a point of injection and point of redirection to North Fremont Canal Systems, and adds Jared Baum's farm to the Company's large POU.

SUPERCEDED
SUPERCEDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Headgates are installed and regulated by WD1, as is M. Reynolds Pump #2. The new injection point proposed in this transfer is the end of the system, where it ends at the Henry's Fork, which then conveys the water to the point of re-diversion proposed in this application.

- b. Who owns the property at the point(s) of diversion? _____
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A – No change at the points of diversion

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
 If yes, ☐ complete [Attachment WSB](#).
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Ident. No. _____

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

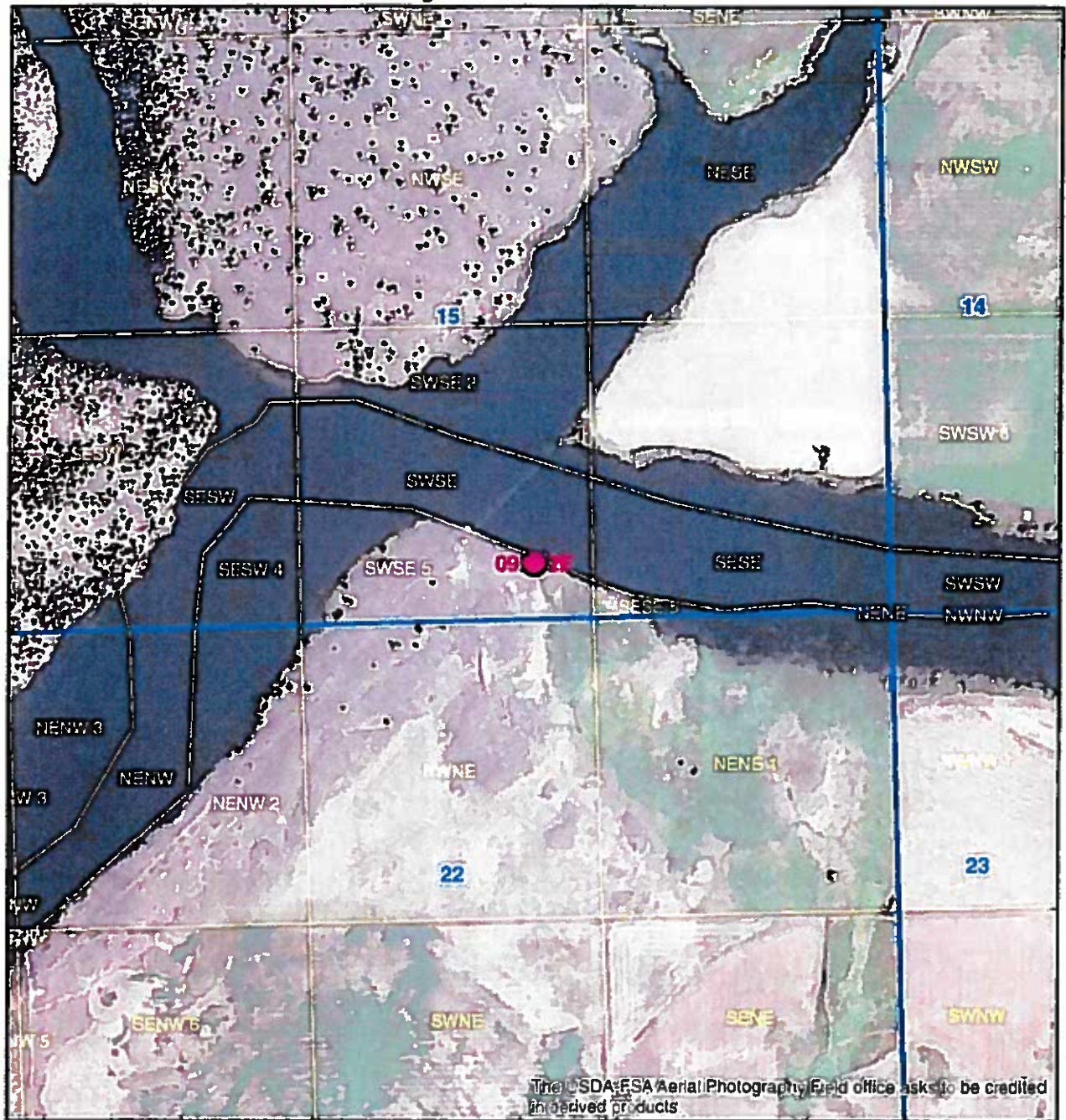
Ident. No. _____

Attachment to: ☐ Application for Permit to appropriate Water
☐ Application for Amendment of Permit

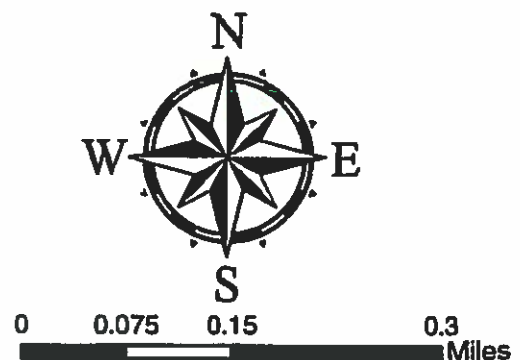
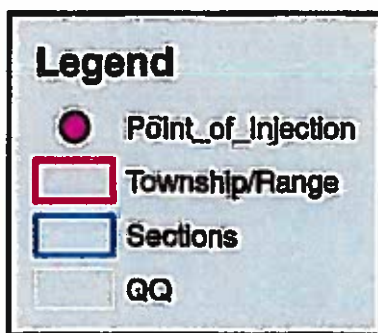
☒ Application for Transfer**
☐ Beneficial Use Field Report

[illegible][illegible]

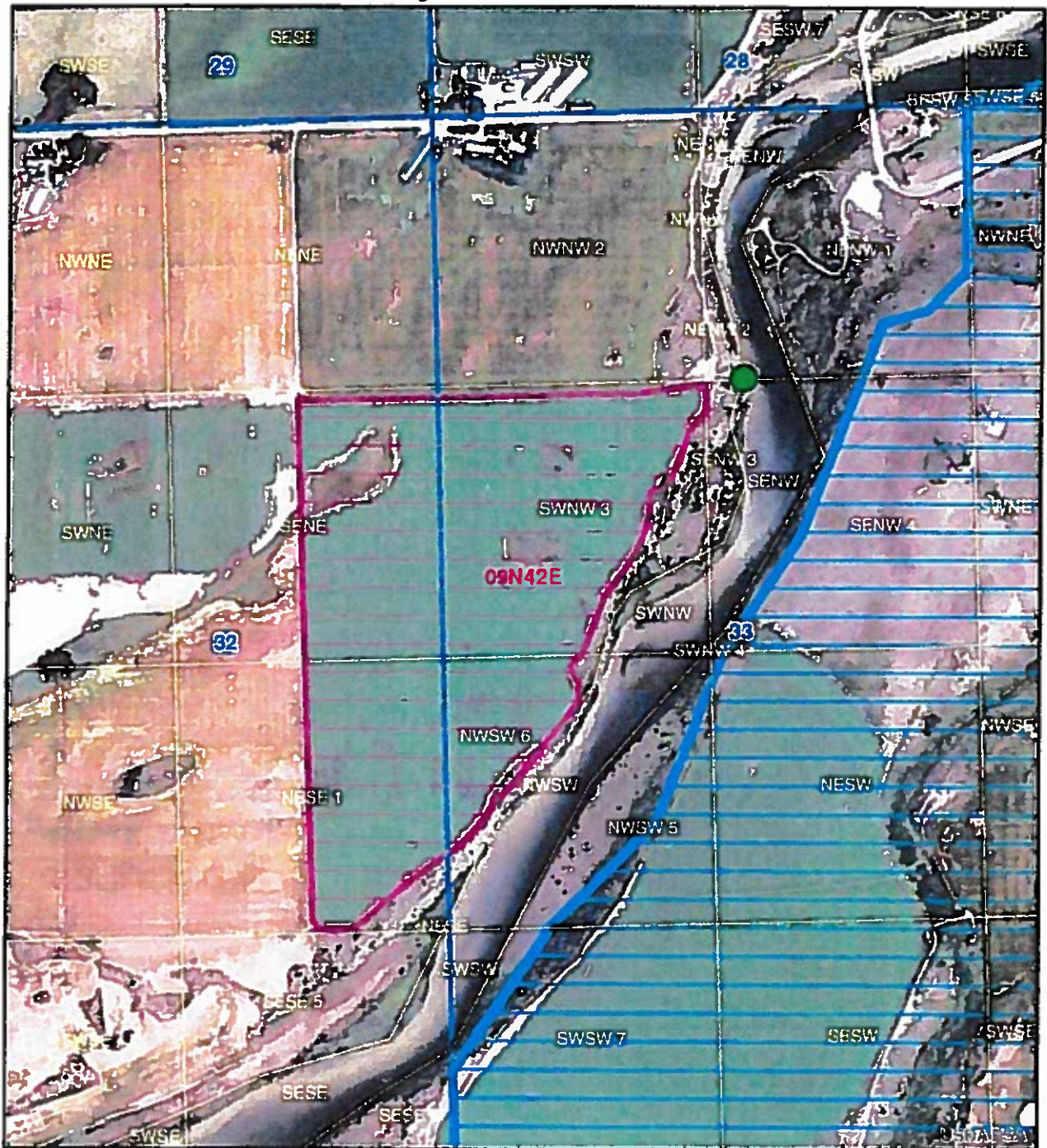
North Fremont Canal Systems Jared Baum Farm Addition



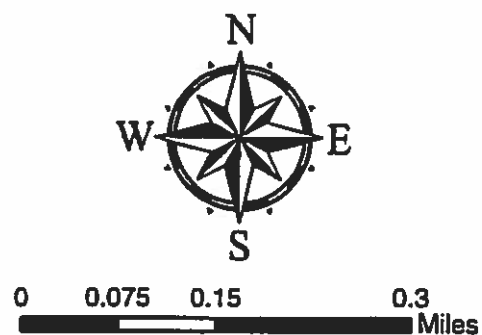
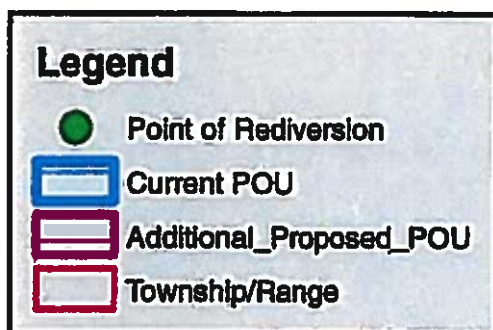
2013 Imagery



North Fremont Canal Systems *Just* Baum Farms Addition



2011 Imagery
Map Designed by Cooper Fritz



6 June 2015

Rex Baum Farms
1408 N 3600 E
Ashton, ID 83420

Rex,

As per your request, permission to Rex Baum Farms and/or Jared Baum to use the irrigation pump and mainline located on property owned by Henry's Fork River Properties, LLC adjacent to Jared Baum's residence to provide irrigation water to the land owned by Jared Baum is granted.

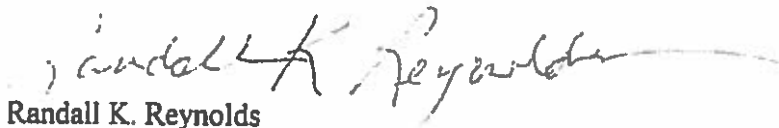
The irrigation pump is situated on the west bank of the Henry's Fork River below the Ora Bridge. The mainline runs in a westerly direction from the pump along the south property line of a parcel of land owned by Henry's Fork River Properties, LLC to the west property line of said parcel.

Jared Baum's property is located directly south of the mainline.

This authorization to use pump and mainline for irrigation purposes is conditional and based on the assumption that water rights have been secured for Jared Baum's parcel of land. Rex Baum Farms also continues to agree to maintaining said pump and mainline.

Permission is granted by Henry's Fork River Properties, LLC to Rex Baum Farms and/or Jared Baum exclusively until revoked and may be withdrawn upon 90-day notification to Rex Baum Farms but not during the months of May through October of the calendar year. This is to provide water access to existing planted crops until harvest is completed.

Sincerely,



Randall K. Reynolds
Manager
Henry's Fork River Properties, LLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
FEB 02 2016

An application for transfer must be prepared in accordance with the minimum requirements listed below to be a Department of Water Resources. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) North Fremont Canal Systems Inc

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 02 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) North Fremont Canal Systems Inc Phone _____

Mailing address P.O. Box 241, Ashton, Idaho 83420 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Keith C. Wilson c/o Rocky Mountain Environmental Assoc Inc. Phone (208)524-2353/ 524-1795 Fax _____

Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email keith.rmea@gmail.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Dennis Warnke
Signature of Applicant or Authorized Representative

Dennis Warnke Pres
Print Name and Title if applicable

1/26/2016
Date

E. Sean Mawpin
Signature of Applicant or Authorized Representative

E. Sean Mawpin, VPres
Print Name and Title if applicable

1/18/2016
Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

North Fremont Canal Systems propose to add a point of diversion in the NW¼SW¼ Sec 36, T09N, R43E (an existing point of diversion), and modify the permissible place of use (PPU) to include the N½ and N1/2S1/2, Sec 1, T8N, R43E. [L-4 (NW¼NW¼) is already with in the PPU]. No increase in the 31,539 irrigated acres with in the PPU.

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 1A.2 Narrative in Support of Application for Transfer

North Fremont Canal Systems Inc

North Fremont Canal Systems Inc. (North Fremont) owns a portfolio of water rights that allow for the diversion of 380.48 cfs for irrigating a total of 31,539 acres. Flying A Ranch, owned by Glen Atchley, is a patron of North Fremont.

Place of Use

Flying A Ranch currently uses shares from North Fremont to irrigate 156 acres located in the W1/2NE1/4, Section 19 and the S1/2N1/2, Section 31, T9N R44E, and the S1/2N1/2, Section 36, T9N R43E. Water is delivered to Section 19 through the Yellowstone Canal and to Sections 31 and 36 through the Marysville Canal. Storage water from Palisades and Fremont Madison Irrigation District are also delivered to these acres.

This application proposes to change the location of 156 irrigated acres currently located within the North Fremont system to a location outside of the current service area, south of the Fall River. Therefore, this application proposes to modify the service area boundary of the North Fremont system to include the new acres to be irrigated by the Flying A Ranch. The original 156 acres will hereafter be dry-farmed.

Point of Diversion

An existing point of diversion (located in the NWSW Sec 36, T9N R43E) on the Fall River is proposed to be used to divert North Fremont shares for the proposed property. This diversion is sufficient to divert the existing use (water right # 21-13180), the proposed use (North Fremont shares), and the storage water that is being transferred from Palisades and Fremont Madison. The owner of the property is the Russell O. Baum Family Trust. An easement to the point of diversion was granted through court order, Case No. CV-13-108 (see Attachment Part 1.B.5.b).

Quantity

This transfer proposes to move only 1.88 cfs of North Fremont water rights to the proposed pump location.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	21-48	34.00	Irrigation	04/01 to 10/31	Fall River
☒ ☐	21-49	12.00	Irrigation	04/01 to 10/31	Fall River
☒ ☐	21-73B	4.00	Irrigation	04/01 to 10/31	Fall River
☒ ☐	21-73D	4.00	Irrigation	04/01 to 10/31	Fall River
☒ ☐	21-73F	3.92	Irrigation	04/01 to 10/31	Fall River
☒ ☐	21-73J	317.66	Irrigation	04/01 to 10/31	Fall River
☒ ☐	21-75	3.00	Irrigation	04/01 to 10/31	Fall River
☒ ☐	21-10944	1.90	Irrigation	04/01 to 10/31	Black Springs Creek
☐ ☐				to	

Total authorized under rights 380.48 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.88 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
All POD's will remain the same and the following will be added to all Fall River rights:										
Y			NW	SW	36	9N	43E	FREMONT	FALL RIVER	WD 1 (Orme Place)

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) Additional Place of Use

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			Original Large POU plus the following:																
8N	43E	1	L-1	L-2	X	X	L-3		X	X	x	x			x	x			
Total Acres (for irrigation use)																			31,539

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Diversion pump mainline to two center pivots and hand lines

- b. Who owns the property at the point(s) of diversion? Baum Russell O Family Trust

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Case No. CV-13-108 Fremont County, right of eminent domain pursuant to I.C. §§ 42-1102 & 42-1106 (See Attachment "PART 1.B.5.b")

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Land will not be irrigated and any productive land will be dry farmed.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

No other water rights will be used upon land from which water will be removed. A portion of the new P/U is covered by 21-13180 (N½N½) and by Shares in North Fremont Canal Systems [NW¼NW¼ (L-4) Sec 1, T8N, R43E].

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 21-48

Current Owner	NORTH FREMONT CANAL SYSTEMS INC
---------------	---------------------------------

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

Source	Tributary
FALL RIVER	HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	34 CFS	
Total Diversion			34 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
FALL RIVER	NESE Lt 1	Sec. 21	Township 08N	Range 42E	FREMONT County
FALL RIVER	SESE	Sec. 22	Township 08N	Range 42E	FREMONT County
FALL RIVER	SWNW Lt 4	Sec. 13	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 25	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NWNW	Sec. 35	Township 09N	Range 44E	FREMONT County
FALL RIVER	NWSW	Sec. 33	Township 09N	Range 45E	FREMONT County

Place(s) of use: LARGE POU

Total Acres: 31,539

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by IC. Section 42-202B(2) and authorized pursuant to IC. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	R05	Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5.	R63	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 head gate for irrigation of the place of use.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.	T07	The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
8.	T08	Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
9.		The right holder shall provide the water master of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.

PART 2.A. Conditions of Approval: RIGHT NO. 21-48 (Cont.)

10.		The right holder shall provide the water master of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
11.	R43	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 water master suitable control of the diversion(s).
12.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Decreed Date: 10/02/2012

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 21-49

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC

Priority Date: 05/01/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	12 CFS	
Total Diversion			12 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
FALL RIVER	NESE Lt 1	Sec. 21	Township 08N	Range 42E	FREMONT County
FALL RIVER	SESE	Sec. 22	Township 08N	Range 42E	FREMONT County
FALL RIVER	SWNW Lt 4	Sec. 13	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 25	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NWNW	Sec. 35	Township 09N	Range 44E	FREMONT County
FALL RIVER	NWSW	Sec. 33	Township 09N	Range 45E	FREMONT County

Place(s) of use: LARGE POU Combined Acres Limit: 31539

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	R05	Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5.	R63	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 head gate for irrigation of the place of use.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.	T07	The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
8.	T08	Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.

PART 2.A. Conditions of Approval: RIGHT NO. 21-49 (Cont.)

9.		The right holder shall provide the water master of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
10.		The right holder shall provide the water master of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
11.	R43	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 water master suitable control of the diversion(s).
12.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Decreed Date: 10/02/2012

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 21-73B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC

Priority Date: 11/05/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
FALL RIVER	NESE Lt 1	Sec. 21	Township 08N	Range 42E	FREMONT County
FALL RIVER	SESE	Sec. 22	Township 08N	Range 42E	FREMONT County
FALL RIVER	SWNW Lt 4	Sec. 13	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 25	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NWNW	Sec. 35	Township 09N	Range 44E	FREMONT County
FALL RIVER	NWSW	Sec. 33	Township 09N	Range 45E	FREMONT County

IRRIGATION Use: Acre Limit: 240

Place(s) of use: LARGE POU Combined Acres Limit: 31539

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	R05	Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5.	R63	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 head gate for irrigation of the place of use.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.	T07	The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.

PART 2.A. Conditions of Approval: RIGHT NO. 21-73B (Cont.)

8.	T08	Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
9.		The right holder shall provide the water master of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
10.		The right holder shall provide the water master of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
11.	R43	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 water master suitable control of the diversion(s).
12.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
13.	K06	This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

Decreed Date: 10/02/2012

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 21-73D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC

Priority Date: 11/05/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
FALL RIVER	NESE Lt 1	Sec. 21	Township 08N	Range 42E	FREMONT County
FALL RIVER	SESE	Sec. 22	Township 08N	Range 42E	FREMONT County
FALL RIVER	SWNW Lt 4	Sec. 13	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 25	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NWNW	Sec. 35	Township 09N	Range 44E	FREMONT County
FALL RIVER	NWSW	Sec. 33	Township 09N	Range 45E	FREMONT County

IRRIGATION Use: Acre Limit: 240

Place(s) of use: LARGE POU Combined Acres Limit: 31539

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	R05	Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5.	R63	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 head gate for irrigation of the place of use.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.	T07	The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.

PART 2.A. Conditions of Approval: RIGHT NO. 21-73D (Cont.)

8.	T08	Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
9.		The right holder shall provide the water master of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
10.		The right holder shall provide the water master of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
11.	R43	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 water master suitable control of the diversion(s).
12.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
13.	K06	This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

Decreed Date: 10/02/2012

Combined Acres Limit: 31539

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 21-73F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FREMONT CANAL SYSTEMS INC

Priority Date: 11/05/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.92 CFS	
Total Diversion			3.92 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
FALL RIVER	NESE Lt 1	Sec. 21	Township 08N	Range 42E	FREMONT County
FALL RIVER	SESE	Sec. 22	Township 08N	Range 42E	FREMONT County
FALL RIVER	SWNW Lt 4	Sec. 13	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 25	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NWNW	Sec. 35	Township 09N	Range 44E	FREMONT County
FALL RIVER	NWSW	Sec. 33	Township 09N	Range 45E	FREMONT County

Place(s) of use: LARGE POU Combined Acres Limit: 31539

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	R05	Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5.	R63	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 head gate for irrigation of the place of use.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.	T07	The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
8.	T08	Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.

PART 2.A. Conditions of Approval: RIGHT NO. 21-73F (Cont.)

9.		The right holder shall provide the water master of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
10.		The right holder shall provide the water master of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
11.	R43	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 water master suitable control of the diversion(s).
12.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Decreed Date: 10/02/2012

Combined Acres Limit: 31539

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 21-73J

Owner Type	Name and Address
Current Owner	NORTH FREMONT CANAL SYSTEMS INC

Priority Date: 11/05/1895

Basis: Decreed

Status: Active

Source	Tributary
FALL RIVER	HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	317.66 CFS	
Total Diversion			317.66 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
FALL RIVER	NESE Lt 1	Sec. 21	Township 08N	Range 42E	FREMONT County
FALL RIVER	SESE	Sec. 22	Township 08N	Range 42E	FREMONT County
FALL RIVER	SWNW Lt 4	Sec. 13	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 25	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NWNW	Sec. 35	Township 09N	Range 44E	FREMONT County
FALL RIVER	NWSW	Sec. 33	Township 09N	Range 45E	FREMONT County

IRRIGATION Use: Acre Limit: 6320

Place(s) of use: LARGE POU Combined Acres Limit: 31539

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	R05	Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5.	R63	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 head gate for irrigation of the place of use.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.	T07	The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.

PART 2.A. Conditions of Approval: WATER RIGHT 21-73J (Cont.)

8.	T08	Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.
9.		The right holder shall provide the water master of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
10.		The right holder shall provide the water master of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
11.	R43	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 water master suitable control of the diversion(s).
12.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
13.	K06	This right is limited to the irrigation of 6320 acres within the place of use described above in a single irrigation season.

Decreed Date: 10/02/2012

Water District Number: 01

Combined Acres Limit: 31539

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED:

WATER RIGHT NO. 21-75

Owner Type	Name and Address
Current Owner	NORTH FREMONT CANAL SYSTEMS INC

Priority Date: 06/01/1894

Basis: Decreed

Status: Active

Source	Tributary
FALL RIVER	HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	3 CFS	
Total Diversion			3 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
FALL RIVER	NESE Lt 1	Sec. 21	Township 08N	Range 42E	FREMONT County
FALL RIVER	SESE	Sec. 22	Township 08N	Range 42E	FREMONT County
FALL RIVER	SWNW Lt 4	Sec. 13	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 23	Township 09N	Range 42E	FREMONT County
FALL RIVER	NWNE	Sec. 25	Township 09N	Range 42E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County
FALL RIVER	NWNW	Sec. 35	Township 09N	Range 44E	FREMONT County
FALL RIVER	NWSW	Sec. 33	Township 09N	Range 45E	FREMONT County

Place(s) of use: LARGE POU Combined Acres Limit: 31539

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	R05	Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5.	R63	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 head gate for irrigation of the place of use.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.	T07	The right holder shall accomplish the change authorized by transfer 4014 within one year of the date of the approval.
8.	T08	Failure of the right holder to comply with the conditions of transfer 4014 is cause for the Director to rescind approval of the transfer.

PART 2.A. Conditions of Approval: WATER RIGHT NO. 21-75 (Cont.)

9.		The right holder shall provide the water master of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.
10.		The right holder shall provide the water master of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.
11.	R43	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 water master suitable control of the diversion(s).
12.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Decreed Date: 10/02/2012

Combined Acres Limit: 31539

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2.A. DESCRIPTION OF RIGHT(S) AS RECORDED:

WATER RIGHT NO. 21-10944

Owner Type	Name and Address
Current Owner	NORTH FREMONT CANAL SYSTEMS INC

Priority Date: 06/01/1892

Basis: Decreed

Status: Active

Source	Tributary
BLACK SPRINGS CREEK	HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.9 CFS	
Total Diversion			1.9 CFS	

Location of Point(s) of Diversion:

BLACK SPRINGS CREEK Injection	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
BLACK SPRINGS CREEK Rediversion	NENE Lt 1	Sec. 04	Township 08N	Range 42E	FREMONT County
BLACK SPRINGS CREEK	NESE	Sec. 35	Township 09N	Range 43E	FREMONT County

Place(s) of use: LARGE POU Combined Acres Limit: 31539

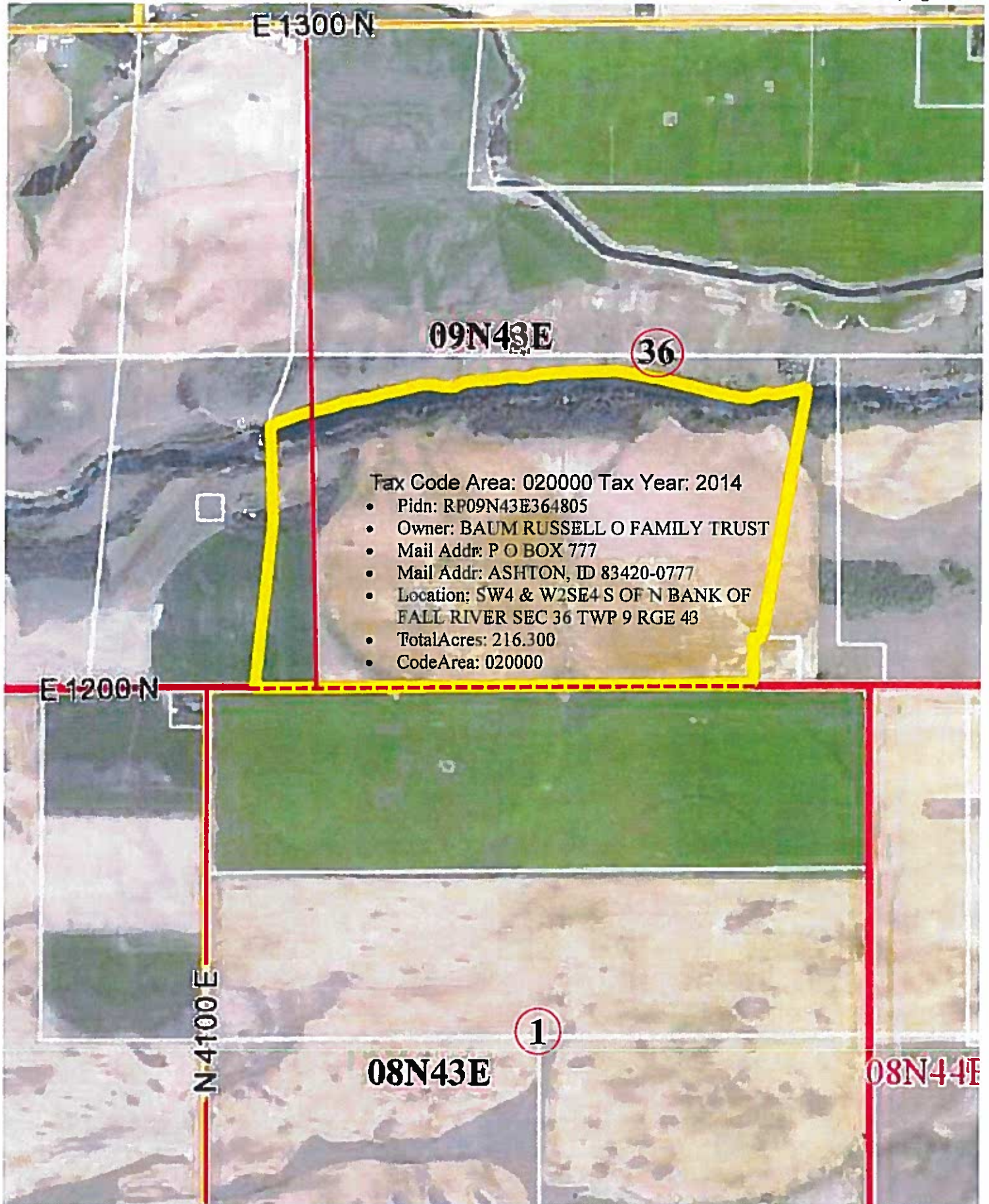
Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by North Fremont Canal Systems Inc.
4.	E56	The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
5.	P29	This right is a combination of old Right Nos. 21-38 and 21-74A.
6.	E55	Right Nos. 21-75 and 21-10944 are limited to the irrigation of a combined total of 171.6 acres in a single irrigation season.
7.	F01	Water is delivered through Farmers Own Canal.
8.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9.	G01	Point of injection into and point of rediversion from Black Springs Creek.
10.	X53	Diversion of water under this right from Fall River is limited to those times when water is available for diversion under the priority of this right at the original point of diversion in T8N R42E S4 NENE Lot 1.

Decreed Date: 10/02/2012

Combined Acres Limit: 31539

156 acres in the described location will no longer be irrigated with shares from North Fremont, however, they will remain within the Large POU.





Hyrum D. Erickson, ISBN 7688
 RIGBY, ANDRUS & RIGBY, *Chartered*
 Attorneys at Law
 25 North Second East
 P. O. Box 250
 Rexburg, Idaho 83440
 Telephone: 208-356-3633

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT

CLEN P. ATCHLEY AND EMMA LOU
 ATCHLEY, husband and wife,

Plaintiffs,

v.

RUSSELL O. BAUM FAMILY TRUST,

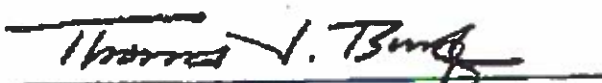
Defendant.

Case No. CV-13-108

STIPULATION

The parties stipulate and agree that Defendant provided Plaintiff notice of its election to have the pump placed on the west border of Defendant's parcel and the irrigation pipe placed along the west edge of Defendant's parcel in accordance with the Court's ruling from the bench on April 23, 2013, and subsequent written Order Granting Plaintiff's Motion for Injunction memorializing said ruling.

DATED this 3rd day of May, 2013.


 Thomas J. Budge


 Hyrum Erickson

Stipulation - Page - 1
 hc/atchley stl.wpd

Filed in chambers
5/6/13-

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT

CLEN P. ATCHLEY AND EMMA LOU)
ATCHLEY, husband and wife,)

Plaintiffs,)

v.)

RUSSELL O. BAUM FAMILY TRUST,)

Defendant.)

Case No. CV-13-108

ORDER GRANTING PLAINTIFFS'
MOTION FOR INJUNCTION,
DENYING PLAINTIFF'S MOTION FOR
APPOINTMENT OF MASTER, AND
DENYING DEFENDANT'S MOTIONS
TO DISMISS, TO JOIN
INDISPENSABLE PARTY, AND TO
STAY

On April 23, 2013, the Court heard the following motions pursuant to notice: Plaintiffs' Motion for Injunction, Plaintiffs' Motion for Order of Mediation, Plaintiffs' Motion for Appointment of Master, Defendant's Motion to Dismiss, or in the Alternative, to Join an Indispensable Party, and Plaintiffs' Motion to Stay. Plaintiffs were represented by Jerry Rigby and Hynum Erickson of Rigby, Andrus & Rigby, Chtd. Defendant was represented Thomas J. Budge of Racine, Olson, Nye, Budge & Bailey, Chartered. The motions having been fully briefed, the Court heard testimony from Clen P. Atchley and Alan Baum and argument from

Order Granting Plaintiff's Motion for Injunction, Denying Plaintiff's Motion for Appointment of Master, and Denying Defendants' Motions to Dismiss, to Join Indispensable Party, and to Stay - Page 1
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counsel. The Court then recessed for deliberations and after reconvening, RULED AS FOLLOWS:

1. Plaintiffs' Motion for Injunction is granted.

The Court finds that a) Plaintiffs have the right of eminent domain pursuant to I.C. §§ 42-1102 and 42-1106; b) the use to which the property will be applied, namely an easement for purposes of irrigation, is a use authorized by law; and c) Plaintiffs have sought, in good faith, to purchase the easements sought to be taken. As set out in I.C. § 7-721(2) this is a final order as to these issue and an appeal may be taken therefrom, however, no appeal shall stay further proceedings.

Therefore, Plaintiffs are granted possession and use of an easement for purpose of diverting water from the Fall River and conveying the water to Plaintiffs' property. Plaintiffs are authorized to place, near Defendant's currently existing pump, an irrigation pump to divert water from the Fall River. Plaintiffs are authorized to install irrigation pipe to convey the water across Defendant's property to the Plaintiffs' property using, as close as is practical, the same route used historically to irrigate Plaintiffs' property. Where practical, Plaintiffs will bury the pipe.

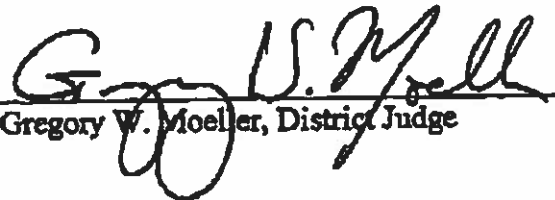
However, Defendant may elect to have the pump placed near the west border of Defendant's parcel and the irrigation pipe placed along the west edge of Defendant's parcel by notifying Plaintiffs of its election prior to Friday, ^{April} ~~May~~ 26 at 5:00 p.m. If Defendant elects for the pipe and pump to be placed on the west edge of its parcel, the Plaintiffs are authorized to place the pump in Plaintiffs' preferred location within approximately 200 feet of the west edge of Defendant's property and any road built to access the pump will be placed entirely on Defendant's property and follow the route shown on Attachment C of the Complaint. GWM

Pursuant to the parties stipulation at the hearing, the Court orders Plaintiffs to deposit with the Court, as just compensation pursuant to I.C. § 7-721(3), and as surety pursuant to I.R.C.P. 65(c), the total amount of \$16,000. After said amount is deposited, the Court will issue an order fixing a date from which the Plaintiffs shall be entitled to take possession of the easement.

Order Granting Plaintiff's Motion for Injunction, Denying Plaintiff's Motion for Appointment of Master, and Denying Defendants' Motions to Dismiss, to Join Indispensable Party, and to Stay - Page 2

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2. Plaintiffs' Motion for Appointment of Master is denied.
 3. Defendant's Motion to Dismiss, or in the Alternative, to Join and Indispensable Party is denied.
 4. Defendant's Motion to Stay is denied.
 5. The Parties are ordered to mediation pursuant to I.R.C.P. 16(k) and such mediation shall take place on or before June 24, 2013.
- ORDERED this 3rd day of May, 2013.


Gregory W. Moeller, District Judge

CLERK'S CERTIFICATE OF SERVICE

This is to certify that on the 6 day of May, 2013, I served a copy of the foregoing by depositing a true and correct copy thereof in the United States mail, postage prepaid and addressed to:

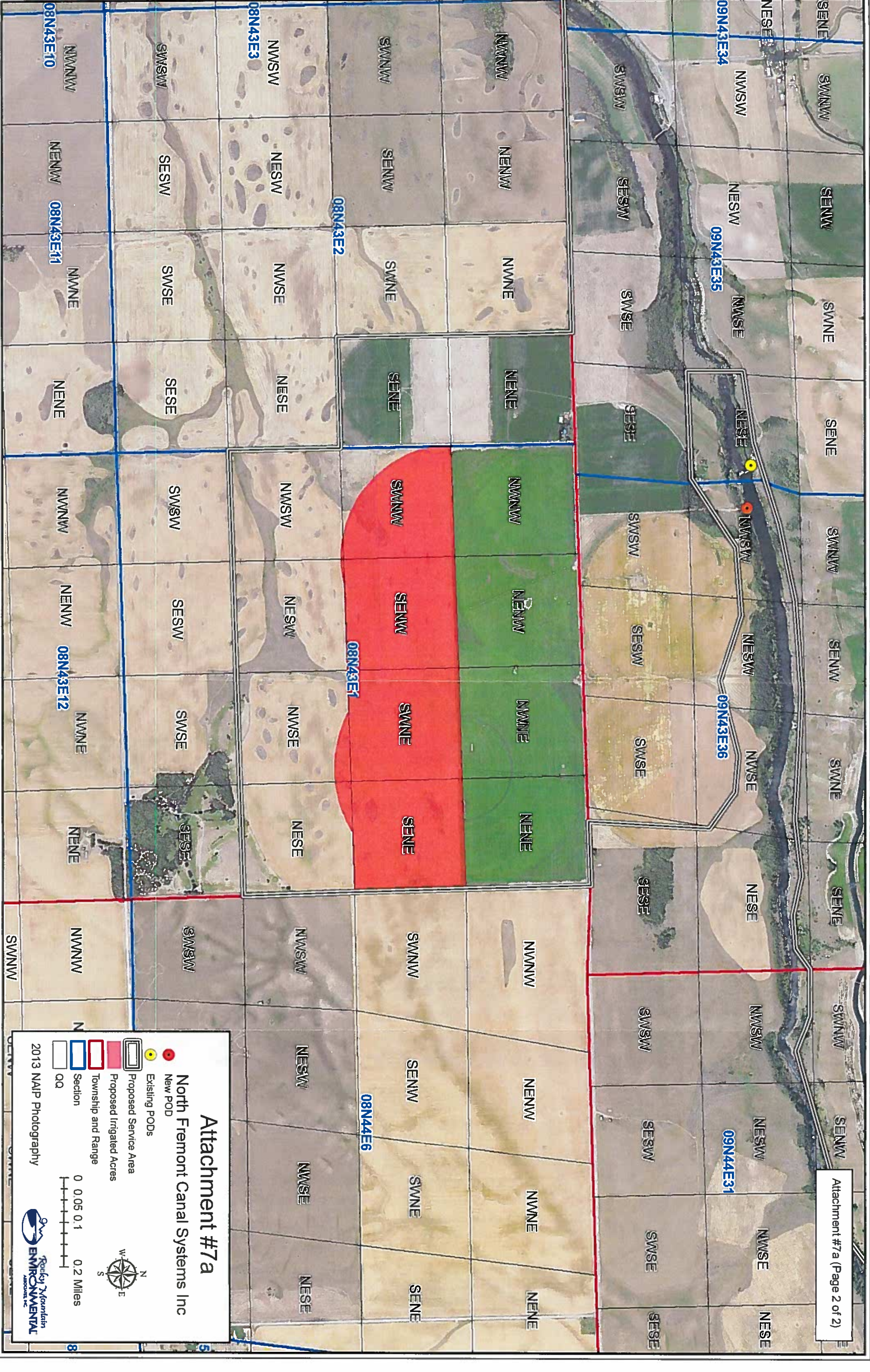
Jerry Rigby
Hyrum Erickson
Rigby, Andrus & Rigby, Chtd.
P.O. Box 250
Rexburg, Idaho 83440

Thomas J. Budge
Racine Olson Nye Budge
& Bailey Chartered
P. O. Box 1391
Pocatello Idaho 83204

Filed
2 3 2- 6109


Clerk

Order Granting Plaintiff's Motion for Injunction, Denying Plaintiff's Motion for Appointment of Master, and Denying Defendants' Motions to Dismiss, to Join Indispensable Party, and to Stay - Page 3
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Attachment #7a

North Fremont Canal Systems Inc

New POD

Existing PODs

Proposed Service Area

Proposed Irrigated Acres

Township and Range

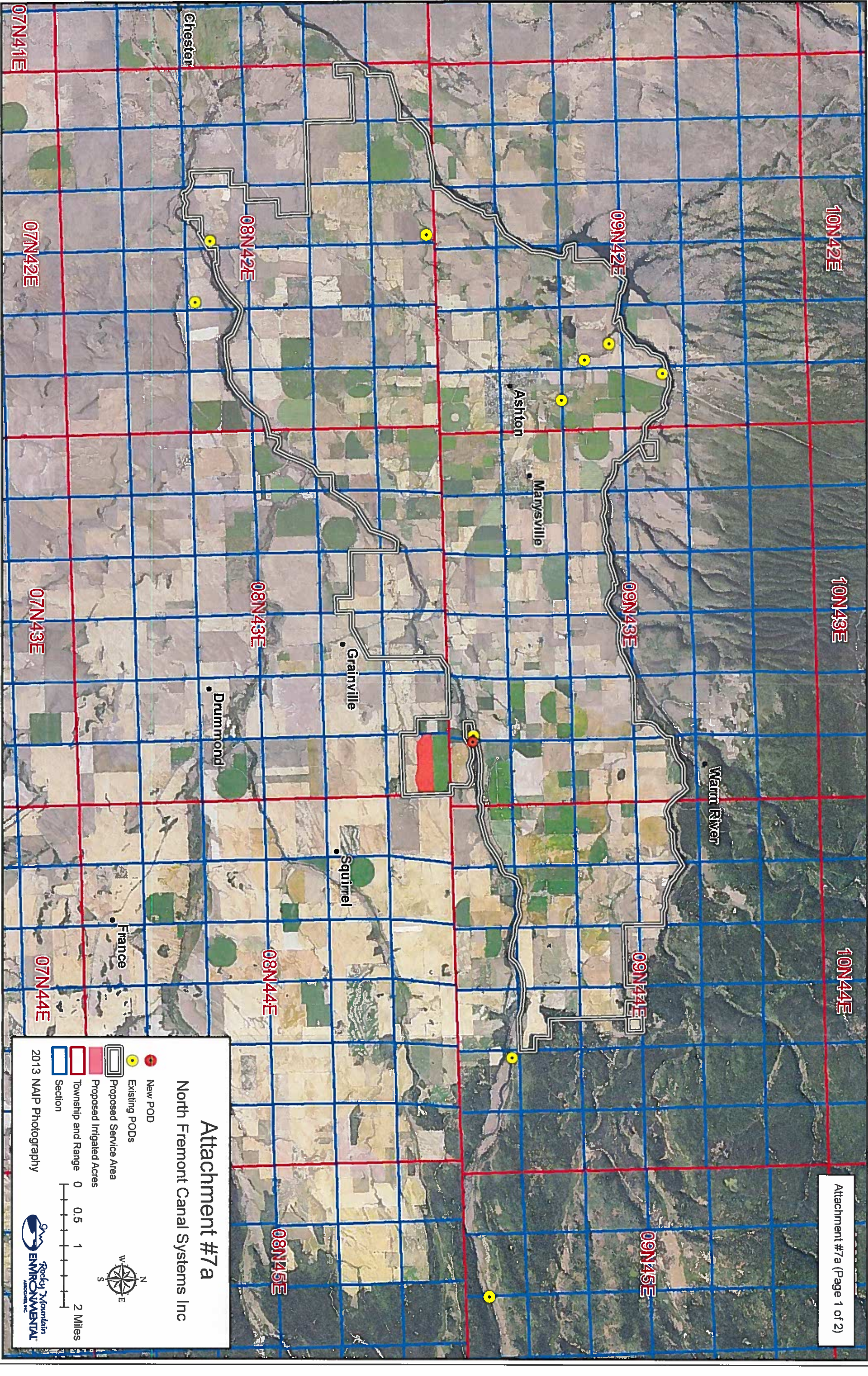
Section

QQ

2013 NAIP Photography



0 0.05 0.1 0.2 Miles



Attachment #7a

North Fremont Canal Systems Inc

New POD

Existing PODs

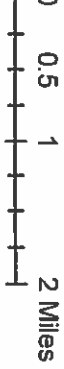
Proposed Service Area

Proposed Irrigated Acres

Township and Range

Section

2013 NAIP Photography



10N42E

10N43E

10N44E

Attachment #7b (Page 1 of 2)

09N42E

09N43E

09N44E

09N45E

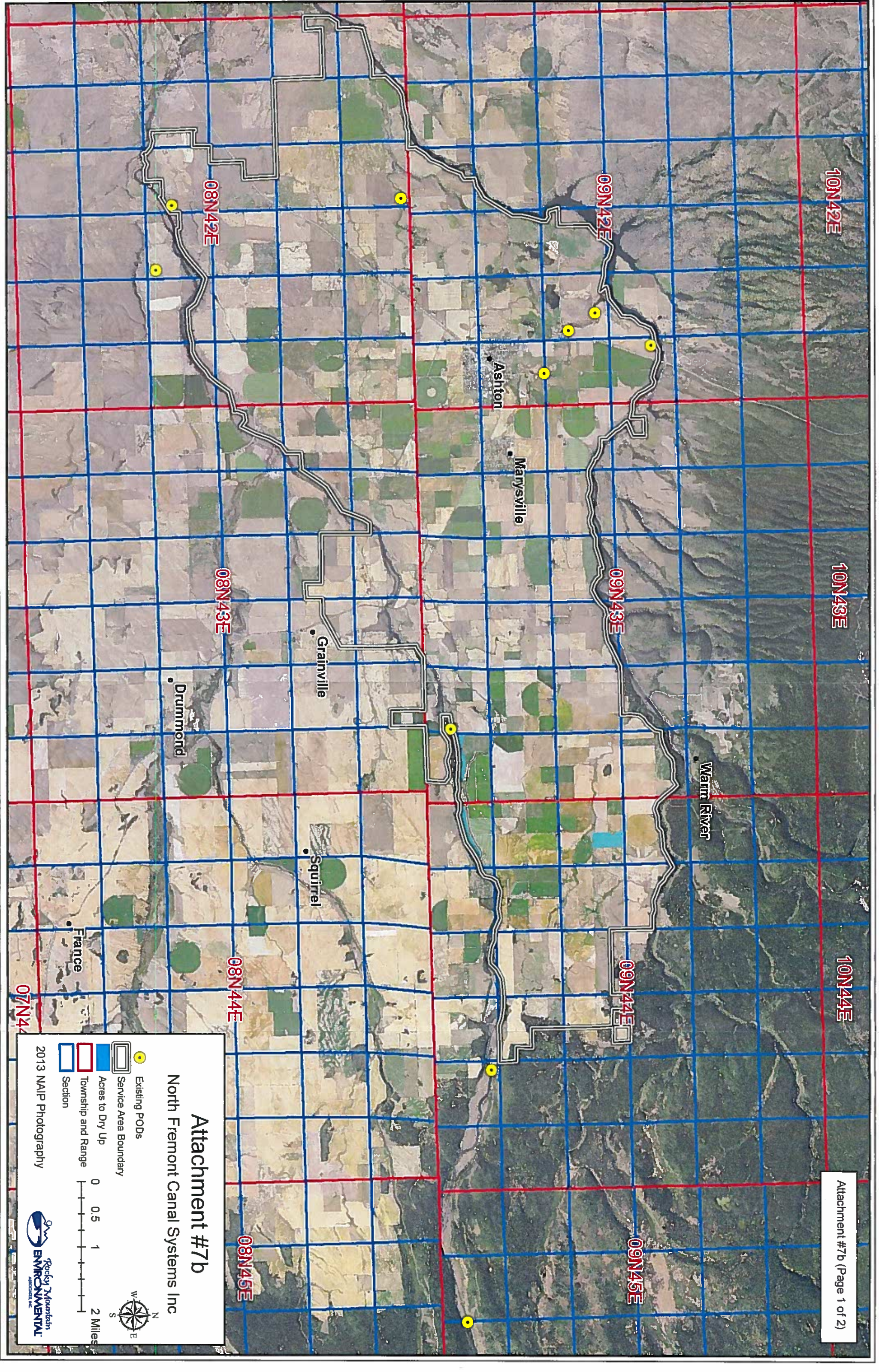
08N42E

08N43E

08N44E

08N45E

07N44E



Ashton

Marysville

Grainville

Squirrel

Drummond

France

Warm River

Attachment #7b
North Fremont Canal Systems Inc

Existing PODs

Service Area Boundary

Acres to Dry Up

Township and Range

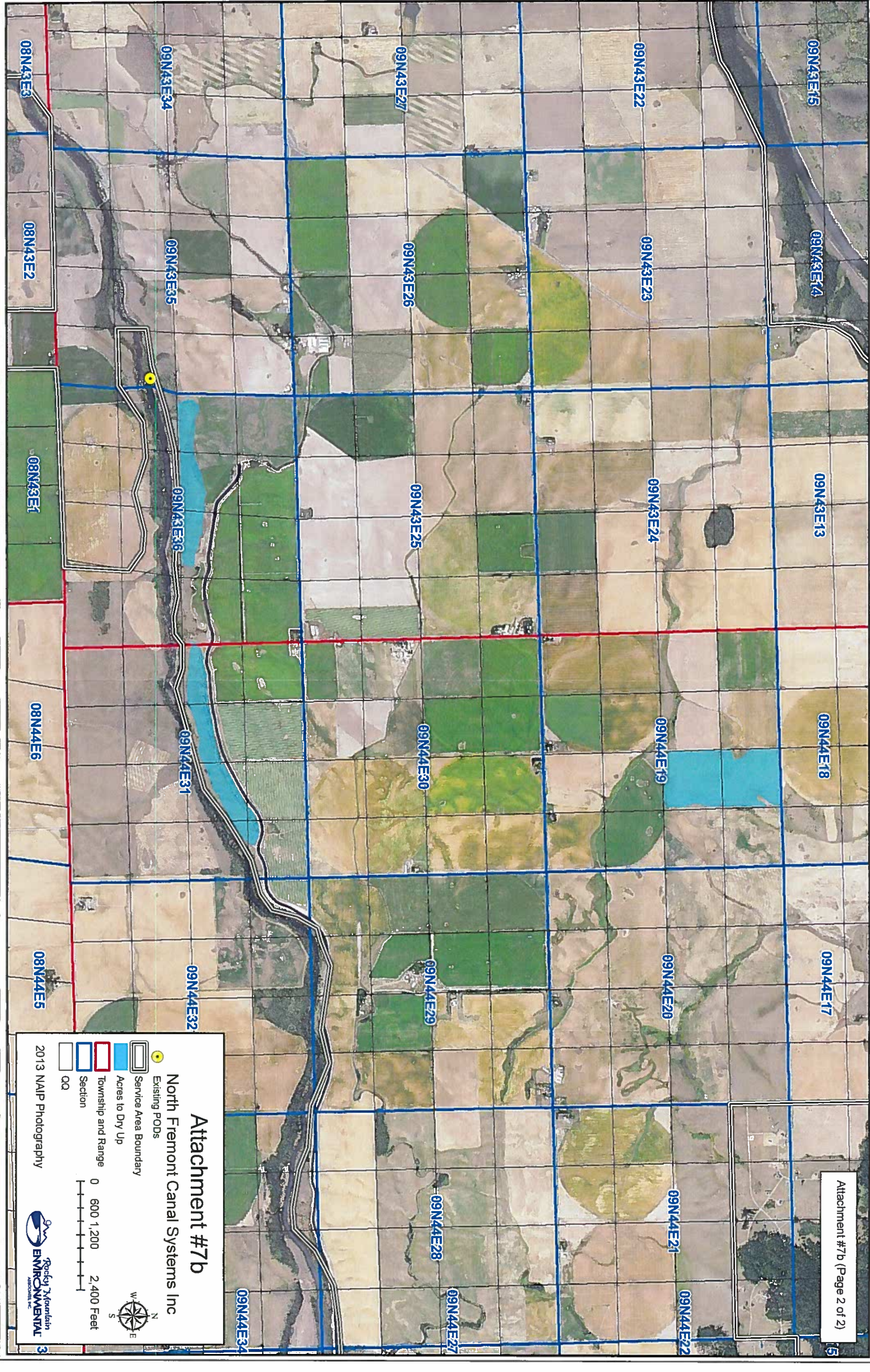
Section



0 0.5 1 2 Miles

2013 NAIP Photography





Attachment #7b

North Fremont Canal Systems Inc

- Existing PODs
- Service Area Boundary
- Acres to Dry Up
- Township and Range
- Section
- QQ

0

600

1,200

2,400

Feet

N

S

E

W

2013 NAIP Photography



Rocky Mountain
ENVIRONMENTAL
ARCHITECTS, INC.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2016

**NORTH FREMONT CANAL SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420**

**RE: Transfer No. 80683
 Water Right No(s). 21-10944, 21-48, 21-49, 21-73B, 21-73D, 21-73F,
 21-73J, 21-75**

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the REXBURG STANDARD JOURNAL on 3/17/2016 and 3/24/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2016

Lyle Swank
Water District 01
900 N Skyline Dr Ste A
Idaho Falls ID 83402

RE: Application for Transfer 80683

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant

Enclosure(s)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No(s).: 80683

Applicant's Name North Fremont Canal

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this _____ day of _____, 20_____.

Water District No: 01

Watermaster's Signature

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, March 10, 2016 11:39 AM
To: 'Legals'
Subject: Legal Notice for Your Newspaper
Attachments: Rexburg Standard Journal.doc

Contacts: Rexburg Standard Journal - #241525

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80683

NORTH FREMONT CANAL SYSTEMS INC, C/O LON ATCHLEY, PO BOX 241, ASHTON, ID 83420; has filed Application No. 80683 for changes to the following water rights within FREMONT County(s): Right No(s). 21-10944, 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change points of diversion, add points of diversion, and change place of use for 3.09 cfs from Fall River and Black Springs Creek. The points of diversion from Fall River are in T8N R42E Sec 2 Lot 4 (NWNW) (Injection) (new), Sec 4 Lot 1 (NENE) (Rediversion), Sec 20 Lot 1 (SESE) (new), and Sec 21 Lot 1 (NESE); T8N R43E Sec 4 SENW (2 points of diversion, new); T9N R42E Sec 13 Lot 4 (SWNW), Sec 15 Lot 5 (SWSE) (Injection) (new), Sec 23 NWNE, Sec 25 NWNE, and Sec 33 SWNENW (Rediversion) (new); T9N R43E Sec 35 NESE (2 points of diversion), and Sec 36 NWSW (new); T9N R44E Sec 35 NWNW; T9N R45E Sec 33 NWSW; and from Black Springs Creek T8N R42E Sec 4 Lot 1 (NENE). Land in T8N R43E Secs 1 and 2; T9N R42E Secs 14, 21, 22, 23, 32, 33; and T9N R43E Sec 14 will be added to the existing service area for 31,539 total acres.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 4/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/17/2016 and 3/24/2016