

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70192

SEP 20 2002

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant CHARLES BARLOW Phone 801-544-9711

Post Office address 1130 MANCHESTER DRIVE KAYSVILLE UT 84037

A. PURPOSE OF TRANSFER

RECEIVED

JUN 13 2003

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

Department of Water Resources

2. Describe the reason for the proposed changes _____

CHANGE IN OWNERSHIP OF
PROPERTY FROM GLENN TURNER
TO CHARLES BARLOW

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 _____

See Attached sheet A

2. Total amount of water being transferred 5.39 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Whiskey Creek tributary to Bear River

4. Point(s) of Diversion: * Location as per Asst. Water master, Frank Swenson.

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
*		SW	SE	24	11S	40E	Caribou	
							(See MAP OF	
							LOCATION FOR DIVERSION	
							LOCATION)	

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	
11S	40E	25	29		40	34									39	40	13	14	209
		36	39	29	3	7	13												91
11S	41E	31						40		40									80
								L-1?											

770192

* Limited to 296.1 acres

SCANNED

FEB 05 2003

* Total Acres

380

R.P.U.

Page 2 of 23

PART 1

Transfer No. 70192

6. General Information:

a. Description of diversion system

HEAD GATE ON DITCH TO PUMPS FOR
SPRINKLER IRRIGATION

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:

NO CHANGE TO LAND NOW IRRIGATED

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

FEB 05 2003

T70192

page 3 of 23

Sheet A

T70192

RIGHT NO.	PRIORITY	AMOUNT	USE	PERIOD OF USE
✓13-695	5/01/1880	0.40 cfs	Irrigation	4/20 to 9/30
✓13-696A	5/1/1905	0.78 cfs	Irrigation	4/20 to 9/30
13-712A	5/01/1878	0.58 cfs	Irrigation	4/20 to 9/30
13-713	5/1/1905	0.90 cfs	Irrigation	4/20 to 9/30
13-7622-13-718C split	5/01/1880	0.23 cfs .21	Irrigation	4/20 to 9/30
13-7614-13-718B split	5/01/1880	0.34 cfs	Irrigation	4/20 to 9/30
13-7616-13-719A split	5/01.1905	0.65 cfs	Irrigation	4/20 to 9/30
13-7618-13-719B split	5/1/1905	0.53 cfs	Irrigation	4/20 to 9/30
13-7624-13-720A split	6/1/1905	0.65 cfs .59	Irrigation	4/20 to 9/30
13-7620-13-720B split	6/1/1905	0.41 cfs	Irrigation	4/20 to 9/30

5.39

T70192

SCANNED

FEB 05 2003

page 4 of 23

T70192

Page 1

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-695

WATER RIGHT NUMBER: 13-695

Owner Type Name and Address
Current Owner HENRY R TURNER

Original Owner , ZZ
 JOHN R TURNER
 , ID

Priority Date: 05/01/1880
Basis: Decreed
Status: Active

Source Tributary
WHISKEY CREEK BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.400 CFS	
<u>Total Diversion:</u>		0.400 CFS	

Location of Point(s) of Diversion
WHISKEY CREEK NW1/4SE1/4 Sec. 18, Twp 11S, Rge 41E, B.M.
CARIBOU 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	
11S	40E	25	X		X	X			X	X	X								

Conditions of Approval:

Remarks:

- General P/U 20 ACRES.
P/D MICKELSON - SWENSON DITCH.
RT. MODIFIED BY LEROY TURNER VS HENRY TURNER (13-N).

Comments:

Dates and Other Information:

SCANNED

FEB 05 2003

T70192

page 5 of 23

T70192

Page 1

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-696A

WATER RIGHT NUMBER: 13-696A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLENN V TURNER 179 HWY 34 GRACE, ID 83241 (208) 427-6672
Original Owner	CARSTON BENNETT ZZ

Priority Date: 05/01/1905
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
WHISKEY CREEK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20	9/30	0.780 CFS	
	<u>Total Diversion:</u>		0.780 CFS	

<u>Location of Point(s) of Diversion</u>		
WHISKEY CREEK	SE1/4SE1/4	Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11S	40E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	40.0
																			40.0

Total Acres: 40

wrong range - whiskey creek
cannot get here
should be 41E

Conditions of Approval:

Remarks:
1. General SEE TRANS. 2251.

Comments:

Dates and Other Information:

SCANNED
FEB 05 2003

T70192

page 6 of 23

T70192

Page 1

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-712A

WATER RIGHT NUMBER: 13-712A

Owner Type Name and Address
Current Owner J W GIBBS
ID

Priority Date: 05/01/1878
Basis: Decreed
Status: Active

Source Tributary
WHISKEY CREEK BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.580 CFS	
	<u>Total Diversion:</u>	0.580 CFS	

Location of Point(s) of Diversion
WHISKEY CREEK NE1/4SE1/4 Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	41E	31						X		X									
								L1											

Conditions of Approval:

Remarks:
1. General P/U 75 ACRES.

Comments:

Dates and Other Information:

T70192

SCANNED

FEB 05 2003

T70192

05/20/2002

Water Right Report 13-713

WATER RIGHT NUMBER: 13-713

Priority Date: 05/01/1905
Basis: Decreed
Status: Active

Tributary
BEAR RIVER

Location of Point(s) of Diversion
WHISKEY CREEK
CARIBOU County

NE1/4SE1/4

Sec. 24, Twp 11S, Rge 40E, B.M.

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

Remarks:

1. General P/U AC IRR = 75 P/D, MENDENHALL DITCH

Comments:

Dates and Other Information:

SCANNED

FEB 05 2003

T70192

page 8 of 23

T70192

Page 1

Split Right

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-718B

WATER RIGHT NUMBER: 13-718B

Owner Type Name and Address
Original Owner JOHN R TURNER

Current Owner , ID
 LEROY TURNER
 , ZZ

Priority Date: 05/01/1880
Basis: Decreed
Status: Active

Source Tributary
WHISKEY CREEK BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.550 CFS	
	<u>Total Diversion:</u>	0.550 CFS	

Location of Point(s) of Diversion
WHISKEY CREEK NE1/4SE1/4 Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU 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	
11S	40E	25													X	X	X	X	

Conditions of Approval:

Remarks:

- General P/U 100 ACRES.
SEE SUPPL. DECREE, TURNER VS TURNER (13-N).

Comments:

Dates and Other Information:

SCANNED

FEB 05 2003

T70192

page 9 of 23

PART 2

13-7183

Transfer No. 70192

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

If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.34 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE SE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>													<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>61.8</u>

13-7183

Total Acres 61.8

DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.21 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE SE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>															<u>4</u>	<u>4</u>	<u>38.2</u>

T70192

SCANNED

Total Acres 38.2

FEB 05 2003

page 10 of 23

Split Right

T70192

Page 1

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-718C

WATER RIGHT NUMBER: 13-718C

Owner Type Name and Address
Current Owner HENRY TURNER
Current Owner , ZZ
JOHN TURNER
ZZ

Priority Date: 05/01/1880
Basis: Decreed
Status: Active

Source Tributary
WHISKEY CREEK BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.230 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

Location of Point(s) of Diversion
WHISKEY CREEK NE1/4SE1/4 Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU 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	
11S	40E	25	X		X	X		X	X	X									

Conditions of Approval:

Remarks:
1. General P/U 163 ACRES.
SEE SUPPLEMENTAL DECREE; TURNER VS TURNER (13-N).

Comments:

Dates and Other Information:

SCANNED
FEB 05 2003

T70192

Page 11 of 23

PART 2

Transfer No. 70192

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 _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.21 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	24	11S	40E	Caribou	

3. 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	
11S	40E	25	A		A	A			A	A	A								

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

1. amount 0.02 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	24	11S	40E	Caribou	

3. 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	
11S	40E	25	A		A	A			A	A	A								14.4

SCANNED

FEB 05 2005

T70192

Total Acres

14.4

page 12 of 23

T70192

Page 1

Split Right
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-719A

05/20/2002

WATER RIGHT NUMBER: 13-719A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN R TURNER
	, ID
Current Owner	HENRY R TURNER
	, ZZ

Priority Date: 05/01/1905
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
WHISKEY CREEK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.850 CFS	
	<u>Total Diversion:</u>	0.850 CFS	

Location of Point(s) of Diversion
WHISKEY CREEK NE1/4SE1/4 Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE			NW			SW			SE			Totals
11S	40E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X		X	X			X	X	X				

Conditions of Approval:

Remarks:
1. General P/U 163 ACRES.

Comments:

Dates and Other Information:

SCANNED
FEB 05 2003

T70192

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.65 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE SE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>	<u>A</u>		<u>A</u>	<u>A</u>			<u>A</u>	<u>A</u>	<u>A</u>								

13-7615

Total Acres 148.6

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

1. amount 0.20 for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE SE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>	<u>A</u>		<u>A</u>	<u>A</u>			<u>A</u>	<u>A</u>	<u>A</u>								<u>14.4</u>

SCANNED

FEB 05 2003

Total Acres 14.4

T70192

page 14 of 23

T70192

Page 1

Split Right

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-719B

WATER RIGHT NUMBER: 13-719B

Owner Type Name and Address
Current Owner LEROY TURNER
Original Owner , ZZ
JOHN R TURNER
, ID

Priority Date: 05/01/1905
Basis: Decreed
Status: Active

Source Tributary
WHISKEY CREEK BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.850 CFS	
	<u>Total Diversion:</u>	0.850 CFS	

Location of Point(s) of Diversion
WHISKEY CREEK NE1/4SE1/4 Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU County

Place of Use
IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 40E 25													X	X	X	X	

Conditions of Approval:

Remarks:
1. General P/U 100 ACRES.
SEE DECREE FOR ROTATING USE PERIOD.

Comments:

Dates and Other Information:

SCANNED
FEB 05 2003

T70192

Page 15 of 23

PART 2 13-7190

Transfer No. 70192

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

If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.53 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	24	11S	40E	Caribou	

3. 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	
11S	40E	25													A	A	A	A	61.8

13-7617

Total Acres 61.8

DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.21 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	24	11S	40E	Caribou	

3. 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	
11S	40E	25															A	A	38.2

SCANNED

FEB 05 2003

Total Acres 38.2

T70192

page 16 of 23

T70192

Page 1

Split Right
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-720A

05/20/2002

WATER RIGHT NUMBER: 13-720A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN R TURNER
	, ID
Current Owner	HENRY R TURNER
	, ZZ

Priority Date: 06/01/1905
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
WHISKEY CREEK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.650 CFS	
	<u>Total Diversion:</u>	0.650 CFS	

<u>Location of Point(s) of Diversion</u>		
WHISKEY CREEK	NE1/4SE1/4	Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	40E	25	X		X	X			X	X	X								

Conditions of Approval:

Remarks:
1. General P/U 163 ACRES.
SEE DECREE FOR ROTATING USE PERIOD.

Comments:

Dates and Other Information:

SCANNED
FEB 05 2003

T70192

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 _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.59 cfs for Irrigation purposes from 4/20 to 9/30
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NESE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>	<u>A</u>		<u>A</u>	<u>A</u>			<u>A</u>	<u>A</u>	<u>A</u>								

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

1. amount 0.06 cfs for Irrigation purposes from 4/20 to 9/30
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NESE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>	<u>A</u>		<u>A</u>	<u>A</u>			<u>A</u>	<u>A</u>	<u>A</u>								

SCANNED

FEB 05 2003

Total Acres 14.4

T70192

page 18 of 23

T70192

Page 1

Split Right

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-720B

WATER RIGHT NUMBER: 13-720B

Owner Type Name and Address
Original Owner JOHN R TURNER

Current Owner , ID
 LEROY TURNER
 , ZZ

Priority Date: 06/01/1905
Basis: Decreed
Status: Active

Source Tributary
WHISKEY CREEK BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	0.650 CFS	
	<u>Total Diversion:</u>	0.650 CFS	

Location of Point(s) of Diversion
WHISKEY CREEK NE1/4SE1/4 Sec. 24, Twp 11S, Rge 40E, B.M.
CARIBOU 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	
11S	40E	25													X	X	X	X	

Conditions of Approval:

Remarks:
1. General P/U 100 ACRES.
 SEE DECREE FOR ROTATING USE PERIOD.

Comments:

Dates and Other Information:

T70192

SCANNED
FEB 05 2003

page 19 of 23

PART 2 13-720B

Transfer No. 70192

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

If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.41 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE SE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>													<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>61.8</u>

15-7619

Total Acres 61.8

DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.24 cfs for Irrigation purposes from 4-20 to 9-30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE SE 24</u>	<u>11S</u>	<u>40E</u>	<u>Caribou</u>	

3. 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	
<u>11S</u>	<u>40E</u>	<u>25</u>															<u>4</u>	<u>4</u>	<u>38.2</u>

SCANNED

Total Acres 38.2

T70192

FEB 05 2003

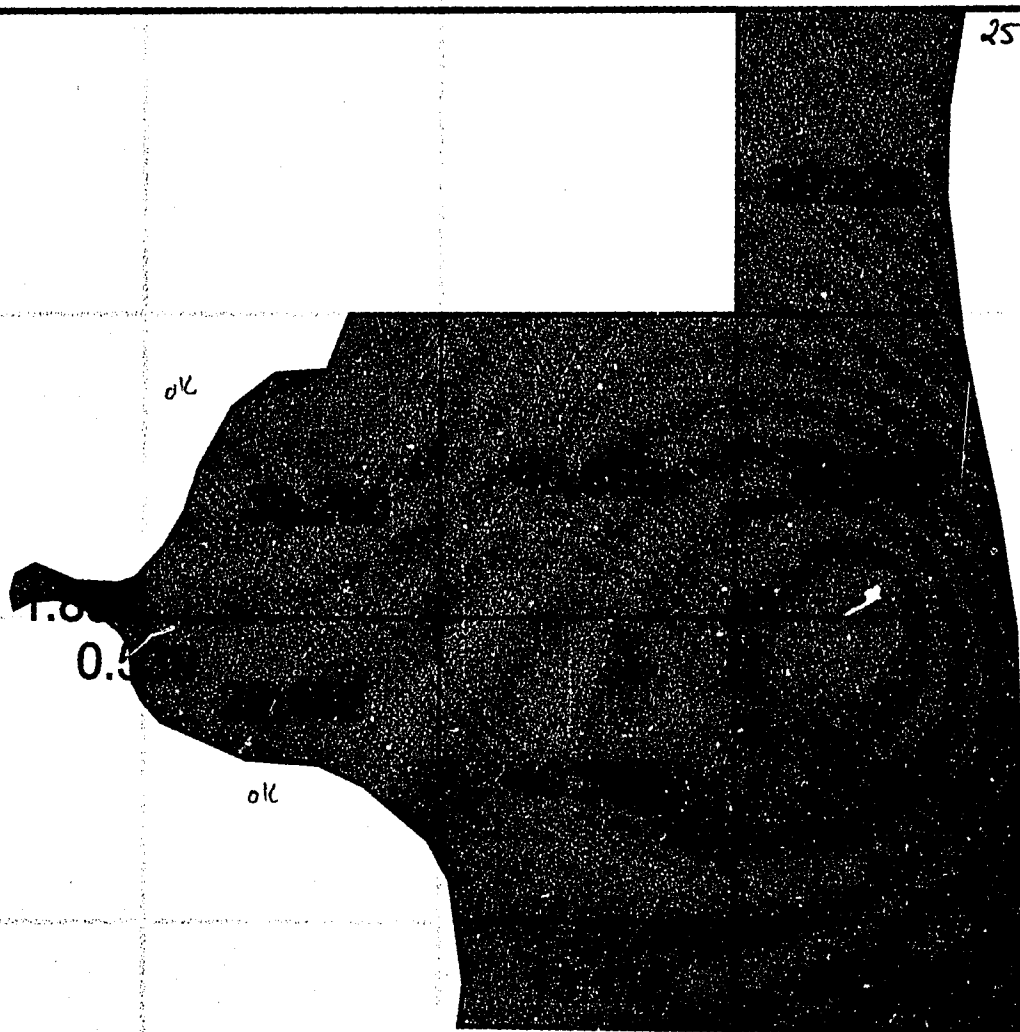
page 20 of 23

T70192

R40E

25

25



ok

1.0

0.5

ok

ok

ok

T

115

ok

ok

25

36

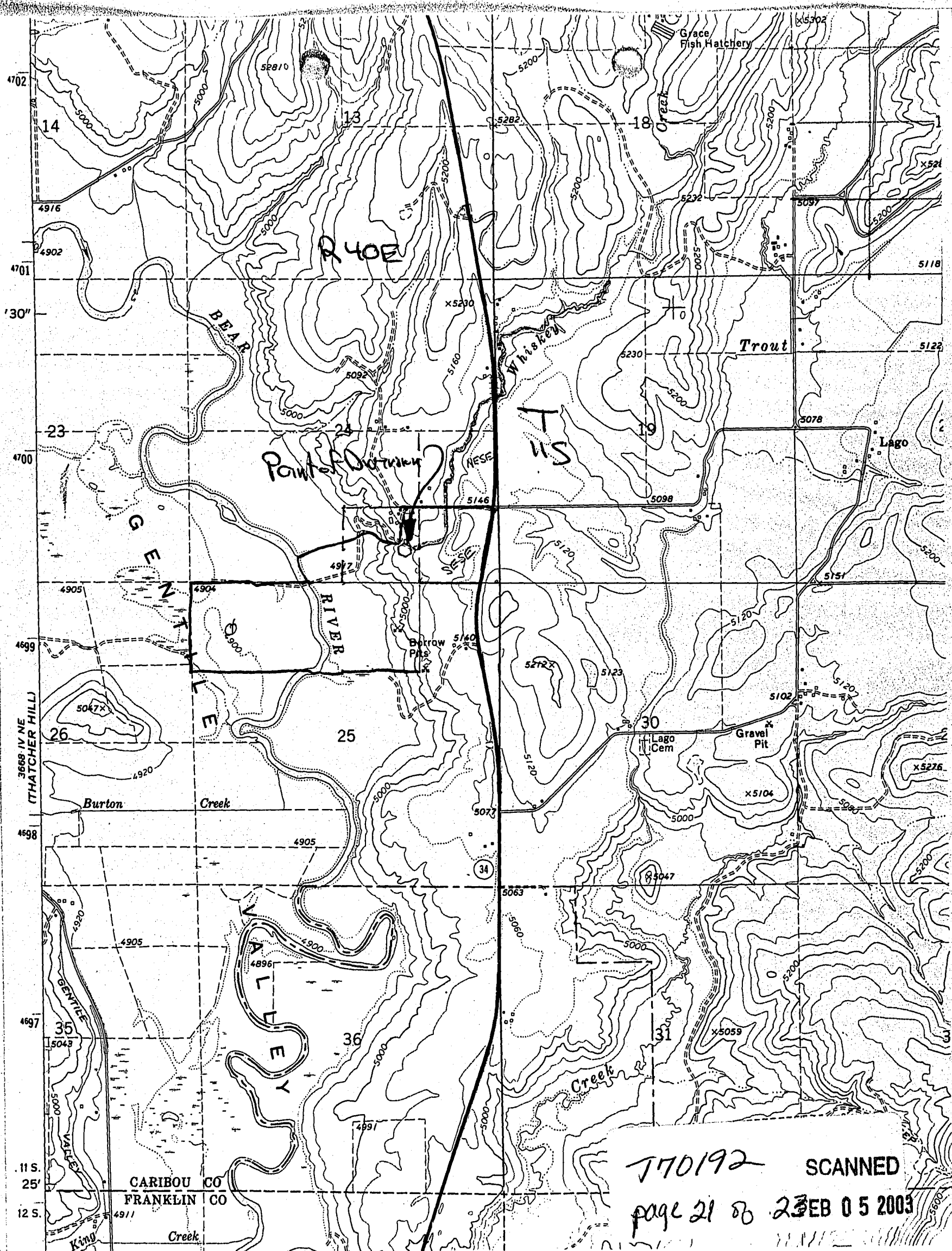
25



2

T70192

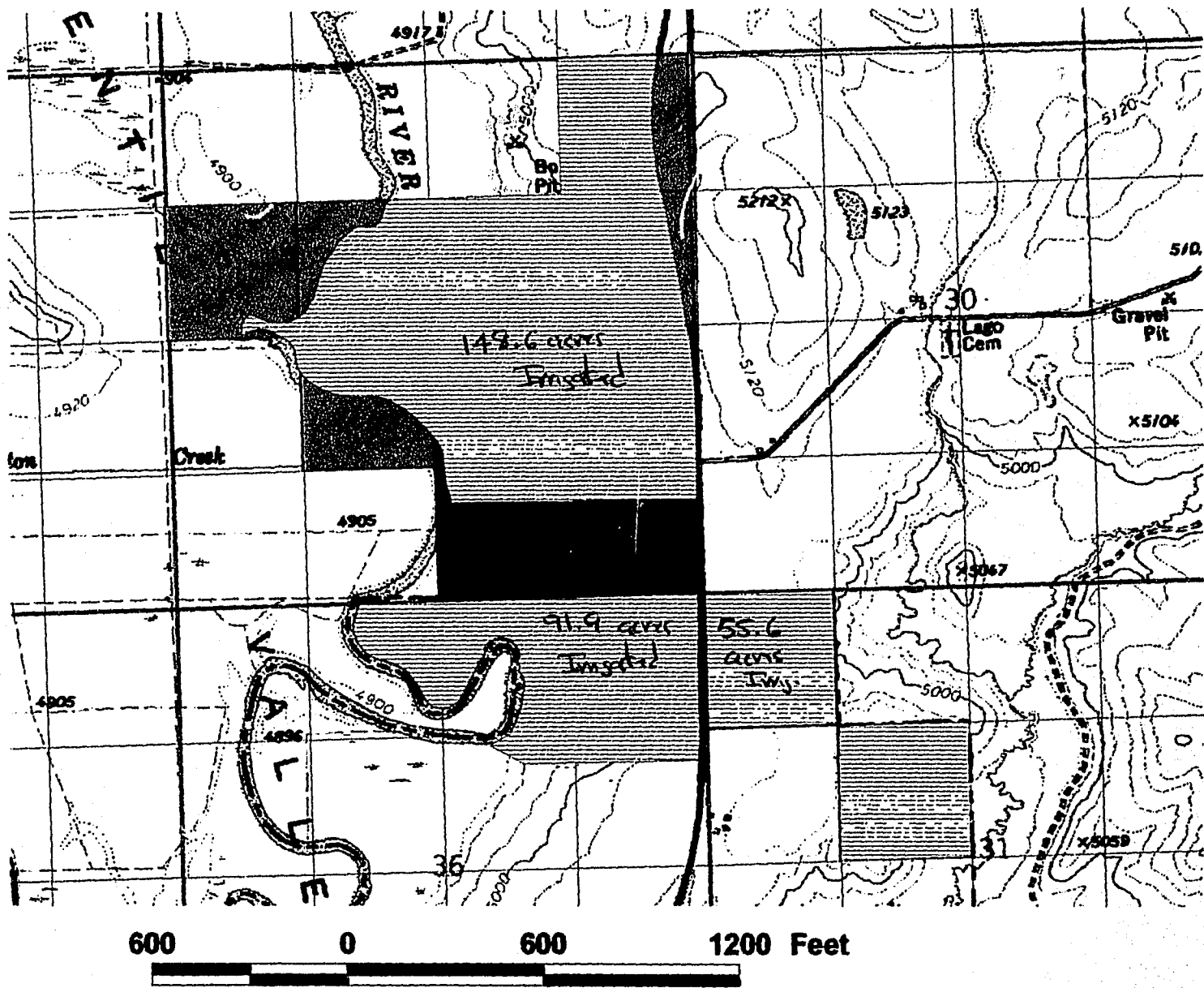
SCANNED
FEB 05 2003

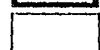


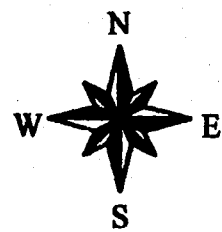
page 22 of 23

**Glenn V. Turner
Ownership and Decreed Water Rights**

T70192



-  Gturner ownership.shp
-  G turner.shp
-  Jw gibbs.shp
-  Henry turner.shp
-  Leroy turner.shp
-  Gcdb_section.shp
-  T11s41e.shp
-  T11s40e.shp



Created by: Cbird
May 21, 2002

SCANNED

FEB 05 2003

T70192

PART 3

3. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|--------------------------|------------------------|----------------------|
| | | | | 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:

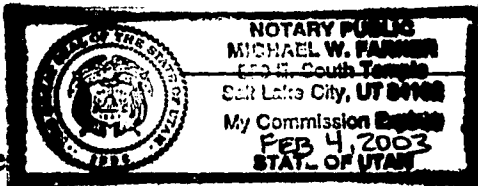
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

[Signature]

(Signature of Applicant)

Subscribed and sworn to before me this 19TH day of SEPTEMBER, 20 02.



[Signature]
(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains 23 pages and 6 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee \$225 + \$225

Received by JM 5061765 Date 5-1-02 + 9-20-02

Published in Caribou Co. Sun Copies of protest forwarded by _____

Pub. Dates Oct 17 & 24, 2002 Hearing held by _____ Date _____

Watermaster recommendations requested on Oct 9, 2002 Recommended for ☒ approval ☐ denial

_____ received Nov 1, 2002 by [Signature]

Copy of transfer sent to lien holder _____

SCANNED

FEB 05 2003

T70192

✓
LWB

WARRANTY DEED

Order No.: 3080240073

FOR VALUE RECEIVED

Glenn V. Turner and Carol Turner, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Charles E. Barlow and Laurel W. Barlow, husband and wife

whose current address is

1130 Manchester Dr.
Kaysville, UT 84037

the grantee(s), the following described premises, in Caribou County, Idaho, TO WIT:

Township 11 South, Range 40 East of the of the Boise Meridian, Caribou County, Idaho,
Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$, and that part of the S $\frac{1}{2}$ NW $\frac{1}{2}$ and of the
N $\frac{1}{2}$ SW $\frac{1}{4}$ lying East of the center line of Bear River.

EXCEPT:

All of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 11, South, Range 40 East, of the Boise Meridian lying
South and West of the Bear River.

ALSO EXCEPT:

Township 11 South, Range 40 East of the Boise Meridian:

Section 25: All that portion of the NE $\frac{1}{4}$ lying Easterly of the Easterly right of way line of State of
Idaho Highway No. 34 as presently located.

ALSO EXCEPT:

All that property Deeded to the State of Idaho for Highway right of way recorded March 22, 1956,
as Instrument No. 37499 and Recorded May 25, 1956 as Instrument No. 37858 and 37859 of the
Official Records, Caribou County, Idaho.

ALONG WITH ANY AND ALL WATER RIGHTS APPURTENANT TO SAID PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in
fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions,
covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

5-20-02

Glenn V. Turner
Glenn V. Turner

Carol Turner
Carol Turner

166019

STATE OF IDAHO

County of Caribou

Date: May 21, 2002

Time: 2:25 p.m.

Official Records

Recorder: Edie Izatt

Deputy: Leida L. Halley

Fee: 3.00 AT

SCANNED

FEB 05 2003

ATTACHMENT

T 70192
1 OF 6

CHK
LWB

217317

WARRANTY DEED

Recorded at the request of
NORTHERN TITLE

Order No.: 3080240073

FOR VALUE RECEIVED

Glenn V. Turner and Carol Turner, Husband and Wife

2:50 p.m. MAY 21 2002

V. ELLIOTT LARSEN, RECORDER
By Camille Ruser Deputy
FRANKLIN COUNTY, IDAHO

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Charles E. Barlow and Laurel W. Barlow, husband and wife

whose current address is

1130 Manchester Dr.
Kaysville, UT 84037

the grantee(s), the following described premises, in Franklin County, Idaho, TO WIT:

TOWNSHIP 11 SOUTH, RANGE 41 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO. SECTION 31: LOT ONE (1) AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER. ALSO, BEGINNING AT THE NORTHEAST CORNER OF LOT TWO (2), THENCE RUNNING WEST 25 RODS AND 10 FEET; THENCE SOUTH 4 RODS; THENCE IN A SOUTHEASTERLY DIRECTION 8 RODS; THENCE EAST 19 RODS AND 10 FEET TO THE QUARTER SECTION LINE; THENCE NORTH ALONG SAID LINE 9 RODS AND 12 FEET TO THE PLACE OF BEGINNING. (8.00)

TOWNSHIP 11 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO. SECTION 36: BEGINNING AT THE NORTHEAST CORNER OF SECTION 36, AND RUNNING THENCE SOUTH 80 RODS TO THE SOUTHWEST CORNER OF LOT ONE (1); THENCE WEST 4 RODS; THENCE SOUTH 11 RODS; THENCE WEST 51 RODS; THENCE SOUTHWEST BY WEST ALONG THE NORTH SIDE OF THE HOLLOW 105 RODS TO THE HALF SECTION LINE BETWEEN THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 36; THENCE NORTH ALONG SAID LINE 91 RODS; THENCE EAST 160 RODS TO THE PLACE OF BEGINNING. (2.00)

TOWNSHIP 11 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO. SECTION 36: EXCEPTING THEREFROM: ALL THAT LAND IN THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE NORTHEAST QUARTER LYING WEST OF THE BEAR RIVER, ALSO: ALL THAT LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE BEAR RIVER.

ALONG WITH ANY AND ALL WATER RIGHTS, APPURTENANT TO SAID PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, condition covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 20, 2002
Glenn V. Turner
Glenn V. Turner

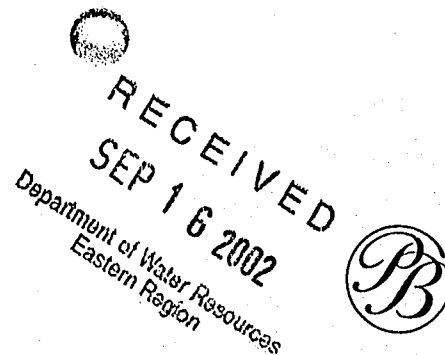
Carol Turner
Carol Turner

SCANNED

FEB 05 2003

T 70192
ATTACHMENT 2 OF 6

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, Idaho 83402-1718



Re: Charles E. Barlow – Water Rights transfer and consolidation, 13-695, 13-696A, 13-712A, 13-713, 13-718B, 13-718C, 13-719A, 13-719B, 13-720A, 13-720B,

Dear Harold,

Zions Bank has received notification from our client – Charles E. Barlow – of his intended request to your department for the transfer of certain water rights from Mr. Glenn V. Turner, et.al. Mr. Barlow is also requesting that these water rights be consolidated, allowing him to use these rights interchangeably on each of his parcels, as he deems necessary.

Mr. Barlow has entered into certain financial arrangements with Zions Bank, and consequently has allowed our bank to take these rights as collateral in connection with our lien (EXHIBIT A). Our mortgage interest was **filed** in **Caribou County** 2:25pm as instrument #166020. The water rights belonging to this property are identified in the 10 water rights attached.

We understand that a consolidation of these rights in no way would compromise our lien position or diminish the property value. We further understand that should it be necessary in the future to sell certain parcels, access to these water rights would not be precluded with such a consolidation.

Sincerely,

Dennis R. Watson
Vice President

Cc: Charles E. Barlow
Attachments: Exhibit A, Water Rights description

ZIONS BANK*

Private Banking

One South Main, Suite 200
Salt Lake City
Utah 84111

SCANNED
FEB 05 2003

ATTACHMENT T 70192
3 OF 4

05/13/2002 14:24 FAX 12085473880

ALLIANCE TITLE & ESCROW

0004

Apr. 17. 2002 3:28PM

N. HERN TITLE CO

No. 2164 P. 4/11

"EXHIBIT A"

RECEIVED
SEP 16 2002
Department of Water Resources
Eastern Region

TOWNSHIP 11 SOUTH, RANGE 41 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO.
SECTION 31: LOT ONE (1) AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER.
ALSO, BEGINNING AT THE NORTHEAST CORNER OF LOT TWO (2), THENCE RUNNING WEST 25 RODS
AND 10 FEET; THENCE SOUTH 4 RODS; THENCE IN A SOUTHEASTERLY DIRECTION 8 RODS; THENCE
EAST 19 RODS AND 10 FEET TO THE QUARTER SECTION LINE; THENCE NORTH ALONG SAID LINE 9
RODS AND 12 FEET TO THE PLACE OF BEGINNING. (8.00)

TOWNSHIP 11 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO
SECTION 36: BEGINNING AT THE NORTHEAST CORNER OF SECTION 36, AND RUNNING THENCE SOUTH
80 RODS TO THE SOUTHWEST CORNER OF LOT ONE (1); THENCE WEST 4 RODS; THENCE SOUTH 11
RODS; THENCE WEST 51 RODS; THENCE SOUTHWEST BY WEST ALONG THE NORTH SIDE OF THE
HOLLOW 105 RODS TO THE HALF SECTION LINE BETWEEN THE NORTHEAST QUARTER AND THE
NORTHWEST QUARTER OF SECTION 36; THENCE NORTH ALONG SAID LINE 91 RODS; THENCE EAST 160
RODS TO THE PLACE OF BEGINNING. (2.00)

TOWNSHIP 11 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO.
SECTION 36: EXCEPTING THEREFROM: ALL THAT LAND IN THE SOUTH HALF OF THE NORTHEAST
QUARTER AND THE NORTH HALF OF THE NORTHEAST QUARTER LYING WEST OF BEAR RIVER. ALSO;
ALL THAT LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF BEAR
RIVER.

95.5 acres

SCANNED

FEB 05 2003

ATTACHMENT T 70192
4 OF 6

RECORDATION REQUESTED BY:
ZIONS FIRST NATIONAL BANK
SALT LAKE PRIVATE BANKING CENTER
310 SOUTH MAIN STREET SUITE 100
SALT LAKE CITY, UT 84101

WHEN RECORDED MAIL TO:
ZIONS FIRST NATIONAL BANK
Loan Servicing Group UT RDWG 0187
2460 South 3270 West
West Valley City, UT 84119

Caribou County
@ 2:25

166020 instrument

Franklin County
@ 4:30

217318

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MORTGAGE

THIS MORTGAGE dated May 15, 2002, is made and executed between CHARLES E. BARLOW and LAUREL W. BARLOW, HUSBAND AND WIFE. (referred to below as "Grantor") and ZIONS FIRST NATIONAL BANK, whose address is 310 SOUTH MAIN STREET SUITE 100, SALT LAKE CITY, UT 84101 (referred to below as "Lender").

GRANT OF MORTGAGE. For valuable consideration, Grantor mortgages, grants, bargains, sells and conveys to Lender all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Parcel 1: CARIBOU COUNTY; Parcel 2: FRANKLIN COUNTY County, State of Idaho:

SEE EXHIBIT "A" ATTACHED

The Real Property or its address is commonly known as 179 HIGHWAY 34, GRACE, ID 83241. The Real Property tax identification number is Parcel 1: RL 40720 H/E; Parcel 2: 8.00 and 2.00

Grantor presently assigns to Lender all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS MORTGAGE, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS MORTGAGE. THIS MORTGAGE IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Mortgage, Grantor shall pay to Lender all amounts secured by this Mortgage as they become due and shall strictly perform all of Grantor's obligations under this Mortgage.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Mortgage. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Mortgage or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Mortgage, including the obligation to indemnify, shall survive the payment of the indebtedness and the satisfaction and reconveyance of the lien of this Mortgage and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

Nuisance, Waste. Grantor shall not cause, conduct or permit any nuisance nor commit, pe

SCANNED

FEB 05 2003

ATTACHMENT

T 70192
5 OF 6

May 20, 2002

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, Idaho 83402-1718

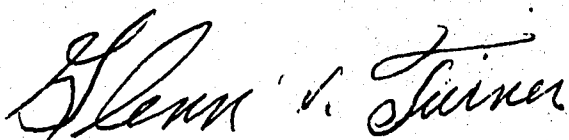
REF: Water Rights 13-713, 712A, 695, 718C, 719A, 720A, 718B, 719B, 720B

SUBJECT: Ownership change filing fee.

Dear Harold,

In the process of selling my property I discovered that my water rights were not current and filed an ownership change on receipt number C061765 in the amount of \$225.00. It was later determined that a transfer was necessary to clear up several issues. I would like that money applied to the transfer needed to clear up all of the issues under my water rights with the new owners Mr. & Mrs. Charles E. Barlow. The new owners have decided to file the transfer and do the ownership change to their name at the same time.

Sincerely,



Glenn V. Turner

SCANNED

FEB 05 2003

ATTACHMENT T 70192
6 OF 6

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70192**

This is to certify that: CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037
(801)5449711

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-695	WR/Decreed	05/01/1880	0.4 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-696A	WR/Decreed	05/01/1905	0.78 cfs	N/A	N/A	40.0	WHISKEY CREEK
13-712A	WR/Decreed	05/01/1878	0.58 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-713	WR/Decreed	05/01/1905	0.9 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-718B	WR/Decreed	05/01/1880	0.55 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-718C	WR/Decreed	05/01/1880	0.23 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-719A	WR/Decreed	05/01/1905	0.85 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-719B	WR/Decreed	05/01/1905	0.85 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-720A	WR/Decreed	06/01/1905	0.65 cfs	N/A	N/A	N/A	WHISKEY CREEK
13-720B	WR/Decreed	06/01/1905	0.65 cfs	N/A	N/A	N/A	WHISKEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
13-695	NO	YES	YES	NO	NO	NO
13-696A	NO	YES	YES	NO	NO	NO
13-712A	NO	YES	YES	NO	NO	NO
13-713	NO	YES	YES	NO	NO	NO
13-718B	YES	YES	YES	NO	NO	NO
13-718C	YES	YES	YES	NO	NO	NO
13-719A	YES	YES	YES	NO	NO	NO
13-719B	YES	YES	YES	NO	NO	NO
13-720A	YES	YES	YES	NO	NO	NO
13-720B	YES	YES	YES	NO	NO	NO

SCANNED
JUL 07 2003

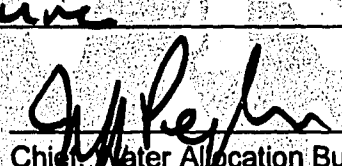
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70192**

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
13-695	13-695	0.40 cfs	70.0 af	20.0	380.0		N/A	N/A	N/A	N/A
13-696A	13-696A	0.78 cfs	140.0 af	40.0	380.0		N/A	N/A	N/A	N/A
13-712A	13-712A	0.58 cfs	187.5 af	75.0	380.0		N/A	N/A	N/A	N/A
13-713	13-713	0.90 cfs	262.5 af	75.0	380.0		N/A	N/A	N/A	N/A
13-718B	13-7614	0.34 cfs	109.9 af	61.8	380.0	13-7613	0.21 cfs	N/A	N/A	38.2
13-718C	13-7622	0.21 cfs	67.9 af	148.6	380.0	13-7621	0.02 cfs	N/A	N/A	14.4
13-719A	13-7616	0.65 cfs	210.2 af	148.6	380.0	13-7615	0.20 cfs	N/A	N/A	14.4
13-719B	13-7618	0.53 cfs	171.4 af	61.8	380.0	13-7617	0.21 cfs	N/A	N/A	38.2
13-720A	13-7624	0.59 cfs	190.8 af	148.6	380.0	13-7623	0.06 cfs	N/A	N/A	14.4
13-720B	13-7620	0.41 cfs	132.5 af	61.8	380.0	13-7619	0.24 cfs	N/A	N/A	38.2
COMBINED TOTALS		5.39 cfs	1035.2 af	296.1	380.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19 day of June, 2003


For Chief, Water Allocation Bureau

SCANNED
JUL 07 2003

WATER RIGHT NO. 13-695
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-695 is now described as follows.

Right Holder: CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037

Priority Date: May 01, 1880

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.40 CFS	70.0 AF
			0.40 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31						40.0		40.0									80.0

Total Acres: 380

CONDITIONS OF APPROVAL

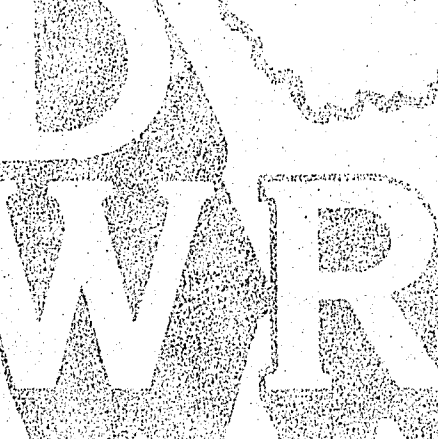
1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. Use of water under this right will be regulated by a watermaster 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. 13-S, Whiskey Creek..
3. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
4. 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.
5. 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.

SCANNED
JUL 07 2003

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.

Dated this 19 day of June, 2003

For *[Signature]*
Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-696A
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-696A is now described as follows.

Right Holder: CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037

Priority Date: May 01, 1905

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.78 CFS	140.0 AF
			0.78 CFS	140.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31						40.0	40.0										80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek..
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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 is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

SCANNED
JUL 07 2003

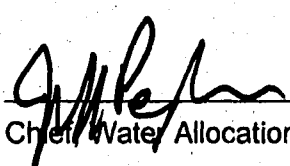
WATER RIGHT NO. 13-696A
As Modified by Transfer No. 70192

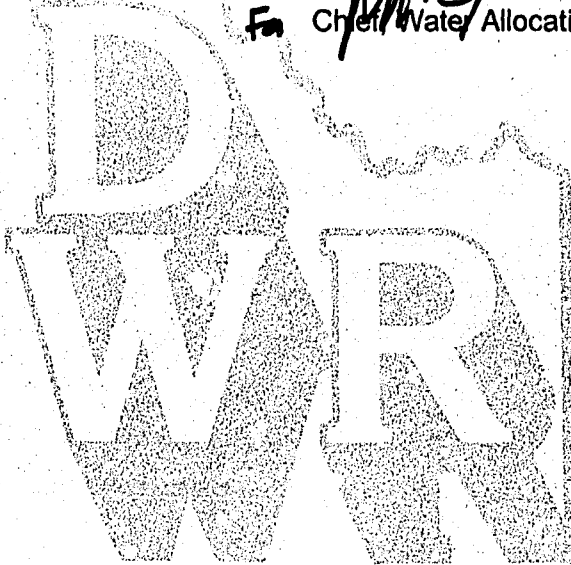
CONDITIONS OF APPROVAL

6. Rights 13-696A, 13-712A and 13-713 when combined shall not exceed a total annual maximum diversion volume of 280 af at the field headgate, and the irrigation of 80 acres.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 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 19 day of June, 2003


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

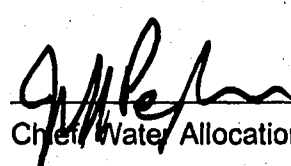
WATER RIGHT NO. 13-696A
As Modified by Transfer No. 70192

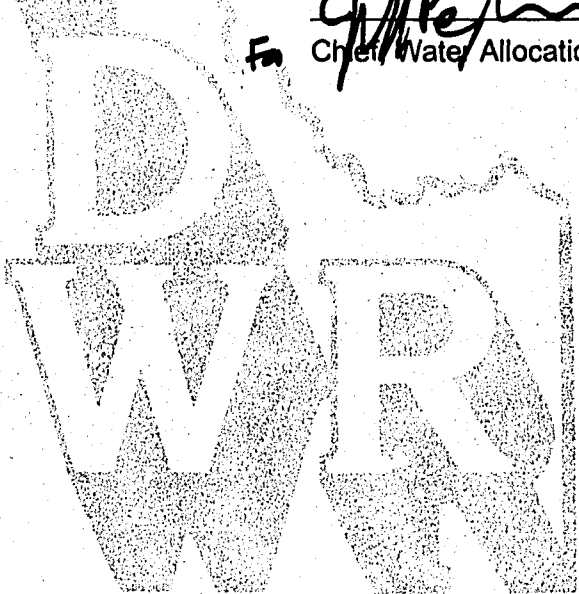
CONDITIONS OF APPROVAL

6. Rights 13-696A, 13-712A and 13-713 when combined shall not exceed a total annual maximum diversion volume of 280 af at the field headgate, and the irrigation of 80 acres.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 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 19 day of June, 20 03


For Chief Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-712A
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-712A is now described as follows.

Right Holder: CHARLES BARLOW
 1130 MANCHESTER DR
 KAYSVILLE UT 84037

Priority Date: May 01, 1878

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	0.58 CFS	187.5 AF
			0.58 CFS	187.5 AF

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31					40.0		40.0										80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek..
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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. Rights 13-712A and 13-713 when combined shall not exceed a total annual maximum diversion volume of 262.5 af at the field headgate, and the irrigation of 75 acres.
6. Rights 13-712A, 13-713 and 13-696A when combined shall not exceed a total annual maximum diversion volume of 280 af at the field headgate, and the irrigation of 80 acres.

SCANNED

JUL 07 2003

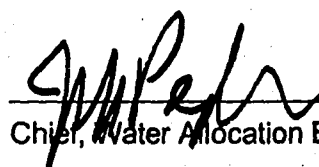
WATER RIGHT NO. 13-712A
As Modified by Transfer No. 70192

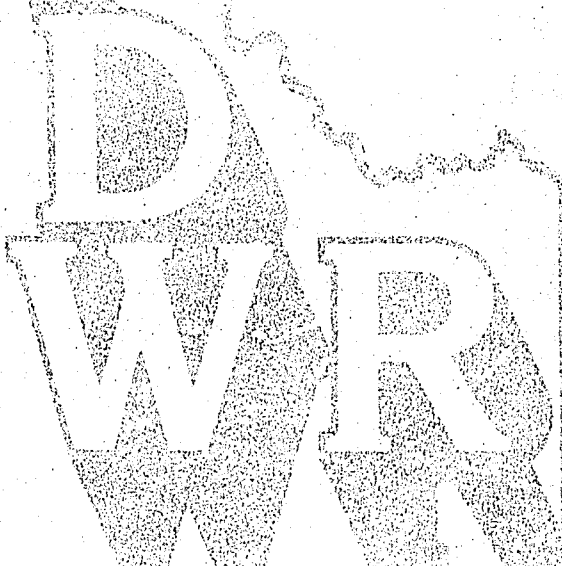
CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 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 19 day of June, 20 03


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-713
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-713 is now described as follows.

Right Holder: CHARLES BARLOW
 1130 MANCHESTER DR
 KAYSVILLE UT 84037

Priority Date: May 01, 1905

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.90 CFS	262.5 AF
			0.90 CFS	262.5 AF

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31						40.0		40.0									80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 afa at the field headgate and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek..
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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. Rights 13-712A, 13-713 and 13-696A when combined shall not exceed a total annual maximum diversion volume of 280 af and the irrigation of 80 acres.
6. Rights 13-712A, 13-713 and 13-696A when combined shall not exceed a total annual maximum diversion volume of 280 af at the field headgate, and the irrigation of 80 acres.

SCANNED
 JUL 07 2003

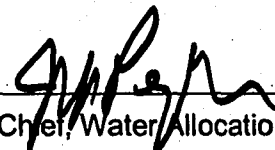
WATER RIGHT NO. 13-713
As Modified by Transfer No. 70192

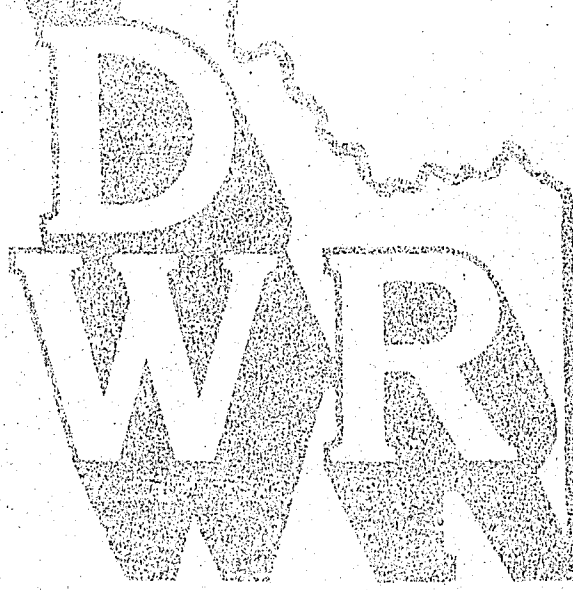
CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 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 19 day of June, 2003

For 
Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7613
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7613 is now described as follows.

Right Holder: LEROY TURNER
 ZZ

Priority Date: May 01, 1880

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.21 CFS	
			0.21 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK NESE Sec. 24 Twp 11S Rge 40E CARIBOU 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		
11S	40E	25																	X	X

Total Acres: 38.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 38.2 acres within the place of use described above in a single irrigation season.
2. Approval of this transfer does not confirm the validity of this water right.
3. See supplemental decree, Turner vs Turner (13-N).

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 19 day of June, 20 03

[Signature]
 For Chief, Water Allocation Bureau

SCANNED
 JUL 07 2003

WATER RIGHT NO. 13-7614
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7614 is now described as follows.

Right Holder: CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037

Priority Date: May 01, 1880

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	0.34 CFS	109.9 AF
			0.34 CFS	109.9 AF

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31						40.0	40.0										80.0
						L 1											

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek..
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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. Rights 13-7614, 13-7618 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 216.3 af at the field headgate, and the irrigation of 61.8 acres.

SCANNED
JUL 07 2003

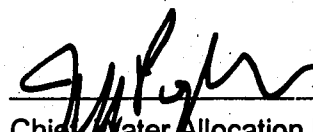
WATER RIGHT NO. 13-7614
As Modified by Transfer No. 70192

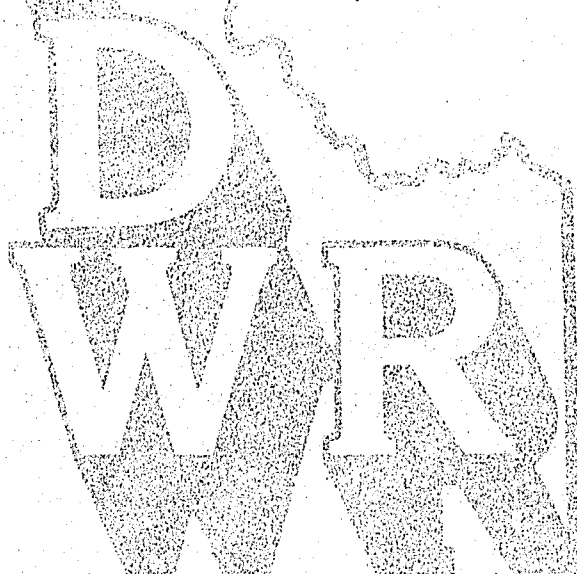
CONDITIONS OF APPROVAL

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 19 day of June, 2003


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7615
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7615 is now described as follows.

Right Holder: HENRY R TURNER
 ZZ

Priority Date: May 01, 1905

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.20 CFS	
			0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:
 WHISKEY CREEK NESE Sec. 24 Twp 11S Rge 40E CARIBOU County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	40E	25	X			X													

Total Acres: 14.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.4 acres within the place of use described above in a single irrigation season.
2. Approval of this transfer does not confirm the validity of this water right.
3. See supplemental decree, Turner vs Turner (13N).

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 19 day of June, 20 03

for 
 Chief, Water Allocation Bureau

SCANNED
 JUL 07 2003

WATER RIGHT NO. 13-7616
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7616 is now described as follows.

Right Holder: CHARLES BARLOW
 1130 MANCHESTER DR
 KAYSVILLE UT 84037

Priority Date: May 01, 1905

Source: WHISKEY CREEK **Tributary:** BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	0.65 CFS	210.2 AF
			0.65 CFS	210.2 AF

LOCATION OF POINT(S) OF DIVERSION:
 WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31						40.0		40.0									80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek..
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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. Rights 13-7622, 13-7616 and 13-7624 when combined shall not exceed the irrigation of 148.6 acres.

SCANNED
 JUL 07 2003

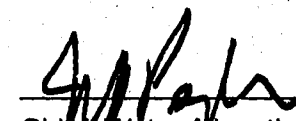
WATER RIGHT NO. 13-7616
As Modified by Transfer No. 70192

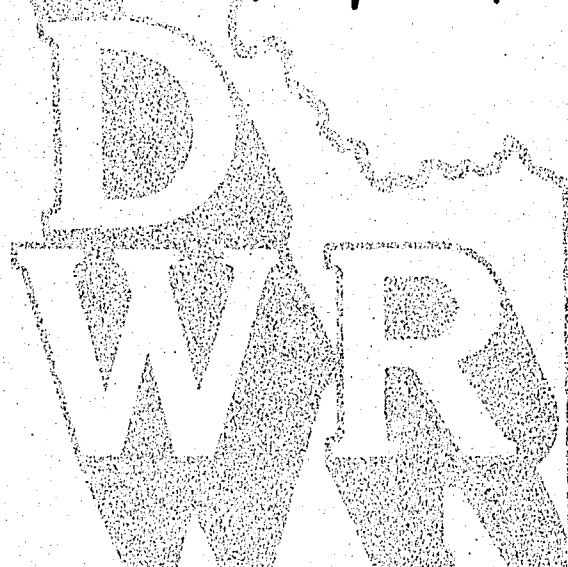
CONDITIONS OF APPROVAL

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 19 day of June, 20 03


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7617
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7617 is now described as follows.

Right Holder: LEROY TURNER
ZZ

Priority Date: May 01, 1905

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.21 CFS	
			0.21 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK NESE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25																X	X

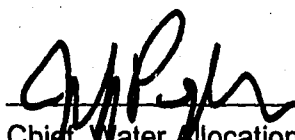
Total Acres: 38.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 38.2 acres within the place of use described above in a single irrigation season.
2. Approval of this transfer does not confirm the validity of this water right.
3. See supplemental decree, Turner vs Turner (13-N).

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 19 day of Jun, 2003


for Chief, Water Allocation Bureau

SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7618
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7618 is now described as follows.

Right Holder: CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037

Priority Date: May 01, 1905

Source: WHISKEY CREEK **Tributary:** BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	09/30	0.53 CFS	171.4 AF
			0.53 CFS	171.4 AF

LOCATION OF POINT(S) OF DIVERSION:
WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31						40.0		40.0									80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. 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. 13-S, Whiskey Creek.
2. 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.
3. 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.
4. Rights 13-7614, 13-7618 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 216.3 af at the field headgate, and the irrigation of 61.8 acres.

SCANNED
JUL 07 2003

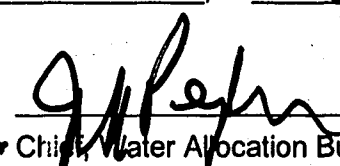
WATER RIGHT NO. 13-7618
As Modified by Transfer No. 70192

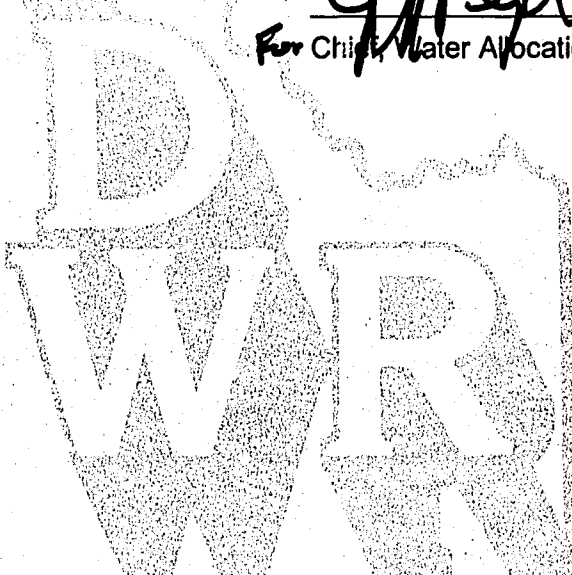
CONDITIONS OF APPROVAL

5. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
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 19 day of June, 2003


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7619
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7619 is now described as follows.

Right Holder: LEROY TURNER
ZZ

Priority Date: June 01, 1905

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<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	
			0.24 CFS	

LOCATION OF POINT(S) OF DIVERSION:
WHISKEY CREEK NESE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25																	X X

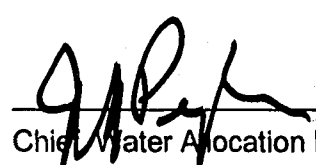
Total Acres: 38.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 38.2 acres within the place of use described above in a single irrigation season.
2. Approval of this transfer does not confirm the validity of this water right.
3. See supplemental decree, Turner vs Turner (13-N).

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 19 day of June, 2003


For Chief Water Allocation Bureau

SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7620
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7620 is now described as follows.

Right Holder: CHARLES BARLOW
 1130 MANCHESTER DR
 KAYSVILLE UT 84037

Priority Date: June 01, 1905

Source: WHISKEY CREEK **Tributary:** BEAR RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	04/20 to 09/30		0.41 CFS	132.5 AF
			0.41 CFS	132.5 AF

LOCATION OF POINT(S) OF DIVERSION:
 WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S	40E	25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S	40E	36	39.0	29.0	3.0	7.0	13.0												91.0
11S	41E	31					40.0		40.0										80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek..
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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. Rights 13-7614, 13-7618 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 216.3 af at the field headgate, and the irrigation of 61.8 acres.

SCANNED
 JUL 07 2003

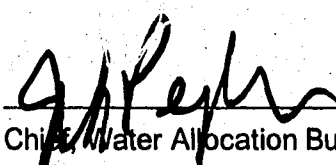
WATER RIGHT NO. 13-7620
As Modified by Transfer No. 70192

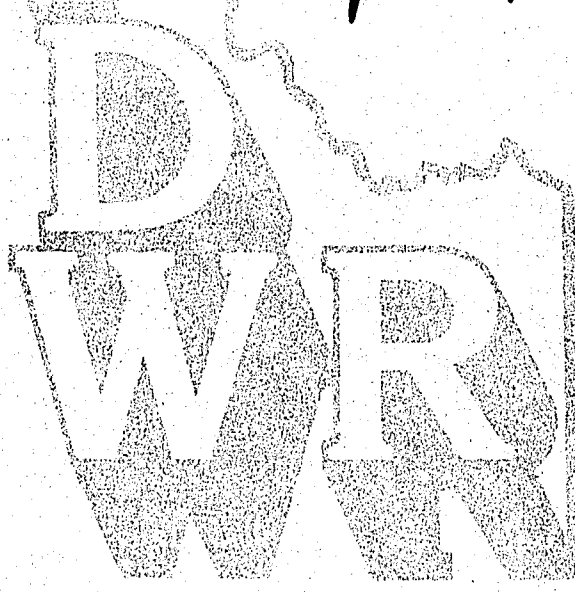
CONDITIONS OF APPROVAL

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 19 day of June, 2003


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7621
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7621 is now described as follows.

Right Holder: HENRY TURNER
 JOHN TURNER
 ZZ

Priority Date: May 01, 1880

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.02 CFS	
			0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK NESE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	X																

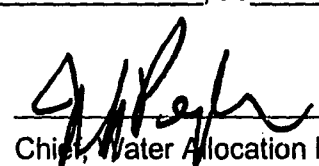
Total Acres: 14.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.4 acres within the place of use described above in a single irrigation season.
2. Approval of this transfer does not confirm the validity of this water right.
3. See supplemental decree, Turner vs Turner (13N).

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 19 day of June, 2003


 For Chief, Water Allocation Bureau

SCANNED

JUL 07 2003

WATER RIGHT NO. 13-7622
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7622 is now described as follows.

Right Holder: CHARLES BARLOW
 1130 MANCHESTER DR
 KAYSVILLE UT 84037

Priority Date: May 01, 1880

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.21 CFS	67.9 AF
			0.21 CFS	67.9 AF

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S 40E 25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S 40E 36	39.0	29.0	3.0	7.0	13.0												91.0
11S 41E 31						40.0		40.0									80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek..
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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. Rights 13-7622, 13-7624 and 13-7616 when combined shall not exceed the irrigation of 148.6 acres.

SCANNED
 JUL 07 2003

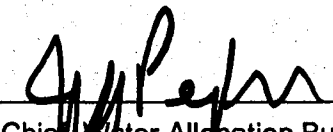
WATER RIGHT NO. 13-7622
As Modified by Transfer No. 70192

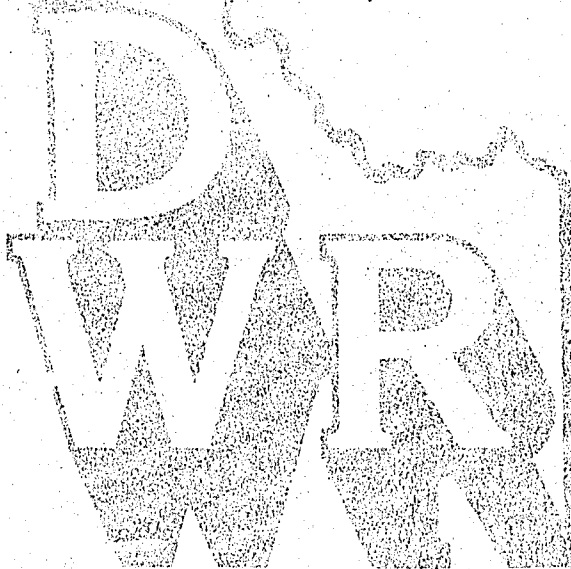
CONDITIONS OF APPROVAL

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 19 day of June, 2003


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7623
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7623 is now described as follows.

Right Holder: HENRY R TURNER
ZZ

Priority Date: June 01, 1905

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20	to 09/30	0.06 CFS	
			0.06 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK NESE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S	40E	25	X			X													

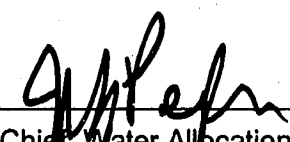
Total Acres: 14.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.4 acres within the place of use described above in a single irrigation season.
2. Approval of this transfer does not confirm the validity of this water right.
3. See supplemental decree, Turner vs Turner (13N).

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 19 day of June, 20 03

For 
Chief, Water Allocation Bureau

SCANNED
JUL 07 2003

WATER RIGHT NO. 13-7624
As Modified by Transfer No. 70192

In accordance with the approval of Transfer No. 70192, Water Right No. 13-7624 is now described as follows.

Right Holder: CHARLES BARLOW
 1130 MANCHESTER DR
 KAYSVILLE UT 84037

Priority Date: June 01, 1905

Source: WHISKEY CREEK

Tributary: BEAR RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	04/20	to 09/30	0.59 CFS	190.8 AF
			0.59 CFS	190.8 AF

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSE Sec. 24 Twp 11S Rge 40E CARIBOU 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	
11S	40E	25	29.0		40.0	34.0									39.0	40.0	13.0	14.0	209.0
11S	40E	36	39.0	29.0	3.0	7.0	13.0												91.0
11S	41E	31					40.0		40.0										80.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. Rights 13-695, 13-696A, 13-712A, 13-713, 13-7622, 13-7614, 13-7616, 13-7618, 13-7624 and 13-7620 when combined shall not exceed a total annual maximum diversion volume of 1035.2 af at the field headgate, and the irrigation of 296.1 acres.
2. 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. 13-S, Whiskey Creek.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall 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.

SCANNED
 JUL 07 2003

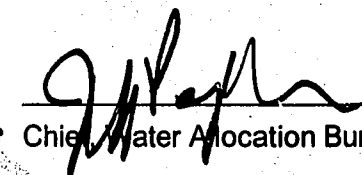
WATER RIGHT NO. 13-7624
As Modified by Transfer No. 70192

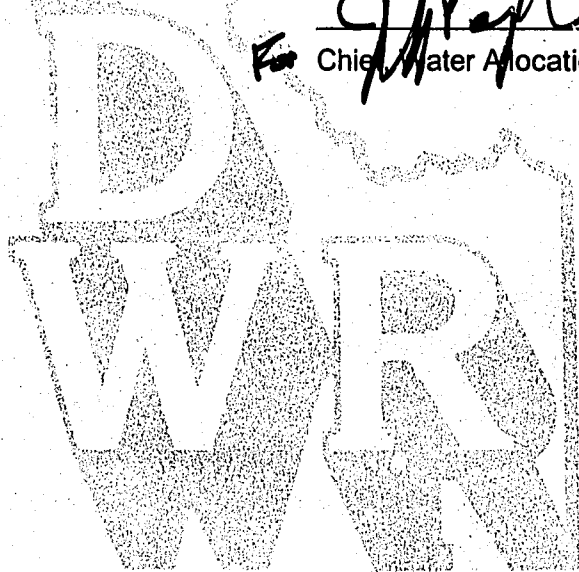
CONDITIONS OF APPROVAL

5. Rights 13-7622, 13-7616 and 13-7624 when combined shall not exceed the irrigation of 148.6 acres.
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 19 day of June, 20 03


For Chief, Water Allocation Bureau



SCANNED
JUL 07 2003

①
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BANNOCK.

LEROY V. TURNER and
REBA O. TURNER, his wife,
Plaintiffs,

-vs-

HENRY R. TURNER and
ILA O. TURNER, his wife,
Defendants.

(c/7)

D E C R E E

This cause came on for trial before the Honorable Jay L. Downing,
District Judge, without a jury, this 3rd day of June, 1943, at 11:00
o'clock A.M. in the court room of the court house in Pocatello, Bannock
County, Idaho.

The plaintiffs being represented by their attorneys Black &
Black, of Pocatello, Idaho, and the defendants being represented by
their attorneys Merrill & Merrill, of Pocatello, Idaho.

The parties, through their attorneys requested a continuance
of the hearing for time for them to consider an amicable settlement of
the matters in dispute between the parties, which continuance was granted.

Thereafter, on June 4, 1943, at 11:00 o'clock A.M., the parties
to said action, by and through their respective counsel, submitted to
the Court a stipulation and agreement, in writing, signed by parties
plaintiff and their counsel and by parties defendant and their counsel,
for the consideration of the Court in the disposition of this case.

The Court, upon consideration of the said Stipulation and
Agreement and the pleadings on file in said case, finds that the said
stipulation and Agreement is fair and is the agreement of the respective
parties hereto and should be approved and the Decree of the Court should

RECORDED
MAY 14 1946

-3-

III

That all of said lands were originally owned and possessed by John R. Turner and Mary Ann Turner, the father and mother of LeRoy V. Turner and Henry R. Turner, and during said ownership to-wit: On July 14, 1920 there was duly made and entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case wherein Utah Power and Light Company were plaintiff and the Last Chance Canal Company, Ltd., et al, were defendants, a certain Decree whereby the right to use various quantities of water from Bear River and its tributaries was adjudicated.

IV

That said John R. Turner was a party to said suit, and that it was fixed and established in said Decree, among other rights, the right of John R. Turner to use the following amounts of water with the following dates of priority upon the following lands, to-wit:

1100631	320. John R. Turner:	For the irrigation of
	1880 - May 1	0.4 c.f.s. 20 acres in the East
		Half of Section 25,
		Township 11 South,
		Range 40 East, B.M.

which water is to be diverted from the Michelson-Svensen Ditch, which diverts on the east side of said Whiskey Creek at a point 89° west, 2500 feet from the east quarter corner of Section 18, Township 12 South, Range 41, East Boise Meridian;

11	0655	332. John R. Turner:	For the irrigation of
	0656	1880 - May 1	0.8 c.f.s. 180 acres in the South
	0657	1906 - May 1	1.7 c.f.s. Half of the Northeast
		1906 - June 1	1.3 c.f.s. Quarter, the North-
			east quarter of the
			Northeast quarter, the
			North half of the Southeast Quarter, the
			North half of the North half of the South
			half of the Southeast quarter of Section 25,
			Township 11 South, Range 40 East, B.M., and
			that portion of the North half of the South-
			west quarter and of the South half of the
			Northwest quarter of said Section 25 which
			lies East of Bear River;

which water is to be diverted from the Mendenhall Ditch, which diverts on the east side of said Whiskey Creek at a point north 37° 20' west, 1815

RECORDED
MAY 14 1926

feet from the southeast corner of Section 24, Township 11 South, Range 40 East Boise Meridian. That the lands described in said Decree are the identical lands hereinabove described as now being owned and possessed by the respective parties hereto, and that all of the waters decreed to the said John R. Turner for use upon the above described lands have been continuously used thereon since the date of said Decree by the said John R. Turner and his successors in interest, who are now the owners of the right to the use of said waters. /

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the rights of the respective parties hereto for the use of the waters hereinbefore referred to on their respective lands shall be and the same are hereby fixed and determined as follows:

- 11 0631 1. The defendants and cross-complainants Henry R. Turner and Ila O. Turner shall have and they are hereby awarded the full, exclusive and continuous right to the use, upon the lands owned by them and above described, of all water decreed in Right No. 320 of said Federal Decree, being 0.4 c.f.s. or 20 miners inches with a date of priority of May 1, 1880, diverted from Whiskey Creek through the Mickelsen-Swensen Ditch, which ditch diverts from Whiskey Creek at the point and in the manner described in said Decree, and diverts from said Mickelsen-Swensen Ditch through a ditch of defendants, conveying the water to defendants' lands.
- 11 0655 2. That the plaintiffs, LeRoy V. Turner and Reba G. Turner, shall have and they are hereby awarded the full, exclusive and continuous right to the use, upon said lands owned by them and above described, of 0.3 c.f.s. or 15 miners inches of the water from said right No. 332 in said Federal Decree, with a date of priority of May 1, 1880, diverted through the Mendenhall Ditch and from said Mendenhall Ditch at the point where the waters for plaintiffs' said lands are now diverted from said

RECORDED
MAY 14 1996

STATE OF IDAHO,)
 : ss.
COUNTY OF BANNOCK,)

ANNA KEEFE, hereby certifies:

That she is the duly elected, qualified and acting
Clerk and Ex-Officio Recorder of Bannock County, Idaho, and
as such has in her possession all of the records and files
of said office; that the foregoing is a true, full and correct
copy of the original Decree as the same is on record and on
file in the above entitled action in the above entitled Court.

Anna Keefe
Clerk & Ex-Officio Recorder

(S E A L)

FILED
Anna Keefe
CLERK, AUDITOR & RECORDER
BANNOCK COUNTY, IDAHO
JUN 4, 1943 4 38 PM

REPRODUCED

MAY 14 1996

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

11-2

~~summed copy~~

~~Original can be found in this same file.~~

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

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

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

Defendants.

In Equity

No. 203.

FINAL DECREE

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

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

MAY 14 1996

DATE OF PRIORITY	AMOUNT IN SECOND FEET
13-0690	1877-May 11 0.9 c.f.s.
13-0691	1905-May 11 1.2 c.f.s.

POINT OF DIVERSION AND PLACE OF USE

For the irrigation of 105 acres in the Southwest quarter of the Southeast quarter, and the Southeast quarter of the Southwest quarter of Section 19, the West half of the Northeast quarter, and the Northeast quarter of the Northwest quarter of Section 30, said Township and Range.

13-0692	1877-May 11 0.3 c.f.s.
13-0693	1905-May 11 0.3 c.f.s.

For the irrigation of 30 acres in Lot 4 of Section 19, said Township and Range.

13-0694	1883-May 1 0.8 c.f.s.
---------	-----------------------

For the irrigation of 40 acres in the South half of the Northeast quarter, the Northwest quarter of the Southeast quarter, Northeast quarter of the Southwest quarter, and the Southeast quarter of the Northwest quarter of Section 19, Township 11 South, Range 41 East.

13-0695	1880-May 1 0.4 c.f.s.
---------	-----------------------

For the irrigation of 20 acres in the East half of Section 25, Township 11 South, Range 40 East, B.M.

Lars Rasmussen Ditch, diverts on the West side of said Whiskey Creek at a point South 78 degrees West 2400 feet from the Northeast corner of Section 18, Township 11 South, Range 41 East, B.M. The following parties are entitled to divert through said ditch, with priority and in the amount hereinbelow set forth:

13-0696	1905-May 1 0.8 c.f.s.
---------	-----------------------

For the irrigation of 40 acres in the West half of the Northeast quarter of Section 24, said Township and Range.

13-0697	1881-May 11 1.0 c.f.s.
13-0698	1905-May 11 1.5 c.f.s.

For the irrigation of 125 acres in the East half of the Southwest quarter and Lot 2, the Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 18, said Township and Range. Said water may also be diverted through ditches diverting from said Whiskey Creek, (1) at a point South 84 degrees West 1750 feet from the Northeast corner of Section 18, (2) at a point South 89 degrees West 2500 feet from the quarter corner on the East boundary of Section 18, said Township and Range, or by means of the Mickelson-Spenson ditch, hereinbefore described.

75
MAY 14 1996

9

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

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

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

FRANK S. DIETRICH,
Judge.

MICROFILMED

MAY 1 4 1996

117

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 11-631

WATER RIGHT NUMBER: 11-631

Owner Type Name and Address

Priority Date:

Basis:

Status: See Remarks

Source

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

1. General SEE RIGHT NO. 13-006957

Comments:

Dates and Other Information:

Right No. 13-720A

Priority 6/1/1905

Source WHISKEY CREEK

Use IRRIGATION (0 acres) 0.59 CFS

Total Amount 0.59 CFS

Point(s) of Diversion S24 T11S R40E

Place of Use S25 T11S R40E

Right No. 13-695

Priority 5/1/1880

Source WHISKEY CREEK

Use IRRIGATION (0 acres) 0.40 CFS

Total Amount 0.40 CFS

Point(s) of Diversion S18 T11S R41E

Place of Use S25 T11S R40E

305.4 Total Acres

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

The applicant has purchased the Glen Turner ranch and is clarifying the places of use to be in Sec 25 and 36 T11S R40E and Sec 31 T11S R41E, limited to 296.1 acres irrigated. The point of diversion is the ditch in the SWSE Sec 24 T11S R40E.

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 November 04, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on October 17 and 24, 2002

SCANNED

FEB 05 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

October 09, 2002

Legal Notice Department
CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

RE: Transfer No. 70192

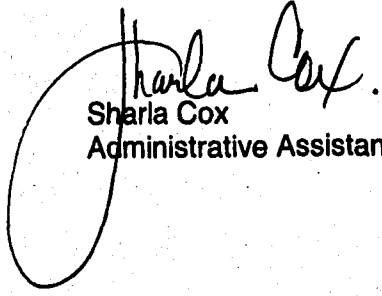
Water Right No(s). 13-696A 13-713 13-718B 13-719B 13-720B 13-712A 13-718C 13-719A
13-720A 13-695

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 November 4, 2002. Your cooperation is appreciated.

Sincerely


Sharla Cox
Administrative Assistant

*forward
10/16/02
sc*

SCANNED
FEB 05 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70192

CHARLES BARLOW, 1130 MANCHESTER DR, KAYSVILLE UT 84037, has filed Application No. 70192 for changes to the following water rights within CARIBOU County:

Right No. 13-696A

Priority 5/1/1905
Source WHISKEY CREEK
Use IRRIGATION (40 acres) 0.78 CFS
Total Amount 0.78 CFS

Right No. 13-713

Priority 5/1/1905
Source WHISKEY CREEK
Use IRRIGATION (0 acres) 0.90 CFS
Total Amount 0.90 CFS

Right No. 13-712A

Priority 5/1/1878
Source WHISKEY CREEK
Use IRRIGATION (0 acres) 0.58 CFS
Total Amount 0.58 CFS

Point(s) of Diversion S24 T11S R40E

Place of Use S31 T11S R41E

Right No. 13-718B

Priority 5/1/1880
Source WHISKEY CREEK
Use IRRIGATION (0 acres) 0.55 CFS
Total Amount 0.55 CFS

Right No. 13-719B

Priority 5/1/1905
Source WHISKEY CREEK
Use IRRIGATION (0 acres) 0.85 CFS
Total Amount 0.85 CFS

Right No. 13-720B

Priority 6/1/1905
Source WHISKEY CREEK
Use IRRIGATION (0 acres) 0.65 CFS
Total Amount 0.65 CFS

Right No. 13-718C

Priority 5/1/1880
Source WHISKEY CREEK
Use IRRIGATION (0 acres) 0.21 CFS
Total Amount 0.21 CFS

Right No. 13-719A

Priority 5/1/1905
Source WHISKEY CREEK
Use IRRIGATION (0 acres) 0.85 CFS
Total Amount 0.85 CFS

SCANNED

FEB 05 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

October 09, 2002

CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037

RE: Application for Transfer No 70192

Water Right No(s) 13-696A 13-713 13-718B 13-719B 13-720B 13-712A
13-718C 13-719A 13-720A 13-695

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 Caribou Co Sun on October 17 and 24, 2002. Submittal of protests to this application will be allowed for a period ending ten days (November 5, 2002) 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,

Harold W Jones
Water Right Supervisor

HWJ:sc

SCANNED

FEB 05 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

October 09, 2002

WILLIAM SWANSON
WATER DISTRICT 13S
685 BENCH LAGO RD
GRACE, ID 83241

RE: Application for Transfer 70192
Water Right Number(s) 13-696A , 13-713 , 13-718B , 13-719B , 13-720B ,
13-712A , 13-718C , 13-719A , 13-720A , 13-695

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 November 4, 2002.

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

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

SCANNED

FEB 05 2003

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

RECOMMENDATION OF WATERMASTER

Transfer Application No: 70192

Water Right No(s): 13-696A, 13-713, 13-718B, 13-719B,
13-720B, 13-712A, 13-718C, 13-719A,
13-720A, 13-695

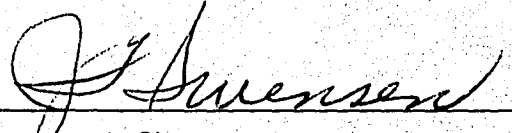
Transfer Applicant's Name: CHARLES BARLOW

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 21 day of October, 2002

Water District No: 13S


Watermaster's Signature

SCANNED
FEB 05 2003

RECEIVED
NOV 01 2002
Department of Water Resources
22811

S. CRISS JAMES
Attorney at Law
P.O. Box 474
109 South Main
Soda Springs, ID 83276
(208) 547-1930
Fax (208) 547-1932

November 4, 2002

Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402
(208) 525-7161
fax (208) 525-7177

RE: PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 70192

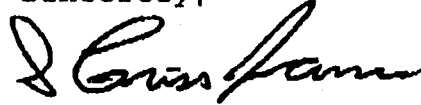
Dear Department of Water Resources,

I have been retained by Jay and June Turner concerning the proposed Change of Water Right Transfer No. 70192. The Turners are filing a this protest to the transfer of this water right. The water that has been used on the Glen Turner Ranch for the past several years did not belong to Glen Turner and also was not transferred to Charles Barlow when he purchased the Glen Turner Ranch. Said water right belongs to Jay and June Turner. Also Jay Turner is the brother of Glen Turner.

Since my clients disputes that Charles Barlow has any rights to this water, They are opposed to the transfer of the point of diversion.

Please contact me at my office if I can be of assistance to you. I am faxing a copy of this protest today as this is the last day to file a protest. I will send the original letter and a protest fee by mail today. Thank you.

Sincerely,


S. CRISS JAMES

SCANNED

FEB 05 2003

C:/letters.bus-jay-turner-water resources

P. 1 5076

CRISS JAMES ATTORNEY AT LAW

NOV 4 2002 4:19 PM

S. CRISS JAMES

Attorney at Law
P.O. Box 474
109 South Main
Soda Springs, ID 83266
(208) 547-1930
Fax (208) 547-1932

RECEIVED

NOV 06 2002

November 4, 2002

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402
(208) 525-7161
fax (208) 525-7177

RE: PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 70192

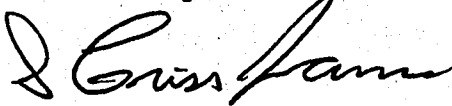
Dear Department of Water Resources,

I have been retained by Jay and June Turner concerning the proposed Change of Water Right Transfer No. 70192. The Turners are filing a this protest to the transfer of this water right. The water that has been used on the Glen Turner Ranch for the past several years did not belong to Glen Turner and also was not transferred to Charles Barlow when he purchased the Glen Turner Ranch. Said water right belongs to Jay and June Turner. Also Jay Turner is the brother of Glen Turner.

Since my clients disputes that Charles Barlow has any rights to this water, They are opposed to the transfer of the point of diversion.

Please contact me at my office if I can be of assistance to you. I am faxing a copy of this protest today as this is the last day to file a protest. I will send the original letter and a protest fee by mail today. Thank you.

Sincerely,


S. CRISS JAMES

SCANNED

C:/letters.bus-jay-turner-water resources

FEB 05 2003

Received faxed
protest, 11/4/02
@ 4:19 pm

Receipt # E028291

PUBLIC NOTICE

First Time Published

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 70192**

CHARLES BARLOW, 1130
MANCHESTER DRIVE, KAYS-
VILLE, UTAH 84037, has filed
Application No. 70192 for changes
to the following water rights within
Caribou County:

Right No. 13-696A

Priority: 5/1/1905

Source: WHISKEY CREEK

Use: IRRIGATION (40 acres)

0.78 CFS

Total Amount: 0.78 CFS

Right No. 13-713

Priority: 5/1/1905

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.90 CFS

Total Amount: 0.90 CFS

Right No. 13-712A

Priority: 5/1/1878

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.58 CFS

Total Amount: 0.58 CFS

Point(s) of Diversion: S24 T11S

R40E

Place of Use: S31 T11S R41E

Right No. 13-718B

Priority: 5/1/1880

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.55 CFS

Total Amount: 0.55 CFS

Right No. 13-719B

Priority: 5/1/1905

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.85 CFS

Total Amount: 0.85 CFS

Right No. 13-720B

Priority: 6/1/1905

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.65 CFS

Total Amount: 0.65 CFS

Right No. 13-718C

Priority: 5/1/1880

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.21 CFS

Total Amount: 0.21 CFS

Right No. 13-719A

Priority: 5/1/1905

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.85 CFS

Total Amount: 0.85 CFS

Right No. 13-720A

Priority: 6/1/1905

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.59 CFS

Total Amount: 0.59 CFS

Point(s) of Diversion: S24 T11S

R40E

Place of Use: S25 T11S R40E

Right No. 13-695

Priority: 5/1/1880

Source: WHISKEY CREEK

Use: IRRIGATION (0 acres)

0.40 CFS

Total Amount: 0.40 CFS

Point(s) of Diversion: S18 T11S

R41E

Place of Use: S25 T11S R40E

305.4 Total Acres

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

The applicant has purchased the
Glen Turner ranch and is clarifying
the places of use to be in Sec. 25
and 36 T11S R40E and Sec. 31
T11S R41E, limited to 296.1 acres
irrigated. The point of diversion is
the ditch in the SWSE Sec. 24 T11S
R40E. Protests may be submitted
based on the criteria of Sec. 42-
222, Idaho Code.

Any protest against the pro-
posed change must be filed with the
Department of Water Resources,
Eastern Region, 900 North Skyline
Drive, Ste. A, Idaho Falls, ID
83402 together with a protest fee of
\$25.00 for each application on or
before Nov. 4, 2002. The protestant
must also send a copy of the protest
to the applicant.

(s) KARL J. DREHER

Director

Published on Oct. 17 and 24,
2002 in the Caribou County Sun.

**Affidavit of
Publication**

County of Caribou
State of Idaho

} ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said
County uninterruptedly and con-
tinuously for over seventy-eight
consecutive weeks, prior to the
first publication of the annexed
notice or advertisement;

That the annexed notice was
published as per clipping
attached in the regular and entire
edition of said newspaper and
not in any supplement thereof for

two

successive weekly issues there-
of, the date of the first publica-
tion being the

17th day of

October, 2002

The date of the last publication

being the 24th day of

October, 2002

On this 24th day of October

in the year of 2002, before
me, a Notary Public, personally
appeared

known or identified to me to be
the person whose name sub-
scribed to the within instrument,
and being by me first duly
sworn, declared that the state-
ments therein are true, and
acknowledged to me that he exe-
cuted the same.

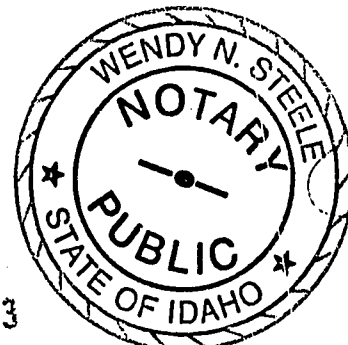
Wendy N. Steele
Notary Public for Idaho

Residing at Soda Springs, Idaho
My commission expires:

March 11, 2006

Received
11/6/02
se

SCANNED
FEB 05 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

November 07, 2002

HJAY OR JANE TURNER
PO BOX 220
GRACE, ID 83241

RE: Application for Transfer No 70192
Water Right No(s) 13-696A 13-713 13-718B 13-719B 13-720B 13-720A
13-712A 13-718C 13-719A 13-695

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

1. Will other water rights be injured by the proposed transfer?
2. Will the proposed change constitute an enlargement in the use of the original right(s)?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

CC: State Office, S. CRISS JAMES, PO BOX 474, SODA SPRINGS ID 83276

HWJ:sc

SCANNED

FEB 05 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
November 7, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037

RE: Application for Transfer No 70192
Water Right No(s) 13-696A 13-713 13-718B 13-719B 13-720B 13-720A
13-712A 13-718C 13-719A 13-695

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

1. Will other water rights be injured by the proposed transfer?
2. Will the proposed change constitute an enlargement in the use of the original right(s)?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,
Harold W. Jones
Harold W Jones
Water Right Supervisor

Enclosure

CC: State Office

HWJ:sc

SCANNED

FEB 05 2003

S. CRISS JAMES

**Attorney at Law
P O Box 474
Soda Springs, ID 83276**

Telephone: (208) 547-1930

Facsimile: (208) 547-1932

December 12, 2002

Idaho Department of Water Resources
900 N Skyline Dr. Ste. A
Idaho Falls ID 83402-1718

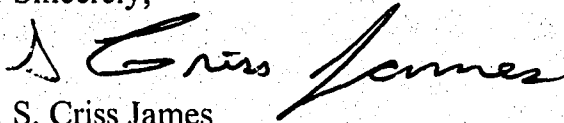
Re: Proposed Water Right Transfer No. 70192

Dear Department of Water Resources:

I have been informed by Jay and June Turner that the water right they believed they owned was apparently sold to Mr. Turner's brother approximately twenty-five (25) years ago. Jay was unaware that he had sold this water right and therefore, he no further objects to the transfer of this water right.

If there are any questions, please feel free to contact my office. Thank you.

Sincerely,



S. Criss James
Attorney at Law

SCJ/vm

c: Jay & June Turner
Charles Barlow

RECEIVED
DEC 16 2002
Department of Water Resources
Eastern Region

SCANNED

FEB 05 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

December 19, 2002

Charles Barlow
1130 Manchester Dr
Kaysville UT 84037

RE: Withdrawal of protest on Application for Transfer No. 70192

Dear Sir:

This Department has received a withdrawal of protest from S Criss James for protestants Jay and June Turner.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

SCANNED

FEB 05 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

December 19, 2002

S Criss James
For Protestants Jay & June Turner
PO Box 474
Soda Springs ID 83276

RE: Withdrawal of protest on Transfer #70192 for Barlow

Dear Protestants:

This Department has received the withdrawal of protest against the application for Charles Barlow.

We will continue to process this application.

If you have any questions, please call our office.

Sincerely,

**Harold W Jones
Water Rights Supervisor**

HWJ:sc

SCANNED

FEB 05 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

January 22, 2003

Steve Tingey
115 Hyway 34
Grace, Idaho 83241

Mr. Tingey:

Enclosed is a transfer application filed by Charles Barlow on portions of water rights from Whiskey Creek. You may have a portion of these rights also and we wanted you to be aware of this proceeding.

We will finalize this application soon so if you have any comments or questions please contact me within 7 days.

Sincerely,

Harold W. Jones
Water Resource Supervisor

SCANNED

FEB 05 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

January 22, 2003

Roger Mickelsen
2140 Lago-Liberty Rd
Grace, Idaho 83241

Mr. Mickelsen:

Enclosed is a transfer application filed by Charles Barlow on portions of water rights from Whiskey Creek. You may have a portion of these rights also and we wanted you to be aware of this proceeding.

We will finalize this application soon so if you have any comments or questions please contact me within 7 days.

Sincerely,

Harold W. Jones
Water Resource Supervisor

SCANNED

FEB 05 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

June 6, 2003

Steve Tingey
115 Highway 34
Grace ID 83241

Enclosed is a Change of Ownership form for a portion of the water right(s) that you apparently purchased from Glen Turner.

Idaho Code requires all purchases of property with water rights to file a change of ownership if the purchase took place after June 30, 2000.

The form should be completed and returned with the appropriate fee.

Sincerely,

H. W. Jones
Harold W Jones
Water Right Supervisor

HWJ:sc



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

June 6, 2003

Roger Mickelsen
2140 Lago-Liberty Rd
Grace ID 83241

Enclosed is a Change of Ownership form for a portion of the water right(s) that you apparently purchased from Glen Turner.

Idaho Code requires all purchases of property with water rights to file a change of ownership if the purchase took place after June 30, 2000.

The form should be completed and returned with the appropriate fee.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MEMORANDUM

Date: May 30, 2003
To: Transfer 70192
From: hjones
Re: Transfer Evaluation

This transfer proposes to change the Place of Use and Point of Diversion. Since this is in the Bear River drainage the absolute location of historic use is not always clear. These rights however were sold to the new owner by the just retired Water master of Whiskey Creek, Glen Turner. This lends credibility to the declared place of use. The new Water Master, Frank Swenson was also contacted and he clarified the actual location of the point of diversion.

In addition, Glen Turner identified the owners of the remainder of the rights as Roger Mickelsen and Steve Tingey. They own the 14.4 acres and 38.2 acres, respectively, that are left over on the transfer. This resulted in family sales by Glen Turner and his grandfather.

I have checked with the Caribou County Assessors office and Mr. Tingey and Mr. Mickelsen bought their portions of the original POU in June and October of 2000, respectively. Each party will be sent a letter asking them to submit a change of ownership form for their portions. Both parties have been listed as "Present Owners" on the unsplit portions of the rights.

Authority to File:
Subject land is owned by the applicant as evidenced by warranty deed.

Water Right Validity:
Validity of the rights involved: The rights involved are decrees and the new Water master has no objection to the transfer.

Injury to Other Water Rights:
The original protest by the brother of the old Water master was withdrawn and no other injury appears obvious.

Enlargement of Use:
There is no evidence of enlargement of use. However, we have included a permissible place of use but limited the irrigation to the additive acres.

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
No issue identified.

Review of the application finds there is consistency with criteria set forth in Section 42-222 Idaho Code in processing of this application.

The application has been advertised and there was one protest but that has been withdrawn.

SCANNED
MAY 30 2003
70192

Transfer 70192

Page 20 of 23

7/12/03

5/27/03 4:55 pm. Verified

per Carol Call @ R40E
Carbon Co. Assessor office.

25

25

29.223

Roger Michelson

30.290

40.655

34.206

1.806

0.539

20.142

40.364

38.918

13.118

14.200

Steve Tingy

25

25

26

0.013

13.431

28.891

39.515

2.953

7.365

SCANNED

MAY 10 2003

SCANNED

FEB 05 2003

T 70192
P.1

(208) 525-7177

IDWR Eastern Region

May 27 03 03:19p



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

June 20, 2003

CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037

RE: Transfer No.:70192 - Water Rights 13-695, 13-696A,13-713, 13-718B,13-719B,
13-720B,13-720A,13-712A,13-718C,13-719A, 13-7613 thru 13-7624
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.

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

Sincerely,

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

JP:klt

Enclosure(s)

cc: ROGER MICKELSEN
STEVE TINGEY

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

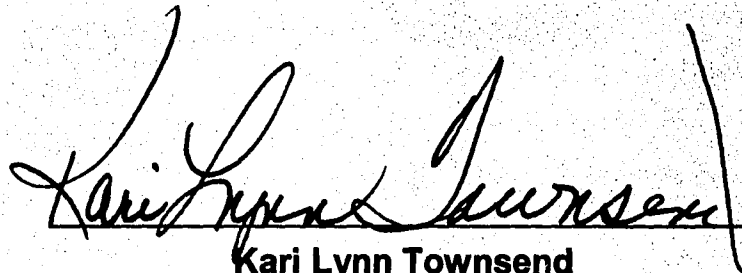
RE: TRANSFER NO. 70192

**WATER RIGHTS 13-695, 13-696A, 13-713, 13-718B, 13-719B, 13-720B,
13-720A, 13-712A, 13-718C, 13-719A, 13-7613 thru 13-7624**

**CHARLES BARLOW
1130 MANCHESTER DR
KAYSVILLE UT 84037**

**ROGER MICKELSEN
2140 LAGO-LIBERTY RD
GRACE ID 83241**

**STEVE TINGEY
115 HWY 34
GRACE ID 83241**


**Kari Lynn Townsend
Secretary**

**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

June 20, 2003

GLENN TURNER
WATERMASTER
179 HWY 34
GRACE ID 83241

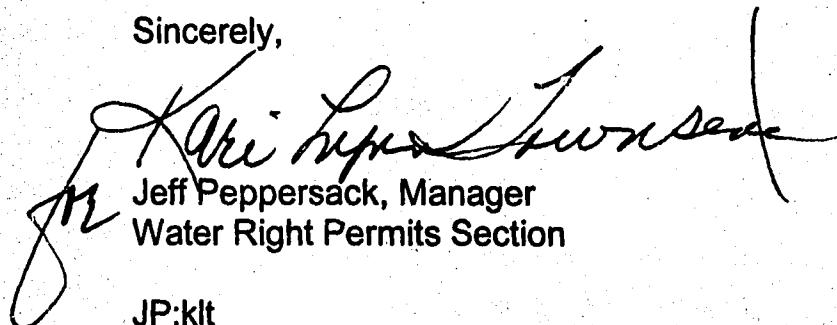
RE: TRANSFER OF WATER RIGHTS 13-695, 13-696A, 13-712A, 13-713, 13-718B,
13-718C, 13-719A, 13-719B, 13-720A, 13-720B, 13-7613 thru 13-7624
(Transfer 70192)

Dear Glenn:

Enclosed is a copy of the recently approved Transfer of Water Right for the above
referenced water rights (Transfer 70192) in the names of Charles Barlow, Roger
Mickelsen and Steve Tingey.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure