

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grinnett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Fugaire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtum; Carrie Hill; J.A.O. Nielson,
John A. Jensen; Oron Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,

Defendants

DECREE

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. U. Kunz,
Esquire, appearing as attorneys for the plaintiff Preston- Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Oron Quayle, Thomas Quayle, George Parker, Edw. LaRocco,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. U. Kunz, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtrum, Carry
Hill, J. A. O. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grinnett Black Otter Irrigation Company, a corporation, and the Fugaire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Ross W. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants; and Darwin Haddock, Esquire,
appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complain-

0952

PUGMIRE LIVESTOCK & LAND COMPANY:

- 1877- April 15th, what is designated in this decree as a "Meadow Right".
 April 15th - July 1st, 6.9 cubic feet per second.
 July 1st - September 30th, 4.6 cubic feet per second.

All of said waters to be diverted from Bear River through the ~~East~~ ^{Pugmire} ditch about forty rods west of its intake out of the Vasts Slough, to be used upon 231.75 acres of land, described as follows, to-wit:

Commencing at the Northwest corner of Section 34, and running thence North 80 rods, more or less, to Bear River; thence following up the channel of said Bear River in a Southeasterly direction to its intersection with the North boundary line of said Section 34; thence East 40 rods, more or less, to the Northeast corner of the Northwest of said Section 34; thence South 80 rods; thence East 80 rods; thence South 80 rods; thence West 80 rods; thence South 15 rods, more or less, to center of Slough; thence Westerly along center of said slough 80 rods, more or less, to intersection of West boundary line of the Northeast quarter of the Southwest quarter of Section 34; thence North 10 rods, more or less, the half section line; thence West 35 rods, more or less, to center of Slough; thence following the meanderings of said Slough in a Northwesterly direction to its intersection with the West boundary line of said Section 34; thence North 12 rods, more or less, to a point which is 44 rods South from the Northwest corner of said Section 34; thence East 10.4 rods; thence North 44 rods; thence West 10.4 rods to the place of beginning, and containing 210 acres, more or less. All of which said land is in Township 13 South of Range 44 East of Boise Meridian, in Bear Lake County; also,

Commencing at a point 156 feet South from the Northwest corner of the Southeast quarter of Sec. 34, Township 13 South Range 44 East Boise Meridian, and running thence North 156 feet; thence East 575 feet, more or less, to East bank of Slough; thence Southwesterly down said Slough to the place of beginning, containing 5-3/4 acres of land, more or less; and also,

Commencing at the Northeast corner of the Southwest quarter of Section 34, Township 13 South Range 44 East of Boise Meridian, and running thence South 13 rods to center of Slough; thence Westerly along the center of the Channel of said Slough 158 rods; thence North 3 rods to quarter section line; thence East along said quarter section line 105 rods to place of beginning, containing 18 acres of land, more or less.

WEST FORK IRRIGATION COMPANY:

- 1877- April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st, 160 cubic feet per second.
 July 1st - September 30th, 107 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch known as the West Fork Canal, diverting from said Bear River at a point located at or near South 12°36' West 1411 feet from the Northeast corner of Section Five, Township Thirteen South, Range Forty-four East of the Boise Meridian, to be used upon 5330 acres of land situated in the following subdivisions:

The SW₁ of Section 9; SE₁, S₁NE₁, E₁ of E₁ of W₁, and NE₁ of NE₁ of Section Eighteen; Section Seventeen; S₁ of Section Sixteen; E₁ and E₁ of W₁ of Section 19; Section 20; Section 21; W₁, and W₁ of E₁ of Section 22; Section 23; E₁ and E₁ of W₁ of Section 30; NE₁ and NE₁ of NW₁ of Section 31; N₁ and about 80 acres in N₁ of S₁ of Section 32; and NW₁, W₁ of NE₁, N₁ of SW₁, NW₁ of SE₁ of Section 33, all in Township 13 South, Range 44 East, of Boise Meridian.

CONTINENTAL LIFE INSURANCE COMPANY:

- 1877 April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 6.6 cubic feet per second.
 July 1st - September 30th, 4.4 cubic feet per second.

- 1883- April 15th, what is designated in this decree as an "Agricultural Right", 1.7 cubic feet per second.

- 1884- April 15th, What is designated in this decree as an "Agricultural Right", 3 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of Casto Slough, the same being a branch of Bear River, at a point near the Northeast Corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 322 acres of land described as follows, to-wit:

Commencing at a point 11 rods East from the Northwest corner of Lot 4 in Section 3 Township 14 South of Range 44 East of the Boise Meridian, and running thence East 69 rods; thence South 130 rods; thence following the windings of Black Otter Slough West, North and East a distance of 251 rods; thence on a direct line North, crossing said Slough, a distance of 10 rods to the North side of said Slough; thence following the windings of said slough in a Westerly direction, 70 rods; thence North 21 rods to the place of beginning, containing 37.71 acres, more or less. *and East half of the SW 1/4*

Also the Southeast quarter of Section 34, in Township 13 South Range 44 East of the Boise Meridian and the South Half of the Northeast Quarter and Lots 1 and 3 of Section 3 in Township 14 South of Range 44 East of the Boise Meridian, excepting therefrom the tract sold to the Utah Power & Light Company described as follows:

Commencing at the center of Section 3, Township 14 South, Range 44 East of the Boise Meridian, running thence North 16°45' East through the Northeast Quarter of said Section 3 and the Southeast Quarter of Section 34, Township 13 South Range 44 East of the Boise Meridian to the North line of said Southeast Quarter of said Section 34; thence East approximately 1044.4 feet to the East line of said Section 34; thence South 16°45' West through the Southeast quarter of said Section 34 and Northeast Quarter of said Section 3 to the South line of said Northeast quarter of said Sec. 3; thence West approximately 1044.4 feet to the place of beginning constituting a strip of land 1000 feet wide, 500 feet on each side of the center of main canal.

ORON QUAYLE:

- 95-2 (Preston-Montpelier Irrig Co.)*
- 11 0913 1877. April 15th, what is designated in this decree as a "Meadow Right".
April 15th - July 1st, 1.3 cubic feet per second.
July 1st - September 30th, 1.2 cubic feet per second.

- 11 0914 1883. April 15th, what is designated in this decree as an "Agricultural Right, 1.7 cubic feet per second.
- 11 0915 1884. April 15th, what is designated in this decree as an "Agricultural Right", .3 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of the Casto Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 160 acres of land, described as follows, to-wit:

The NE 1/4 of Section 3, Township 14 South, Range 44 East, Boise Meridian, in Bear Lake County, Idaho. - *This claim land in right of way Rainbow Canal. & overlaps about 50a of 95-1*

THOMAS QUAYLE:

- 95-3 (Preston-Montpelier Irrig Co.)*
- 11 0916 1883. April 15th, what is designated in this decree as an "Agricultural Right. 1.1 cubic feet per second.
- 11 0917 1884. April 15th, what is designated in this decree as an "Agricultural Right", .2 cubic feet per second

All of said waters to be diverted from Bear River by means of the Kent-LaRocco Ditch out of Casto Slough, the same being a branch of Bear River, at a point near the Northeast corner of the Northwest Quarter of Section 2, Township 14 South, Range 44 East of the Boise Meridian, to be used upon 65 acres of land, described as follows, to-wit:

The W 1/2 of the SW 1/4 of Section 2, Township 14 South, Range 44 East of Boise Meridian, in Bear Lake County, Idaho.

STATE OF IDAHO)
COUNTY OF ADA) ss.

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, do hereby certify that the annexed and foregoing is a full, true and correct copy of a certain decree, signed by Judge Robert M. Terrall, of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, in the case of Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al., as same appears on file and of record in the Department of Reclamation of the State of Idaho, at Boise, 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 29th day of December, A. D. 1944.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

Kent R. ... Kent M. ...

*etc
W.D.*

RECEIVED

DEED

MAR 21 1995

Department of Water Resources
Eastern District Office

THIS INDENTURE, Made this Second day of November, A. D., 1932, between CONTINENTAL LIFE INSURANCE COMPANY, a Missouri corporation, of the City of St. Louis, State of Missouri, party of the first part, and ELISHA P. KEETCH and Doris KEETCH, his wife, of Montpelier, Bear Lake County, Idaho, parties of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of Ten (\$10.00) Dollars and other valuable considerations, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents, GRANT, SELL, BARGAIN and CONVEY and CONFIRM unto the said parties of the second part, and unto their heirs and assigns forever, all that certain lot, piece or parcel of land, situated, lying and being in the County of Bear Lake, State of Idaho, and described as follows, to-wit:

Commencing at a point 11 rods East from the Northwest corner of Lot 4, in Section 3, Township 14 South of Range 44 East of the Boise Meridian; and running thence East 69 rods; thence South 130 rods; thence following the windings of Black Otter Slough, West, North, and East, a distance of 251 rods; thence on a direct line North, crossing said slough, a distance of 10 rods to the North side of said Slough; thence following the windings of said slough, in a westerly direction 70 rods; thence North 21 rods to the place of beginning, containing 37.71 acres, more or less;

Also, The Southeast Quarter ($SE\frac{1}{4}$) of Section 34, in Township 13 South of Range 44 East of the Boise Meridian, expressly excepting therefrom the following described tract of land, to-wit: Commencing at a point 156 feet South from the Northwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of Section 34, in Township 13 South, Range 44 East of the Boise Meridian, and running thence North 156 feet; thence East 575 feet, more or less, to the East bank of Slough; thence Southwesterly down the slough to the place of beginning, containing $3\frac{1}{2}$ acres of land, more or less, together with all water rights thereunto belonging;

Also, The South Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) and Lots One (1) and Two (2) of Section 3 in Township 14 South, Range 44 East of the Boise Meridian, excepting therefrom the tract of land sold to the Utah Power & Light Company, described as follows, to-wit: Commencing at the center of Section 3, Township 14 South, Range 44 East of the Boise Meridian, running thence North 16 degrees 45 minutes East, through the Northeast Quarter ($NE\frac{1}{4}$) of said Section 3, and the Southeast Quarter ($SE\frac{1}{4}$) of Section 34, Township 13 South, Range 44 East of the Boise Meridian to the North line of said Southeast Quarter ($SE\frac{1}{4}$) of said Section 34; thence East approximately 1044.4 feet to the East line of said Section 34; thence South 16 degrees 45 minutes West through the Southeast Quarter ($SE\frac{1}{4}$) of said section 34 and the Northeast Quarter ($NE\frac{1}{4}$) of said Section 3 to the South line of said Northeast Quarter ($NE\frac{1}{4}$) of said Section 3; thence West approximately 1044.4 feet to the place of beginning, constituting a strip of land 1,000 feet wide, 500 feet on each side of the center line of main canal.

Also, Lot Three (3) of Section 3 in Township 14 South, and the East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 34, in Township 13 South, of Range 44 East of the Boise Meridian, containing 120.31 acres of land, excepting a strip of land 21 rods long and 11 rods wide heretofore conveyed to Christian Wallantine, and also expressly excepting therefrom the following described tract of land, to-wit: Commencing at the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of Section 34, in Township 13 South, Range 44 East of the Boise Meridian, and running thence South 13 rods to center of slough; thence Westerly along center of channel of said slough 158 rods; thence North 3 rods to quarter section line; thence East along said quarter section line 105 rods

to the point of beginning, containing 18 acres of land, more or less, together with all water rights thereunto belonging.

Also, 6/14ths of what is commonly known as the Kent-Leracco Canal as evidenced by Decree of Court of the Fifth Judicial District in and for Bear Lake County, Idaho, recorded in Judgment Book "B" at Page 174 of the records of said County, dated March 26th, 1902. Together with all waters and water rights thereunto belonging, and together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

GRANTEES assume payment of all taxes and special assessments for the year 1931 and thereafter.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part and unto their heirs and assigns forever, the Grantor herein Warrants the title to the above against all parties claiming by, through, or under it.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be signed by its Vice President and its Corporate Seal attested by its Secretary to be hereunto affixed, the year and day first above written.

CONTINENTAL LIFE INSURANCE COMPANY

BY

Jim G. Ferguson
Vice President

ATTEST:

Maury
Secretary

STATE OF MISSOURI)
CITY OF ST. LOUIS)



On the Second day of November, A. D., 1932, before me, Celeste M. Simon, a Notary Public, personally appeared JIM G. FERGUSON, known to me to be the Vice President of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said City the day and year first above written.

Celeste M. Simon

Parker Place

Q U I T C L A I M D E E D

UTAH POWER & LIGHT COMPANY, a corporation, Grantor,
of Salt Lake County, State of Utah, for Ten Dollars (\$10.00)
and other valuable consideration, receipt of which is hereby
acknowledged, hereby quitclaims to DARRELL KEETCH and FERN
KEETCH, his wife, Grantees, the following described property
located in Bear Lake County, State of Idaho, to-wit:

Lot nine and that part of the west half of the
southwest quarter of Section thirty five, Township
thirteen South of Range forty-four East of the
Boise Meridian, lying south of a line beginning at
a point on the west line of said Section 35, 3391.4
feet south of the northwest corner of said section
35; running thence north 54° east 275.3 feet; thence
N. 25° 30' E. 270 feet; thence N. 59° E. 200 feet;
thence S. 16° 30' E. 198 feet; thence south 62° east
135 feet; thence N. 79° east 190 feet; thence N.
41° east 100 feet; thence N. 3° E. 285 feet; thence
N. 78° E. 200 feet; thence S. 64° 30' E. 190 feet
to the east line of the west half of the southwest
quarter of said Section 35, containing 103.83 acres,
more or less.

WITNESS the hands of said Grantor this 4th day
of February, 1959.

UTAH POWER & LIGHT COMPANY

ATTEST:

Frederick J. Miller
Assistant Secretary

BY Ray M. H. H. H.
President



\$1.00
fee

4/1 1983

First Security Bank

JOSEPH E. LAKECCO and MAY S. LAKECCO, husband and wife
the grantor s, do hereby grant, sell and convey unto
FIRST SECURITY BANK and FIRST SECURITY, husband and wife
the grantee s, the following described premises, to-wit: Bear Lake, Idaho.

The Northeast Quarter of the Southeast Quarter of Section 3,
Township 11 South, Range 11 East of the Boise Meridian, Boise
U.S. Survey, containing 40 acres, more or less,
TOGETHER with all water rights thereto belonging.

A strip of land three hundred fifty feet wide on the East side
of the Rainbow Canal, within the Northwest Quarter of the Southeast
Quarter of Section 3, Township 11 South, Range 11 East of
Boise Meridian, in Idaho, being the strip adjacent and parallel
to the Easterly line of the said quarter quarter section.

TOGETHER with 2.85 C.F.S. water rights from Bear Lake River
evidenced by Bear River decree of 1-15-1877, 1-15-1883, 1-15-
1884, as of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever, And the said Grantors do hereby warrant to and
with the said Grantee s, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever

Dated: November 17, 1972

Joseph E. LaRocco
May S. LaRocco

STATE OF IDAHO, COUNTY OF Bear Lake
On this 17th day of November, 1972,
before me, a notary public in and for said State, personally
appeared
Joseph E. LaRocco and May S. LaRocco,
husband and wife
known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.
Robert W. Daniels
Notary Public
Residing at Montpelier, Idaho
Comm. Expires April 10, 1976

STATE OF IDAHO, COUNTY OF Bear Lake
I hereby certify that this instrument was read for record at
the request of First Security Bank of Idaho, N.A.
at 05 minutes past 12 o'clock P.M.
this 12th day of November, 1975, in my office, and duly recorded in the
BOOK 1000, PAGE 1000X Records of said County.
Betty Wallington
County Clerk
By *Jeannine Parker*
Fee \$ 1.00
Mail to: INDEXED

RECORDED 104930



Farm Credit Services

April 4, 1995

RECEIVED

APR 14 1995

Department of Water Resources
Eastern District Office

102 North State
P.O. Box 386
Preston, Idaho 83263
208/852-2145

To: Idaho Department of Water Resources

From: Farm Credit Services

Re: Fern Keetch/Scott Nelson, Lessee
Change of Point of Diversion/Private Rights evidenced by Decree Source,
Bear River (Kent-LaRoco Co.) Water Right Nos: 11-00910; 11-00911; 11-00912;
11-00918; 11-00919; 11-00920; 11-00921; 11-00922; 11-00923

Farm Credit Services has a secured interest in real property owned by Fern Keetch and operated by Scott Nelson, Lessee. The water rights noted above are appurtenant to a portion of that real property.

Mr. Nelson has presented a plan to modify the point of diversion under these rights (copy attached). Such a change will enhance the productive capacity of his operation, and is to be done within the parameters of these water rights.

It is our understanding:

- (1) that the water rights are still being used on the same property,
- (2) that only the point of diversion is being changed, and
- (3) that Mrs. Keetch, along with her heirs and assigns, will not lose any benefit, real or implied, which is presently enjoyed as part of these water rights.

Subject to the above conditions, and the concurrence and approval of the IDWR, Farm Credit Services has no objection of the proposed modification.

AgAmerica, FCB, successor in interest
to The Federal Land Bank of Spokane

By Richard L. Shie

STATE OF IDAHO)

County of Franklin)

On this 12th day of April, 1995, before me personally appeared Richard G. Hill, known to me to be an authorized agent of Northwest Farm Credit Services, ACA, that executed the within instrument and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.

Cindy Chicketts
NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho
Commission Expires: 8-3-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4594APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1
AUG 31 1995Name of applicant FERN KEETCH Phone 945-2000
Post Office address % Scott Nelson, P.O. Box 53, Paris ID 83261

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes * Change as per applicant request 6-28-95

SEE ATTACHMENT 1

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

SEE ATTACHMENT 2

2. Total amount of water being transferred 13.15 cubic feet per second and/or _____ acre-feet per annum.3. Source of water BEAR RIVER tributary to GREAT SALT LAKE

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	34	13S	44E	BEAR LAKE	STEWART DAM (pump)
		SW	SE	35	13S	44E	" "	Rent-Lavocco Ditch

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
13S	44E	34									14			28	5	4	31	23	105
		35							1			30	40						71
14S	44E	2	30	19	8	40	37												134
			L1	L2			L3												
			SEE ATTACHMENT 4 FOR ACREAGE LIMITATIONS																

Total acres 310

Page 2 of 18

Transfer No. 4594

PART 1

6. General Information:

a. Description of diversion system _____

SEE ATTACHMENT 1

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

SEE ATTACHMENT 1

d. Remarks:

SEE ATTACHMENT 3 FOR REMARKS ON WATER RIGHT STRUCTURE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 1902

VRC 1002

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00910

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION (77 Days)	04/15 to 07/01 ✓	6.60 CFS ✓
IRRIGATION (91 Days)	07/01 to 09/30 ✓	4.40 CFS ✓
Totals		6.60 CFS ✓

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

Priority: 04/15/1877 ✓

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	44E	34	NESW ✓	SESW ✓	NESE ✓	
			NWSE ✓	SWSE ✓	SESE ✓	
14S	44E	3	Lot 1 (NENE) ✓	Lot 2 (NWNE) ✓	SWNE ✓	
			SENE ✓	Lot 3 (NENW) ✓	Lot 4 (NWNW) 0.01	

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>
13S	44E	34	NESW	SESW	NESE	
			NWSE	SWSE	SESE	
14S	44E	3	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE	
			SENE	Lot 3 (NENW)	Lot 4 (NWNW)	

CONDITIONS/REMARKS:

1. MEADOW RIGHT. ✓
2. P/U AC. IRR. = 322. ✓
3. P/D KENT LAROCCO DITCH.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00911

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.70 CFS ✓

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

Priority: 04/15/1883 ✓

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE 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>
13S	44E	34	NESW	SESW	NESE	
			NWSE	SWSE	SESE	
14S	44E	3	Lot 1(NENE)	Lot 2(NWNE)	SWNE	
			SENE	Lot 3(NENW)	Lot 4(NWNW)	

CONDITIONS/REMARKS:

1. AGRICULTURAL RIGHT. ✓
2. P/U AC. IRR. = 322. ✓
3. P/D KENT LAROCCO DITCH.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00912

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/15 to 09/30 (168 days)	1.80-CFS 3.0
<u>SOURCE</u>		<u>TRIBUTARY OF</u>
BEAR RIVER		GREAT SALT LAKE

Priority: 04/15/1877 1884LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	44E	34	NESW	SESW	NESE	
			NWSE	SWSE	SESE	
14S	44E	3	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE	
			SENE	Lot 3 (NENW)	Lot 4 (NWNW)	

CONDITIONS/REMARKS:

1. AGRICULTURAL RIGHT.
2. P/D KENT LAROCCO DITCH.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00918

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION (77 Days)	04/15 to 07/01 ✓	0.30 CFS ✓
IRRIGATION (91 Days)	07/01 to 09/30 ✓	0.20 CFS ✓
Totals		0.30 CFS ✓

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

Priority: 04/15/1877 ✓

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>
13S	44E	35	NWSW ✓

<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
SWSW ✓		

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>
13S	44E	35	NWSW

<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
SWSW		

CONDITIONS/REMARKS:

1. P/D KENT-LAROCCO DITCH
P/U AC. IRR. = 80. ✓
2. MEADOW RIGHT. ✓

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00919

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.20 CFS ✓

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

Priority: 04/15/1883 ✓

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	44E	35	NWSW	SWSW		

CONDITIONS/REMARKS:

1. AGRICULTURAL RIGHT. ✓
2. P/D KENT LAROCCO DITCH.
3. P/U AC. IRR. = 80. ✓

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00920

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.20 CFS ✓

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

Priority: 04/15/1884 ✓

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE 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>
13S	44E	35	NWSW	SWSW		

CONDITIONS/REMARKS:

1. AGRICULTURAL RIGHT. ✓
2. P/D KENT LAROCCO DITCH.
3. P/U AC. IRR. = 80. ✓

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00921

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION (77 Days)	04/15 to 07/01 ✓	2.25 CFS ✓
IRRIGATION (91 Days)	07/01 to 09/30 ✓	1.50 CFS ✓
Totals		2.25 CFS ✓

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE.

Priority: 04/15/1877 ✓

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	44E	3	SENW OUT	NESW OUT	NESE OUT	

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>
14S	44E	3	SENW	NESW	NESE	

CONDITIONS/REMARKS:

1. MEADOW RIGHT. ✓
2. P/D KENT LAROCCO DITCH.
3. P/U AC. IRR. = 105. ✓

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00922

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.50 CFS ✓

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

Priority: 04/15/1883 ✓

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SWSE , Sec. 35, Township 13S, Range 44E BEAR LAKE 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>
14S	44E	3	SENW	NESW	NESE	

CONDITIONS/REMARKS:

1. AGRICULTURAL RIGHT. ✓
2. P/D KENT LAROCO DITCH.
3. P/U AC. IRR. = 105. ✓

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00923

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.10 CFS ✓

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

Priority: 04/15/1884 ✓

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	44E	3	SENW	NESW	NESE	

CONDITIONS/REMARKS:

1. AGRICULTURAL RIGHT ✓
P/D KENT LAROCCO DITCH.
2. P/U AC. IRR. = 105. ✓

ATTACHMENT 1: PURPOSE OF PROPOSED TRANSFER

This application for transfer proposes to change the point of diversion for the listed water rights from the original diversion works of the Kent-LaRocco Ditch downstream to Stewart Dam which diverts water from Bear River to the Rainbow Inlet Canal and ultimately into Bear Lake. The original point of diversion system consists of an old earthen dike and an open ditch that is very labor intensive to maintain. The dike needs to be rebuilt each year before water can be diverted into the Kent-LaRocco.

The applicant is planning to build a small pumping station along the Rainbow Inlet Canal at the place of use to deliver water from the canal. A pipeline beneath the Rainbow Inlet is presently being constructed to replace a flume that had been in place for several years to serve the place of use on either side of the inlet.

The changes in the place of use proposed in this application for transfer reflect the actual historic use of water on the property. Except for delivery by priority, little, if any, differentiation has occurred in the use of the listed water rights since the "LaRocco" parcel was acquired in 1972. As a result, this application for transfer shows a common 310 acre place of use for each water right. Attachment 4 reviews the proportional share of the total 310 acre place of use that each "set" of rights covers.

Transfer 11-00910...

ATTACHMENT 2: LISTING OF WATER RIGHTS

WATER RIGHT	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	Q FOR USE PERIOD	TOTAL Q OF RIGHT
11-00910	04/15/1877	IRRIGATION	04-15 07-01 07-01 09-30	6.60 CFS 4.40 CFS	6.60 CFS
11-00911	04/15/1883	IRRIGATION	04-15 09-30	*****	1.70 CFS
11-00912	04/15/1884	IRRIGATION	04-15 09-30	*****	0.30 CFS ?
11-00918	04/15/1877	IRRIGATION	04-15 07-01 07-01 09-30	0.30 CFS 0.20 CFS	0.30 CFS
11-00919	04/15/1883	IRRIGATION	04-15 09-30	*****	1.20 CFS
11-00920	04/15/1884	IRRIGATION	04-15 09-30	*****	0.20 CFS
11-00921	04/15/1877	IRRIGATION	04-15 07-01 07-01 09-30	2.25 CFS 1.50 CFS	2.25 CFS
11-00922	04/15/1883	IRRIGATION	04-15 09-30	*****	0.50 CFS
11-00923	04/15/1884	IRRIGATION	04-15 09-30	*****	0.10 CFS
TOTAL Q ==>					=====
					13.15 CFS

Transfer 11-00910...

ATTACHMENT 3: EXPLANATION OF WATER RIGHT STRUCTURE

Water rights 11-00910, 11-00918 and 11-00921 are classified as "meadow rights" by the Preston Montpelier Irrigation Co. vs. Dingle Irrigation Co. decree. Although they are prior to the "agricultural rights"; 11-00911, 11-00912, 11-00919, 11-00920, 11-00922 and 11-00923, the "meadow rights" are considered to be junior and are only to be delivered if there is sufficient water to fill the "agricultural rights" as shown below:

"IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That if at any time between the 17th day of June and the 4th day of July of any year there shall not be sufficient water in the Bear River to supply the above designated agricultural lands consisting of 6012.25 acres, then and in that event, there shall be taken from the lands or rights herein designated as meadow rights pro rata a sufficient amount of water so that said 6012.25 acres of agricultural land shall receive 75 per cent of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply said 6012.25 acres with the full amount of their decreed water right, then, and in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights."

When the "meadow rights" are included in cfs/acre calculations over the 310 acres listed as place of use, the result is an excessive 0.04242 cfs/acre (13.15 cfs total divided by 310 irrigated acres). However, when only the "agricultural rights" are used for the same calculations, the result is a reasonable 0.01290 cfs/acre (4.00 cfs total divided by 310 irrigated acres). Considering the strict conditions placed on delivery of the "meadow rights" shown above, there appears to be little need for concern over the apparent "excessive" flows shown in this application for transfer.

Review of the place of use listed shows that there are three additional decreed water rights; 11-00914, 11-00915 and 13-00987 (misnumbered from 11-00913), that appear to overlap those shown in this application. Discussions with the operator and owner of the place of use show that they do not believe these three rights have been historically used on the place of use and therefore are not included this transfer.

Transfer 11-00910...

ATTACHMENT 4: ACREAGE LIMITATIONS FOR EACH WATER RIGHT

The water rights listed in this application for transfer were decreed by the Preston Montpelier Irrigation vs. Dingle Irrigation in sets of "threes"; each place of use, or farm, receiving an early "meadow right" and two later priority "agricultural rights". As explained in Attachment 3, the "meadow rights" are "first in time", they are delivered to users only after most, or all of the "agricultural rights" are delivered, depending on the time of year.

Much reference is made in the decree to the 6012.25 acres of land covered by the "agricultural rights", however no acreage is recorded as a place of use for any of the rights. As a result, an acreage analysis must be made based on the combined flow of the "agricultural rights" for each set. This transfer lists a similar 310 acre permissible place of use for each right. Water rights in a set are then limited to a specific number of acres within the permissible place of use based on the set's portion of the total 4.00 cfs "agricultural" flow rate.

The chart below shows the acreage limitations for each right within the permissible place of use.

WATER RIGHT	TYPE OR DESIGNATION	Q FOR WATER RIGHT	Q FOR AG RTS WITHIN SET	% OF TOTAL Q & AC BY SET	TOTAL ACRES FOR EACH RT
<u>SET 1:</u>					
11-00910	MEADOW	*****			155
11-00911	AGRICULTURE	1.70 CFS			155
11-00912	AGRICULTURE	0.30 CFS	2.00 CFS	50%	155
<u>SET 2:</u>					
11-00918	MEADOW	*****			108.5
11-00919	AGRICULTURE	1.20 CFS			108.5
11-00920	AGRICULTURE	0.20 CFS	1.40 CFS	35%	108.5
<u>SET 3:</u>					
11-00921	MEADOW	*****			46.5
11-00922	AGRICULTURE	0.50 CFS			46.5
11-00923	AGRICULTURE	0.10 CFS	0.60 CFS	15%	46.5
		=====			
		TOTAL AG Q >	4.00 CFS		

Transfer 11-00910...

ATTACHMENT 4: ACREAGE LIMITATIONS FOR EACH WATER RIGHT (Continued)

Water rights 11-00910, 11-00911 and 11-00912 (Set 1) hold 50% of the total "agricultural" flow for the 310 acre parcel. Therefore, they are limited to a total of 155 acres within the 310 acres listed as place of use. Rights 11-00918, 11-00919 and 11-00920 (Set 2) hold 35% and are limited to a total of 108.5 acres within the 310 acres listed as place of use. Rights 11-00921, 11-00922 and 11-00923 (Set 3) hold 15% and are limited to 46.5 acres within the 310 acre place of use.

The above conditioning should be placed on the respective rights at the time of approval of this Application for Transfer by the Department.

Transfer 11-00910...

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 3

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
Transfer No. 4594 1-00912	CONTINENTAL LIFE INSURANCE CO.	04/15/1884	IRRIGATION	04-15 09-30	1.80 CFS .30 1.80 CFS 0.00 AFA .30	DECREED TOTAL TOTAL
	SOURCE: BEAR LAKE ^{River}		TRIBUTARY: GREAT SALT LAKE			
	POINT OF DIVERSION: T13S R44E S35		SWSE			
	PLACE OF USE: IRRIGATION					
	T13S R44E S34		NESW SESE	SESW NESE	NWSE	SWSE
	T14S R44E S03 Lot 1 (NENE) Lot 4 (NWNW)		Lot 2 (NWNE)	SWNE	SENE	Lot 3 (NENW)
	CONDITIONS OF APPROVAL:					
	REMARKS: AGRICULTURAL RIGHT. P/D KENT LAROCOCO DITCH.					
	OTHER RIGHTS:					

Eastern River Falls data
entry should have been
0.30 cfs, not 1.80 cfs.

W. C. Giff
4-13-95

Page _____ of _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 4

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00918	GEORGE PARKER	04/15/1877	IRRIGATION	04-15 07-01	0.30 CFS	DECREED
			IRRIGATION	07-01 09-30	0.20 CFS	
					0.30 CFS	TOTAL
					0.00 AFA	TOTAL

SOURCE: BEAR RIVER

TRIBUTARY: GREAT SALT LAKE

POINT OF DIVERSION:

T13S R44E S35

SWSE

PLACE OF USE: IRRIGATION

T13S R44E S35

NWSW

SWSW

CONDITIONS OF APPROVAL:

REMARKS: P/D KENT-LAROCOO DITCH
MEADOW RIGHT.

OTHER RIGHTS: 11-0919/0920.

Transfer No. 4594

Page 6 of 18

Page _____ of _____

PART 2

Transfer No. _____

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

NO

If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT

PAGE: 5

PART 2

Transfer No. 11-00919

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00919	GEORGE PARKER	04/15/1883	IRRIGATION	04-15 09-30	1.20 CFS	DECREED
					1.20 CFS	TOTAL
					0.00 AFA	TOTAL

SOURCE: BEAR RIVER TRIBUTARY: GREAT SALT LAKE

POINT OF DIVERSION:
T13S R44E S35 SWSE

PLACE OF USE: IRRIGATION
T13S R44E S35 NWSW SWSW

CONDITIONS OF APPROVAL:

REMARKS: AGRICULTURAL RIGHT.
P/D KENT LAROCO DITCH.

OTHER RIGHTS: 11-0918/0920.

Page _____ of _____

PART 2

Transfer No. _____

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

No

If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 6

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00920	GEORGE PARKER	04/15/1884	IRRIGATION	04-15 09-30	0.20 CFS	DECREED
					0.20 CFS	TOTAL
					0.00 AFA	TOTAL

SOURCE: BEAR RIVER TRIBUTARY: GREAT SALT LAKE

POINT OF DIVERSION:
T13S R44E S35 SWSW

PLACE OF USE: IRRIGATION
T13S R44E S35 NWSW SWSW

CONDITIONS OF APPROVAL:

REMARKS: AGRICULTURAL RIGHT.
P/D KENT LAROCO DITCH.

OTHER RIGHTS: 11-0918/0919.

Transfer No. 4594

Page 8 of 18

Page _____ of _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 7

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00921	EDWARD IAROCCH	04/15/1877	IRRIGATION IRRIGATION	04-15 07-01 07-01 09-30	2.25 CFS 1.50 CFS 2.25 CFS 0.00 AFA	DECREED TOTAL TOTAL

SOURCE: BEAR RIVER TRIBUTARY: GREAT SALT LAKE.

POINT OF DIVERSION:
T13S R44E S35 SWSE

PLACE OF USE: IRRIGATION
T14S R44E S03 SENW NESW NESE

CONDITIONS OF APPROVAL:

REMARKS: MEADOW RIGHT.
P/D KENT IAROCCH DITCH.

OTHER RIGHTS: 11-0922/0923

Transfer No. 4594

Page 9 of 18

Page _____ of _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 8

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00922	EDWARD LAROCO	04/15/1883	IRRIGATION	04-15 09-30	0.50 CFS	DECREED
					0.50 CFS	TOTAL
					0.00 AFA	TOTAL

SOURCE: BEAR RIVER TRIBUTARY: GREAT SALT LAKE

POINT OF DIVERSION:
T13S R44E S35 S4SE

PLACE OF USE: IRRIGATION
T14S R44E S03 S4NW NESW NESE

CONDITIONS OF APPROVAL:

REMARKS: AGRICULTURAL RIGHT.
P/D KENT LAROCO DITCH.

OTHER RIGHTS: 11-0921/0923

Transfer No. 4594

Page 10 of 18

Page _____ of _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 9

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00923	EDWARD LAROCO	04/15/1884	IRRIGATION	04-15 09-30	0.10 CFS	DECREED
					0.10 CFS	TOTAL
					0.00 AFA	TOTAL

SOURCE: BEAR RIVER TRIBUTARY: GREAT SALT LAKE

POINT OF DIVERSION:
T13S R44E S35 SWSE

PLACE OF USE: IRRIGATION
T14S R44E S03 SENW NESW NESE

CONDITIONS OF APPROVAL:

REMARKS: AGRICULTURAL RIGHT
P/D KENT LAROCO DITCH.

OTHER RIGHTS: 11-0921/0922

Transfer No. 4594

Page 11 of 18

Page _____ of _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT

PAGE: 1

PART 2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00910	CONTINENTAL LIFE INSURANCE CO.	04/15/1877	IRRIGATION IRRIGATION	04-15 07-01 07-01 09-30	6.60 CFS 4.40 CFS 6.60 CFS 0.00 AFA	DECREED TOTAL TOTAL

SOURCE: BEAR RIVER

TRIBUTARY: GREAT SALT LAKE

POINT OF DIVERSION:

T13S R44E S35

SWSE

PLACE OF USE: IRRIGATION

T13S R44E S34

NESW

SESW

NESE

NWSE

SWSE

T14S R44E S03

Lot 1 (NENE)
Lot 4 (NNW)

Lot 2 (NWNE)

SWNE

SENE

Lot 3 (NENW)

CONDITIONS OF APPROVAL:

REMARKS: MEADOW RIGHT.

P/D KENT LAROCOCO DITCH.

OTHER RIGHTS:

Page _____ of _____

PART 2

Transfer No. _____

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

No

If yes, describe _____

APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

PAGE: 2

RIGHT	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
11-00911	CONTINENTAL LIFE INSURANCE CO.	04/15/1883	IRRIGATION	04-15 09-30	1.70 CFS	DECREED
					1.70 CFS	TOTAL
					0.00 AFA	TOTAL

SOURCE: BEAR-LAKE ^{River} TRIBUTARY: GREAT SALT LAKE

POINT OF DIVERSION:
T13S R44E S35 SWSE

PLACE OF USE: IRRIGATION

T13S R44E S34	NESW	SESW	NESE	NWSE	SWSE
T14S R44E S03	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE	SENE	Lot 3 (NENW)
	Lot 4 (NNW)				

CONDITIONS OF APPROVAL:

REMARKS: AGRICULTURAL RIGHT.
P/D KENT LAROCO DITCH.

OTHER RIGHTS:

Page _____ of _____

PART 2

Transfer No. _____

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

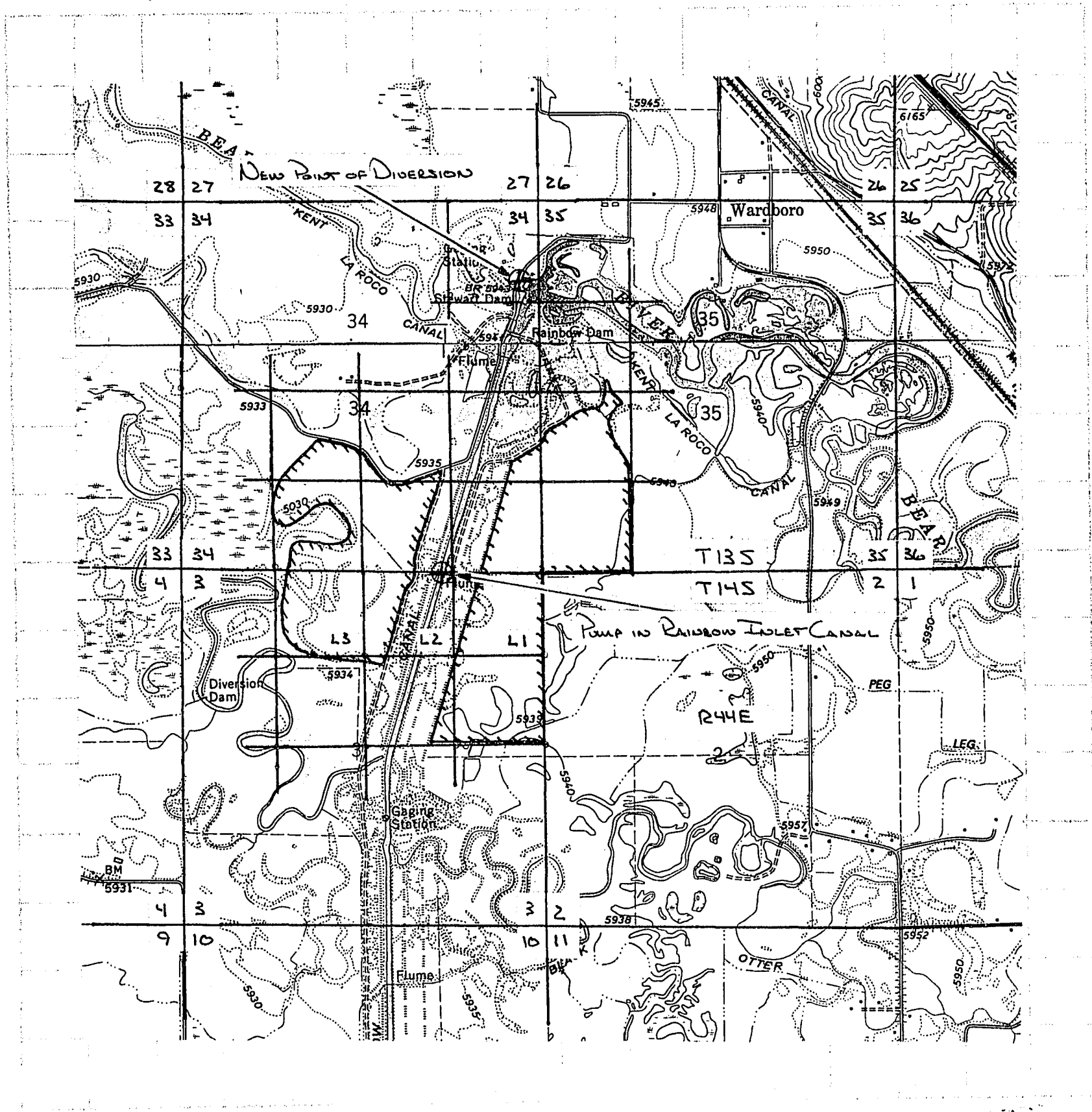
No If yes, describe _____

Transfer N 2594

Page 4 of 18

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

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



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

Page 13 of 18

Transfer No. 4594

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

X Fern Keetch
(Signature of Applicant)

Subscribed and sworn to before me this 10 day of April, 1995.

Udey M. Doherty
(Notary Public)

My commission expires Feb 28 2000

FOR DEPARTMENT USE ONLY

Transfer contains 18 pages and attachments

Received by WM Date 4/12/95 Protest filed by

Prelim. check by Fee #10088 E020889

Received by 4WJ Date 4-12-95

Published in Statewide Copies of protest forwarded by

Pub. dates April 27 & May 4, 1995 Hearing held by Date

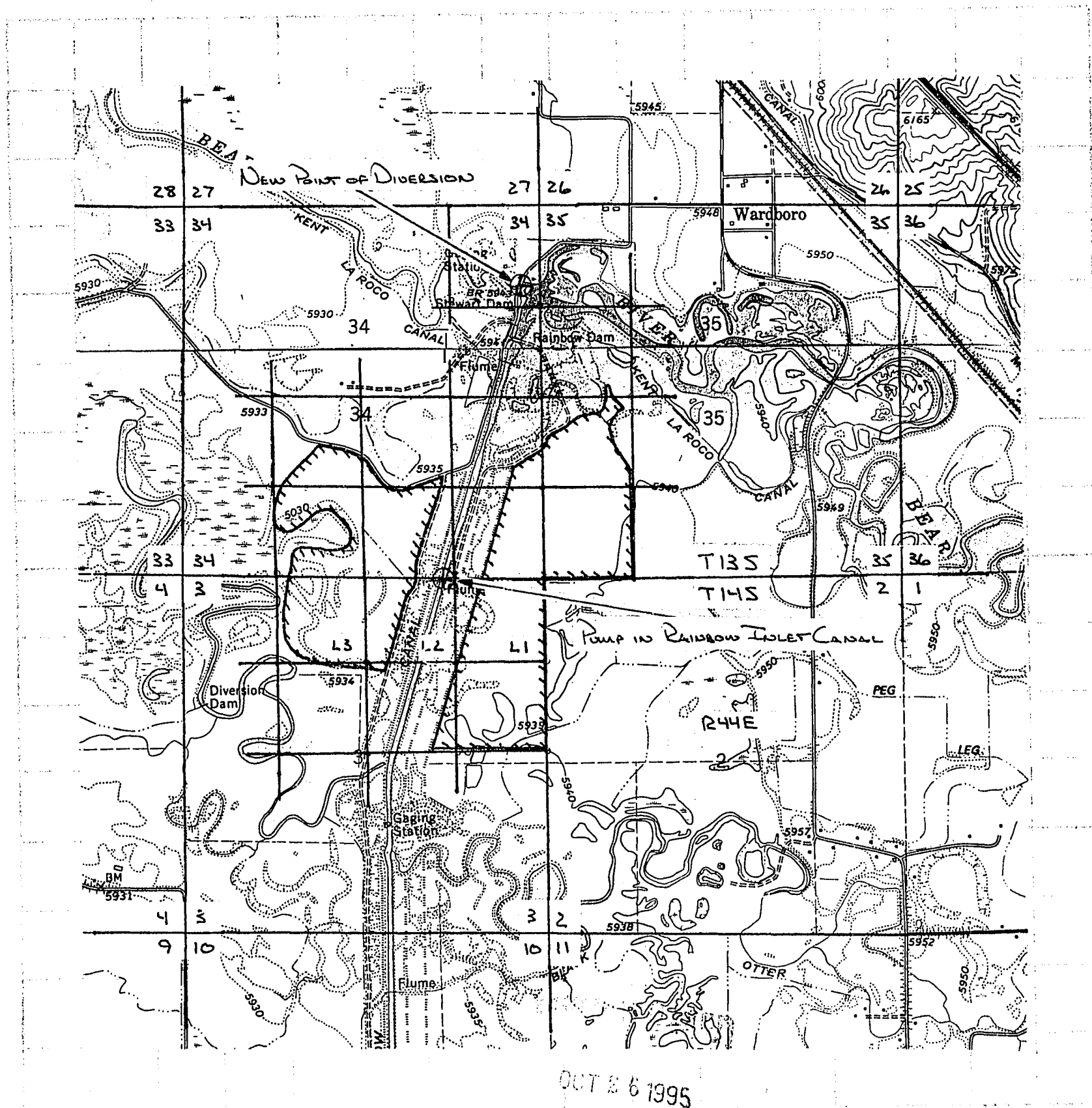
Watermaster recommendation requested on 4-24-95 Recommended for ☒ approval ☐ denial

Water Dist 11 rec'd. by Roc

Copy of transfer sent to lien holder

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

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



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

Page 13 of 18

Transfer No. 4594

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

X Fern Keetch
(Signature of Applicant)

Subscribed and sworn to before me this 10 day of April, 1995.

Deloy M. Buchanan
(Notary Public)

My commission expires Feb 28, 2000

FOR DEPARTMENT USE ONLY

Transfer contains 18 pages and attachments

Received by WM Date 4/12/95

Protest filed by

Prelim. check by Fee \$100.00 E020889

Receipted by HWT Date 4-12-95

Published in Statewide

Copies of protest forwarded by

Pub. dates April 27 & May 4, 1995

Hearing held by Date

Watermaster recommendation requested on 4-24-95

Recommended for ☒ approval ☐ denial

Water Dist 11 rec'd.

by Rex

Copy of transfer sent to lien holder

RECORDED

OCT 26 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4594
WATER RIGHT NO(S). 11-00910/11-00911/11-00912/11-00918
11-00919/11-00920/11-00921/11-00922/11-00923...

This is to certify that: FERN KEETCH
C/O SCOTT NELSON
PO BOX 53
PARIS ID 83261

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. 11-00910 :			
IRRIGATION	04/15 to 07/01	6.60 CFS	1008.0 AF
IRRIGATION	07/02 to 09/30	4.40 CFS	794.2 AF
		6.60 CFS	1085.0 AF
Priority: 04/15/1877			
Right No. 11-00911 :			
IRRIGATION	04/15 to 10/15	1.70 CFS	617.1 AF
Priority: 04/15/1883			
Right No. 11-00912 :			
IRRIGATION	04/15 to 09/30	3.00 CFS	999.7 AF
Priority: 04/15/1877			
	SUBTOTAL:	11.30 CFS	1085.0 AF
Right No. 11-00918 :			
IRRIGATION	04/15 to 07/01	0.30 CFS	45.8 AF
IRRIGATION	07/02 to 09/30	0.20 CFS	36.1 AF
		0.30 CFS	81.9 AF
Priority: 04/15/1877			
Right No. 11-00919 :			
IRRIGATION	04/15 to 10/15	1.20 CFS	280.0 AF
Priority: 04/15/1883			
Right No. 11-00920 :			
IRRIGATION	04/15 to 10/15	0.20 CFS	72.6 AF
Priority: 04/15/1884			
	SUBTOTAL:	1.70 CFS	280.0 AF

PAGE 2

TRANSFER NO. 4594
WATER RIGHT NO(S). 11-00910/11-00911/11-00912/11-00918
11-00919/11-00920/11-00921/11-00922/11-00923

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 11-00921 :			
IRRIGATION	04/15 to 07/01	2.25 CFS	343.6 AF
IRRIGATION	07/02 to 09/30	1.50 CFS	270.7 AF
		2.25 CFS	367.5 AF
Priority: 04/15/1877			
Right No. 11-00922 :			
IRRIGATION	04/15 to 10/15	0.50 CFS	181.5 AF
Priority: 04/15/1883			
Right No. 11-00923 :			
IRRIGATION	04/15 to 10/15	0.10 CFS	36.3 AF
Priority: 04/15/1884			
	SUBTOTAL:	2.85 CFS	367.5 AF
	TOTAL:	* 15.85 CFS	* 1085.0 AF

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 34, Township 13S, Range 44E
SWSE , Sec. 35, Township 13S, Range 44E
BEAR LAKE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
13S	44E	34	NESW 14	SESW 28	NESE 5	
			NWSE 4	SWSE 31	SESE 23	105
		35	SWNW 1	NWSW 30	SWSW 40	71
14S	44E	3				
14S	44E	3				
14S	44E	3	Lot 1(NENE) 30	Lot 2(NWNE) 19	SWNE 8	
			SENE 40	Lot 3(NENW) 37		134
13S	44E	34				
13S	44E	34				

Total number of acres irrigated: ** 310

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. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

TRANSFER NO. 4594

WATER RIGHT NO(S). 11-00910/11-00911/11-00912/11-00918
11-00919/11-00920/11-00921/11-00922/11-00923

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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.
7. 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.
- *8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4594 and combined Right Nos. 11-00910, 11-00911, 11-00912, 11-00918, 11-00919, 11-00920, 11-00921, 11-00922 and 11-00923, shall not exceed 15.85 cfs, nor a total combined annual volume of 1,085.0 af for irrigation of 310.0 acres.
- **9. Combined Right Nos. 11-00918, 11-00919 and 11-00920 shall not exceed a total combined annual diversion volume of 280.0 af for the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- **10. Combined Right Nos. 11-00921, 11-00922 and 11-00923 shall not exceed a total combined annual diversion volume of 367.5 af for the irrigation of 105.0 acres in the place of use described above in a single irrigation season.
11. Right Nos. 11-00910, 11-00918 and 11-00921 are classified as meadow lands or rights, and are understood to mean those lands along Bear River producing what is commonly called "wild hay" or "natural meadow grass", which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River.
12. Right Nos. 11-00911, 11-00912, 11-00919, 11-00920, 11-00922 and 11-00923 are classified as agricultural lands or rights, and are intended to mean those lands which have been cultivated and irrigated for the production of crops.
13. Any year that there is insufficient water in Bear River to fully supply all the decreed agricultural rights, the meadow rights will be reduced proportionately to provide 75% of the water for all the agricultural rights between June 17 and July 4th, and provide the full amount of water for the agricultural rights after July 4th.

Dated this 13th day of October, 1995.

A. Glen Saxton
Chief, Water Alloc. Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

April 17, 1995

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 15, 1995.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

April 17, 1995

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 15, 1995.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

April 17, 1995

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 15, 1995.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

April 17, 1995

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NEWS EXAMINER
PO BOX 278
MONTPELIER ID 83254

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 15, 1995.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 24, 1995

PETE PETERSON
BEAR RIVER
2483 RIVERDALE
PRESTON ID 83263

RE: Application No. 4594

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 15, 1995, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 2, 1995

FERN KEETCH
C/O SCOTT NELSON
PO BOX 53
PARIS ID 83261

RE: Application for Transfer No.: 4594

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application statewide on April 27 & May 4, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

May 22, 1995

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

RE: Notice of Proposed Change of Water Right No. :
4594 in the name of FERN KEETCH

Dear Publisher:

Could you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on April 27 & May 4, 1995.

If the application was never published, I need to know as soon as possible.

Your cooperation in this matter is greatly appreciated.

Very truly yours,


Rita Bodell
Secretary

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4594

Notice is hereby given that Fern Keetch, C/O Scott Nelson, P.O. Box 53, Paris, ID 83261 has applied to the Department of Water Resources to change point of diversion and place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 11-00910 Source: Bear River
Amount: 04-15 to 07-01 6.60 CFS
 07-01 to 09-30 4.40 CFS
 TOTAL 6.60 CFS

Priority: 4/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00911 Source: Bear River
Amount: 1.70 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00912 Source: Bear River
Amount: .30 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00918 Source: Bear River
Amount: 04-15 to 07-01 .30 CFS
 07-01 to 09-30 .20 CFS
 TOTAL .30 CFS
Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E,
The water is used for from within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00919 Source: Bear River
Amount: 1.20 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00920 Source: Bear River
Amount: .20 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within
the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00921 Source: Bear River
Amount: 04-15 to 07-01 2.25 CFS
 07-01 to 09-30 1.50 CFS
 TOTAL 2.25 CFS
Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within
the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00922 Source: Bear River
Amount: .50 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within
the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923 Source: Bear River
Amount: .10 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within
the SENW, NESW, NESE, SEC 03, T14S, R44E

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SENENE, SEC 34, T13S, R44E, Stewart Dam, Bear Lake and used to irrigate 310 acres within the E1/2SW, SE, SEC 34, SWNW, W1/2SW, SEC 35, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), T14S, R44E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before May 15, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

*Published statewide on April 27 & May 4, 1995

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa J. Moosman
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 26, 1995, and ending
with the issue of May 3, 1995

Rosa J. Moosman
Fees, 154.76

Subscribed and sworn to before me this 3rd day
of May, 1995

Henry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. 4594

Notice is hereby given that Fern Keetch, C/O Scott Nelson, P.O. Box 53, Paris, ID 83261 has applied to the Department of Water Resources to change point of diversion and place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 11-00910
Source: Bear River
Amount: 04-15 to 07-01 6.60 CFS
07-01 to 09-30 4.40 CFS
TOTAL 6.60 CFS
Priority: 4/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE (LOT 1), NWNE (LOT 2), S1/2NE, NENW (LOT 3), NWNW (LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00911
Source: Bear River
Amount: 1.70 CFS
Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE (LOT 1), NWNE (LOT 2), S1/2NE, NENW (LOT 3), NWNW (LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00912
Source: Bear River
Amount: .30 CFS
Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE (LOT 1), NWNE (LOT 2), S1/2NE, NENW (LOT 3), NWNW (LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00918
Source: Bear River
Amount: 04-15 to 07-01 .30 CFS
07-01 to 09-30 .20 CFS
TOTAL .30 CFS
Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for from within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00919
Source: Bear River
Amount: 1.20 CFS
Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00920
Source: Bear River
Amount: .20 CFS
Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00921
Source: Bear River
Amount: 04-15 to 07-01 2.25 CFS
07-01 to 09-30 1.50 CFS
TOTAL 2.25 CFS
Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00922
Source: Bear River
Amount: .50 CFS
Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923
Source: Bear River
Amount: .10 CFS
Priority: 04/15/1884

county aforesaid, and in the County of Blaine, Idaho, an advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 26, 1995, and ending

with the issue of May 3, 1995

Rosa J. Mossman

Fees, 154.76

Subscribed and sworn to before me this 3rd day

of May, 1995

Sheng Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

Decree No.: 11-00911

Source: Bear River

Amount: 1.70 CFS

Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the E1/2 SW, SE, SEC 34, T13S, R44E; NENE (LOT 1), NWNE (LOT 2), S1/2NE, NENW (LOT 3), NWNW (LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00912

Source: Bear River

Amount: .30 CFS

Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the E1/2 SW, SE, SEC 34, T13S, R44E; NENE (LOT 1), NWNE (LOT 2), S1/2NE, NENW (LOT 3), NWNW (LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00918

Source: Bear River

Amount: 04-15 to 07-01 .30 CFS

07-01 to 09-30 .20 CFS

TOTAL .30 CFS

Priority: 04/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for from within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00919

Source: Bear River

Amount: 1.20 CFS

Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00920

Source: Bear River

Amount: .20 CFS

Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00921

Source: Bear River

Amount: 04-15 to 07-01 2.25 CFS

07-01 to 09-30 1.50 CFS

TOTAL 2.25 CFS

Priority: 04/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00922

Source: Bear River

Amount: .50 CFS

Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923

Source: Bear River

Amount: .10 CFS

Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SENENE, SEC 34, T13S, R44E, Stewart Dam, Bear Lake and used to irrigate 310 acres within the E1/2SW, SE, SEC 34, SWNW, W1/2SW, SEC 35, T13S, R44E; NENE (LOT 1), NWNE (LOT 2), S1/2NE, NENW (LOT 3), T14S, R44E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 15, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson

Director

Legal No. 4959— April 26, May 3, 1995.

RECEIVED

MAY 08 1995

The Idaho Statesman
P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources

Eastern District Office

Amount Due

\$183.00

Account Number 10056400		Identification NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4594	
Ordered By Rita Bodell	P.O. Number	Rate NT	Run Dates April 27 & May 4, 1995
Rita Bodell IDAHO DEPARTMENT OF WATER RESOURCES Eastern Region 900 N. Skyline Drive Idaho Falls, Idaho 83402-1718		Estimated Inches.	Real Inches
		# Affidavits 1	Legal Number 1876

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4594

Notice is hereby given that Fern Keetch, c/o Scott Nelson, P.O. Box 53, Paris, ID 83261 has applied to the Department of Water Resources to change point of diversion and place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 11-00910 Source: Bear River
Amount: 04-15 to 07-01 6.60 CFS
07-01 to 09-30 4.40 CFS
TOTAL 6.60 CFS

Priority: 4/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00911 Source: Bear River
Amount: 1.70 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00912 Source: Bear River
Amount: 30 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00918 Source: Bear River
Amount: 04-15 to 07-01 .30 CFS
07-01 to 09-30 .20 CFS
TOTAL .30 CFS

Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00919 Source: Bear River
Amount: 1.20 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00920 Source: Bear River
Amount: .20 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00921 Source: Bear River
Amount: 04-15 to 07-01 2.25 CFS
07-01 to 09-30 1.50 CFS
TOTAL 2.25 CFS

Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00922 Source: Bear River
Amount: .50 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923 Source: Bear River
Amount: .10 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923 Source: Bear River
Amount: .10 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
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The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

LINDA PORTER

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of APRIL 27, 1995

and ending with the issue of MAY 4, 1995

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 4th day of MAY in the year of 1995, before me, a Notary Public, personally appeared LINDA PORTER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at Boise, Idaho

My commission expires: 11-27-99

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 05/04/95INVOICE NO. 530286Account No. 446600Description 530286NOTICEOFPROPOSED**LEGAL ADVERTISING
INVOICE**Times 2Lines 75

Tab. Lines _____

\$ 187.50

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

RECEIVED

MAY 08 1995

Dep. of Water Resources
Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. 4594

Notice is hereby given that Fern Keetch, C/O Scott Nelson, P.O. Box 53, Paris, ID 83261, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

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TOTAL 6.60 CFS

Priority: 4/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

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Decree No.: 11-00911 Source: Bear River
Amount: 1.70 CFS Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

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Decree No.: 11-00912 Source: Bear River
Amount: .30 CFS Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the E1/2SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00918 Source: Bear River
Amount: 04-15 to 07-01 .30 CFS
07-01 to 09-30 .20 CFS
TOTAL .30 CFS

Priority: 04/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00919 Source: Bear River
Amount: 1.20 CFS Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00920 Source: Bear River
Amount: .20 CFS Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00921 Source: Bear River
Amount: 04-15 to 07-01 2.25 CFS
07-01 to 09-30 1.50 CFS
TOTAL 2.25 CFS

Priority: 04/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00922 Source: Bear River
Amount: .50 CFS Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923 Source: Bear River
Amount: .10 CFS Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

TO BE CHANGED AS FOLLOWS

The water will be diverted from the SENENE, SEC 34, T13S, R44E, Stewart Dam, Bear Lake and used to irrigate 310 acres within the E1/2SW, SE, SEC 34, SWNW, W1/2SW, SEC 35, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), T14S, R44E, B.M.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 15, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published statewide on April 27 & May 4, 1995.

FIDAVIT OF PUBLICATION

OF IDAHO, ss.
of Nez Perce

_____ being duly sworn, deposes and says, I am a Clerk of the Tribune Publishing Company, a corporation and existing under and by virtue of the laws of the Idaho, publishers of the LEWISTON MORNING TRIBUNE, paper of general circulation published at Lewiston, Nez Perce County, at the said Lewiston Morning Tribune is an established newspaper been published regularly and issued regularly at least once a day han 21 consecutive years next immediately preceding the first of this notice, and has been so published uninterrupted for d; that the 530286NOTICEOFP attached hereto and which is made his affidavit was published in the said Lewiston Morning Tribune, ne(s). Publication being on 04/27, or once a WEEK consecutive WEEK, the first publication thereof being on /95, and the last publication thereof being on /95, and said 530286NOTICEOFP was so published in the id entire issue of said newspaper and was not in a supplement id was so published in every issue and number of the said ring the period and times of publication as set forth above.

Karen J. Lewis

SUBED AND SWORN BEFORE ME THIS THE 5

May 1995

Ray Reed

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/97

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 05/04/95

INVOICE NO. 530286

Account No. 446600

Description 530286NOTICEOFPROPOSED

**LEGAL ADVERTISING
INVOICE**

Times 2

Lines 75

Tab. Lines

\$ 187.50

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
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IDAHO FALL ID 83402

RECEIVED

MAY 08 1995

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Eastern District Office

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NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. 4594

Notice is hereby given that Fern Keetch, C/O Scott Nelson, P.O. Box 83261, has applied to the Department of Water Resources to change the version and place of use of the waters of the Bear River tributary Lake. The rights sought to be changed are evidenced by decree as follows:

Decree No.: 11-00910 Source: Bear River
Amount: 04-15 to 07-01 6.60 CFS
07-01 to 09-30 4.40 CFS
TOTAL 6.60 CFS

Priority: 4/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SWSE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00911 Source: Bear River
Amount: 1.70 CFS
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SWSE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00912 Source: Bear River
Amount: .30 CFS
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SWSE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00918 Source: Bear River
Amount: 04-15 to 07-01 .30 CFS
07-01 to 09-30 .20 CFS
TOTAL .30 CFS

Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for from within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00919 Source: Bear River
Amount: 1.20 CFS
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SWSE, SEC 35, T13S, R44E

Decree No.: 11-00920 Source: Bear River
Amount: .20 CFS
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SWSE, SEC 35, T13S, R44E

Decree No.: 11-00921 Source: Bear River
Amount: 04-15 to 07-01 2.25 CFS
07-01 to 09-30 1.50 CFS
TOTAL 2.25 CFS

Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
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Amount: .50 CFS
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SWSE, SEC 35, T13S, R44E

Decree No.: 11-00923 Source: Bear River
Amount: .10 CFS
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SWSE, SEC 35, T13S, R44E

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 530286NOTICEOF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 04/27, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 04/27/95, and the last publication thereof being on the 05/04/95, and said 530286NOTICEOF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 5

day of May 1995

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/97

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
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Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

Date 05/04/95INVOICE NO. 530286Account No. 446600Description 530286NOTICEOFPROPOSEDTimes 2Lines 75

Tab. Lines _____

\$ 187.50**RECEIVED**

MAY 08 1995

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Eastern District Office

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Decree No.: 11-00912 Source: Bear River
Amount: .30 CFS Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

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Decree No.: 11-00918 Source: Bear River

Amount: 04-15 to 07-01 .30 CFS
07-01 to 09-30 .20 CFS
TOTAL .30 CFS

Priority: 04/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for from within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00919 Source: Bear River
Amount: 1.20 CFS Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00920 Source: Bear River
Amount: .20 CFS Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the W1/2SW, SEC 35, T13S, R44E

Decree No.: 11-00921 Source: Bear River

Amount: 04-15 to 07-01 2.25 CFS
07-01 to 09-30 1.50 CFS
TOTAL 2.25 CFS

Priority: 04/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00922 Source: Bear River
Amount: .50 CFS Priority: 04/15/1883

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923 Source: Bear River
Amount: .10 CFS Priority: 04/15/1884

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E

The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

TO BE CHANGED AS FOLLOWS

The water will be diverted from the SENENE, SEC 34, T13S, R44E, Stewart Dam, Bear Lake and used to irrigate 310 acres within the E1/2SW, SE, SEC 34, SWNW, W1/2SW, SEC 35, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S1/2NE, NENW(LOT 3), T14S, R44E, B.M.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 15, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

*Published statewide on April 27 & May 4, 1995.

FIDAVIT OF PUBLICATION

OF IDAHO, ss.
of Nez Perce

_____ being duly sworn, deposes and says, I am _____, Clerk of the Tribune Publishing Company, a corporation and existing under and by virtue of the laws of the Idaho, publishers of the LEWISTON MORNING TRIBUNE, paper of general circulation published at Lewiston, Nez Perce County, at the said Lewiston Morning Tribune is an established newspaper been published regularly and issued regularly at least once a day for 21 consecutive years next immediately preceding the first of this notice, and has been so published uninterrupted for _____; that the 530286NOTICEOFP attached hereto and which is made his affidavit was published in the said Lewiston Morning Tribune, ne(s). Publication being on 04/27, or once a WEEK consecutive WEEK, the first publication thereof being on 04/27, and the last publication thereof being on 04/27, and said 530286NOTICEOFP was so published in the said entire issue of said newspaper and was not in a supplement and was so published in every issue and number of the said during the period and times of publication as set forth above.

Karen J. Lewis

BED AND SWORN BEFORE ME THIS THE 5May 1995

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/97

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4594

of Publication
IDAHO
OF TWIN FALLS } SS.

No 27046

Notice is hereby given that Fern Keetch, C/O Scott Nelson, P.O. Box 53, Paris, ID 83261, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 11-00910 Source: Bear River
Amount: 04-15 to 07-01 6.60 CFS
07-01 to 09-30 4.40 CFS
TOTAL 6.60 CFS
Priority: 4/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E $\frac{1}{2}$ SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S $\frac{1}{2}$ NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00911 Source: Bear River
Amount: 1.70 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E $\frac{1}{2}$ SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S $\frac{1}{2}$ NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00912 Source: Bear River
Amount: .30 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the E $\frac{1}{2}$ SW, SE, SEC 34, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S $\frac{1}{2}$ NE, NENW(LOT 3), NWNW(LOT 4), SEC 03, T14S, R44E

Decree No.: 11-00918 Source: Bear River
Amount: 04-15 to 07-01 .30 CFS
07-01 to 09-30 .20 CFS
TOTAL .30 CFS
Priority: 04/15/1877
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for from within the W $\frac{1}{2}$ SW, SEC 35, T13S, R44E

Decree No.: 11-00919 Source: Bear River
Amount: 1.20 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the W $\frac{1}{2}$ SW, SEC 35, T13S, R44E

Decree No.: 11-00920 Source: Bear River
Amount: .20 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the W $\frac{1}{2}$ SW, SEC 35, T13S, R44E

Decree No.: 11-00921 Source: Bear River
Amount: 04-15 to 07-01 2.25 CFS
07-01 to 09-30 1.50 CFS
TOTAL 2.25 CFS
Priority: 04/15/1877

Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00922 Source: Bear River
Amount: .50 CFS Priority: 04/15/1883
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

Decree No.: 11-00923 Source: Bear River
Amount: .10 CFS Priority: 04/15/1884
Point(s) of Diversion: SWSE, SEC 35, T13S, R44E
The water is used for irrigation from 04-15 to 09-30 within the SENW, NESW, NESE, SEC 03, T14S, R44E

TO BE CHANGED AS FOLLOWS:
The water will be diverted from the SENENE, SEC 34, T13S, R44E; Stewart Dam, Bear Lake and used to irrigate 310 acres within the E $\frac{1}{2}$ SW, SE, SEC 34, SWNW, W $\frac{1}{2}$ SW, SEC 35, T13S, R44E; NENE(LOT 1), NWNE(LOT 2), S $\frac{1}{2}$ NE, NENW(LOT 3), T14S, R44E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before May 15, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director
PUBLISH: Thursday April 27 and May 4, 1995

I, Leanna McQuinn being first duly sworn upon oath, depose that I am Print Clerk of the TIMES-NEWS, published daily, at Idaho, and do solemnly swear that a copy of the notice of advertisement, as perched, was published in the regular and entire issue of said newspaper, and not in any hereof, for Two consecutive Weeks, with the issue dated April 27, 1995, with the issue dated May 4, 1995.

I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except of which newspapers prior to consolidation had been published under said names in said city and county d uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since ion, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said n daily publication under said name in said city and county continuously and uninterruptedly. I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated hich legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be y, will be published; and that at the head of the editorial column of said combined newspapers, and in each ursday is announced as the day on which said legal notices will be published.

HO
WIN FALLS
_____31____ day of May in the year of 1995, before me,
personally appeared Leanna McQuinn,
fied to me to be the person whose name subscribed to the within instrument, and being by me first duly
that the statements therein are true, and acknowledged to me that he executed the same.
Leona R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho. 5/19/2000
My commission expires: _____

of Publication

IDAHO
COUNTY OF TWIN FALLS } SS.

No 27046

Linda Capps McQuinn being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated April 27, 19 95, and ending with the issue dated May 4, 19 95.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 31 day of May in the year of 1995, before me, a Notary Public, personally appeared Linda Capps McQuinn, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Lew R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho. 5/19/2000
My commission expires: 5/19/2000

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 4594WATER DISTRICT : 11WATERMASTER Pete PetersonDATE: 6/9

COMMENTS: 1) transferring water from
central division to lower division
2) transfer of 13.15 cfs can only
pump 3 cfs.
3) ~~with no force efficiency at Kentville 1"~~

☐ I do endorse approval of this change.☒ ~~I do not endorse approval of this change.~~

I recommend the following conditions of approval:

Pete Peterson
Watermaster

MEMORANDUM

To: Transfer File T4594 (Fern Keetch)
From: Paul Meyer
Date: June 28, 1995

RE: Amendment of Transfer to show addition of point of diversion

As per discussions with Scott Nelson on June 27 and 28, 1995, T4594 was amended to reflect the addition of a point of diversion rather than the change of point of diversion as originally recorded.

Following negotiations the previous week between Fern Keetch (applicant), Paul Keetch (possible injured party), and Scott Nelson (operator for Fern Keetch), it was agreed that Fern would amend the transfer to add a point of diversion to the existing rights to reflect the addition of the pump to her system. The existing ditch system that serves Fern's land would be left intact, maintained and used as necessary to convey water to her land for irrigation. This would prevent the possible loss of any portion of the water rights through abandonment and also serve to absorb ditch losses that could injure the delivery of other water rights in the Kent-LaRocco.

As noted in a previous memo, there has been considerable friction between parties concerning the maintenance and maintenance costs of the diversion dam in Bear River that provides head to the Kent-Larocco. The parties have since agreed that there is the need for a written agreement between them to determine respective responsibilities for maintenance costs. Scott Nelson stated that a written agreement is in the process of being drafted and should be signed by all parties within the next few weeks.

One of the concerns I have had about T4594 is the possible loss of the portion of each right that was not diverted at the pump in the Rainbow Inlet. A major reason that the original application was filed was because of friction between Paul and Fern Keetch and Fern's resulting desire to remove her interest in the Kent-Larocco. The original ditch system to deliver the Kent-Larocco water to Fern's land would have been obliterated.

Movement of each complete right downstream to the pump in the Rainbow Inlet would necessitate some form of creative mitigation to compensate waterusers on the Kent-Larocco for carrying losses especially during low-water seasons. Splitting each right and leaving a portion back at the original point of diversion is possible, but the unusual timing of each right during the season would make delivery at Stewart Dam and the pump difficult. As Fern's existing delivery system from the Kent-Larocco would have been abandoned, the portions left behind would also have to be modified substantially to allow their delivery through the remainder of the Kent-Larocco to mitigate carrying losses. The nature of use would probably need to be changed from irrigation to channel maintenance. Should a basin-wide adjudication of the Bear River take place, the future of these non-consumptive rights could be questionable given the present unpredictable attitudes of the courts.

The amendment to only add a point of diversion rather than change it entirely seems the best alternative. The parties seem to be willing to "bury the hatchet", sign a maintenance agreement for the diversion dam in Bear River and press on. I therefore recommend approval of this transfer as now amended.

MEMORANDUM

To: Application for Transfer T4594
From: Paul Meyer, Eastern Region
Date: June 9, 1995

On May 9, 1995, as part of the review process on T4594 (Fern Keetch), I met on site with Pete Peterson, Watermaster of Water District 11 and Paul Keetch, a water user on the Kent-Larocco Ditch. Both parties voiced their concern over the possibility of moving Fern Keetch's water rights in the Kent-Larocco to a pump in the Rainbow Inlet.

Mr. Keetch indicated the possibility of injury to his water right because Fern Keetch's water in the Kent-Larocco helps absorb transmission losses between the existing diversion dam in Bear River and his place of use. According to Mr. Keetch, there is the possibility that he would no longer be able to receive his water at his place of use during dry seasons. In the past, after his meadow right (1877) has been cut, his agricultural rights (1883, 1884) would have been insufficient on their own to carry to his place of use without Fern Keetch's agricultural rights to supplement his and cover transmission loss. Mr. Keetch receives water from the Peg Leg Canal (1878), but its later priority date could mean that it would be cut to fill the 1877 meadow rights during the early part of a very water short year.

Mr. Keetch confirmed my thoughts that "meadow" lands as described in the Preston-Montpelier vs Dingle Irr. decree were, for the most part, no longer truly "meadow". As time went on after the decree, with the advent of sprinkler irrigation, etc., "meadow" lands were converted into "agriculture" lands and the "meadow rights" were used to cover both "agricultural" and the improved "meadow" lands. This probably also lead to the abandonment of some undesirable lands considered "meadow".

One of Pete Peterson's main concerns was that the transfer totaled 13.15 cfs, and that the proposed pump in the Rainbow Inlet would probably only provide 3.00 cfs. He felt that the transfer should only reflect the actual amount of water that Fern Keetch's pump would provide and that a measuring device was needed on Fern's pump in Rainbow Inlet. According to Pete, the "extra" water not diverted at the pump could have a detrimental effect on the accounting for the natural flow into Bear Lake recognized by the Utah Light and Power vs. Last Chance, et al. (Dietrich) decree, since the diversion would move from the Central Division into the Lower Division as defined by the Bear River Compact.

Pete also reiterated Mr. Keetch's concern of injury to water right holders in the Kent-Larocco if T4594 were to be approved by the Department.



Fig. 1 - Proposed point of diversion at Stewart Dam.

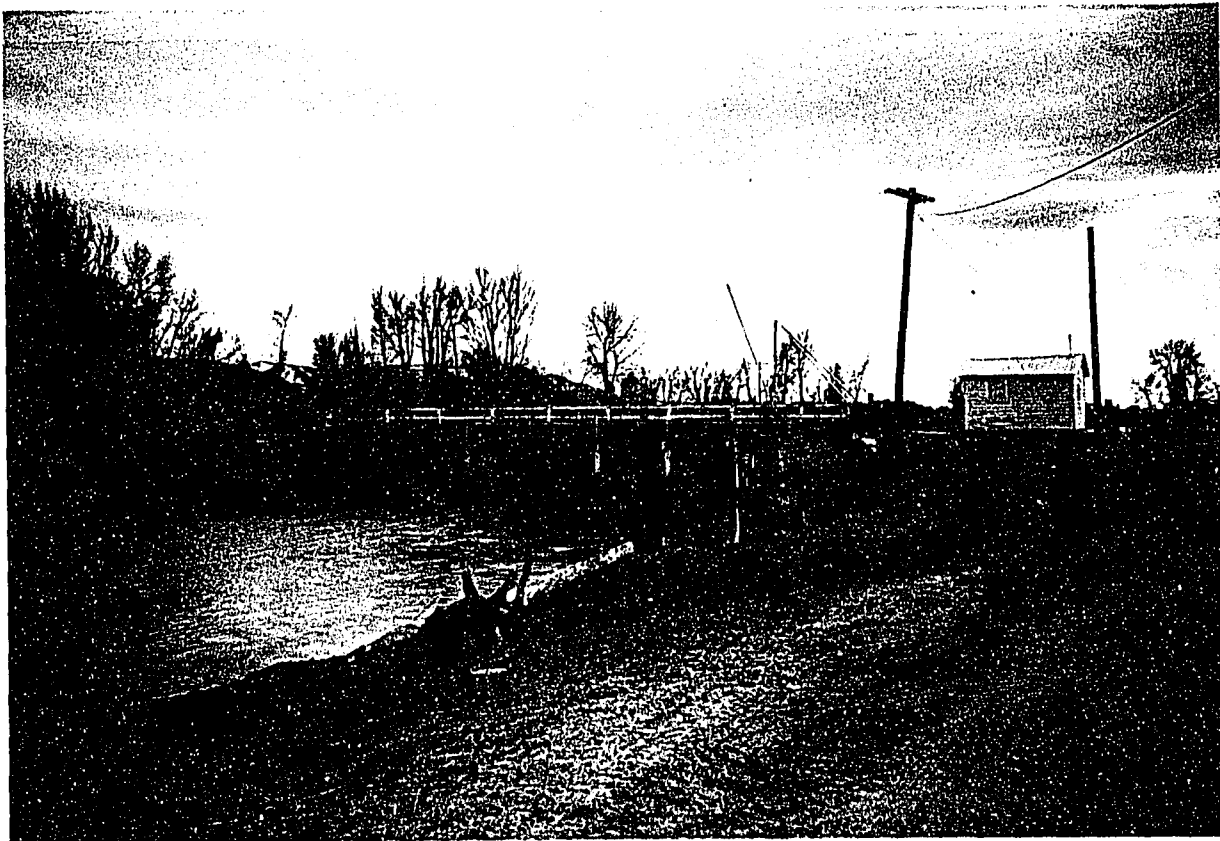


Fig. 2 - Controlling headworks of Rainbow Inlet Canal.

T4594

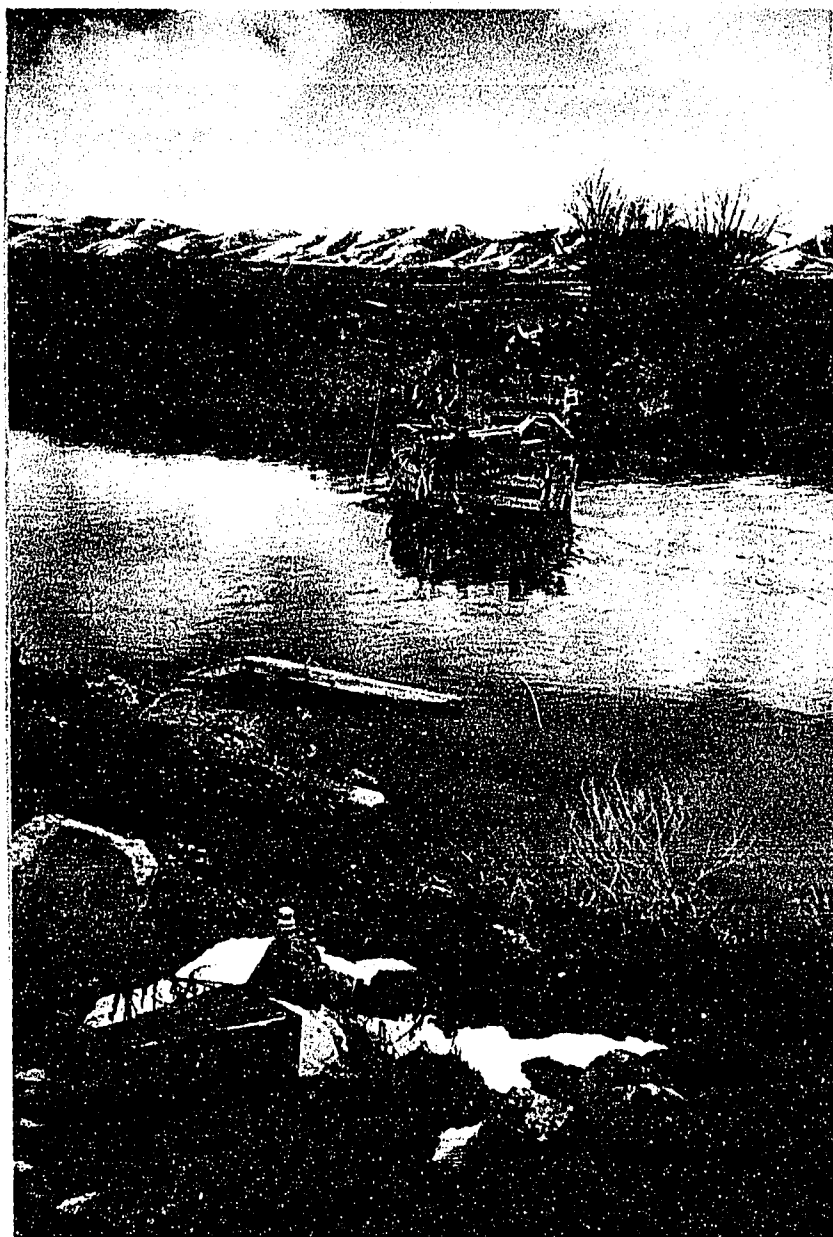


Fig. 3 - Site for pumping station in Rainbow Inlet Canal.

T4594



Fig. 4 - Portable pump at proposed pumping station site.

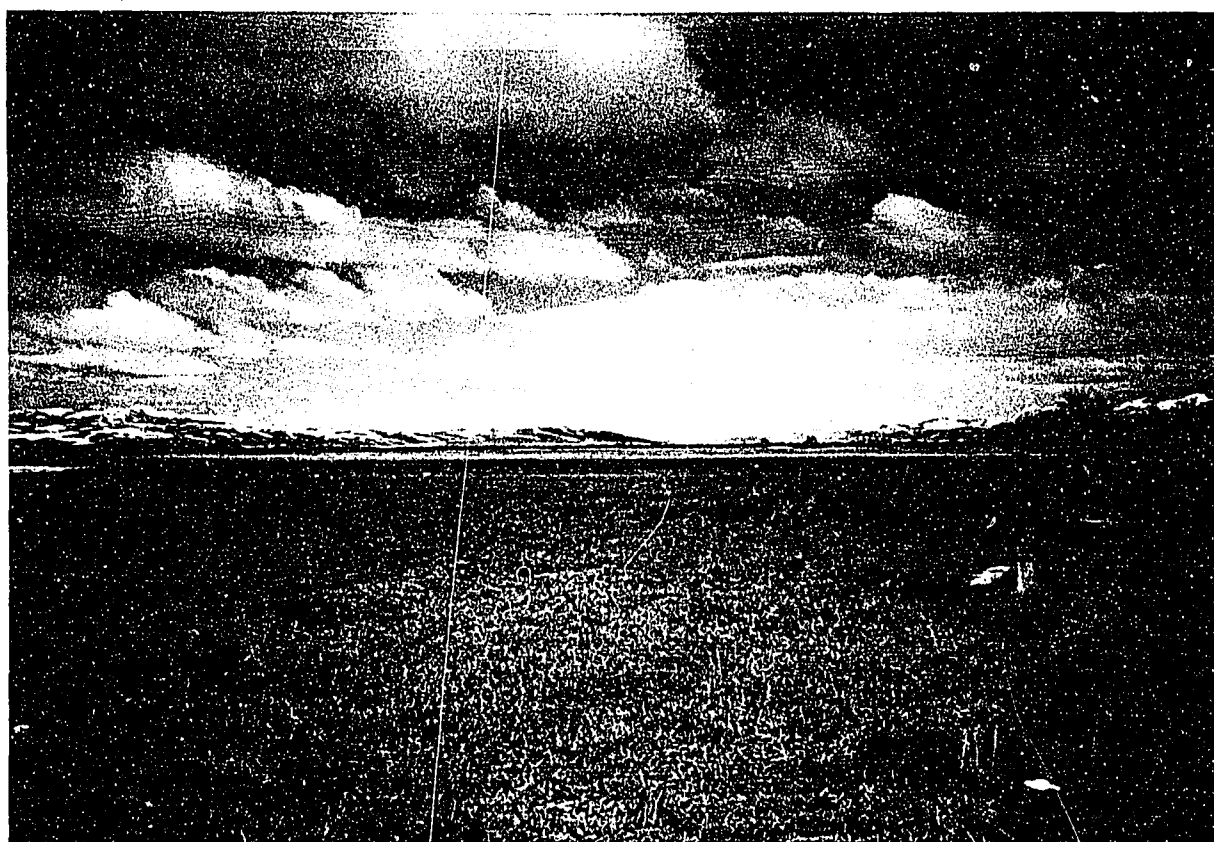


Fig. 5 - Place of use west of Rainbow INlet from SE corner.

T4594

***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***

INTER-DEPARTMENT MEMO

TO: Tr. 4594

SUBJECT: Update of WM Comments

FROM: H.W. JONES - Eastern

DATE: 7-13-95

I talked to Pete Peterson, WM of the Bear River
and he agrees that the modified transfer (adding a pd)
is an acceptable situation and approves of it.

(X) For your information

() Response required

H. W. Jones
signature

MEMORANDUM

TO: FILE NOS. 11-00910/00911/00912/00918/00919/
00920/00921/00922/00923

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4594

DATE: October 10, 1995

=====

Transfer No. 4594 was filed to add a point of diversion and change the place of use, creating a permissible place of use under some of the rights. These rights are part of the same decree that combines rights into sets of 3 for each separate place of use, 1 meadow and 2 agricultural rights. Originally these rights were decreed for separate places of use, but have been used together on the same place of use described on the transfer application since the early 70's.

The application and recommendations included an error listing Right No. 11-00912 as 0.30 cfs instead of 3.0 cfs, and also didn't identify the number of acres listed under each group of rights as decreed. The recommendations for this transfer approval have been modified to adjust for these differences.

The total rate of diversion being transferred, 15.85 cfs for 310 acres, appears excessive at 0.05 cfs/acre, but the meadow rights are restricted to specific limitations of filling the agricultural rights first. The agricultural rights alone reflect a more reasonable rate of 0.02161 cfs/acre, 6.7 cfs/310 acres. The decree also identified rates of diversion ranging from 0.03 to 0.02 cfs/acre depending on the season and location of the right. Additional flow rate in excess of 0.03 cfs/acre is assumed to be for conveyance purposes and the rights are conditioned to limit the total diversion volume per acre diverted from the pump to the fields.

The season of use and diversion volume were adjusted to current standards where not specifically designated. The first set of rights reduced the place of use from 322 acres to 310 currently irrigated acres while creating a permissible place of use for the other two sets of rights.

Other recommended conditions include watermaster control, irrigation overlap, future annual reporting, right-of-way, permissible place of use, multiple points of diversion, measuring devices, decree conditions, combined right limits and standard transfer conditions.

(See Attached Evaluation Sheet)

EVALUATION SHEET TRANSFER NO. 4594

WR#	Priority/Type	Rate	Acres Decree/Transfer		Diversion Volume
11-00910	1877 Meadow Rt.	6.60 cfs	322.0	310.0	1,085.0 afa
	(04-15 to 07-01	6.60 "	"	"	1,008.0 ")
	(07-02 to 09-30	4.40 "	"	"	794.2 ")
11-00911	1883 Ag. Rt.	1.70 "	"	"	617.1 "
11-00912	1877 Ag. Rt.	3.00 "	"	"	999.7 "
Subtotal:		11.30 cfs	(322.0)	310.0	1,085.0 afa
11-00918	1877 Meadow Rt.	0.30 cfs	80.0	310.0	81.9 afa
	(04-15 to 07-01	0.30 "	"	"	45.8 ")
	(07-02 to 09-30	0.20 "	"	"	36.1 ")
11-00919	1883 Ag. Rt.	1.20 "	"	"	280.0 "
11-00920	1884 Ag. Rt.	0.20 "	"	"	72.6 "
Subtotal:		1.70 cfs	(80.0)	310.0	280.0 afa
11-00921	1877 Meadow Rt.	2.25 cfs	105.0	310.0	367.5 afa
	(04-15 to 07-01	2.25 "	"	"	343.6 ")
	(07-02 to 09-30	1.50 "	"	"	270.7 ")
11-00922	1883 Ag. Rt.	0.50 "	"	"	181.5 "
11-00923	1884 Ag. Rt.	0.10 "	"	"	36.3 "
Subtotal:		2.85 cfs	(105.0)	310.0	367.5 afa
Total:		*15.85 cfs	*310.0 acres		*1,085.0 afa

C8 10-10-95



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

OCTOBER 13, 1995

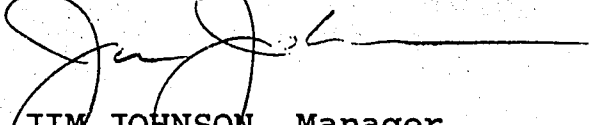
FERN KEETCH
C/O SCOTT NELSON
PO BOX 53
PARIS ID 83261

RE: Transfer of Water Right Nos. 11-00910/11-00911/11-00912
11-00918/11-00919/11-00920/11-00921/11-0922/11-00923

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer No. 4594). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 13, 1995

Pete Peterson
Watermaster
2483 Riverdale Rd
Preston ID 83263

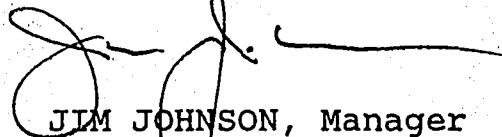
RE: Transfer No. 4594 of Water Rights 11-00910/11-00911/11-00912
11-00918/11-00919/11-00920/11-00921/11-00922/11-00923

Dear Pete,

Enclosed is a copy of the recently approved Transfer of Water Rights for the above referenced water rights (Transfer No. 4594) in the name of Fern Keetch. Also included is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Permits Section

JJ:rl

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NO. 4594 IN THE NAME OF FERN)
KEETCH)
_____)

PRELIMINARY ORDER
CORRECTING TRANSFER
APPROVAL

FINDINGS OF FACT

1. On March 7, 1924, Water Right Nos. 11-911, 11-919, 11-920, 11-922 and 11-923 were decreed in the case Preston-Montpelier Irrigation Company, vs. Dingle Irrigation Company as agricultural rights with a period of use for irrigation of April 15 through September 30.
2. On April 12, 1995, Fern Keetch (applicant) filed Application for Transfer No. 4594 (transfer) to add a point of diversion and to change the place of use for the following water rights:

11-910	11-911	11-912
11-918	11-919	11-920
11-921	11-922	11-923

3. On October 13, 1995, the Department approved the transfer showing the period of use for irrigation for Water Right Nos. 11-911, 11-919, 11-920, 11-922 and 11-923 as April 15 through October 15.

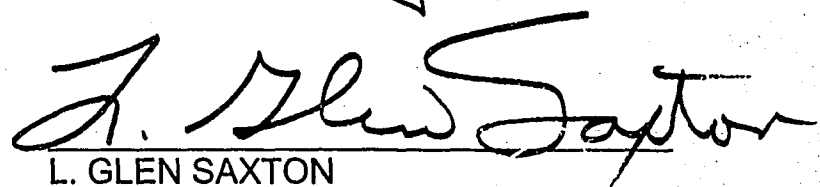
CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.
2. The transfer approval incorrectly describes the period of use for irrigation for Water Right Nos. 11-911, 11-919, 11-920, 11-922 and 11-923 as April 15 through October 15.
3. The Department should correct the transfer approval to show the previously decreed period of use for the water rights.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 4594 is **CORRECTED** by changing the period of use for irrigation for Water Right Nos. 11-911, 11-919, 11-920, 11-922 and 11-923 to the previously decreed period of April 15 through September 30.

Dated this 13th day of May, 2002.


L. GLEN SAXTON
Chief, Water Allocation Bureau

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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

May 15, 2002

FERN KEETCH
C/O SCOTT NELSON
PO BOX 53
PARIS ID 83261

RE: Transfer No. 4594

Dear Water Right Holder:

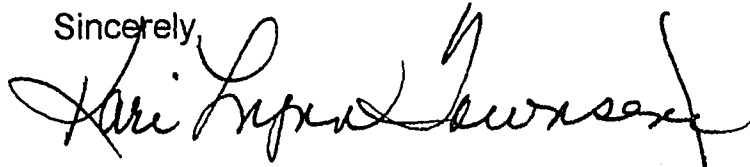
During a review of our water right database, we discovered an error in the period of use for Water Right Nos. 11-911, 11-919, 11-920, 11-922 and 11-923 as shown in the transfer approval referenced above. The period of use for those water rights was incorrectly described as April 15 through October 15 on the transfer approval document rather than the decreed period of use of April 15 through September 30. The purpose of the enclosed order is to correct that error. We have also enclosed a computer-generated report for the water rights showing the corrected period of use.

The enclosed **PRELIMINARY ORDER CORRECTING TRANSFER APPROVAL** is issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the water right owner petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

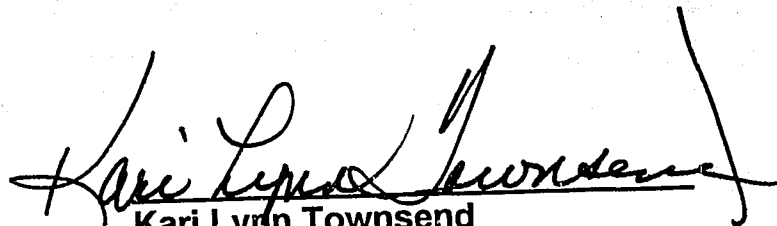
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **May 15, 2002**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Transfer No. 4594

FERN KEETCH
C/O SCOTT NELSON
PO BOX 53
PARIS ID 83261


Kari Lynn Townsend
Secretary