

Transfer No. 77382

Receipt No. 5032006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information ALBERT JAY COTTLE

And/Or

JULENE COTTLE
 1750 S 1900 E
 MALTA ID 83342
 (208)645-2567

RECEIVED

JUN 30 2011

 DEPT. OF WATER RESOURCES
 SOUTHERN REGION
Will this transfer result in an ownership change? _____ Yes X No**2. Current Water Right****Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-412	WR/Decreed	2.00			162.3	CASSIA CREEK
43-88	WR/Decreed	0.06		2.4	162.3	CASSIA CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-412	NO	YES	NO	YES	NO	NO
43-88	NO	YES	NO	YES	NO	NO

Describe the reason for the proposed changes

Transfer proposes dropping the ten acre tract (Ne ¼) from the legal description of the point of diversion in section 21. This will enable applicant flexibility to move the point of diversion when new irrigation practices are determined. Applicants also wish to add a new Cassia Creek point of diversion in section 21 for future development.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

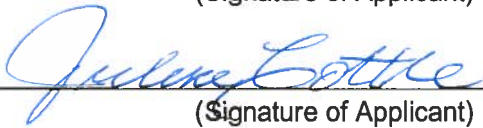
	Rate	Acre Limit	Total Acres	Volume
43-412	2.00 cfs		162.3	
43-88	0.06 cfs	2.4	162.3	
TOTAL	2.06 cfs		162.3	

STATE OF IDAHO
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PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)



(Signature of Applicant)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 43-412

Priority Date: June 15, 1873

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/1 10/31	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

CASSIA CREEK SWSWSW Sec. 20 Twp 13S Rge 26E CASSIA County

CASSIA CREEK NENESE Sec. 21 Twp 13S Rge 26E CASSIA 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		
13S	26E	21				13.0					9.3			23.0	27.0	36.0	24.0	21.0	9.0	162.3

Total Acres: 162.3

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 164.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-412, 43-4191, AND 43-2271.
2. 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.

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Documentation of Ownership of the Current Place of Use

Applicants are owners of recorded water rights.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 43-88

Priority Date: March 01, 1880

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.06 CFS		
	Total Diversion	0.06 CFS		

Source and Point(s) of Diversion:

CASSIA CREEK SWSWSW Sec. 20 Twp 13S Rge 26E CASSIA County

CASSIA CREEK NENESE Sec. 21 Twp 13S Rge 26E CASSIA 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	
13S	26E	21				13.0					9.3		23.0	27.0	36.0	24.0	21.0	9.0	162.3

Total Acres: 162.3

Conditions/Remarks:

1. This right is limited to the irrigation of 2.4 acres within the place of use described above in a single irrigation season.
2. Rights 43-88 and 43-13421 when combined shall not exceed a total annual maximum diversion volume of 9.6 af at the field headgate, and the irrigation of 2.4 acres.
3. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 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. 43-C.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Applicants are owners of recorded water rights.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-412

Priority Date: June 15, 1873

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

CASSIA CREEK	SWSWSW	Sec. 20 Twp 13S	Rge 26E	CASSIA County
CASSIA CREEK	NESW	Sec. 21 Twp 13S	Rge 26E	CASSIA County
CASSIA CREEK	NESE	Sec. 21 Twp 13S	Rge 26E	CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing headgate and ditch to gravity irrigation

Point of Diversion # 2 Proposed point of diversion.

Point of Diversion # 3 Existing headgate to gravity irrigation

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	
13S	26E	21				13.0					9.3		23.0	27.0	36.0	24.0	21.0	9.0	162.3

Total Acres: 162.3

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-88

Priority Date: March 01, 1880

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.06 CFS		
	Total Diversion	0.06 CFS		

Source and Point(s) of Diversion:

CASSIA CREEK	SWSWSW	Sec. 20 Twp 13S	Rge 26E	CASSIA County
CASSIA CREEK	NESW	Sec. 21 Twp 13S	Rge 26E	CASSIA County
CASSIA CREEK	NESE	Sec. 21 Twp 13S	Rge 26E	CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing headgate and ditch to gravity irrigation

Point of Diversion # 2 Proposed point of diversion.

Point of Diversion # 3 Existing headgate to gravity irrigation

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	
13S 26E 21				13.0					9.3		23.0	27.0	36.0	24.0	21.0	9.0	162.3

Total Acres: 162.3

