

No Color  
Documents  
In File

---

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPROVED

## APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Burgess Canal & Irrigating Company Phone 754-4208  
Post Office address c/o Route #1, Box 62, Rigby, ID 83442

## A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- 01-0029, 01-0030, 01-0031, 01-0032, 01-0033

a. Decree No. \_\_\_\_\_ Decreed to Burgess Canal & Irrigating Company  
(Name)  
in case of Rexburg Irrigation Co., et al. vs Teton Irrigation Canal Co., et al.  
dated in 12/19/1910 in Sixth Judicial District county of Fremont  
(Name of court)

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

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

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

3. Source of water
- South Fork Snake River
- tributary to
- SNAKE RIVER
- 
- 01-0029(6/01/1886) 01-0030(6/10/1887) 01-0031(6/10/1888)
- 
4. Date of priority
- 01-0032(6/10/1890) 01-0033(6/1/1895)

5. Water is used for the following purposes:

|         |        |                  |     |                   |               |          |    |          |
|---------|--------|------------------|-----|-------------------|---------------|----------|----|----------|
| 01-0029 | amount | <u>10.0 cfs</u>  | for | <u>irrigation</u> | purposes from | _____    | to | _____    |
| 01-0030 |        | <u>10.0 cfs</u>  |     | <u>"</u>          |               | <u>"</u> |    | <u>"</u> |
| 01-0031 | amount | <u>380.0 cfs</u> | for | <u>"</u>          | purposes from | _____    | to | _____    |
| 01-0032 |        | <u>240.0 cfs</u> |     | <u>"</u>          |               | <u>"</u> |    | <u>"</u> |
| 01-0033 | amount | <u>160.0 cfs</u> | for | <u>"</u>          | purposes from | _____    | to | _____    |

(month/day -- both dates inclusive)

6. Total amount of water under right: a.
- 800.0
- cubic feet per second
- 
- &/or
- 
- b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is
- SE
- 1/4 of
- SW
- 1/4 of Section
- 20
- 
- Township
- 4N
- Range
- 40E
- B.M. in
- Jefferson
- County
- 
- Additional points of diversion, if any \_\_\_\_\_

8. Lands irrigated or place of use:
- "LANDS OF STOCKHOLDERS"

| 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 \_\_\_\_\_

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 non-use?
- no

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 \_\_\_\_\_ Phone \_\_\_\_\_

Post Office address \_\_\_\_\_

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by: SEE REMARKS
- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
Transfer \_\_\_\_\_ (Name of court)
- b. ~~License~~ No. 478 01-0116T 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 South Fork Snake River tributary to SNAKE RIVER4. Date of priority 6/1/1887

5. Water is used for the following purposes:

amount 0.798 cfs for irrig. & domestic purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (month/day — both dates inclusive)

6. Total amount of water under right: a. 0.798 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 29  
Township 4N Range 40E B.M. in Jefferson 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 $\frac{1}{4}$ |        |
| 3N   | 38E   | 6    |                  |                  | X                | X                |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

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

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

10. To your knowledge, has any \_\_\_\_\_ of this water right undergone a period of five or more consecutive years  
of nonuse? no If yes, describe in item D. REMARKS \_\_\_\_\_

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 \_\_\_\_\_ Phone \_\_\_\_\_

Post Office address \_\_\_\_\_

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: SEE REMARKS
- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
Transfer (Name of court)
- b. ~~License~~ No. 371 01-0117F 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 South Fork Snake River tributary to SNAKE RIVER
4. Date of priority 6/1/1888
5. Water is used for the following purposes:  
amount 0.608 cfs for irrig. & domestic purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)
6. Total amount of water under right: a. 0.608 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
7. Location of original point of diversion is \_\_\_\_\_ of \_\_\_\_\_ of Section 20  
Township 5N Range 40E B.M. in Jefferson County  
Additional points of diversion, if any \_\_\_\_\_  
\_\_\_\_\_
8. Lands irrigated or place of use: N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$

| 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 $\frac{1}{4}$ |        |
| 4N   | 39E   | 23   |                  |                  | 20               | 20               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 40

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_  
\_\_\_\_\_
10. To your knowledge, has an portion of this water right undergone a period of five or more consecutive years of nonuse? no  
If yes, describe in Item D. REMARKS \_\_\_\_\_

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 01-0249 Decreed to Burgess Canal and Irrigating Company  
in case of Woodville Canal Company vs Clark and Edwards Canal and Irrigation Company  
dated in 6/25/1929 in Eastern Division county of Fremont  
(Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

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

3. Source of water South fork & Main Fork tributary to Snake River and Columbia River  
Snake River

4. Date of priority 1/22/1916

5. Water is used for the following purposes:

amount 200.0 for irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 200.0 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is --- % of SE % of Section 20  
Township 4N Range 40E, B.M., in Jefferson County  
Additional points of diversion, if any \_\_\_\_\_

8. Lands irrigated or place of use:

"LANDS OF STOCKHOLDERS"

| 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 \_\_\_\_\_

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.

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 \_\_\_\_\_ Phone \_\_\_\_\_

Post Office address \_\_\_\_\_

**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. 01-0353 Decreed to Burgess Canal & Irrigating Company  
(Name)  
in case of Burgess Canal & Irrigating Co. vs Arthur L. Larsen  
dated in 6/13/1973 in 7th Judicial District county of Fremont  
(Name of court)

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

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

**2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER4. Date of priority 6/2/1919**5. Water is used for the following purposes:**

amount 100.0 cfs for IRRIGATION purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 100.0 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is --- of SE of Section 20  
Township 4N Range 40E B.M. in Jefferson County  
Additional points of diversion, if any \_\_\_\_\_  
\_\_\_\_\_

8. Lands irrigated or place of use: See attached land list also.

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 4N   | 40E   | 19   |     |     |     |     |     |     |     |     | X   | X   | X   | X   |     |     |     |     |        |
| 4N   | 39E   | 23   |     |     | X   | X   | X   | X   | X   | X   | X   | X   |     |     | X   | X   |     |     |        |
| 4N   | 39E   | 22   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   |     |     | X   | X   |     |     |        |
| 4N   | 39E   | 15   |     |     |     |     |     |     |     |     | X   | X   | X   | X   |     |     |     |     |        |
| 4N   | 39E   | 16   |     |     |     |     |     |     |     |     | X   | X   | X   | X   | X   | X   | X   | X   |        |

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

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

10. To your knowledge, has an portion of this water right undergone a period of five or more consecutive years  
of nonuse? no If yes, describe in item D, REMARKS

# LAND LIST ATTACHMENT

Enter place and location of 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 |        |
| 4N                                                                 | 39E   | 21                        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |
|                                                                    |       | 17                        |        |        | X      | X      |        |        |        |        |        |        | X      | X      | X      | X      | X      | X      |        |
|                                                                    |       | 18                        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      | X      |        |
|                                                                    |       | 19                        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
|                                                                    |       | 20                        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
|                                                                    |       | 29                        | X      | X      |        |        | X      | X      |        |        |        |        |        |        |        |        |        |        |        |
|                                                                    |       | 30                        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
| 4N                                                                 | 38E   | 15                        |        |        |        |        |        |        |        |        |        |        | X      | X      |        |        |        |        |        |
|                                                                    |       | 16                        |        |        | X      | X      |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |
|                                                                    |       | 17                        |        |        |        |        |        |        |        |        | X      | X      | X      | X      |        |        | X      | X      |        |
|                                                                    |       | 19                        | X      |        |        | X      |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |
| ALL OF SECTIONS 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 |       |                           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                                                    |       | 33                        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
|                                                                    |       | 34                        | X      | X      |        |        | X      | X      | X      | X      |        |        |        |        | X      | X      |        |        |        |
|                                                                    |       | 35                        |        |        |        |        |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |
|                                                                    |       | 36                        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
| 4N                                                                 | 37E   | 24                        |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
| ALL OF SECTIONS 26 and 36                                          |       |                           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| 3N                                                                 | 37E   | ALL OF SECTIONS 1, 12, 13 |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                                                    |       | 24                        | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |        |        |        |        |
| 3N                                                                 | 38E   | 3                         |        |        | X      | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                                                    |       | 10                        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
|                                                                    |       | 15                        | X      | X      |        |        | X      | X      |        |        |        |        |        |        |        |        |        |        |        |
|                                                                    |       | 4                         |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |        | X      | X      |        |
|                                                                    |       | 9                         | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| ALL OF SECTIONS 5, 6, 7, 18                                        |       |                           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                                                    |       | 8                         |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
|                                                                    |       | 17                        |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
|                                                                    |       | 19                        | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated Approximately  
24,000

| NUMBER                | CFS   |
|-----------------------|-------|
| 01-0029               | 10.0  |
| 01-0030               | 10.0  |
| 01-0031               | 380.0 |
| 01-0032               | 240.0 |
| 01-0033               | 160.0 |
| 01-0249               | 200.0 |
| 01-0353               | 100.0 |
| Transfer 371 01-0117F | 0.608 |
| Transfer 478 01-0116T | 0.798 |

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

1. General Information

- Amount of water to be diverted 1101.406 c.f.s. &/or \_\_\_\_\_ acre feet
- Description of diverting works Burgess Canal headworks and portable pumps on river.
- Describe the reasons for the proposed changes The change in point of diversion includes pumping sites on the river and corrects errors in past legal descriptions of the Burgess Canal headworks.

2. Change in point of diversion

Point of diversion SE 1/4 SW 1/4 Section 20 Township 4N  
 Range 40E B.M. Jefferson County  
 Additional points Lot 4, Sec. 13, Twp. 3N, Rge. 37E; Lot 2 & 4, Sec. 23,  
Lot 3, Sec. 26, Lot 2 & 3 (2 points), Sec. 36, Twp. 4N, Rge. 37E

3. Change in place of use NO CHANGE

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

c. Describe the lands and face of use to which the right will be transferred:

[illegible]

CONTINUED ON ATTACHMENT

Approximately

Total number of acres to be irrigated 24,440

4. Describe any other water rights used for the same purpose as described above. \_\_\_\_\_
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. SEE ATTACHED MAPS

[illegible]

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

## LAND LIST ATTACHMENT

Description and location of 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 |        |
| 4N   | 39E      | 17                                                 |        |        | X      | X      |        |        |        |        |        |        | X      | X      | X      | X      | X      | X      |        |
|      |          | 18                                                 |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      | X      |        |
| ALL  | SECTIONS | 19 and 20                                          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          | 29                                                 | X      | X      |        |        | X      | X      |        |        |        |        |        |        |        |        |        |        |        |
|      |          | 30                                                 | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
| 4N   | 38E      | 15                                                 |        |        |        |        |        |        |        |        |        |        | X      | X      |        |        |        |        |        |
|      |          | 16                                                 |        |        | X      | X      |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
|      |          | 17                                                 |        |        |        |        |        |        |        | X      | X      | X      | X      |        |        |        | X      | X      |        |
|      |          | 19                                                 | X      |        |        | X      |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
| ALL  | SECTIONS | 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          | 33                                                 | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
|      |          | 34                                                 | X      | X      |        |        | X      | X      | X      | X      |        |        |        |        | X      | X      |        |        |        |
|      |          | 35                                                 |        |        |        |        |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |
| ALL  | SECTION  | 36                                                 |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| 4N   | 37E      | 24                                                 |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      | X      |        |
| ALL  | SECTIONS | 26 and 36                                          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| 3N   | 37E      | ALL SECTIONS 1, 12 and 13                          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          | 24                                                 | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |        |        |        |        |
| 3N   | 38E      | 3                                                  |        |        | X      | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |
| ALL  | SECTION  | 10                                                 |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          | 15                                                 | X      | X      |        |        | X      | X      |        |        |        |        |        |        |        |        |        |        |        |
|      |          | 4                                                  |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |        | X      | X      |        |
|      |          | 9                                                  | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| ALL  | SECTIONS | 5, 6, 7, 18                                        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          | 8                                                  |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
|      |          | 17                                                 |        |        |        |        | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |
|      |          | 19                                                 | X      | X      | X      | X      | X      | X      | X      | X      |        |        |        |        |        |        |        |        |        |
|      |          |                                                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          |                                                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          |                                                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |          |                                                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated Approximately 24,440

D. REMARKS

Source of water is South Fork Snake River tributary to Snake River for SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 Sec. 20, Twp. 4N, Rge. 40E. All other points of diversion have the source Snake  
 River tributary to Columbia River. Roy Wright is original holder of Transfer 371.  
 Henry E. Miller is original holder of Transfer 478.

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.

Subscribed and sworn to before me this 18<sup>th</sup> day of May, 19 81

[Signature]  
 (Signature of Applicant)  
[Signature]  
 (Notary Public)

My commission expires 2/14/82

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0116T/01-0117F/  
01-0029/0030/0031/0032/003  
0249/035  
 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 # 01, Snake River.

Witness my hand this 25<sup>th</sup> day of August, 19 81

[Signature]  
 L. GLEN SAXTON  
 Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

PREPARED  
 Received by JK Date 12 MAY 1981 Protest filed by \_\_\_\_\_  
 Prelim. check by \_\_\_\_\_ Fee \_\_\_\_\_  
 Receipted by Bis Date 15 May 81 92-290/1241 # 17658  
 Published in Riparian Star Copies of protest forwarded by \_\_\_\_\_  
 Pub. dates 6/49/81 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
 Watermaster recommendation requested on \_\_\_\_\_ Recommended for approval denial  
 \_\_\_\_\_ rec'd. 6/8/81 by EMC

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE Sept. 4, 1981

TO Files for Transfer No. 2560

SUBJECT

Please refer to file 01-0029 for any correspondence concerning the above referenced transfer.

---

SIGNATURE

RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

\*\*\*\*\*

\*\*\*\*\*

Rexburg Irrigation Company, et al.,

PLAINTIFFS,

DEGREE.

-VS-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

\*\*\*\*\*

\*\*\*\*\*

This cause coming on to be heard this 10th day of

Feb 10, upon the report of F. J. Cowen, Referee heretofore appointed

for the purpose of taking the testimony and making recommendations

as to Findings of Fact, Conclusions of Law and Decree, to be entered

herein, and the said F. J. Cowen, having filed his report of the

testimony taken, and his recommendations as to Findings of Fact

and Conclusions of Law, which have heretofore been adopted, and the

respective plaintiffs and defendants and cross-complainants appearing

and being advised by their respective counsel, and the Court being fully informed

and advised in the premises, and having ordered that judgment be

entered in accordance with the report and recommendations of the said

Referee, and the law and the Report and Findings

and Conclusions of Law aforesaid.

It is ordered, Adjudged and Decreed, that the several parties

plaintiffs and defendants herein named, do have judgment respectively

the right to use, for irrigation and other purposes, the following

number of inches of water, each thirty inches thereof to be equivalent

to the flow of one cubic foot per second as prescribed by the law

Buck, James

The Farmers' Friend,  
Canal Company.

Buck, John H.

The Farmers' Friend  
Canal Company.Burgess Ditch  
Company.( See C. J. Almy and  
Simington Nedrow.)~~1-0094~~ 10029✓Burgess Canal &  
Irrigation  
Company.

500 inches. June 10, 1886. Snake River, South Fork

~~1-0095~~ 10030✓Burgess Canal &  
Irrigation  
Company.

500 inches. June 10, 1887. Snake River, South Fork.

~~1-0096~~ 10031✓Burgess Canal &  
Irrigation  
Company.

19,000 inches. June 10, 1888. Snake River, South Fork.

~~1-0097~~ 10032✓Burgess Canal &  
Irrigation  
Company.

12,000 inches. June 10, 1890. Snake River, South Fork.

~~1-0098~~ 10033✓Burgess Canal &  
Irrigation  
Company.

8,000 inches. June 1, 1895. Snake River, South Fork.

Burkenshaw,  
BenjaminThe Farmers' Friend  
Canal Company.Burkenshaw,  
ThomasThe Farmers' Friend  
Canal Company.~~1-0099~~ 23-0073✓

Burney, Peter

40 inches. June 1, 1901. Palisade Creek.

Burtenshaw,  
WilliamEnterprise Canal  
Company.Burton, C., Jr.  
and W. S., and  
Robert Blamires.(See Robert Blamires,  
and C. Burton, Jr.,  
and W. S. Burton.)~~1-0100~~ 23-0061✓

Burton, Hannah

150 inches. May 20, 1889. Palisade Creek.<sup>#536</sup>~~1-0101~~ 23-0062✓

Burton, Hannah

210 inches. June 30, 1890. Palisade Creek.<sup>#536</sup>

Bush Brothers

The Farmers' Friend  
Canal Company.~~1-0102~~ 22 0185✓

Bush, George W.

100 inches. June 1, 1896. Fox Creek.

~~1-0103~~ 22 0186✓

Bush, George W.

20 inches. June 1, 1897. Darby Creek.

~~1-0104~~ 22 0187✓

Bush, George W.

40 inches. June 1, 1896. Fox Creek.

~~1-0105~~ 22 0188✓

Bush, George W.

120 inches. June 1, 1900. Fox Creek.