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

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

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

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,

District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,

Clerk.

By PEARL ZANGER,

Deputy.

MAY 14 1996

In Equity No. 203

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

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

vs.

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

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

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Idaho Ranch Company, Limited, The Banks Investment Company, and Farmers Land and Irrigation Company of Alexander, Idaho, Limited, corporations; Frank Higgenbotham, as Statutory Trustee of Cache Valley Land & Canal Company, late a corporation; S. E. Marshall and W. W. Booth as Trustees of The Bancroft Land and Irrigation Company, late a corporation; James M. Horsley, Matilda J. Horsley, Newell J. Horsley and A. L. Cook, as Trustees of Soda Springs Electric Company, late a corporation; D. J. Lau, H. M. Lau, D. K. McLean, and W. M. Davis, as Trustees of Soda Springs Water Company, late a corporation; Soda Springs, a Municipal Corporation; Thomas H. Horsley, Joseph E. Lau, John G. Schmidt, Laura M. Lau, Colin A. Chester, Chris A. Lallathin, Walter S. Crane, Lorenzo S. Merriott (or Marriott), Hiram M. Lau, Daniel J. Lau, Arthur F. Lau, William J. Hopkins, Ellis Kackley, Ida M. Kackley, Mary E. Kelly (now Mary E. Corrigan), Herbert Horsley, A. C. Anderson (or Abraham C. Anderson), David Anderson, Nels Anderson, Landi C. Eastman, J. T. Torgenson, John Skinner, Clifford M. Reed, E. D. Whitman, C. B. Wilson, David Burnett, David Giles, George Jenkins and Thomas L. Clark.

Hans Nielson, James Strachan, Edmond Beus, Geo. A. L. Williams, Leland S. Williams, Leah Gorton, John Lauritson, Jesse Moore, Arthur Collins, James Moore, C. W. Fryar, Augustine (or Augusta) Rolando, James Rolando, Geo. G. Nelson, August Largilliere, Catherine Largilliere and Harry Horsley; Turner Trust Company, a corporation; Percy G. Turner, Ethel H. Ellsmore, John W. Harris, Alexander Wells Harris (or A. W.) Harris, Joseph L. Hansen, Louisa (or Louise) Medford, David P. (or David) Sant, Leonard Hansen, W. H. Larkins, Dora Larkins, Otto Gulbrandsen, H. E. Thatcher, Joseph Swenson, Charles Lund, W. J. Turner, John Harrington, Lewis S. Pond, R. E. Hansen, Walter Hogan, George M. Smith, Ira Hogan, Geo. A. Hogan, Amelia Cole, W. S. Cole, Wm. Fowler, James Calkins, Peter Patterson, Ellsworth Norris, Walter Anderson, R. N. Egbert, Charles Izatt, Minnie Walker, Samuel Bollwinkle, C. J. Martinson, J. B. Wagantz, Rosa Martinson, Nathan D. Thatcher, J. Leroy Pond, Geo. B. Folkman, Chas. A. Robbins, Norena B. Robbins and Rachel S. Thatcher.

Benjamin Clegg, Charles Sorenson, William McGee Harris, Nels L. Sorenson, Lars P. Hansen, Charles H. Bassett, Wm. Bassett, Hyrum D. Collins, Joseph Swenson, Harriet Harris, Chris Christiansen, James Fowler, Catherine Sorenson, E. L. Bennett, Wm. Wright, Joseph B. Wright, Mary Bassett, Wm. Meacham, John Meacham, Peter Anderson, John Sorenson, James C. Elliott, Don H. Bassett, Thomas M. Ellis, Charles N. Ellis, Anna J. Clegg, Merintha E. Han-

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James Swenson, Hyrum Swenson, Jos. O. Renshaw (or Joseph Olorenshaw), Hans J. Rasmussen, L. K. Bitten, Wm. H. Mendenhall, John R. Turner, J. W. Gibbs, Robt. Kirkham, Melissa Collins, Harold L. Bassett, Geo. C. Fowler, Michael Mickelson, Carston Bennett, Thomas Bennett and Lars Rasmussen; First National Bank of Logan, a corporation; Leslie Wright, E. A. Bennett, J. P. Anderson, Wm. W. Williams, Austin W. Merrill, H. J. Bennett, Matilda Bennett, Alfred (or Alpheus) Anderson, Leslie Bennett, Frank Manning, L. M. Wright, Howard L. Thomas, Thomas Panter, Alma S. Stalker, John T. Williams, Daniel Harris, Joseph Ames, Hyrum Foreman, Henry Perry, Andrew B. Gray, Joseph Perry, Jr., Sardius S. Stalker, Zina B. Cannon, Austin Pond (or L. Austin Pond), Charles Panter, Charles E. Harris, Ralph Perry, Geo. B. Collins, James D. McGregor, Jr., Wm. C. McGregor, James D. McGregor, Isabelle E. Foreman, Joseph Christensen, John Tanner, Parley Anderson, Rebecca Orrison, H. K. Thatcher, Howard E. Thatcher, B. Geo. White, Orison Thompson, Barnard G. (or Barnard J.) White and John D. Schutt.

Treasureton Irrigation Ditch Company, a corporation; William Smith, Byrum H. Prescott, George R. Ransome and A. C. Nance, as Trustees of Cleveland Irrigation Company, late a corporation; L. Edgar Merrill, James A. Hadley, R. G. Quigley, Alma Hadley, O. E. Hendricks, Heber Allen, James S. Geddes, Daniel Taylor, and John W. Hendricks, as Trustees of Stockton Reservoir Company, late a corporation; Charlotte Walton, Samuel Ames, D. M. Walton, Wm. Smith, Edwin Bennion, A. H. Rencher, J. L. Rencher, Leo Meachem, Ely Beckstead, Byrum H. Prescott, George Ransome, Isabel Ames, H. A. Ransome, Thomas Waddoups and Annie E. Cardon; Mink Creek Irrigation Company, District Number One, a corporation; James Johnson, David P. Evans, Cyrus Ward, Eugene Beckstead and J. G. Nelson, as Trustees of Preston-Riverdale and Mink Creek Canal Company, late a corporation; The Peoples Dairy Company, Limited, a corporation; James M. Keller, Thomas Jensen, Elmer Larsen, Ezra Larsen, Torval Wilde, Peter W. Peterson, Fred Barfus, S. H. Richards, Ivan Rasmussen, Mahonri Larsen, L. P. Larsen, Marinus Jepsen, F. H. Wacker, Lorenzo D. Baird, Annie L. Potter (nee Peterson), J. P. Rasmussen, Richard Olverson, Christina V. Wilde, John C. Hansen, Andrew Jepsen, Nels P. Roholt, Lars W. Nelson, Edw. Balfour, J. S. Hite, Mrs. Hans L. Nelson.

John C. Christensen, W. A. Watson, Lars C. Nelson, Martinus Larson, Ingrid Pearson, Leonard Nelson, C. G. Christiansen, Gus Olson, W. E. Crane, Hyrum Bell and Janeus Keller; Joseph Condie, William Schulbert, Jedediah Miles, Francis Clayton and Norman Nisson, as Trustees of Strong Arm Reservoir Company, late a corporation; Thos. R. Condie, Francis Clayton, Thomas Palmer, Wm. H. Carter, O. M. Seamons, Benj. Hymas, Philip Purcer, W. R. Taylor, Ezra C. Foss, Julius Johnson, Joshua Adams, Geo. Sant, Eliza A. Seamons and David Williams.

William E. Larsen, Thomas Sant, William McDermott, Oscar Maddox, and Mae E. Farmer, as Trustees of Clifton Irrigating Company, late a corporation; Rushville Irrigation Company, a corporation; S. H. Atkinson and James Atkinson; Five Mile Creek Irrigation Company, a corporation; L. M. Mendenhall, Willis Mendenhall, S. C. Chadwick and Robert C. Geddes.

Weston Creek Irrigation Company, a corporation; Isaac Jorgensen, George Cole and Thomas Preston, as Trustees of Weston Mills, late a corporation, N. P. Jensen, Yeppa Benson, Frederick Day, Peter Mickelson, and Joseph Georgensen, as Trustees of Weston Reservoir and Power Company, late a corporation; and Isaac McKay; Utah-Idaho Sugar Company, a corporation; Capital Trust Company; Largilliere Company, Bankers; Continental Life Insurance Company, Idaho State Life Insurance Company, Devereaux Mortgage Company, Peabody, Houghteling & Company, National Bank of the Republic, Utah Mortgage Loan Corporation, Peoples Bank & Trust Company, Illinois Trust & Savings Bank, American Trust & Savings Bank (now Continental and Commercial Trust & Savings Bank), and J. N. Ireland & Company, corporations; Jerome W. Wheeler, George I. McFarland, R. T. Hayes, J. P. Toone, Amy L. Toone, Daniel Balls, William O. Creer, and H. D. Maughan.

Sam Gillett, Thorg Johnson, Enoch Johnson, Thomas E. Stanton, Christian Call, Ira Call, Mrs. Freda Anderson, H. C. Atkinson, Fred Baker, Daniel Balls, Kenneth Balls, Minnie Barnard, John Bartlome, Battle Creek Irrigation Company, a corporation; Wm. Behle, Conrad Bell, C. W. Bennett, Chas. Bergquist, Edw. Bergquist, James Bigler, Birch Creek Irrigation Company Number One, a corporation (substituted for and successor in interest to the following: Frederick Barfus, James Keller, Amos Keller, Torval Keller, Ezra Larsen, Marinus Jepson, Elmer Larsen, Norman J. Larson, Walter Nelson, Ervan Larsen, Maren K. Peterson, Marinus Hansen, Elias Hansen, Hyrum Jepson, John M. Hansen, L. B. Wilde, Peter Nelson, Nancy Rasmussen, Chris Hansen, Ivan Rasmussen, Roy Cahoon, Birch Creek Irrigation Company Number One,

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a water user's association); J. J. Call; Grover C. Hogan, successor to Alex M. Christensen; Annie M. Christensen, Martin Christensen, Steffen C. Christensen, Walter Christensen; Emma Collins and Estate of J. W. Collins, deceased; E. H. Coombs, David Coombs, Albert C. Davis, Wm. J. Davis, Sam Gagon; Geo. Greene, administrator of the estate of Patrick W. Gallagher, deceased; Glencoe Irrigation Company, a corporation (substituted for and successor in interest to the following: Ezra Larsen, P. P. Carver, Emanuel Keller, A. A. Wilde, L. E. Ericksen, Hy. Johnson, Richard Peterson, Enoch Peterson, Peter Ericksen, Mrs. Carl Wallgren and Fred Egley); Robert B. Gunnell, Chris Hansen, John W. Harrington, Geo. W. Harrington, Mrs. Sarah Hess, George Harrison, Thomas J. Hopkins, J. M. Horsley, P. F. Ivie, Dave Jenkins, Joseph Larsen, Ezra E. Larsen, James Larsen, Jr., Nevada A. Larsen, John E. Martinson (or Mortenson), Arwell L. McKay, H. J. McKay, Jedediah McKay, Emma H. Meservey; Mink Creek Irrigation Company Number Four, a corporation (substituted for and successor in interest to the following: James M. Keller, Adam and Urias Keller, Hans C. Jensen, Daniel Jensen, Harry and Frank Jensen, Dora Jensen, Selestres Keller, Wm. Rasmussen, N. C. Eskelson, Christensen and Jeppson, Mrs. C. C. Christensen, J. H. Bell, Wm. D. Baird, Lorenzo S. Baird, James Keller, Lewis Keller, Roy Cahoon, Mink Creek Irrigation Company Number Four, a water user's association); Mink Creek Irrigation Company Number Three, a corporation (substituted for and successor in interest to the following: Lewis Keller, Wm. Rasmussen, Lorenzo S. Baird, Margaret Baird, J. H. Bell, Wm. D. Baird, James M. Keller, Jr., Selestres Keller, Adam and Urias Keller, Thomas Jeppson, Henry Christensen, and Mink Creek Irrigation Company Number Three, a water user's association). Christina Nelson, Wilford Nelson, Wilford Panter, Jacob Peterson, Junius F. Phillips, Mileta Pond, J. T. Pond, L. A. Pond and John Bartlome, a co-partnership known as Pond Bros. and Bartlome; John R. Reeder, J. R. Rencher, Sam Richardson, C. G. Rose, Mrs. Alonzo H. Seamons, David Seamons, Chas. Shumway, A. T. Smith, Mary E. Smith, Nathan Smith, Andrew Stauffer; Ira R. Steed, substituted for A. E. Henderson; Alnora C. Stevenson, Mary Swenson, O. A. Thompson, Dr. Tigertt, Alma Turner; Ole Hansen, Henry Larsen, George A. Smith, Anthon Nelson and Charley Christensen, a co-partnership known as Upper Cleveland Irrigation Company; Alfred Westerborg, C. T. Woodal, Eph. T. Williams, D. A. Woodal, Lawrence Wilde; E. T. Zeigler and Neil M. Sorenson, known as Sorenson & Zeigler, a co-partnership, successors to R. E. Hansen; Arthur Coombs and Lillie Coombs, (substituted for Harlow R. Hoops); Sewell Roper, Simpson Roper, Orrin Roper and Roy Roper, a co-partnership known as Roper Brothers, (substituted for J. F. Medford

and Lucinda Walker); Elmer W. Smith, successor to Frank Sant; Frank E. Ellis, (substituted for John Corrigan and Minnie Corrigan); Twin Lakes Canal Company, a corporation, (substituted for Oneida Irrigation District); Edwin D. Whitman, administrator of the estate of Joseph E. Simmons, deceased (substituted for Joseph E. Simmonds); O. H. Brown, Independent School District Number Six, a corporation; Anna L. Westrom, D. Young, Ed and Wilbur Beus; Estate of Mary Baird, deceased; Charles R. Lakey, M. E. Corrigan, the Misses Childs, W. F. Messenger, Mrs. F. J. Fryar, Mary Cox, J. A. Swenson, W. J. Kellogg, W. F. Donahue, Doctor Smedley, Alvin Myers, Eva I. Dygert, Wm. Winchell; Presbyterian Church, a religious corporation; Kate Dubry, George White, T. A. Sterrett, E. C. Foster, J. P. Wannamaker, James Watson, Ellen E. Woodall; Austin Bros. Association, a corporation; Mrs. Albi Williams, A. J. Knollin, Minnie O. Blackburn, Amelia Woodal, Ellen Lund, C. K. Bocker, Madge Bell, Church of Jesus Christ of Latter Day Saints, a religious corporation; L. P. Beus, D. A. Anderson, George Clifford, George Albrecht, D. F. Lau, John Ferebauer, Margaret F. Cully, J. P. Madsen, Henry L. Finch, Elizabeth Dorrien, Chris Panting, Priscilla Gorton, W. M. Davis, A. W. Nicholson, George Horsley, T. W. Horsley, J. J. Skinner, D. K. McLean, Sam Hopkins, Eliza Schmidt; Natural Mineral Water Company, an unincorporated association; Rosina Hopkins, J. H. Schmidt, Anna Hamilton, George R. Small, Arminta Sterrett, Oren Hansen, S. Small, Annie Wetzal, Elizabeth Williams, Ira Hardy, E. T. Wood, C. B. Johnson, Wm. Chester, Caroline D. Eastman, William Body, (substituted for George Woods); Soda Springs Mill and Elevator Company, a corporation; Jesse P. Anderson, George W. Ellis, Otto Rohall, Wm. B. Fowler, George E. Beckstead, Jr.; and Albert Capson, successor to Leo Meachem,

Defendants.

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DECREE

This case came on to be further heard at this term, additional proof being submitted, and the cause further argued by counsel, and thereupon, upon consideration thereof, it is ORDERED, ADJUDGED AND DECREED as follows, viz:

I.

1. That the Bear River is an inter-state stream with a large number of tributaries in the States of Utah, Wyoming and Idaho, said river rising in the Wasatch mountains in northeastern Utah and flowing in a general northerly direction through the States of Utah and Wyoming to a point on the boundary line between the States of Idaho and Wyoming near the town of Border in the State of Wyoming; into the State of Idaho, thence in a general northwesterly direction around the north end of Bear Lake (including North or Mud Lake) located in Bear Lake County, Idaho, and Rich County, Utah, to a point near the town of Alexander in said State of Idaho, thence in a general southerly direction through the States of Idaho and Utah, emptying into Great Salt Lake in said latter state.

That there is hereby drawn within the jurisdiction of this court, for distribution for beneficial uses, under and pursuant to the terms of this decree, all that portion of Bear River, as above described, commencing at a point directly north of Bear Lake in Section 34, Township 13 South, Range 44 East, Boise Meridian, which said point is marked and indicated by the "Stewart Dam," and headgates to the plaintiff's intake canal into Bear Lake Reservoir, known as the "Rainbow Canal," thence generally northwesterly through Idaho, to a point near the town of Alexander, thence in a general southerly direction to the boundary line between the States of Idaho and Utah, together with all intervening tributaries of the Bear River, which are decreed to constitute a single inter-dependent river system, to be administered under the terms of this decree.

2. Subject to the prior rights of the various defendants, as hereinafter decreed in the order of their respective priorities, the said plaintiff, the Utah Power & Light Company, has the right to divert at the Stewart Dam, as hereinbefore described, (and also in seasons of flood water through the "Dingle Inlet Canal" diverting from Bear River in the Northwest quarter of Section 17, Township 14 South, Range 45 East, Boise Meridian) and to impound and store in the Bear Lake Reservoir, consisting of Bear Lake and Mud or North Lake, in Rich County, Utah, and Bear Lake County, Idaho, all of the waters of Bear River to the extent of 5500 cubic feet per second of time, together with the waters naturally flowing into or arising in said lakes, all said waters to be stored in said Reservoir, and to be thereafter released from said reservoir at the said plaintiff's pleasure, through the plaintiff's embankment or "dyke" located within the lake meander lines, and extending from

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Section 16 to Section 18, in Township 14 South, Range 44 East, Boise Meridian, by means of control works located therein at a point approximately North 64°15' East 8120 feet from the Southwest corner of Section 18, Township 14 South, Range 44 East, Boise Meridian, and to be thence conveyed through the plaintiff's outlet canal, extending generally northwardly from the said control works to a confluence with Bear River, near the center of Section 6, Township 13 South, Range 44 East, Boise Meridian, and thence down the natural channel of Bear River, for use at various points of diversion now existing, or which may hereafter be established by the plaintiff for the generation of electric power, and for such irrigation or other beneficial purposes, recognized by law, as the plaintiff may devote or dedicate said released stored waters, by use, sale, rental, or otherwise.

In its exercise of the rights herein defined, the plaintiff may, to the extent of its various appropriations, divert and impound in storage, the waters of Bear River and of Bear Lake at all times, and at all seasons of the year, when by so doing it does not interfere with the exercise of any prior rights fixed by this decree, and the waters released by it from storage may be conveyed through the natural channel of the river, and shall be protected under the provisions of this decree for the distribution designated by the plaintiff, as though kept and conveyed within an artificial channel, and the return of the waters to the river, after their various uses by the plaintiff, shall not be deemed an abandonment thereof, but it is recognized by this decree, and it shall be recognized by the officers charged with the administration hereof, that the plaintiff's rights in said waters continue throughout the portion of the stream brought under this decree for use both in Idaho and beyond the Utah-Idaho state line, and all parties to this suit, their heirs, executors, administrators, successors in interest and assigns, and the agents, servants and attorneys of said parties, their heirs, etc., are hereby perpetually enjoined and restrained from in any manner using or interfering with the use by the plaintiff of the said released stored waters, except with the consent and under the authority of the plaintiff, its successors or assigns.

In administering the rights of the plaintiff herein decreed and mentioned, the following considerations shall be observed and recognized:

For the purpose of regulating and controlling the flow of the river, and in the interest of conservation of the waters thereof, the plaintiff may, at any time, divert at its Stewart Dam, and through its Rainbow Canal (and in seasons of flood through the Dingle Inlet Canal) above mentioned, the entire flow of the waters of Bear River, provided it discharges at the same time through its outlet control works, (when there is need therefor to supply the rights of prior appropriators below), and into its outlet canal, and conveys thence to the natural channel of

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Bear River, an equivalent amount of water, such quantity to be regarded as natural flow of the river, and not released stored water. In order to compensate for the natural yield of the Bear Lake area, including Bear Lake and Mud Lake, and the area between the lake meander line and Bear River, and mountainous slopes to the west, which area was formerly drained by a natural channel known and designated herein as the "natural outlet," as claimed in the cross bills of certain defendants, the plaintiff shall discharge from its reservoir, through its outlet works, (when required to supply the rights of prior appropriators below) a quantity of water sufficient to yield at a point in the plaintiff's outlet canal, at measuring devices to be installed by the plaintiff as near as practicable to the present bridge on the Montpelier-Ovid road, in the Southwest quarter of Section 7, Township 13 South, Range 44 East, Boise Meridian, the following amounts in addition to any amount of water then being discharged to equal diversions from Bear River, and regarded as "natural flow," to-wit:

From April 20 to July 1st of each year, 50 cubic feet per second;
From July 1st to July 15th of each year, 35 cubic feet per second;
From July 16th to Aug. 1st of each year, 25 cubic feet per second;
From Aug. 1st to Sept. 15th of each year, 15 cubic feet per second;

such quantity of water to be also regarded and distributed as "natural flow," and not "released stored water," and shall be full compensation for any interruption of natural flow from said Bear Lake area by the plaintiff's reservoir works.

In the delivery to the plaintiff of released stored water at its several power plants, now or hereafter established, or at such points of diversion for irrigation or other beneficial purposes as it may designate for such delivery, transit losses shall be computed as follows:

1½% of the net release from storage (after adjustments for natural flow as aforesaid), from the outlet works at dyke to points between Alexander and plaintiff's Grace Dam, situate in the Northeast quarter of Section 1, Township 10 South, Range 40 East, Boise Meridian;

An additional 1% from said Grace Dam to the headgate of the West Cache Canal Company, situate in the Southeast quarter of Section 25, Township 14 South, Range 39 East, Boise Meridian, and

An additional 1% from said West Cache headgate to the boundary line between Utah and Idaho.

In determining transit losses, or otherwise calculating the division of waters at the various principal points of diversion, as between natural flow of the river and released stored waters, a time lag of twenty-four hours shall be applied for the flow of released stored waters from the plaintiff's control works to points between Alexander and Grace Dam, and an additional twenty-four hours to points between West Cache headgates and the Utah-Idaho State line, and a proportionate time for intervening points of diversion.

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3. In addition to the storage rights of plaintiff, herein decreed, the waters of Bear River and its tributaries between the points hereinbefore described, as drawn within the jurisdiction of this court for distribution under this decree, are hereby allotted and decreed for the various beneficial uses herein specified, without waste, to the plaintiff and defendants, respectively, and their successors in title and interest, in the amounts, for the purposes, and with the priorities, established and prescribed by the "Schedule of Rights" hereinafter defined.

The rights herein decreed and recognized are designated and classified as "Power Rights," "Irrigation Rights" and "Domestic Rights," respectively, and shall have the following characteristics:

"Power Rights" include the right to divert and use water for the generation of electric power, and such rights of diversion and use are continuous throughout the year without limitation to time or season.

"Irrigation Rights" include the right to divert and use water for irrigation, culinary, domestic, and agricultural purposes connected therewith, throughout the irrigation season of each year, which is defined as that portion of each calendar year which commences on the 20th day of April and closes on the 30th day of September; subject to the qualification, however, that between the 20th and 30th days of April of each year, and the 15th and 30th days of September of each year, inclusive of each of said days, no irrigation appropriator shall divert or use more than 40 per cent of his or its allotment under the "Schedule of Rights" hereinafter prescribed, except as is hereinafter specifically provided in the "Schedule of Rights." The water allotted and decreed to the parties hereto for irrigation purposes is, and shall be, appurtenant to the land upon which the same has been applied and used, as described in the schedule; subject, however, to the rights of appropriators or shareholders in any appropriating canal company to change the place of diversion or use as provided by law when no damage or injury results to others, or to make any beneficial use of such waters, or any part thereof, which does not injure other appropriators.

"Domestic Rights" include the right to divert and use water during the non-irrigating season, that is to say, from the first day of October of each year to the 19th day of April following, both dates inclusive, under agricultural appropriations and through irrigation ditches, for general domestic uses, including watering stock and culinary purposes. Each irrigation right herein decreed shall include and imply as a part thereof a domestic right to the use, during the non-irrigating season, of such of the waters allotted for irrigation purposes as are necessary for such domestic purposes and such shall be the measure of said domestic rights, and the extent of use of water through irrigation canals in the non-irrigation season,

until the amount shall be more definitely fixed under the reservation of jurisdiction hereinafter contained. Nothing herein contained shall affect specific allotments made in the schedule of rights under appropriations for domestic, culinary or other specific beneficial purposes, which rights are to be recognized and administered specifically as decreed.

All rights herein decreed to the plaintiff and the several defendants are decreed for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall have the right to divert any of the waters of said Bear River, or any of its tributaries, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employes and successors in interest, as aforesaid, are hereby enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided in this decree, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this decree to any of the other parties to this action.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state official charged with the duty of supervising the distribution of water, (subject to review by this court). All such devices shall be of such design as to accurately register the amount of water diverted, and in the case of ditches diverting fifty or more cubic feet per second, automatic measuring and registering devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of either party, and to public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream or its tributaries any water through any ditch, conduit or other devices not provided with such headgates, control works and measuring device; *provided*, that in case of diversions through pipes for power purposes, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by calculations based on power output or current meter measurements.

4. Subject to the power and duty of this court to supervise and enforce the administration of its decree from time to time as occasion may require, and to that end to appoint if necessary its commissioner for that purpose, for which jurisdiction is hereby expressly reserved, the administration of this decree shall be left in the first instance with the officials of the state of Idaho charged with the duty of supervising the distribution of the public waters within said state, the costs and expenses of such administration to be defrayed as provided by the statutes of Idaho. Any party hereto may apply at any time for directions to the watermaster, or for the appointment of a commissioner, if necessary, to enforce any provision of this decree.

The watermaster or commissioner, or other official charged with the distribution of the waters of the Bear River and its tributaries subject to this decree, need not in the first instance, by reason of the decree, undertake the detailed administration of the waters of the entire portion of the river and tributaries placed under the decree, but only of such section of the main river and such tributaries as he shall be specifically directed to administer. Such administration may be extended upon application of any party, from time to time, as the irrigation season advances and necessity therefor arises. Such watermaster, commissioner, or other official, however shall, after his appointment, have general supervision of the entire river, and of the tributary waters, and if called upon to administer the waters of any particular tributary he may utilize any agency for the distribution of the waters of such tributary locally selected or agreed upon by the water users from such tributary, and if necessary he may appoint assistants to administer any section of the main river, or any tributary thereof, provided always that any party hereto may invoke the powers of such watermaster, commissioner, or other official, to personally direct and supervise the administration of the waters of any section of the river, or of any tributary or tributaries, in strict conformity to the provisions of this decree, both during the irrigation season, and the non-irrigating or winter season, so far as may be necessary to secure to the several parties their rights hereunder, and failing to obtain proper action by such watermaster, commissioner or other official, may apply to the court for directions in the premises.

5. The plaintiff, Utah Power & Light Company, and the defendant, Utah-Idaho Sugar Company, have certain rights to the use of the waters of Bear River with points of diversion in Utah below the Utah-Idaho state line, which rights are included in the schedule of rights herein decreed. The inclusion of said rights in the said schedule is not to be construed as a decree *in rem*, establishing said rights, or as an adjudication of title to said rights, which have attached in a state or district beyond the jurisdiction of this court, but merely as a recognition of said rights to the extent that in the administration of that part of the river within the jurisdiction of this court, and the operation of this decree as hereinbefore defined, the watermaster, com-

MAY 14 1996

missioner or other official charged with the administration of the decree, shall see that there is delivered at the Utah state line such quantity of water as is necessary, together with natural increment below said Utah state line, to satisfy said rights in accordance with their dignity and priority as herein recognized.

MICROFILMED

MAY 14 1996

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
1-059 13-0658 287. Barnard J. White: 1877—May 1	0.36 c.f.s.	the Southeast quarter of the Southeast quarter of Section 11, through the ditch diverting on the South side of said stream, all in Township 12 South, Range 40 East. To be diverted from said creek in the Southeast quarter of the Southeast quarter of Section 11, for the irrigation of 18 acres of land in the Southwest quarter of the Southeast quarter of Section 12, and the East half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 13, all in Township 12 South, Range 40 East, B.M.
1-059 13-0659 288. O. A. Thompson: 1902—May 1	1.2 c.f.s.	To be diverted from said creek in the Southwest quarter of the Northwest quarter of Section 11, for the irrigation of 60 acres of land in the South half of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 11, all in Township 12 South, Range 40 East.
1-059 13-0660 289. William B. Wright: 1875—May 1 T. 2710	1.4 c.f.s.	To be diverted from said creek in the Southeast quarter of the Northeast quarter of Section 10 for the irrigation of 70 acres of land in the Northwest quarter of the Southwest quarter and the Southwest quarter of the Southwest quarter and the East half of the Southwest quarter of Section 12, Township 12 South, Range 40 East.
1-059 13-0661 290. James Larsen, Jr.: 1911—June 1	0.26 c.f.s.	To be diverted from said creek in the Northeast quarter of the Southwest quarter of Section 9, thence conveyed into the Channel of King Creek and diverted therefrom in the Southeast quarter of the Northeast quarter of Section 9, for the irrigation of 13 acres of land in the South half of the Southeast quarter of Section 3, and the North half of the Northeast quarter of Section 10, all in Township 12 South, Range 40 East.
1-059 13-0662 291. Joseph Larsen: 1901—June 1	0.24 c.f.s.	To be diverted from said creek in the Southeast quarter of the Northeast quarter of Section 10, for the irrigation of 12 acres of land in the North half of the Northwest quarter and the Northwest

RECORDED 68

MAY 14 1996

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

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

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

FRANK S. DIETRICH,
Judge.

MICROFILMED

MAY 14 1996

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70718APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Lawrence B. Fox Phone 427-6652Post Office address 16205 N. Cleveland Rd Preston, Idaho 83263

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 _____

OCT - 7 2003

Department of Water Resources

2. Describe the reason for the proposed changes change pou to better ground
and use a pivot 38 ac. Combine two water right
for a 47 apou.

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
<u>13-657</u>	<u>5/1/1875</u>	<u>.70</u>	<u>IRR</u>	<u>4/20</u> to <u>9/30</u>
<u>13-662</u>	<u>6/1/1901</u>	<u>.24</u>	<u>IRR</u>	<u>4/20</u> to <u>9/30</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .94 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water North Hoops Creek tributary to Hoops Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	10	12S	40E	Franklin	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	40E	11						38							11	5			47

SCANNED

AUG 06 2003

Total Acres 47

T70718

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Transfer No. 70718

PART 1

6. General Information:

a. Description of diversion system headgate creek to gravity sprinkler system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X 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:

dried up

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____.

For the Director

SCANNED

AUG 06 2003

T70718

T70718

07/16/2003

Water Right Report 13-662

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOSEPH LARSEN , ZZ

Priority Date: 06/01/1901
Basis: Deceased
Status: Active

Tributary
HOOPS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.240 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion
NORTH HOOPS CREEK SE1/4NE1/4 Sec. 10, Twp 12S, Rge 40E, B.M.
FRANKLIN County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
12S	40E	11					X	X								X			

Conditions of Approval:

Remarks:

1. General P/U, AC IRR=12.

Comments:

Dates and Other Information:

SCANNED
AUG 06 2003

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Page 2

07/16/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-662

Dates and Other Information:

Licensed Date:
Decreed Date: 7/14/1920
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Civil Case Number:
Judicial District: District Court Eastern Division
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED

AUG 06 2003

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Page 1

07/16/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-657

WATER RIGHT NUMBER: 13-657

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARLOW W HOOPS
	, ZZ
Current Owner	ARTHUR COOMBS
	, ZZ
Current Owner	LILLIE COOMBS
	, ZZ

Priority Date: 05/01/1875
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH HOOPS CREEK	HOOPS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion
NORTH HOOPS CREEK SE1/4NE1/4 Sec. 10, Twp 12S, Rge 40E, B.M.
FRANKLIN County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	40E	11									X	X	X	X	

Conditions of Approval:

Remarks:
1. General P/D, 2 POINTS, ONE FROM EACH SIDE OF CREEK.
P/U, AC IRR=35.

Comments:

Dates and Other Information:

13-662

SCANNED

AUG 06 2003

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Page 2

07/16/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-657

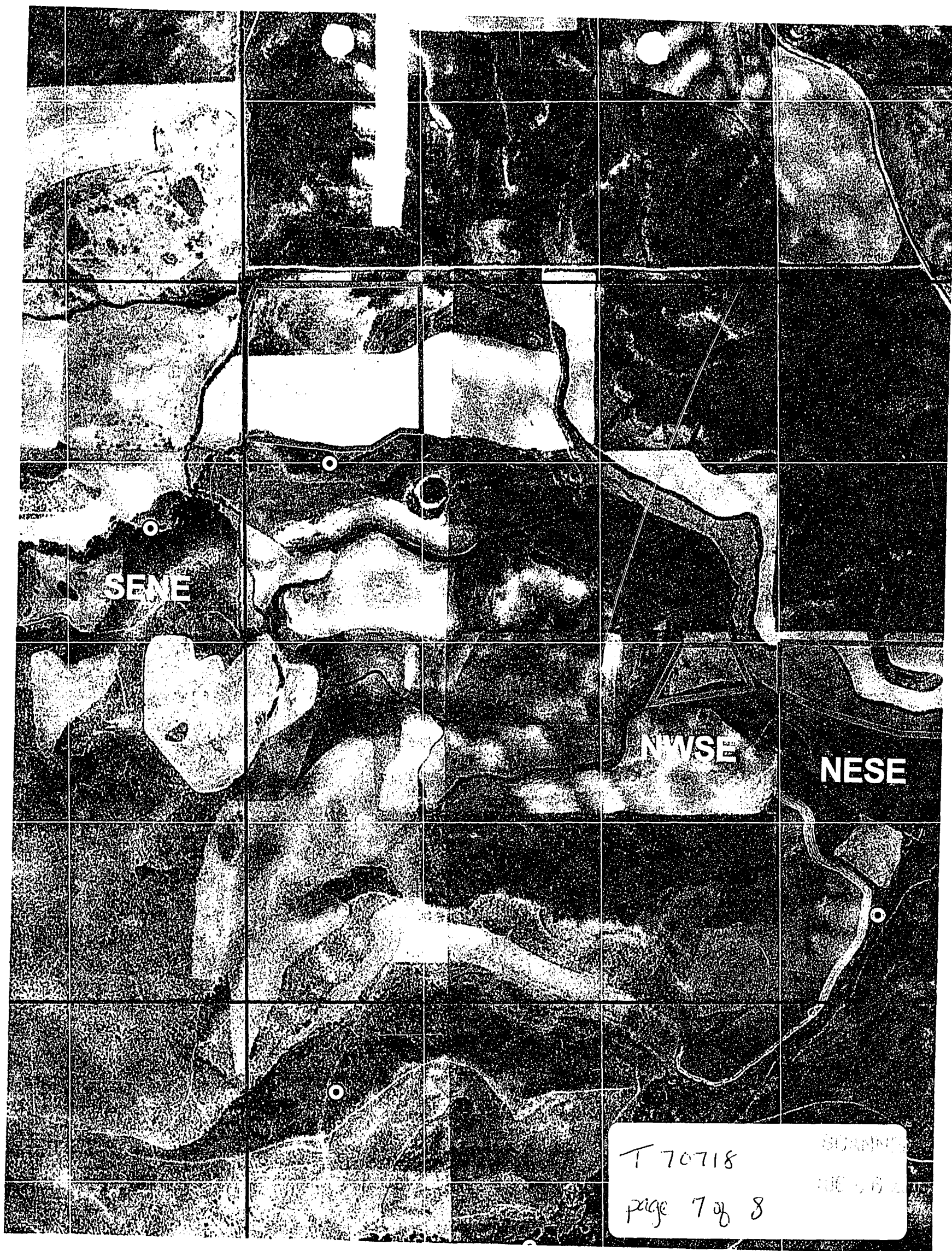
Dates and Other Information:

Licensed Date:
Decreed Date: 7/14/1920
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Civil Case Number:
Judicial District: District Court Eastern Division
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED

AUG 06 2003

T70718



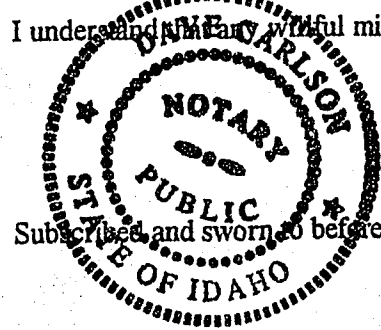
PART 3

B.. CHANGES IN NATURE OF USE

- | 1. | New Nature of Use | Amount(cfs/af-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 willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this 16 day of July, 2003
Dane Carlson
(Notary Public)

My commission expires 2/26/2008

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and attachments
Received by DC Date 7/16/2003 Protest filed by
Prelim. Check by DC Fee 250
Receipted by DC Date EO29000 7/16/2003
Published in Preston Citizen (Wed) Copies of protest forwarded by
Pub. Dates 9/3 & 9/10/03 Hearing held by Date
Watermaster recommendations requested on Recommended for ☒ approval ☐ denial
 received by DC

Copy of transfer sent to lien holder

SCANNED

AUG 06 2003

T70718

187161

WARRANTY DEED

For Value Received

WARREN B. FOX FAMILY PARTNERSHIP

the grantor does hereby grant, bargain, sell and convey unto

LAWRENCE BERNARD FOX

whose current address is 16205 North Cleveland Rd. Preston, Idaho 83263

the grantee the following described premises, in FRANKLIN County Idaho, to wit:

Section 4: Lot 7, SW 1/4 SE 1/4 - T.12 S. R. 40 E
 Section 3: S 1/2 SW 1/4
 Section 9: NE 1/4
 Section 10: NW 1/4, S 1/2, NE 1/4
 Section 11: E 1/2 SE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4
 Section 12: Beginning at Southwest corner of SW 1/4; running thence East 16 rods to West side of Main County road which runs in a general North and South direction with a bearing to the East; and running thence in a Northeasterly direction along the West boundary of said road a distance of 74 rods; running thence West 54 rods to the West boundary of said Section 12; running thence South following said boundary a distance of 70 rods to the point of beginning.

Together with existing water rights, all oil, gas and mineral rights.

RECEIVED

JUL 18 2003

Department of Water Resources
Eastern Region

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee 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: December 7, 1992.

Lawrence Bernard Fox
Ruth F. Mussler

Warren B. Fox
Deima F. Fox

STATE OF IDAHO, COUNTY OF

On this 7th day of Dec., 1992,
 before me, a notary public in and for said State, personally
 appeared Lawrence Bernard Fox, Deima F.
 Fox, Warren B. Fox, Ruth F. Mussler

known to me to be the persons, whose names
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.

Karen F. Johnson
 Notary Public

Residing at Grace Idaho
 Comm. Expires 10-23-98

Recorded at the request of

Lawrence Fox

a.m. DEC 7 1992 1:20 p.m.

LARA E. JOHNSON, RECORDER

By *Carol Roberts* Deputy
FRANKLIN COUNTY, IDAHO

SCANNED

AUG 06 2003

T 70718
ATTACHMENT 1 OF 3

180872

Recorded at the request of

Lawrence B. Fox

DEC 21 1989 12:15 p.m.

LARA E. JOHNSON, RECORDER

By H. Shepherd Deputy
FRANKLIN COUNTY, IDAHOReception ☐
Indexed ☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

For Value Received Ten (\$10.00) and other considerations, We Warren B. Fox and Delma F. Fox the grantors, do hereby grant, bargain, sell and convey unto Lawrence B. Fox the grantee, the following described premises, in Franklin County, Idaho, to wit:

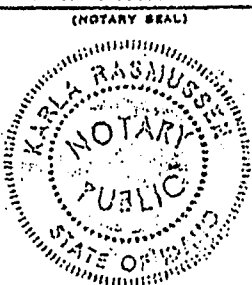
TOWNSHIP 12 SOUTH, RANGE 40 EAST of the Boise Meridian, Franklin County, Idaho

Section 10: E $\frac{1}{2}$ SE $\frac{1}{2}$.
 Section 11: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, ~~their~~ heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, 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:

12-19-89Warren B. FoxDelma F. FoxState of Idaho
County of :Caribou

ss On the 19th day of December A.D. 1989

personally appeared before me Warren B. Fox and Delma F. Fox

the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

Residing at:

Grace

My Commission expires:

11-23-92

Mail deed to:

Mail tax notice to:

SCANNED

AUG 06 2003

T 70718
ATTACHMENT 2 OF 3

FRANKLIN COUNTY ASSESSOR
51 WEST ONEIDA
PRESTON, IDAHO 83263

2003
ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

NW4, W2 SW4, SW4NE4
11-12-40
INST # 180872

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208)852-1091

PARCEL ADDRESS:

FOX, LAWRENCE B.
16208 NORTH CLEVELAND ROAD
PRESTON, IDAHO 83263

Appeals of your property value must be filed in
writing, on a form provided by the County, by:
06/23/2003

Tax Code Area: 15

Parcel Number: 80.00

STATE #:

FRANKLIN COUNTY ASSESSOR
51 WEST ONEIDA
PRESTON, IDAHO 83263

2003
ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

NE4 SW4 NW4 SE4 E2 SE4
SEC 11 TWP 12 RGE 40
INST # 187161

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208)852-1091

PARCEL ADDRESS:

FOX, LAWRENCE BERNARD
16205 N. CLEVELAND RD.
PRESTON, IDAHO 83263

Appeals of your property value must be filed in
writing, on a form provided by the County, by:
06/23/2003

Tax Code Area: 15

Parcel Number: 82.00

STATE #:

SCANNED

AUG 06 2003

T 70718
ATTACHMENT 3 OF 3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70718

This is to certify that: LAWRENCE B FOX
16205 N CLEVELAND RD
PRESTON ID 83263
(208)427-6652

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
13-657	WR/Decreed	05/01/1875	0.7 cfs	N/A	N/A	N/A	NORTH HOOPS CREEK
13-662	WR/Decreed	06/01/1901	0.24 cfs	N/A	N/A	N/A	NORTH HOOPS CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-657	NO	NO	YES	NO	NO	NO
13-662	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-657	13-657	0.70 cfs	122.5 af	35.0	47.0		N/A	N/A	N/A	N/A
13-662	13-662	0.24 cfs	42.0 af	12.0	47.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.94 cfs	164.5 af	N/A	47.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of October, 2003


Chief, Water Allocation Bureau

SCANNED

OCT 15 2003

WATER RIGHT NO. 13-657
As Modified by Transfer No. 70718

In accordance with the approval of Transfer No. 70718, Water Right No. 13-657 is now described as follows.

Right Holder: LAWRENCE B FOX
16205 N CLEVELAND RD
PRESTON ID 83263

Priority Date: May 01, 1875

Source: NORTH HOOPS CREEK **Tributary:** HOOPS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.70 CFS	122.5 AF
			0.70 CFS	122.5 AF

LOCATION OF POINT(S) OF DIVERSION:
NORTH HOOPS CREEK SENE Sec. 10 Twp 12S Rge 40E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	40E	11						31.0							11.0	5.0			47.0

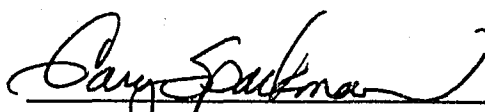
Total Acres: 47

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.
2. Rights 13-657 and 13-662 when combined shall not exceed a total irrigation of 47 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of October, 2003


Chief, Water Allocation Bureau

SCANNED

OCT 15 2003

WATER RIGHT NO. 13-662
As Modified by Transfer No. 70718

In accordance with the approval of Transfer No. 70718, Water Right No. 13-662 is now described as follows.

Right Holder: LAWRENCE B FOX
 16205 N CLEVELAND RD
 PRESTON ID 83263

Priority Date: June 01, 1901

Source: NORTH HOOPS CREEK **Tributary:** HOOPS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.24 CFS	42.0 AF
			0.24 CFS	42.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NORTH HOOPS CREEK SENE Sec. 10 Twp 12S Rge 40E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12S	40E	11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																			47.0

Total Acres: 47

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.
2. Rights 13-657 and 13-662 when combined shall not exceed a total irrigation of 47 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20____

 Chief, Water Allocation Bureau

SCANNED

OCT 15 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 29, 2003

PETE PETERSON
WATER DISTRICT 11
2483 RIVERDALE RD
PO BOX 349
PRESTON, ID 83263-0349

RE: Application for Transfer 70718
Water Right Number(s) 13-657 , 13-662

Dear Watermaster:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by August 12, 2003.

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

Sincerely,

Ronald D Carlson
Eastern Region Manager

Enclosure(s)

RDC:sc

SCANNED

AUG 06 2003

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Transfer Application No: 70718 Water Right No(s): 13-657 , 13-882
Transfer Applicant's Name: LAWRENCE B FOX

Watermaster's Recommendation:

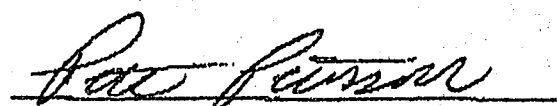
- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 4 day of Aug., 2003

Water District No: 11


Watermaster's Signature

SCANNED
AUG 06 2003

MEMORANDUM

Date: August 04, 2003
To: Transfer 70718
From: rwarner
Re: transfer evaluation

This transfer proposes to combine two water rights into a permissible place of use for use on better ground.

Authority to File:

Applicant provided deeds and tax notices. Water Master, Pete Peterson, delivers water to this individual.

Water Right Validity:

This water right has been delivered by water Master Pete Peterson and is verified by aerial photos.

Injury to Other Water Rights:

Water Master will comment.

Transfer will be advertised to determine any protests.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Season of Use:

Applicant is not proposing to change the season of use. Season of use has long been established by Decree.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED

AUG 06 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70718: LAWRENCE B FOX, 16205 N CLEVELAND RD, PRESTON ID 83263, has filed Application No. 70718 for changes to the following water rights within FRANKLIN County:

Right No. 13-657

Priority 5/1/1875

Source NORTH HOOPS CREEK

Use IRRIGATION (0 acres) 0.70 CFS
Total Amount 0.70 CFS

Point(s) of Diversion S10 T12S R40E

Place of Use S11 T12S R40E
Right No. 13-662

Priority 6/1/1901

Source NORTH HOOPS CREEK

Use IRRIGATION (0 acres) 0.24 CFS
Total Amount 0.24 CFS

Point(s) of Diversion S10 T12S R40E

Place of Use S11 T12S R40E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant want to change the place of use for the above two water rights and use them in combination within Sec 11 T12S R40E for a total of 47 acres.

TRANSFER NO. 70722: EL RAY BALLS and/or JANICE BALLS, 203 N WESTSIDE HWY, WESTON ID 83286, has filed Application No. 70722 for changes to the following water rights within FRANKLIN County:

Right No. 13-2209

Priority 6/13/1960

Source GROUND WATER

Use DOMESTIC 2.87 CFS
IRRIGATION (403 acres)
Total Amount 2.87 CFS

Point(s) of Diversion S36 T15S R37E

Place of Use S10, S11 and S16 T16S R38E
S31 T15S R38E
S36 T15S R37E
S8 and S9 T16S R38E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is changing his point of diversion to the NWNE Sec 8 T16S R38E to an existing well that has been being used to irrigated 130 acres within Sec 10 and Sec 11 T16S R38E.

TRANSFER NO. 70732: J7 LLC, C/O JEFFREY C JOHNSON, 1990 N 4000 W, DAYTON ID 83232, has filed Application No. 70732 for changes to the following water rights within FRANKLIN County:

Right No. 13-7629

Priority 8/20/1960

Source GROUND WATER

Use IRRIGATION (82.6 acres) 1.09 CFS
Total Amount 1.09 CFS

Point(s) of Diversion S11 T15S R38E

Place of Use S11 T15S R38E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicants wants to drill an additional well in the SWNW Sec 11 T15S R38E and re-arranging his acres within SEC 11 T15S R38E and making a permissible place of use.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before September 22, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 3 and 10, 2003

SCANNED

SEP 30 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
August 27, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

RE: Transfer No's. 70718, 70722, 70732

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 22, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
9/27/03
SC*

SCANNED

SEP 30 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2003

LAWRENCE B FOX
16205 N CLEVELAND RD
PRESTON ID 83263

RE: Application for Transfer No 70718
Water Right No(s) 13-657 13-662

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Preston Citizen on September 3 and 10, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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 Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

W Roger Warner
Water Right Supervisor

SCANNED

SEP 30 2003

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

TRANSFER NO. 70718:
LAWRENCE B. FOX, 16205 N.
CLEVELAND RD, PRESTON
ID 83263, has filed Application
No. 70718 for changes to the
following water rights within
FRANKLIN County:

Right No. 13-657
Priority 5/1/1875
Source NORTH HOOPS
CREEK
Use IRRIGATION (0 acres) 0.70
CFS
Total Amount 0.70 CFS
Point(s) of Diversion S10 T12S
R4OE
Place of Use S11 T12S R4OE

Right No. 13-662
Priority 5/1/1901
Source NORTH HOOPS
CREEK
Use IRRIGATION (0 acres) 0.24
CFS
Total Amount 0.24 CFS
Point(s) of Diversion S10 T12S
R4OE
Place of Use S11 T12S R4OE
The purpose of the transfer
is to change a portion of the
above rights as follows:
The applicant want to
change the place of use for the
above two water rights and use
them in combination within
Sec 11 T12S R4OE for a total of
47 acres.

TRANSFER NO. 70722: EL
RAY BALLS and/or JANICE
BALLS, 203 N. WESTSIDE
HWY, WESTON ID 83286, has
filed Application No. 70722 for
changes to the following water
rights within FRANKLIN
County:

Right No. 13-2209
Priority 6/13/1960
Source GROUND WATER
Use DOMESTIC 2.87 CFS
IRRIGATION (403 acres)
Total Amount 2.87 CFS
Point(s) of Diversion S36 T15S
R37E

Place of Use S10, S11 and S16
T16S R38E
S31 T15S R38E
S36 T15S R37E
S8 and S9 T16S R38E

The purpose of the transfer is
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above rights as follows:

The applicant is changing
his point of diversion to the
NWNE Sec 8 T16S R38E to an
existing well that has been be-
ing used to irrigated 130 acres
within Sec 10 and Sec 11 T16S
R38E.

TRANSFER NO. 70732: J7 LLC,
CIO JEFFREY C. JOHNSON,
1990 N 4000 W, DAYTON ID
83232, has filed Application
No. 70732 for changes to the
following water rights within
FRANKLIN County:

Right No. 13-7629
Priority 8/20/1960
Source GROUND WATER
Use IRRIGATION (82.6 acres)
1.09 CFS
Total Amount 1.09 CFS
Point(s) of Diversion S11 T15S
R38E
Place of Use S11 T15S R38E

The purpose of the transfer
is to change a portion of the
above rights as follows:

The applicants wants to
drill an additional well in the
SWNW Sec 11 T15S R38E and
re-arranging his acres within
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a permissible place of use.

Protests may be submitted
based on the criteria of Sec 42-
222, Idaho Code.

Any protest against the
proposed change must be filed
with the Department of Water
Resources, Eastern Region, 900
N Skyline Dr Ste A, Idaho Falls
ID 83402 together with a
protest fee of \$25.00 for each
application on or before Sep-
tember 22, 2003. The protestant
must also send a copy of the
protest to the applicant.

**KARL J. DREHER,
DIRECTOR**

Legal No. 5620 - Publish
Sept. 3 and 10, 2003.

SCANNED
SEP 29 2003

Received
9/29/03
SC.

The Preston Citizen.

No 5620

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Rodney Boam
being duly sworn,

deposes and says:

That he is the Editor of THE PRESTON
CITIZEN, a weekly newspaper published at Preston, in the County of
Franklin and State of Idaho; that said paper has been and is in general
circulation in the county aforesaid, and in the vicinity of Preston; 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 of 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

Sept. 3, 20 03, and ending

with the issue of Sept. 10, 20 03

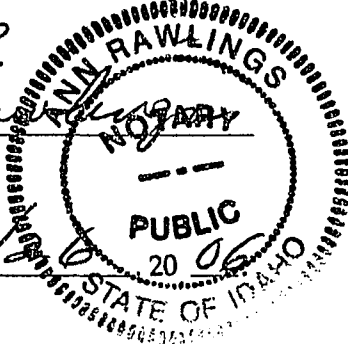
Fee \$ 193.31

Subscribed and sworn to before me this 18th day

of Sept. 20 03

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/20/06



SCANNED

SEP 29 2003

Received
9/29/03
SC



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

October 7, 2003

PETE PETERSON
WATERMASTER
PO BOX 349
PRESTON ID 83263

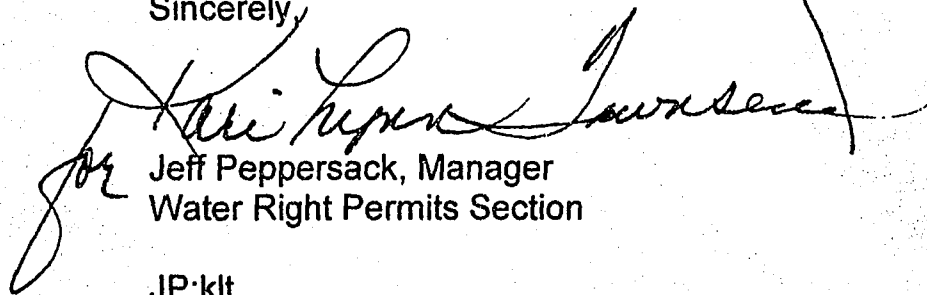
RE: TRANSFER OF WATER RIGHTS 13-657, 13-662 - (Transfer 70718)

Dear Pete:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 70718) in the name of Lawrence B. Fox.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

SCANNED
OCT 15 2003



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

October 7, 2003

LAWRENCE B FOX
16205 N CLEVELAND RD
PRESTON ID 83263

RE: Transfer No.: 70718 - Water Rights 13-657, 13-662 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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.

SCANNED

OCT 15 2003

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

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

SCANNED

JUL 15 2003

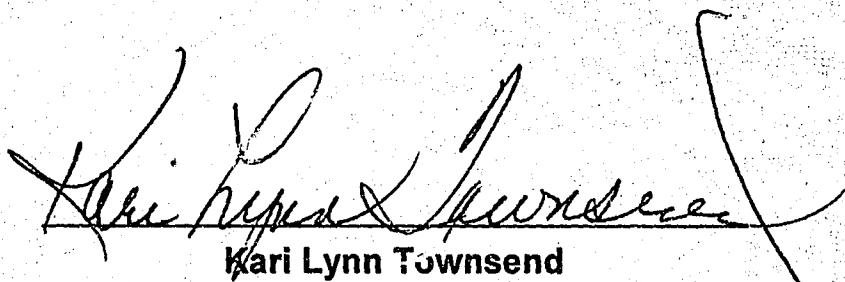
CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70718

WATER RIGHTS 13-657, 13-662

**LAWRENCE B FOX
16205 N CLEVELAND RD
PRESTON ID 83263**


**Kari Lynn Townsend
Secretary**

**SCANNED
OCT 15 2003**

**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.

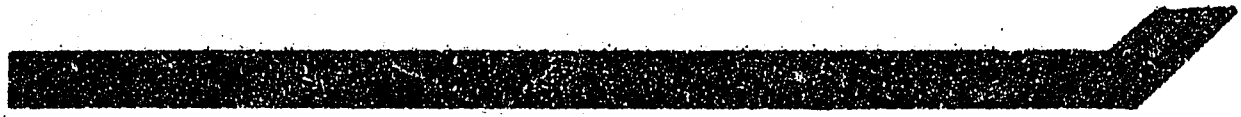


START OF

RETAKE

The images appearing between this point and the "End of Retake" are true copies of records, microphotographs of which are missing, or proved unsatisfactory on inspection of the original reel.

To preserve the integrity of the files, the above mentioned records were rephotographed.



WATER RIGHT NO. 13-662
As Modified by Transfer No. 70718

In accordance with the approval of Transfer No. 70718, Water Right No. 13-662 is now described as follows.

Right Holder: LAWRENCE B FOX
16205 N CLEVELAND RD
PRESTON ID 83263

Priority Date: June 01, 1901

Source: NORTH HOOPS CREEK **Tributary:** HOOPS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.24 CFS	42.0 AF
			0.24 CFS	42.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NORTH HOOPS CREEK SENE Sec. 10 Twp 12S Rge 40E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	40E	11													11.0	5.0			47.0

Total Acres: 47

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.
2. Rights 13-657 and 13-662 when combined shall not exceed a total irrigation of 47 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

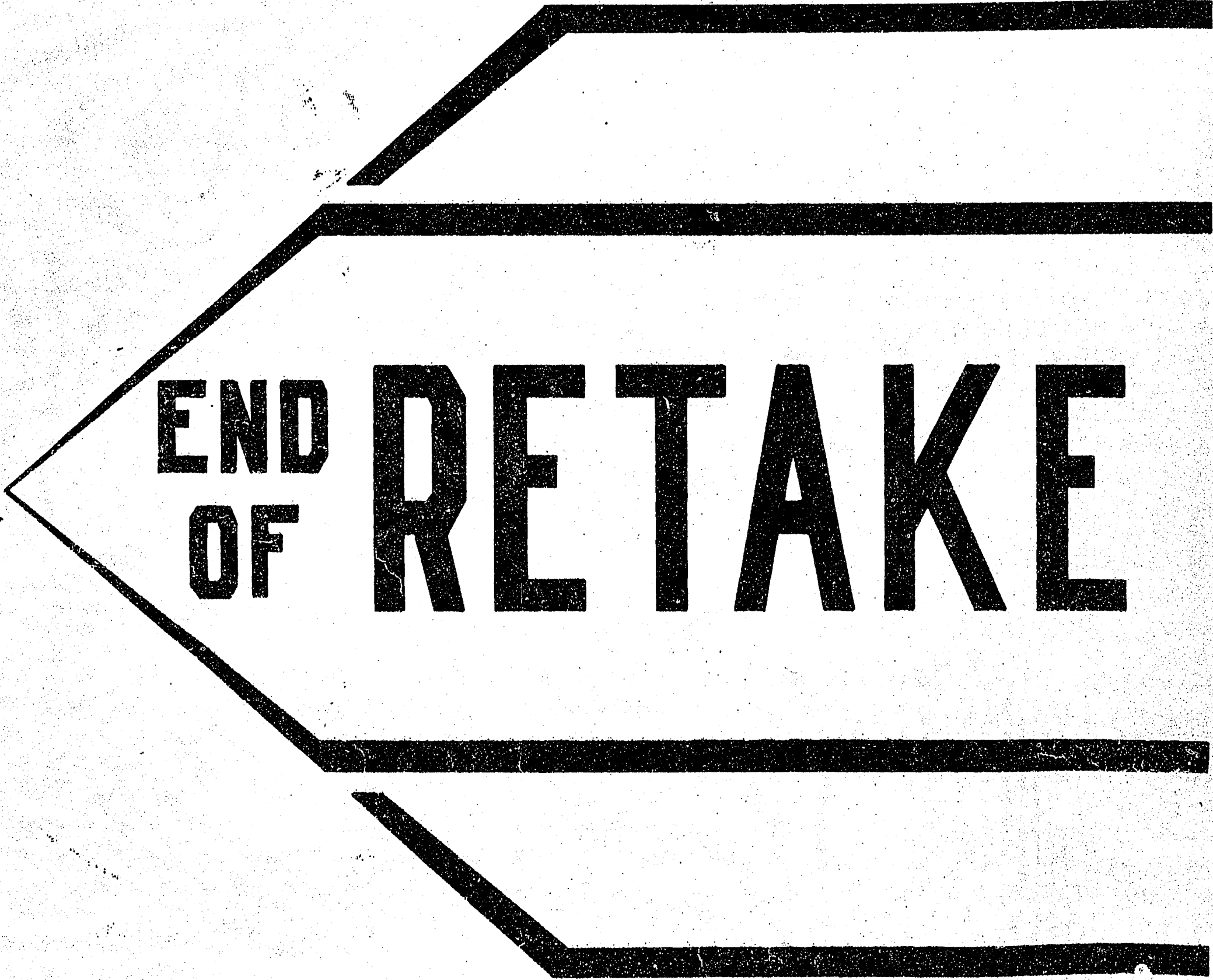
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of October, 2003



Chief, Water Allocation Bureau

SCANNED
MICROFILMED
NOV 20 2003
OCT 15 2003



**END
OF**

RETAKE