

Form 222
1-87

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

RECEIVED
MAY 09 2008

Department of Water Resources
Mesium.com n Region

Name of Applicant Michael & Catherine Legge Applicant's Phone: (435) 336-3322
Applicant's Address: PO Box 795, Coalville, UT 84017 Applicant's Email: mlegge@usmagnesium.com
Attorney Name: Robert L. Harris Attorney Email: rharris@holdenlegal.com Phone (208) 523-0620
Attorney PO address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., PO Box 50130, Idaho Falls, Idaho 83405

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 the reason for the proposed changes To move point of diversion onto the applicant's property closer to the authorized place of use, which will also eliminate transmission losses and maintenance issues currently experienced with the current point of diversion and ditch.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | | | | | | |
|----|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|
| 1. | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
| | <u>21-12893</u> | <u>07/24/1897</u> | <u>0.50 cfs</u> | <u>Irrigation</u> | <u>05/01</u> to <u>10/31</u> |
| | <u> </u> | <u> </u> | <u> </u> | <u>Stockwater</u> | <u>04/01</u> to <u>10/31</u> |
| | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |

2. Total amount of water being transferred 0.50 cfs cubic feet per second and/or acre-feet per annum.

3. Source of water Timber Creek Tributary to Henry's Lake

4. Point(s) of Diversion:

[illegible]

5. **Lands irrigated or place of use:** (Permissible place of use for all water rights)

[illegible]

Total Acres _____ **25**

RECEIVED

AD 1-200

Department of Water Resources
Eastern Region

7 4 5 3 6

6. General Information:

- a. Description of diversion system Headgate and ditch at old point of diversion. New point of diversion will very likely have a pump and pipeline for a pressurized delivery system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes _____ No ✓. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
The change will improve water delivery and reduce the need for ditch maintenance on the current ditch.
- d. Remarks:
Applicant has visited with Michael Holladay of the Eastern Region office of IDWR concerning this issue, and the possibility of pressurizing the delivery system to the place of use.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2008.

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 21-12893 V2

WATER RIGHT NUMBER: 21-12893 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL & CATHERINE LEGGE FAMILY LIMITED PARTNERSHIP C/O HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83401 (208)523-0620

Priority Date: 07/20/1897
Basis: Posted Notice
Status: Active

<u>Source</u>	<u>Tributary</u>
TIMBER CREEK	HENRYS LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01	10/31	0.500 CFS	
STOCKWATER	04/01	10/31	0.040 CFS	
	<u>Total Diversion:</u>		0.500 CFS	

Location of Point(s) of Diversion

TIMBER CREEK	SE1/4NW1/4SE1/4	Sec. 25, Twp 16N, Rge 42E, 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	
16N	43E	31																	
									19.0	3.5									
									L 1	L 2									22.5

Total Acres: 22.5

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. U42 Place of use does not include federal public lands
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. 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.

Remarks:

page 4 of 6

Page 2

74536

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 21-12893 V2

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

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>
Summary			11/02/2006	ecarlson	Active

Verification Log:

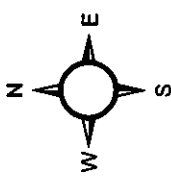
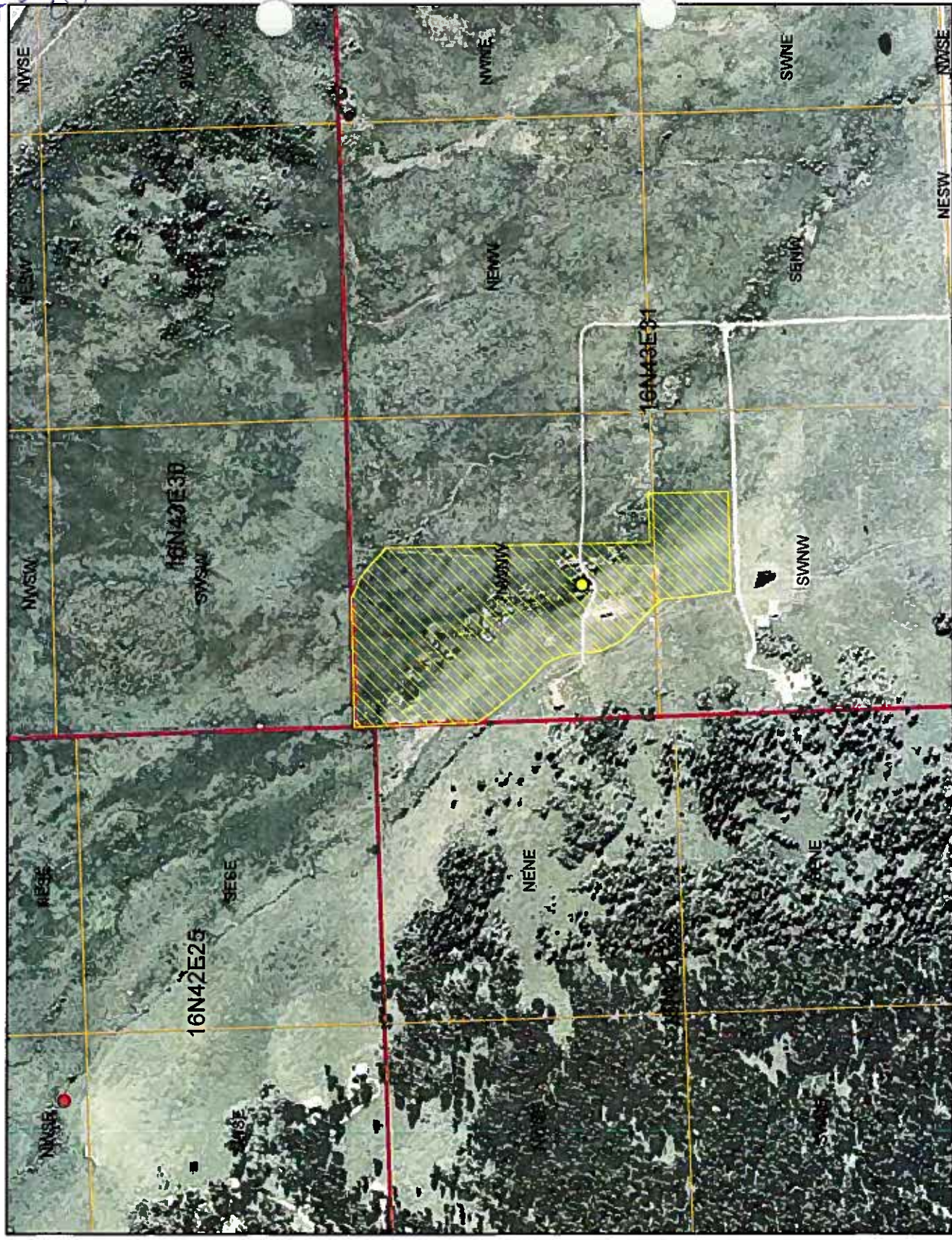
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/2/2006 3:15:59 PM	ecarlson	Updated shape for Active POU
POU	11/2/2006 3:19:43 PM	ecarlson	Updated PLS for Active POU
POD	11/2/2006 3:24:02 PM	ecarlson	Updated shape
POU	11/2/2006 3:19:25 PM	ecarlson	Updated shape for Active POU
POD	11/2/2006 3:24:18 PM	ecarlson	Updated PLS
Summary	11/2/2006 3:26:38 PM	ecarlson	(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? (Yes) 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?

74536

TRANSFER: Water Right No. 21-12893

page 596

74536

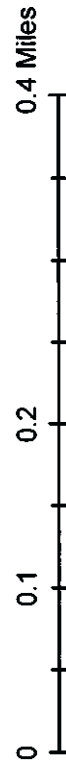


Legend

- Current_POD
- New_POD
- 21-12893_POU
- gcdb_sections
- gcdb_qq

74536

Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo
April 2, 2008



B. CHANGES IN NATURE OF USE

- | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|-----------------------------|------------------------------|-----------------------------|--|
| <u>N/A</u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
- Quantity and quality of return flows and location of discharge:
N/A
- Describe effects on other water uses resulting from the proposed change:
N/A

I hereby asset 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.

Michael Legge
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of April, 2008.



Nyla J. Raleigh
Notary Public for STATE OF UTAH
Residing at: 1512 W 4000 So Taylorsville, UT 84123
My Commission Expires 2/14/12

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and attachments

Received by Date Protest filed by

Prelim. check by Fee 250-

Receipted by Date 4/18/08 - E033963, E033964

Published in Herald Chronicle Copies of protest forwarded by

Pub. dates Hearing held by Date

Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 rec'd by

Copy of transfer sent to lien holder