

(Internet)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 74369

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Mike and Connie Kym ~~and~~ Anne Ferguson Phone 317-7949
Post Office address 15533 E Ririe Hwy, Ririe ID 83443

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 change point of diversion to Butter Canal

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>01-223</u>	<u>6-1-1891</u>	<u>6.0</u>	<u>IRR</u>	<u>4-1</u> to <u>11-1</u>
<u>01-258</u>	<u>1-22-1916</u>	<u>3.0</u>	<u>IRR</u>	<u>4-1</u> to <u>11-1</u>
				to
				to

2. Total amount of water being transferred 9.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Snake River tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	35	4N	40E	Jefferson	Butter Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	40E	26					19	12	39	28									98
		27	28			39	104			105									163
		(lot 1)																	

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Total acres 165

PART 1

6. General Information:

a. Description of diversion system Butler Island Canal

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NO CHANGE

d. Remarks:

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 _____, 19 _____.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-258

WATER RIGHT NUMBER: 1-258

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS THOMPSON 15533 E RIRIE HWY RIRIE, ID 83443 (208)538-7949
Current Owner	DOROTHY E THOMPSON 15533 E RIRIE HWY RIRIE, ID 83443
Original Owner	BEATRICE D BLAKELY 4877 E 150 N RIGBY, ID 83442 (208)538-7332
Current Owner	ANNE FERGUSON 15533 E RIRIE HWY RIRIE, ID 83443 (208)538-7949
Current Owner	KYM FERGUSON 15533 E RIRIE HWY RIRIE, ID 83443 (208)538 7949

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NE1/4NW1/4	Sec. 26, Twp 04N, Rge 40E, B.M.
JEFFERSON 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	
04N	40E	26					19.0	12.0	39.0	28.0									98.0
								L 4		L 3									
04N	40E	27	28.0																67.0
			L 1																

Total Acres: 165

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-258

Conditions of Approval:

1. E02 Use of this right is combined with water from Butler Island Canal Co.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. 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.
4. Place of use described as NENW of section 26, Township 4N Range 40E B.M. is also known as Tract 41.
5. E55 Right Nos. 1-223 and 1-258 are limited to the irrigation of a combined total of 165 acres in a single irrigation season.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. F01 Water is delivered through Ferguson pump.

Remarks:

Comments:

Dates and Other Information:

Licensed Date:
 Decreed Date: 9/14/2007
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		165
Combined Water Rights: 1-223 , 1-258		

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>
POD	4/3/2006 3:33:59 PM	ddunn			Closed
POU	4/3/2006 3:46:03 PM	ddunn			Closed
Quantity	4/3/2006 3:49:34 PM	ddunn			Closed
Summary			04/03/2006	ddunn	Closed

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-223

WATER RIGHT NUMBER: 1-223

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOROTHY E THOMPSON 15533 E RIRIE HWY RIRIE, ID 83443
Current Owner	THOMAS THOMPSON 15533 E RIRIE HWY RIRIE, ID 83443 (208)538-7949
Original Owner	BEATRICE D BLAKELY 4877 E 150 N RIGBY, ID 83442 (208)538-7332
Current Owner	ANNE FERGUSON 15533 E RIRIE HWY RIRIE, ID 83443 (208)538-7949
Current Owner	KYM FERGUSON 15533 E RIRIE HWY RIRIE, ID 83443 (208)538 7949

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	6.000 CFS	
	<u>Total Diversion:</u>	6.000 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NE1/4NW1/4	Sec. 26, Twp 04N, Rge 40E, B.M.
JEFFERSON 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	
04N	40E	26					19.0	12.0	39.0	28.0									98.0
								L 4		L 3									
04N	40E	27	28.0				39.0												67.0
			L 1																

Total Acres: 165

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 1-223

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. E55 Right Nos. 1-223 and 1-258 are limited to the irrigation of a combined total of 165 acres in a single irrigation season.
3. E02 Use of this right is combined with water from Butler Island Canal Co.
4. Place of use described as NENW of section 26, Township 4N Range 40E B.M. is also known as Tract 41.
5. 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.
6. F01 Water is delivered through Ferguson pump.

Remarks:

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 9/14/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 01
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		165
Combined Water Rights: 1-223 , 1-258		

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>
POD	4/3/2006 2:24:54 PM	ddunn			Closed
Source	4/3/2006 2:31:46 PM	ddunn			Closed
POU	4/3/2006 2:40:56 PM	ddunn			Closed
Use	4/3/2006 2:41:47 PM	ddunn			Closed
Quantity	4/3/2006 3:02:15 PM	ddunn			Closed

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 1-35AC V1

Conditions of Approval:

1. F01 Water is delivered through Butler Island Canal.
2. E33 Water is delivered from the Dry Bed.
3. 129 Place of use is within the area served by Butler Island Canal Company.
4. 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.
5. 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:

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: S
Owner Name Connector:
Water District Number: 01
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>
POU	4/25/2006 10:36:52 AM	mholliday			Active
POD	8/10/2006 1:30:32 PM	mholliday			Active
Quantity	8/10/2006 1:34:53 PM	mholliday			Active
Summary			08/10/2006	mholliday	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

74369

Dry

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LEVEL

Butler
Island CANAL
POD

BM 4985
NENW

ENTERPRISE

Bed

4N
40E

LOOP

ARMERS

FRIEND

4990

35

CANAL

CANAL

ROCK

CANAL

EAGLE

POPLAR

4991

CANAL

2

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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

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

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.

Subscribed and sworn to before me this 13 day of Dec, 19 2007

[Signature] (Signature of Applicant)

[Signature] (Notary Public)

My commission expires 2/26/2008

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by JSC Fee 570-

Receipted by _____ Date 12/13/07 EO 33649

Published in Lippson Star 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 _____