

DEV ✓

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim numbers (s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

wp

Water Right No(s)	Adjudication Claim No(s)	Split
13-00900	Decreed	✓

RECEIVED

2. The following **REQUIRED** information must be submitted with this form:

OCT 06 2009

A. The appropriate **FILING FEE**. See instructions for fee amounts.

Department of Water Resources
Idaho Region

B. A copy of the most recent, **DEED, TITLE POLICY, CONTRACT OF SALE** or other document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Preston-Riverdale & Mink Creek Canal Co.
PO Box 308
Preston, ID 83263

4. New Owner/Claimant(s)

Name Connector (check one) ☐ and, ☐ or, ☐ and/or

New Mailing Address

Riverdale Canal Company
c/o Pete Peterson

City, State, Zip code

P.O. Box 349
Preston, ID 83263

New Telephone Number

208-852-1385

5. Date you acquired the property June 28, 1996 per attached Quitclaim Deed, Franklin County Recorder's Instrument No. 196594.

SUPPORT DATA

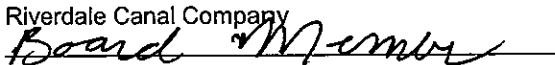
IN FILE # 13-902

6. If the change in ownership affects the entire water right for each water right or adjudication claim number list in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number _____		
Irrigation	5.87 cfs	665 acres
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)


Pete Peterson
Riverdale Canal Company


For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____
Received by BMK
Processed by _____ AJ

Date _____
Date 10/6/09
Date _____

Fee \$100.00
Receipt No. 2035389
Date _____

196594 .1-2

196594 .1-2
Lacine, Olson Nye Cooper & Budge

a.m JUL 22 1996 4:35 p.m.

QUITCLAIM DEED

V. ELLIOTT LARSEN, RECORDER
By Shauna Gaddes Deputy
FRANKLIN COUNTY, IDAHO

THIS INDENTURE is made this 28th day of June, 1996, by and between PRESTON-RIVERDALE & MINK CREEK CANAL COMPANY, the "Grantor," and RIVERDALE CANAL COMPANY, whose mailing address is c/o Robert P. Smith, President, 341 N. State Street, Preston, ID 83263, the "Grantee,"

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real property rights in the County of Franklin, State of Idaho, to-wit:

1. 16.3%, which is agreed to be 5.87 cubic feet per second of the waters of Mink Creek, with a priority of May, 1888, of Water Right No. 13-00900, a right decreed to Preston, Riverdale and Mink Creek Canal Company by the Honorable F. S. Dietrich, Federal District Court Judge for the District of Idaho, in the case of Utah Power & Light Company v. Last Chance Canal Company, et al, on July 14, 1920.
2. The canal delivery system, know as the "Riverdale Ditch", including the diversion structure located on Mink Creek in the Southeast Quarter of Section 1, Township 14 South, Range 40 E.B.M., and all easements or rights of way upon which said diversion structure and the canal or ditch which receives water diverted from Mink Creek by means thereof and delivers the same to the various field headgates, private ditches and pumping stations of the shareholders of Riverdale Canal Company, together with all attendant structures and facilities located in or upon said canal delivery system or used in connection therewith.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

PRESTON-RIVERDALE & MINK CREEK
CANAL COMPANY

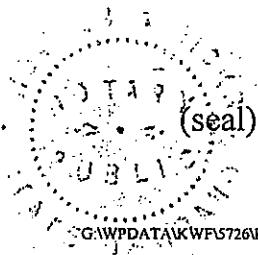
By: *Roger Carter*
Its: President

GRANTOR

STATE OF IDAHO)
)ss.
County of Franklin)

On the 28th day of June, 1996, before me, the undersigned, a notary public in and for said State, personally appeared ROGER CARTER, known or identified to me to be the president of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Dorman A. Reiko
Notary Public for Idaho
Residing at Preston, Idaho
My Commission Expires: 2-22-1999

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Franklin

ss.

as shown on map filed herewith

Wells McEntire, Secretary Preston Riverdale & Mink Creek Canal Co., being first duly sworn, deposes and says: That his postoffice address is Preston, Idaho; That the Preston Riverdale & Mink Creek Canal Co. is the owner of and using a certain water right, bearing date of priority of May 1, 1888, 19 , for 36 cubic feet per second of the waters of Mink Creek County of Franklin, State of Idaho, decreed to Preston Riverdale & Mink Creek Canal Co. by decree of Judge F.S. Dietrich, of the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power & Light Co., vs. Lash Chance Canal Company, et al. said decree bearing date of July 14, 1920, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. , in the County of Franklin, and State of Idaho, to-wit: (A) 665 Acres in Secs. 14, 15, 21, 22, 23, 27, 28, 29, 31 & 32, Tp 14 S, R. 40 E. and Secs. 1 and 2, Tp 15 S, R. 39 E. also (B) 4050 acres in Secs 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 33, 34, 35, 36, Tp 15 S, R. 39 E. Secs 3, 4, 8, 9, & 10, Tp 15 S, R. 39 E.

That he is the proper representative of the corporation) to whom such right was issued, ~~and~~ owns the owner thereof in the following manner:

That said waters are now diverted from said stream in the 1/4 S.E. 1/4 of Sec. 1, Twp. 14 S, Range 40 E, and conducted to the above described lands through the Preston Riverdale & Mink Creek Canal

as per map filed herewith and of this affidavit made a part;
That the Company represented by the affiant desires to change the point of diversion of said water 30 cubic feet per second of from the point above described to a point located in 1/4 of S.E. 1/4, Sec. 28, Twp. 13 S, Range 41 E. and thereafter conduct same to the above described land through the Mink Creek Canal, as per map above referred to:

Note: The remaining 6 cubic feet per second will be diverted at the present diversion site in S.E. 1/4 Sec. 1, Tp 14 S, R. 40 E. to irrigate the 665 Acres listed under A' above.

That his reasons for desiring to make such change are as follows:

Fairing condition of existing Canal in Secs. 1, 2, 3, Tp 15 S, R. 39 E

That no one will be injured by such change and that such change will be made at affiant's own risk.

Wells McEntire Secretary
Preston Riverdale & Mink Creek Canal Co. Affiant.

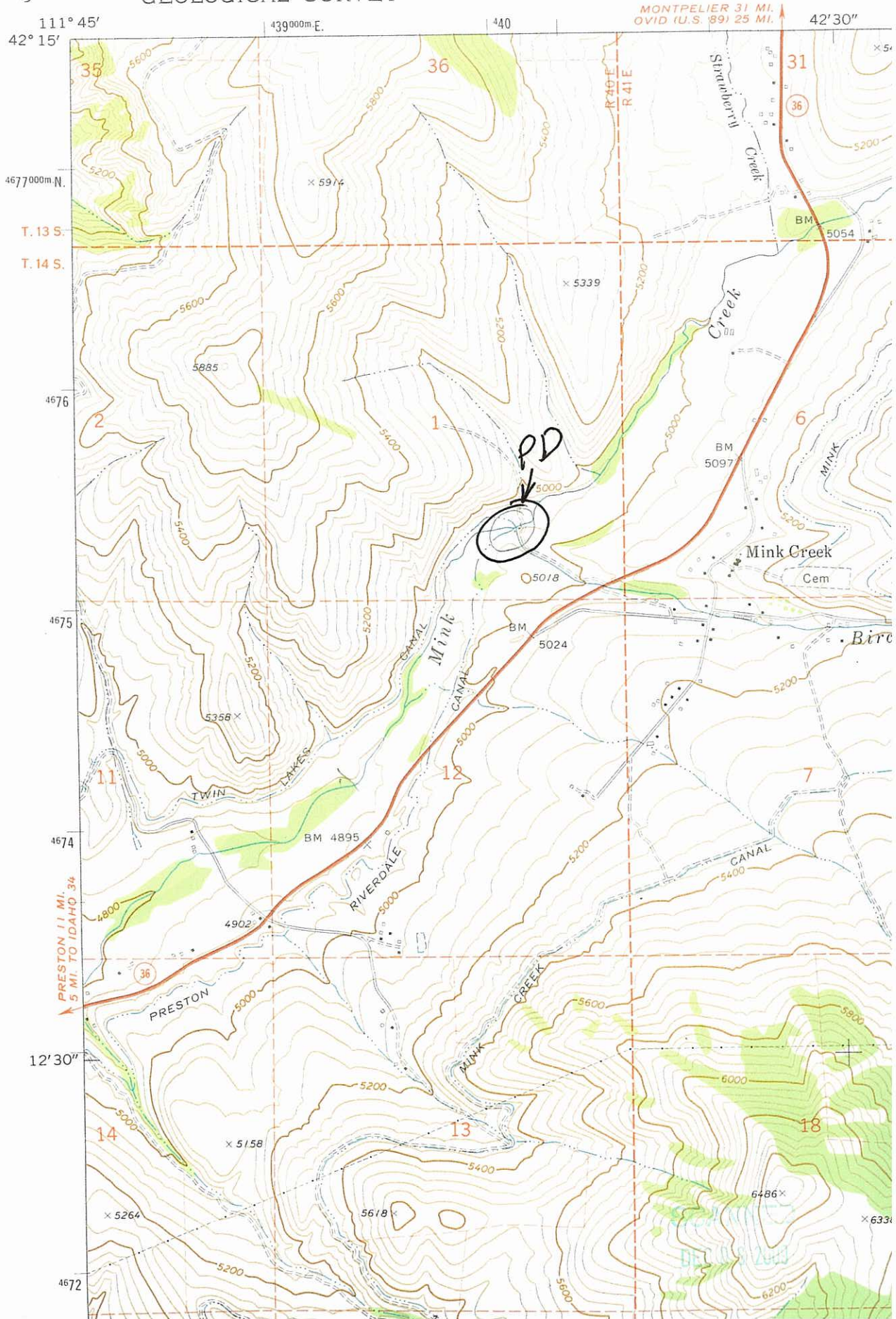
Subscribed and sworn to before me this 10 day of Feb, 1948

[Signature] Notary Public
Preston Idaho

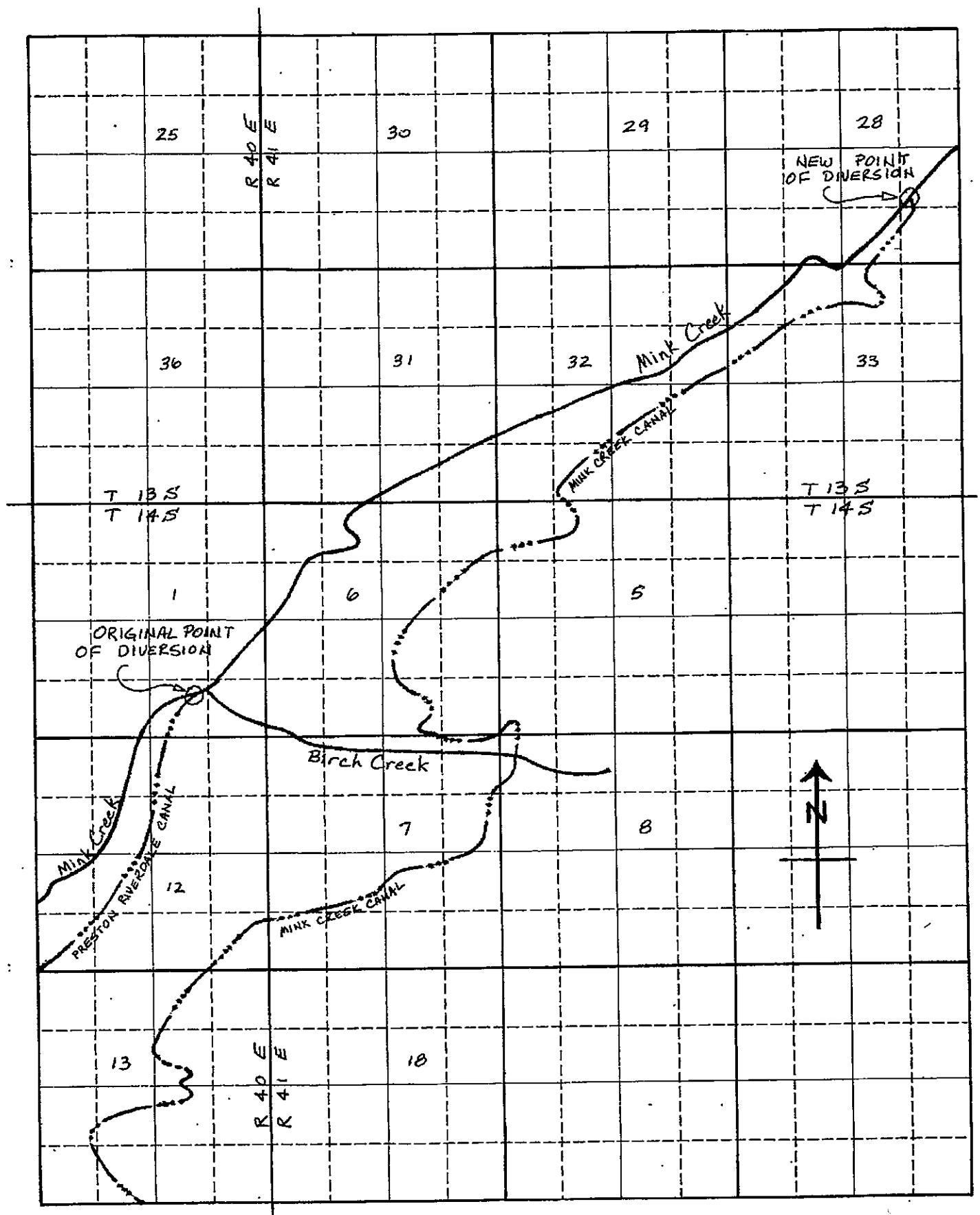
NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit

3668 IV SE
(TREASURETON)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



Application No. 11 0840

APPROVED

Post office address 217 South State, Preston, Idaho 83263

1. Right evidenced by:

- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant --

4. Date of priority May 1, 1888

6. Total amount of water under right: a. 36 cubic feet per second
b. -- &/or acre feet per annum

7. Location of original point of diversion is --- % of SE % of Section 1
Township 14S Range 40E, B.M., in Franklin County
Additional points of diversion, if any

8. **Lands irrigated or place of use:**

Lands pursuant to water right transfer will be unchanged.

[illegible]

Range 40E, B.M., Franklin County

Additional points (see C.3. Remarks)

3. Place of use:

Lands pursuant to water right transfer will be unchanged.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

1. Change in point of diversion

a. Amount of water to be diverted 30 c.f.s. &/or — acre feet

b. Point(s) of diversion NE ¼ SE ¼, Section 28 Township 13S

Range 41E, B.M., Franklin County

Additional points a. 6 cfs; b. SE¼ of Sec. 1, Township 14 S., Range 40 E.,

B.M., in Franklin County (original point of diversion). (See C.3. Remarks)

c. Description of diverting works Concrete headworks and earthen dike constructed by Bureau of Reclamation. Earth and rock diversion structure constructed by Preston Riverdale & Mink Canal Co. Combination of open and tunnel canal with siphons (Mink Creek Canal).

d. Describe the reasons for applying for a change in the point(s) of diversion Because of periodic landslide damage to the original canal, a new canal was constructed in 1949

requiring relocation of the point of diversion.

2. Change in place of use

a. Describe the lands or place of use to which the right will be transferred:

Lands pursuant to water right transfer will be unchanged.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated 3600

ing described land, lying situate and being in the County of Franklin, and State of Idaho, to-wit:

(A) 665 acres in Sections 14, 15, 21, 22, 23, 27, 28, 29, 31 and 32, Twp. 14 S., Rge. 40 E. B.M. and Sections 1 and 2, Twp. 15 S., Range 39 E. B.M.

(B) 4,000 acres in Sections 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 33, 34, 35, 36 Twp. 15 S., Rge. 39 E. B.M. and Sections 3, 4, 8, 9 and 10, Twp. 15 S., Rge. 39 E. B.M.

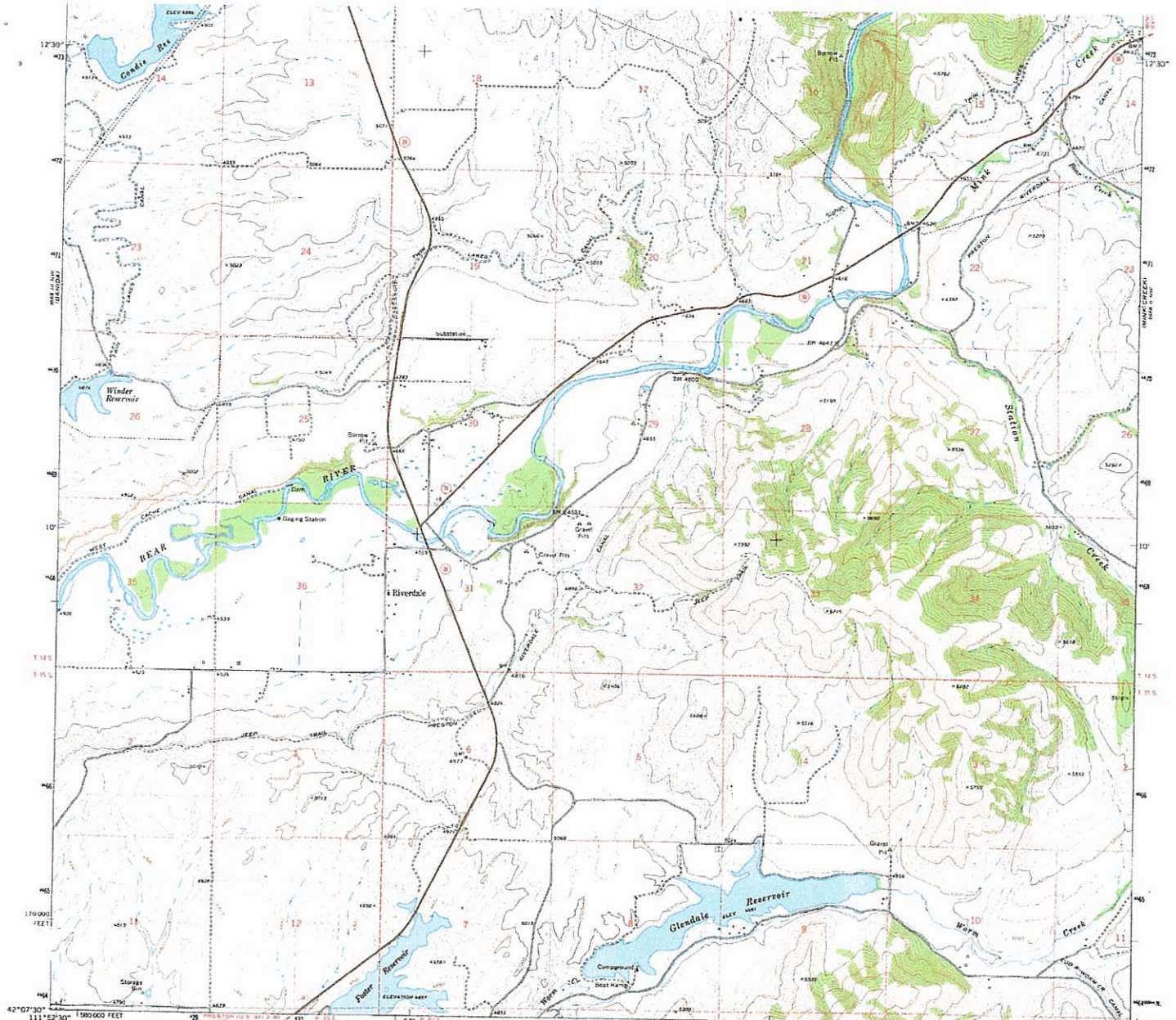
That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 503.

And that now, upon the application of the Preston, Riverdale & Mink Creek Canal Co., of Preston, Idaho, for a Certificate of Change of Diversion for 30 cubic feet per second of said water right, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is HEREBY GRANTED.

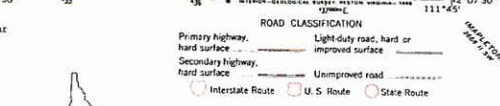
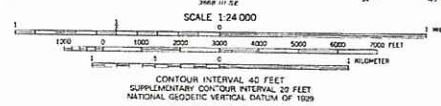
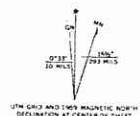
That said change of point of diversion shall not modify in effect said decree, water right, or place of use. Said water is to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

30 Cubic Feet Per Second, with Priority of May 1, 1893.

That said water right is appurtenant to the lands above described, under Section (B).



Maped, edited, and published by the Geological Survey
Control by USGS and USGAS
Topography by photogrammetric methods from aerial
photographs taken 1968. Field checked 1969.
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone.
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue.
To place on the predicted North American Datum 1983
move the projection lines 12 meters north and
85 meters east as shown by dashed corner ticks.
Fine red dashed lines indicate selected fence lines.



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

QUADRANGLE LOCATION
Map photographed 1968
No major culture or drainage changes observed

RIVERDALE, IDAHO
4211-87-14-021
1969
PHOTOGRAPHED 1968
DMA 3668 III RE-SERIES V893