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In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Burgess Canal & Irrigating Company Phone 754-4208Post 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
- Snow River
-
- 01-0029(6/21/1886) 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>		"				
01-0031	amount	<u>380.0 cfs</u>	for	"	purposes from	_____	to	_____
01-0032		<u>240.0 cfs</u>		"				
01-0033	amount	<u>160.0 cfs</u>	for	"	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
- of
- SW
- 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				TOTAL
			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 RIVER
4. 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 1/4 of NE 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 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	
3N	38E	6			X	X													

Total number of acres to original _____

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

SEE REMARKS

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ VS _____

dated in _____ in _____ county of _____
Transfer (Name of court)

b. License No. 371 01-0117E 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 6/1/1888

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

10. To your knowledge, has all or portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item 11, 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 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 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 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: 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 transferred _____

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 9. REMARKS

LAND LEFT ATTACHMENT

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32

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
24,440

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 effect on the land now irrigated if the place of use is changed pursuant to this transfer

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

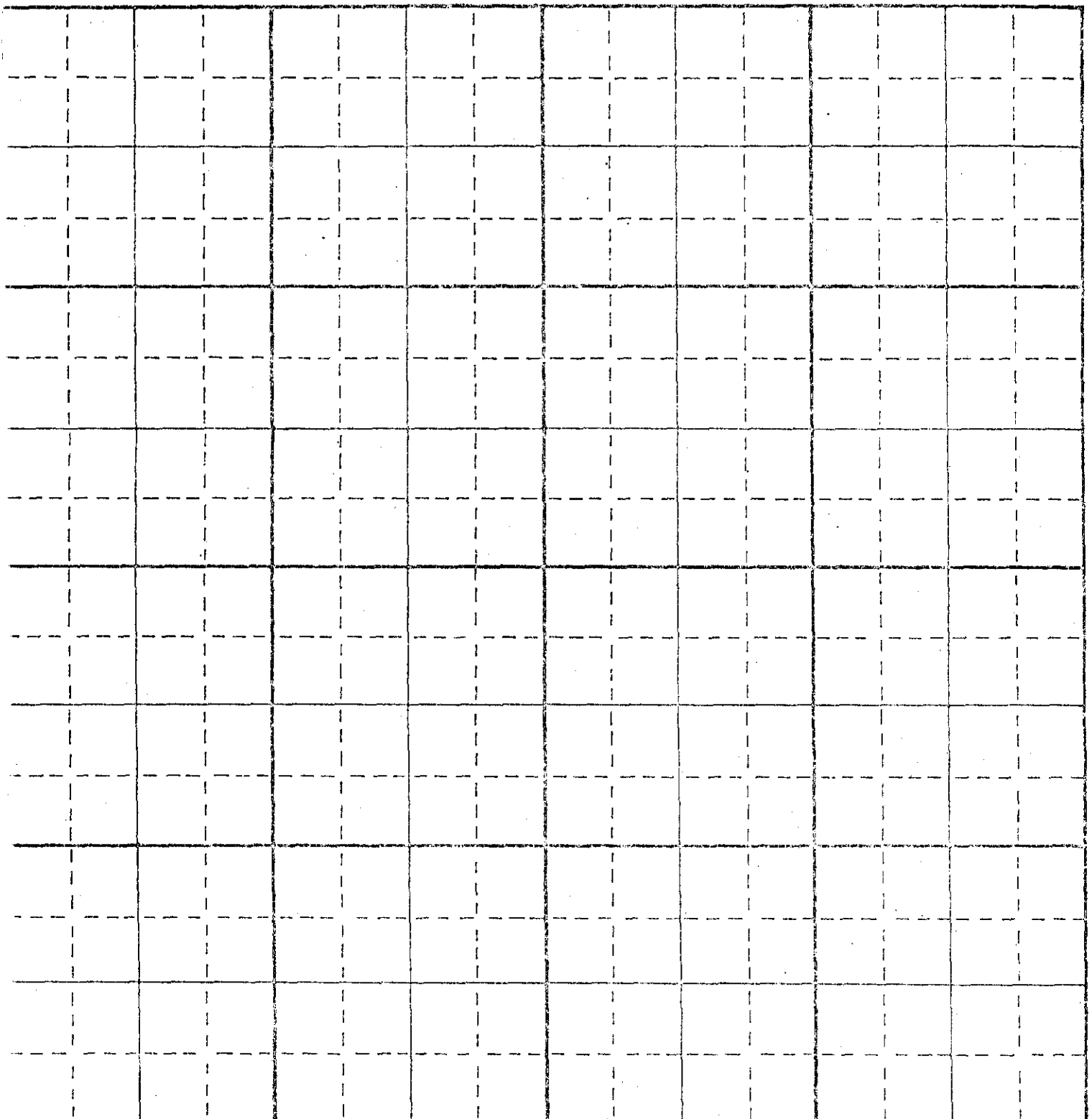
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	40E	19									X	X	X	X					
4N	39E	23			X	X	X	X	X	X	X	X			X	X			
		22	X	X	X	X	X	X	X	X	X	X			X	X			
		15									X	X	X	X					
		16									X	X	X	X	X	X	X	X	
		21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			

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



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	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																	
		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 1/4 SW 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 18th day of May, 19 81

(Signature of Applicant)

(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/01-0029/0030/0031/0032/0033/0034/0035/0036/0037/0038/0039/0040/0041/0042/0043/0044/0045/0046/0047/0048/0049/0050 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 25th day of August, 19 81

L. GLEN SAXTON
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

PREPARED
Received by SK Date 12 MAY 1981 Protest filed by _____
Prelim. check by _____ Fee _____
Received by BK3 Date 15 MAY 81 92-240/1241#17058
Published in Richu Star Copies of protest forwarded by _____
Pub. dates 6/4 & 6/11/81 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial _____
_____ rec'd. 6/8/81 by ENC

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,

DECREE.

-VS-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this *Recd* day of
1910, 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
Conclusions of Law, which have heretofore been adopted, and the
respective plaintiffs and defendants and cross-complainants appearing
herein by their respective counsel, and the Court being fully informed
advised in the premises, and having ordered that judgment be
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 fifty 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~~ 1 029 ✓
Burgess Canal &
Irrigation
Company.

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

~~1-0095~~ 1 030 ✓
Burgess Canal &
Irrigation
Company.

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

~~1-0096~~ 1 031 ✓
Burgess Canal &
Irrigation
Company.

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

~~1-0097~~ 1 032 ✓
Burgess Canal &
Irrigation
Company.

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

~~1-0098~~ 1 033 ✓
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 ✓
~~1-0099~~ 1 034 ✓

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. #536

~~1-0101~~ 23-0062 ✓

Burton, Hannah

210 inches. June 30, 1890. Palisade Creek. #536

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.