

JAN 07 2013

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. **APPLICANT(S)** Southeast Idaho Canal Company Phone 208-624-3381

2. MAILING ADDRESS P.O. Box 15 City St. Anthony

State ID Zip 83445 Email fmid@fretel.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 21-12953; 21-12956

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 15.82 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

6. 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:

The diversion system was built in the late 1890's. There is a broadcrested weir that is monitored by Water District 1 and the headgates are lockable.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Easements established since the late 1890's.

- c. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Dale L. Swensen
Signature of applicant or authorized agent

Dale Swensen, Secretary/Treasurer
Print name and title if applicable

3 January 2013
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by M HOLLIDAY

Date 1/7/2013

Fee paid \$1700

Date 1/7/2013

Received by J JONES

Receipt # E038304

Preliminary review completed by M HOLLIDAY

Date 2/27/2013

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/2/2013

WATER RIGHT NO. 21-12956

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTHEAST IDAHO CANAL CO PO BOX 15 ST ANTHONY, ID 83445 (208)624-3381
Original Owner	FALL RIVER IRRIGATION CO PO BOX 5 ST ANTHONY, ID 83445 (208)624-3381

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	06/30	434 CFS	
STOCKWATER	04/01	10/31	1.1 CFS	
Total Diversion			434 CFS	

Location of Point(s) of Diversion:



FALLS RIVER Injection	NESW	Sec. 15	Township 07N	Range 41E	FREMONT County
FALLS RIVER Rediversion	NWSE	Sec. 23	Township 07N	Range 42E	FREMONT County
FALLS RIVER	SWSE Lt 3	Sec. 14	Township 08N	Range 41E	FREMONT County
FALLS RIVER	SESE Lt 8	Sec. 20	Township 08N	Range 42E	FREMONT County

Place(s) of use: Large POU Info

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. This right is a split from former right 21-12942 .
4. G01 Point of injection into and point of rediversion from Teton River.
5. E51 Right Nos. 21-12956 and 21-12953 are limited to a total combined diversion rate of 434 cfs.

Dates:

Licensed Date:

Decreed Date: 08/04/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

78455

Combined Volume Limit:

Combined Rate Limit: 434

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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Water Right Report

1/2/2013

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<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTHEAST IDAHO CANAL CO PO BOX 15 ST ANTHONY, ID 83445 (208)624-3381
Original Owner	FALL RIVER IRRIGATION CO PO BOX 5 ST ANTHONY, ID 83445 (208)624-3381

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01	10/31	339.84 CFS	
STOCKWATER	01/01	12/31	45 CFS	
SUBIRRIGATION	11/01	03/31	116.1 CFS	
Total Diversion			339.84 CFS	

Location of Point(s) of Diversion:

FALLS RIVER Injection	NESW	Sec. 15	Township 07N	Range 41E	FREMONT County
FALLS RIVER Rediversion	NWSE	Sec. 23	Township 07N	Range 42E	FREMONT County
FALLS RIVER	SWSE Lt 3	Sec. 14	Township 08N	Range 41E	FREMONT County
FALLS RIVER	SESE Lt 8	Sec. 20	Township 08N	Range 42E	FREMONT County

Place(s) of use: Large POU Info

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. This right is a split from former right 21-12943 .
3. 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.
4. G01 Point of injection into and point of rediversion from Teton River.
5. Sub-irrigation is authorized between 11/1 and 3/31 consistent with the practices described in the Rexburg Irr. Co. v. Teton Irr. Co. Decree (including paragraph 31).

Dates:

Licensed Date:

Decreed Date: 08/04/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 434

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

