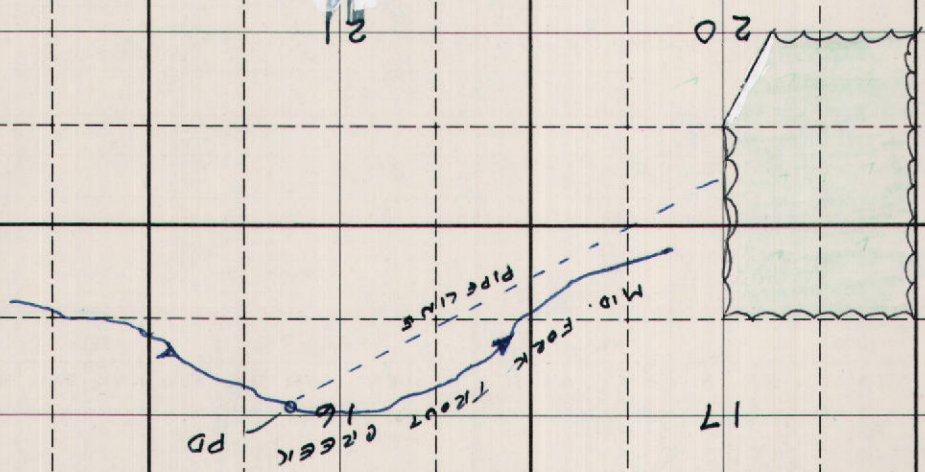


SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.



## CONSERVATION PLAN MAP

*Prepared by* UNITED STATES DEPARTMENT OF AGRICULTURE ★ SOIL CONSERVATION SERVICE  
cooperating with

Portneuf  
S. C. DISTRICT

WINNER Marvin Prescott

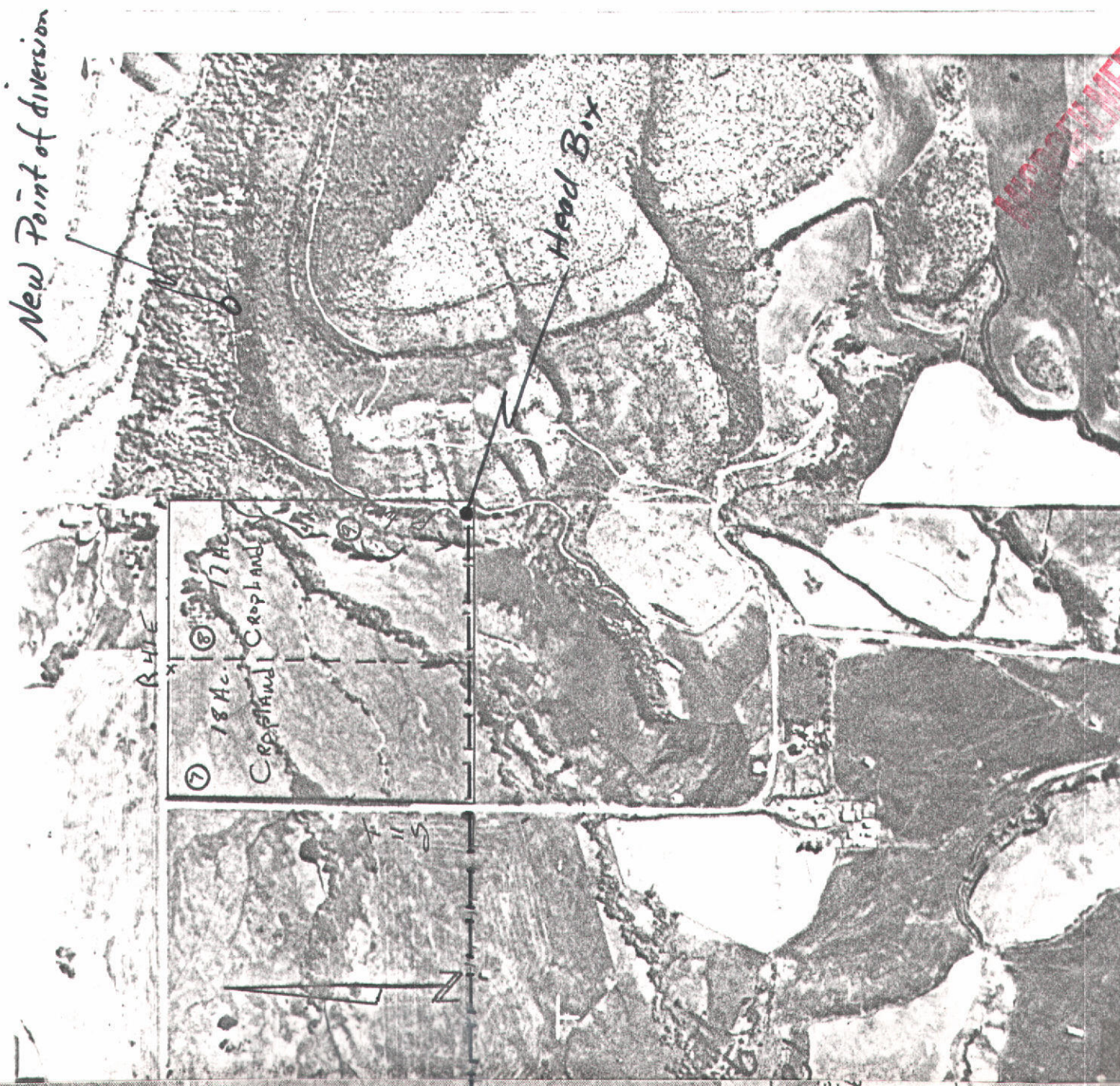
ERATOR Same

FARM NO. . DATE 3-67

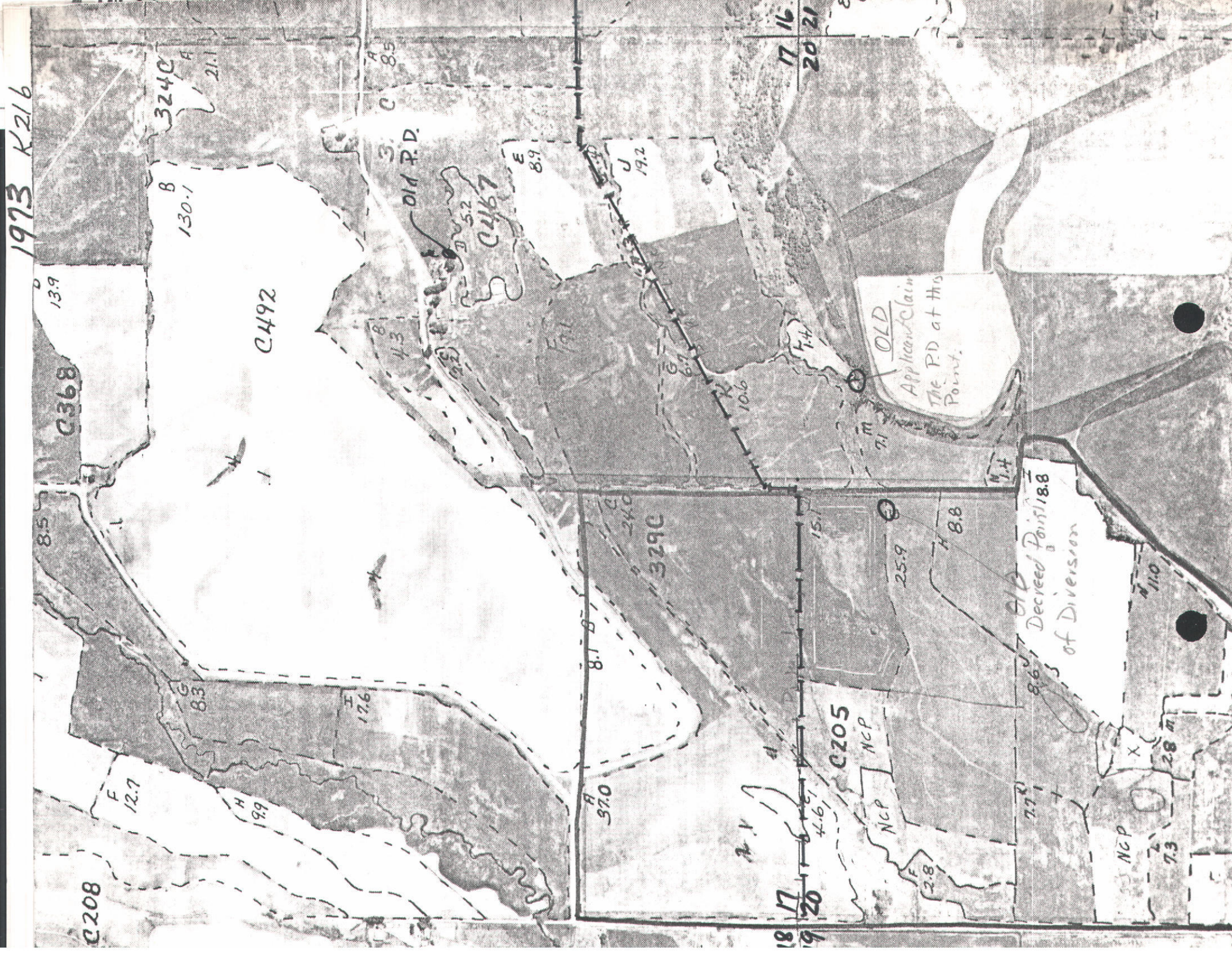
SCALE 8" = 1 mi. ACRES 200

PHOTO No.

169th STATE



02881-2



APPROVED

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

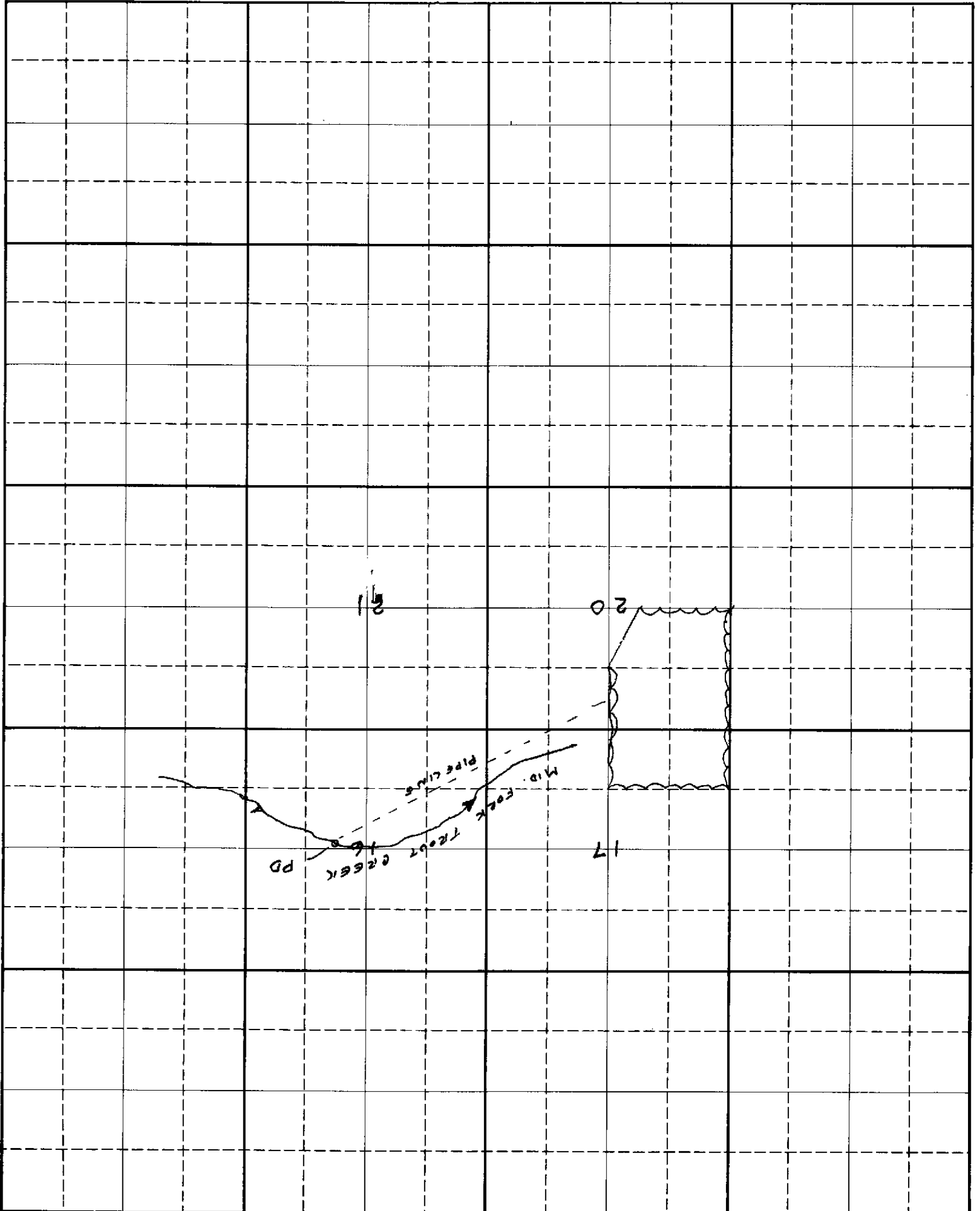
APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder J. Marvin Prescott  
Post office address Grace, Idaho
2. Right obtained by:  
Don H. Bassett (11-0702)  
a. Decree to John Meacham (11-0700) in Case of Utah Power & Light  
(Name)  
vs. Last Chance Canal, Dated 7-14-1920 in U.S. District Court of Idaho  
(Name of Court)  
Court. ~~County~~ Eastern Division
- b. License No. \_\_\_\_\_ issued by the State of Idaho, Department of Reclamation.
3. Source of water (Middle Fork) Trout Creek tributary to Bear River  
(Name of stream or source) 11-0700 - 2.7 cfs - 5/1/1871
4. Date of Priority \_\_\_\_\_ 11-0702 - 1.0 cfs - 5/1/1878
5. Amount of water a. 3.7 c.f.s. and/or  
b. \_\_\_\_\_ acre feet/annum
6. Water is used for Irrigation from April 20 to November 1  
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 17,  
Township 11S, Range 41E, B.M., in Caribou County;  
Additional points of diversion, if any NW  $\frac{1}{4}$ , Sec. 20, T. 11S, R. 41E, B.M.
8. Lands presently irrigated or 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 $\frac{1}{4}$ |        |
| 11-0700 |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| 11S     | 41E   | 17   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | X                | X                |                  |                  |                  |                  |        |
| "       | "     | 20   |                  |                  |                  |                  | X                | X                |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|         |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | TOTAL            |                  | 135    |
| 11-0702 |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| 11S     | 41E   | 20   |                  |                  | X                |                  |                  |                  | X                | X                |                  |                  |                  |                  |                  |                  |                  |                  | 50     |
|         |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|         |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|         |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|         |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres presently irrigated 185

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.



9. If applicant was not the original holder of this right explain how it was acquired: \_\_\_\_\_  
Through purchase of land to which right was appurtenant.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 3.7 c.f.s. and/or \_\_\_\_\_ acre feet
- b. New point of diversion: NW 1/4 SE 1/4, Section 16, Township 11S  
41E, Range \_\_\_\_\_, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: \_\_\_\_\_  
Divert water into ditch then into concrete box located within the NE 1/4 SW 1/4,  
Sec. 16; which is the intake for a gravity sprinkler system
- d. Is water to be conveyed to the lands previously irrigated? Yes \_\_\_\_\_ No X.  
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:  
The gravity system indicated here was installed in 1967 and water diverted  
from the point of diversion in the NW 1/4 SE 1/4, Sec. 16 since that time. The  
transfer is filed to get the change in point of diversion officially recorded.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

| 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 |        |
| 11S  | 41E   | 17   |        |        |        |        |        |        |        |        |        |        | X      | X      |        |        |        |        |        |
| "    | "     | 20   |        |        |        |        | X      | X      |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        | Total  |        | 135    |
| "    | "     | 20   |        |        |        |        | X      |        | X      | X      |        |        |        |        |        |        |        |        | 50     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

b. Do you intend to make the transfer permanent? \_\_\_\_\_  
Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans: \_\_\_\_\_

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: \_\_\_\_\_  
None

e. Indicate on the above plat the new land to be irrigated and the point of diversion. \_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such transfer and that the change will be made at my own

risk. The information contained in this application is true to the best of my knowledge.

J. Marvin Prescott  
(signature of applicant)

Subscribed and sworn to before me this 10<sup>th</sup> day of APRIL, 1975

[Signature]  
(notary public)

My commission expires 2/14/78

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0700/11-0702,  
and said application is hereby **APPROVED**

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

Witness my hand this 6 day of June, 1975

[Signature]  
R. KEITH HIGGINSON, Director  
Idaho Department of Water Resources

**FOR DEPARTMENT USE ONLY**

Received by MB Date 4-10-75 Prelim. check by SPC Date 4/10/75

Fee received by MB Date 4-10-75 Fee \$ 30<sup>00</sup>

Approved for publication by MB 5-19-75 # 4142

Published in Water Rights Dates 5-14-75

Hearing held \_\_\_\_\_

Watermaster Recommendation sent Abstract Inactive

1973 K216

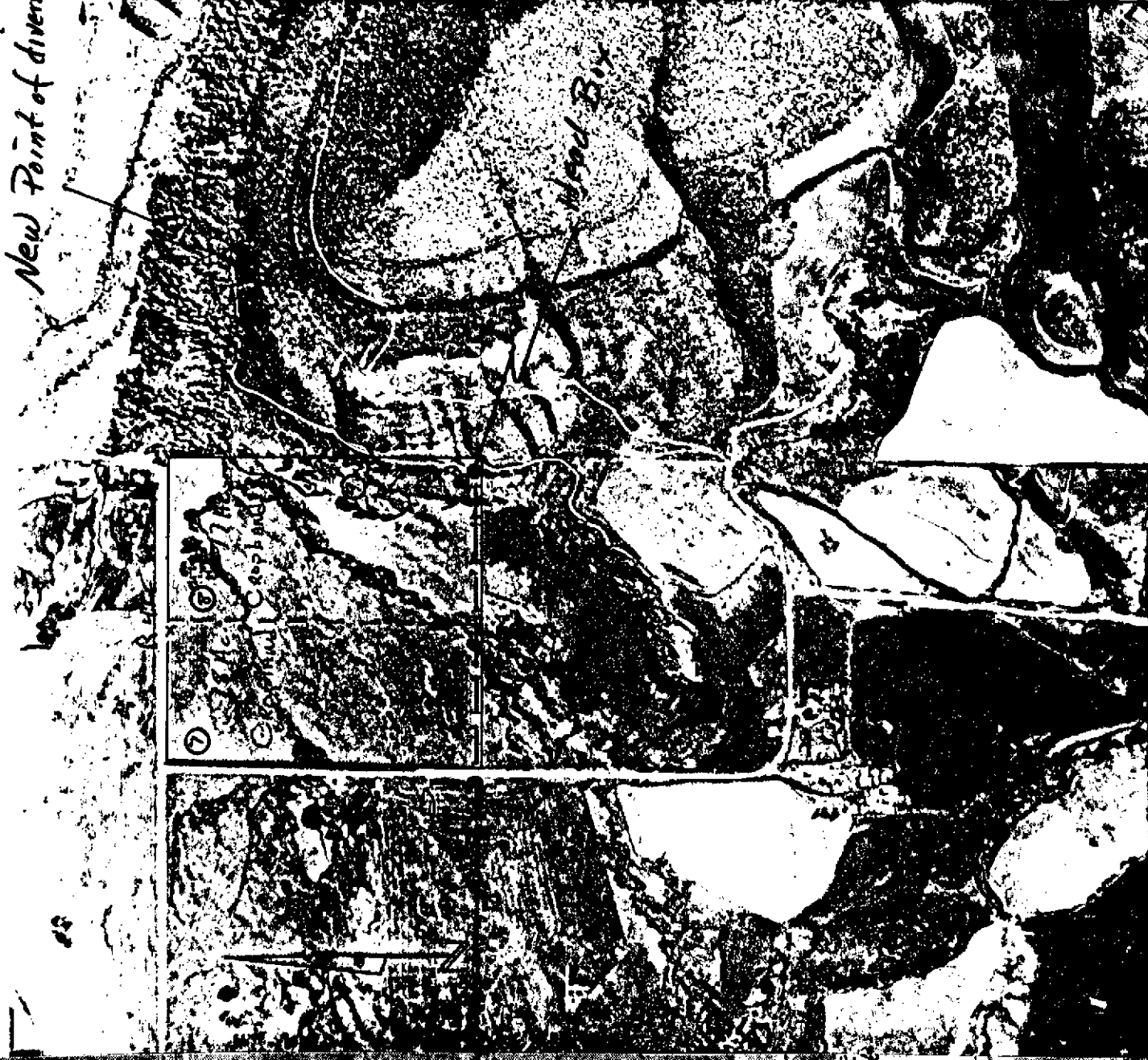


CONSERVATION PLAN MAP  
Prepared by UNITED STATES DEPARTMENT OF AGRICULTURE \* SOIL CONSERVATION SERVICE  
cooperating with  
PORTNEUF DISTRICT

OWNER: MARVIN Paescott  
OPERATOR: Same  
COUNTY: CARIBOU  
STATE: IDAHO

FARM NO.: DATE 3-67  
SCALE: 1" = 1 mi. ACRES 200  
PHOTO NO.: 1A-120

New Point of Diversion



02881-2

# Affidavit of Publication

County of Caribou } ss.  
State of Idaho }

V.E. Lansberry

being first duly sworn on his  
oath, states:

That he is Publisher  
of the Caribou County Sun, a  
newspaper of general circula-  
tion in Caribou County, Idaho,  
published weekly at Soda  
Springs in said County, that said  
newspaper has been pub-  
lished in said County uninter-  
ruptedly and continuously for  
over seventy-eight consecutive  
weeks, prior to the first publi-  
cation of the annexed notice or  
advertisement;

That the annexed notice was  
published as per clipping at-  
tached in the regular and entire  
edition of said newspaper and  
not in any supplement thereof

for 2 successive weekly  
issues thereof, the date of the  
first publication being the

8th day of

May, 1975

The date of the last publication

being the 15th day of

May, 1975

Subscribed and sworn to be-

fore me this 16th day

of May, 1975

Elaine S. Johnson  
Notary Public, residing  
at Soda Springs, Idaho  
(SEAL)

My Commission expires the

1st day of November

1978

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 11-0700 / 11-0702

Notice is hereby given that  
J. Marvin Prescott, Grace, Idaho,  
has applied to the Department  
of Water Resources for a change  
in the point ~~of diversion~~ and  
place of use of the waters of  
(Middle Fork) Trout Creek tri-  
butary to Bear River. The right  
sought to be changed is evi-  
denced by decree to Don H. Bas-  
sett (11-0702) and John Mea-  
cham (11-0700) in case of Utah  
Power & Light vs. Last Chance  
Canal, dated 7/14/1920 in U. S.  
District Court of Idaho, Eastern  
Division and is recorded as  
follows:

|         | Amount  | Priortiy |
|---------|---------|----------|
| 11-0700 | 2.7 cfs | 5/1/1871 |
| 11-0702 | 1.0 cfs | 5/1/1878 |

### DECREED POINT OF DI-

VERSION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 17  
NW $\frac{1}{4}$ , Sec. 20, T. 11S, R. 41E,  
B. M., Caribou County;

The water is used to irrigate  
185 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. -  
20, T. 11S, R. 41E, B.M.

### TO BE CHANGED AS FOLLOWS

The water will be diverted  
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 16,  
T. 11S, R. 41E, B.M. Caribou  
County; to be used to irrigate  
185 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
Sec. 17, NW $\frac{1}{4}$ , Sec. 20, T. 11S,  
R. 41E, B.M.

Any protests against approval  
of the above proposed change of  
water right must be filed with  
the Idaho Department of Water  
Resources, 1515 Lincoln Road,  
Idaho Falls, Idaho, 83401, on or  
before May 27, 1975.

R. KEITH HIGGINSON, JR.  
Director

Published in the Caribou  
County Sun, Soda Springs, Ida-  
ho, on May 8 and May 15, 1975

**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.

| DATE OF<br>PRIORITY                                                                                                                          | AMOUNT IN<br>SECOND FEET | POINT OF DIVERSION AND<br>PLACE OF USE                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Range 41 East. The following parties are entitled to divert through the said ditch with priorities and in the amounts hereinbelow set forth: |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 358. <i>Hyrum Swensen:</i><br>1871—May 1                                                                                                     | .3 c.f.s.                | For the irrigation of 15 acres of land hereinabove set forth under his diversion from North Fork of Trout Creek.                                                                                                                                                                                                                                                                                                                                                            |
| 359. <i>John Meacham:</i><br>1871—May 1                                                                                                      | 2.7 c.f.s.               | For the irrigation of 135 acres in the South half of the Southwest quarter of Section 17, the North half of the Northwest quarter of Section 20, said Township and Range. Said water may also be diverted through a ditch diverting from said Middle Fork in the Southwest quarter of the Southwest quarter of Section 16, and/or through a ditch diverting from said Middle Fork in the Northeast quarter of the Northwest quarter of Section 20, said Township and Range. |

The following parties are entitled to divert from said Middle Fork of Trout Creek through unnamed ditches with priorities and in the amounts hereinbelow set forth:

|                                             |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 360. <i>Nels L. Sorensen:</i><br>1887—May 1 | .8 c.f.s.  | To be diverted through a ditch having its intake in the Northwest quarter of Section 20, Township 11 South, Range 41 East, B.M., for the irrigation of 40 acres in the West half of the Northeast quarter of Section 30, and the Southwest quarter of the Southeast quarter of Section 19, said Township and Range.                                                                                                                                                                                                                                                                                                                            |
| 361. <i>Don H. Bassett:</i><br>1878—May 1   | 1.0 c.f.s. | To be diverted through a ditch diverting in the Northwest quarter of Section 20, said Township and Range, for the irrigation of 50 acres within the following described tract: Commencing at a point 19 rods East of the Northwest corner of the Southwest quarter of the Northeast quarter of Section 20, Township 11 South, Range 41 East, B.M., thence west 179 rods, thence South 62 rods and 3 feet; thence East 10 rods and 30 feet; thence South 18 rods and 30 feet; thence East 68 rods; thence South 30 feet; thence East 29 rods; thence in a Northeasterly direction about 86 rods to the place of beginning, containing 72 acres. |

June 9, 1978

Re: Transfer on Permit 11-0700/11-0702 ( J. Marvin Prescott)

J. Marvin Prescott  
Grace,  
Idaho 83241

Dear Mr. Prescott:

Enclosed is a copy of your approved Application for Transfer.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:rb

Enclosure

11-0700-001

May 2, 1975

RE: Application for Permit No. 29-7264 HANSEN  
Application for Transfer No. 11-0700/11-0702 PRESCOTT

Caribou County Sun  
P.O. Box S15  
Soda Springs, ID 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON  
District Engineer

Bill submitted 5-14-75 by Da

RDC:MB

Enc: Legal Notice (2)

*KD* **First Time  
Published**

**NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
No. 11-0700 / 11-0702**

Notice is hereby given that J. Marvin Prescott, Grace, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of (Middle Fork) Trout Creek tributary to Bear River. The right sought to be changed is evidenced by decree to Don H. Bassett (11-0702) and John Meacham (11-0700) in case of Utah Power & Light vs. Last Chance Canal, dated 7/14/1920 in U. S. District Court of Idaho, Eastern Division and is recorded as follows:

|         | Amount  | Priority |
|---------|---------|----------|
| 11-0700 | 2.7 cfs | 5/1/1871 |
| 11-0702 | 1.0 cfs | 5/1/1878 |

**DECREED POINT OF DIVERSION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 17 NW $\frac{1}{4}$ , Sec. 20, T. 11S, R. 41E, B.M., Caribou County;**

The water is used to irrigate 185 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 20, T. 11S, R. 41E, B.M.

**TO BE CHANGED  
AS FOLLOWS**

The water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 16, T. 11S, R. 41E, B.M. Caribou County; to be used to irrigate 185 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 17, NW $\frac{1}{4}$ , Sec. 20, T. 11S, R. 41E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May 27, 1975.

**R. KEITH HIGGINSON,  
Director**

Published in the Caribou County Sun, Soda Springs, Idaho, on May 8 and May 15, 1975.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 11-0700/11-0702

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|         | <u>AMOUNT</u> | <u>PRIORITY</u> |
|---------|---------------|-----------------|
| 11-0700 | 2.7 cfs       | 5/1/1871        |
| 11-0702 | 1.0 cfs       | 5/1/1878        |

DECREEED POINT OF DIVERSION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 17 NW $\frac{1}{4}$ , Sec. 20, T. 11S, R. 41E, B.M., Caribou County;

The water is used to irrigate 185 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 20, T. 11S, R. 41E, B.M.

TO BE CHANGED AS FOLLOWS

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R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho, on May 8 and May 15, 1975.

INTER-DEPARTMENT MEMO — 1

DATE April 29, 1975

FROM Colleen

TO E. J.

SUBJECT Transfer No. 11-0700/11-0702

Attached is a copy of the above referenced transfer. This transfer had several changes on the original copy you received, so do away with the first copy.

RECEIVED  
MAY 1 1975

---

SIGNATURE

## TRANSFER ANALYSIS SHEET

By Ken Howardew

1. Fee ✓2. Name and Signature ✓3. Source ✓

4. Right Being Transferred

a. Decree ✓License         Use         b. Location - Original P. D. ✓c. " - Original P. U. ✓d. " - New P. D. ✓e. " - New P. U. ✓5. Ownership of Original Right By purchase Prescott.

Comment George Bowles owns ~ 30 acres of the  
SW 1/4 NE 1/4, Sec. 20, 11 S 4 E. Prescott ~ 10 acres  
check made with Carbon County assessor. 160 %.

6. Expansion of Right? NoComment         

7. Watermaster's Comments District inactive. NOT  
Located in W.D. 13-Q, Basin 13

8. Comments Assessors office shows Prescott owns  
a corner of the SW 1/4 NE 1/4, Sec. 20. This corresponds with  
the legal description in the decree, 11-1. No consent for  
transfer is necessary from Mr. Bowles.

Prescott 11-0700  
11-0702

Copy  
20