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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 754-4208Post 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
- SNAKE 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>		<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				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

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
b. _____ &/or
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
from _____ to _____ 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 01-0117F 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 Snow 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 20Township 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
(Name)
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.	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 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

no

If yes, describe in item D. REMARKS

LAND LIST ATTACHMENT

Describe size 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
24,440

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 X 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 place 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

This image shows a full page of graph paper. It features a grid of squares defined by solid black lines. Within each square, there are dashed horizontal and vertical lines that divide the space into four smaller quadrants. The entire page is covered by this pattern, providing a template for technical drawing or mathematics.

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	
		17									X	X	X	X			X	X	
		19	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 18th day of May, 1981

[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 25th day of August, 1981

[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 BK3 Date 15 May 81 92-2401241#17658
 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 EMC

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

0181
RECEIVED

Kent W. Foster of
Holden, Holden, Kidwell, Hahn & Crapo FEB 1 1974
P. O. Box 129
Idaho Falls, Idaho 83401
Tele: 523-0620

Department of Water Administration
Eastern District Office
CASE NUMBER 6628
DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
County of Fremont, State of Idaho

FILED June 13 1973
Brent Jackson
CLERK
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

BURGESS CANAL AND IRRIGATING
COMPANY, a corporation,

Plaintiff,

vs.

ARTHUR L. LARSON, Watermaster,
Water District No. 1, State
of Idaho,

Defendant.

Case No. _____

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This cause having come on regularly before the Court
and the Court having examined the Stipulation filed herein by
the parties; and the Court being fully advised in the premises
makes and enters the following:

FINDINGS OF FACT:

I

That since on or about the 24th day of June, 1969,
the defendant, Arthur L. Larson, has been, and now is, the duly
elected, qualified and acting Watermaster of Water District No. 1
(formerly Water District No. 36) for the State of Idaho.

II

That the plaintiff, Burgess Canal and Irrigating Company,
is a corporation duly organized and existing under and by virtue

The Document to which this certificate is
attached is a full, true and correct copy
of the original on file and of record in my
office, same having been filed June 13 1973

Attest June 21 1974
Darlene M. Calonge, Clerk of the District
Court of the Seventh Judicial District in
Fremont County, Idaho.

Margaret Stewart

adjudication of the flood waters of the Snake River with a claimed priority date of June 2, 1919, to supplement the existing Decree entitled "Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Company, et al, defendants", entered on the 19th day of December, 1910; that Summons issued out of said Court in said cause on the 6th day of April, 1973; and that a copy of said Summons and Complaint were served upon the defendant, Arthur L. Larson, Watermaster, Water District No. 1, State of Idaho, on the 18th day of April, 1973; that plaintiff has caused to be published proper and sufficient notice of the pendency and purpose of this action in the Fremont County Chronicle-News, a newspaper of general circulation in the County of Fremont, State of Idaho; and that all of the provisions of Idaho Code, Section 42-1405, relating to notice and publication of notice have been fully complied with.

Based on the foregoing Findings of Fact, the Court makes and enters the following:

CONCLUSIONS OF LAW:

I

01-0353 That the plaintiff, Burgess Canal and Irrigating Company, an Idaho corporation, is entitled to divert and use 100 cubic feet of water per second of time, of and from the flood waters of the Snake River, with a priority date of June 2, 1919, to be appurtenant to the lands of the plaintiff's stockholders, described as follows:

In Township 4 North of Range 40 East Boise Meridian,
the Southwest Quarter of Section 19.