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

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>
			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


Chief, Water Allocation Bureau

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OFFICE OF STATE ENGINEER

P L A I N T I F F S

DECREE.

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DEFENDANTS.

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

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 in, 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 by their respective counsel, and the Court being fully advised in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said F. J. Cowen, on the basis of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively right to use, for irrigation and other purposes, the following amount of inches of water, each fifty inches thereof to be equivalent to one cubic foot per second, as prescribed by the law

REFILMED

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Y 1 3 1996

Keeler, D. F. N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2 T., 3 S., R. 34 E.
 B. M., containing 80 acres.
 Kelley, George 60 acres from East side of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of
 Sec. 2 T. 2 N. R., 38 E., B. M.
 Kelley, J. E. NE $\frac{1}{4}$ of Sec. 27, T. 1 N. R., 37 E., B.
 M., containing 160 acres.
 Kimball, A. L. SE $\frac{1}{4}$ of Sec. 28, and E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 24
 T. 4 N. R., 45 E., B. M., containing
 240 acres.
 Kimball, Archie R. E $\frac{1}{2}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 12, T.
 3 N., R. 45 E., B. M., containing
 120 acres., and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec.
 1, T. 3 N. R., 45 E., B. M.
 King, Daniel S $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and Lot 7 of
 Sec. 16, T. 3, S., R., 35 E. B. M.
 containing 160 acres.
 Kirsley, Edwin N. NE $\frac{1}{4}$ of NE $\frac{1}{4}$. N $\frac{1}{2}$ of NW $\frac{1}{4}$, of Sec. 17, and
 NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18, T. 3 N. R.,
 45 E. B. M.
 Kirsley, Mary E. (No description given.)
 Kirsley, Richard NE $\frac{1}{4}$ of Sec. 15, T. 3 N., R., 45 E. B. M.,
 containing 160 acres.
 Knowles, Henry S. SW $\frac{1}{4}$ and Lots 4 and 5 of Sec. 25, SE $\frac{1}{4}$ of
 SE $\frac{1}{4}$ of Sec. 26, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 35
 W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 36, and Lot 5 of Sec.
 36, T. 3 N. R., 37 E., B. M., containing
 465 acres.
 Kooch, John W. Lot 12 of Sec. 18, and Lots 5, 6 and 11 of
 Sec. 19, T. 14 N., R., 44 E. B. M.
 Kocch, Maggie Lots 13, 14, and 16 of Sec. 18, Lots
 3, 4, 7 and 10, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$
 of SW $\frac{1}{4}$ of Sec. 19, T. 14, N. R.,
 44, E. B. M.,
 containing 305.10 acres.

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MAY 13 1996

~~01-6625-22-0087~~
Reese, A. J. and
Daniel King

160 inches. June 1, 1902. East Fork of Hotel Creek.

~~01-6625-1-148~~
Reese, A. J. and
Daniel King

200 inches. June 1, 1902. Snake River.

~~01-6625-1-149~~
Reid Canal
Company.

1,500 inches. June 1, 1885. South Fork of the Snake River.

~~01-6625-1-150~~
Reid Canal
Company.

2,000 inches. June 1, 1886. South Fork of the Snake River.

~~01-6630-1-151~~
Reid Canal Company

4,000 inches. June 1, 1889. South Fork of the Snake River.

~~01-6634-22-0469~~
Rexburg
Irrigation
Company.

8,500 inches. Apr. 1, 1898. Teton River.

~~01-6634-22-0470~~
Rexburg
Irrigation
Company

6,500 inches. June 10, 1883. Teton River.

~~01-6634-22-0471~~
Rexburg
Milling
Company

3,000 inches. Oct. 1, 1889. Teton River (Woodman-see-Johnston ditch), for power purposes only and subject to rights of users for agricultural purposes of water through same ditch.

~~01-6634-22-0472~~
Rice, A. L.

160 inches. June 1, 1891. Patterson Creek.

~~01-6635-22-0473~~
Rice, A. L.

160 inches. June 1, 1896. Patterson Creek.

~~01-6635-22-0474~~
Rice, A. L.

160 inches. June 1, 1896. Patterson Creek.

~~01-6635-22-0475~~
Rice, J. M.

160 inches. Apr. 1, 1890. Trail Creek.

~~01-6635-35-0026~~
Rice, J. M.

250 inches. June 11, 1889. Hull's Slough--Boone Creek.

Rice, L. C.

Pioneer Ditch Company.

~~01-6635-35-0027~~
Rice, Oscar F.

250 inches. June 11, 1889. Hull's Slough--Boone Creek.

~~01-6640-21-0088~~
Rich, Anna Page

160 inches. Oct. 15, 1900. Tom Creek.

~~01-6641-35-0028~~
Rich, Dora, and
Landon J.

60 inches. May 1, 1888. Boone Creek.

~~01-6643-35-0029~~
Rich, Dora, and
Landon J.

20 inches. May 1, 1897. Rich's Spring.

Richards, Willard

Enterprise Canal
Company.

Richards, William

The Farmers' Friend
Canal Company.

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MAY 1 3 1996

Wood, Samuel E.....	37.20
Woodmansee, Charles H.....	43.20
Woodmansee-Johnston Ditch.....	90.00
Woods, Frank.....	5.40
Woods, William S.....	9.00
Woodville Canal Company, The...	192.40
Wright, G. G.....	168.95
Wyoming & Darby Bench Canal Company, Limited.....	62.10
Yeaman, M. D.....	5.40
Yearsley, H. C.....	10.80
Yearsley, John H.....	2.70
Yellowstone Land & Cattle Company.....	18.00
Yellowstone Power & Irrigation Company.....	225.00
Young, Eva H., widow of Eugene H. Young, decd.	4.50
Zimmerman, Zuel.....	8.55

And it is farther ordered, that none of the parties hereto
their successors in interest, shall be entitled to the use of any
water under the order of the Court herein until the respective
amounts as above assessed to be paid to the Clerk of this Court.

Dated December 16th, 1910

J. M. Stevens

District Judge.

County of Idaho,
City of Fremont. SS

I, A. M. Carter, Clerk of the District Court of the Sixth
Judicial District of Idaho, in and for Fremont County, do hereby
certify the foregoing to be a full, true and correct copy of the Decree
in the case of Rexburg Irrigation Co., vs., Teton Irrigation Co., &c.,
the same appears on file in my office in the above entitled action.

In Witness Whereof, I have hereunto set my hand and affixed
the seal of said Court, this 24th day of February, 1911.

A. M. Carter
Clerk

MEMORANDUM

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

FROM: Pam Skaggs/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 01-00148

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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