

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67120

This is to certify that. ALICE TRAIL
RT 1 BOX 66
KING HILL ID 83633
(208)366-2188

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-2107B	AJC/License	04/14/1955	6.26 cfs	N/A		613.0	LITTLE CANYON CREEK
61-2228B	AJC/License	01/21/1955	N/A	1252 af		613.0	LITTLE CANYON CREEK
61-4079	AJC/Beneficial Use	04/01/1967	0.71 cfs	141 af	47.0	613.0	LITTLE CANYON CREEK
61-4123C	WR/Decreed	11/06/1957	N/A	71.5 af		613.0	LITTLE CANYON CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-2107B	NO	YES	YES	NO	NO	NO
61-2228B	NO	YES	YES	NO	NO	NO
61-4079	NO	YES	YES	NO	NO	NO
61-4123C	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-2107B	61-2107B	6.26 cfs	N/A	N/A	933.0					
61-2228B	61-2228B	N/A	1252 af	N/A	933.0					
61-4079	61-4079	0.71 cfs	141 af	47.0	933.0					
61-4123C	61-4123C	N/A	71.5 af	N/A	933.0					
COMBINED										
TOTALS		6.97 cfs	1337.5 af	360	933		N/A	N/A	N/A	N/A

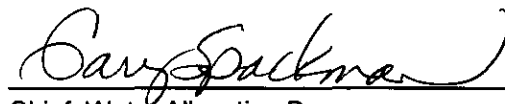
MICROFILMED

OCT 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67120

Detailed Water Right Description(s) attached

Dated this 28th day of October, 2003



Chief, Water Allocation Bureau

MICROFILMED
OCT 23 2003

WATER RIGHT NO. 61-2228B
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No. 67120, Water Right No 61-2228B is now described as follows.

Right Holder: LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: January 21, 1955

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	04/01	to 11/01		1,252.0 AF
IRRIGATION STORAGE	01/01	to 12/31		<u>1,252.0 AF</u>
				1,252.0 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NENE Sec. 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 09E 16	35.0	40.0	41.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	41.0	41.0	35.0	614.0
05S 09E 21	40.0		39.0	40.0									40.0	40.0	40.0	40.0	279.0
05S 09E 28		40.0															40.0

Total Acres 933

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 61-D.
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion

MICROFILMED

OCT 24 2003

WATER RIGHT NO. 61-2228B
As Modified by Transfer No. 67120

- 3 Rights 61-2228B and 61-4079 when combined shall not exceed a total annual storage volume of 1266 af
- 4 Rights 61-2228B and 61-2107B when combined shall not exceed irrigation of 313 acres
- 5 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres.
- 6 After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120
- 7 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
9. Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
- 11 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 12 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- 13 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree
- 14 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this 28th day of October, 20 03



Chief, Water Allocation Bureau

MICHAEL

2003 2 7 2003

WATER RIGHT NO. 61-2107B
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No. 67120, Water Right No. 61-2107B is now described as follows

Right Holder: ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: April 14, 1955

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	6.26 CFS	
			6.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:
 LITTLE CANYON CREEK NENE Sec. 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 09E 16	35.0	40.0	41.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	41.0	41.0	35.0	614.0
05S 09E 21	40.0		39.0	40.0									40.0	40.0	40.0	40.0	279.0
05S 09E 28		40.0															40.0

Total Acres 933

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61-D
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion

MICHAEL L. KELL

APR 10 2003

WATER RIGHT NO. 61-2107B
As Modified by Transfer No. 67120

- 3 Rights 61-2107B and 61-2228B when combined shall not exceed irrigation of 313 acres.
- 4 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres.
- 5 After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120
- 6 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- 7 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above.
- 8 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
- 9 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- 12 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this 28th day of October, 20 03



Chief, Water Allocation Bureau

MICHAEL J. [unclear]

SEP 24 2003

WATER RIGHT NO. 61-4123C
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No. 67120, Water Right No. 61-4123C is now described as follows

Right Holder: ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: November 06, 1957

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	11/16	to 03/16		71.5 AF
IRRIGATION FROM STORAGE	03/15	to 11/15		<u>71.5 AF</u>
				71.5 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NENE Sec. 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	09E	16	35.0	40.0	41.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	41.0	41.0	35.0	614.0
05S	09E	21	40.0		39.0	40.0									40.0	40.0	40.0	40.0	279.0
05S	09E	28		40.0															40.0

Total Acres. 933

MICHAEL
 OCT 24 2003

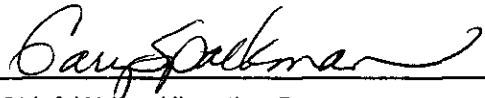
WATER RIGHT NO. 61-4123C
As Modified by Transfer No. 67120

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61-D.
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- 3 Rights 61-4123C and 61-4123D when combined shall not exceed a total annual storage volume of 71.5 af.
- 4 Rights 67-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres.
- 5 After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120.
- 6 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above.
- 7 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 8 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 9 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- 10 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28th day of October, 2003



Chief, Water Allocation Bureau

MICHAEL L. LEE

SEP 29 2003

WATER RIGHT NO. 61-4079
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No 67120, Water Right No 61-4079 is now described as follows.

Right Holder: LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: April 01, 1967

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	03/15 to	11/15		141.0 AF
IRRIGATION STORAGE	01/01 to	12/31		<u>141.0 AF</u>
IRRIGATION	03/15 to	11/15	<u>0.71 CFS</u>	
			0.71 CFS	141.0 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NENE Sec. 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 09E 16	35.0	40.0	41.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	41.0	41.0	35.0	614.0
05S 09E 21	40.0		39.0	40.0									40.0	40.0	40.0	40.0	279.0
05S 09E 28		40.0															40.0

Total Acres. 933

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 61-D.

MIC.

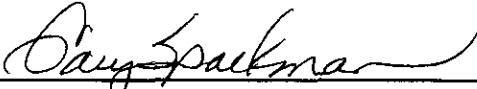
10/1/00 2002

WATER RIGHT NO. 61-4079
As Modified by Transfer No. 67120

2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 61-2228B and 61-4079 when combined shall not exceed a total annual storage volume of 1266 af
4. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage
5. Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above
6. This right is limited to the irrigation of 47 acres within the place of use described above in a single irrigation season.
7. Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres
8. After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
13. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28th day of October, 2003



Chief, Water Allocation Bureau

MICHAEL

2003

2001 JUN -9 PM 2:31
FILED
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

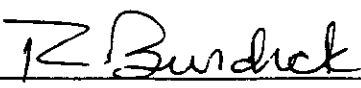
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 61-04123C
_____	)	

On November 3, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-04123C is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED IAN - 9 2001.



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

2001 JAN 09 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 61-04123C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 61-04123C was mailed
on January 09, 2001, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ALICE TRAIL
LEE T TRAIL
RT 1 BOX 66
KING HILL, ID 83633

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

PAGE 1
01/09/01

OCT 29 2003

RECEIVED

JAN 10 2001

L. J. McPherson (V) vs. L. J. McPherson

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-04123C

2001 JAN -9 PM 2:31

TWIN FALLS, IDAHO
FILEDNAME AND ADDRESS: ALICE TRAIL
LEE T TRAIL
RT 1 BOX 66
KING HILL, ID 83633

SOURCE: LITTLE CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 71.50 AFY

USE OF THIS RIGHT WITH RIGHT 61-04123D IS LIMITED TO A TOTAL
COMBINED ANNUAL STORAGE VOLUME OF 71.5 ACRE FEET.USE OF THIS RIGHT WITH RIGHTS 61-04123D, 61-04123E, AND
61-04123F IS LIMITED TO A TOTAL COMBINED ANNUAL STORAGE VOLUME
OF 143 ACRE FEET.

PRIORITY DATE: 11/06/1957

POINT OF DIVERSION: T04S R10E S29 NENE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	11-16 TO 03-16	71.50 AFY
	Irrigation from Storage	03-15 TO 11-15	71.50 AFY

PLACE OF USE:			
Irrigation Storage			Within Elmore County
T04S R10E S28	SWNW		
Irrigation from Storage			Within Elmore County
T05S R09E S16	NENE 35.0	NWNE 40.0	
	SWNE 41.0	SENE 32.0	
	NESE 29.0	NWSE 41.0	
	SWSE 41.0	SESE 35.0	
S21	NENE 40.0	SWNE 39.0	
	SENE 40.0	NESE 40.0	
	NWSE 40.0	SWSE 40.0	
	SESE 40.0		
S28	NWNE 40.0		
613.0 Acres Total			

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHTS: 61-02107B, 61-02288B, AND
61-04079.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

MICROFILMED

OCT 24 2003

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

OCT 24 2003

MEMORANDUM

TO: FILE 61-4123C
FROM: VAULT
RE: TRANSFER # 67120
DATE: 10.29.03

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 61-2107B

ALL