

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPROVED**

Transfer No. 3806

*Amended* **APPLICATION FOR TRANSFER OF WATER RIGHT** *Amended*  
**PART 1**

Name of applicant Kenneth Rigby Phone 678-0431 work  
654-2364 home  
Post Office address Rt. 1, Box 1610 Burley, ID 83318

**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes The water right has historically been used on this ground listed as the "new place of use".

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Right Number 11-00154 Priority April 1, 1895 Amount (cfs/ac-ft) 2.00 Nature of Use Irrigation Period of Use 4-15 to 10-15
2. Total amount of water being transferred 2.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Thomas Fork tributary to Bear River
4. Point(s) of Diversion:

| Lot | 1/4        | 1/4       | 1/4       | Sec.      | Twp.       | Rge.       | County           | Local name for diversion |
|-----|------------|-----------|-----------|-----------|------------|------------|------------------|--------------------------|
|     | <u>(W)</u> | <u>NE</u> | <u>NE</u> | <u>28</u> | <u>13S</u> | <u>46E</u> | <u>Bear Lake</u> | <u>(P)</u>               |
|     |            | <u>NW</u> |           |           |            |            |                  |                          |
|     |            |           |           |           |            |            |                  |                          |
|     |            |           |           |           |            |            |                  |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4                 |        |        | NW 1/4                 |           |           | SW 1/4 |           |        | SE 1/4   |        |        | Totals              |
|------|------|------|------------------------|--------|--------|------------------------|-----------|-----------|--------|-----------|--------|----------|--------|--------|---------------------|
|      |      |      | NE 1/4                 | NW 1/4 | SW 1/4 | NE 1/4                 | NW 1/4    | SW 1/4    | NE 1/4 | NW 1/4    | SW 1/4 | NE 1/4   | NW 1/4 | SW 1/4 |                     |
| 13S  | 46E  | 28   | <u>18</u><br><u>20</u> |        |        | <u>20</u><br><u>22</u> |           |           |        |           |        | <u>1</u> |        |        | <u>43</u> <u>38</u> |
|      |      | 27   |                        |        |        |                        | <u>40</u> | <u>40</u> |        | <u>32</u> |        |          |        |        | <u>112</u>          |
|      |      |      |                        |        |        |                        | <u>38</u> | <u>38</u> |        | <u>30</u> |        |          |        |        | <u>106</u>          |
|      |      |      |                        |        |        |                        |           |           |        |           |        |          |        |        |                     |
|      |      |      |                        |        |        |                        |           |           |        |           |        |          |        |        |                     |
|      |      |      |                        |        |        |                        |           |           |        |           |        |          |        |        |                     |
|      |      |      |                        |        |        |                        |           |           |        |           |        |          |        |        |                     |
|      |      |      |                        |        |        |                        |           |           |        |           |        |          |        |        |                     |

\* Changed as per applic. request 12-3-1991 HWT

Total acres 155 144 \*

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Transfer No. 3806

**PART 1**

**6. General Information:**

a. Description of diversion system Diverted at Thomas Fork and redirected  
by pump at place of use with a pump to sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes            No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
None - original place of use has a groundwater right.

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0154

And said application is hereby APPROVED, subject to the following limitations and conditions:

1) Use of water under this water right is subject to control by the watermaster of  
State Water District No. 11-F, Thomas Fork.

2) The change authorized by this transfer shall be accomplished within one (1) year  
of the date of this approval.

3) Failure to comply with the conditions of this transfer is cause for the director  
to issue an order to show cause why the approval of the transfer should not be  
rescinded.

Witness my hand this

2<sup>nd</sup>

day of

January

, 19 92

A. Glen Saylor

Chief, Water Allocation Bureau

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**  
*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No. 11-00154 Decreed to John S. Bryson  
in case of Fawsett Bros. et al vs. Thomas Fork Irrigation & Canal Co.  
dated Feb. 20, 1902 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

- ☒ Tax Notice ☐ Warranty Deed ☒ Other Disclaimer  
Bear River

3. Source of water Thomas Fork tributary to \_\_\_\_\_

4. Date or priority 4-01-1895

## 5. Water is used for the following purpose:

amount 2.00 cfs for Irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_ Not Listed  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 2.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     |     | SE  | SE  | 4    | 13S  | 46E  | Bear Lake | Stevens and Larson Ditch |
|     |     |     |     |      |      |      |           |                          |
|     |     |     |     |      |      |      |           |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 13S  | 46E  | 27   |        |        | A      |        |        |        |        | A      | A      |        |        |        |        | A      |        |        | 160    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 160

9. Describe any other water rights used for the same purpose as described above 11-07120; groundwater

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
 \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

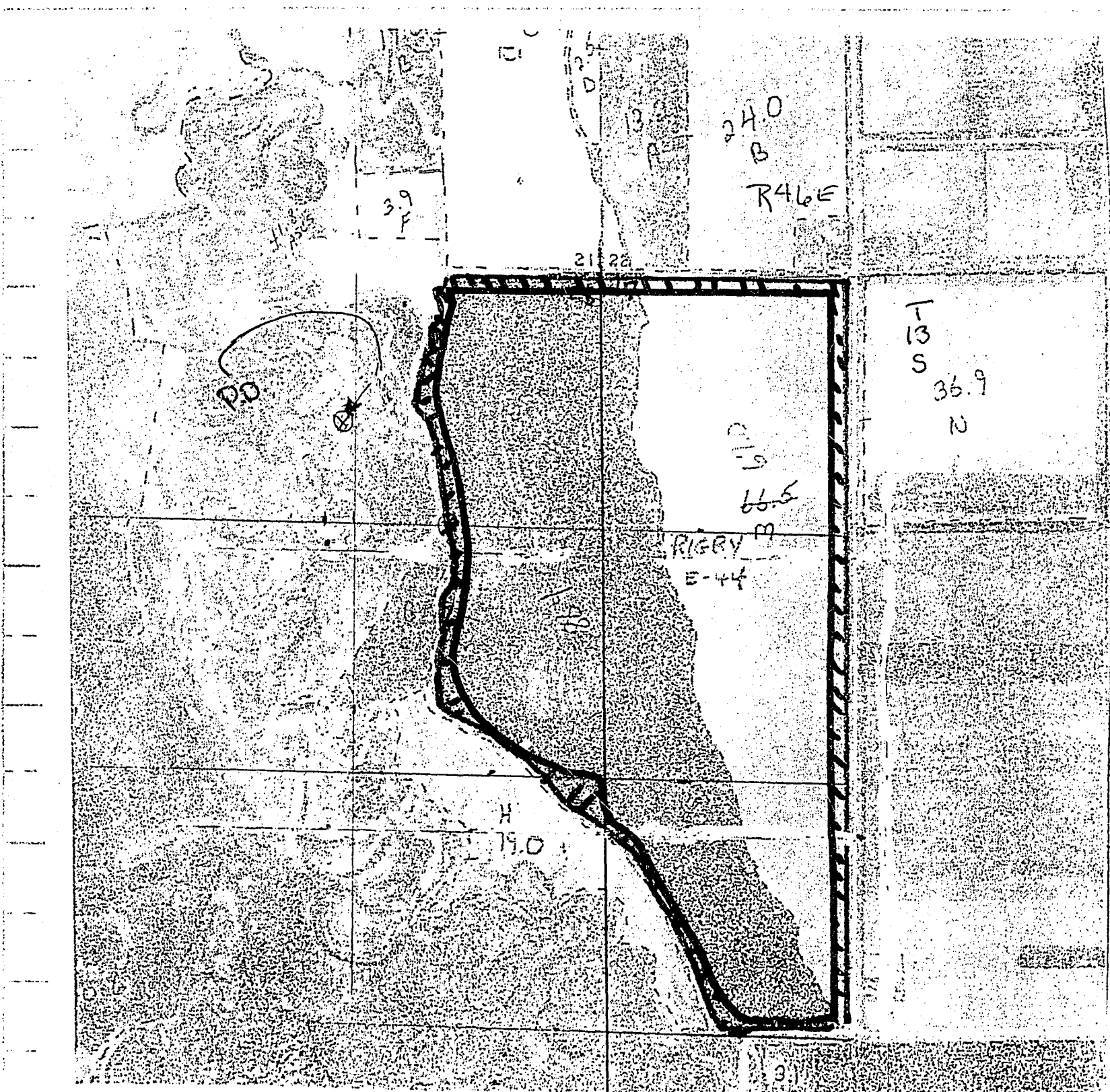
3. Lands irrigated or place of use:

| Twp. | Rge. | 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 acres 19.10

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

Kenneth H. Ryle  
(Signature of Applicant)

Subscribed and sworn to before me this 20 day of Sept, 19 91.

Betty J. Thompson  
(Notary Public)

BETTY J. THOMPSON, NOTARY PUBLIC  
RESIDING AT \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_  
MY COMMISSION NUMBER 633-94

#### FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by HCW Date 9-20-91 Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \$20.00

Receipted by HCW #2016576 Date 9-20-91

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by RPC

Copy of transfer sent to lien holder \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Kenneth Rigby Phone 678-0431 work  
654-2364 home  
Post Office address Rt. 1, Box 1610 Burley, ID 83318

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_  
2. Describe the reason for the proposed changes The water right has historically been used on this  
ground listed as the "new place of use".

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority             | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use               |
|-----------------|----------------------|-----------------------|-------------------|-----------------------------|
| <u>11-00154</u> | <u>April 1, 1895</u> | <u>2.00</u>           | <u>Irrigation</u> | <u>4-15</u> to <u>10-15</u> |
| _____           | _____                | _____                 | _____             | _____ to _____              |
| _____           | _____                | _____                 | _____             | _____ to _____              |
| _____           | _____                | _____                 | _____             | _____ to _____              |

2. Total amount of water being transferred 2.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Thomas Fork tributary to Bear River

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     |     | NW  | NE  | 28   | 13S  | 46E  | Bear Lake | Thomas Fork Canal        |
|     |     |     |     |      |      |      |           |                          |
|     |     |     |     |      |      |      |           |                          |
|     |     |     |     |      |      |      |           |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 13S  | 46E  | 28   | 20     |        |        | 22     |        |        |        |        |        |        |        |        | 1      |        |        |        | 43     |
|      |      | 27   |        |        |        |        |        | 40     | 40     |        |        | 32     |        |        |        |        |        |        | 112    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 155

Page \_\_\_\_\_ of \_\_\_\_\_

Transfer No. \_\_\_\_\_

### PART 1

6. General Information:

a. Description of diversion system Diverted at Headworks of Thomas Fork Canal and rediverted  
by pump at place of use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
None - original place of use has a groundwater right.

d. Remarks:

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**  
*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

a. Decree No. 11-00154 Decreed to John S. Bryson  
in case of Fawsett Bros. et al vs. Thomas Fork Irrigation & Canal Co.  
dated Feb. 20, 1902 in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☒ Other Disclaimer

3. Source of water Thomas Fork tributary to Bear River

4. Date or priority 4-01-1895

## 5. Water is used for the following purpose:

amount 2.00 cfs for Irrigation purposes from Not Listed to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 2.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|---|----|----|------|------|------|-----------|--------------------------|
|     |   | SE | SE | 4    | 13S  | 46E  | Bear Lake | Stevens and Larson Ditch |
|     |   |    |    |      |      |      |           |                          |
|     |   |    |    |      |      |      |           |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 13S  | 46E  | 27   |      |      | A    |      |      |      |      | A    | A    |      |      |      |      | A    |      |      | 160    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 160

9. Describe any other water rights used for the same purpose as described above 11-07120; groundwater

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

\_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

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

Page \_\_\_\_\_ of \_\_\_\_\_

Transfer No. \_\_\_\_\_

### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

Kenneth R. Ringle  
(Signature of Applicant)

Subscribed and sworn to before me this 5<sup>th</sup> day of November, 19 90.

Rhonda Randall  
(Notary Public)

My commission expires 10-3-92

#### FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by CW Date 11-06-90 Protest filed by \_\_\_\_\_

Prelim. check by KCW Fee \$50.00

Receipted by HWS #E015423 Date 11-6-90

Published in News-Examiner Copies of protest forwarded by \_\_\_\_\_

Pub. dates Feb. 21 & 28 - 91 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

RECEIVED

JAN 26 1991

Department of Water Resources  
Eastern District Office

Jan 26, 1991

Dept of Water

Dear Keith Wilson

Enclose please find a copy of the tax notice stating that Lon Guller owns the property in which we are transferring the water. This was required in your letter dated January 4.

Please process this as quickly as possible. Thank you.

Kenneth Reg. by  
Rt 1 Box 1610

Burley, Id. 83318

654-2364 Home

678-0431 Work

CONSOLIDATED TAX NOTICE AND RECEIPT  
BEAR LAKE COUNTY, IDAHO 1990  
REAL PROPERTY TAX

| MARKET VALUE | TAX CODE AREA | PARCEL NUMBER | BILL NUMBER |
|--------------|---------------|---------------|-------------|
| 64,815       | 22            | 4423.00       | 4423.00     |

SWNE; NWSE; FR. NESW  
SENE 27-13-46 149 AC.

FEDERAL LAND BANK  
% TUELLER, LON T.  
GENEVA ID 83238

DELINQUENT CERT.

| TAXING DISTRICT | RATE    | AMOUNT    | RECEIPT         |
|-----------------|---------|-----------|-----------------|
| COUNTY          | .006276 | 406.79    | FULL PAYMENT    |
| COUNTY LIBRARY  | .000337 | 21.84     | TAX             |
| SCHOOL DISTRICT | .006726 | 435.95    | PEN.            |
| GENEVA CEM.     | .000400 | 25.93     | SUB TOT.        |
| SCHOOL #33 BOND | .002058 | 133.39    | INT.            |
| B.L. COUNTY FIR | .000776 | 50.30     | TOT.            |
|                 |         |           | 1ST INSTALLMENT |
|                 |         |           | TAX             |
|                 |         |           | PEN.            |
|                 |         |           | SUB TOT.        |
|                 |         |           | INT.            |
|                 |         |           | TOT.            |
|                 |         |           | 2ND INSTALLMENT |
|                 |         |           | TAX             |
|                 |         |           | PEN.            |
|                 |         |           | SUB TOT.        |
|                 |         |           | INT.            |
|                 |         |           | TOT.            |
| SUBTOTAL        | .016573 | 1,074.20  |                 |
| TOTAL TAXES     |         | 1,074.20* |                 |

TOTAL ACRES: 149.00

YOUR CANCELLED CHECK IS YOUR RECEIPT  
FULL LEVY SHEET IS AVAILABLE AT THE TREASURER'S OFFICE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

FEDERAL LAND BANK  
% TUELLER, LON T.  
PD BY:

4423.00

1990

| SPECIAL CODE | TAX | CODE | AREA | TAX    | 2ND INSTALLMENT |
|--------------|-----|------|------|--------|-----------------|
|              |     | 22   |      | 537.10 | 537.10*         |
|              |     |      |      |        | PEN.            |
|              |     |      |      |        | SUB TOT.        |
|              |     |      |      |        | INT.            |
|              |     |      |      |        | TOT.            |

2nd

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE  
MAKE CHECKS PAYABLE TO

NOLA F. JONES, TREASURER  
P.O. BOX 55  
PARIS, ID 83261

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1991

PAID BY: CHECK( ) CASH( )

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

FEDERAL LAND BANK  
% TUELLER, LON T.  
PD BY:

4423.00

1990

| SPECIAL CODE | TAX | CODE | AREA | TAX      | TOTAL TAX       |
|--------------|-----|------|------|----------|-----------------|
|              |     | 22   |      | 1,074.20 | 1,074.20*       |
|              |     |      |      |          | PEN.            |
|              |     |      |      |          | SUB TOT.        |
|              |     |      |      |          | INT.            |
|              |     |      |      |          | TOT.            |
| SPECIAL CODE | TAX | CODE | AREA | TAX      | 1ST INSTALLMENT |
|              |     | 22   |      | 537.10   | 537.10*         |
|              |     |      |      |          | PEN.            |
|              |     |      |      |          | SUB TOT.        |
|              |     |      |      |          | INT.            |
|              |     |      |      |          | TOT.            |

FULL

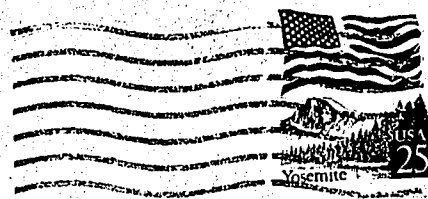
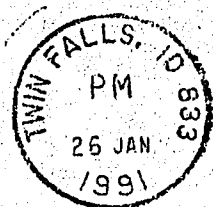
1st

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1990

PAID BY: CHECK( ) CASH( )

TXNT-2A-90-

Kenneth Ryby  
PO Box 1610  
Burley, Ida. 83318



State of Idaho  
Dept of Water Resources  
150 Shoup Ave Suite 15  
Idaho Falls, Id. 83402

WR0723NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

12/03/90 13:55:50  
Page 1

Water Right Number - 11-00154

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
BRYSON

JOHN S.

1 -  
2 -  
3 -  
City-  
Phone --

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
04/01/1895 15 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
THOMAS FORK BEAR RIVER

+ - - - - Rng - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

13S 46E 4 SE SE ( 7 ) BEAR LAKE

+ - - - - Code Description Period From Period To Diversion Rate Diversion Volume +

01 - IRRIGATION

2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
2.000

+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

|     |     |    |       |  |  |    |            |                 |
|-----|-----|----|-------|--|--|----|------------|-----------------|
| 13S | 46E | 27 | SW NE |  |  | 01 | IRRIGATION | ( 7 ) BEAR LAKE |
| 13S | 46E | 27 | SE NW |  |  | 01 | IRRIGATION | ( 7 ) BEAR LAKE |
| 13S | 46E | 27 | NE SW |  |  | 01 | IRRIGATION | ( 7 ) BEAR LAKE |
| 13S | 46E | 27 | NW SE |  |  | 01 | IRRIGATION | ( 7 ) BEAR LAKE |

Total Acres:

+ - - Diversion Means - STEVEN & LARSON DITCH.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
P/D INCOMPLETE - STEVENS & LARSON DITCH.  
P/U INCOMPLETE - AC. IRR. = 160.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

WR0723NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

12/03/90 13:55:50  
Page 2

Water right number - 11-00154

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - -  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +  
FAWSETT BROTHERS, ET. AL.

+ - - - - Decree Defendant - - - +  
THOMAS FORK IRRIGATION & CANAL CO.

+ - Decree Date - +  
02/20/1902

+ - - Audit Fields - 02/28/86

05/21/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

|                  |              |                  |              |                       |       |
|------------------|--------------|------------------|--------------|-----------------------|-------|
| Proof Due Date   | - 00/00/0000 | Field Exam Made  | - 00/00/0000 | Field Exam Fee        | -     |
| Approved/Denied  | - 00/00/0000 | Protested Date   | - 00/00/0000 | Swan Falls            | -     |
| Proof Made Date  | - 00/00/0000 | Hearing Date     | - 00/00/0000 | Temporary Right       | - P   |
| Start Work Date  | - 00/00/0000 | Verified Date    | - 02/28/1986 | DLE/Carey Act         | -     |
| Order Show Cause | - 00/00/0000 | Receipt Number   | -            | Water District        | - 11F |
| Licensed Date    | - 00/00/0000 | Appl Received    | - 00/00/0000 | Transfer/Amended      | -     |
| Decree Date      | - 02/20/1902 | Presumption Flag | -            | Microfilm Roll Number | -     |

RECEIVED

NOV - 6 1990

Department of Water Resources  
Eastern District Office

11-5-90

Mr Jones

Enclosed please find the paper-  
work you requested and the check  
for 50<sup>00</sup>. The ditch company  
involved held a meeting and agreed  
to allow the transfer so I see  
no problems.

Let me know if there is  
any problems.

Will need tax notice

From Lou Tucker showing  
him as owner of original P.O.C.

HWT

RECEIVED

NOV - 6 1990

Department of Water Resources  
Eastern District Office

11-5-90

Mr Jones

Enclosed please find the paper-  
work you requested and the check  
for 50<sup>00</sup>. The ditch company  
involved held a meeting and agreed  
to allow the transfer so I see  
no problems.

Let me know if there is  
any problems.

Thanks  
Ken

Kenneth Rigby

Rt 1 Box 1610

Burley Id 83318

654 2364

DISCLAIMER

The undersigned by virtue of this Disclaimer disclaims any right and interest to any portion of water right 11-00154 for 2.00 cfs which is listed as appurtenant to the undersigned's property described as follows:

SENW, SWNE, NWSE, and NESW in SEC 27, T13S,  
R 46E, B.M.

I also have no objection to Kenneth Rigby transferring said right, No. 11-00154, to his property in the W1/2NW1/4, SEC 27 T 13S, R 46E (where it has been historically used), and the E1/2NE1/4, SEC 28, T 13S, R 46E, B.M.

Dated this 10 day of Oct., 1990.

FARM CREDIT BANK OF SPOKANE  
By Dale N. Clark  
MORTGAGE HOLDER  
Dale N. Clark, Authorized Agent

Lon T. Tueller  
LON TUELLER

Subscribed and sworn to before me this 10th day of  
October, 1990.

Candy Checketts  
Notary  
Residing at: Preston, Idaho

My commission expires: 6-3-91

No 4124

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa S. Moosman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for ..... consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

February 21, 1991, and ending

with the issue of February 28, 1991.

Rosa S. Moosman

Fees, 88.07

Subscribed and sworn to before me this 28 day

of February, 1991.

Reuel C. Smith

Notary Public, Residing at Montpelier, Idaho

My Commission Expires May 21, 1996.

### NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 11-00154

NOTICE IS HEREBY GIVEN that KENNETH RIGBY has applied to the Department of Water Resources to CHANGE POINT OF DIVERSION AND PLACE OF USE of the waters of

THOMAS FORKS tributary to BEAR RIVER source.

The right sought to be changed is evidenced by a DECREE and recorded as follows:

Decree No. 11-00154 Decreed to JOHN S. BRYSON in case of FAWSETT BROS. et al vs THOMAS FORK IRRIGATION & CANAL CO. dated FEB. 20, 1902.

AMOUNT: 2.00 cfs

PRIORITY: 4-01-1895

POINT(S) OF DIVERSION: SESE, SEC. 4, T 13S, R 46E, BEAR LAKE COUNTY, (STEVENS AND LARSON DITCH)

The water is used to irrigate 160 acres within the SWNE, SENW, NESW, NWSE, SEC. 27, T 13S, R 46E, B.M. TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NWNE, SEC. 28, T 13S, R 46E, BEAR LAKE COUNTY, (THOMAS FORK CANAL) and used from April 15 to October 15 to irrigate 155 acres within the W1/2NW, NWSW, SEC. 27; E1/2NE, NESE, SEC. 28, T 13S, R 46E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83401, on or before MARCH 11, 1991.

R. Keith Higginson  
Director

### NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-07390

BOY SCOUTS OF AMERICA  
LAKE BONNEVILLE COUNCIL  
1200 E. 5400 S.  
OGDEN, UT 84403

Source: FERN CREEK

Tributary: STAUFFER CREEK

Diversion Pt: LOT 4 (NWNW) Sec 6

T 12S R 43E

Use: RECREATION STORAGE  
(49.00 AF) Total Diversion: (49.00 AF)

Date Filed: 12/26/1990

In: T12S R43E S06 NWNW SWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 11, 1991.

R. Keith Higginson, Director

Legal No. 4124 - Publish Feb. 21, 28, 1991.

March 28, 1991

RE: Application for Transfer No. 11-00154

Kenneth Rigby  
Rt. 1, Box 1610  
Burley, ID 83318

Dear Mr. Rigby:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

March 28, 1991

RE: Application for Transfer No. 11-0154 RIGBY

Mr. Heber J. Boehme  
Thomas Fork Irrigation & Canal Company  
1250 Raymond Road  
Geneva, ID 83238

Dear Mr. Boehme:

This letter acknowledges receipt of the protest filed against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter. If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

RECEIVED

MAR 11 1991

Department of Water Resources  
Eastern District Office

March 8, 1991  
1250 Raymond Rd.  
Geneva, Id. 83238

Dear Sir:

As president of Thomas Fork  
irrigation and Canal Company, I  
wish to protest the proposed  
Change of point of diversion and  
place of use of water right  
no. 11-00154, applied for by  
Kenneth Rigby; until a meeting  
of the share holders of the Thomas  
Fork Irrigation and Canal Co. can  
review this request.

Signed by Heber J. Boehme  
president of Thomas Fork Irrigation  
and Canal Company.

Heber J. Boehme

Form 222

1-87

RECEIVED

MAR 06 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

COPY

Transfer No. 3806

## APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources

## PART 1

Name of applicant Kenneth Rigby Phone 678-0431 work  
654-2364 home  
 Post Office address Rt. 1, Box 1610 Burley, ID 83318

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_  
 2. Describe the reason for the proposed changes The water right has historically been used on this  
ground listed as the "new place of use".

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 11-00154 Priority April 1, 1895 Amount (cfs/ac-ft) 2.00 Nature of Use Irrigation Period of Use 4-15 to 10-15  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_
2. Total amount of water being transferred 2.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 3. Source of water Thomas Fork tributary to Bear River
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     |     | NW  | NE  | 28   | 13S  | 46E  | Bear Lake | Thomas Fork Canal        |
|     |     |     |     |      |      |      |           |                          |
|     |     |     |     |      |      |      |           |                          |
|     |     |     |     |      |      |      |           |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 13S  | 46E  | 28   | 20     |        |        | 22     |        |        |        |        |        |        |        |        | 1      |        |        |        | 43     |
|      |      | 27   |        |        |        |        |        | 40     | 40     |        |        | 32     |        |        |        |        |        |        | 112    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 155

Page \_\_\_\_\_ of \_\_\_\_\_

Transfer No. \_\_\_\_\_

**PART 1**

**6. General Information:**

a. Description of diversion system Diverted at Headworks of Thomas Fork Canal and rediverted by pump at place of use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
None - original place of use has a groundwater right.

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

COBY

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**  
*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No. 11-00154 Decreed to John S. Bryson  
in case of Fawsett Bros. et al vs. Thomas Fork Irrigation & Canal Co.  
dated Feb. 20, 1902 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☒ Other Disclaimer

3. Source of water Thomas Fork tributary to Bear River

4. Date or priority 4-01-1895

## 5. Water is used for the following purpose:

amount 2.00 cfs for Irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_ Not Listed  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 2.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     |     | SE  | SE  | 4    | 13S  | 46E  | Bear Lake | Stevens and Larson Ditch |
|     |     |     |     |      |      |      |           |                          |
|     |     |     |     |      |      |      |           |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 13S  | 46E  | 27   |        |        | A      |        |        |        |        | A      | A      |        |        |        |        | A      |        |        | 160    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 160

9. Describe any other water rights used for the same purpose as described above 11-07120; groundwater

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
 \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

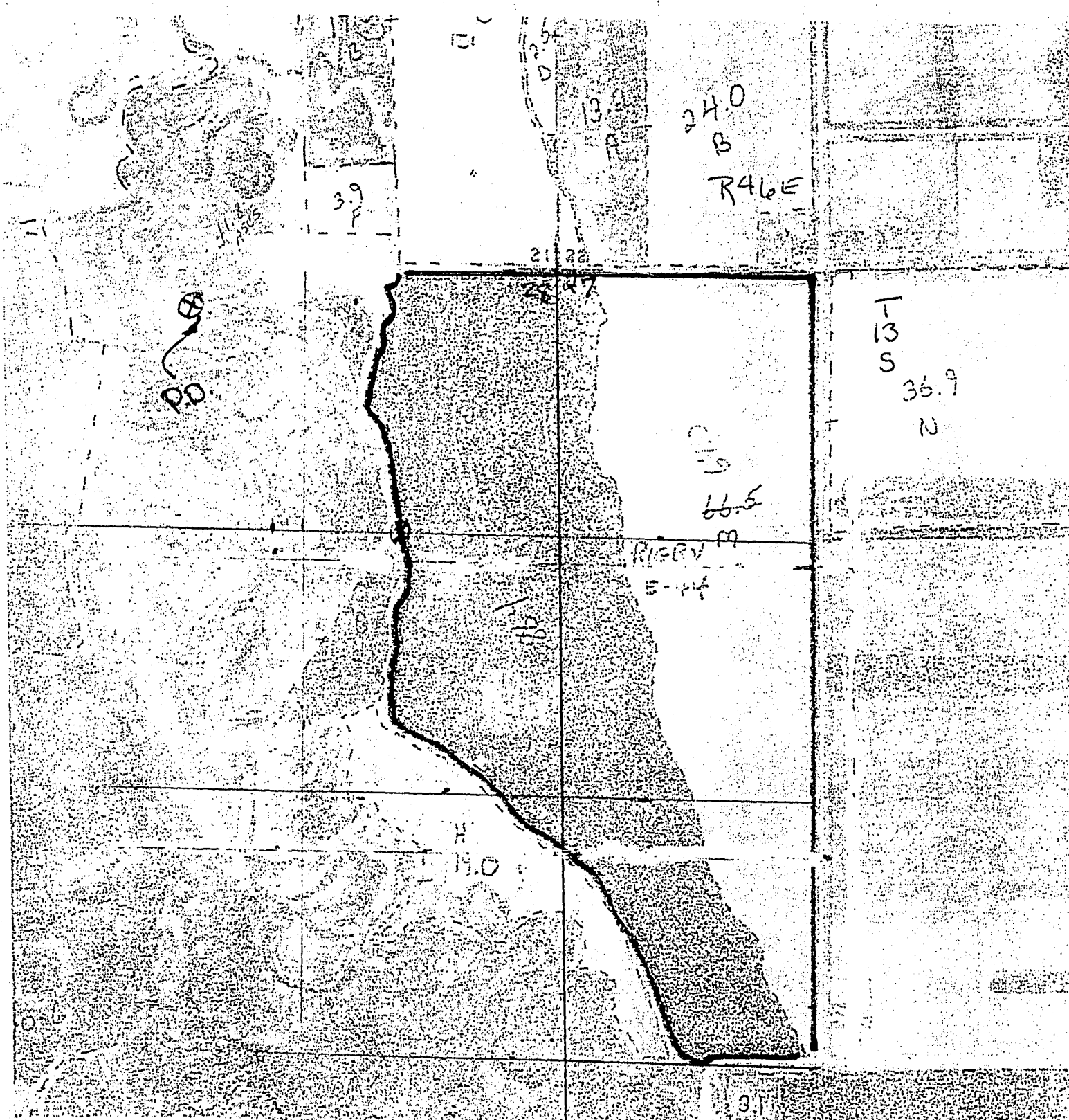
3. Lands irrigated or place of use:

| Twp. | Rge. | 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 acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

Page \_\_\_\_\_ of \_\_\_\_\_

Transfer No. \_\_\_\_\_

**PART 3**

**B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|---|-------------------|-----------------------|-----------------|----------------|
|   |                   |                       |                 | _____ to _____ |
|   |                   |                       |                 | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 willful misrepresentations made in this application may result in voiding its approval.

Kenneth R. Ringle  
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of November, 19 90.

Rhonda Randall  
(Notary Public)

My commission expires 11-3-92

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by CW Date 11-06-90 Protest filed by \_\_\_\_\_

Prelim. check by KCW Fee \$50.00

Receipted by HWS # EO15423 Date 11-6-90

Published in News-Framing Copies of protest forwarded by \_\_\_\_\_

Pub. dates Feb. 21 & 28 - 91 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

11 0154  
160

JOHN S. BRYSON, 2 second feet, being 100 miners inches of water,  
diverted from the Stevens and Larson lateral, of date April 1st-1895.

11 0155  
120

JOHN GYGI, 1/10 second foot, being 5 miners inches of water, or  
diverted from Taylor Bros. Canal, of date May 1st-1897.

11 0156

JOHN GYGI, 1/2 second foot, being 25 miners inches of water, be  
diverted from Thomas Fork, of date, May 5th-1897, at several points

11 0157  
160

of Silverton, from the natural channel of Thomas Fork and the tribu-  
ARNO BOELME, 3 second feet, being 150 miners inches of water, i-  
diverted from Thomas Fork, of date June, 1st-1899, at, that said

11 0158

JOHN WESTFALL, 1-1/2 second feet, being 75 miners inches of water,  
diverted from Thomas Fork, of date April 1st-1900, where the first

water is diverted from said river. This point of measurement is

For the following claims the point of diversion will be the  
Taylor Brothers Canal.

| NAMES.                                         | NO. INCHES. | DATES.          |
|------------------------------------------------|-------------|-----------------|
| Jos. A. Dalton,                                | 80          | April 1st-1895. |
| Jos. H. Holmes,                                | 80          | do              |
| J. W. Cook,                                    | 80          | "               |
| Sam'l W. Hart,                                 | 80          | "               |
| Zion's Svc. Bank & Trust Co.,<br>a corporation | 199         | "               |
| Mumford Brothers,                              | 40          | "               |
| W. A. Hart,                                    | 80          | "               |
| N. P. Larson,                                  | 40          | "               |
| Gottfried Eschler,                             | 40          | "               |
| S. B. Young,                                   | 120         | "               |
| J. M. Dalton,                                  | 80          | "               |
| Albert Colton,                                 | 40          | "               |
| John Watson,                                   | 80          | "               |
| Traugott Hofer,                                | 80          | "               |

11 0133 That the 160 inches of date of April 1st-1890 for the townsie  
and decreed to N. P. Larson, is intended to be and is hereby decreed  
to him as a trustee to hold the same in trust until the

except for a beneficial purpose, and, that whenever ten beneficial  
was the record, 1898 39 inches of water, the extent of said  
stream, used by them, 1896 78 inches of water of said stream.

MEMORANDUM

TO: HW JONES/KEITH WILSON

FROM: TIM LUKE *TJL*

DATE: November 26, 1991

RE: TRANSFER NO. 3806/RT. NO. 11-0154

=====

Keith or Skip;

I am a bit uncomfortable recommending final approval of this transfer. My concern involves ownership of the right and potential expansion. I don't feel that the disclaimer attached to the transfer is complete.

The transfer applicant Rigby does not own the land from which the right is being moved. Our database shows that the recorded place of use includes 160 acres. Tax records show that the Land Bank and Lon Tueller only own 149 of the 160 acres. County assessor records show that the remaining 11 acres are owned by Daryl Sparks. An overlapping groundwater license was issued for 144 acres.

Question:

- Is Sparks using any portion of the surface water right and/or should he also provide consent to the transfer?
- Should the new place of use be limited to 144 acres? (11-7102C)

Also:

I note that the transfer states that the right has historically been used on the ground listed as the 'new place of use'. Recent data collected by the Department for an upcoming Bear River Compact report indicates that the new place of use is dry or non-irrigated ground. Even if the applicant has irrigated 155 acres at the new place of use, I am not certain we can approve the transfer until we have consent from Sparks or some assurance that the portion of the right appurtenant to Sparks' property is not being used.

Please provide me with further insight or help on the above questions. Discuss with me if you wish.

4 January 1991

Kenneth Rigby  
Rt. 1 Box 1610  
Burley, Idaho 83318

RE: Transfer 11-00154 proof of ownership of original place  
of use.

Dear Mr. Rigby:

To complete the review of this transfer proof of ownership of the right and or land FROM which the water is being transferred must be supplied. Proof of ownership of the land to which the right was originally decreed to, must consist of either a copy of the 1990 tax notice for Lon Tueller, or a copy of the warranty deed showing that Lon Tueller is the owner of the SWNE, SENW, NESW, and NWSE Sec 27, T13S, R46E.B.M.

Processing of the transfer will continue upon receipt of the proof of ownership. Therefore, your prompt response will be greatly appreciated.

Sincerely,

Keith C. Wilson  
Senior Resource Agent

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT  
NO. 11-00154

NOTICE IS HEREBY GIVEN that KENNETH RIGBY has applied to the Department of Water Resources to CHANGE POINT OF DIVERSION AND PLACE OF USE of the waters of THOMAS FORK tributary to BEAR RIVER source. The right sought to be changed is evidenced by a DECREE and recorded as follows:  
Decree No. 11-00154 Decreed to JOHN S. BRYSON in case of FAWSETT BROS. et al vs THOMAS FORK IRRIGATION & CANAL CO. dated FEB. 20, 1902.

AMOUNT: 2.00 cfs PRIORITY: 4-01-1895

POINT(S) OF DIVERSION: SESE, SEC. 4, T 13S, R 46E, BEAR LAKE COUNTY, (STEVENS AND LARSON DITCH)

The water is used to irrigate 160 acres within the SWNE, SENW, NESW, NWSE, SEC. 27, T 13S, R 46E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NWNE, SEC. 28, T 13S, R 46E, BEAR LAKE COUNTY, (THOMAS FORK CANAL) and used from April 15 to October 15 to irrigate 155 acres within the W1/2NW, NWSW, SEC. 27; E1/2NE, NESE, SEC. 28, T 13S, R 46E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83401, on or before MARCH 11, 1991.

R. Keith Higginson  
Director

Published in the NEWS-EXAMINER on FEBRUARY 21 & 28, 1991.

11-Feb-1991

KENNETH RIGBY  
RT 1 BOX 1610  
BURLEY ID 83318

RE: Application No. 11-00154

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the NEWS EXAMINER on February 21 & 28, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

12-Feb-1991

PETE PETERSON  
WATER DIST 11  
2483 RIVERDALE RD  
PRESTON ID 83263

RE: Application No. 11-7390, 11-0154

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is March 11, 1991, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones  
Water Rights Supervisor

HJ/rb  
Enclosure

March 28, 1991

RE: Application for Transfer No. 11-0154 RIGBY

Mr. Heber J. Boehme  
Thomas Fork Irrigation & Canal Company  
1250 Raymond Road  
Geneva, ID 83238

Dear Mr. Boehme:

This letter acknowledges receipt of the protest filed against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter. If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

March 28, 1991

RE: Application for Transfer No. 11-00154

Kenneth Rigby  
Rt. 1, Box 1610  
Burley, ID 83318

Dear Mr. Rigby:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

12-Apr-1991

PETE PETERSON  
WATER DIST 11  
2483 RIVERDALE RD  
PRESTON ID 83263

RE: Application for Transfer No. 11-0154

Dear Watermaster:

On Feb 12, 1991, our office sent you a copy of the above referenced transfer. As of this date, we have not received your comments.

Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest was March 11, 1991, and we cannot hold this application for comments any longer. We must hear from you by April 21, 1991.

If we may be of further assistance, please feel free to contact our office.

Respectfully submitted,

HAROLD JONES  
Water Rights Supervisor

HJ/rb  
Enclosure

29-Apr-1991

PETE PETERSON  
WATER DIST 11  
2483 RIVERDALE RD  
PRESTON ID 83263

RE: Application for Transfer No. 11-0154  
THIRD NOTICE

Dear Watermaster:

On 12-Apr-1991 & 12-Feb-1991, our office sent you a copy of the above referenced transfer. As of this date, we have not received your comments.

Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest was March 11, 1991, and we cannot hold this application for comments any longer. We must hear from you as soon as possible.

If we may be of further assistance, please feel free to contact our office.

Respectfully submitted,

HAROLD JONES  
Water Rights Supervisor

HJ/rb  
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

24-Sep-1991

JEFF BISCHOFF  
WATER DIST 11-F  
BOX 21  
GENEVA ID 83238

RE: Transfer No. 11-00154

Dear Watermaster:

Please find enclosed a copy of the above referenced application.  
Please review the application and submit any comments you may  
have to our Department as soon as possible.

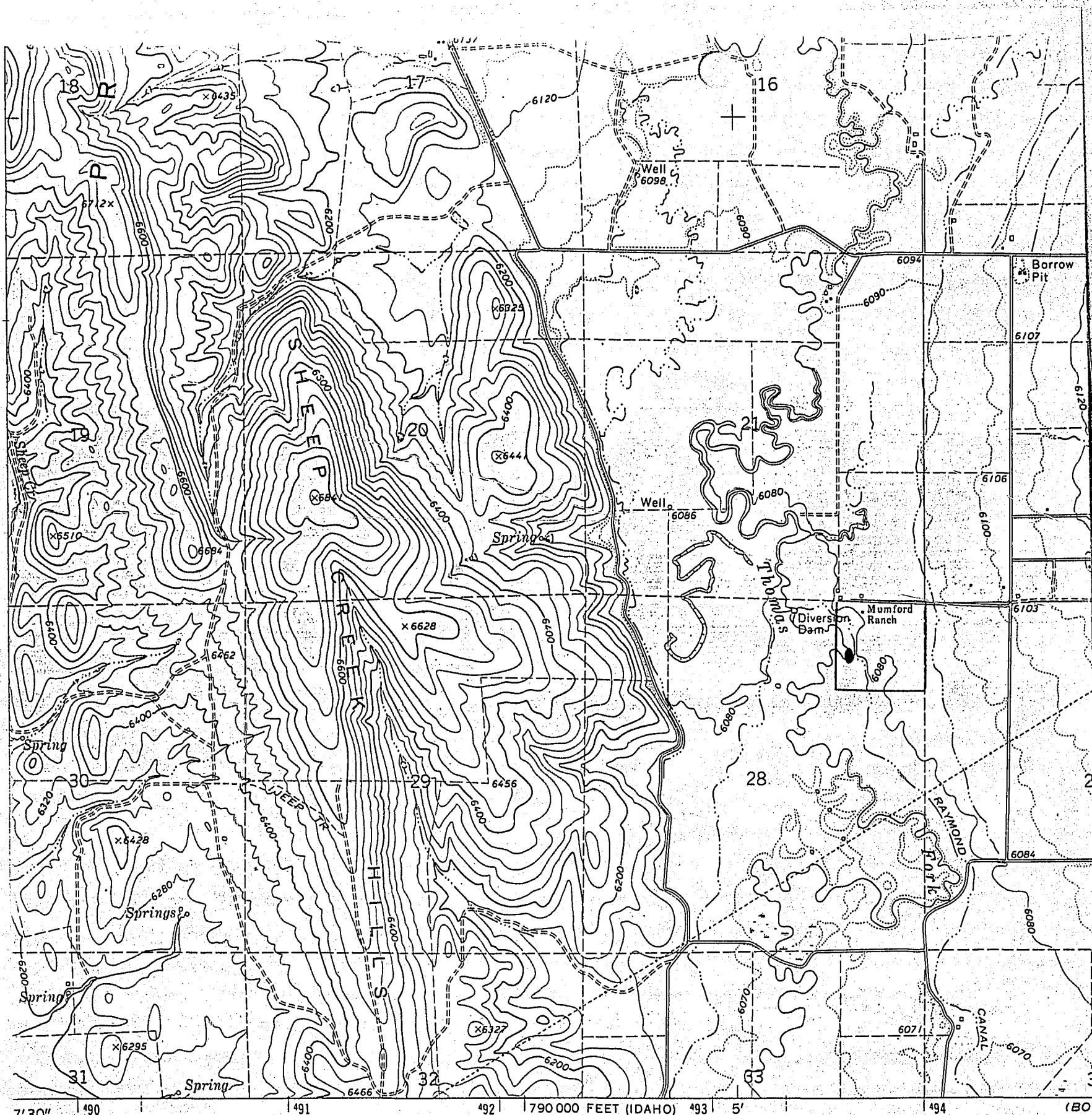
If we may be of further assistance, please feel free to contact  
us.

Thank you for your cooperation in this matter.

Respectfully submitted,

  
Harold Jones  
Water Rights Supervisor

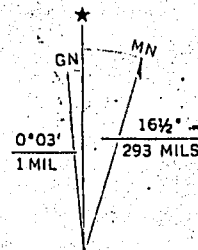
HJ/rb  
Enclosure



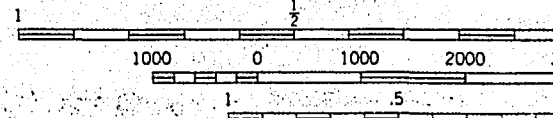
Mapped, edited, and published by the Geological Survey  
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial  
photographs taken 1969. Field checked 1970.  
Polyconic projection. 1927 North American datum.  
10,000-foot grids based on Idaho coordinate system, east zone  
and Wyoming coordinate system, west zone.  
1000-meter Universal Transverse Mercator grid ticks;  
one 12, shown in blue.

Thin red dashed lines indicate selected fence lines  
Where omitted, land lines have not been established



UTM GRID AND 1970 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL  
DOTTED LINES REPRESENT  
DATUM IS MEAN

THIS MAP COMPLIES WITH NATIONAL  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER  
A FOLDER DESCRIBING TOPOGRAPHIC MAP

RECEIVED

MAR 11 1991

Department of Water Resources  
Eastern District Office

March 8, 1991  
1250 Raymond Rd.  
Geneva, Id. 83238

Dear Sir:

As president of Thomas Fork  
irrigation and Canal Company, I  
wish to protest the proposed  
Change of point of diversion and  
place of use of water right  
no. 11-00154, applied for by  
Kenneth Rigby; until a meeting  
of the share holders of the Thomas  
Fork Irrigation and Canal Co. can  
review this request.

Signed by Heber J. Boehme  
president of Thomas Fork Irrigation  
and Canal Company.

Heber J. Boehme

842-1158

October 16, 1991  
1250 Raymond Rd.  
Geneva, Id. 83238

The Board of Directors of  
the Thomas Fork Irrigation  
Company wish to withdraw  
their protest of the Change  
of Kenneth Rigbys water  
rights - 11-00154 -

by Peter J. Bauman  
President

lb; HB.

RECEIVED

OCT 23 1991

Department of Water Resources  
Eastern District Office



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

October 24, 1991

RE: Application for Transfer No. 11-0154

Kenneth Rigby  
Rt. 1, Box 1610  
Burley, ID 83318

Dear Mr. Rigby:

This letter is to advise you that the protest filed by Heber Boehme, President, Thomas Fork Irrigation & Canal Company, against approval of the above referenced application has been withdrawn. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES  
Water Right Supervisor

HWJ:CW



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

October 24, 1991

RE: Application for Transfer No. 11-0154 KENNETH RIGBY

Mr. Heber J. Boehme, President  
Thomas Fork Irrigation & Canal Company  
1250 Raymond Road  
Geneva, ID 83238

Dear Mr. Boehme:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

MEMORANDUM

TO: HW JONES/KEITH WILSON

FROM: TIM LUKE *TJL*

DATE: November 26, 1991

RE: TRANSFER NO. 3806/RT. NO. 11-0154

=====

Keith or Skip;

I am a bit uncomfortable recommending final approval of this transfer. My concern involves ownership of the right and potential expansion. I don't feel that the disclaimer attached to the transfer is complete.

The transfer applicant Rigby does not own the land from which the right is being moved. Our database shows that the recorded place of use includes 160 acres. Tax records show that the Land Bank and Lon Tueller only own 149 of the 160 acres. County assessor records show that the remaining 11 acres are owned by Daryl Sparks. An overlapping groundwater license was issued for 144 acres.

Question:

- Is Sparks using any portion of the surface water right and/or should he also provide consent to the transfer?
- Should the new place of use be limited to 144 acres? (11-7102C)

Also:

I note that the transfer states that the right has historically been used on the ground listed as the 'new place of use'. Recent data collected by the Department for an upcoming Bear River Compact report indicates that the new place of use is dry or non-irrigated ground. Even if the applicant has irrigated 155 acres at the new place of use, I am not certain we can approve the transfer until we have consent from Sparks or some assurance that the portion of the right appurtenant to Sparks' property is not being used.

Please provide me with further insight or help on the above questions. Discuss with me if you wish.

INTER-DEPARTMENT MEMO

TO: TIM LUKE

SUBJECT: Tr. 3806

FROM: H.W. JONES - Eastern

DATE: 12-3-91

I talk to Applicant, Kenneth Rigby, & explained your concerns contained in your Memo of Nov. 26, 1991. He agreed to reduce the new place of use to 144 acres to reflect the Lon Tueller place of use. I have changed the acreage as per his instructions.

☒ For your information

☐ Response required

H.W. Jones  
signature

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: December 6, 1991

RE: TRANSFER NO. 3806/RT. NO. 11-0154

=====

This transfer changes the place of use and point of diversion of the above decreed right. The land to which the right is appurtenant has an overlapping groundwater right. The groundwater right will become a primary right after the change is made, but concerns about expansion is not necessary since the rights are not located in any type of administrative area. The owner of the land to which both rights are appurtenant (before change) has consented to the transfer. Approval of the transfer is recommended with the conditions below.

- 1) <<R04>> Use of water under this water right is subject to control by the watermaster of State Water District No. 11-F, Thomas Fork.
- 2) <<T07>> The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 3) <<T08>> Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

January 6, 1992

Kenneth Rigby  
Rt. 1, Box 1610  
Burley, ID 83318

RE: Transfer of Water Right No. 11-00154

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3806). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

February 4, 1993

KENNETH RIGBY  
RT 1 BOX 1610  
BURLEY ID 83318

RE: Approved Transfer No. 3806/Water Right No(s). 11-00154

Dear Water Right Holder:

On January 2, 1992, the Department approved an application for transfer of the above referenced water right(s). A copy of the transfer as approved has been enclosed for your reference. One of the conditions of approval of this transfer was that the authorized change(s) be accomplished within one year of the date of approval.

Please complete and return the enclosed form to confirm that the transfer has been accomplished. If the approved transfer has not been completed or is only partially complete, please provide an explanation why the changes have not been made and give an expected date for completion. The form must be returned to this office within 15 days of the date of this letter. If you wish to return the form by FAX, the number is (208)327-7866.

Please contact me if you have questions concerning this matter.

Sincerely,

*Cindy Zimmerman*  
for SHARLA CURTIS  
Sr. Water Resource Agent

Enclosure

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 10 1993

Department of Water Resources

PROOF OF COMPLETED TRANSFER

The Idaho Department of Water Resources will consider this form as a statement regarding completion of the authorized water right(s) transfer.

1. Water Right No(s). 11-00154

Transfer No. 3806

2. Name of Water Right Holder(s): Kenneth Rigby

Address: Rt 1 Box 1610 Burley Id 83318

3. Water right transfer authorized by Department is:  
(check appropriate space or provide description)

Complete ☒ Not Complete ☐

Partially Complete (describe work completed) \_\_\_\_\_

4. If the transfer has not yet been completed or is only partially complete, please provide a statement why the authorized change(s) have not been accomplished and the date which you expect the changes to be complete: \_\_\_\_\_

5. I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in Department action rescinding the approved water right(s) transfer.

Kenneth Rigby  
Signature

(& title if on behalf of a company or organization)

2-8-93

Date