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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5388
WATER RIGHT NO(S). 01-00002A/01-00148/01-00266/01-04061

This is to certify that: TREGO DITCH COMPANY
C/O WILBUR GREGORY
533 W 37 S
BLACKFOOT ID 83221

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 01-00002A : IRRIGATION Priority: 06/01/1890	04/01 to 10/31	65.41 CFS	5208.0 AF
Right No. 01-00148 : IRRIGATION Priority: 06/01/1902	04/01 to 10/31	4.00 CFS	640.0 AF
Right No. 01-00266 : IRRIGATION Priority: 01/22/1916	04/01 to 10/31	18.00 CFS	5208.0 AF
Right No. 01-04061 : IRRIGATION Priority: 06/06/1965	04/01 to 10/31	9.89 CFS	4178.4 AF
TOTAL:		* 97.30 CFS	* 5208.0 AF

SOURCE
SNAKE RIVER

TRIBUTARY OF
COLUMBIA RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENE), Sec. 27, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	35E	31	NWNE 7	SWNE 40	SENE 37	
			Lot 2 (SWNW) 30	SENE 30	NESW 40	
			Lot 3 (NWSW) 40	Lot 4 (SWSW) 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			464
		32	SWNW 17	SENE 4	NESW 40	
			NWSW 40	SWSW 20	SESW 40	

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WATER RIGHT NO(S). 01-00002A/01-00148/01-00266/01-04061

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>		<u>TOTAL</u>
		NWSE	15	Lot 2 (SWSE)	35			211
03S 35E	5	Lot 8 (NENW)	18	Lot 9 (NWNW)	40	SWNW	10	
		NWSW	5					73
	6	Lot 1 (NENE)	40	Lot 2 (NWNE)	40	SWNE	40	
		SENE	40	Lot 3 (NENW)	40	Lot 4 (NWNW)	40	
		Lot 5 (SWNW)	40	SENE	40	NESW	40	
		Lot 6 (NWSW)	33	Lot 7 (SESW)	28	NESE	38	
		NWSE	40	SWSE	40	SESE	15	554
Total number of acres irrigated:								* 1302 **

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 5388 does not confirm claimed Right 01-04061.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 8. Right 01-00148 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- * 9. Rights 01-00002A, 01-00148, 01-00266, and 01-04061 when combined shall not exceed a total diversion rate of 97.30 cfs, a total annual maximum diversion volume of 5208.0 af at the field headgate, and the irrigation of 1302.0 acres.
10. Approval of Transfer 5388 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this

24th day of

November, 1999

J. Glen Saylor
Chief, Water Allocation Bureau

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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
DISTRICT OF IDAHO, EASTERN DIVISION.

WOODVILLE CANAL COMPANY,
A CORPORATION,

Plaintiff,

vs.

CLARK AND EDWARDS CANAL AND
IRRIGATION COMPANY, A CORPORATION,
ET AL,

Defendants.

DECREE 661

This cause came on to be heard this 25th day of June, 1929, Paul T. Peterson of Idaho Falls, Idaho, appearing for the Plaintiff and F. L. Soule of St. Anthony, Idaho, appearing for the Defendant and Cross Complainant North Fork Reservoir Company, John F. MacLane of Salt Lake City, Utah and Clency St. Clair of Idaho Falls, Idaho, appearing for the Defendant and Cross Complainant Utah Power & Light Co., F. A. Miller of St. Anthony, Idaho and B. H. Miller of Idaho Falls, Idaho, appearing for the Defendants and Cross Complainants Enterprise Irrigation District, Roxanna Canal Company, Farmers Friend Canal Company, Ltd., and Consolidated Farmers Canal Company, C. W. Poole of Rexburg, Idaho, appearing for the Defendants and Cross Complainants City of Rexburg and Rexburg Irrigation Co., Geo. H. Lowe of Ogden, Utah, appearing for the Defendant and Cross Complainant Twin Groves Canal and Irrigation Co., B. E. Stoutemyer, District Counsel for the United States Reclamation Service of Portland, Oregon, and H. E. Ray, United States District Attorney for the District of Idaho appearing for the Defendants The Secretary of the Interior of the United States, S. T. Lowe of Burley, Idaho, appearing for the Defendants and Cross Complainants Minidoka Irrigation District and Burley Irrigation District, James R. Bothwell of Twin Falls, Idaho appearing for the defendants Twin Falls Canal Company and American Falls Reservoir District, Walters, Parry & Thoman, C. A. Parry of Twin Falls, Idaho and A. B. Barclay of Jerome, Idaho, appearing for the Defendants North Side Canal Company, F. J. Cowen of Blackfoot, Idaho appearing for the Defendants and Cross Complainants Peoples Canal Co., Watson Slough Ditch Company, Danskin Ditch Co., and New Lavaside Canal Co., N. D. Jackson of St. Anthony, Idaho, appearing for the Defendants and Cross Complainants Wm. B. Reyburn, William Kooch and Fannie B. Proufert, O. A. Johannesen of Idaho Falls, Idaho appearing for himself as a Defendant and for the Defendants Long Island Canal Company and Independent Irrigation Company and Otto E. McCutcheon of Idaho Falls, Idaho, appearing for the following named Defendants, J. H. Stone Ditch, Butler Island Canal Company, Enterprise Canal Company, Clark and Edwards Canal and Irrigating Company, Dilts LaBelle Irrigation Company, Lowder Slough Canal Company, North Rigby Irrigation Canal Company, West LaBelle Irrigation Company, Parks and Lewisville Irrigation Company, Progressive Irrigation District, Kite and Nord Ditch Company, White Ditch, Rudy Canal and Irrigation Company, LaBelle Irrigation Company, Cheney Ditch, Farmers Friend Irrigation Company, Burgess Canal and Irrigating Company, Snake River Valley Irrigation District, Reid Canal Company, Texas Slough Irrigation Canal Company,

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(9) South, Range twenty (20) East E. B. M., thence North to the Northeast corner of said Section; thence West to the Southwest corner of Section thirteen (13), Township nine (9) South, Range nineteen (19) E. B. M., thence North to the Northeast corner of Section Eleven (11), in said Township, thence West to the Southwest corner of Section three (3) in said Township, thence North to the Northeast corner of Section thirty-three (33), Township eight (8) South, Range nineteen (19) E. B. M., thence West to the Southwest corner of Section thirty (30) in said Township; thence North to the Northwest corner of Section thirty (30) in said Township; thence West to the Southwest corner of Section twenty-three (23), Township eight (8) South, Range eighteen (18), E. B. M.; thence North to the Northeast corner of Section three (3), Township seven South of Range eighteen (18) E. B. M., thence West to the Northwest corner of Section three (3), Township seven (7) South, Range sixteen (16) E. B. M., thence North to the Northeast corner of Section thirty-two (32), Township six (6) South, of Range sixteen (16) E. B. M.; thence West to the Northwest corner of Section thirty-one (31) in said Township; thence North to the Northeast corner of Section twenty-four (24), Township six (6) South, Range Fifteen (15) E. B. M.; thence West to the Southwest corner of Section fifteen (15), Township six (6) South, Range fourteen (14) E. B. M.; thence West to the Malad River; thence North along the Malad River and Big Wood River to its intersection with the South line of Section twenty-two (22), Township five (5) South, Range fourteen (14) E. B. M.; thence West to the Southwest corner of Section twenty-three (23), Township five (5) South, Range twelve (12) E. B. M., thence North to the Northeast corner of Section fifteen (15) in said Township, thence West to the Southwest corner of Section seven (7), in said Township; thence North to the Northwest corner of said Section seven (7); thence West to the Northwest corner of Section seven (7), Township five (5) South, Range eleven (11) E. B. M., thence South to Snake River.

It is further ordered, adjudged and decreed, until otherwise provided by Statute, the State Engineer of the State of Idaho or his duly authorized deputy, shall determine what part of the water flowing in Snake River at the Minidoka and Milner Dams, is storage waters, and what part is natural flow, as provided by the Idaho Session Laws of 1909, entitled: "An Act to provide for the safe-guarding of the rights of those Conserving Public Waters in Reservoirs and prohibiting Misappropriation of such waters by those having no right to the use of the same, and Declaring a Misdemeanor," the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion or acts of the parties hereto or any or either of them or by the release of stored water, the natural flow to which the Twin Falls projects are entitled to be measured to them at the Milner Dam.

It is further ordered, adjudged and decreed that the rights and priorities hereinbefore determined and awarded be and the same are each of them quieted and confirmed as against each and every party hereto; and furthermore that each and all claims to the waters of the Snake River by each or all of said parties adverse to the rights herein awarded and determined, be and they are hereby held for nought and such parties forever barred from asserting same.

Done in Open Court this 20th day of June, 1913.

BY THE COURT.

EDWARD A. WALTERS, District Judge.

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MEMORANDUM

TO: Files 01-00002A, 01-00148, 01-00266 & 01-04061

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5388

DATE: November 23, 1999

Transfer 5388 changes the point of diversion and clarifies the specific place of use under Rights 01-00002A, 01-00148, 01-00266 and 01-04061. The applicant and Danskin Ditch Company have agreed to consolidate their rights in the Danskin ditch to be more efficient and help prevent flooding.

The three decreed rights had non-specific places of use within the same area as 1302 acres identified under the transfer and statutory claim 01-04061. Right 01-00148 is limited specifically to 160 total acres within the 1302-acre permissible place of use.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include non-confirmation of claim 01-04061, watermaster control, measuring device & lockable controlling works, irrigation overlap, permissible place of use under Right 01-00148, combined right limits, right-of-way and standard transfer conditions.

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MEMORANDUM

TO: FILE 01-00266
FROM: PAM SKAGGS
RE: TRANSFER # 5388
DATE: 2-19-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 01-00002.

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