

AMENDED

RECEIVED

APR 17 2012

Department of Water Resources
Eastern RegionSTATE 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) CLEN ATCHLEY AND EMMA ATCHLEY Phone 208-652-3560
2. MAILING ADDRESS 4054 E 1300 N City ASHTON
State IDAHO Zip 83420 Email CLENANDEMMA@IDAHOVANDALS.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) 21-7406

- ☒ 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 1.99 cubic feet per second and/or 616.0 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*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
09N	44E	35			NW	NW	FREMONT	FALL RIVER	Marysville Canal

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:

Marysville canal heading down to our current pump station where we have 2 pumps. Water will then be piped across the Fall River to our current water right place of use.

- b. Who owns the property at the point(s) of diversion? Marysville Irrigation Co.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Agreement document with North Fremont Canal System who operates and Maintains the Marysville Canal.

- 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 ¼ ¼ 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.

Clen P Atchley
Signature of applicant or authorized agent

Clen P Atchley
Print name and title if applicable

4/11/2012
Date

Emma L Atchley
Signature of applicant or authorized agent

Emma L Atchley
Print name and title if applicable

4/11/2012
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 _____ Date _____

Fee paid \$530 Date 4/14/2012 Received by BLM Receipt # E037471

Preliminary review completed by _____ Date _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/5/2012

WATER RIGHT NO. 21-7406

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLEN ATCHLEY
Current Owner	EMMA ATCHLEY 4054 E 1300 N ASHTON, ID 83420 (208)652-3560
Original Owner	RUSSELL O BAUM
Original Owner	H J ORME PO BOX 569 ASHTON, ID 83420 (208)652-3352

Priority Date: 01/04/1989

Basis: License

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	4/15	10/15	1.99 CFS	616 AFA
Total Diversion			1.99 CFS	

Location of Point(s) of Diversion:

FALL RIVER	NESW	Sec. 36	Township 09N	Range 43E	FREMONT County
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77852

Licensed Diversion Capacity: 3

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	43E	1	1	NENE	44	2	NWNE	44						
			3	NENW	44	4	NWNW	44						

Total Acres: 176

Conditions of Approval:

1.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 01 .
2.	R39	A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3.		Right 21-02151 is also diverted through the point(s) of diversion described above.
4.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5.	R30	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
6.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates:

Licensed Date: 02/11/1997

Decreed Date:

Permit Proof Due Date: 12/1/1992

Permit Proof Made Date: 11/23/1992

Permit Approved Date: 1/3/1992

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 01/04/1989

Protest Deadline Date:

Number of Protests: 0

77852

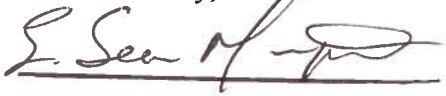
North Fremont Canal Systems

The North Fremont Canal Systems accepts the transfer from Clen and Emma Atchleys' point of diversion in Fall River to the Point of Diversion of the North Fremont Canal System also on Fall River formally known as the head of the Marysville Canal. This is for 1.99 cfs.

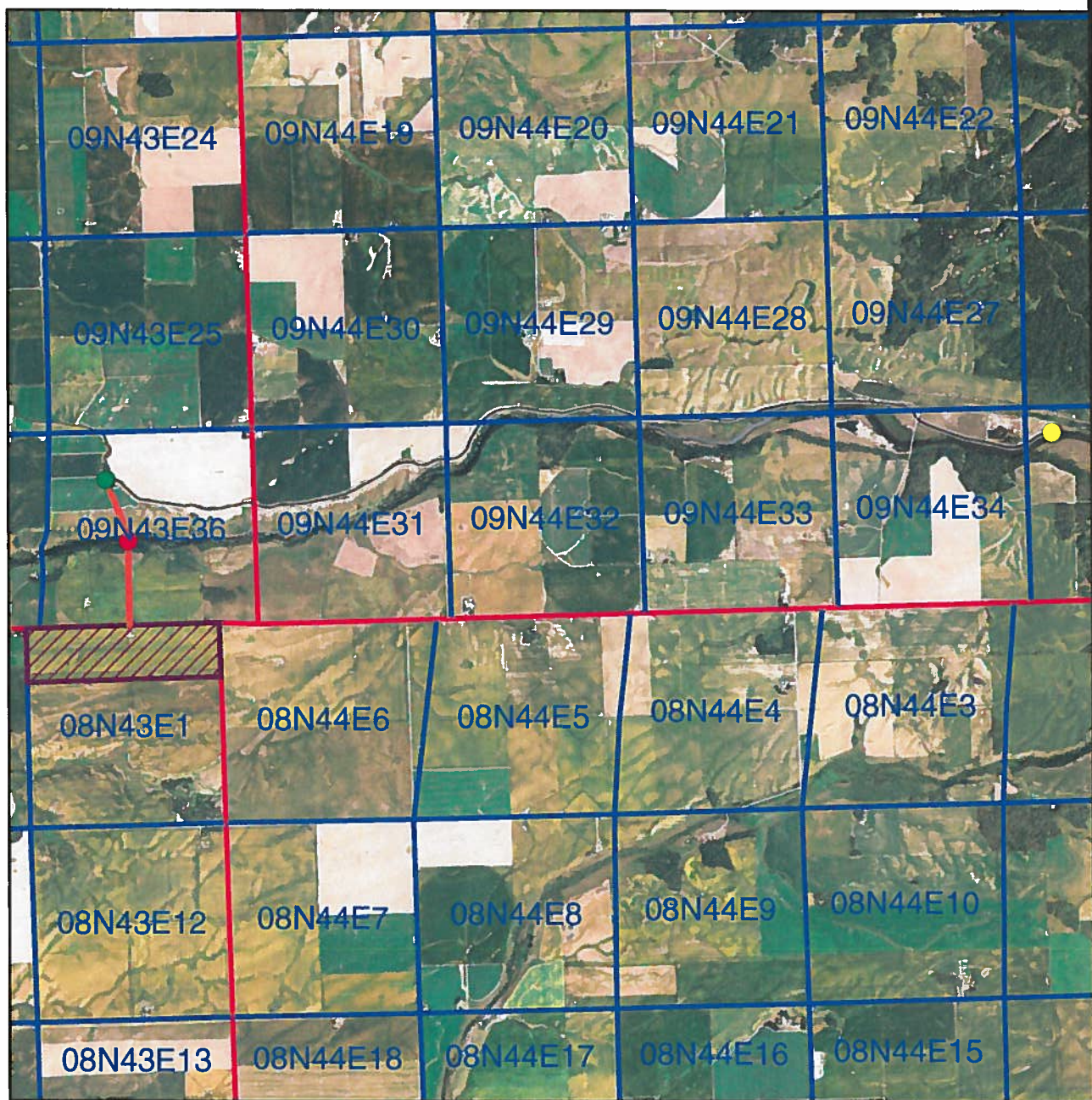


Clen P Atchley, President

Date: April 12, 2012 President



4-12-2012 Vice President



Legend

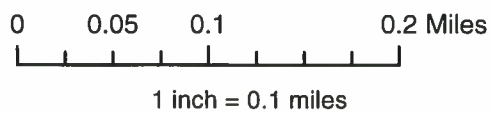
- Diversion from Marysville Canal
- Proposed POD
- Current POD
- Pipeline
- POU
- Township/Range
- Sections

0 0.5 1 2 Miles
1 inch = 0.84 miles



77 85 2

2011 Aerial Photography

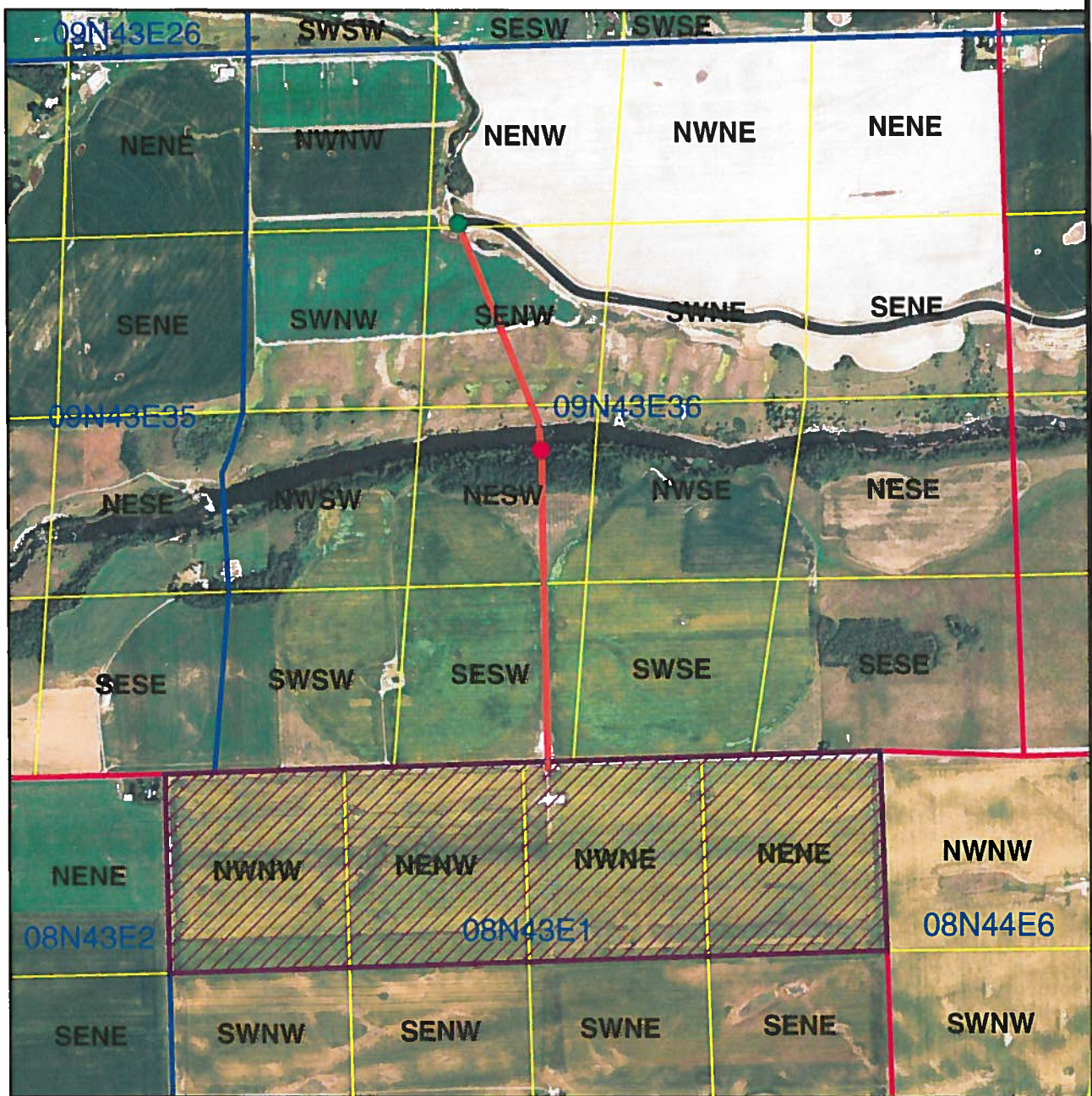


Legend

- Proposed POD
- Township/Range
- Sections
- QQ

77852

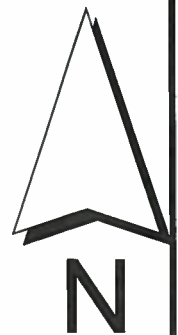
2011 Aerial Photography



Legend

- Diversion from Marysville Canal
- Current POD
- Pipeline
- POU
- Township/Range
- Sections
- QQ

0 0.125 0.25 0.5 Miles
1 inch = 0.23 miles



77 85

2011 Aerial Photography

77 85 2

APR 03 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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Check all that apply:

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

1. APPLICANT(S) CLEN ATCHLEY AND EMMA ATCHLEY Phone 208-652-3560
2. MAILING ADDRESS 4054 E. 1300 N. City Ashton,
State IDAHO Zip 83420 Email CLENANDEMMA@idhovandals.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.
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Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
9N	43E	36		SE	NW		FREMONT	MARYSVILLE CANAL	

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:

I will use our current pump station where we have 2 pumps
And upgrade the Horse power to handle this

- b. Who owns the property at the point(s) of diversion? CLEN AND EMMA Atchley
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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.

Clen P Atchley
Signature of applicant or authorized agent

CLEN P Atchley
Print name and title if applicable

3/31/2012
Date

Emma L Atchley
Signature of applicant or authorized agent

EMMA L. ATCHLEY
Print name and title if applicable

3/31/2012
Date

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FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid 580 Date 4/4/2012 Received by Blau Receipt # E037471

Preliminary review completed by _____ Date _____



Change of Diversion From Barms pump

Explanation

I own the Land From the new point of Diversion to FALL River. I plan on installing A $\frac{1}{4}$ " wall steel 10" pipe Above the River 30+ Feet over the water with A supporting tower on each side of the River outside of the high water Line. This is necessary because of the gorging of the River with ice, the steep walls of the canyon MAKE this project Less Difficult.

Thanks
Cler



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

February 9, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Clen Atchley
Emma Atchley
4054 E 1300 N
Ashton ID 83420

RE: Change of Ownership for Water Right No(s). 21-7406

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

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

Sincerely,


Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Water District 01

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 21-7406

WATER RIGHT NUMBER: 21-7406

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EMMA ATCHLEY 4054 E 1300 N ASHTON, ID 83420 (208)652-3560
Current Owner	CLEN ATCHLEY 4054 E 1300 N ASHTON, ID 83420 (208)652-3560

Priority Date: 01/04/1989

Basis: License

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>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.990 CFS	616.00 AF
<u>Total Diversion:</u>		1.990 CFS	616.00 AF

Location of Point(s) of Diversion

FALL RIVER	NE1/4SW1/4	Sec. 36, Twp 09N, Rge 43E, B.M.
FREMONT County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	43E	1	44.0	44.0			44.0	44.0											
			L 1	L 2			L 3	L 4											

Total Acres: 176

Conditions of Approval:

- 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
- Right 21-02151 is also diverted through the point(s) of diversion described above.
- R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
- 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- R39 A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Remarks: