

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 788.

THIS IS TO CERTIFY That DR. EVAN M. KACKLEY, of Boise, Idaho, is the owner of and using a certain water right in the amount of Two-tenths (0.2) cubic foot per second of the waters of Soda Creek with priority of May 1, 1910, and One-tenth (0.1) cubic foot per second of the waters of Soda Creek with priority of February 10, 1881, decreed to W. M. Chester and Landi C. Eastman, respectively, by Judge Frank S. Dietrich of the District Court of the United States for the District of Idaho, Eastern Division, in the case of

UTAH POWER & LIGHT COMPANY, et al

Plaintiffs,

vs.

LAST CHANCE CANAL COMPANY, et al

Defendants.

said decree bearing date of July 14, 1920, and being appurtenant to the following described lands to-wit:

Fr. SE $\frac{1}{4}$ Section 6, Township 9 South,
Range 42 East, B.M., and Lots 4, 5, 6,
& 7, of Block 52, City of Soda Springs, Idaho.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502 thereof.

That said Dr. Evan M. Kackley has become the owner of said water right through purchase.

And that now, upon the application of Dr. Evan M. Kackley of Boise, Idaho, for the transfer of Three-tenths (0.3) cubic foot per second of the waters of Soda Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Three-tenths (0.3) cubic foot per second of the waters of Soda Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right hereby confirmed shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

Lots 3, 4, 5, and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 6, Township 9 South, Range 42 E.B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

11-0449 - 0.2 cubic foot per second with priority of
May 1, 1910.
11-0450 - 0.1 cubic foot per second with priority of
0457 February 10, 1881.

RECORDED

That the water right hereby transferred has heretofore been conducted from Soda Creek to the first above described lands through the Town (or Lau) Ditch, with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 8 South, Range 41 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the same ditch and with the same point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 28th day of March, 1952.

MARK R. KULP
State Reclamation Engineer

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Dr. Evan M. Kackley of)
Boise, Idaho)

For a Transfer of Water Right, in Water)
District No. 5-E, Caribou County, Idaho.)

ORDER GRANTING TRANSFER
No. 788

WHEREAS, On the 3th day of February, 1952, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of DR. EVAN M. KACKLEY, of Boise, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest was filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 28th day of March, 1952.

MARK R. KULP
State Reclamation Engineer

RECORDED

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

DATE OF
PRIORITY

Lau Ditch, diverting from Soda Creek in the Northeast quarter of the Southeast quarter of Section 36, Township 8 South, Range 41 East, B.M. The following named parties are entitled to divert from the said ditch with priorities and in the amounts hereinbelow set forth:

11 0449

143. Wm. Chester:
1910—May 1

0.2 c.f.s.

For the irrigation of 8 acres in the Southeast quarter of Section 6, Township 9 South, Range 42 East. Said water may be diverted through either the Lau ditch or the Town ditch hereinbelow described.

1881—Feb. 10.

11-0450

The several persons hereinafter named are collectively entitled to the use of 4.0 c.f.s. of water from the said Soda Creek to be diverted through the said Lau ditch for the irrigation of 201.2 acres of lots and parts of lots situated in the platted portions of the Village of Soda Springs, Caribou County, Idaho, the individual right of each said person in the use of 4.0 c.f.s. of water awarded, being such proportionate part thereof as the total acreage of the lots and parts of lots owned and irrigated by such individual is to 201.2. The names of the respective persons, description of lots and parts of lots owned and irrigated by each said persons respectively, being as follows:

144. D. A. Anderson	All Block 13	11-0450	10.0	acres
145. George Albrecht	Lot 8 of Block 19	11-0451	1.25	acres
146. Minnie O. Blackburn	Lot 4 of Block 36	11-0452	1.25	acres
147. Margaret F. Cully	Half of Lot 4, Block 19	11-0453	0.625	acres
148. Elizabeth Dorrien	Lot 3 of Block 36	11-0454	1.25	acres
149. W. M. Davis	Half of Lot 6, Block 36	11-0455	0.625	acres
150. George W. Ellis	Half of Lot 7, and half of Lot 8, of Block 36	11-0456	1.25	acres
151. Landi C. Eastman	Lots 4, 5, 6, 7, Block 52	11-0457	5.0	acres
152. Sam Gagon	North half Lot 4, Block 34	11-0458	0.625	acres
153. Leah Gorton	West half Lot 5, Block 19	11-0459	0.625	acres
154. T. W. Horsley	West four-fifths of Lot 6, Block 45	11-1113	1.0	acres
155. Samuel Hopkins	East half Lots 1 and 8, of Block 46	11-0460	1.25	acres
156. W. J. Hopkins	West half Lots 1 and 8, Block 46	11-0461	1.25	acres
157. Rosina Hopkins	Third of Lots 2, 3, and West half Lot 4, of Block 46	11-0462	1.45	acres
158. T. H. Horsley	Half Lots 2, 3, Block 46	11-0463	1.25	acres
159. Anna Hamilton	Half of Lots 2, 3, Block 46	11-0464	1.25	acres
160. Oren Hansen	Lots 6, 7, 8, of Block 35	11-0465	3.75	acres
161. Harry Horsley	Lot 5, Block 35	11-0466	1.25	acres
162. T. H. Horsley	Lots 5, 6, 7, 8, Block 1, Blocks 16 and 17	11-0467	1.25	acres
163. Ira Hardy	West half Lot 5, Block 19	11-0468	0.625	acres

164. *Indepen
Dist. Ne
Co., Ida
pal corp*

165. A. J. K

166. Ellis K

167. August

168. Ellen L

169. Church

Christ

Saints,

corpora

170. D. J. L

171. J. E. D

172. D. F. L

173. H. M.

174. J. P. L

175. D. K.

176. W. F.

177. Chris

178. A. Nic

179. J. J.

180. Eliza

181. J. H.

182. Geo.

183. S. Sn

184. J. T.

185. Ann

186. E. T.

Feene

Northwest

ing partie

hereinbelo

11 0469

187. Mar

1889

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Dr. Evan M. Kaekley
of Boise Idaho. has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing Him to change the point of diversion
and/or place of use of the waters of Soda Creek,
as follows: Amount: 0.3 cubic feet per second,
Point of diversion: NE 1/4 SE 1/4, Section 36, Township 8.S.,
Range 42.E. Place of Use:
Fr. SE 1/4 Section 6, Twp. 9.S., R. 42.E. and Lots 4-5-6-& 7 of Block
52, City of Soda Springs,

Transfer to

Point of diversion: NE 1/4 SE 1/4, Section 36, Township 8.S.,
Range 42.E. Place of Use:
Lots 3-4-5- & 6 and SE 1/4 NW 1/4 and NE 1/4 SW 1/4 Section 6, Twp. 9.S., R. 42.E. B.M.

And that on the 8th, day of February 1952, 194x
at 10 o'clock A. M., at Room 107 State House, Boise Idaho.
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK. R. KULP.
State Reclamation Engineer.

MICROFILMED

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date February 17, 1952

Soda Springs Sun.
Soda Springs, Idaho.

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **February 8, 1952.** the date set for the hearing, the expense of the publication to be paid by the applicant, **Dr. Evan M. Kackley, Boise, Idaho.**

to whom you should furnish proof of publication on or prior to the date set for the hearing.

Please acknowledge receipt of this notice, and furnish this department with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By **Roy W. Thompson,**
Supervisor of Water Distribution.

RECORDED

Application for Transfer of Water Right

STATE OF IDAHO,

County of.....**ADA**

SS.

.....Dr. Evan M. Kackley....., being first duly sworn, deposes and says:

That his name is.....Dr. Evan M. Kackley.....; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is.....Boise Idaho.....

That he is the owner and using a certain water right, bearing date of priority of May 1 1910
Feb 10 1981
0.2
for 0.1 cubic feet per second of the waters of Soda Creek
W.M.Chester
County of Caribou, State of Idaho, decreed to Landi C. Eastman

by decree of Judge, Detrich of the U.S. Dist. Court Judicial District of the State of
Idaho, in and for the County of _____, in the case of Utah Power and Light Co.
vs. Last Chance Canal Co.; _____, said decree bearing date of July 14 1920

(or obtained by virtue of License No., issued by the State Engineer or the Commissioner of Reclamation of the State of Idaho, dated....., 19....., bearing date of priority of....., 19.....) for the purpose of irrigating the following described lands situate, lying and being in water District No. 5-E in the County of Caribou and State of Idaho, to-wit:

Wm. Chester 0.2 c.f.s. 8 ac. in S.E. 1/4, Sec. 6 T 9 S.R. 42 E.B.M.
Landl C. Eastman 0.1 c.f.s. 5 Ac. in Lots 4-5-6-7 Blk 52 City of
Soda Springs and 9.2% of 818 ccf. storage right in 50 M² Meadow
(undeterminate amount of water)

.....and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

By purchase

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the.....N.E. $\frac{1}{4}$? S.E. $\frac{1}{4}$ of
Section.....36....., Township.....8....., Range.....42 E....., B. M., and con-
ducted to the above described lands through.....Lau(or Town) Ditch.....
as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 0.3 more or less cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Caribou and State of Idaho, to-wit:

Lots 3-4-5-6 and S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ and N.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$
Sec.6 T.9 S.R.42 E.D.M.

That his reasons for desiring to make such transfer are as follows:.....

.....Insufficient water at times due to late priority of
water right.

REPRODUCED

That he intends to divert and convey said 0.3 more or less second feet of water to the tract of land last above described in the following manner, to-wit:

Through the Town (or Lau) Ditch

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Subscribed and sworn to before me this

A. D. 19 52

day of

January

Applicant

Notary Public.

residing at Boise, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water now diverted? Soda Creek
Where is the diversion point now located? N.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Sec. 36 T.8 S.R. 41 E.B.M.
Through what ditch is it now conducted? Town (or Lau) Ditch
How much land is now irrigated by the water sought to be transferred? Approx 200 Ac.
Give the description: Part of Lots 3-4-5-6, S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ and
N.E. $\frac{1}{4}$, S.W. $\frac{1}{4}$ Sec. 6 T.9 S.R. 42 E.B.M.
What is the total amount of water in inches, or second feet, dedicated to said land? 0.3 c.f.s. 1909
1.6 c.f.s. 1910
What kind of crops are being raised? Alfalfa and grain
How much water per acre is now required to irrigate said land?
What will be the effect on the land now irrigated, if the use of water on it is discontinued?
Give location of new point of diversion, if change is to be made.
Through what ditch will it be conducted after transfer? Town (or Lau) Ditch
How much water will be required per acre to irrigate the land to which this water is transferred?
Do you claim any other water right for the land from which you seek to abandon the use of this water?
NO.
If so, give amount, date and source.
Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. 0.3 c.f.s. 1909 Soda Creek, 1.6 c.f.s. 1910 Soda Creek
95 shares Farmers Land and Irr. Co.

Signed

Applicant.

STATE OF IDAHO,

County of.....Caribou.....

ss.

T. E. Thompson

and

A. K. Lechtenberg

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at.....

that he is a user of water from.....Soda Creek....., in Water District No. 5-E.....

County of.....Caribou....., State of Idaho; that he has read or heard read the foregoing affidavit and

petition of.....Dr. Evan M. Kackley.....and is familiar with its allegations and with the water

right and lands therein mentioned and described and is not in any way interested in either, nor in any way re-

lated to said petitioner; that the statements and allegations therein made are true of his own knowledge; and

that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

T. E. Thompson
A. K. Lechtenberg

Subscribed and sworn to before me this.....7th.....day of.....December.....

A. D. 19.51....

J. E. [Signature]

Notary Public

Soda Springs, Idaho

My Commission Expires: July 28, 1952

STATE OF IDAHO,

County of.....Caribou.....

ss.

I,.....T. E. Thompson.....

Watermaster of.....Soda Creek.....

Water District No. 5-E....., County of.....Caribou....., State of Idaho, whose postoffice address

is.....Soda Springs Idaho....., have read or heard read the foregoing affidavit and petition

of.....Dr. Evan M. Kackley....., and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue

the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed

for) for the following reasons:.....

T. E. Thompson

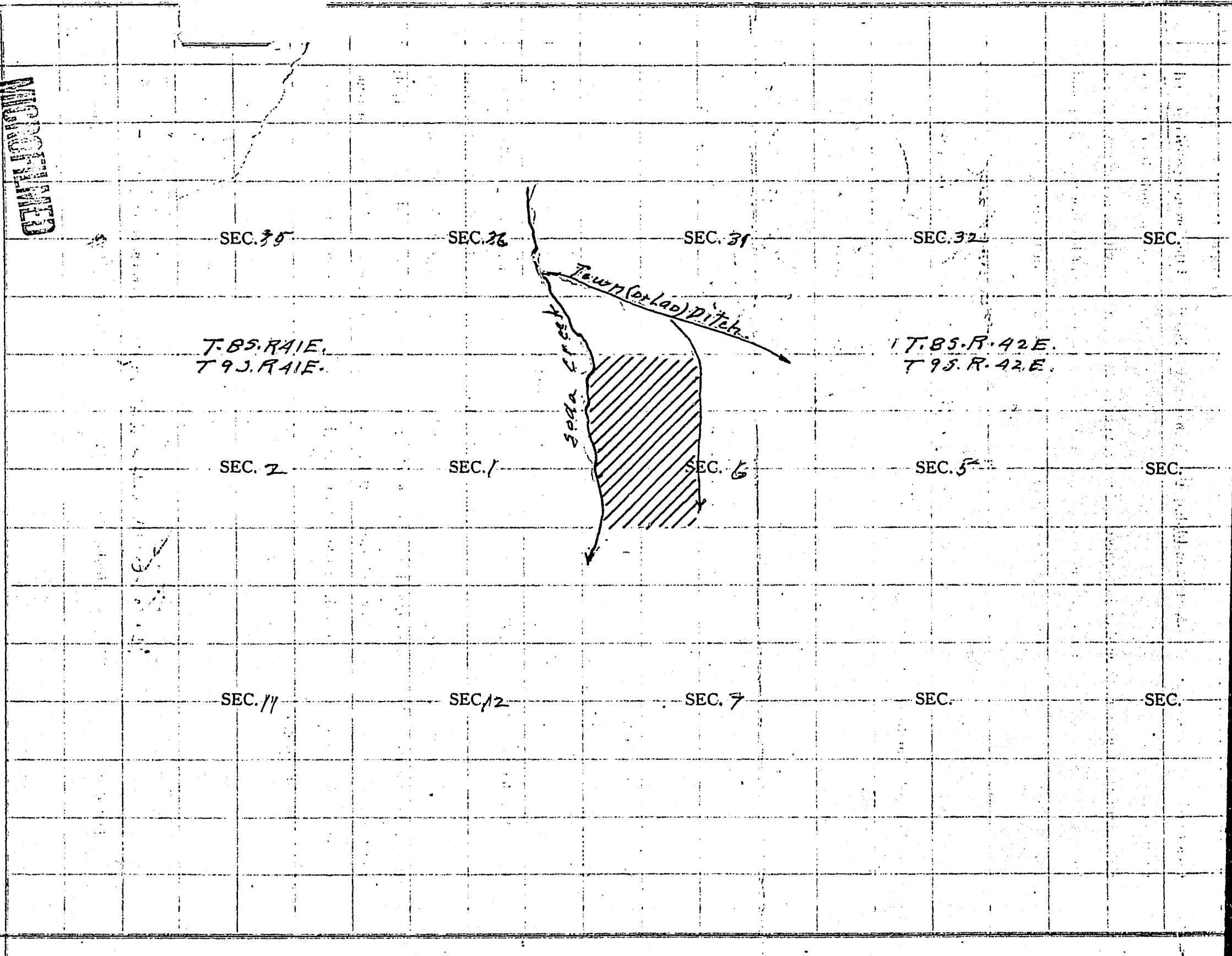
Watermaster Dist. No. 5-E

Dated at.....Soda Springs, Idaho, this.....7th.....day of.....December....., 19.51

MICROFILMED

UNCLASSIFIED

Scale: 2 Inches—1 Mile. Draw Map in Ink.



Name of Applicant.....

SEC. 28

SEC. 31

SEC. 32

SEC.

SEC.

SEC. 1

SEC. 6

SEC. 5

SEC.

SEC.

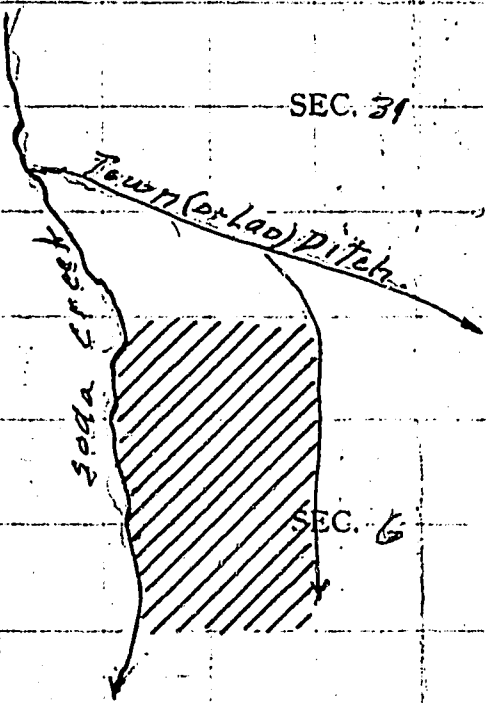
SEC. 12

SEC. 7

SEC.

SEC.

SEC.



T. 85. R. 42 E.
T. 93. R. 42 E.

Affidavit of Publication

County of Caribou, }
State of Idaho, } SS.

Marita Varner being first duly sworn

on oath, states:

That she is Principal Clerk of the Soda
(Printer, Foreman or Principal Clerk)

Springs Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for two successive weekly issues thereof, the date of the first publication being the 24th day of January, 1952, the date of the last publication being the 31st day of January, 1952

Subscribed and sworn to before me this 26th day of March, 1952

(SEAL)

Notary Public, residing at Soda Springs, Idaho.

My Commission expires the 28th day of July, 1952.

COST: _____ lines at _____ cents a line for the first insertion and _____ cents a line for each of _____ subsequent insertions, total \$ _____

RECEIVED
MAR 27 1952

Department of Reclamation

MICROFILMED

INGS SUN, SODA SPRINGS,

1/4 Section 36, Township 8.S., Range 42.E. Place of Use: Fr. SE 1/4 Section 6, Twp. 9.S. R. 42. E. and Lots 4-5-6 & 7 of Block 52, City of Soda Springs;
Transfer to: Point of diversion: NE 1/4 SE 1/4, Section 36, Township 8.S., Range 42. E. Place of Use: Lots 3-4-5 & 6 and SE 1/4 NW 1/4 and NE 1/4 SW 1/4 Section 6, Twp. 9.S. R. 42.E. B. M.

And that on the 8th day of February, 1952, at 10 o'clock a. m., at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Mark R. Kulp,
State Reclamation
Engineer.

2t-j24. 31

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Dr. Evan M. Kackley of Boise, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of Soda Creek, as follows: Amount: 0.3 cubic feet per second, Point of diversion: NE 1/4 SE

MICROFILMED

March 29, 1932

Dr. Evan M. Kackley
Boise
Idaho

Dear Mr. Kackley:

Your Certificate of Transfer of Water Right is ready,
but we do not seem to have your post-office address and we
hesitate to mail it addressed simply to Boise, Idaho.

Please advise us of your mailing address.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

MICROFILMED



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

March 29, 1952

RECEIVED
APR 2 1952
Department of Reclamation

Dr. Even M. Kackley
Boise
Idaho

Dear Mr. Kackley:

Your Certificate of Transfer of Water Right is ready,
but we do not seem to have your post-office address and we
hesitate to mail it addressed simply to Boise, Idaho.

Please advise us of your mailing address.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannette L. Anderson
Chief Clerk

A:fg

My address is

*2323 Ellis Ave
Boise, Idaho*

Thank you,

Sincerely

Even M. Kackley

MICROFILMED

April 2, 1952

Dr. Evan M. Kackley
2323 Ellis Avenue
Boise, Idaho

Dear Mr. Kackley:

We enclose Transfer Certificate No. 788, issued in accordance with your application for the transfer of 0.3 of a second foot of the waters of Soda Creek.

We also enclose departmental receipt No. 24308 for the \$1.00 recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

fg
Enc.

MICROFILMED

MEMORANDUM

TO: Jim Johnson, Linda Bilbao
FROM: Gary Spackman *Gary*
DATE: July 26, 1991

RE: Transfer No. 788, Water Right No. 11-00450, 11-0449 and
11-0457

Keith Wilson has identified a problem with the attached memorandum. After reviewing the information he has submitted, it appears that transfer no. 788, filed by Dr. Evan Cackley, meant to transfer two water rights, 11-0449 and 11-0457, and not 11-0450. Our records, however, referred to water right no. 11-0450 as the water right transferred.

I suggest the following action:

1. A file should be created on the vault shelf for both 11-0449 and 11-0457. Duplicate copies should be placed in each of the files with the original in one of them.
2. The database should be changed to reflect the transfer of the appropriate water right. Water right no. 11-0450 should not be split.
3. A file for water right no. 11-0450 should not be maintained on the vault shelf.
4. The two additional files created should be routed to microfilm. When received by the microfilm technician, the two files should be filmed, and Darla should discard the old microfilm jacket. The regions should also be informed of our action at the time the diazo copies are sent to the regions.

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TRANSFER NO. 788

DATE: September 11, 1991

=====

SEE FILE 11-0449 FOR INFORMATION ON TRANSFER NO. 788

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

This is to certify that: **MONSANTO CHEMICAL**
DETERGENTS & PHOSPHATES DIV
PO BOX 816
SODA SPRINGS ID 83276

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00449 : IRRIGATION Priority: 05/01/1910	04/15 to 10/15	0.20 CFS	72.6 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00531B : IRRIGATION Priority: 05/01/1892	04/15 to 10/15	3.90 CFS	707.0 AF
SUBTOTAL:		* 5.12 CFS	** 707.0 AF

SOURCE
SODA CREEK

TRIBUTARY OF
BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-02106 :			
IRRIGATION	04/15 to 10/15	2.00 CFS	707.0 AF
Priority: 10/11/1952			
SUBTOTAL:		* 2.00 CFS	** 707.0 AF

SOURCE
WASTE WATER

TRIBUTARY OF
SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:

Injection	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Exchange	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Exchange	NWNE , Sec. 36, Township 08S, Range 41E
Exchange	NESE , Sec. 36, Township 08S, Range 41E
Rediversion	NESW , Sec. 6, Township 09S, Range 42E
	CARIBOU County

TOTAL: * 7.12 CFS ** 707.0 AF

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	42E	6	Lot 3(NENW) 37	Lot 4(NWNW) 32	Lot 5(SWNW) 30	
			SENE 39	NESW 39	Lot 6(NWSW) 25	202
Total number of acres irrigated:						*** 202

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

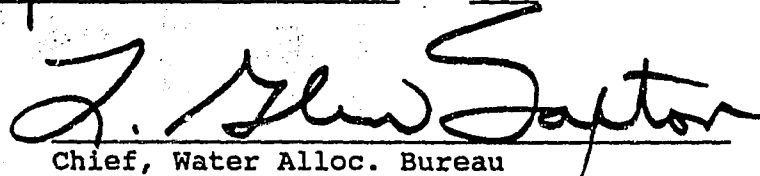
TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
- * 8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
- 9. Prior to diversion of water under Right No. 11-02106, measuring devices of a type acceptable to the Department shall be permanently installed at the point of injection of wastewater into Soda Creek and at all points of redirection from Soda Creek.
- *** 10. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- *** 11. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.
- *** 12. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- *** 13. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.

Dated this 5th day of

September, 1996


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE 11-00457

FROM: PAM SKAGGS 28

RE: TRANSFER # 4887

DATE: 08-15-96

=====

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 11-00448.

MEMORANDUM

TO: FILE NOS. 11-00448/449/457/471/499/531B & 02106

FROM: PAM SKAGGS/²STATE OFFICE

SUBJECT: TRANSFER NO. 4887

DATE: August 29, 1996

=====

Transfer No. 4887 was filed to add a point of diversion and change the place of use under the rights referenced above to create a permissible place of use for the rights with a small number of acres.

All of these rights are from Soda Creek except 11-02106 whose source of water is waste water from the Monsanto plant. This waste water is diverted into Soda Creek and a similar amount is being diverted upstream through this combined system from Soda Creek.

The additional point of diversion is being added to assist in irrigation practices. The total rate of diversion transferred is in excess of the standard 0.02 cfs/acre and is needed when water is diverted through the original points of diversion and ditches. The applicant explained the extra rights and water are needed because of conveyance losses over a basalt outcrop in the Lau ditch. A cement ditch was constructed over portions with greatest losses, but additional rate is required to successfully deliver the water.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, irrigation overlap, multiple points of diversion/measuring devices, combined limits, conveyance losses, permissible place of use and standard transfer conditions.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 5, 1996

MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIV
PO BOX 816
SODA SPRINGS ID 83276

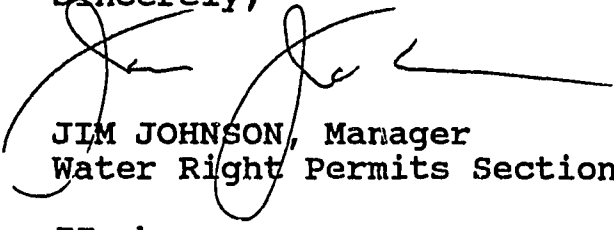
RE: Transfer of Water Right Nos. 11-00448/11-00449/
11-00457/11-00499/11-00471/11-00531B/11-02106

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4887). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

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

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
SUBTOTAL:		1.02 CFS	176.1 AF
Right No. 11-02106 : IRRIGATION Priority: 10/11/1952	04/15 to 10/15	1.02 CFS	178.5 AF
TOTAL:		* 1.02 CFS	178.5 AF *

PAGE 2

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

SOURCE

TRIBUTARY OF

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :
SODA CREEK

BEAR RIVER

Right No. 11-02106 :
WASTE WATER

SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

Right No. 11-02106 :

Injection
Rediversion

Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	42E	6	NESW 31	NWSW 20		51
Total number of acres irrigated:						51 **

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 8. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- ** 9. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.
- ** 10. The right holder shall cease irrigation of 151.0 acres and shall cease the associated diversion of 0.98 cfs and 386.8 afa of waste water previously authorized under Right 11-02106, and shall consolidate use of water on the remaining 51.0 acres as described on this approval.
- * 11. Rights 11-00448, 11-00457, 11-00471, 11-00499 and 11-02106 when combined shall not exceed a total diversion rate of 1.02 cfs or a total annual maximum diversion volume of 178.5 af at the field headgate from the Soda Creek diversion for the irrigation of 51.0 acres.
- 12. Prior to the diversion and use of water under Right 11-02106, the right holder shall install and maintain acceptable measuring devices at the point of injection into Soda Creek and at the point of redirection from Soda Creek.
- 13. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of

October

, 2000

A. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 11-00457
FROM: VAULT
RE: TRANSFER # 5619
DATE: Jan. 10, 2000

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 11-00448

RECEIVED

JUL - 2 2003

Department of Water Resources

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 355-0011
FACSIMILE: (208) 433-0167

June 30, 2003

L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706

Re: *P4 Production, L.L.C./Monsanto Company - Water Rights*
Transfer Numbers 4887, 5619, 5620, 5621
Right Nos. 11-00448, 11-00449, 11-00457, 11-00471, 11-00531B, 11-02106

Dear Glen:

I am writing on behalf of P4 Production, L.L.C., and Monsanto Company to the Department to request a review of the above-referenced transfers and water rights for the purpose of reconciling and understanding apparent discrepancies.

I am enclosing copies of each of these transfers. With the exception of Right No. 11-2106, which is waste water from the plant, all other water rights are decreed rights in Soda Creek, tributary to the Bear River, and are commonly known as the "Kackley Rights", since the property was owned by the Kackley family and several of the original rights were originally decreed to the Kackley family.

Transfer No. 4887 reflected the six Soda Creek rights for a total of 7.12 cfs/707 AF, plus Right No. 11-02106 for 2.00 cfs/707 AF, for the irrigation of a combined total of 202.0 acres. Condition 8 appears to apply the "duty of water", indicating the right is 4.04 cfs for irrigation (0.02 cfs/acre) with the balance (3.08 cfs) "limited to use for conveyance losses in delivery of these rights".

L. Glen Saxton
June 30, 2003
Page 2

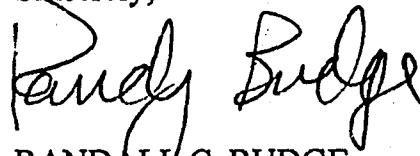
Subsequently the irrigated acres were reduced from 202.0 to 51.0 acres, as reflected by Transfer No. 5619.

Monsanto leased to the Soda Springs-Oregon Trail Golf Course 1.0 cfs as reflected by Transfer No. 5620. At the same time, Monsanto intended to lease all of the balance to Last Chance Canal Company, with Transfer No. 5621 reflecting this to be 2.02 cfs.

I am enclosing a chart which summarizes these transfers. You will note Transfer Nos. 5619, 5620 and 5621, which were all approved October 10, 2000, do not appear to reconcile with the prior Transfer 4887 approved September 5, 1996. While it appears that the discrepancy may relate to the conveyance losses in delivery of these rights, it is unclear. The intent of the prior transfers was to ensure that all of the Monsanto water rights not retained on their irrigated property be leased to the Golf Course to meet their needs of 1.0 cfs, with all of the balance leased to Last Chance Canal Company. I expect the Department's files will contain more detailed information regarding these transfers, which I don't have, and would aid in an explanation.

Thank you for your cooperation and assistance. If you have any questions or need any additional information in the meantime, please don't hesitate to contact me.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: David Farnsworth, Monsanto
James R. Smith, Monsanto

**SUMMARY OF P4 PRODUCTION, L.L.C. WATER RIGHTS
IN SODA CREEK FOLLOWING APPROVAL OF
TRANSFER NOS. 5619, 5620, 5621**

A. RETAINED FOR IRRIGATION OF KACKLEY PROPERTY PURSUANT TO TRANSFER NO. 5619:

<u>Right No.</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>	<u>Priority Date</u>	<u>Use</u>	<u>Period of Use</u>
11-00448	0.30 cfs	49.0 AF	06/01/1909	Irrigation	4/15-10/15
11-00457	0.10 cfs	17.5 AF	02/10/1881	Irrigation	4/15-10/15
11-00471	0.02 cfs	4.6 AF	02/10/1881	Irrigation	4/15-10/15
11-00499	<u>0.60 cfs</u>	<u>105.0 AF</u>	05/01/1881	Irrigation	4/15-10/15
Subtotal	1.02 cfs	176.10 AF			
11-2106 (Wastewater)	<u>1.02 cfs</u>	<u>178.5 AF</u>			
TOTAL	1.02 cfs*	178.5 AF*			

*See conditions/restrictions per Transfer No. 5619.)

B. LEASED TO GOLF COURSE PER TRANSFER NO. 5620:

<u>Right No.</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>	<u>Priority Date</u>	<u>Use</u>	<u>Period of Use</u>
11-00531D	1.00 cfs	175.0 AF	05/01/1892	Irrigation	4/15-10/15

C. LEASED TO LAST CHANCE CANAL COMPANY PER TRANSFER NO. 5621:

<u>Right No.</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>	<u>Priority Date</u>	<u>Use</u>	<u>Period of Use</u>
11-00449	0.20 cfs	72.6 AF	05/01/1910	Irrigation	4/15-10/15
11-00531C	<u>2.02 cfs</u>	<u>353.5 AF</u>	05/01/1892	Irrigation	4/15-10/15
TOTAL	2.22 cfs	426.0 AF			
TOTALS OF A, B, C:	4.22 cfs	779.50 AF			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

SEP 09 1996

Department of Water Resources
Eastern Region

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

This is to certify that: MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIV
PO BOX 816
SODA SPRINGS ID 83276

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00449 : IRRIGATION Priority: 05/01/1910	04/15 to 10/15	0.20 CFS	72.6 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00531B : IRRIGATION Priority: 05/01/1892	04/15 to 10/15	3.90 CFS	707.0 AF
SUBTOTAL:		* 5.12 CFS	** 707.0 AF

SOURCE
SODA CREEK

TRIBUTARY OF
BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PAGE 2

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-02106 : IRRIGATION Priority: 10/11/1952	04/15 to 10/15	2.00 CFS	707.0 AF
SUBTOTAL:		* 2.00 CFS	** 707.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WASTE WATER	SODA CREEK

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	
Injection	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Exchange	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Exchange	NWNE , Sec. 36, Township 08S, Range 41E
Rediversion	NESE , Sec. 36, Township 08S, Range 41E
	NESW , Sec. 6, Township 09S, Range 42E
	CARIBOU County

TOTAL: * 7.12 CFS ** 707.0 AF

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	42E	6	Lot 3(NENW) 37	Lot 4(NWNW) 32	Lot 5(SWNW) 30	
			SENW 39	NESW 39	Lot 6(NWSW) 25	202
Total number of acres irrigated:						*** 202

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PAGE 3

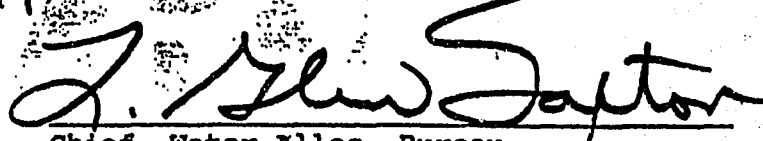
TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
- * 8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
- 9. Prior to diversion of water under Right No. 11-02106, measuring devices of a type acceptable to the Department shall be permanently installed at the point of injection of wastewater into Soda Creek and at all points of redirection from Soda Creek.
- *** 10. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- *** 11. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.
- *** 12. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- *** 13. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.

Dated this 5th day of

September, 1996


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 11-00448/449/457/471/499/531B & 02106

FROM: PAM SKAGGS/²STATE OFFICE

SUBJECT: TRANSFER NO. 4887

DATE: August 29, 1996

=====

Transfer No. 4887 was filed to add a point of diversion and change the place of use under the rights referenced above to create a permissible place of use for the rights with a small number of acres.

All of these rights are from Soda Creek except 11-02106 whose source of water is waste water from the Monsanto plant. This waste water is diverted into Soda Creek and a similar amount is being diverted upstream through this combined system from Soda Creek.

The additional point of diversion is being added to assist in irrigation practices. The total rate of diversion transferred is in excess of the standard 0.02 cfs/acre and is needed when water is diverted through the original points of diversion and ditches. The applicant explained the extra rights and water are needed because of conveyance losses over a basalt outcrop in the Lau ditch. A cement ditch was constructed over portions with greatest losses, but additional rate is required to successfully deliver the water.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, irrigation overlap, multiple points of diversion/measuring devices, combined limits, conveyance losses, permissible place of use and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
SUBTOTAL:		1.02 CFS	176.1 AF
Right No. 11-02106 : IRRIGATION Priority: 10/11/1952	04/15 to 10/15	1.02 CFS	178.5 AF
TOTAL:		* 1.02 CFS	178.5 AF *

MICROFILMED

NOV 07 2003

PAGE 2

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right No. 11-00448, 11-00457, 11-00471, 11-00499 : SODA CREEK	BEAR RIVER
Right No. 11-02106 : WASTE WATER	SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :	NESW , Sec. 6, Township 09S, Range 42E CARIBOU County
Right No. 11-02106 :	
Injection	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Rediversion	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E NESW , Sec. 6, Township 09S, Range 42E CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	42E	6	NESW 31	NWSW 20		51
Total number of acres irrigated:						51 **

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.

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TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 8. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- ** 9. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.
- ** 10. The right holder shall cease irrigation of 151.0 acres and shall cease the associated diversion of 0.98 cfs and 386.8 afa of waste water previously authorized under Right 11-02106, and shall consolidate use of water on the remaining 51.0 acres as described on this approval.
- * 11. Rights 11-00448, 11-00457, 11-00471, 11-00499 and 11-02106 when combined shall not exceed a total diversion rate of 1.02 cfs or a total annual maximum diversion volume of 178.5 af at the field headgate from the Soda Creek diversion for the irrigation of 51.0 acres.
- 12. Prior to the diversion and use of water under Right 11-02106, the right holder shall install and maintain acceptable measuring devices at the point of injection into Soda Creek and at the point of redirection from Soda Creek.
- 13. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000

J. M. Saylor
Chief, Water Allocation Bureau

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Golf Course

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5620
WATER RIGHT NO. 11-00531D

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.00 CFS	175.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
* BEAR RIVER	GREAT SALT LAKE

Priority: 05/01/1892 *

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 11, Township 09S, Range 41E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	41E	10	SENE 6			6
		11	NWNW 18	SWNW 18	SENW 8	44
Total number of acres irrigated:						50

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

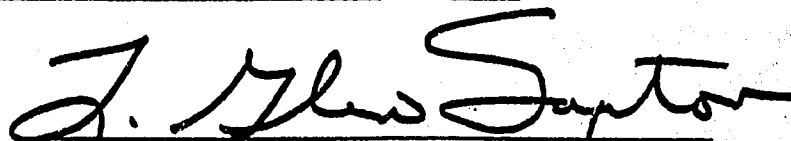
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TRANSFER NO. 5620
WATER RIGHT NO. 11-00531D

CONDITIONS OF APPROVAL AND REMARKS

- * 6. Diversion of water from the Bear River is limited to those times water is available for diversion under this right and priority from the original source, Soda Creek, and the amount of water that is measured flowing into the Bear River from Soda Creek.
- 7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department of measuring the flow in Soda Creek below the last diversion on the creek and above the confluence with Bear River.
- 8. The right holder shall cease irrigation of 51.0 acres and shall cease the associated diversion of 0.88 cfs and 178.5 af of water previously authorized under Right 11-00531B, and consolidate use of water on the remaining 50.0 acres under Right 11-00531D and 101.0 acres under Right 11-00531C.
- 9. The period of use for the irrigation described in this approval may be extended to a an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000.


Chief, Water Allocation Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5621
WATER RIGHT NO(S). 11-00449/11-00531C

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00449 :			
IRRIGATION	04/15 to 10/15	0.20 CFS	72.6 AF
Priority: 05/01/1910 *			
Right No. 11-00531C :			
IRRIGATION	04/15 to 10/15	2.02 CFS	353.5 AF
Priority: 05/01/1892 *			
TOTAL:		** 2.02 CFS	353.5 AF **

SOURCE
* BEAR RIVER

TRIBUTARY OF
GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

PLACE OF USE: IRRIGATION

TWN RGE SEC

08S 39E 21, 22, 26, 27, 28, 34, 35
09S 39E 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 36
40E 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
10S 39E 1, 12, 13
40E 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36
41E 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33
11S 40E 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24
41E 4, 5, 6, 7, 8, 9, 18

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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TRANSFER NO. 5621
WATER RIGHT NO(S). 11-00449/11-00531C

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Rights 11-00449 and 11-00531C when combined shall not exceed a total combined diversion rate of 2.02 cfs, a total annual maximum diversion volume of 353.5 af at the field headgate from all authorized points of diversion, and the irrigation of 101.0 acres within the Last Chance Canal Co. Ltd. service area as described above.
- * 7. Diversion of water from the Bear River is limited to those times water is available for diversion under these rights and priorities from the original source, Soda Creek, and the amount of water that is measured flowing into the Bear River from Soda Creek.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department of measuring the flow in Soda Creek below the last diversion on the creek and above the confluence with Bear River.
9. The right holder shall cease irrigation of 101.0 acres previously authorized under Right 11-00499, and consolidate use of water on the remaining 101.0 acres.
10. The right holder shall cease irrigation of 51.0 acres and shall cease the associated diversion of 0.88 cfs and 178.5 af of water previously authorized under Right 11-00531B, and consolidate use of water on the remaining 50.0 acres under Right 11-00531D and 101.0 acres under Right 11-00531C.
11. The period of use for the irrigation described in this approval may be extended to a an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000.

[Signature]
Chief, Water Allocation Bureau

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2003

RANDALL C BUDGE
RACINE, OLSON, NYE, BUDGE & BAILEY CHARTERED
PO BOX 1391
POCATELLO ID 83204-1391

Re: Transfer Nos. 4887, 5619, 5620, and 5621

Water Right Nos. 11-448, 11-449, 11-457, 11-471, 11-499, 11-531B (C & D), 11-2106

Dear Mr. Budge:

This letter is a response to your letter of June 30, 2003 regarding the transfers referenced above. I have attached a table summarizing the transfers that I think will help clarify the results of the transfers.

In summary, transfer 4887 authorized irrigation of 202 acres with a quantity of 7.12 cfs and 707 af. The approval included a condition limiting 3.08 cfs for use as conveyance loss. Transfers 5619, 5620 and 5621 superseded transfer 4887 and, in combination, authorize irrigation of 202 acres with a quantity of 4.04 cfs and 707 af. The diversion rate was reduced because the conveyance loss was no longer necessary.

Please give me a call if you have additional questions related to this matter.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure