

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
OF WATER RIGHT NUMBERS 63-0306, 63-0359)
AND 63-2420 IN THE NAME OF REYNOLDS) ORDER
IRRIGATION DISTRICT)

WHEREAS, on February 21, 1984, Reynolds Irrigation District filed an Application for Transfer with the Department of Water Resources to add a point of injection into the Snake River and to add a point of redirection from the Snake River to the above referenced water rights; and,

WHEREAS, the summation of the diversion rates of these three water rights, is 57.56 cubic feet per second; and,

WHEREAS, water diverted under the three water rights has, since their development, been carried across the Snake River by a common pipeline; and,

WHEREAS, the capacity of that pipeline was measured by the Department to be 31.28 cubic feet per second on August 3, 1982; and,

WHEREAS, the total actual development of these three water rights is limited to the capacity of the pipeline; and,

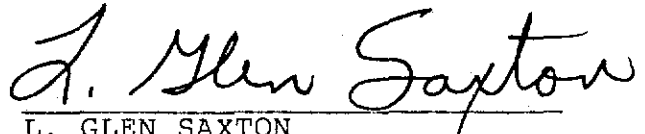
WHEREAS, the transfer will meet the requirements of Section 42-222, Idaho Code if the redirection rate is limited to the pipeline capacity;

IT IS, THEREFORE, HEREBY ORDERED, that the application for transfer of water right numbers 63-0306, 63-0359 and 63-2420 is APPROVED subject to the following conditions:

1. The rate of redirection shall not at any time exceed the rate of injection.
2. The rate of redirection shall be limited to a maximum of 31.28 cubic feet per second.
3. Measuring devices of a type approved by the Department shall be installed and maintained at the points of diversion, injection and redirection. These measuring devices

shall be accessible and subject to control by to the Department,
the Watermaster of Water District No. 63T, and the Watermaster of
Water District 02 at such time as such District may be formed.

Dated this 24th day of September, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

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RECEIVED

Transfer No. 3027Water Right No. (1) 63-0306
(2) 63-0359
(3) 63-2420

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

APPROVEDName of applicant Reynolds Irrigation District Phone 495-2277Post Office address c/o Sam Pitman, Director; Star Rt., Melba, ID 83641**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. (1) 63-0306 Decreed to Reynolds Irrigation District
(2) 63-0359 (Name)
in case of (1) Bachman, Kennison, et al. vs Reynolds Irrigation District
(2) Nicholson
dated in (1) 9/17/1934 in Seventh Jud. Dist. county of Canyon
(2) 6/11/1956 (Name of court)
- b. License No. (3) 63-2420 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
- (1) Warm Springs Creek
- (2) Wells & Drain Ditches
- tributary to
- Snake River
-
- (3) Warm Springs Creek
- Snake River

4. Date of priority
- (1) 4/1/1934
-
- (2) 4/1/1950
-
- (3) 3/8/1929

5. Water is used for the following purposes:

- amount (1) 8 cfs for Irr. & Dometic purposes from 4/1 to 11/1
(2) 26 cfs for Irr. & Domestic & Stockwater purposes from 4/1 to 11/1
(3) 23.56 cfs for Irrigation purposes from 4/1 to 11/1
(month/day — both dates inclusive)

6. Total amount of water under right: a.
- 57.56
- cubic feet per second
-
- &/or
-
- b. _____ acre feet per annum

7. Location of original point of diversion is
- (1) SW 1/4 of NW 1/4 of Section 10
-
- Township
- 1S
- Range
- 2W
- B.M., in
- Canyon
- County
-
- Additional points of diversion, if any
- (2) NWNW Sec 10 T1S R2W
-
- (3) NWNW Sec 10 T1S R2W

8. Lands irrigated or place of use:
- Lands Within Reynolds Irr. Dist. Boundaries

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
- 02-2027B, 02-0054

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.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

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 _____

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

1. General Information
- a. Amount of water to be diverted 57.56 c.f.s. &/or _____ acre feet

Description of diverting works:
Headgates and ditches will still divert and carry well, drain ditch and Warm Springs Creek water, but will dump this water into the Snake River on the Canyon County side. The District will then use it's Snake River pumping plant located on the Owyhee County side to divert a like amount of water into it's irrigation system.

Describe the reasons for the proposed changes:
By dumping water and pumping, the District will eliminate a pipeline across the Snake River and thus reduce maintenance costs. The pipeline has a capacity of approximately 34 cfs; the Snake River pumping plant will also pump only the 34 cfs that could be delivered by the pipeline.

2. Change in point or diversion
- Point of diversion NW ¼ NW ¼, Section 10 Township 1S
Range 2W, B.M., Canyon County
Additional points SWSE, SESE Sec 3 and SWNE, NENE Sec 9 T1S R2W
Snake River Diversion Lot 5 (NENW) Sec 17 T1S R2W

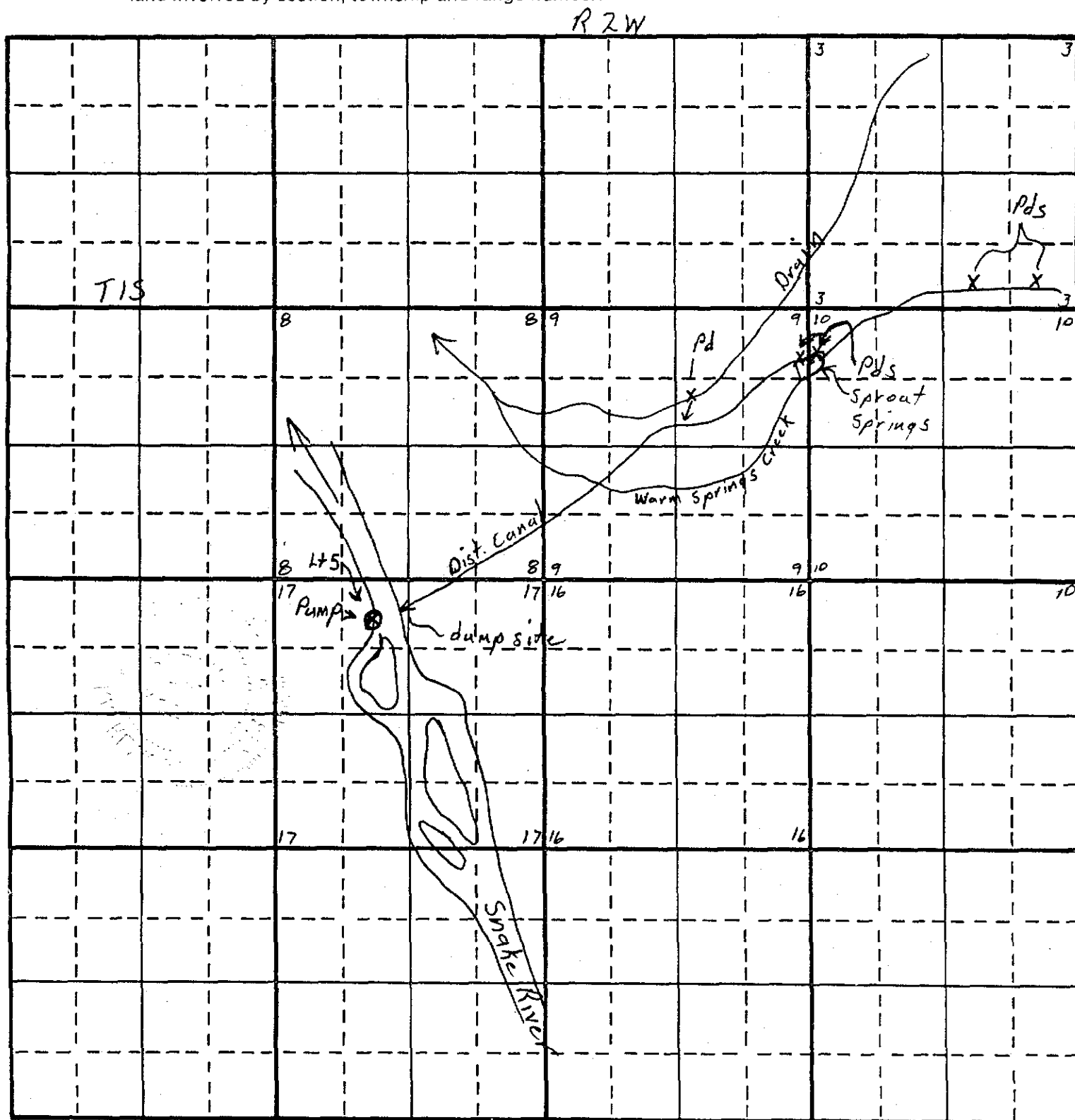
3. Change in place of use no change
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No x. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the land or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. 02-2027B,
02-0054
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.



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

SECRET

D. REMARKS

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.

Sam C. Hunter
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of February, 19 84.

Kathleen A. Walker
(Notary Public)

My commission expires 2/15/1987

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0306/0359/2420 and said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ORDER DATED 9/24/84.

Witness my hand this 24th day of September, 19 84.

A. Glen Gayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by KW Date 2/21/84 Protest filed by _____

Prelim. check by CLS Fee 50.00

Receipted by KW Date 2/21/84 #33758

Published in Press Tribune 3/14 & 3/21/84 Copies of protest forwarded by _____

Pub. dates 3/7 & 3/14/84 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by DBS DKT

INSTRUMENT NO. 434650

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

F I L E D

CARL E. NICHOLSON and)
BLANCHE NICHOLSON,)
husband and wife,)
)
Plaintiffs)
)
vs.)
)
REYNOLDS IRRIGATION DISTRICT)
a quasi-public corporation of)
Owyhee County, Idaho; and)
)
ELLEN T. SPROAT,)
)
Defendants.)

A.M. 3:30 P.M.
JUN 11 1956
S. S. FOOTE, CLERK
Lavona Sayre, DEPUTY

THIS CAUSE came regularly on for hearing and disposition before the Court without a jury, on the 11th day of June, 1956; Edwin Snow and Homer E. Martin, of Boise, Idaho, appearing as attorneys for plaintiffs; Maurice H. Greene and David Doane, of Boise, Idaho, appearing as attorneys for the defendant Reynolds Irrigation District; and Laurel E. Elam, of Boise, Idaho, appearing as attorney for the defendant Ellen T. Sproat.

The parties presented to the Court a stipulation in writing, signed by their respective attorneys of record, thereunto duly authorized, which stipulation had been duly filed herein; and wherein were set out and agreed upon the ultimate facts with respect to the beneficial use of the waters involved in the suit by the respective parties hereto, and also the amount and the date of priority of the water right to which each party was entitled based upon its said use; and the Court having examined and approved the said stipulation. And the parties having also presented to the Court this decree based upon such stipulation, upon which decree is endorsed the written consent and approval of the attorneys of record for the respective parties;

NOW, THEREFORE, in conformity with said stipulation and said consent, and all the parties having waived Findings of Fact and Conclusions of Law in connection with such decree, it is hereby ORDERED, ADJUDGED and DECREED as follows:

RECORDED

The plaintiffs, Carl E. Nicholson and Blanche Nicholson, husband and wife, are hereby decreed the right to the use of the following amounts of the waters of the drains and wells involved in this suit:

- 63 0356** (a) 390 miners inches during the month of April of each irrigation season;
- 63 0357** (b) 420 miners inches of said waters during the months of May and June of each irrigation season;
- 63 0358** (c) 475 miners inches of water at all times after July 1st of each irrigation season.

The priority of all of said plaintiffs' rights dates from April 1, 1948.

Said water is decreed for irrigation, livestock, and domestic uses upon said plaintiffs' lands, to-wit:

$E\frac{1}{2}SE\frac{1}{4}$, Section 4;
 $N\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Section 9;

Township 1 South, Range 2 W. B. M.

ALSO:

Lots 8 and 9, Section 22;
 $SW\frac{1}{4}SW\frac{1}{4}$, Section 25;
 Lots 2, 3 and 4; $S\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$,
 and the $SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, Section 26;
 Lot 4, Section 27;
 Lots 5 and 6, Section 35;
 Lots 5, 6 and 7, and the $NE\frac{1}{4}NW\frac{1}{4}$, Section 36;
 All in Township 1 North, Range 3, W. B. M.

The point of diversion of said water is, as it has been for a long time heretofore, at a point located in Section 10, Twp. 1 S., R. 2, W. B. M., where an irrigation ditch belonging to plaintiffs and to said defendant Ellen T. Sproat has its heading in said drain.

IV.

- 63 0359** The defendant Reynolds Irrigation District is hereby decreed the right to the use of 1300 miners inches of the waters of the drains and wells involved in this suit, with priority dating from April 1, 1950. Said water is decreed for irrigation, livestock and domestic uses upon the lands embraced in the boundaries of said defendant Reynolds Irrigation District, in Owyhee County, Idaho, located and being in Sections 11, 12 and 13, Twp 1 South, Range 3, West Boise Meridian, and in Sections 6, 17, 18, 19, 20, 21, 28 and 29 in Twp. 1 South, Range 2 West Boise Meridian.

RECORDED

The point of diversion of said water is, as it for a long time heretofore has been, at a point in Section 10, Twp. 1 S., R. 2, W.B.M., where an irrigation ditch belonging to said defendant has its heading in said drain.

V.

All the said lands of each of the parties hereto upon which water for irrigation is herein allotted are arid lands requiring irrigation; and the amount of water herein allotted to each party for use upon such lands is required and necessary for the proper growing of crops thereon, in addition to any water used from any other source, including Snake River, Reynolds Creek in Owyhee County, Idaho, and Warm Springs Creek in Canyon County, Idaho.

VI.

A miners inch of water as that term is herein used shall be deemed equivalent to one-fiftieth of a cubic foot per second; and the water herein allotted shall be measured at, or as nearly as practicable at, the head of the ditch whereby it is diverted by the party to whom its use is allotted herein.

In and near the head of the main drain from which plaintiffs and the defendant Ellen T. Sproat divert their water, said last named parties shall maintain a suitable and accurate measuring device whereby the water diverted for their use may be measured. The plaintiffs shall bear two-thirds of the expense of maintaining such measuring device and the defendant Ellen T. Sproat one-third thereof.

At the place where the defendant Reynolds Irrigation District diverts its water from the drain, a headgate and, if desirable or necessary, an accurate and suitable measuring device shall be installed by said defendant district at its expense in the drain so as to permit a constant flow of water down the drain to the point where plaintiffs and the defendant Ellen T. Sproat divert their water. The purpose of the above provision is to avoid fluctuations in the water supply available to plaintiffs and to Ellen T. Sproat at the head of their ditch just above mentioned; the said device or devices to be so installed, and the operation

RECORDED

thereof, shall be as prescribed by the State Reclamation Engineer of the State of Idaho and satisfactory to him.

VII.

The enforcement of this decree is hereby committed in the first instance, pending the creation, as provided by law, of a Water District comprising the sources of supply of the water rights herein decreed, to the State Reclamation Engineer of Idaho. He is hereby appointed to Commissioner of this Court, for that purpose, to serve without compensation during the remainder of the 1956 irrigation season, he having consented so to do. Said State Reclamation Engineer is hereby directed during such period to regulate and distribute the waters of said drain in accordance with the terms of this decree, and thereafter to supervise such distribution by the Water Master as provided by law.

VIII.

Each of the parties hereto and their respective servants, attorneys, employees, and successors in interest, are hereby enjoined and restrained from any and all use of the waters constituting the source of supply here involved, except to the extent and for the purposes herein provided.

IX.

Each of the parties herein shall bear his own costs.

Dated: June 11th 1956

Gilbert C. Norris
District Judge

We hereby consent to the foregoing decree.

Edwin Snow

Homer E. Martin by Snow
Attorneys for Plaintiffs

Maurice H. Greene

David Doane
Attorneys for Defendant
Reynolds Irrigation Dist.

Laurel E. Elam
Attorney for Defendant
Ellen T. Sprout

State of Idaho)
County of Canyon) ss

I hereby certify the foregoing)
instrument is a true and correct)
copy of the original as the same)
appears in this office,

DATED

April 2, 1957

S. S. Foote, Clerk of the District
Court and Ex Officio Recorded

By s/ Lavona Sayre
Deputy.

INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 6/26/84

TO Files 63-0359/2420

SUBJECT Transfer No. 3027

See file 63-0306 for all correspondence regarding the above referenced transfer.

SIGNATURE