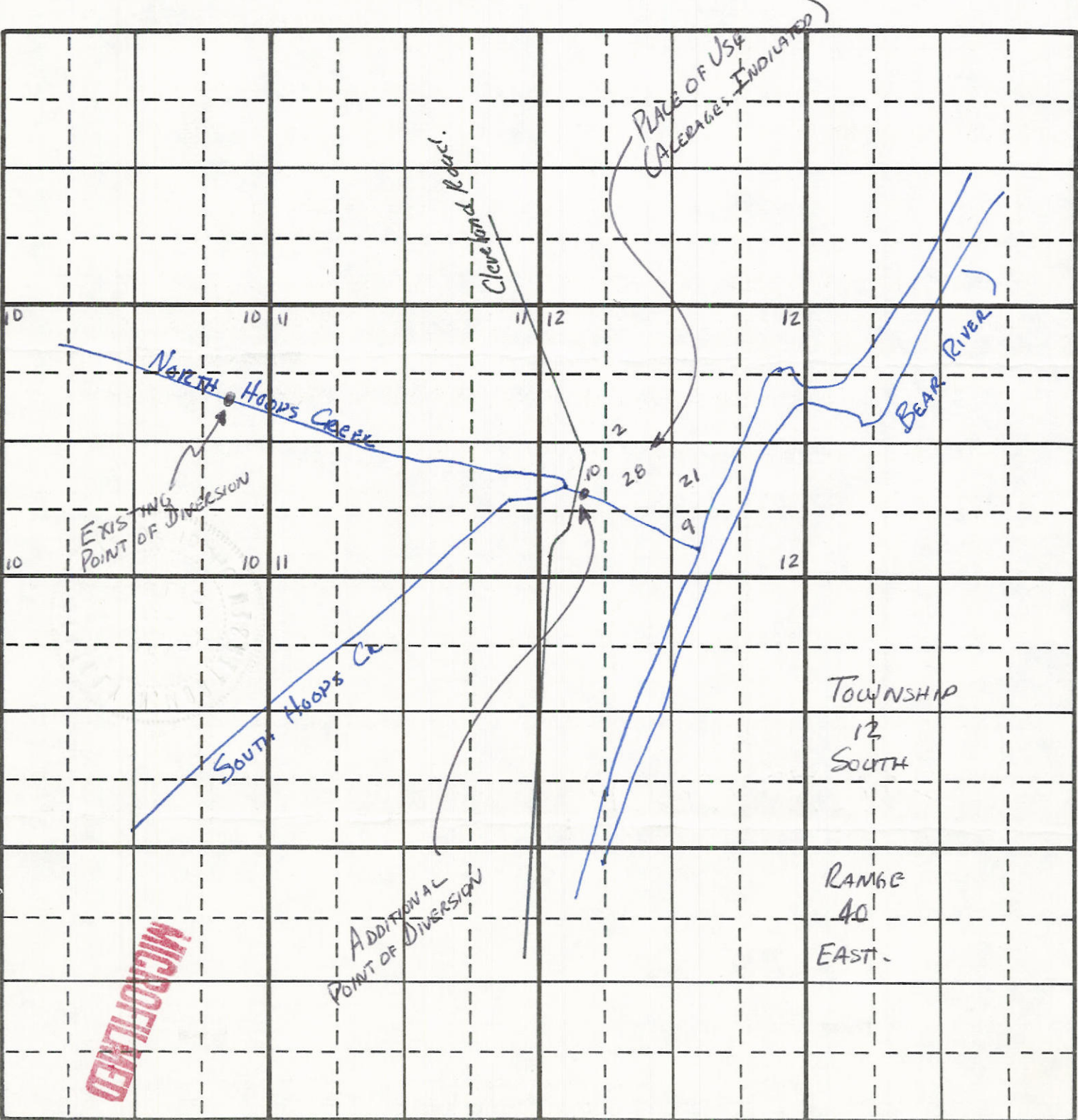


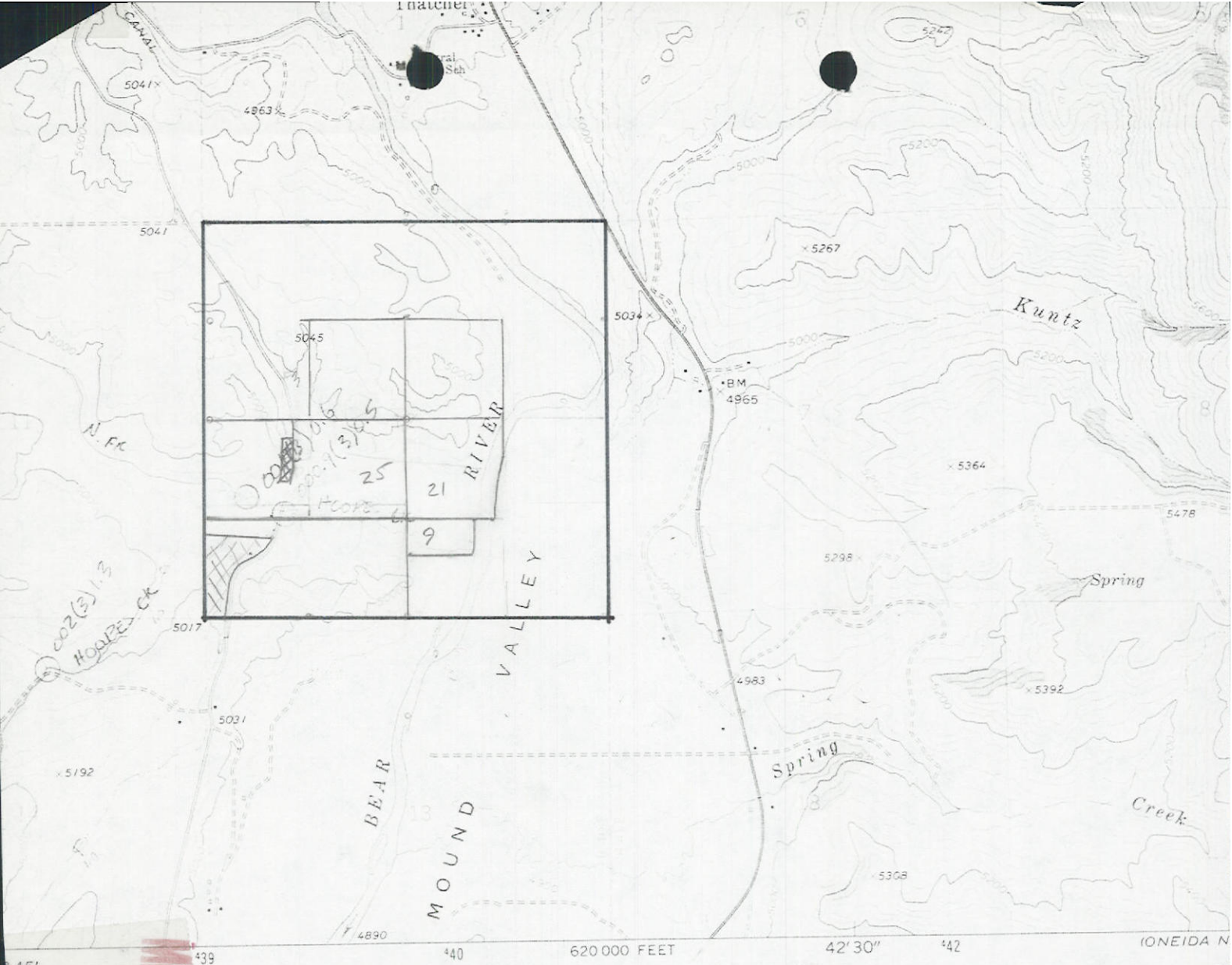
c. Describe the lands or place of use to which the right will be transferred:

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	
12S	40E	12								2	28	10				21	9		70

Total number of acres to be irrigated 70

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.





Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1968. Field checked 1969

Polyconic projection, 1927 North American datum, 10,000-foot grid based on Idaho coordinate system, east zone

1000-meter Universal Transverse Mercator grid ticks, zone 12, shown in blue

Fine red dashed lines indicate selected fence lines

UTM GRID AND 1969 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR
DOTTED LINES R
DATUM

TRANSFER REVIEW SHEET

Date Reviewed 1/26/04Trans # 71003Right No(s) * 13-660
Split? Y NY N Y N Y N Y N Y NAREA OF CONCERN: No/Yes No

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d
Add p/dChange use period
Change nature of use

Change p/u

RightID's of From & To records correct? X Y N (resolve with S.O.)
Check for Partial Decree issuance, etc. since time of application's entryPROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U YLien Holder Release NA

GROUNDWATER:

DRILLING PERMIT

All wells

- 046

DP upgrade req'd

Y

- N (contact GW)

WMD

- North/East/West

≤ 0.24 cfs/5 acres

- No MD

> 0.24 cfs/5 acres

- 067

WMD

≤ 0.24 cfs/5 acres

- No MD

> 0.24 cfs/5 acres

- 01M or 01Q

SUPPLEMENTAL
SUPPLEMENTAL

- 065-104 (where irrigation is the only use)

- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)

- 115 (meas. Device)

USES:

STORAGE

- 18C-R02-01P-18B-NA

IRR ≤ 5 ac

- R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac

- R62/R63/R64/R65 (0.02 cfs/ac)

Volume only

- R58/R59/R60/R61

STOCKWATER

- R37 (all BLM/USFS)

MINING

- 054-106

FISH PROP

- 029 (70's basins only)-007-122-106

HEAT/COOL

- R07 (injection well)

FIRE PROT.

- 077

DAIRY

- 082 (zoning if a concern)-106-WD8

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop

T08 - comply or rescind

T17 - >1 pd, measure all (use w/ WB4)

T18 - Special T17 & R43 combined -
multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

X27 - Number of acres/season in ppu

X35 - Combined totals of multiple rts

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated Approval form printed Shape files created Special Mailing Instructions (cc's, etc) Final database update after approval *Comment to WR No(s). NA

4-8-2004 QBS

71003

SURFACE WATER:

WD

≤ 0.20 cfs/others

> 0.20 cfs

WB, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

STANDARD SEASON 4/1 to 10/31 (use X61 if extended season)STANDARD VOLUME 3.5 af/acCONSUMPTIVE USE VOLUME 2.5 af/ac- R05 (WD#) WM comments rec'd

- R02, 01P or No MD

- R43

- No MD

- 01M or 01Q

USES:

POWER

- 17H-17K (+uses)-025-106

MUNICIPAL

Restricted area

- 022-075 RAFN - 007-109-X64

Irr., GW supp to SW

- 102

DOMESTIC

Surface water

- WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

>1 in restricted area

- 070-071-075 (no parks/common areas, etc)

Irr use listed separate

- WB5

Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt
or Recomm yet)T19 - replaces C18
(if at Recommendation
or Partial Decree stage)T20 - use only on unchg'd rts
not subject to SRBA

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N11 and N13

X63 - replaces C12

WB4 - + p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

3

13/11/11

12/11

10

10

600

11

12

11/11

0

10

25

7.5

7

FOX

286 - 0.20

287 - 0.36

288 - 1.2

289 - 1.4

290 - 0.26

291 - 0.24

292 - 1.1

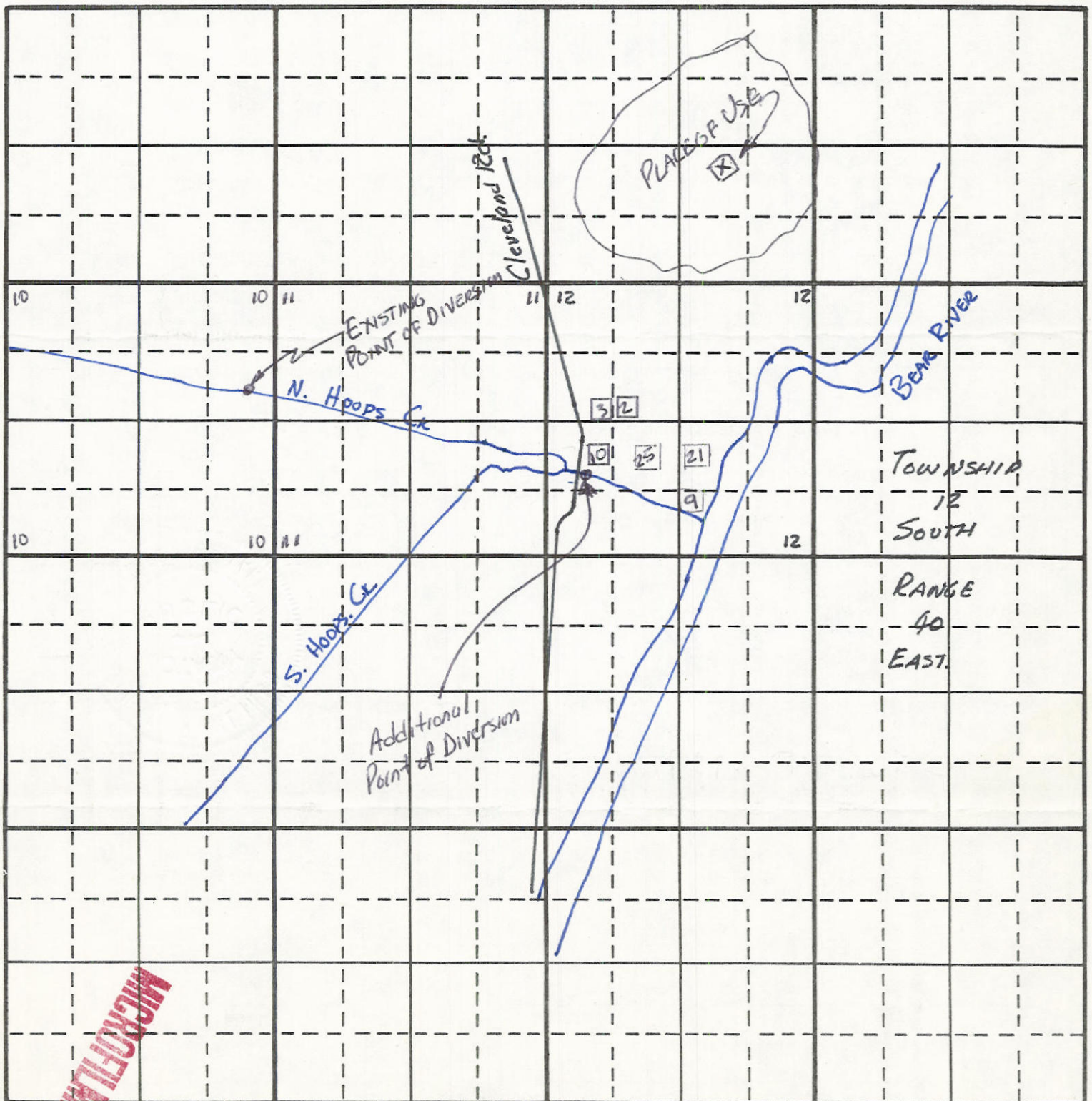
MICROFILMED

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	40E	12							3	2	25	10				21	9		70

Total number of acres to be irrigated 70

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.



BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF)
APPLICATION FOR TRANSFER NO. 2710 OF WATER RIGHT)
NO. 11-0597 IN THE NAME OF WARREN B. FOX)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

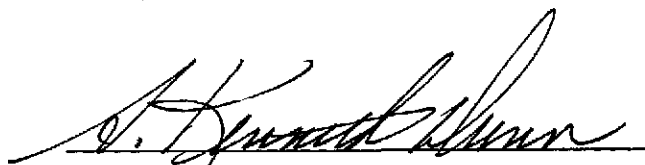
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on March 31, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED That said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 19th day of May, 1983.



A. KENNETH DUNN

Director

MICROFILMED

Transfer No. 2710

Water Right No. 11-0597

APPROVED

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

Name of applicant Warren B. Fox Phone 427-6697

Post Office address Star Route, Box 64 Preston, Idaho 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 11-0597 Decreed to William B. Wright
(Name)
in case of Utah Power & Light Co. vs Last Chance Canal Co.
dated in July 20, 1914 in District Court county of Eastern Division
(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 Applicant obtained right through purchase of land

3. Source of water North Hoops Creek tributary to Bear River

4. Date of priority May 1, 1875

5. Water is used for the following purposes:

amount 1.4cfs for Irrigation purposes from 4-20 to 9-30
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.4 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10
Township 12S Range 40E, B.M., in Franklin County
Additional points of diversion, if any _____

8. Lands 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 $\frac{1}{4}$	
12S	40E	12									X	X	X	X					70

Total number of acres to be irrigated 70

9. Describe any other water rights used for the same purpose as described above _____

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 _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. 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	

Total number of acres to be irrigated _____

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

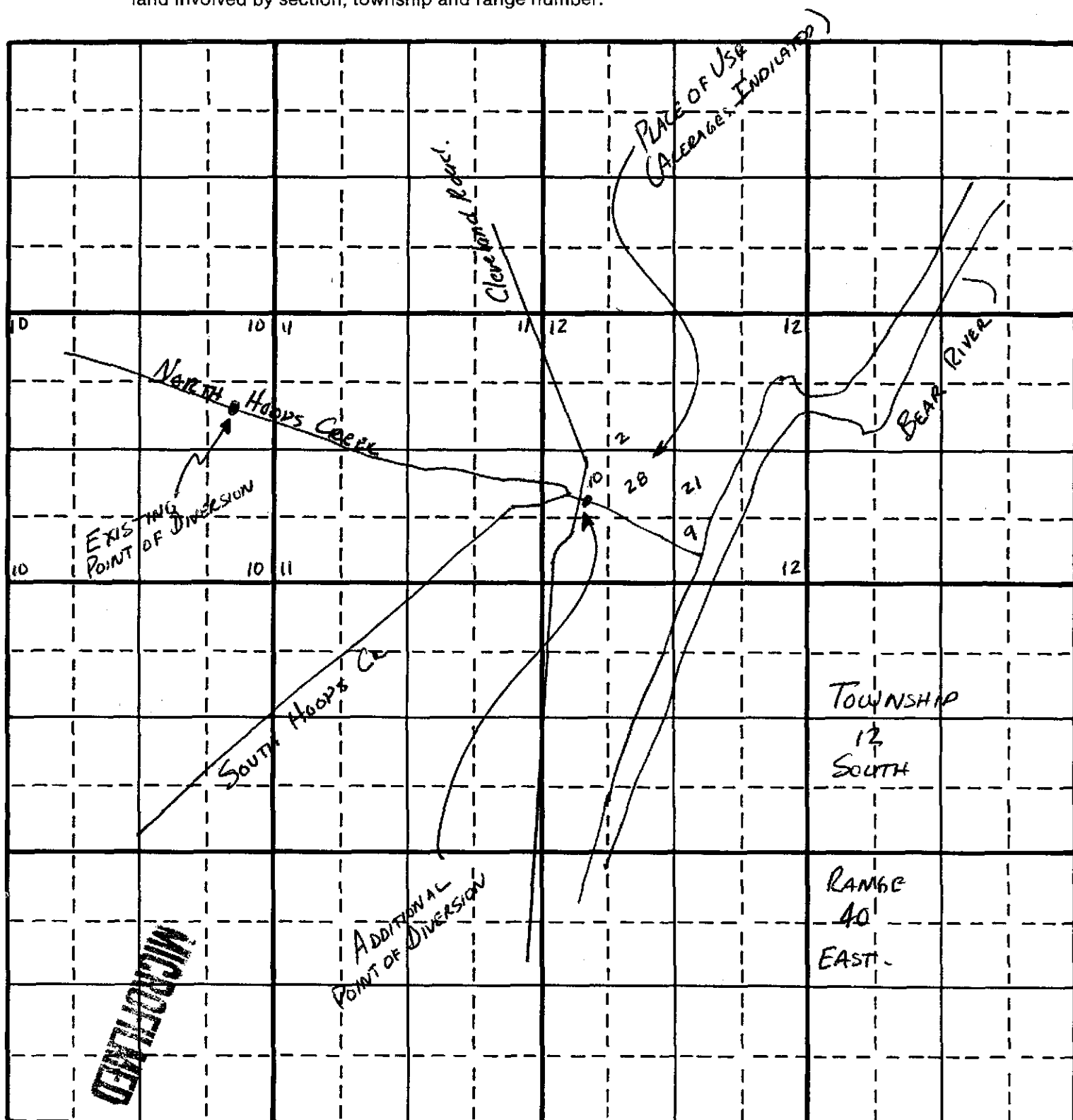
1. General Information
- a. Amount of water to be diverted 1.4 c.f.s. &/or _____ acre feet
- b. Description of diverting works Ditches to flood and sprinkler irrigation
- c. Describe the reasons for the proposed changes The additional point of diversion has always existed. The place of use given below accurately shows the location of the irrigated lands under the right.
2. Change in point of diversion
- Point of diversion SE ¼ NE ¼, Section 10 Township 12S
Range 40E, B.M., Franklin County
Additional points NW¼SW¼, Sec. 12, T. 12S, R. 40E.
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	40E	12								2	28	10				21	9		70

Total number of acres to be irrigated 70

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

The purpose of the transfer is to more clearly define the actual usage of the water.

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.

Walter D. Fox
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of June, 19 82

Beverly W. Mortensen
(Notary Public)

My commission expires Lifeterm

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0597 and said application is hereby APPROVED, subject to the following limitations and conditions:
Pursuant to Proposed Memorandum Decision and Order and Order Adopting Proposed
Memorandum Decision and Order.

Witness my hand this 19th day of ~~April~~ May, 19 83

St. Bernard Dunn
Director

FOR DEPARTMENT USE ONLY

Assisted by SM
Received by CW Date 6-22-82 Protest filed by L. Junior White
Prelim. check by _____ Fee \$50.00
Receipted by BP Date 6-25-82 #22340
Published in Preston Citizen Copies of protest forwarded by CW
Dates 7-8 & 7-15-1982 Hearing held by _____ Date _____
When master recommendation requested on 7-12-82 Recommended for approval denial
#11 rec'd. 7-26-82 by _____

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL	)	PROPOSED
	)	
OF TRANSFER NO. 2710 FOR WATER RIGHT NO.	)	MEMORANDUM DECISION
	)	
11-0597 IN THE NAME OF WARREN B. FOX	)	AND ORDER
	)	

On June 22, 1982, Warren B. Fox, Preston, Idaho applied to the Department of Water Resources to change the point of diversion and place of use of a right decreed in the case of Utah Power and Light Company vs. Last Chance Canal Company, et al dated July 20, 1914. The right sought to be changed bears a priority of May 1, 1875 for 1.40 cubic feet per second to be diverted from North Hoops Creek, a tributary of the Bear River.

Notice of the applicant's proposed change was advertised in the Preston Citizen on July 8 and 15, 1982, and subsequently was protested by L. Junior White. The Department scheduled the matter for hearing on September 29, 1982. A conference was held prior to commencing the hearing. The applicant was present and was represented by Lowell D. Castleton, attorney at law. The protestant was present along with Fern Wright, Lynn White, Steve White, and Russell D. Stoker, Bear River Watermaster on his behalf.

The main issue raised during the conference was that the proposed change would reduce the return flows that the protestant has relied upon as part of his water supply. After discussing the issue at the conference, the parties agreed to allow the Department to make a decision on Application for Transfer of Water Right No. 11-0597 based upon the information provided at the conference and that contained in the Department's official files. They also requested that the decision of the Department be delayed for 30 days to allow them time to come to an agreement which would resolve the concerns of the protestant.

The parties were unable to reach an agreement and now the Department has taken the matter under consideration and based upon the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Warren B. Fox is the owner of water right No. 11-0597 which was decreed in the case of Utah Power and Light Company vs Last Chance Canal

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Company, July 20, 1914 and is evidenced by right No. 289 in that decree.

2. Both the applicant and the protestant have been diverting and using the water from the Hoops Creek drainage from different points of diversion and in a manner different from that authorized by this decree.

3. The protestant uses water flowing from Hoops Creek into the Gentile Valley Canal to irrigate land he owns in Section 13. He also uses water from the Bear River which is pumped into the Gentile Canal when the supply from Hoops Creek is insufficient to meet his needs.

4. Water has been diverted from Hoops Creek for about 50 years in a manner consistent with the changes being proposed in Application for Transfer of Water Right No. 11-0597.

5. No additional land would be irrigated following the change in the place of use.

CONCLUSIONS OF LAW

1. Approval of Application for Transfer of Water Right No. 11-0597 would not injure the water rights of L. Junior White.

2. The proposed change would not result in an enlargement of the use under the original right and will not injure the water rights of other users on North Hoops Creek.

3. The applicant is entitled to change the description of this decreed water right to reflect the presently used points of diversion and irrigated land.

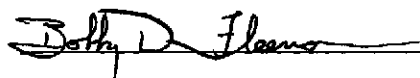
ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer of Water Right No. 11-0597 is hereby APPROVED subject to the following conditions:

1. Be subject to the control of the watermaster of Water District No. 11, Bear River.

2. That adequate headgates and measuring devices be installed as a permanent part of the diverting works.

Dated this 30 day of March, 1983.



BOBBY D. FLEENOR

Hearing Officer

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF TRANSFER NO. 2710 FOR WATER RIGHT NO.
11-0597 IN THE NAME OF WARREN B. FOX

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 23rd day of May, 1983, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, was mailed postage prepaid to:

Warren B. Fox
Star Route, Box 64
Preston, ID 83263

Lowell D. Castleton
Attorney at Law
WILLIAMS & CASTLETON
P. O. Box 191
Preston, ID 83263

L. Junior White
Star Route
Preston, ID 83263

Russell D. Stoker, Watermaster
379 E. 3rd N.
Soda Springs, ID 83276


RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST)
APPROVAL OF TRANSFER NO. 2710 FOR)
WATER RIGHT NO. 11-0597 IN THE NAME)
OF WARREN B. FOX)

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on September 29, 1982, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

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III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

DATED this 31st day of March, 1983.


A. KENNETH DUNN
Director
Department of Water Resources

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF TRANSFER NO. 2710 FOR WATER RIGHT NO.)
11-0597 IN THE NAME OF WARREN B. FOX)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 31st day of March, 1983, a true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Warren B. Fox
Star Route, Box 64
Preston, ID 83263

Lowell D. Castleton
Attorney at law
WILLIAMS & CASTLETON
P. O. Box 191
Preston, ID 83263

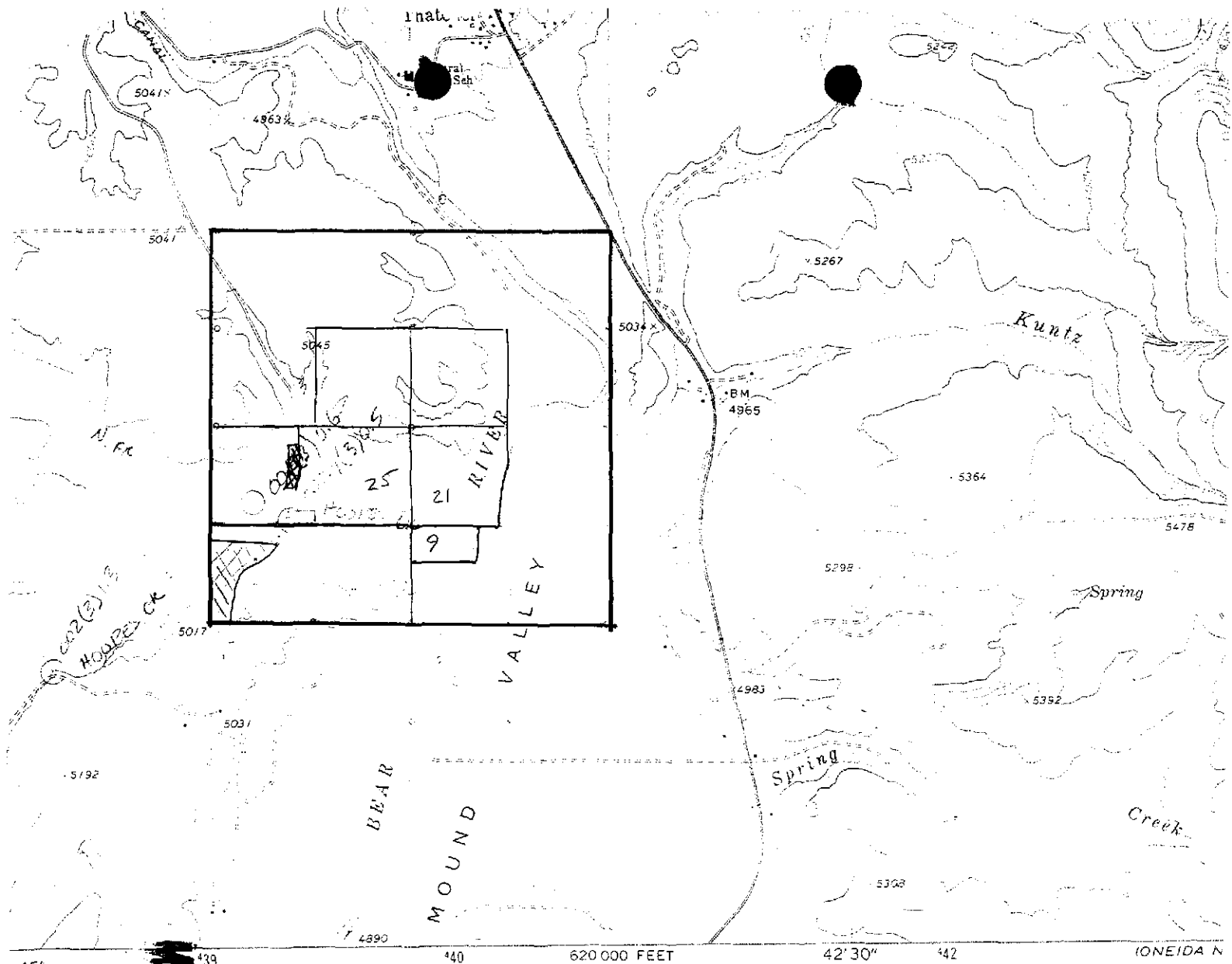
L. Junior White
Star Route
Preston, ID 83263

Russell D. Stoker, Watermaster
379 E. 3rd N.
Soda Springs, ID 83276



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

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Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

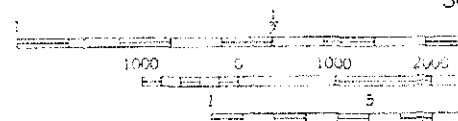
Topography by photogrammetric methods from aerial photographs taken in 1968. Field checked 1969

Polyconic projection, 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone

1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

Fine red dashed lines indicate selected fence lines

UTM GRID AND 1969 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR
DOTTED LINES R
DATUM

COPY

Lawyers Title Insurance Corporation

JUN 22 1982

A Stock Company
Home Office - Richmond, Virginia
STANDARD COVERAGE POLICY

Department of Water Resources
Eastern District Office

Order No. 4-1353-C

SCHEDULE A

AMOUNT

\$250,000.00

EFFECTIVE DATE

July 16, 1979, at
2:35 P.M.

INSURED

WARREN B. FOX and DELMA F. FOX

1. The title to the fee simple estate or interest in the land described below is at the date hereof vested in:
WARREN B. FOX and DELMA F. FOX, husband and wife.

2. The land referred to in this policy is described as follows:

TRACT 1

Township 12 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 3: $S\frac{1}{2}SE\frac{1}{4}$.

Section 12: $S\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, ALSO, Beginning at the Southeast corner of the $N\frac{1}{2}SW\frac{1}{4}$ of Section 12, and running thence West 160 rods; thence North 10 rods; thence East 160 rods; thence South 10 rods to the place of beginning.

ALSO, Beginning at the Northwest corner of the $SW\frac{1}{4}SE\frac{1}{4}$ of Section 12, running thence East 58 rods to the West bank of Bear River, thence South 26 rods, thence West 58 rods, thence North 26 rods to the place of beginning.

LESS the following described tract of land:

Beginning at the Southeast corner of the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 12, running thence North 800 feet, thence in a Southwesterly direction along the East bank of Bear River to the South line of the $NW\frac{1}{4}SE\frac{1}{4}$ of said Section 12, thence running East 121 feet to the place of beginning.

EXCEPT: Beginning at the Southwest corner of the $SW\frac{1}{4}$ of Section 12, running thence East 16 rods to the West side of the County Road, thence running Northeasterly following the West side of the County Road 80 rods, more or less, to a point which is 54 rods East and 19 rods South from the Northwest corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of said Section 12, thence Northwesterly 54 rods, more or less, to a point 70 rods North of the place of beginning, thence South 70 rods to the place of beginning.

(Continued)

Intersigned:

AMERICAN LAND TITLE COMPANY

Authorized Officer or Agent

Issued at: PRESTON, IDAHO

Page 1 of Sched. A-Pol No. **J 250980**

ORIGINAL

COPY

OCT 12 1979 7:15 PM

MICHAEL D. KUNZ, RECORDER

By Judy Fisher Deputy
FRANKLIN COUNTY, IDAHO

CORRECTION WARRANTY DEED

FOR VALUE RECEIVED, FERN L. WRIGHT and SHIRLEY S. WRIGHT, Husband and Wife, the Grantors, do hereby grant, bargain, sell and convey unto WARREN B. FOX and DELMA F. FOX, Husband and Wife, of Hooper, County of Weber, State of Utah, the Grantees, the following described premises, in Franklin County, Idaho, to-wit:

- ✓ Tract 1: The South Half of the Southeast Quarter of Section 3, Township 12 South, Range 40 East of the Boise Meridian.
- ✓ The South Half of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian.
- ✓ ALSO, Beginning at the Southeast Corner of the North Half of the Southwest Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian, and running thence West 160 rods, thence North 10 rods, thence East 160 rods, thence South 10 rods to the place of beginning.
- ALSO, Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian, running thence East 58 rods to the West Bank of Bear River, thence South 26 rods, thence West 58 rods, thence North 26 rods to the place of beginning.
- ✓ LESS The following described tracts of land: Beginning at the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian, running thence North 800 feet, thence in a Southwesterly direction along the East bank of Bear River to the South line of the Northwest Quarter of the Southeast Quarter of said Section 12, thence running East 121 feet to the place of beginning.
- ✓ EXCEPT Beginning at the Southwest corner of the Southwest Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian, running thence East 16 rods to the West side of the County Road, thence running Northeasterly following the West side of the county road 80 rods, more or less, to a point which is 54 rods East and 19 rods South from the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 12, thence Northwesterly 54 rods, more or less, to a point 70 rods North of the place of beginning, thence South 70 rods to the place of beginning.
- ✓ Tract 2: The North Half of the Northeast Quarter of Section 10, Township 12 South, Range 40 East of the Boise Meridian.
- ✓ ALSO, The Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian.

MICROFILMED

ALSO, Beginning at the Northeast corner of the Southwest Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian, and running thence South 70 rods, thence West 160 rods, thence North 70 rods, thence East 160 rods to the place of beginning.

EXCEPTING THEREFROM The following described tract:

Commencing at a point 8 rods West of the SE Corner of the SW1/4 of the Northwest Quarter of Section 12, Township 12 South, Range 40 East of the Boise Meridian, which is a point on the West side of a county road and thence Southerly along said road fifty-three (53) rods, more or less, to a fence post to the point of beginning, thence West 130 feet, more or less, thence Northeasterly 665 feet, thence East 130 feet, and thence Southwesterly along the said road 665 feet to the point of beginning.

This Grant shall also include all water rights decreed to the described premises contained in the 1875 Court Decree, excepting therefrom one-half (1/2) of the culinary water rights described in the 1915 Decree.

This Grant shall also be subject to one-half of the oil and geothermal rights contained in the Geothermal Lease and Agreement dated November 19, 1978, between Grantor and Southland Royalty Company and the Oil and Gas Lease dated September 8, 1978, between Grantor and Tucker & Snyder Exploration, Inc., being retained by Grantor.

The purpose of this Correction Warranty Deed is to correct property description recorded in Warranty Deed under Microfilm Instrument No. 150279, July 16, 1979, records of Franklin County, State of Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: September 26, 1979

Fern L. Wright
FERN L. WRIGHT, Grantor

Shirley S. Wright
SHIRLEY S. WRIGHT, Grantor

MICROFILMED

875

No 1665

AFFIDAVIT OF PUBLICATION

AUG 10 1982

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

ss.

County of Franklin

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

July 8

1982, and ending

with the issue of

July 15

1982

Fee \$26.25

Subscribed and sworn to before me this 31st

of July 1982.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

NO. 11-0597

Notice is hereby given that Warren B. Fox, Preston, 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 North Hoops Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0597 to William B. Wright in case of Utah Power and Light Co. vs. Last Chance Canal Co., dated July 20, 1914 in District Court, county of Eastern Division, and is recorded as follows:

AMOUNT: 1.4 cfs

PRIORITY: May 1, 1875

DECREED POINT OF DIVERSION: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 12S, R. 40E, B.M. Franklin County;

The water is used to irrigate 70 acres within the SW $\frac{1}{4}$, Sec. 12, T. 12S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12 T. 12S, R. 40E, B.M. Franklin County, for the irrigation of 70 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 12S, 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., Idaho Falls, Idaho, 83401, on or before July 26, 1982.

A. KENNETH DUNN
Director

Published in the Preston Citizen, Preston, Idaho on July 8 and 15, 1982.

Legal No. 1665 -42L- Published July 8, 15, 1982.

#825

No 1693

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter 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

Aug 26, 1982, and ending with the issue of Sept 2, 1982

Fee \$ N/C

Subscribed and sworn to before me this 30th day of Sept, 1982

Harold O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires Jan 7, 1986

RECEIVED

OCT 7 1982

Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

Notice is hereby given that Proposed Change of Water Right No. 11-0597 in the name of Warren B. Fox was advertised incorrectly on July 8 and 15, 1982. The proposed change in the place of use was advertised as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 12S, R. 40E, B.M.

WHEREAS, The actual proposed change of the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 12S, R. 40E, B.M.

Any protests against the granting of this proposed change of water right as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402 on or

A. KENNETH DUNN
Director

Published in the Preston Citizen, Preston, Idaho on Aug. 26 and Sept. 2, 1982.

Legal No. 1693 -25L- Published Aug. 26 and Sept. 2, 1982.

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

the Southeast quarter of the Southeast quarter of Section 11, through the ditch diverting on the South side of said stream, all in Township 12 South, Range 40 East.

11 0514
287. *Barnard J. White:*
1877—May 1 0.36 c.f.s.

To be diverted from said creek in the Southeast quarter of the Southeast quarter of Section 11, for the irrigation of 18 acres of land in the Southwest quarter of the Southeast quarter of Section 12, and the East half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 13, all in Township 12 South, Range 40 East, B.M.

11 0519
288. *O. A. Thompson:*
1902—May 1 1.2 c.f.s.

To be diverted from said creek in the Southwest quarter of the Northwest quarter of Section 11, for the irrigation of 60 acres of land in the South half of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 11, all in Township 12 South, Range 40 East.

11-0597
289. *William B. Wright:*
1875—May 1 1.4 c.f.s.

To be diverted from said creek in the Southeast quarter of the Northeast quarter of Section 10 for the irrigation of 70 acres of land in the Northwest quarter of the Southwest quarter and the Southwest quarter of the Southwest quarter and the East half of the Southwest quarter of Section 12, Township 12 South, Range 40 East.

11 0598
290. *James Larsen, Jr.:*
1911—June 1 0.26 c.f.s.

To be diverted from said creek in the Northeast quarter of the Southwest quarter of Section 9, thence conveyed into the Channel of King Creek and diverted therefrom in the Southeast quarter of the Northeast quarter of Section 9, for the irrigation of 13 acres of land in the South half of the Southeast quarter of Section 3, and the North half of the Northeast quarter of Section 10, all in Township 12 South, Range 40 East.

11 0599
291. *Joseph Larsen:*
1901—June 1 0.24 c.f.s.

To be diverted from said creek in the Southeast quarter of the Northeast quarter of Section 10, for the irrigation of 12 acres of land in the North half of the Northwest quarter and the Northwest

MICROFILMED

TRANSFER REVIEW SHEET

Trans # 71003Date Reviewed 1/26/04Right No(s). 13-660
Split? Y N Y N Y N Y N Y N Y NAREA OF CONCERN: No/Yes No

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period
Add p/d Change nature of use
Change p/uRightID's of From & To records correct? X Y N (resolve with S.O.)
Check for Partial Decree issuance, etc. since time of application's entryPROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Y Lien Holder Release NA

GROUNDWATER:

DRILLING PERMIT

All wells - 046
DP upgrade req'd Y N (contact GW)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01QSUPPLEMENTAL
SUPPLEMENTAL- 065-104 (where irrigation is the only use)
- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)
- 115 (meas. Device)

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - > 1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined -
multiple pds in WDProtested - 020-X19
Water Quality - 106-R07X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rtsX49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:
T09 - on-going SRBA (no Dir Rpt
or Recomm yet)
T19 - replaces C18
(if at Recommendation
or Partial Decree stage)T20 - use only on unchg'd rts
not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated Approval form printed Shape files created
Special Mailing Instructions (cc's, etc)
Final database update after approval *Comment to WR No(s). NA

4-8-2004

71003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

71003

INITIAL REVIEW BY: DC

1. Right number 13 - 660 Applicant FOX

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

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. Map for remainder of right? ☐ Yes ☐ No

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

e. ☒ Check description of place of use

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

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

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

i. ☒ Check for expansion in use of right. Comments NONE

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

Right number(s) _____

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

If yes, what district? 11-13 Bear River

Pete R

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☐ Yes ☐ No

4. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By DC

Date 2/4/04

*All uses within Watermaster District require special conditions

Approval Updates Completed
4-8-2004 CS

71003

- 662
- 657

May 23, 1983

Warren B. Fox
Star Route, Box 64
Preston, ID 83263

Dear Mr. Fox:

Re: Application for Transfer of Water Right No. 11-0597

Enclosed is a copy of the approved Application for Transfer of Water Right No. 11-0597 along with a copy of the Proposed Memorandum Decision and Order and Order Adopting Proposed Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

Be sure to ~~note~~ the special condition requiring you to install headgates and measuring devices as part of the permanent diverting works. Enclosed is a letter describing the different types of measuring devices accepted by this office.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days of may appeal directly to the district court within 30 days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Lowell D. Castleton
L. Junior White
Russell D. Stoker, Watermaster

RECEIVED
MAY 24 1983
WATER RESOURCES DIVISION
SALT LAKE CITY, UT

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

December 13, 1982

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

DALLIN J. PHILLIPS

RECEIVED

DEC 14 1982

TELEPHONE:
(208) 852-2680

Department of Water Resources
Eastern District Office

Mr. Ron Carlson, Director
Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

Re: Application for Transfer of Water Right No. 11-0597
Our File No. 1972.1C

Dear Ron:

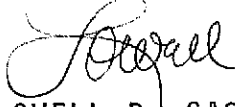
On September 29, 1982, a hearing on the application of our client, Warren B. Fox, for a transfer of a water right owned by him was held here in Preston. At that time the department was going to wait thirty days before it reached a decision in the hopes that the applicant and the protestant would come to some kind of an agreement in lieu of the department's decision.

This has failed to take place and my inquiry is as to when we can expect the department's decision on Mr. Fox's application.

If you have any questions regarding this matter, please let me know. Otherwise, we will anticipate hearing from you.

Yours very truly,

WILLIAMS & CASTLETON



LOWELL D. CASTLETON
Attorney at Law

LDC/mt

cc: Warren Fox

MICROFILMED

3

12/11/11

11/11/11

♂

10

8

609

12

0

10

25

70

11/11

FOX 281 - 0.10

281 - 0.36

288 - 1.0

289 - 1.4

290 - 0.26

291 - 0.24

292 - 1.1

MICROFILMED

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

January 19, 1983

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

DALLIN J. PHILLIPS

RECEIVED

JAN 20 1983

Department of Water Resources
Eastern District Office

TELEPHONE:
(208) 852-2680

Mr. Ron Carlson, Director
Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

Re: Application for Transfer of Water Right No. 11-0597
Our File No. 1972.1C

Dear Ron:

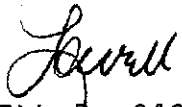
I have inquired previously regarding a decision on the application for a transfer of Water Right No. 11-0597 in the name of Warren B. Fox, our client. We did enter into a Stipulation on September 29, 1982, requesting that the Department allow the parties to reach an agreement between themselves before the Department would take further action in the matter.

The respective parties declined the opportunity to reach a separate agreement and we are now waiting for the decision of the Department. Since Spring is approaching and the use of the water will become critical, I would request that a decision relative to the transfer be reached and handed down as soon as possible.

Your cooperation in this regard will be very much appreciated.

Yours very truly,

WILLIAMS & CASTLETON


LOWELL D. CASTLETON
Attorney at Law

cc: Warren B. Fox

MICROFILMED

IN THE MATTER OF)
APPLICATION FOR) STIPULATION
TRANSFER 11-0597)
IN THE NAME OF)
WARREN B. FOX)

We request that the Dept. of Water Resources allow us to reach an agreement between ourselves before taking action in this matter. However, if we donat submit a copy of the agreement we have entered into within thirty (30) days we agree to waive our right to a formal hearing and allow the Dept to reach a decision on application for transfer of 11-0597 based upon the information in the dept's records and that provided at the conference held in Preston Idaho. It is further agreed that any agreement we enter into and submitted to the Dept. should be considered as a withdrawal of protest

signed at Preston, Idaho this
29th day of Sept. 1982.

Warren B. Fox
Leonard J. Smith
L. Junior White

MICROFILMED

11-0597 - Warren B. Fox

Wednesday, September 29, 1982 (9:00 a.m.)
Commissioner's Room, Franklin County Courthouse, Preston, Idaho

ROSTER OF ATTENDANCE

Hearing Officer _____

Name	Address	Representing
------	---------	--------------

Lowell D. Castleton Attorney	P.O. Box 191 Preston, ID 83263	Warren Fox
---------------------------------	-----------------------------------	------------

Lawrence Fox	Star Route Box 64 Preston, Id.	
--------------	-----------------------------------	--

Warren B. Fox

Preston Id. Box 64

Gene Wright

Lynn White

L. Junior White

Steve White

Star Route Preston, Ida.

Russell B. Stohr

Bear River Watermaster

MICROFILMED

CONFERENCE
HEARING NOTES
T 11-0597

SEPT. 29, 1981

WARREN B. FOX

APPLICANT - REPRESENTED BY LOWELL CASTLETON
PROTESTANT

PROTESTANTS - L. JUNIOR WHITE

ISSUE - water would be used on land further
down stream thus depriving protestants
of return flows.

Purpose for transfer

Lawrence Fox - operates property
PD. has been in use for a long
period of time. Application was filed
to make uses conform with dept
records.

Russ Stoker - Return flow comes in
above new PD that Foxes normally
have ~~not~~ had access to.

White ditch is ~1/4 mile below Fox new
PD. Originally Whites got water through
Gentile valley canal.

#289 - MAY 1, 1875 } N HOOPS
287 - MAY 1, 1877 }

292
#293 MAY 1, 1875 } S HOOPS
#295 MAY 1, 1877 }

294 MAY 1, 1876

Fox Has best rights - both N Hoops &
South Hoops

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11-0597

Warren B. Fox

Protestant

L. Junior White

Purpose of filing

To make the additional point of diversion a matter of record -

P.D. may have been used for 50 years -

The land has been irrigated for 50 years -

Objection

The new point of diversion picks up return flow -

Protestant

North Hoops			286	
Fox	1.4	1875	289	- 288, 290, 291
White	.36	1877	287	1/2
South			"	
Fox	2.0	1875	292, 293	
	- 1.06	1877	294, 295	

South Hoops -

No question about historical use of P.D. or Place of Use -

MICROFILMED

Whites water from Hoops creek runs into the Gentile valley canal to irrigate lands in sec 13. Water from Bear River is pumped into Gentile canal
 Gentile Valley Canal water right
 1889 33 cfs
 1901 35 cfs whites have 4.2 cfs of this right.

Whites & Foxes both use pds different from decree.

Whites complain that 2 cfs + has been used on land to which not decree. Complain about waste of water on ~10 acres of ground.

1980 FOXES Bought place

NORTH HOOPS

# 286	1875	0.7	FOX
287	1877	.36	White
288	1902	1.2	FOX
289	1875	1.4	FOX
290	1911	.26	FOX
291	1901	.24	FOX
292	18		

SOUTH HOOPS

292	1875	1.1	FOX
293	1875	.8	FOX
294	1886	1.1	White
295	1877	1.0	White
			} 2.26
Thatcher, or	1901	4.2	White

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NOTE:

CHECK ON LAY OUT OF RIGHTS
BEFORE & AFTER TRANSFER

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 11-0597 IN THE NAME OF WARREN B. FOX)

STIPULATION

BY THIS STIPULATION, the undersigned parties to the above-captioned case waive compliance with the requirements of Idaho Code, Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

Dated this _____ day _____, 19____.

(Notary Subscription)

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Ernest.

DATE Sept. 26, 1982

TO File T.#11-0597.

SUBJECT: Phil Rassin will prepare the requested subpoenas
to and either mail them directly to Mr. Castleman or
have Bob F. hand carry them so they can be served
prior to the hearing.

MICROFILMED

SIGNATURE

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83268

September 23, 1982

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

DALLIN J. PHILLIPS

TELEPHONE:
(208) 852-2680

Mr. Ronald E. Carlson
Eastern Regional Supervisor
Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

RECEIVED
SEP 24 1982

Department of Water Resources
Eastern District Office

Re: Application for Subpoenas in the Matter of the
Application for Transfer of Water Right No. 11-0597

Dear Ron:

In order to provide a friendly inducement for several witnesses to appear at the above referenced hearing scheduled for next Wednesday, September 29, 1982, here in Preston, it would be helpful if you could bring with you (or send in advance if that is possible) subpoenas for the individuals stated in the enclosed application.

Quite frankly, I believe these people will come any way but they have indicated that they would like to have a subpoena. I suspect that this is to save face among neighbors since there appears to be no question about the nature of the testimony they will give.

If you have any questions, please let me know.

Yours very truly,

WILLIAMS & CASTLETON

Lowell

LOWELL D. CASTLETON
Attorney at Law

LDC/cr

Enclosure

P.S. Our law firm will also be representing Clair Bosen and B-G-R Corporation in the hearing set for 11:00 o'clock a.m. on the same day in the matter of the Application for Amendment No. 13-7127. I have not received any copies of protest, etc., except through our client and am a little disappointed since our firm filed the Application on behalf of Bosen and the corporation.

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
SEP 23 1982
Department of Water Resources
Electronically Received

IN THE MATTER OF THE APPLICATION)
FOR TRANSFER OF A WATER RIGHT NO.)
11-0597 IN THE NAME OF)
WARREN B. FOX)

APPLICATION FOR ISSUANCE
OF SUBPOENA

Pursuant to the Notice of Hearing and/or Conference in the above matter, and also pursuant to Rule 9.12 of the Rules and Regulations for Practice before the Department of Water Resources, the applicant in this matter, WARREN B. FOX, by and through his attorney, LOWELL D. CASTLETON of Williams & Castleton, Preston, Idaho, does hereby make application for the issuance of subpoenas to the below listed people for their appearance at that hearing scheduled for Wednesday, September 29, 1982, at 9:00 o'clock a.m. in the Commissioner's Room, Franklin County Courthouse, Preston, Idaho.

The persons for whom subpoenas should be issued are:

FERN WRIGHT
DON FORSGREN

DATED This 23rd day of September, 1982.

WILLIAMS & CASTLETON

By Lowell D. Castleton
LOWELL D. CASTLETON

MICROFILMED

11-0597

PS Form 3811, Jan. 1979
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered.....¢ ☐ Show to whom, date and address of delivery.....¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered.....¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery.\$____		
(CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>L. Junior White</i> <i>Star Route</i> <i>Preston Id. 83263</i>		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13003	
(Always obtain signature of addressee or agent)		
I have received the article described above.		
SIGNATURE ☐ Addressee ☐ Authorized agent		
<i>L. Junior White</i>		
4. DATE OF DELIVERY 9-17-62		POSTMARK
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER REASON:		CLERK'S INITIALS <i>77</i>

MICROFILMED

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 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.



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401
(Name of Sender)

MICROFILMED

SEP 19 1982

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

11-0597

PS Form 3811, Jan. 1978
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered.....¢
- ☐ Show to whom, date and address of delivery.....¢
- ☐ **RESTRICTED DELIVERY**
Show to whom and date delivered.....¢
- ☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery.\$_____

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Warren B Boy
St. Rt Box 64
Preston Id 83263

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13002	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

[Signature]

4. **DATE OF DELIVERY**

9-17-82

POSTMARK

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

MICROFILMED

CLERK'S INITIALS

[Initials]

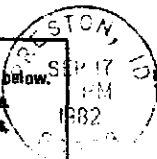
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 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.



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DELIVERED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AV.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

SEP 20 1982

(Street or P.O. Box)

Resources
Eastern District Office

(City, State, and ZIP Code)

RECEIVED
SEP 20 1982
MICHAEL J. WILSON

DEPARTMENT OF WATER RESOURCES

NAME AND
ADDRESS
OF SENDER

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

Indicate type of mail

- ☐ Registered
☐ Insured
☐ COD
☐ Certified

I certify that we have

- ☐ Commercial Insurance
☐ A deductible clause of
 \$

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	12990	Jeffrey Williams 1407 W North Temple SRC	20	75								11-7284
2	12991	Luth Ann Jensen, St Rt #2 Preston										"
3	12992	Phant Zaddock, Paris										11-1058
4	12993	Neane Ward, Bloomington										"
	12994	Arden Helen 484 Washington, Montpelier										"
6	12995	Andella Peterson, 177 East 3rd N, Richfield										"
7	12996	Mayo Kroger, Bloomington										"
8	12997	James Payne, Bloomington										"
9	12998	Arden Wicker, St. Charles, Id.										"
10	12999	Ronald Kingsford, P.O. Box 915 Soda Springs										"
11	13000	Jay A Kohler, 852 Washington Montpelier										"
12	13001	Clyde Nelson, P.O. Box 797 Soda Springs										"
13	13002	Warren B Fox, St Rt Box 64, Preston										✓ 11-0597
14	13003	L Junior White, St Rt Preston, Id										✓ "
15	13004	B.Y.K. Corp. P.O. Box 167, Preston, Id										Am. 13-7127
TOTAL NUMBER OF PIECES LISTED BY SENDER		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. Commercial Insurance—Payment of the registry fee is required on articles valued up to \$1,000 or the full amount of the insured value if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for insured mail, \$400 for COD and \$400 for insured mail. Special handling charges apply to third- and fourth-class parcels. Special delivery service also includes special handling service.						
15		15		RCCes								

PS Form 3872, Sept. 1979

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

★ U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

September 16, 1982

RE: Notice of Correction No. 11-0597 Fox

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication in connection with the above referenced application(s). The legal notice was to have been published in your paper on August 26 and September 2, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED
SEP 21 1982
FBI - IDAHO

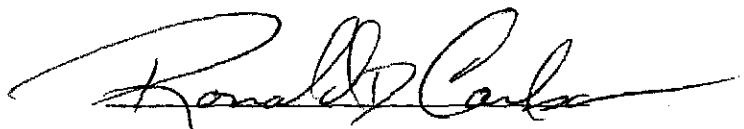
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR TRANSFER NO. 11-0597) NOTICE OF HEARING
IN THE NAME OF WARREN B. FOX) AND/OR HEARING
_____)

On June 22, 1982, Warren B. Fox filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On July 22, 1982, the Department received a protest against approval of said application from L. Junior White.

The Department has set the matter of protest for hearing for Wednesday, September 29, 1982, at 9:00 a.m. in the Commissioner's Room, Franklin County Courthouse, Preston, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, 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. A pre-hearing conference may be held at the above time and prior to the hearing.

Dated this 15th day of September, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

MICROFILMED

August 18, 1982

RE: Notice of Correction Transfer No. 11-0597 FOX

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

We are resubmitting a legal notice to be published on August 26 and September 2, 1982. This notice was originally published in your paper on July 8 and 15, 1982. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print we, therefore, request this be readvertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by September 13, 1982. Your cooperation in this matter is greatly appreciated.

Very truly yours,

9-13-82

BARBARA POWERS
Secretary

Enclosure (1)

T.C.
No answer.

MICROFILMED

NOTICE OF CORRECTION

Notice is hereby given that Proposed Change of Water Right No. 11-0597 in the name of Warren B. Fox was advertised incorrectly on July 8 and 15, 1982. The proposed change in the place of use was advertised as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 12S, R. 40E, B.M.

WHEREAS, The actual proposed change of the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 12S, R. 40E, B.M.

Any protests against the granting of this proposed change of water right as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402 on or before September 13, 1982.

A. KENNETH DUNN

Director

Published in the Preston Citizen, Preston, Idaho on Aug. 26 & Sept. 2, 1982.

MICROFILMED

August 12, 1982

RE: Application for Transfer No. 11-0597 FOX

L. Junior White
Star Route
Preston, Idaho 83263

Dear Mr. White:

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?

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

August 12, 1982

RE: Application for Transfer No. 11-0597

Warren B. Fox
Star Route, Box 64
Preston, Idaho 83263

Dear Mr. Fox:

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?

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

RECEIVED

JUL 26 1982

Department of Water Resources
Eastern District Office

WATERMASTER COMMENTS

Transfer

I have reviewed Application for ~~Permit~~ No. 11-0597 (Fox) and have the following comments/objections to the approval of this application for permit:

I object to this application for the following reasons:

To irrigate the 70 acres he is requesting from this changed point of diversion he would have to water new ground with a sprinkler system. In so doing Mr. Fox would deprive a lower user to water to which he has rights.

At present Mr. Fox has rights to irrigate approximately 3 or 4 acres under his present place of use, and he also irrigates approximately 10 more acres which is meadow hay land.

After putting the water to beneficial use while irrigating these 13 or 14 acres, he lets the water run down into sloughs and cattails for 3-4 weeks at a time wasting the water and thus depriving the lower user from putting the water to beneficial use.

July 24, 1982

~~RONALD D. CARLSON, WATERMASTER~~
~~Water District No. 01~~
Russell D. Stoker
Russell D. Stoker, Watermaster
District # 11 - Bear River

MICROFILMED

L. Junior White
Star Route
Preston, Idaho 83263

July 20, 1982

Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Proposed Change of Water
Rights, No. 11-0597

Gentlemen:

I wish to protest the proposed change of water right under the application for change, cited above.

If the change were permitted, it would permit the water to be used on land further down stream than it is presently decreed to. The result would be the total loss of return flow, and a resulting loss of waters presently used by the protestant.

Very truly yours,

L. Junior White
L. JUNIOR WHITE

LJW:mw

RECEIVED

JUL 22 1982

Department of Water Resources
Eastern District Office

MICROFILMED

July 12, 1982

RE: Application For Transfer #11-0597 (Fox)

Russell Stoker
Watermaster District #11
379 E. 3rd North
Soda Springs, ID 83276

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application and a watermaster comment form. Please review the application and complete the form, returning it to this office on or before July 26, 1982.

Thank you for your cooperation in this matter.

Very truly yours,

BARBARA L. POWERS
Secretary

BLP:bp

Enclosures

RECEIVED
JUL 15 1982
FBI - SODA SPRINGS

FILED

STATE OF IDAHO
Department of Water Resources

No 22340

Boise, Idaho, June 25, 1982

RECEIVED
FROM

Lawrence Fox of Preston \$ 50.00
Fifty Dollars and 00/100's DOLLARS

FOR

<u>Transfer</u>	\$ <u>50</u>	<u>00</u>
	\$	
	\$	
	\$	
	\$	
TOTAL - - -	\$ <u>50</u>	<u>00</u>

Barbara L. Pivers

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 11-0597

Notice is hereby given that Warren B. Fox, Preston, 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 North Hoops Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0597 to William B. Wright in case of Utah Power & Light Co. vs Last Chance Canal Co., dated July 20, 1914 in District Court, county of Eastern Division, and is recorded as follows:

AMOUNT: 1.4cfs

PRIORITY: May 1, 1875

DECREED POINT OF DIVERSION: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 12S, R. 40E,
B.M. Franklin County;

The water is used to irrigate 70 acres within the SW $\frac{1}{4}$, Sec. 12, T. 12S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12 T. 12S, R. 40E, B.M. Franklin County, for the irrigation of 70 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, T. 12S, 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., Idaho Falls, Idaho, 83401, on or before July 26, 1982.

A. KENNETH DUNN

Director

Published in **MICH** Preston Citizen, Preston, Idaho on July 8 and 15, 1982.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

1. Right number _____ Applicant Warren Fox
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:
OK a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
OK b. ☒ Description of original point of diversion.
OK c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
OK 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).
OK c. ☒ Check description of point(s) of diversion. 2 pts.
OK d. ☒ Check description of place of use.
OK e. ☒ Check map (shows p.d. and p.u. after transfer).
OK f. ☒ Check for correct signature, notarization, and fee.
OK g. ☒ Check proof of ownership of right &/or land from which water is transferred.
OK h. ☐ Check for expansion in use of right. Comments appears to be ok since
decree did not identify owner involved in each 40 acre tract
i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) None
j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? #11

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 7-12-82 Received on 7-26-82
2. Is transfer published correctly? ☒ Yes ☐ No Notice of Correction
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Comments* _____

MICROFILMED

By _____

Date _____

RECEIVED
FEB 25 1983

Department of Water Resources

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

RECEIVED

JUN 22 1982

Department of Water Resources
Eastern District Office

Star Rt., Box 64

Preston, ID 83263

June 21, 1982

Mr. Steve McCormick
Dept. of Water Resources
150 Shoup
Idaho Falls, ID 83401

Dear Mr. McCormick:

Enclosed is the application for transfer of water rights and the \$50 filing fee. I would appreciate it if this change, particularly the hearing, if one is necessary, could be accomplished as quickly as possible. The disagreement needs to be settled so we can use the water as needed, without any further hindrance or controversy.

We changed the name of applicant to agree with the land title. Lawrence runs the farm, but I hold the title to that piece of land.

Please keep me informed of the status of this application, and let me know if I can be of assistance in any way.

Sincerely,
Warren B. Fox

Warren B. Fox

MICROFILMED

June 25, 1982

Warren B. Fox
Star Route, Box 64
Preston, ID 83263

Dear Mr. Fox:

Pursuant to my telephone conversation with Lawrence Fox, enclosed is a corrected application for transfer.

Please have the form notarized and return it to this office as processing has already begun.

Sincerely,

STEVE McCORMICK
Sr. Resource Analyst

SM:bp

Enclosure

MICROFILMED

June 18, 1982

Lawrence Fox
Star Route, Box 64
Preston, ID 83263

Dear Mr. Fox:

Enclosed is an application for transfer of water right.

Part A of the form shows the water right as it is in the decree. Part C of the form shows the right with the appropriate changes made to reflect actual usage of the water.

The application proposes to add a point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec., 12, T. 12S, R. 40E and change the place of use as indicated on the last page.

Please check the form over carefully and if it is correct, have the form notarized. The filing fee is \$50.00.

Please feel free to contact me if you have any questions.

Sincerely,

STEVE McCORMICK
Sr. Resource Analyst

SM:bp

Enclosure

RECEIVED

Transfer No. _____

Water Right No. _____

Void

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

Name of applicant Lawrence Fox Warren B. Fox Phone 427-6697
Post Office address Star Route, Box 64, Preston, ID 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 11-0597 Decreed to William B. Wright (Name)
in case of Utah Power and Light Co. vs Last Chance Canal Co.
dated in July 20, 1914 in District Court (Name of court) county of Eastern Division
 - 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 Applicant obtained right through purchase of land
3. Source of water _____ tributary to _____
4. Date of priority _____
5. Water is used for the following purposes:
amount 1.4cfs for Irrigation purposes from 4-20 to 9-30
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)
6. Total amount of water under right: a. 1.4 cubic feet per second &/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE ¼ of NE ¼ of Section 10
Township 12S Range 40E, 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	
12S	40E	12									X	X	X	X					70

Total number of acres to be irrigated 70

Describe any other water rights used for the same purpose as described above _____

9. 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.

Microfilm

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 _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. 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	

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 1.4 c.f.s. &/or _____ acre feet

b. Description of diverting works Ditches

c. Describe the reasons for the proposed changes The additional point of diversion has always existed. The place of use given below accurately shows the location of the irrigated lands under the right.
2. Change in point of diversion

Point of diversion SE ¼ NE ¼, Section 10 Township 12S

Range 40E, B.M., Franklin County

Additional points NWSW, Sec. 12, T. 12S, R. 40E.
3. Change in place of use

a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

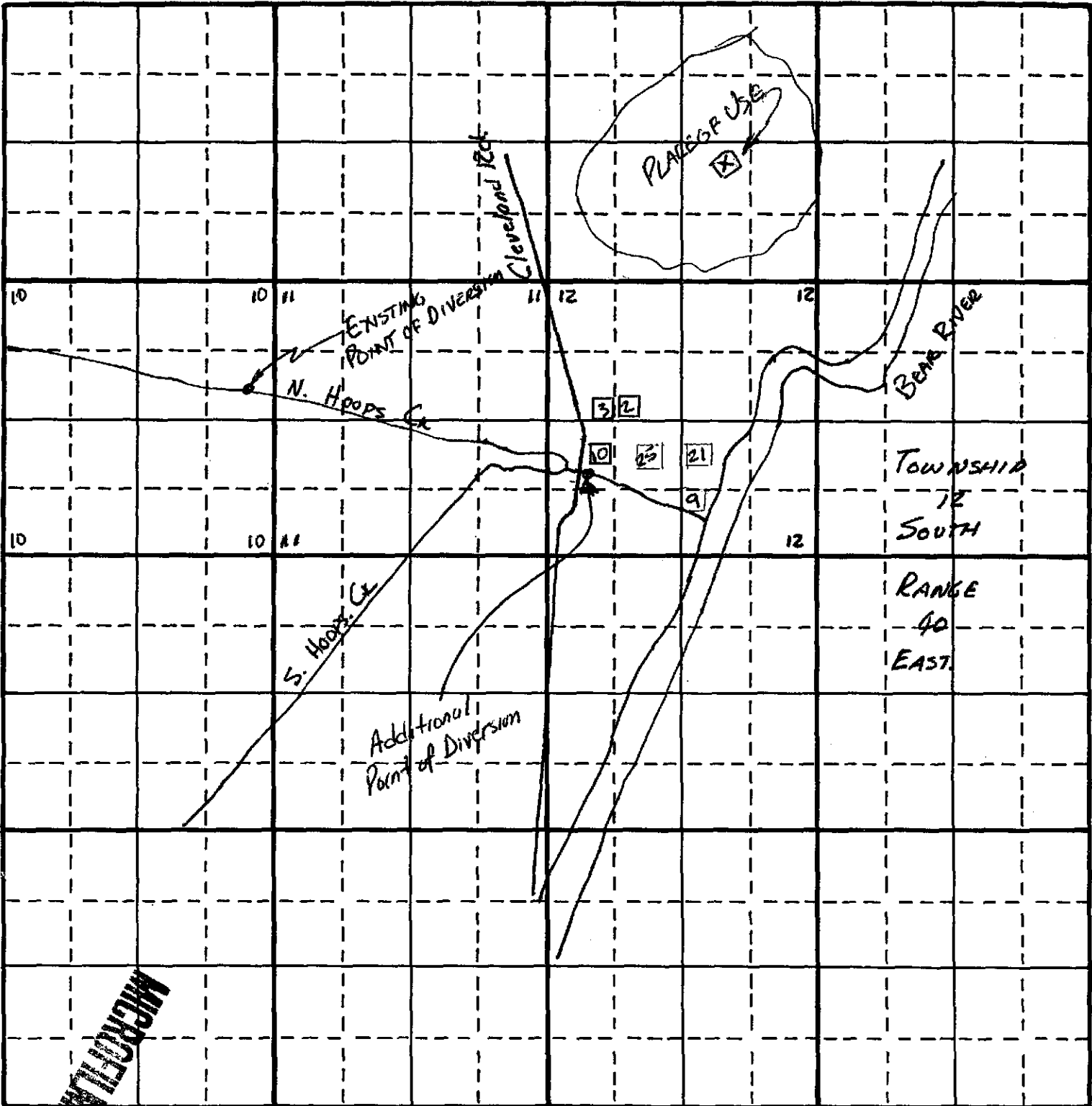


c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	40E	12							3	2	25	10				21	9		70

Total number of acres to be irrigated 70

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.



D. REMARKS

The purpose of the transfer is to more clearly define the
actual usage of water.

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.

Warren B. Fox
(Signature of Applicant)

Subscribed and sworn to before me this 21st day of June, 19 82.

Cindy Rawlings
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____.

Assisted by S.M.

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>6-22-82</u>	Protest filed by _____
Prelim. check by _____	Fee <u>50⁰⁰</u>	_____
Receipted by <u>BP</u>	Date <u>6-23-82</u> # <u>22340</u>	_____
Published in _____	Copies of protest forwarded by _____	
Pub. dates _____	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for _____	approval _____ denial _____
_____ rec'd. _____	by _____	

RECEIVED
JUN 23 1982
WATER RESOURCES
DIVISION

Memo.

11-0597

6-30-82

Ernest.

- The $5\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 is being removed from the land list for this right but it ~~has~~ will continue to be irrigated under right 11-0500 out of the South Hoops Creek with the same priority.
- Steve M. indicated the lower diversion is needed because Mr. Fox does not have a ditch or culvert to convey the water under the county road. Apparently he diverts water at the upper diversion then discharges it back into the creek above the road. After it flows under the road he rediverts it for irrigation of the designated place of use.
- I question whether the upper diversion ~~should~~ actually be included for this right. It's my impression the lower diversion is the ~~sole~~ p.d. We need to have a field exam conducted to determine exactly what is Mr. Fox's ~~known~~ irrigation method. Especially need justification for retaining upper p.d.

MICROFILMED