

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72498

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Cutler Ditch
% George Whitworth Phone 254-3626
Post Office address 9083 S Crystal Springs Rd McCammon 83250

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 P/D for gravity system to Portneuf
Marsh Valley Canal

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-13398</u>	<u>5/1/1896</u>	<u>1.00 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
<u>29-13400</u>	<u>7/6/1868</u>	<u>1.26 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>9/10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.26 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Portneuf River tributary to Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3	SW	SE	NW	22	9S	37E	Bannock	Portneuf Marsh Valley Canal

5. Lands irrigated or place of use: NO CHANGE

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	
9S	37E	17															3.1		3.1
		20	14.4	11	9		22	11		4.0									71.4
			L-1		L-2					L-3									

Total acres

74

PART 1**6. General Information:**

a. Description of diversion system Portneuf Marsh Valley headgate to penstock of Marsh Valley Hydro to pipeline for gravity irrigation 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None - used upon lands of stockholders

d. Remarks:

Cutler Ditch will provide documents to allow use of the Portneuf Marsh Valley canal/headgate and Marsh Valley Hydro

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 RESOURCE

Water Right Report 29-13398

WATER RIGHT NUMBER: 29-13398

Owner Type Name and Address

Current Owner CUTLER DITCH

Priority Date: 05/01/1896

Basis: Decreed

Status: Active

SourceTributary

PORTNEUF RIVER

SNAKE RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

04/15 to 09/15

1.000 CFS

Total Diversion: 1.000 CFSLocation of Point(s) of Diversion

PORTNEUF RIVER L1 (SE1/4NE1/4) Sec. 21,Twp 09S,Rge 37E, B.M. BANNOCK 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	
09S 37E 17															3.0		3.0
09S 37E 20	14.4	11.0	9.0		21.6	11.0		4.0									71.0
	L 1		L 2					L 3									

Total Acres: 74

Conditions of Approval:

1. 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.
2. ROTATION OF AVAILABLE WATER IS AUTHORIZED AS BETWEEN CUTLER DITCH USERS
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-13400 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 74.0 ACRES IN A SINGLE IRRIGATION SEASON.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. S35 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-11253.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. F01 WATER IS DELIVERED THROUGH CUTLER DITCH.

Remarks:Comments:

1. aruberry 12/12/2002 SPLIT THIS RIGHT SPLIT FROM 29-11253. ANDRUS GO THE OTHER PART AS 29-13399.
2. aruberry 12/12/2002 ROTATION OF THE AVAILABLE WATER IS AUTHORIZED AS BETWEEN MEMBERS OF CUTLER DITCH.

Dates and Other Information:

Decreed Date: 9/10/2004

State or Federal: S

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
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74

Combined Water Rights: 29-13398 , 29-13400

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Transfer No. 72498

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

Current Water Right No. 29-13398

Documentation of Ownership of the Current Place of Use Yes

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

used upon lands of stockholders

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer NONE

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 29-13400

WATER RIGHT NUMBER: 29-13400

Owner Type Name and Address
Current Owner CUTLER DITCH

Priority Date: 07/06/1868

Basis: Decreed

Status: Active

Source Tributary
PORTNEUF RIVER SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 04/15 to 09/15 1.260 CFS

Total Diversion: 1.260 CFSLocation of Point(s) of Diversion

PORTNEUF RIVER L1 (SE1/4NE1/4) Sec. 21,Twp 09S,Rge 37E, B.M. BANNOCK 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	
09S 37E 17															3.1		3.1
09S 37E 20	14.0	11.0	9.0		22.0	11.0		3.9									70.9
	L 1		L 2					L 3									

Total Acres: 74

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 63.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. F01 WATER IS DELIVERED THROUGH CUTLER DITCH.
4. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. S35 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
7. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-12053.
8. ROTATION OF AVAILABLE WATER IS AUTHORIZED AS BETWEEN CUTLER DITCH USERS
9. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-13400 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 74.0 ACRES IN A SINGLE IRRIGATION SEASON.

Remarks:Comments:

1. aruberry 12/12/2002 THIS RIGHT IS A SPLIT PORTION OF 29-12053

Dates and Other Information:

Decreed Date: 9/10/2004
State or Federal: S
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

Rate Volume Acres
74

Combined Water Rights: 29-13398 , 29-13400

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Page 1

Transfer No. 72498

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

Current Water Right No. 29-13400

Documentation of Ownership of the Current Place of Use Yes

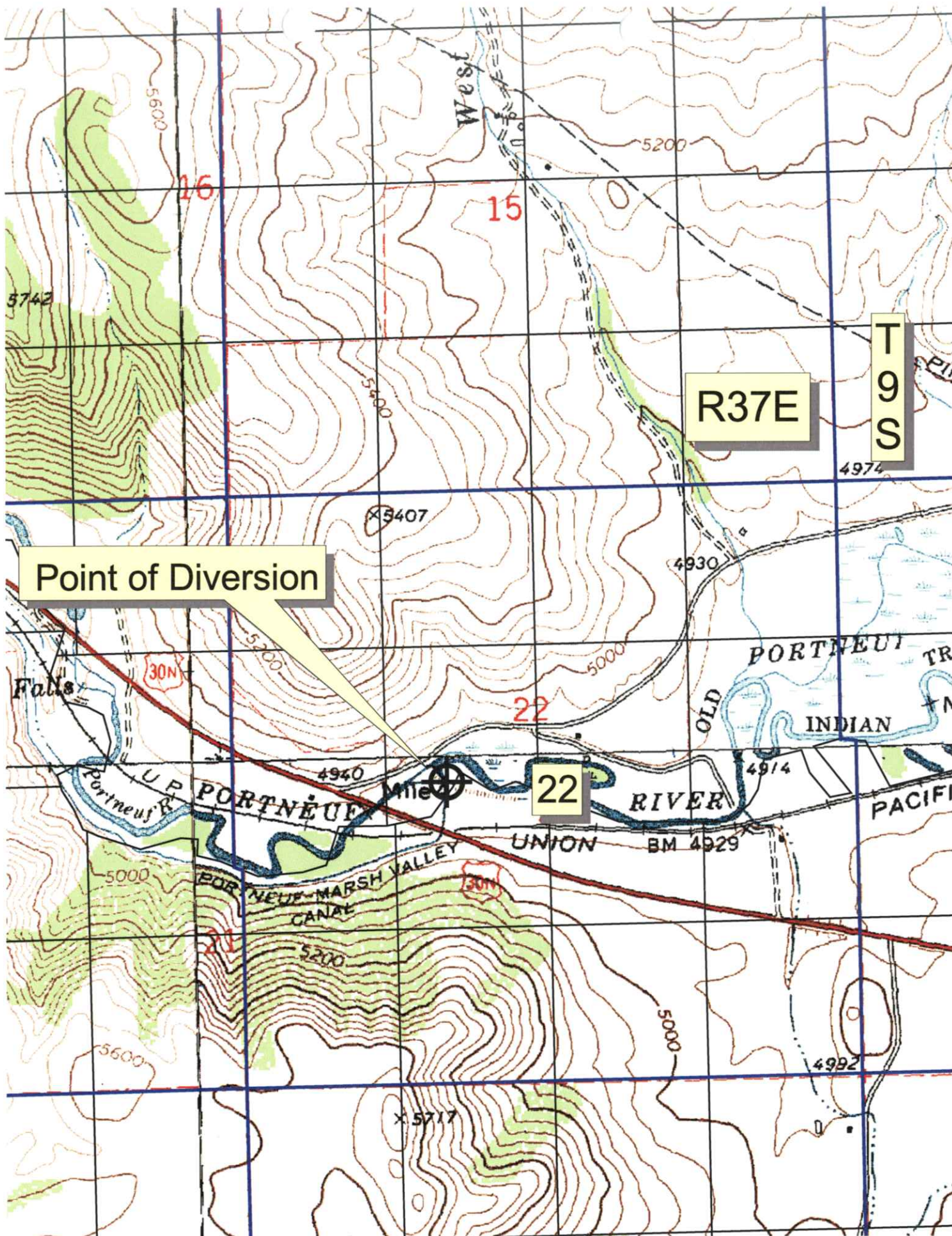
Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

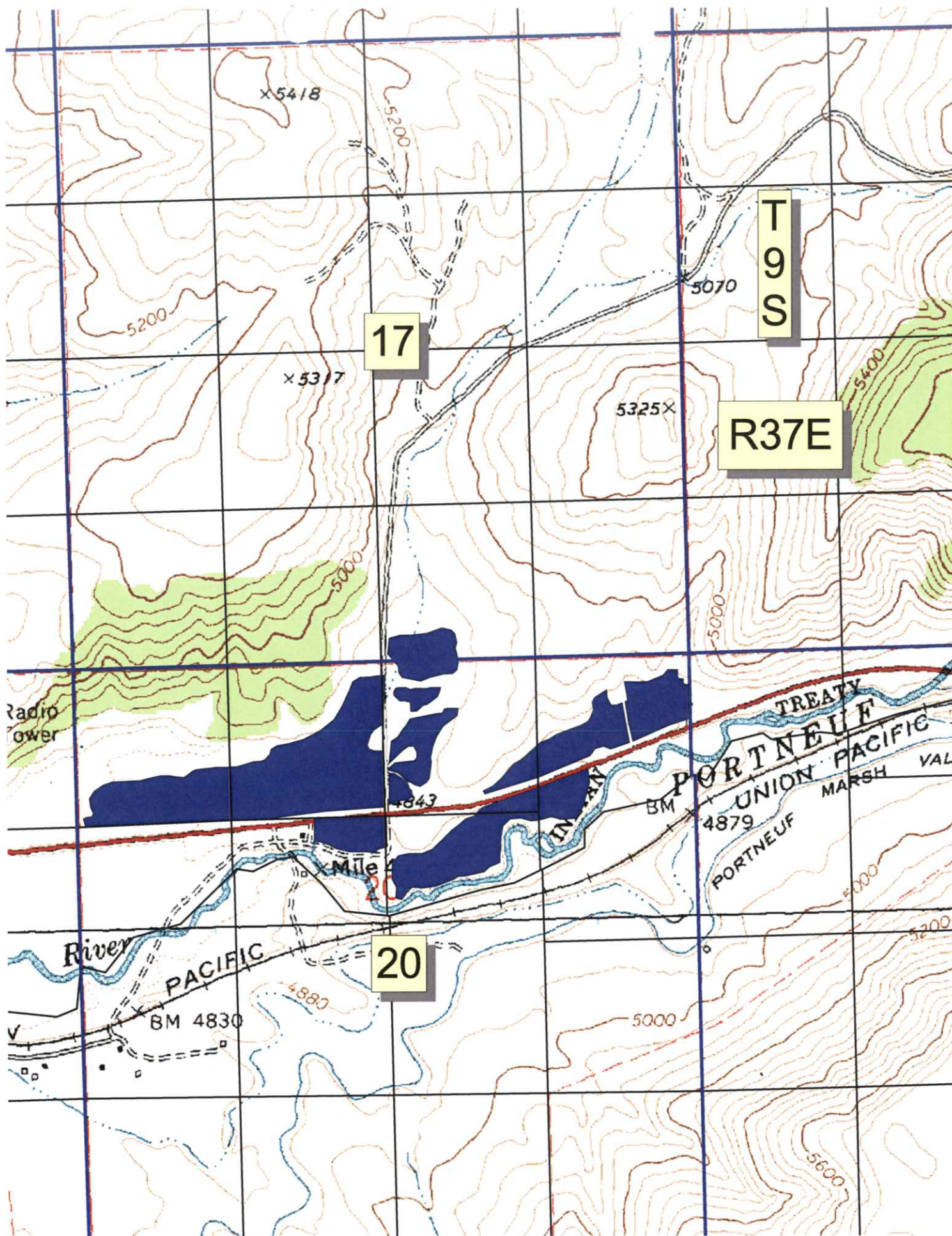
USED UPON LANDS OF STOCKHOLDERS

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer NONE

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? NO

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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.

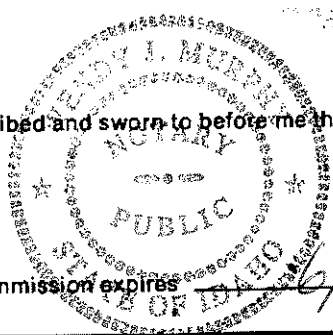
Subscribed and sworn to before me this

28th

day of

October, 19 2005

(Signature of Applicant)

Roger Johnson

(Notary Public)

Wendy J. Murphy

My commission expires

6/23/06**FOR DEPARTMENT USE ONLY**Transfer contains 9 pages and _____ attachments

Received by

KCW

Date

10/28/05

Protest filed by _____

Prelim. check by

KW

Fee

330⁰⁰ E031400

Received by

KCW

Date

10/28/05

Published in

Id State Journal

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 _____