

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3739APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Francis R. Kukachka Phone 547-3837
Post Office address 17 Old Oregon Rd. Soda Springs, ID 83276

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 New point of diversion is adjacent to my ground.
I would pump directly out of the creek rather than take water from the Higley - Body
ditch.

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

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|--------------------|-----------------------|-------------------|----------------------------|
| <u>11-00370</u> | <u>May 1, 1891</u> | <u>0.005</u> | <u>Irrigation</u> | <u>4-20</u> to <u>9-30</u> |
| <u>11-00371</u> | <u>May 1, 1901</u> | <u>0.011</u> | <u>Irrigation</u> | <u>4-20</u> to <u>9-30</u> |
| <u>11-00372</u> | <u>May 1, 1908</u> | <u>0.06</u> | <u>Irrigation</u> | <u>4-20</u> to <u>9-30</u> |
| | | | | to _____ |
2. Total amount of water being transferred 0.08 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bailey Creek tributary to Bear River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NW	5	10S	42E	Bear Lake	

5. 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	
10S	42E	5					4												4
							L-3												

Total acres 4

PART 1

6. General Information:

a. Description of diversion system 1 HP pump in creek with 1½" line to 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? 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:

NA

d. Remarks:

Most of the irrigable land in Sect. 5 is now subdivided. Irrigation on those lands
is from wells. I wish to continue to irrigate my pasture from Bailey Creek.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0370/0371/0372

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

1. Use of water under these rights are subject to control by the watermaster of State

Water District No. 11A, Bailey Creek.

2. These rights when combined shall provide no more than 3.0 afa per acre for the lands

above.

Witness my hand this

30th

day of

August

, 19 90

J. Glen Saxton
Chief, Water Alloc. 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. 11-00371 Decreed to Harvey W. Higley
in case of Utah Power and Light Co. vs. Last Chance Canal Co.
dated 7-14-1920 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 _____

3. Source of water Bailey Creek tributary to Bear River

4. Date or priority May 1, 1901

5. Water is used for the following purpose:

amount 0.70 cfs for Irrigation purposes from 4-20 to 9-30
(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 0.70 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
		NW	SW	5	10S	42E	Bear Lake	Rhinehart - Hopkins Ditch
		SW	SW	5	10S	42E	Bear Lake	Higley - Body 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	
10S	42E	5					A	A	A	A	A			A					250

Total acres 250

9. Describe any other water rights used for the same purpose as described above 11-00370, 11-00372

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 0.011 for Irrigation purposes from 4-20 to 9-30
(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
		SW	SW	5	10S	42E	Bear Lake	Higley - Body Ditch

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	
10S	42E	5					4												4

Total acres 4**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.689 for Irrigation purposes from 4-20 to 9-30
(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
		SW	SW	5	10S	42E	Bear Lake	Higley - Body Ditch
		NW	SW	5	10S	42E	Bear Lake	Rhinehart - Hopkins Ditch

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	
10S	42E	5					A	A	A	A	A			A					246

Total acres 246

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. 11-00372 Decreed to Harvey W. Higley
in case of Utah Power and Light Co. vs. Last Chance Canal Co.
dated 7-14-1920 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 _____

3. Source of water Bailey Creek tributary to Bear River

4. Date or priority May 1, 1908

5. Water is used for the following purpose:

amount 4.0 for Irrigation purposes from 4-20 to 9-30
(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 4.0 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
		NW	SW	5	10S	42E	Bear Lake	Rhinehart - Hopkins Ditch
		SW	SW	5	10S	42E	Bear Lake	Higley and Body 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	
10S	42E	5					A	A	A	A	A			A					250

Total acres 250

9. Describe any other water rights used for the same purpose as described above _____

PART 2

Transfer No. 3739

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 0.06 for Irrigation purposes from 4-20 to 9-30
(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
		SW	SW	5	10S	42E	Bear Lake	Higley - Body Ditch

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	
10S	42E	5					4												4

Total acres 4
C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.94 for Irrigation purposes from 4-20 to 9-30
(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
		SW	SW	5	10S	42E	Bear Lake	Higley - Body Ditch
		NW	SW	5	10S	42E	Bear Lake	Rhinehart - Hopkins Ditch

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	
10S	42E	5					A	A	A	A	A			A					246

Total acres 246

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. 11-00370 Decreed to Harvey W. Higley
in case of Utah Power and Light Co. vs. Last Chance Canal Co.
dated 7-14-1920 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 _____

3. Source of water Bailey Creek tributary to Bear River

4. Date or priority May 1, 1891

5. Water is used for the following purpose:

amount 0.30 cfs for Irrigation purposes from 4-20 to 9-30
(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 0.30 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
		NW	SW	5	10S	42E	Bear Lake	Rhinehart - Hopkins Ditch
		SW	SW	5	10S	42E	Bear Lake	Higley and Body 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	
10S	42E	5					A	A	A	A	A			A					250

Total acres 250

9. Describe any other water rights used for the same purpose as described above 11-00371, 11-00372

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 0.005 cfs for Irrigation purposes from 4-20 to 9-30
(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
		SW	SW	5	10S	42E	Bear Lake	Higley - Body Ditch

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	
10S	42E	5					4												4

Total acres 4
C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.295 for Irrigation purposes from 4-20 to 9-30
(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
		SW	SW	5	10S	42E	Bear Lake	Higley - Body Ditch
		NW	SW	5	10S	42E	Bear Lake	Rhinehart - Hopkins Ditch

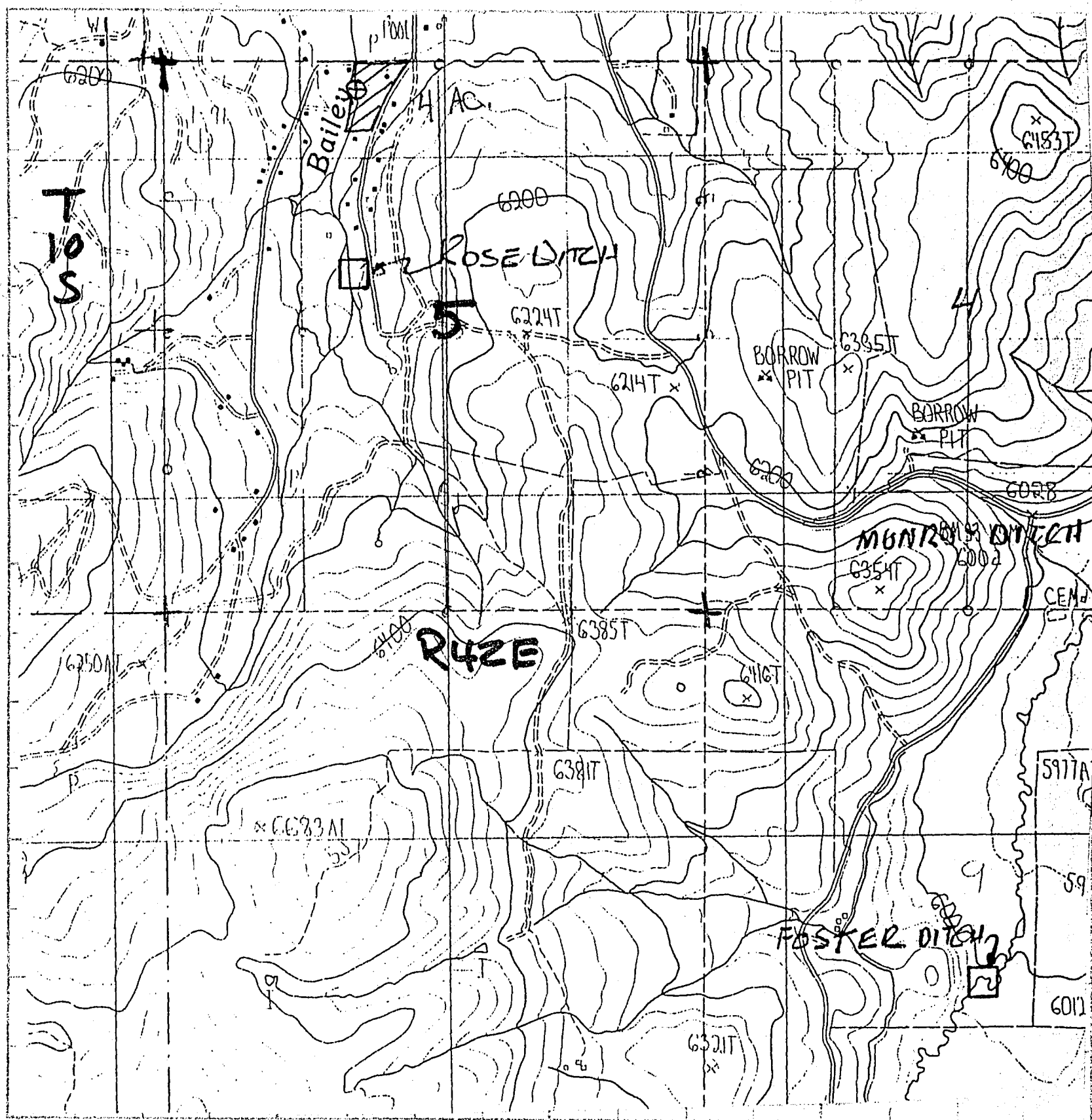
3. Lands irrigated or place of use:

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	
10S	42E	5					A	A	A	A	A			A					246

Total acres 246

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 10 of 10

Transfer No. 3739

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (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.

Francis R. Kubacka
(Signature of Applicant)

Subscribed and sworn to before me this 14th day of June, 19 90.

Jo Ann L. Rhodes
(Notary Public)

My commission expires 2-19-91

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by AW Date 6-15-90 Protest filed by _____

Prelim. check by AMD Fee 30.00 # EO14847

Received by HWT Date 6-15-90

Published in Caribou Cnty Press Copies of protest forwarded by _____

Pub. dates 7-19-26-90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E014847

Date: 06/15/90
Time: 16:02:47

Received
From: KUKACHKA, BOB

Type of Payment	Program Acct Class	Amount
APPLIC. FOR TRANSFER	0630199 1238 6390	\$30.00

Total
\$30.00

CHECK 1180

Idaho Department of Water Resources

Region: EASTERN

Signature:

Warranty Deed

THIS INDENTURE, Made this 22nd day of September
in the year of our Lord One Thousand Nine Hundred and Eighty-seven, between
WILLIAM A. HOGAN and DEANNA B. HOGAN, husband and wife,
of Soda Springs, County of Caribou, State of Idaho
the parties of the first part, and
FRANCIS ROBERT KUKACHKA and MARILYN CORINNE KUKACHKA, husband and wife, HC 70 Box 3020
of Soda Springs, County of Caribou, State of Idaho 83276
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of - - - - -
SIXTY SIX THOUSAND FIVE HUNDRED AND NO/100THS - - - - - DOLLARS,
lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Bear Lake State of Idaho, bounded
and more particularly described as follows, to-wit:

Lots 31 and 32, Block 1, Bailey Creek Acres, according to the
official plat thereof, as recorded in the office of the County Recorder
of Bear Lake County, Idaho, under recorder's instrument No. 88232.

gout lot 3 41.6 acres
NEND

87 OCT 8 AM 9 43
DEPUTY FEE \$6.00

BEAR LAKE COUNTY RECORDER
JOAN P. EBORN

144760

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said parties of the second part, and to their heirs and assigns forever. And the said
parties of the first part, and their heirs the said premises in the quiet and peaceable possession
of the said parties of the second part their heirs and assigns against the said parties of the
first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming
or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and
seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

William A. Hogan [Seal]
WILLIAM A. HOGAN
By: Deanna B. Hogan [Seal]
DEANNA B. HOGAN, Attorney in Fact
Deanna B. Hogan [Seal]
DEANNA B. HOGAN [Seal]

STATE OF IDAHO,
County of Caribou

ss.

On this

7th

day of

OCTOBER

in the year 1987, before me

the undersigned a Notary Public in and for said County and State, personally appeared Deanna B. Hogan, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of William A. Hogan and acknowledged to me that she subscribed the name of William A. Hogan thereto as principal, and her own name as attorney in fact, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, individually and as attorney in fact of William A. Hogan.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first

NOTARY PUBLIC
STATE OF IDAHO
OCTOBER 7th 1987

William B. Hogan
Notary Public.

Residence and P. O. Address..... Soda Springs, Idaho

Commission expires: 6-1-93

NEW
10/7/87

WARRANTY DEED

WILLIAM A. HOGAN and DEANNA B.
HOGAN, husband and wife,

TO

FRANCIS ROBERT KUKACHKA and
MARILYN CORINNE KUKACHKA, husband
and wife,

Dated September 22, 1987

STATE OF IDAHO,
County of Bear Lake } ss.

I hereby certify that this instrument was filed for
record at the request of

Caribou Title Company

at _____ minutes past _____

o'clock _____ M., this _____ day
of _____ October _____, A. D. 1987

in my office and duly recorded in _____
the microfilm
records of Bear Lake County, Idaho.

Ex-Officio Recorder.

By _____ Deputy.

Fee, \$ 6.00

GEO. PRIMBS & SONS, INC., POCAHONTO, IDAHO

No 3992

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 21 1990

STATE OF IDAHO,
County of Bear Lake

Department of Water Resources
Eastern District Office

Rosa Moosman
being duly sworn,

uses 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 2 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

July 19, 1990 and ending
with the issue of July 26, 1990

Rosa S. Moosman
Fees, \$48.20

Subscribed and sworn to before me this 25 day
of July, 1990

Belle C. Smith

Notary Public, Residing at Montpelier, Idaho

My Commission Expires May 21, 1996

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT

No. 11-00370/11-00371/11-00372

Notice is hereby given that FRANCIS R. KUKACHKA has applied to the Department of Water Resources to CHANGE A POINT OF DIVERSION of the waters of BAILEY CREEK tributary to BEAR RIVER. The rights sought to be changed are evidenced by Decrees and recorded as follows:

Decree No.'s 11-00370, 11-00371, and 11-00372 Decreed to HARVEY W. HIGLEY in case of UTAH POWER AND LIGHT CO. vs. LAST CHANCE CANAL CO. dated JULY 14, 1920.

DECREE NO. 11-00370
AMOUNT: .30 CFS PRIORITY:
MAY 1, 1891

DECREE NO. 11-00371
AMOUNT: .70 CFS PRIORITY:
MAY 1, 1901

DECREE NO. 11-00372
AMOUNT: 4.5 CFS PRIORITY:
MAY 1, 1908

POINTS OF DIVERSION: NWSW (RHINEHART-HOPKINS DITCH) SWSW (HIGLEY & BODY DITCH) SEC 5 T 10S R 42E, BEAR LAKE COUNTY

The water is used from APRIL 20 to SEPTEMBER 30 to irrigate 250 acres within the NW E1/2SW1/4 SEC 5 T 10S R 42E, B.M.

TO BE CHANGED AS FOLLOWS:

Only .08 CFS will be diverted from the NENENW SEC 5 T 10S R 42E, and used to irrigate 4 acres within the NENW (LOT 3) SEC 5 T 10S R 42 E, 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 Aug. 6, 1990.

R. Keith Higginson
Director

Legal No. 3992 — Publish Aug. 19 and 26, 1990.

This is a duplicate copy
made of the original because
of the poor quality of orig. from wear & tear.
11-2
summed copy

Original can be found in this same file.

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

In Equity No. 203

**In the District Court of the United States
for the District of Idaho, Eastern Division**

UTAH POWER & LIGHT COMPANY, a Corporation, *Plaintiff,*

vs.

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; West Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The Bench Canal, and Budge Land & Live Stock Company, Limited, corporations; W. H. Larkins, Jas. Ellsmore, Geo. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Geo. M. Smith, as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson Ditch Company, a corporation; A. J. Nielson, B. R. Meek, Henry McCuen, C. S. Burton and Eli Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; The Riverdale Irrigating Company, Nielson-Meek Company and West Cache Irrigation Company, corporations; E. P. Johnson, Albert Johnson, Hyrum Johnson, Geo. D. Anderson, Joseph T. Pond, Frank W. Harris, A. C. Bosen, Hyrum J. Smith, John E. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David P. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, James Monroe (or Munro), Nellie Simmons, John Baird, William Monroe (or Munro), Orrin Monroe (or Munro), Charles Monroe (or Munro), Charles Foster, Hyrum Foster, Mary Baird, John Woodall (or J. D. Woodall), George Ellis, Skinner Irrigation Company, a corporation; Heber Crane, Fred Bartschi, Charles Bartschi, David Chugg, Phillip Chugg, Fred Stauffer, William Williams, Sr. (or William Morgan Williams), William Williams, Jr. (or William Mormon Williams), Oliver Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas Freeman.

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
1 0366	(d) Through the 5 ditches here- inabove described. 1912—May 15	1.5 c.f.s.	For the irrigation of 75 acres of land in the East half of the Southwest quarter, the Northwest quarter of the Southeast quarter, and the Northeast quarter of the Northeast quarter and the South half of the Northeast quarter of Section 20, and the Southwest quarter of the Southwest quarter of Section 16, all in Township 10 South, Range 42 East.

Largilliere Ditch, diverting from said Eight Mile Creek in the Southwest quar-
ter of the Southwest quarter of Section 16, Township 10 South, Range 42 East, B.M.
The following parties are entitled to divert through said ditch, with priorities and
in the amounts hereinbelow set forth:

64. <i>Largilliere Company, Ltd., a Cor- poration:</i>	For the irrigation of 10 acres of land in the Northeast quarter of the Southwest quarter of said Section 16.
1 0367 1894—May 1	0.2 c.f.s.

BAILEY CREEK

65. <i>Idaho Ranch Company, Ltd.:</i>	To be diverted from said stream through the Higley & Body ditch diverting there- from in the Southwest quarter of the Southwest quarter, Section 5, and the Rhinehart ditch diverting therefrom in the Northeast quarter of the Northwest quar- ter, Section 5, Township 10 South, Range 42 East, B.B.M.
1 0368 (a) 1891—May 1	0.6 c.f.s.

1 0369 (b) 1896—May 1	0.24 c.f.s.	To be diverted from said stream on the West side thereof in the Southeast quarter of the Northeast quarter of Section 7, said Township and Range. Water diverted in paragraphs (a) and (b) immediately above, is to be used for the irrigation of 42 acres of land in the South half of the Southwest quarter, Section 32, Township 9 South, Range 42 East, and the South half of the Southwest quarter of Section 5, and the South half of the Southeast quarter and the Northwest quarter of the Northwest quarter, Section 8, Township 10 South, Range 42 East, B.M.
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66. <i>Harvey W. Higley:</i>	To be diverted from said creek through either the Higley-Body ditch hereinabove mentioned or the Rhinehart-Hopkins ditch diverting therefrom in the Northwest quarter of the Southwest quarter of Sec- tion 5, Township 10 South, Range 42 East,
1 0370 1891—May 1	0.3 c.f.s.
1 0371 1901—May 1	0.7 c.f.s.
1 0372 1908—May 1	4.0 c.f.s.

40 For irrig of 250 ACRES in NW 1/4, 2 from
E 1/2 SW 1/4 sec 5, T10S R42E S1/2 pg 41.
TL.

The water is used from APRIL 20 to SEPTEMBER 30 to irrigate 250 acres within the NW E1/2SW1/4 SEC 5 T 10S R 42E, B.M.

TO BE CHANGED AS FOLLOWS:

Only .08 CFS will be diverted from the NENENW SEC 5 T 10S

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
No. 11-00370/11-00371/11-00372**

ate 4 acres within the NENW (LOT 3) SEC

Notice is hereby given that FRANCIS R. KUKACHKA has applied to the Department of Water Resources to CHANGE A POINT OF DIVERSION of the waters of BAILEY CREEK tributary to BEAR RIVER. The rights sought to be changed are evidenced by Decrees and recorded as follows:

Decree No.'s 11-00370, 11-00371, and 11-00372 Decreed to HARVEY W. HIGLEY in case of UTAH POWER AND LIGHT CO. vs. LAST CHANCE CANAL CO. dated JULY 14, 1920.

DECREE NO. 11-00370
AMOUNT: .30 CFS PRIORITY:
MAY 1, 1891

DECREE NO. 11-00371
AMOUNT: .70 CFS PRIORITY:
MAY 1, 1901

DECREE NO. 11-00372
AMOUNT: 4.0 CFS PRIORITY:
MAY 1, 1908

POINTS OF DIVERSION: NWSW
(RHINEHART-HOPKINS DITCH)
SWSW (HIGLEY & BODY DITCH)
SEC 5 T 10S R 42E, BEAR LAKE
COUNTY

The water is used from APRIL 20 to SEPTEMBER 30 to irrigate 250 acres within the NW E1/2SW1/4 SEC 5 T 10S R 42E, B.M.

TO BE CHANGED AS FOLLOWS:

Only .08 CFS will be diverted from the NENENW SEC 5 T 10S R 42E, and used to irrigate 4 acres within the NENW (LOT 3) SEC 5 T 10S R 42 E, 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 Aug. 6, 1990.

R. Keith Higginson
Director

Legal No. 3992 — Publish Aug 19 and 26, 1990.

st the proposed change must be filed with Water Resources, 150 Shoup Ave., Idaho before AUGUST 6, 1990.

R. Keith Higginson
Director

XAMINER on JULY 19 & 26, 1990.

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July 24

From APRIL 20 to SEPTEMBER 30 to irrigate

E1/2SW1/4 SEC 5 T 10S R 42E, B.M.

BE CHANGED AS FOLLOWS:

be diverted from the NENENW SEC 5 T 10S

R 42E, and used to irrigate 4 acres within the NENW (LOT 3) SEC

5 T 10S R 42E, 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 AUGUST 6, 1990.

R. Keith Higginson
Director

Published in the NEWS EXAMINER on JULY 19 & 26, 1990.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 11-00370/11-00371/11-00372

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DECREE NO. 11-00371

AMOUNT: .70 CFS PRIORITY: MAY 1, 1901

DECREE NO. 11-00372

AMOUNT: 4.0 CFS PRIORITY: MAY 1, 1908

POINTS OF DIVERSION: NWSW(RHINEHART-HOPKINS DITCH)
SWSW(HIGLEY & BODY DITCH) SEC 5 T 10S R 42E, BEAR LAKE COUNTY

INTER-DEPARTMENT MEMO — 1

FROM H.W. Jones - IDWR

RECEIVED

DATE 6-12-90

TO Francis Rukachke

JUN 15 1990

Department of Water Resources
Eastern District Office

SUBJECT Revised Applic. For Transf.

Attached is your applic. For transf. + check ^{1/2} \$180 For \$30.

Also attached is a revised applic. The water rights appurtenant to the original 280 acre farm are 3 in number + tied to each other. Therefore you will have to represent your 4 acres as having a portion (proportionate) of each right. I have done all the work for you + require that you review the new applic. + then sign + have it notarized. You can then return the applic. with the \$30 check + the copy of your warranty deed.

H.W. Jones

SIGNATURE

16-Jul-1990

STAN MOORE
WATERMASTER DIST. 11-A
BOX 85
ELLIS, ID 83235

RE: Application for TRANSFER No. 11-00370/11-00371/11-00372

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 AUGUST 6, 1990, 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

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 11-00320/371/372

RECEIVED

JUL 20 1990

Department of Water Resources
Eastern District Office

WATER DISTRICT 11-A

WATERMASTER Stan R. Moore Sr.

DATE: July 18 - 1990-

COMMENTS: This is a High water right
on this property. If the older rights
are filled then they can use it if
they check with the watermaster.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Stan R. Moore, S.R.
Watermaster

(Please use this
address for us :)

→ Soda Springs, Idaho -
#24 old Oregon Road.
83276.

DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/28/90
PAGE: 1

WATER RIGHT NUMBER	NAME	CFS
11-00370	HIGLEY, HARVEY W. <i>SPLIT into Parts A & B by TRANS. NO. 3739</i>	~~0.30~~
11-00371	HIGLEY, HARVEY W. " " "	~~0.70~~
11-00372	HIGLEY, HARVEY W. " " "	~~4.00~~

11-00370A	Higley, HARVEY W.	0.295
11-00370B	KUKACHKA, FRANCIS R.	0.005
11-00371A	Higley, HARVEY W.	0.689
11-00371B	KUKACHKA, FRANCIS R.	0.011
11-00372A	Higley, HARVEY W.	~~3.94~~
11-00372B	KUKACHKA, FRANCIS R.	0.06

MEMORANDUM

TO: FILE

FROM: TIM LUKE *OK Gary*

DATE: August 28, 1990

RE: TRANSFER APP. NO. 3739/RIGHT NO.S 11-0370, 11-0371 & 11-0372

=====

This application seeks to split the above rights according to ownership and add a point of diversion to the portions being split from the original rights.

The right shall be split as shown on attached split summary information sheet. I recommend approval of the application subject to conditions below:

1. Use of water under these rights are subject to control by the watermaster of State Water District No. 11A, Bailey Creek.
2. These rights when combined shall provide no more than 3.0 afa per acre for the lands above.

August 31, 1990

RE: Transfer of Water Right Nos. 11-0370/0372

Francis R. Kukachka
17 Old Oregon Rd.
Soda Springs, ID 83276

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Trans. No. 3739). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure