

No Color
Documents
In File

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

APPROVED

Name of applicant EMMET COLLINS & PHILLIP YOUNG Phone 425-3737
Post office address Star Route Box 309 Grace, Idaho 83241

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Hyrum D. Collins Decree #343
in case of Utah Power & Light Company vs Last Chance Canal Co. et.al.
dated July 14, 1920 in U.S. District Court county of Bingham
(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. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

3. Source of water N. Fork Trout Creek tributary to Bear River

4. Date of priority 11-0674; 5/1/1879 11-0675; 5/1/1885

5. Water is used for the following purposes:

11-0674 amount 2.00 cfs. for Irrigation & Dom. purposes from Apr. 20 to Sept. 30
11-0675 amount 0.40 cfs. for Irrigation & Dom. purposes from Apr. 20 to Sept. 30
amount for purposes from to
(month/day - both dates inclusive)

6. Total amount of water under right: a. 2.40 cubic feet per second
11-0674 & 11-0675 &/or
b. acre feet per annum

7. Location of original point of diversion is Northside 1/4 of SW 1/4 of Section 3
Township 11S Range 41E, B.M., in Caribou County
Additional points of diversion, if any

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	41E	4														40	40	40	120

Total number of acres to be irrigated 120

9. Describe any other water rights used for the same purposes as described above None

MICROFILMED

120

3. 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.

R 41 E

/// Irrigated Lands
POU

IT 11 S

4

3

Irrigation PD into ditch

Domestic PD
into pipe line

Domestic
POL

Spring

10

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

4. Remarks HOME IN SW 1/4 OF SE 1/4 WILL HOOK ON TO DOMESTIC SYSTEM ALSO. APPLICANTS ACKNOWLEDGE THAT TOTAL CFS USED FOR DOMESTIC AND IRRIGATION SHALL NOT EXCEED 2.40 CFS.

I hereby assert that no one will be injured by such change and 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.

(Signature of applicant/s)

Subscribed and sworn to before me this 13 day of January, 1981.

(Notary public)

My commission expires 4/1/83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0674/0675

and said application is hereby approved, subject to the following limitations and conditions:

- (1) A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- (2) Use of water under this right is subject to control by the watermaster of State Water District No. 13P, Bear River. (3) The maximum rate of flow diverted for irrigation and domestic use under rights 11-0674/0675 shall not exceed 2.40 cfs.

Witness my hand this 16th day of March, 1981.

NORMAN C. YOUNG

Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by Date 1/14/81 Fee \$50.00

Prelim. check by Date 1/20/81 #16174

Received by Date 1/20/81

Published in Courier Co. Journal

Pub. dates 1/29 & 2/05/81

Watermaster recommendation requested on rec'd. Jan 28, 1981.

Recommended for

approval denial

Hearing held by Date

Copies of protest forwarded by

by G.M.C. Young Dkt

3. In addition to the storage rights of plaintiff, herein decreed, the waters of Bear River and its tributaries between the points hereinbefore described, as drawn within the jurisdiction of this court for distribution under this decree, are hereby allotted and decreed for the various beneficial uses herein specified, without waste, to the plaintiff and defendants, respectively, and their successors in title and interest, in the amounts, for the purposes, and with the priorities, established and prescribed by the "Schedule of Rights" hereinafter defined.

The rights herein decreed and recognized are designated and classified as "Power Rights," "Irrigation Rights" and "Domestic Rights," respectively, and shall have the following characteristics:

"Power Rights" include the right to divert and use water for the generation of electric power, and such rights of diversion and use are continuous throughout the year without limitation to time or season.

"Irrigation Rights" include the right to divert and use water for irrigation, culinary, domestic, and agricultural purposes connected therewith, throughout the irrigation season of each year, which is defined as that portion of each calendar year which commences on the 20th day of April and closes on the 30th day of September; subject to the qualification, however, that between the 20th and 30th days of April of each year, and the 15th and 30th days of September of each year, inclusive of each of said days, no irrigation appropriator shall divert or use more than 40 per cent of his or its allotment under the "Schedule of Rights" hereinafter prescribed, except as is hereinafter specifically provided in the "Schedule of Rights." The water allotted and decreed to the parties hereto for irrigation purposes is, and shall be, appurtenant to the land upon which the same has been applied and used, as described in the schedule; subject, however, to the rights of appropriators or shareholders in any appropriating canal company to change the place of diversion or use as provided by law when no damage or injury results to others, or to make any beneficial use of such waters, or any part thereof, which does not injure other appropriators.

"Domestic Rights" include the right to divert and use water during the non-irrigating season, that is to say, from the first day of October of each year to the 19th day of April following, both dates inclusive, under agricultural appropriations and through irrigation ditches, for general domestic uses, including watering stock and culinary purposes. Each irrigation right herein decreed shall include and imply as a part thereof a domestic right to the use, during the non-irrigating season, of such of the waters allotted for irrigation purposes as are necessary for such domestic purposes and such shall be the measure of said domestic rights, and the extent of use of water through irrigation canals in the non-irrigation season,

Affidavit of Publication

PUBLIC NOTICE

First Time
Published

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 11-0674 11-0675

Notice is hereby given that Emmet Collins and Phillip Young, Grace, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the North Fork of Trout Creek tributary of Bear River. The rights sought to be changed are evidenced by decree to Hyrum D. Collins in case of Utah Power and Light Company vs. Last Chance Canal Co., et al. dated July 14, 1920 in U.S. District Court, Bingham County and are recorded as follows:

11-0674 - Amount: 2.0 cfs.
Priority: May 1, 1879.

11-0675 - 0.40 cfs. Priority:
May 1, 1885.

Decreed Point of Diversion:
Northside of SW $\frac{1}{4}$, Sec. 3, Twp.
11S, Rge. 41E, Caribou County.

The water is used for the
irrigation of 120 acres from
April 20 to September 30 within
the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4,
Twp. 11S, Rge. 41E.

TO BE CHANGED AS FOLLOWS

The water will be diverted
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10,
Twp. 11S, Rge. 41E, Caribou
County to be used to irrigate 120
acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4; and for dom-
estic purposes within
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9: Twp. 11S,
Rge. 41E.

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.,
Idaho Falls, Idaho, 83401 on or
before February 16, 1981.

C. STEPHEN ALLRED
Director

Published in the Caribou
County Sun Jan. 29 and Feb. 5,
1981.

County of Caribou }
State of Idaho } ss.

Mark Steele

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 published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

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

29th day of
January, 1981

The date of the last publication
being the 5th day of
February, 1981

Subscribed and sworn to be-
fore me this 6th day
of February, 1981

Clayton Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1984

RECEIVED

FEB 19 1981

Department of Water Resources
Eastern District Office

March 17, 1981

Emmet Colline &
Phillip Young
Star Rt., Box 309
Grace, Idaho 83241

Dear Sirs,

RE: Transfer of Water Right No.'s 11-0674 & 11-0675

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2507). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr
Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 11-0674 + 75 Applicant Collins & Young

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

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ 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.

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

N/A. ☒ Check for expansion in use of right. Comments _____

N/A. ☒ 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 - Bear River

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 1/23 Received on Jan 28, 1981.

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* Cade. #01E, 05, (Bear River) use condition below *

* The total quantity of water diverted for irrigation & domestic use under rights
11-0674/0675
shall not exceed 2.40 cfs.

4. By Ernest Carlson. Date Feb 23, 1981.

3/5/81

* All uses within Watermaster Districts require special conditions.

MICROFILMED

RECEIVED

JAN 28 1981

Department of Water Resources
Eastern District Office

Identification No. _____

Transfer No. 11-0674 & 0675

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Caribou, State of Idaho,
whose address is 279 E 3 N Soda Springs, Idaho 83276,
have read the attached copy of the application for transfer of water right for
Emmet Collins & Phillip Young, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

NONE

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Soda Springs, Idaho, this 27th day of January, 19 81.

Russell D. Stoker
(Signature)

MICROFILMED

January 23, 1981

RE: Application for Transfer of Water Right Nos. 11-0674 and 11-0675

Emmet Collins and Phillip Young
Star Route, Box 309
Grace, ID 83241

Dear Sirs:

Attached herewith is Departmental Receipt No. 16174 in the amount of \$50.00 for the above referenced application.

Sincerely,

KAY WALKER
Secretary

KW:k
Enclosures

January 23, 1981

RE: Application for Transfer of Water Right Nos. 11-0675 and 11-0675

RusselddD. Stoker
379 E. 3rd North
Soda Springs, ID 83276

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before February 16, 1981.

Thank you for your cooperation in this matter.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

JANUARY 23, 1981

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

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 16, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 11-0674/11-0675

Notice is hereby given that Emmet Collins and Phillip Young, Grace, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the North Fork of Trout Creek tributary of Bear River. The rights sought to be changed are evidenced by decree to Hyrum D. Collins in case of Utah Power and Light Company vs. Last Chance Canal Co., et al. dated July 14, 1920 in U.S. District Court, Bingham County and are recorded as follows:

11-0674

Amount: 2.0 cfs

Priority: May 1, 1879

11-0675

Amount: 0.40 cfs

Priority: May 1, 1885

Decreed Point of Diversion: Northside of SW $\frac{1}{4}$, Sec. 3, Twp. 11S, Rge. 41E, Caribou County.

The water is used for the irrigation of 120 acres from April 20 to September 30 within the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 11S, Rge. 41E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 11S, Rge. 41E, Caribou County to be used to irrigate 120 acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4; and for domestic purposes within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9: Twp. 11S, Rge. 41E.

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., Idaho Falls, Idaho, 83401 on or before February 16, 1981.

C. STEPHEN ALLRED

Director

Published in the CARIBOU COUNTY SUN 1/29 and 2/05/81.

MICROFILMED