

No Color  
Documents  
In File

Transfer No. 2854  
43-0412  
Water Right No. 112-0210STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant ALBERT J. COTTLE Phone 645-2567  
Post Office address MALTA, IDAHO 83342

## A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 43-0412 \*\*a. Decree No. 43-0412 Decreed to G.S. MARSHALL (Amended)  
(Name)  
in case of Albion LOR Land Co a Corp vs Jobe Adams et al.  
dated in JAN 8<sup>th</sup> 1929 in CASSIA J.S. District  
(Name of court) county of CASSIA

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

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

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_

3. Source of water CASSIA Creek tributary to RAFT River4. Date of priority 6-15-1873

5. Water is used for the following purposes:

amount 2.0 for IRR purposes from 3-15 to 11-15  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)6. Total amount of water under right: a. 2.0 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum\* 7. Location of original point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 20  
Township 13S Range 26 E B.M., in CASSIA 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 $\frac{1}{4}$ |                |
| <del>13S</del> | <del>26E</del> | <del>21</del> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 40               | 40               | 40               |                  |                  | <del>160</del> |
| *13S           | 26E            | 21            |                  |                  |                  | X                |                  |                  |                  |                  | X                |                  | X                | X                | X                | X                | X                | X                |                |
|                |                |               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                |
|                |                |               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                |
|                |                |               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                |

\* Not stated in decree \*\* Per amended decree JJ 12/20/83 Total number of acres to be irrigated 1609. Describe any other water rights used for the same purpose as described above No10. 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

Point of diversion \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_

3. Place of use:

| 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 |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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 2.0 c.f.s. &/or \_\_\_\_\_ acre feet  
b. Description of diverting works MOTOR & pump w/sprinkler  
c. Describe the reasons for the proposed changes Better Access of  
The Water AND More Effi.

2. Change in point of diversion

Point of diversion NE SE  
NW 1/4 SW 1/4, Section 21 Township 135  
Range 26 E, B.M., CASSIA County  
Additional points SW 1/4 SW 1/4 Sec 20 T135 R26 E  
NWSE, Sec. 21 T135 R26 E.

3. Change in place of use NO CHANGE

- 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 \_\_\_\_\_. 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 land or place of use to which the right will be transferred: NO CHANGE

[illegible]

Total number of acres to be irrigated \_\_\_\_\_

4. Describe any other water rights used for the same purpose as described above. NO
- 
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.

Sec 20

Sec 21

P.D.

P.D.

T. 13 S.

R. 26 E.

P.D.

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

D. REMARKS

RECORDED

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

x Albert J. Coottle  
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of April, 19 83.

Loren O. Halma  
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-0412

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

A measuring device and lockable controlling works of a type acceptable to the  
Department shall be permanently installed and maintained as part of the diverting  
works.

Use of water under this right is subject to control by the watermaster of State  
Water District No. 43-C, Cassia Creek.

Witness my hand this 11<sup>th</sup> day of June, 19 84.

A. Glen Saxton  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by A.F. Date 4/21/83 Protest filed by None  
Prelim. check by fb Fee \$50.00  
Receipted by marye Date 4/21/83 # 27241  
Published in South Idaho Press Copies of protest forwarded by \_\_\_\_\_  
Pub. dates June 15 and June 22/83 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on 7/18/83 Recommended for approval denial  
\_\_\_\_\_ rec'd. 7/19/83 by ADM Jain DET

THE DISTRICT COURT OF THE UNITED STATES,  
THE DISTRICT OF IDAHO, SOUTHERN DIVISION.

Idaho Land Company,  
a corporation. Plaintiff.

-vs-

Jobe Adams, et al. Defendants.

IN EQUITY No. 992.

ORDER OF COURT AMENDING DECREE

Upon presentation of the above stipulation to the Court, it is hereby ordered, adjudged and decreed that the decree heretofore entered in this cause, be, and the same is hereby amended to conform to the terms of the within stipulation, and that this order shall have the force and effect of amending said decree.

DATED at Boise, Idaho, this 8th day of January,

A.D. 1929.

Charles C. Cavanaugh  
District Judge.

U. S. DISTRICT COURT  
DISTRICT OF IDAHO  
FILED APR 3 1929  
W. D. McREYNOLDS, Clerk  
By \_\_\_\_\_ Deputy

RECORDED

43-0199 1884-Apr. 30 .02 s.f. To be diverted from Cassia Creek for the  
 43-0200 1894-Apr. 1 2.4 s.f. irrigation of;  $W\frac{1}{2}SW\frac{1}{4}$ , Sec. 29,  $E\frac{1}{2}SE\frac{1}{4}$  &  
 30, Tp. 13 S.R. 25 E.B.M., also beginning  
 at the SW corner of  $SE\frac{1}{4}$  sec. 32, Tp. 13  
 S.R. 25 E.B.M., thence North 16 rods,  $\frac{1}{2}$   
 East 15 rods, thence South 16 rods, then  
 West 15 rods, to place of beginning.

16. C.S. Marshall and  
Kate Marshall

43-0412 43-0412 1873-June 15, 2 s.f. To be diverted from Cassia Creek,  
 0413 1884-Mch. 1 .1 s.f. <sup>0143</sup> To be diverted from Park Creek and  
 0208 1900-Mch. 1 .4 s.f. Park Springs.  
 0209 1909 Mch. 1 .8 s.f. for the irrigation of  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $SE\frac{1}{4}$   
 $SE\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$  Sec. 21, Tp. 13 S.R. 26 E.B.M.

17. John Lithgo

43-0414 1909-Apr. 1 .6 s.f. To be diverted from Round Mountain Creek  
 for the irrigation of;  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $E\frac{1}{2}NE\frac{1}{4}$ ,  
 Sec. 13,  $SE\frac{1}{4}SE\frac{1}{4}$ , Sec. 12, Tp. 16 S.R. 27  
 E.B.M.

18. I. J. Neddo,

43-0217 1881-Apr. 1 .9 s.f. To be diverted from Cassia Creek, for th  
 0218 1882-Apr. 30 .8 s.f. irrigation of;  $SW\frac{1}{4}SE\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ , Lots 6  
 0219 1894-Apr. 1 2.6 s.f. and 7 Sec. 6, Tp. 13 S.R. 27 E.B.M.  
 0220 1908 May 10 1.2 s.f. To be diverted from Cassia Creek, for th  
 irrigation of  $E\frac{1}{2}SW\frac{1}{4}$ , Sec. 30, Tp. 12 S.R.  
 E.B.M.

19. Ray D. Olson

43-0415 1921-Apr. 1 2.8 s.f. To be diverted from Clear Creek for the  
 irrigation of  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$  Sec  
 17,  $NE\frac{1}{4}NW\frac{1}{4}$ , Sec. 20, Tp. 15 S.R. 27 E.B.

20. F. C. Parish

43-0246 1880-Apr. 30 .3 s.f. To be diverted from Cassia Creek for the  
 0247 1882-Apr. 30 .3 s.f. irrigation of;  $SE\frac{1}{4}SW\frac{1}{4}$  Sec. 32, Tp. 13  
 0248 1886-Apr. 30 .1 s.f. S.R. 25 E.B.M., excepting a strip of lan  
 containing  $1\frac{1}{2}$  acres, more or less, locat  
 in SE corner of said land, also exceptin  
 a strip of land 50 ft. wide off the East  
 side and a strip of land 20 ft. wide off  
 the south side of said tract used as a r

21. W. J. Pierce

43-0256 1909-Sept. 13 1.04 s.f. To be diverted from Raft River for the  
 irrigation of; Lot 1, Sec. 31, Lot 3,  
 30 Tp. 11 S.R. 27 E.B.M.  
 0257 1910-Apr. 1 9.6 s.f. To be diverted from Raft River for the  
 irrigation of  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ , Sec. 6, NW  
 Sec. 7, Tp. 12 S.R. 27 E.B.M.  
 0258 1911-June 3 1.84 s.f. To be diverted from Raft River for the  
 irrigation of;  $NE\frac{1}{4}SE\frac{1}{4}$ , Sec. 25, Tp. 11  
 26 E.B.M.; Lot 3 Sec. 30, Tp. 11 S.R. 27

22. Mrs. E. S. Rasmussen.

43-0263 1883-June 8 .88 s.f. To be diverted from Cassia Creek  
 0264 1885-Apr. 30 .08 s.f. from Springs, for the irrigation of  
 H.E. Survey No. 203, embracing a  
 portion of approximate Sections 1 and  
 2, Tp. 18 S.R. 24 E.B.M., described

James S. McGill

1886-June 5 43 0206 2 s.f. c 1911

To be diverted from Clear Creek, for the irrigation of

Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 5, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 8, Twp. 15 S. R. 27 E.B.M.

PROVIDED, that the amount of water which said James S. McGill shall be entitled to receive from the said Clear Creek shall not, at any time, when added to the amount he then is entitled to receive, or is receiving of the waters of Raft River, exceed one inch per acre, or an aggregate of 4 s.f.

1909-Apr. 1 43 0207 1.3 s.f. c 211

To be diverted from Raft River for the irrigation of SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 32, Twp. 15 S. R. 26 E.B.M.

G. S. Marshall  
Kate Marshall

1900-Mar. 1 43 0208 4 s.f. c 257

1909-Mar. 1 43 0209 3 s.f. c 211

To be diverted from Parke Creek for the irrigation of SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 21, Twp. 13 S. R. 26 E.B.M.

1873-June 15 43 0212 2 s.f.

To be diverted from Cassia Creek for the irrigation of SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21 Twp. 13 S. R. 23 E.B.M.

1909-Apr. 1 See amending decree for Place of Use & Source of Water  
R. M. Maxfield 0.65 f.

Annie Maxfield

1887-Apr. 30 43 0211 8 s.f. c 211

1894-Apr. 1 43 0212 2 s.f. c 211

To be diverted from Green Canyon Creek for the irrigation of E $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 17 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 8 Twp. 14 S. R. 25 E.B.M. Also a further tract of land described as follows: Beginning 14 rods 10 inches South of the NE corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 8, Twp. 14 S. R. 25, thence South 65 rods, 15 $\frac{1}{2}$  feet 2 inches; thence West 80 rods, thence North 35 rods 15 $\frac{1}{2}$  feet 2 inches; thence East 80 rods to place of beginning.

North American Mortgage Co.

1888-July 1 43 0213 8 s.f. c 111

To be diverted from Cassia Creek for the irrigation of SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 14, Twp. 13 S. R. 26 E.B.M.

1886-July 1 43 0214 4 s.f. c 194

To be diverted from Cassia Creek for the irrigation of NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 23, Twp. 13 S. R. 26 E.B.M.

1894-Apr. 1 43 0215 2.4 s.f. c 211

To be diverted from Cassia Creek for the irrigation of NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 23, Twp. 13 S. R. 26 and SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 14, Twp. 13 S. R. 26 E.B.M.

See amending decree

COPY OF  
ORIGINAL ALBION LAND CO. V.  
JOSE ADAMSEAL DECE

**SOUTH IDAHO PRESS**  
**BURLEY, IDAHO**  
**AFFIDAVIT OF PUBLICATION**

County of Cassia, )  
STATE OF IDAHO ) ss.

Mary Summer, being first  
duly sworn, deposes and says that he is the

Clark of the South Idaho  
Press, a daily newspaper published at Bur-  
ley, Idaho, in the county aforesaid and that  
the paper is of general circulation therein.  
Deponent further states that the printed no-  
tice attached hereto was duly published  
according to law in the regular editions of

The South Idaho Press for two  
consecutive weeks, commencing with the issue  
dated June 15<sup>th</sup> 1983, and ending  
with the issue dated June 22<sup>nd</sup> 1983.

Mary Summer  
Subscribed and sworn to before me  
this 7<sup>th</sup> day of July  
1983.

Kenneth Moore Notary Public  
Cost of Publication 83.85  
Notary Fee \_\_\_\_\_  
Total Cost 83.85

NO. 45-0087A  
Notice is hereby given that Royce G. &/or Patricia J. Buckley, Oakley, Idaho have applied to the Department of Water Resources for a change of point of diversion and change of place use of a portion of a right from Birch Creek tributary to Goose Creek. The right sought to be changed is evidenced by decree to Louis Haight in case of Jacob Doyley et al vs Heber C. Doyley et al, dated October 10, 1903 in Fourth District Court County of Cassia and is recorded as follows:  
Amount: 0.20 cfs  
Priority: April 1, 1881  
Point of Diversion: NW 1/4 NW 1/4, Sec. 11, T14S, R22E, B.M., Cassia County  
The water is used for irrigation within the SE 1/4 NE 1/4, SE 1/4 NW 1/4, Sec. 4, T14S, R22E.  
PORTION OF RIGHT TO BE CHANGED:  
Amount: 0.05 cfs  
Point of Diversion: NW 1/4 NW 1/4, Sec. 11, T14S, R22E, B.M., Cassia County  
The water is used for irrigation of 6.25 acres with the SE 1/4 NE 1/4, SE 1/4 NW 1/4, Sec. 4, T14S, R22E.  
Exact Place of Use of water is not known, as water was moved to present lands in 1947.  
PORTION TO BE CHANGED:  
Amount: 0.05 cfs  
Point of Diversion: SW 1/4 NE 1/4, Sec. 24, T14S, R22E, B.M., Cassia County  
The water is used for irrigation of 3 acres within the NW 1/4 NW 1/4, Sec. 3, T14S, R22E.  
Any protest against the approval of the above proposed change of the portion of the right described above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before July 5, 1983.  
A KEN DUNN - Director  
Published in the South Idaho Press on June 15 and June 22, 1983.

83-148  
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**  
**NO. 43-4018**

Notice is hereby given that Elbert L. Durfee of Almo, Idaho has applied to the Department of Water Resources for a change place of use and add a diversion point of a right from a groundwater source. The right sought to be changed is evidenced by Claim No. 43-4018 and is recorded as follows:  
Amount: 2.0 cfs  
Priority: April 1, 1942  
Point of Diversion: NW 1/4 SW 1/4, Sec. 12, T16S, R24E, B.M., Cassia County  
The water is used for irrigation purposes of 320 acres from April 1 to November 1 within the SW 1/4, SE 1/4, Sec. 12, T16S, R24E  
TO BE CHANGED AS FOLLOWS:  
Amount: Same  
Point of Diversion: SW 1/4 NW 1/4, Sec. 23, NW 1/4 SE 1/4, Sec. 14; NW 1/4 SW 1/4, Sec. 12 (2 Points); T16S, R24E, B.M.  
Place of Use: SE 1/4 NW 1/4, SW 1/4, SE 1/4, Sec. 12, T16S, R24E, B.M., for irrigation of 139 acres from April 1 to November 1.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before July 5, 1983.  
A KEN DUNN, Director

**NO. 43-0210**

Notice is hereby given that Albert J. Cottle of Malta, Idaho has applied to the Department of Water Resources to add a diversion point of a right from Cassia Creek tributary to Raft River. The right sought to be changed is evidenced by decree to G. S. Marshall in case of Albion Idaho Land Company, a corp., vs. Jobe Adams et al, dated January 8, 1929 in Fifth District Court County of Cassia, and is recorded as follows:  
Amount: 2.0 cfs  
Priority: June 15, 1873  
Point of Diversion: SW 1/4 SW 1/4, Sec. 20, T13S, R26E, B.M., Cassia County  
The water is used for irrigation of 160 acres from March 15 to November 15 within the S 1/4 SW 1/4, N 1/4 SE 1/4, Sec. 21, T13S, R26E  
TO BE CHANGED AS FOLLOWS:  
Amount: 2.0 cfs  
Point of Diversion: NE 1/4 SE 1/4, NW 1/4 SE 1/4, Sec. 21, SW 1/4 SW 1/4, Sec. 20, T13S, R26E  
Place of Use: No change

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 5, 1983.  
A KEN DUNN - Director

**NO. 45-0166**

Notice is hereby given that Robert G. &/or Ruth Moncur of Burley, Idaho have applied to the Department of Water Resources to correct error in place of use of a right from Willow Creek. The right sought to be changed is evidenced by decree to Thomas Poulton in case of John H. W. Thompson et al vs Thomas Poulton et al dated March 17, 1908 in Fourth Judicial District County of Cassia and is recorded as follows:  
Amount: 1/4 flow of Willow Creek  
Priority: November 23, 1881  
Point of Diversion: NW 1/4 SE 1/4, Sec. 26, T12S, R23E, B.M., Cassia County  
The water is used for irrigation within the SE 1/4 SE 1/4, Sec. 4; E 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 19, T12S, R23E  
TO BE CHANGED AS FOLLOWS:  
Amount: 1/4 flow of Willow Creek  
Point of Diversion: No change  
The water is used for irrigation of 160 acres within the SE 1/4 SE 1/4, Sec. 4; E 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 9, T12S, R23E

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 5, 1983.  
A KEN DUNN - Director



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

June 12, 1984

RE: Transfer of Water Right No. 43-0412

Albert J. Cottle  
Malta,  
Idaho 83342

Dear Mr. Cottle:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2854). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Supervisor, Water Allocation Section

DRT:sc

Enclosure

RECEIVED  
JUN 14 1984  
WATER RESOURCES



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

### MEMORANDUM

TO: 43-0412

FROM: Dave Tuthill *DT*

DATE: December 30, 1983

RE: Numbering of Decreed Water Right on Transfer 2854

Based on an analysis of the water right identified on the first page of the above-referenced transfer, and in the light of the water right numbers assigned to the original and amended decrees in the name of Albion Land Co. vs. Jobe Adams, et al, the correct decreed water right number for the transfer has been determined to be 43-0412.

NEW RESOLUTION

# APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 43-0210

JUL 19 1943

## RECOMMENDATION OF WATERMASTER

Department of Water Resources  
Southern District Office

I, David O. Hutchison, watermaster of Cassin Creek  
of Water District No. 43 C, County of Cassin, State of Idaho,  
whose address is \_\_\_\_\_

have read the attached copy of the application for transfer of water right for Albert  
J. Cottle (name), and to the best of my knowledge believe the  
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend  
that the Director of the Department of Water Resources approve the transfer subject to  
the following conditions: none

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-  
quested for the following reasons: \_\_\_\_\_

Dated at Gwinn Falls, Idaho, this 19 day of July 19 43

David O. Hutchison  
(signature)

MICROFILMED



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

July 18, 1983

David O. Hutchison  
Watermaster District 43-C  
Malta, Idaho 83342

Re: Application for Transfer of Water Right No. 43-0210

Dear Mr. Hutchison:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

John V. Evans  
Governor

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

C. Stephen Allred  
Director

July 13, 1983

David O. Hutchison  
Malta,  
Idaho 83342

Re: Application for Transfer of Water Right No. 43-0210

Dear Mr. Hutchison:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 43-0210

Notice is hereby given that Albert J. Cottle of Malta, Idaho has applied to the Department of Water Resources to add a diversion point of a right from Cassia Creek tributary to Raft River. The right sought to be changed is evidenced by decree to G. S. Marshall in case of Albion Idaho Land Company, a corp., vs. Jobe Adams et al, dated January 8, 1929 in Fifth District Court county of Cassia, and is recorded as follows:

Amount: 2.0 cfs

Priority: June 15, 1873

Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T13S, R26E, B.M., Cassia County

The water is used for irrigation of 160 acres from March 15 to November 15 within the S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 21, T13S, R26E

TO BE CHANGED AS FOLLOWS:

Amount: 2.0 cfs

Point of Diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21; SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T13S, R26E

Place of Use; No change

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 5, 1983.

A. KEN DUNN - Director

Published in South Idaho Press June 15 and June 22, 1983.

RECORDED

OK  
ADA  
6/1/83

June 3, 1983

South Idaho Press  
Box 190  
Burley, Idaho 83318

Re: Notice of Proposed Change of Water Right 43-4018; 43-0210; 45-0166 (3 each)

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Noway  
Sec/Office Coord

Encl:

RECEIVED

Bill submitted: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: JF Stanton

1. Right number 43-0210 Applicant COTTLE, Albert J.
2. Type of right: ☒ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Other \_\_\_\_\_
4. Check:
  - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use *Not stated*
  - b. ☒ Description of original point of diversion. *Not stated in Decree -*
  - 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).
    - ☒ Check description of point(s) of diversion. *1 p/d added*
    - ☒ Check description of place of use. *No change*
    - ☒ Check map (shows p.d. and p.u. after transfer).
    - ☒ Check for correct signature, notarization, and fee.
  - c. ☒ Check proof of ownership of right &/or land from which water is transferred.
  - d. ☒ Check for expansion in use of right. Comments - Limit Volume  
no expansion
  - e. ☒ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) N/A
  - f. ☒ Is use within a Watermaster District? ☒ Yes ☐ No  
If yes, what district? 43-C - Cassia Creek

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

- ☒ Watermaster recommendation requested on 7/18/83 Received on 7/19/83
2. Is transfer published correctly? ☒ Yes ☐ No
- ☒ Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

☒ Approve

2. ☐ Deny

3. Conditions\* OIE, 05 (43-C Cassia Creek)  
Maximum volume diverted under this right shall not  
exceed 560 acre feet/annum

4. By ADA Date 7/22/83

RECEIVED

AUG 24 1983