

This is a duplicate of  
made of the original because  
of the poor quality of orig. from wear & tear.

11-2

~~Numbered 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.

MAY 14 1995

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,  
Judge.

MICROFILMED

MAY 1 4 1926

117

| DATE OF<br>PRIORITY                                                                            | AMOUNT IN<br>SECOND FEET                                                                                                        | POINT OF DIVERSION AND<br>PLACE OF USE |                   |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------|
| 164. <i>Independent School<br/>Dist. No. 6, Caribou<br/>Co., Ida., a municipal corporation</i> | Lots 1, 2, 3, 7 and 8 of Block 20                                                                                               | 6.25 acres                             | <del>1 0466</del> |
| 165. <i>A. J. Knollin</i>                                                                      | East half Lot 6, half of Lot 7, of Block 35                                                                                     | 1.25 acres                             | <del>1 0470</del> |
| 166. <i>Ellis Kackley</i>                                                                      | Lot 8, Block 37                                                                                                                 | 1.25 acres                             | <del>1 0474</del> |
| 167. <i>August Largilliere</i>                                                                 | Lot 1, Block 34                                                                                                                 | 1.25 acres                             | <del>1 0476</del> |
| 168. <i>Ellen Lund</i>                                                                         | West half Lot 5, Block 46                                                                                                       | 0.625 acres                            | <del>1 0479</del> |
| 169. <i>Church of Jesus<br/>Christ of Latter Day<br/>Saints, a religious<br/>corporation</i>   | Lot 1, of Block 35                                                                                                              | 1.25 acres                             | <del>1 0474</del> |
| 170. <i>D. J. Lau</i>                                                                          | Lots 4, 5, 6, 7, of Block 2; Lots 4, 5, 6, 7, 8,<br>of Block 3, South half Lot 4 of Block<br>45; all of Blocks 4, 48, 49 and 50 | 51.775 acres                           | <del>1 0475</del> |
| 171. <i>J. E. Lau</i>                                                                          | North half Lot 4, Block 45; East half Lots<br>4 and 5, West half Lots 6 and 7, Block<br>46; and Lots 1, 2, 3, 4, Block 51       | 8.125 acres                            | <del>1 0476</del> |
| 172. <i>D. F. Lau</i>                                                                          | Lot 5, Block 36                                                                                                                 | 1.25 acres                             | <del>1 0477</del> |
| 173. <i>H. M. Lau</i>                                                                          | Block 47, and West half Lots 7 and 8, Block<br>36                                                                               | 11.25 acres                            | <del>1 0478</del> |
| 174. <i>J. P. Madsen</i>                                                                       | Lots 5, 6, 7, 8, Block 51, East half Lot 2,<br>Block 45                                                                         | 5.625 acres                            | <del>1 0479</del> |
| 175. <i>D. K. McLean</i>                                                                       | Lot 3, Block 45                                                                                                                 | 1.25 acres                             | <del>1 0480</del> |
| 176. <i>W. F. Messenger</i>                                                                    | East half Lot 7, Block 19                                                                                                       | 0.625 acres                            | <del>1 0481</del> |
| 177. <i>Chris Panting</i>                                                                      | East half Lot 5, Block 46                                                                                                       | 0.625 acres                            | <del>1 0482</del> |
| 178. <i>A. Nicholson</i>                                                                       | Half Lots 6 and 7, Block 46                                                                                                     | 1.25 acres                             | <del>1 0483</del> |
| 179. <i>J. J. Skinner</i>                                                                      | Lots 1, 2, 3, East half 4, East half 5, 6,<br>West half 7, Block 19                                                             | 6.87 acres                             | <del>1 0484</del> |
| 180. <i>Eliza Schmidt</i>                                                                      | Block 14                                                                                                                        | 10.0 acres                             | <del>1 0485</del> |
| 181. <i>J. H. Schmidt</i>                                                                      | Lots 1, 2, 3, 4, Block 35                                                                                                       | 5.0 acres                              | <del>1 0486</del> |
| 182. <i>Geo. R. Small</i>                                                                      | Lots 1, 8, Block 52                                                                                                             | 2.5 acres                              | <del>1 0487</del> |
| 183. <i>S. Small</i>                                                                           | Lot 8, East half Lot 7, Block 45                                                                                                | 1.87 acres                             | <del>1 0488</del> |
| 184. <i>J. T. Torgesen</i>                                                                     | Blocks 15 and 18                                                                                                                | 20.0 acres                             | <del>1 0489</del> |
| 185. <i>Annie L. Westrom</i>                                                                   | Block 5                                                                                                                         | 10.0 acres                             | <del>1 0490</del> |
| 186. <i>E. T. Wood</i>                                                                         | Half Lot 6, Block 36                                                                                                            | 0.625 acres                            | <del>1 0491</del> |

*Feeney Ditch*, diverts from the said Soda Creek in the Northwest quarter of the Northwest quarter, Section 6, Township 9 South, Range 42 East, B.M. The following parties are entitled to divert from said ditch with priorities and in the amounts hereinafter set forth:

11 187. *Mary E. Corrigan, nee Kelly:* For the irrigation of 20 acres in the South  
1889—June 17 0.5 c.f.s. half of the Southeast quarter and the  
Southeast quarter of the Southwest quarter of Section 1, Township 9 South, Range 41 East.

MAY 14 1996

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<br/>RATE</u> | <u>ANNUAL<br/>VOLUME</u> |
|-------------------------------------------------------------|----------------------|---------------------------|--------------------------|
| Right No. 11-00448 :<br>IRRIGATION<br>Priority: 06/01/1909  | 04/15 to 10/15       | 0.30 CFS                  | 49.0 AF                  |
| Right No. 11-00449 :<br>IRRIGATION<br>Priority: 05/01/1910  | 04/15 to 10/15       | 0.20 CFS                  | 72.6 AF                  |
| Right No. 11-00457 :<br>IRRIGATION<br>Priority: 02/10/1881  | 04/15 to 10/15       | 0.10 CFS                  | 17.5 AF                  |
| Right No. 11-00499 :<br>IRRIGATION<br>Priority: 05/01/1881  | 04/15 to 10/15       | 0.60 CFS                  | 105.0 AF                 |
| Right No. 11-00471 :<br>IRRIGATION<br>Priority: 02/10/1881  | 04/15 to 10/15       | 0.02 CFS                  | 4.6 AF                   |
| Right No. 11-00531B :<br>IRRIGATION<br>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            | 04/15 to 10/15       | 2.00 CFS              | 707.0 AF             |
| Priority: 10/11/1952  |                      |                       |                      |
| 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.

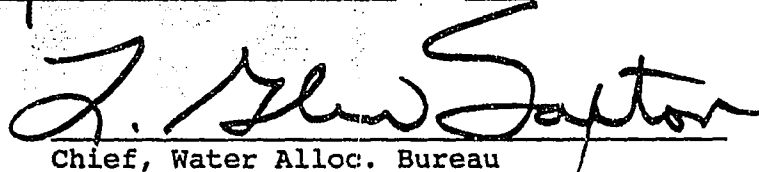
TRANSFER NO. 4887  
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499  
11-00471/11-00531B/11-02106

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 rediversion 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 5<sup>th</sup> day of

September, 1996

  
Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE 11-00471

FROM: PAM SKAGGS 38

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<sup>2</sup>/STATE 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

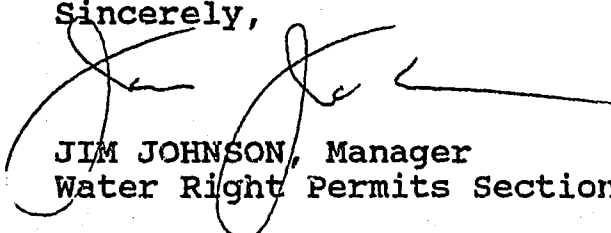
RE: Transfer of Water Right Nos. 11-00448/11-00449/  
11-00457/11-00499/11-00471/11-00531B/11-02106

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 :<br>IRRIGATION<br>Priority: 06/01/1909 | 04/15 to 10/15       | 0.30 CFS              | 49.0 AF              |
| Right No. 11-00457 :<br>IRRIGATION<br>Priority: 02/10/1881 | 04/15 to 10/15       | 0.10 CFS              | 17.5 AF              |
| Right No. 11-00471 :<br>IRRIGATION<br>Priority: 02/10/1881 | 04/15 to 10/15       | 0.02 CFS              | 4.6 AF               |
| Right No. 11-00499 :<br>IRRIGATION<br>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 :<br>IRRIGATION<br>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 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.

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 rediversion 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 19<sup>th</sup> day of

October

, 2000

J. Glen Saylor  
Chief, Water Allocation Bureau

**MEMORANDUM**

**TO:** FILE 11-00471  
**FROM:** VAULT  
**RE:** TRANSFER # 5619  
**DATE:** January 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](mailto: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) 395-0011  
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

---

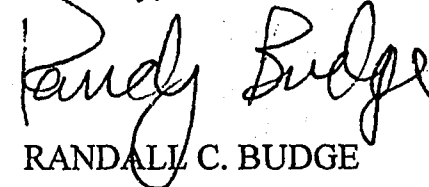
Subsequently the irrigated acres were reduced from 202.0 to 51.0 acres, as reflected by Transfer No. 5619.

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<br/>Rate</u> | <u>Annual<br/>Volume</u> | <u>Priority<br/>Date</u> | <u>Use</u> | <u>Period<br/>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<br/>Rate</u> | <u>Annual<br/>Volume</u> | <u>Priority<br/>Date</u> | <u>Use</u> | <u>Period<br/>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<br/>Rate</u> | <u>Annual<br/>Volume</u> | <u>Priority<br/>Date</u> | <u>Use</u> | <u>Period<br/>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 :<br>IRRIGATION<br>Priority: 06/01/1909  | 04/15 to 10/15       | 0.30 CFS              | 49.0 AF              |
| Right No. 11-00449 :<br>IRRIGATION<br>Priority: 05/01/1910  | 04/15 to 10/15       | 0.20 CFS              | 72.6 AF              |
| Right No. 11-00457 :<br>IRRIGATION<br>Priority: 02/10/1881  | 04/15 to 10/15       | 0.10 CFS              | 17.5 AF              |
| Right No. 11-00499 :<br>IRRIGATION<br>Priority: 05/01/1881  | 04/15 to 10/15       | 0.60 CFS              | 105.0 AF             |
| Right No. 11-00471 :<br>IRRIGATION<br>Priority: 02/10/1881  | 04/15 to 10/15       | 0.02 CFS              | 4.6 AF               |
| Right No. 11-00531B :<br>IRRIGATION<br>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 |              |
|                                  |            |            | SENEW 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.

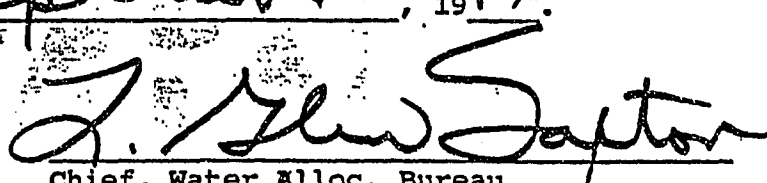
TRANSFER NO. 4887  
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499  
11-00471/11-00531B/11-02106

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 rediversion 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 5<sup>th</sup> day of

September, 1996

  
Chief, Water Alloc. Bureau

MEMORANDUM

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

FROM: PAM SKAGGS/<sup>CS</sup>STATE 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<br/>RATE</u> | <u>ANNUAL<br/>VOLUME</u> |
|------------------------------------------------------------|----------------------|---------------------------|--------------------------|
| Right No. 11-00448 :<br>IRRIGATION<br>Priority: 06/01/1909 | 04/15 to 10/15       | 0.30 CFS                  | 49.0 AF                  |
| Right No. 11-00457 :<br>IRRIGATION<br>Priority: 02/10/1881 | 04/15 to 10/15       | 0.10 CFS                  | 17.5 AF                  |
| Right No. 11-00471 :<br>IRRIGATION<br>Priority: 02/10/1881 | 04/15 to 10/15       | 0.02 CFS                  | 4.6 AF                   |
| Right No. 11-00499 :<br>IRRIGATION<br>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 :<br>IRRIGATION<br>Priority: 10/11/1952 | 04/15 to 10/15       | 1.02 CFS                  | 178.5 AF                 |
| TOTAL:                                                     |                      | * 1.02 CFS                | 178.5 AF *               |

MICROFILMED

NOV 0 / 2003

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 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.

MICROFILMED  
APR 2 1983

PAGE 3

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 19<sup>th</sup> day of October, 2000

*J. M. Saylor*  
Chief, Water Allocation Bureau

MICROFILMED

NOV 27 2000

Golf Creek

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      | SENE 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.

MICROFILMED

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 19<sup>th</sup> day of October, 2000.

  
Chief, Water Allocation Bureau

MICROFILMED

OCT 23 1998

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.

MICROFILMED

1985 2 / 186

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 19<sup>th</sup> day of

October, 2000.

*J. M. Saylor*  
Chief, Water Allocation Bureau

MICROFILMED

SEP 21 1999



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](http://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