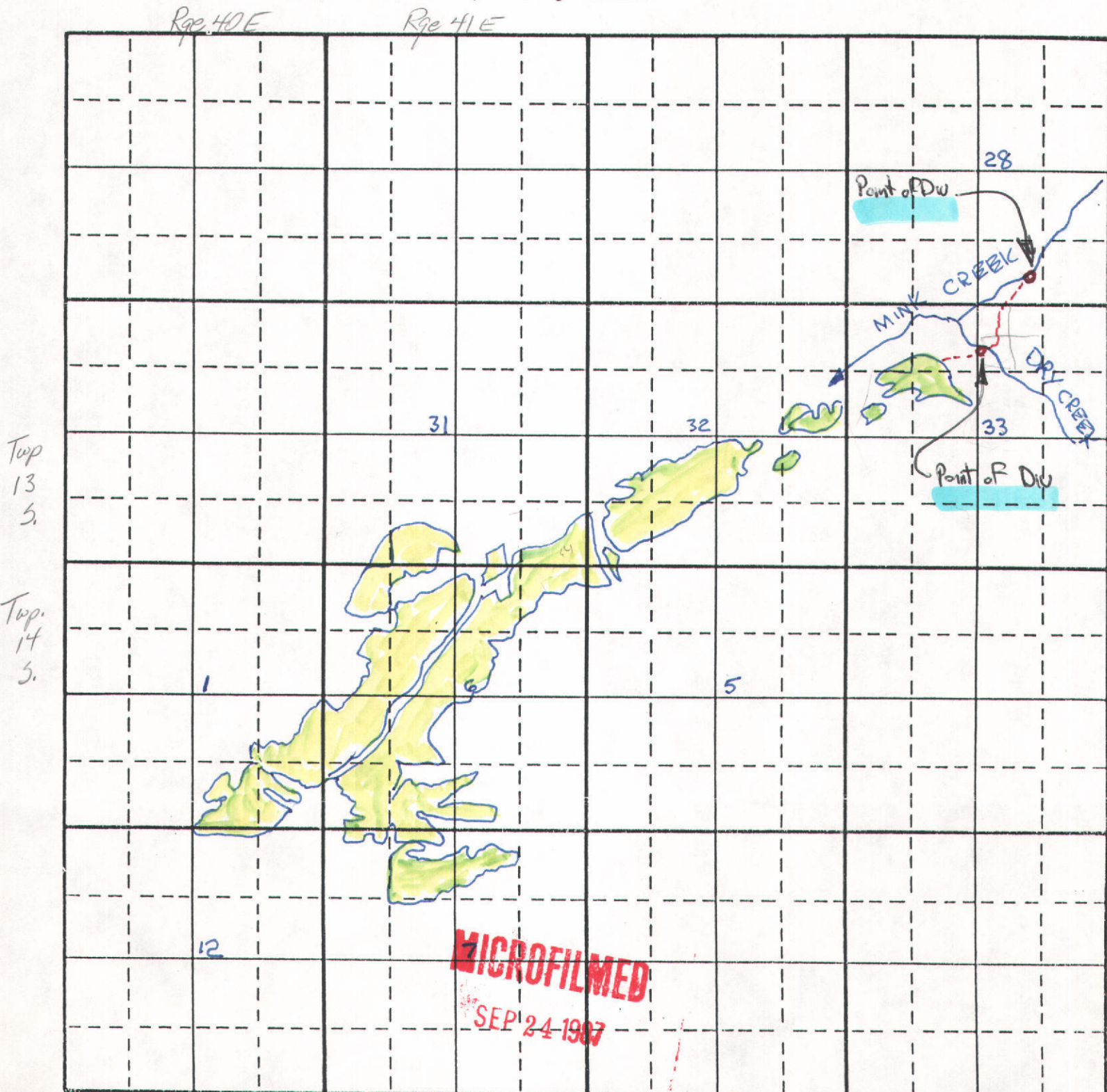


c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	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	
13S	41E	31												14			3	20	37
		32				6					25	6	24	7	1	13			82
14S	41E	33					3		4	10									17
		5						4											4
		6	18	34	18		26	13	20	33	21	35	27	25			6		276
		7		9			30	4	2										45
14S	40E	1													16		21	22	59
		12	3	2															5

Total number of acres to be irrigated 525

4. Describe any other water rights used for the same purpose as described above. None
5. 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.



TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

 Date 021287

 INVOICE No. L00098368

 Account No. 44660

 Description 98368NOTIC

 Times 2 Lines 56

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

 DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

RECEIVED

FEB 20 1987

Department of Water Resources

Eastern District Office

 NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

 \$ 49.00
AFFIDAVIT OF PUBLICATION

 STATE OF IDAHO, ss.
County of Nez Perce

J. L. Blackwell

Legal Clerk

, being duly sworn,

 deposes and says, I am the
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED

 attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 020587, or once a

 WEEK for 2 consecutive WEEKS, the first

 publication thereof being on the 020587, and the last pub-
lication thereof being on the 021287, and said

NOTICE OF PROPOSED

 was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

J. L. Blackwell

 SUBSCRIBED AND SWORN BEFORE ME THIS THE 18
day of February 1987

MICROFILMED

SEP 24 1987

Sheral M. Lentz

 Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 11-0834

 Notice is hereby given that Mink
Creek Irrigation Co., District #1,
Preston, Idaho, has applied to the
Department of Water Resources for
a change in the point of Diversion
and place of use of water from Mink
Creek tributary to Bear River. The
right sought to be changed is evi-
denced by Decree No. 11-0834 de-
creed to Mink Creek Irrigation Com-
pany, Number One, in case of Utah
Power & Light vs Last Chance Canal
Company dated 7/14/1920 in Eastern
Division District Court, and is re-
corded as follows:

 AMOUNT: 10.5 cfs (10.5 cfs 4/20
to 7/25)

(7.0 cfs 7/25 to 9/1)

(5.25 cfs 9/1 to 9/30)

PRIORITY: May 1, 1882

 POINT OF DIVERSION: SE1/4,
Sec. 28, T. 13S, R. 41E, B.M.,
Franklin County

 The water is used to irrigate 525
acres within the Sec. 28, 32, 33, T.
13S, R. 41E; Sec. 5, 6, T. 14S, R. 41E;
Sec. 7, 12, T. 14S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS

 The water will be diverted within the
SW1/4SE1/4 Sec. 28 (Mink Creek),
SW1/4NW1/4NE1/4, Sec. 33 (Dry
Creek), T. 13S, R. 41E, B.M., Frank-
lin County for the irrigation of 525
acres within the SE1/4SW1/4,
S1/2SE1/4, Sec. 31, SE1/4NE1/4,
SW1/4, N1/2SE1/4, Sec. 32,
NE1/4NW1/4, S1/2NW1/4, Sec. 33, T.
13S, R. 41E, NW1/4NW1/4, Sec. 5,
N1/2NE1/4, SW1/4NE1/4, W1/2,
SW1/4SE1/4 Sec. 6, NW1/4NE1/4,
N1/2NW1/4, SW1/4NW1/4, Sec. 7, T.
14S, R. 41E, NE1/4SE1/4, S1/2SE1/4,
Sec. 1, N1/2NE1/4, Sec. 12, T. 14S, R.
40E, B.M.

 Any protest against approval of the
above proposed change of water
right must be filed with the Idaho
Department of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls,
Idaho 83402 on or before February
23, 1987.

 A. Kenneth Dunn
Director

Transfer No. 3300Water Right No. 11-0834STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Mink Creek Irrigation Company, District #1

Name of applicant c/o Mark A. Anderson Phone 852-0270Post Office address Rt. 2, Box 508, Preston, Idaho 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 11-0834 Decreed to Mink Creek Irrigation Company, Number Onein case of Utah Power & Light vs Last Chance Canal Companydated in 7-14-1920 in Eastern Divisiondated in 7-14-1920 in District Court county of _____

(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

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

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Mink Creek tributary to Bear River4. Date of priority May 1, 1882

5. Water is used for the following purposes:

amount 10.5cfs for Irrigation purposes from 4/20 to 7/25amount 7.0cfs for Irrigation purposes from 7/25 to 9/1amount 5.25cfs for Irrigation purposes from 9/1 to 9/30
(month/day — both dates inclusive)6. Total amount of water under right: a. 10.5 cfs cubic feet per second
&/or

b. _____ acre feet per annum

7. Location of original point of diversion is _____ ¼ of _____ SE _____ ¼ of Section 28Township 13S Range 41E, B.M., in Franklin County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13S	41E	28																	
		32																	
		33																	
14S	41E	5																	
		6																	
		7																	
14S	40E	12																	

MICROFILMED

SEP 24 1981

Total number of acres to be irrigated 5259. Describe any other water rights used for the same purpose as described above N.A.10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

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

1. General Information

- a. Amount of water to be diverted 10.5 cfs c.f.s. &/or _____ acre feet
- b. Description of diverting works headgate on Mink Creek to ditch which enters Dry Creek and headgate and ditch to laterals.
- c. Describe the reasons for the proposed changes The use of a diversion on Dry Creek allows us an alternate source and does not require a syphon or pipeline to convey Mink Creek ditch across the Dry Creek channel.

2. Change in point of diversion

Point of diversion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28 Township 13S
Range 41E, B.M., Franklin County
Additional points SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 13S, R. 41E

3. Change in place of use

- a. 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 change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The land described has been the actual place of use.

MICROFILMED

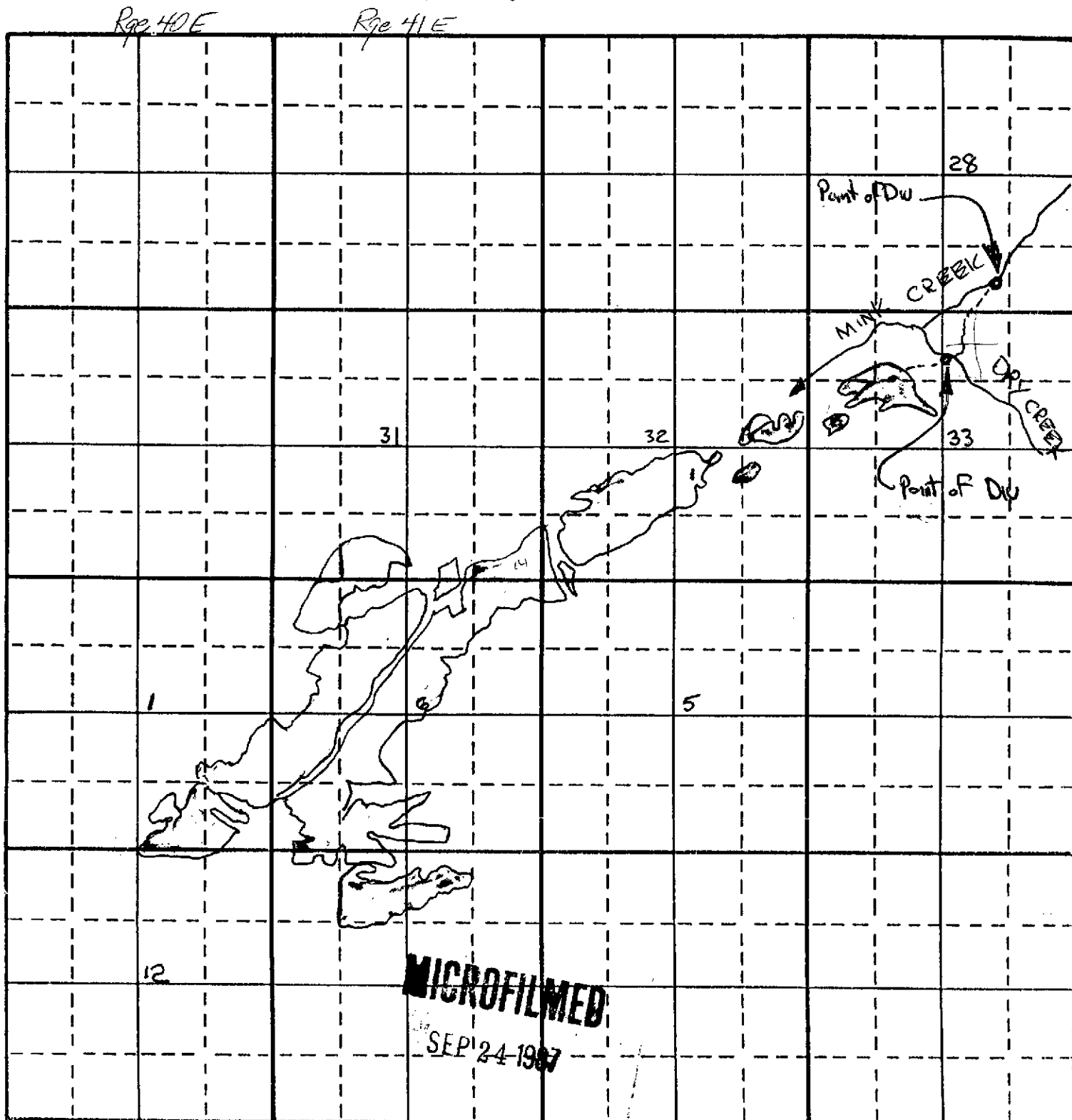
SEP 24 1987

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
13S	41E	31																	37
		32				6					25	6	24	14	7	1	13	3	20
		33					3		4	10									17
14S	41E	5						4											4
		6	18	34	18		26	13	20	33	21	35	27	25			6		276
		7		9			30	4	2										45
14S	40E	1													16		21	22	59
		12	3	2															5

Total number of acres to be irrigated 525

4. Describe any other water rights used for the same purpose as described above. None
5. 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.



SCALE: 2-inches equal 1 mile. Draw plan in ink

D. REMARKS

We have been using our water from Mink Creek and Dry Creek in the way described herein for many years.

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 willfull misrepresentations made in this application may result in voiding its approval.

X Mark A. Anderson - SECRETARY
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of January, 19 87

Beverly W. Mortensen
(Notary Public)

My commission expires 3-5-92

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0834 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 11, Bear River.

Witness my hand this 9th day of September, 19 87

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 1-07-87 **MICROFILMED** Protest by Robert N. Fackrell Withdrawn
Prelim. check by SM Fee \$50.00 SEP 24 1987
Received by MD Date 1-16-87
Published in PRESTON CITIZEN, ZENITHIAN TRIB.
Pub. dates TIMES NEWS, IDAHO STATEMAN
Watermaster recommendation requested on FEB 5 + 12, 1987 Copies of protest forwarded by CW
Hearing held by WD #11 Date 2/4/87
Recommended for approval denial
by REC SM

ON AND
E

id Cottonwood
ge ditch.

id Cottonwood
ating therefrom
scribed, for the
ction 36, Town-
East, and Lots
of the South-
Township 12

Devils Dive
crosses the
for the irriga-
st half of the
th half of the
5, in the East
er of Section
the North-
the Southwest
arter of Sec-
of the South-
and the West
er of Section
40 East, B.
ates are as

Christensen

Devils Dive
crosses the
the irriga-
27 and 22,
ast, B.M.

, B.M.

springs in
ction 26,

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

Township 13 South, Range 40 East, B.M.,
for domestic and culinary purposes in and
around the Oneida power plant, and the
dwellings and camps, built in connection
therewith, said rights to be continuous
throughout the year.

MINK CREEK.

11 0834

462. *Mink Creek Irrigation Company*
Number One:

7-3300 1882—May 1:
Apr. 20 to July 25 10.5 c.f.s.
July 25 to Sept. 1 7.0 c.f.s.
Sept. 1 to Sept. 30 5.25 c.f.s.

To be diverted through Ditch Number One
diverting from said Mink Creek in the
Southeast quarter of Section 28, Town-
ship 13 South, Range 41 East, B.M., for
the irrigation of 525 acres in Sections 28,
32 and 33, Township 13 South, Range 41
East, and Sections 5, 6 and 7, Township
14 South, Range 41 East, and Section 12,
Township 14 South, Range 40 East.

11 0835

463. *Mink Creek Irrigation Company*
Number Three, successor in
interest to Lewis Keller, et al:

1882—May 1:
Apr. 20 to July 25 6.0 c.f.s.
July 25 to Sept. 1 4.0 c.f.s.
Sept. 1 to Sept. 30 3.0 c.f.s.

To be diverted through Ditch Number Two
diverting from said Mink Creek in the
Northeast quarter of Section 32, Town-
ship 13 South, Range 40 East, for the irri-
gation of 300 acres in Sections 30, 31 and
32, Township 13 South, Range 41 East.

11 0836

464. *Mink Creek Irrigation Company*
Number Four, successor in
interest to James M. Keller,
et al:

1882—May 1:
Apr. 20 to July 25 13.1 c.f.s.
July 25 to Sept. 1 9.93 c.f.s.
Sept. 1 to Sept. 30 6.55 c.f.s.

To be diverted through Ditch Number
Four diverting from said Mink Creek near
the East quarter corner of Section 22,
Township 13 South, Range 41 East. For
the irrigation of 655 acres in Sections 19,
20, 27, 28, 30, 31, 32 and 33, Township 13
South, Range 41 East, and Sections 25 and
36, Township 13 South, Range 40 East,
and Section 6, Township 14 South, Range
41 East.

11 0837

465. *Peoples Dairy Company:*
1882—May 1 10.0 c.f.s.

For power purposes only. To be diverted
from and returned to said Mink Creek in
Section 31, Township 13 South, Range 41
East, B.M.

11 0838

466. *Christina Nelson:*
1882—May 1

Apr. 20 to July 25 0.6 c.f.s.
July 25 to Sept. 1 0.4 c.f.s.
Sept. 1 to Sept. 30 0.3 c.f.s.

To be diverted from said Mink Creek in
Section 31, Township 13 South, Range 41
East, for the irrigation of 30 acres of land
in Township 14 South, Range
41 East.

11 0839

467. *Mahonry Larson:*
1882—May 1

0.06 c.f.s.

diverted from said Mink Creek in
the Northwest quarter of Section 7, Town-

SEP 24 1907

In Equity No. 203

**In the District Court of the United States
for the District of Idaho, Eastern Division**

UTAH POWER & LIGHT COMPANY, a Corporation, *Plaintiff*,

vs.

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; West Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The Bench Canal, and Budge Land & Live Stock Company, Limited, corporations; W. H. Larkins, Jas. Ellsmore, Geo. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Geo. M. Smith, as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson Ditch Company, a corporation; A. J. Nielson, B. R. Meek, Henry McCuen, C. S. Burton and Eli Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; The Riverdale Irrigating Company, Nielson-Meek Company and West Cache Irrigation Company, corporations; E. P. Johnson, Albert Johnson, Hyrum Johnson, Geo. D. Anderson, Joseph T. Pond, Frank W. Harris, A. C. Bosen, Hyrum J. Smith, John E. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David P. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, James Monroe (or Munro), Nellie Simmons, John Baird, William Monroe (or Munro), Orrin Monroe (or Munro), Charles Monroe (or Munro), Charles Foster, Hyrum Foster, Mary Baird, John Woodall (or J. D. Woodall), George Ellis, Skinner Irrigation Company, a corporation; Heber Crane, Fred Bartschi, Charles Bartschi, David Chugg, Phillip Chugg, Fred Stauffer, William Williams, Sr. (or William Morgan Williams), William Williams, Jr. (or William Mormon Williams), Oliver Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas Freeman.

MICROFILMED
SEP 24 1987

February 09, 1987

RECEIVED

FEB 10 1987

Department of Water Resources
Eastern District Office

Mr. A. Kenneth Dunn
Director
State of Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Dunn,

With regard to Notice of Proposed Change of Water
Right No. 11-0834, Legal No. 2919-53L- published February
05, 1987 in the Preston Citizen, Preston, Idaho:

I hereby file notice of formal protest on the above
referenced "Change of Water Right" for the following
reasons:

1. Said "Change" will in fact change the source
of the water to be used for the irrigation
of the listed lands from Mink Creek to Dry
Creek.
2. It is my concern that the proposed change
will have an adverse impact on Applications
for permit Numbers 13-7436 and 13-7437.
Since these applications for permit (No.
13-7436, 13-7437) which were filed on the
eighth day of August, 1986, were filed earlier
than the present "Proposed Change", I
respectfully request that the the "Proposed
Change" numbered 11-0834 be denied.

Should anyone wish to contact me with regard to the
above protest, I can be reached at the Preston, Idaho telephone
number listed below.

Most Sincerely,


Robert N. Fackrell

MICROFILMED

RNF/sg

SEP 24 1987

FACKRELL CONSTRUCTION CO., INC.



P. O. Box #1 • Preston, Idaho 83263 • (208) 852-1320
P. O. Box 345 • Richmond, Utah 84333 • (801) 723-2177

#875 FEB 19 1987

No 2919

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

MAR 4 1987
Department of Water Resources
Eastern District Office

J. Warren Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Feb. 5, 1987, and ending

with the issue of Feb. 12, 1987...

[Signature]

Fee \$ 46.35

Subscribed and sworn to before me this 13th day

of Feb, 1987.

[Signature]

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1992

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 11-0834

Notice is hereby given that Mink Creek Irrigation Co., District No. 1, Preston, Idaho, has applied to the Department of Water Resources for a change in the point of Diversion and place of use of water from Mink Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0834 decreed to Mink Creek Irrigation Company, Number One, in case of Utah Power and Light vs. Last Chance Canal Company dated 7/14/1920 in Eastern Division District Court, and is recorded as follows:

AMOUNT:
10.5 cfs (10.5 cfs 4/20 to 7/25)
(7.0 cfs 7/25 to 9/1)
(5.25 cfs 9/1 to 9/30)

PRIORITY: May 1, 1882
POINT OF DIVERSION: SE $\frac{1}{4}$, Sec. 28, T. 13S, R. 41E, B.M., Franklin County
The water is used to irrigate 525 acres within Sec. 28, 32, 33, T. 13S, R. 41E; Sec. 5, 6, T. 14S, R. 41E; Sec. 7, 12, T. 14S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS
The water will be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28 (Mink Creek), SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33 (Dry Creek), T. 13S, R. 41E, B.M., Franklin County for the irrigation of 525 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 33, T. 13S, R. 41E, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 14S, R. 41E, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 12, T. 14S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 before February 23, 1987

A. KENNETH DUNN
Director

Legal No. 2919 -53L- Pubish Feb.

MICROFILMED

SEP 24 1987

**PROPOSED CHANGE
OF WATER RIGHT
NO. 11-0834**

Notice is hereby given that Mink Creek Irrigation Co., District #1, Preston, Idaho, has applied to the Department of Water Resources for a change in the point of Diversion and place of use of water from Mink Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0834 decreed to Mink Creek Irrigation Company, Number One, in case of Utah Power & Light vs Last Chance Canal Company dated 7/14/1920 in Eastern Division District Court, and is recorded as follows:

AMOUNT: 10.5 cfs
(10.5 cfs 4/20 to 7/25)
(7.0 cfs 7/25 to 9/1)
(5.25 cfs 9/1 to 1/30)

PRIOR TO 1882.

POINT OF DIVERSION:

SE 1/4, Sec. 28, T.

13S, R. 41E, B.M.,

Franklin County

The water is used to irrigate 525 acres within Sec. 28, 32, 33, T. 13S, R. 41E, Sec. 5, 6, T. 14S, R. 41E, Sec. 7, 12, T. 14S, R. 40E, B.M.

**TO BE CHANGED
AS FOLLOWS**

The water will be diverted within the SW 1/4 SE 1/4 Sec. 28 (Mink Creek), SW 1/4 NW 1/4 NE 1/4, Sec. 33 (Dry Creek), T. 13S, R. 41E, B.M., Franklin County for the irrigation of 525 acres within the SE 1/4 SW 1/4, S 1/2 SE 1/4, Sec. 31, S E 1/4 N E 1/4, SW 1/4 N 1/2 SE 1/4, Sec. 32,

NE 1/4 NW 1/4, S 1/2 NW 1/4, Sec. 33, T. 13S, R. 41E, NW 1/4 NW 1/4, Sec. 5, N 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2 SW 1/4 SE 1/4 Sec. 6, N W 1/4 N E 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 7, T. 14S, R. 41E, NE 1/4 SE 1/4, S 1/2 SE 1/4, Sec. 1, N 1/2 NE 1/4, Sec. 12, T. 14S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before February 23, 1987.

A. KEN DUNN, Director.
PUBLISH: Thursday,
February 5 and 12, 1987.

Affidavit of Publication

No 17112

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

Balinder J. Capps

being first duly sworn upon

oath, depose and say that I am *Christina Clark* of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for *Seven*

consecutive *Weeks*, commencing with the issue dated *February 5*, 1987, and ending with the issue dated *February 12*, 1987.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Balinder J. Capps

Subscribed and sworn to before me on this *10th* day of *February*, 1987.

Kianan Kruze

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 021287

INVOICE No. L00098368

Account No. 44660

Description 98368NOTIC

Times 2 Lines 56

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

RECEIVED

FEB 20 1987

Department of Water Resources

Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

\$ 49.00

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

J. L. Blackwell

Legal Clerk

, being duly sworn,

deposes and says, I am the
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 020587

WEEK for 2 consecutive WEEKS, or once a

publication thereof being on the 020587, and the last pub-
lication thereof being on the 021287, and said

NOTICE OF PROPOSED

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

J. L. Blackwell

MICROFILMED

SEP 24 1987

SUBSCRIBED AND SWORN BEFORE ME THIS THE 18
day of February 1987

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 11-0834

Notice is hereby given that Mink
Creek Irrigation Co., District #1,
Preston, Idaho, has applied to the
Department of Water Resources for
a change in the point of Diversion
and place of use of water from Mink
Creek tributary to Bear River. The
right sought to be changed is evi-
denced by Decree No. 11-0834 de-
creed to Mink Creek Irrigation Com-
pany; Number One, in case of Utah
Power & Light vs. Last Chance Canal
Company dated 7/14/1920 in Eastern
Division District Court, and is re-
corded as follows:

AMOUNT: 10.5 cfs (10.5 cfs 4/20
to 7/25)

(7.0 cfs 7/25 to 9/1)

(5.25 cfs 9/1 to 9/30)

PRIORITY: May 1, 1882

POINT OF DIVERSION: SE1/4,
Sec. 28, T. 13S, R. 41E, B.M.,
Franklin County

The water is used to irrigate 525
acres within the Sec. 28, 32, 33, T.
13S, R. 41E; Sec. 5, 6, T. 14S, R. 41E;
Sec. 7, 12, T. 14S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the
SW1/4SE1/4 Sec. 28 (Mink Creek),
SW1/4NW1/4NE1/4 Sec. 33 (Dry
Creek), T. 13S, R. 41E, B.M., Frank-
lin County for the irrigation of 525
acres within the SE1/4SW1/4,
S1/2SE1/4, Sec. 31, SE1/4NE1/4,
SW1/4, NE1/2SE1/4, Sec. 32,
NE1/4NW1/4, S1/2NW1/4, Sec. 33, T.
13S, R. 41E, NW1/4NW1/4, Sec. 5,
N1/2NE1/4, SW1/4NE1/4, W1/2,
SW1/4SE1/4, Sec. 6, NW1/4NE1/4,
N1/2NW1/4, SW1/4NW1/4, Sec. 7, T.
14S, R. 41E, NE1/4SE1/4, S1/2SE1/4,
Sec. 1, NE1/4, Sec. 12, T. 14S, R.
40E, B.M.

Any protest against approval of the
above proposed change of water
right must be filed with the Idaho
Department of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls,
Idaho 83402 on or before February
23, 1987.

A. Kenneth Dunn
Director

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

54.09

Account Name ID Water Resources, Eastern Region			Account Number #100564		
Address 150 Shoup, Suite 15		City/State Idaho Falls, ID		Zip 83402	
Ordered By Michele Davis	P.O. Number	Rate nt	Run Dates 1987 Feb. 5, 12		
Identification Change of Water Right: No. 11-0834			Estimated Inches		Real Inches
1 Number of Affidavits Requested					Legal Number #4386

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 11-0834

Notice is hereby given that Mink Creek Irrigation Co., District #1, Preston, Idaho, has applied to the Department of Water Resources for a change in the point of Diversion and place of use of water from Mink Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0834, decreed to Mink Creek Irrigation Company, Number One, in case of Utah Power & Light —vs— Last Chance Canal Company, dated 7/14/1920 in Eastern Division District Court, and is recorded as follows:

Amount: 10.5 CFS
(10.5 CFS 4/20 to 7/25)
(7.0 CFS 7/25 to 9/01)
(5.25 CFS 9/01 to 9/30)

Priority: May 1, 1882

Point of Diversion: SE $\frac{1}{4}$, Sec. 28,
T 13S, R 41E, BM, Franklin
County

The water is used to irrigate 525 acres within Sec. 28, 32, 33, T 13S, R 41E; Sec. 5, 6, T 14S, R 41E; Sec. 7, 12, T 14S, R 40E, BM.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28 (Mink Creek), SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33 (Dry Creek), T 13S, R 41E, BM, Franklin County, the irrigation of 525 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 33, T 13S, R 41E, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T 14S, R 41E, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 12, T 14S, R 40E, BM.

Any protest against approval of the above-proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402, on or before February 23, 1987.

A. KENNETH DUNN
Director

Pub. Feb. 5, 12, 1987

4386

RECEIVED
FEB 13 1987

STATE OF IDAHO)

) SS.

COUNTY OF ADA)

Department of Water Resources
Eastern Division Office

Deborah Gregory

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2)

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of February 5, 1987

and ending with the issue of February 12, 19 87

Subscribed and sworn to before me this 12th

day of February, 19 87

Connie Blackburn 8/92
Notary Public for Idaho, Residing at Boise, Idaho



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 10, 1987

RE: Transfer of Water Right No. 11-0834

Mink Creek Irrigation Co., Dist. #1
c/o Mark A. Anderson
Rt. 2, Box 508
Preston, ID 83263

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3300). Be sure to note any conditions of approval as listed on the last page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 24 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Joe McConnell

1. Right number 11-0834 Applicant MINICUPPA DIST #1

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ ^{SPECIFY?} Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? #11

FINAL PROCESSING REVIEW BY: Ernest Carlson

1. Watermaster recommendation requested on 7-15-87 Received on 7-24-87
2-4-87

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny ROI, ROY (BEAR RIVER #11)

3. Conditions* Subject to watermaster Control w/o 13N
Lockable headgates and measuring devices at
each point of diversion

4. By RDC Date 7/31/87
8-20-87

* All uses within Watermaster Districts require special conditions.

Copy to Robert 22-87

Department of Water Resources

MICROFILMED

SEP 24 1987

RECEIVED

AUG 05 1987

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. ~~13N~~(462) 11-0834

WATER DISTRICT 13N

WATERMASTER Dean C. Smith

DATE: 7-20-87

COMMENTS: The intent of this application is to establish
the right to divert water from either Dry Creek ^{when available,}
Mink Creek as has been done since 7-14-1920 and
will not ^{change} the manner in which this water has
always been diverted.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

MICROFILMED

SEP 24 1987

Dean C. Smith
Watermaster

RECEIVED

JUL 22 1987

Department of Water Resources
Eastern District Office

July 15, 1987

RE: Application for Transfer No. 11-0834

Mr. Dean Smith, Watermaster
Water District 13-N
Rt. 2, Box 433
Preston, ID 83263

Dear Mr. Smith:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office by July 27, 1987.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CH

Enclosure

MICROFILMED

SEP 24 1987

June 1, 1987

RE: Application for Transfer No. 11-0834

Mink Creek Irrigation Company, District #1
c/o Mark A. Anderson
Rt. 2, Box 508
Preston, ID 83263

Dear Mr. Anderson:

This letter is to inform you that Robert N. Fackrell has withdrawn his protest against the above referenced application. The Department has now resumed processing of your application.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

MICROFILMED

SEP 24 1987

June 1, 1987

RE: Application for Transfer No. 11-0B34 MINK CREEK IRRIGATION
DISTRICT NO. 1

Mr. Robert N. Fackrell
P.O. Box 1
Preston, ID 83263

Dear Mr. Fackrell:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced application. The Department has now resumed processing of the application.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

MICROFILMED

SEP 24 1987

May 8, 1987

RECEIVED
MAY 11 1987
Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson
Eastern Regional Manager
State Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

RE: Protest filed on transfer #11-0834 in the name
of Mink Creek Irrigation Company District #1

Dear Mr. Carlson:

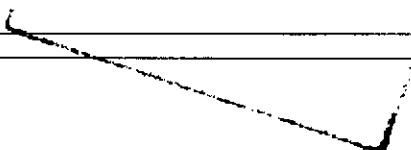
After closer examination of the impact that the above referenced
transfer would have on my proposed projects, I hereby withdraw my
protest.

Sincerely,


Robert N. Fackrell

RNF/sg

MICROFILMED
SEP 24 1987


FACKRELL CONSTRUCTION CO., INC.



P. O. Box #1 • Preston, Idaho 83263 • (208) 852-1320
237 S. 800 E. • River Heights, Utah 84321 • (801) 752-7000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)

TRANSFER NO. 11-0834 IN THE NAME OF)

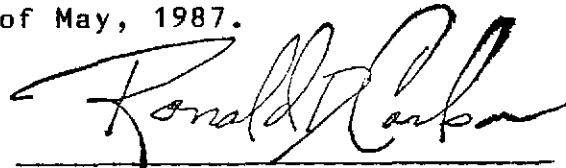
MINK CREEK IRRIGATION, DISTRICT 1)

NOTICE OF

CANCELLATION

Notice is hereby given that the Department of Water Resources has cancelled the hearing concerning the above referenced application scheduled for Wednesday, May 13, 1987, at 10:00 a.m.

Dated this 8th day of May, 1987.



RONALD D. CARLSON

Eastern Regional Manager

MICROFILMED
SEP 24 1987

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MICROFILMED

SEP 24 1987



PENALTY FOR PRIVATE USE \$300

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOOK AVE. #15

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

RETURN

RECEIVED

APR 21 1987

Department of Water Resources
Eastern District Office

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
 2. ☐ Restricted Delivery.

3. Article Addressed to:

*Mark Ch. Grij-
 c/o Mark Anderson
 Rt 2 Box 508
 Pleeton, Ga 33263*

4. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

018

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X

Rachy Anderson

6. Signature of Agent

X

7. Date of Delivery

4-20-77

8. Addressee's Address (ONLY if requested and fee paid)

7-11-0834

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MICROFILM

SEP 24 1987



DEPARTMENT OF WATER RESOURCES
PERMIT NO. G-100
USE \$300

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83401

RETURN

RECEIVED

APR 21 1987

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

Department of Water Resources
Eastern District Office

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

Robert Jackson
P.O. Box 1
Preston, ID. 83263

4. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

019

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

Richard Jackson

6. Signature - Agent

X

7. Date of Delivery

4-20-87

8. Addressee's Address (ONLY if requested and fee paid)

711-0834

Line	Number of Article	IDAHO FALLS, IDAHO 83401 Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge (if Regs.)	Act. Value (if Regs.)	Insured Value	Due Sender if C.O.D.	R. Fee	S. D. Fee	S. H. Fee	Rate, Del. Fee, Remarks
1	0163	William Baker 3400 S. 2nd St. 3400 S. 2nd St. 3400 S. 2nd St.	32	75					70			17-7117
2	017	William Baker 3400 S. 2nd St. 3400 S. 2nd St. 3400 S. 2nd St.										17-7117
3	018	Mike C. King Rt 2 Box 508 Preator										17-0834
4	019	Robert Schuchel PO Box 1 Preator										17-0834
5	020	William Schuchel Box 187 Preator										17-0834
6	021	W. J. King 5205 20th Ave.										17-0834
7	022	Edward Schuchel, Box 187 Preator										17-0834
8	023	W. J. King 5205 20th Ave.										17-0834
9	024	W. J. King 5205 20th Ave.										17-0834
10	025	W. J. King 5205 20th Ave.										17-0834
11	026	W. J. King 5205 20th Ave.										17-0834
12	027	W. J. King 5205 20th Ave.										17-0834
13	028	W. J. King 5205 20th Ave.										17-0834
14	029	W. J. King 5205 20th Ave.										17-0834
15	030	W. J. King 5205 20th Ave.										17-0834
Total Number of Pieces Listed by Sender		14	Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.					

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 11-0834 IN THE NAME OF)
MINK CREEK IRRIGATION COMPANY,)
DISTRICT NO. 1)

NOTICE OF HEARING
&/OR CONFERENCE

On January 7, 1987, Mink Creek Irrigation Company, District No. 1, filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On February 10, 1987, the Department received a protest against approval of said application from Robert N. Fackrell.

The Department has set the matter of protest for hearing for 9:00 a.m., Wednesday, May 13, 1987, in the Ag Room, Franklin County Courthouse, Preston, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 14th day of April, 1987.


RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

SEP 24 1987

CONVERSATION MEMORANDUM

DATE March 10, 1987

FILE Transfer 11-0834

NAME OF PARTY Vern Keller

EMPLOYEE Ernest Carlsen *eme*

RE: Transfer Application No. 11-0834, Mink Creek Irrigation District No. 1

Mr. Keller is the president of Mink Creek Irrigation District No. 1.

He telephoned the office to explain why the district filed the above
application & to express his displeasure with Mr. Fackrell's action to protest the
application.

Mr. Keller explained that historically the canal would first divert
all available water from Dry Creek at the beginning of the irrigation
season. When flows from Dry Creek started to recede they would then
divert water from Mink Creek to obtain their full water right. This
co-mingling of water from the two creeks continues until Dry Creek
becomes dry. Then the entire water right is diverted from Mink Creek.

Based on actual practice as represented by Mr. Keller the application
does not constitute a change. But rather makes their method of operation
a matter of record.

MICROFILMED

SEP 24 1987

March 5, 1987

RE: Application for Transfer No. 11-0834 MINK CREEK IRRIGATION COMPANY
DISTRICT 1

Mr. Robert N. Fackrell
P.O. Box 1
Preston, ID 83263

Dear Mr. Fackrell:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED

SEP 24 1987

xxxxxxxxxx Cecil Andrus

March 5, 1987

RE: Application for Transfer No. 11-0834

Mark A. Anderson
Mink Creek Irrigation Company, District 1
Rt. 2, Box 508
Preston, ID 83263

Dear Mr. Anderson:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

MICROFILMED

SEP 24 1987

February 26, 1987

The Preston Citizen
P.O. Box 472
Preston, Idaho 83263

Re: Application No. 11-0834, Mink Creek Irrigation Co.,
District No. 1

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on February 5, and February 12, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Michele Davis
Office Secretary

MICROFILMED

SEP 24 1987

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 11-0834

RECEIVED

FEB 11 1987

Department of Water Resources
Eastern District Office

WATER DISTRICT 11

WATERMASTER Pete Peterson

DATE: 2/10/87

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

MICROFILMED

SEP 24 1987

Pete Peterson
Watermaster



February 4, 1987

RE: Application for Transfer No. 11-0834 MINK CREEK IRRIGATION CO.
DISTRICT 1

Mr. Pete Peterson, Watermaster
Water District No. 11
Rt. 2, Box 657
Preston, ID 83263

Dear Mr. Peterson:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before February 23, 1987.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

MICROFILMED

SEP 24 1987

February 3, 1987

Mink Creek Irrigation Co., District #1
c/o Mark A. Anderson
Rt. 2, Box 508
Preston, Idaho 83263

RE: Transfer Application no. 11-0270

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your Transfer application. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application in the Preston Citizen, Lewiston Tribune, Times News & Idaho Statesman. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find receipt no. 39992 for the amount of \$50.00.

Please feel free to contact his office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/md Enclosure

MICROFILMED

SEP 24 1987

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 21, 1987

Lewiston Morning Tribune
505 "C" Street
Lewiston, Idaho 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before FEBRUARY 23, 1987.

Very truly,

Michele Davis
Office Secretary

Encl. Idaho Falls, Idaho, 83402 on or before February 13, 1987.

Ken Clark

Director

Published February 3 and 10, 1987

SEP 24 1987

App. Rec'd

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 21, 1987

The Idaho Statesman
P. O. Box 40
Boise, Idaho 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 23, 1987.

Yours truly,

Michele Davis

Office Secretary

Encl.

MICROFILMED

SEP 24 1987

Published February 9 and 16, 1987

Off. Rec'd

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 21, 1987

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 23, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

MICROFILMED

SEP 24 1987

Director

3 and 12/22/87

Rec'd
File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 21, 1987

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 23, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

MICROFILMED

SEP 24 1987

abls rec'd

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 11-0834

Notice is hereby given that Mink Creek Irrigation Co., District #1, Preston, Idaho, has applied to the Department of Water Resources for a change in the point of Diversion and place of use of water from Mink Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0834 decreed to Mink Creek Irrigation Company, Number One, in case of Utah Power & Light vs Last Chance Canal Company dated 7/14/1920 in Eastern Division District Court, and is recorded as follows:

AMOUNT: 10.5 cfs (10.5 cfs 4/20 to 7/25)
(7.0 cfs 7/25 to 9/1)
(5.25 cfs 9/1 to 9/30)

PRIORITY: May 1, 1882

POINT OF DIVERSION: SE1/4, Sec. 28, T. 13S, R. 41E,
B.M., Butte ^{FRANKLIN} County

The water is used to irrigate 525 acres within the Sec. 28, 32, 33, T. 13S, R. 41E; Sec. 5, 6, T 14S, R. 41E; Sec. 7, 12, T. 14S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW1/4SE1/4, Sec. 28 (Mink Creek), SW1/4NW1/4NE1/4, Sec. 33 (Dry Creek), T. 13S, R. 41E, B.M., Franklin County for the irrigation of 525 acres within the SE1/4SW1/4, S1/2SE1/4, Sec. 31, SE1/4NE1/4, SW1/4, N1/2SE1/4, Sec. 32, NE1/4NW1/4, S1/2NW1/4, Sec. 33, T. 13S, R. 41E, NW1/4NW1/4, Sec. 5, N1/2NE1/4, SW1/4NE1/4, W1/2, SW1/4SE1/4 Sec. 6, NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4, Sec. 7

MICROFILMED

SEP 24 1967

NOTICE OF
PROPOSED CHANGE
OF WATER RIGHT

NO. 11-0834

Notice is hereby given
that Mink Creek Irriga-
tion Co., District #1,
Preston, Idaho, has ap-
plied to the Department
of Water Resources for
a change in the point of
diversion and place of
use of water from Mink
Creek tributary to Bear
River. The right sought
is to be changed is
evidenced by Decree
No. 11-0834 decreed to
Mink Creek Irrigation
Company, Number One,
in case of Utah Power &
Light vs Last Chance
Canal Company dated
7/14/1920 in Eastern
Division District Court,
and is recorded as
follows:

AMOUNT: 10.5 cfs
(10.5 cfs 4/20 to 7/
25) (7.0 cfs 7/25
to 9/1) (5.25 cfs
9/1 to 9/30)
PRIORITY: May 1,
1882.

POINT OF DIVERSION:
SE 1/4, Sec. 28, T.
13S, R. 41E, B.M.

The water is used to
irrigate 525 acres within
Butte County

13S, R. 41E, Sec. 5, 6, T.
13S, R. 41E, Sec. 7, T.
14S, R. 41E, Sec. 7,
14S, R. 41E, Sec. 7,
12, T. 14S, R. 40E, B.M.

TO BE CHANGED
AS FOLLOWS

The water will be
diverted within the
SW 1/4 SE 1/4 Sec. 28 (Mink
Creek), SW 1/4 NW 1/4 NE 1/4,
Sec. 33 (Dry Creek), T.
13S, R. 41E, B.M.,
Franklin County for the
irrigation of 525 acres
within the SE 1/4 SW 1/4,
14

MICROFILMED

SEP 24 1981

T. 14S, R. 41E, NE1/4SE1/4, S1/2SE1/4, Sec. 1, N1/2NE1/4,
Sec. 12, T. 14S, R. 40E, B.M.

Any protest against approval of the above proposed change of
water right must be filed with the Idaho Department of Water
Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402
on or before February 23, 1987.

A. Kenneth Dunn

Director

Published February 5 & 12, 1987

MICROFILMED

SEP 24 1987

Protest
1-30-87