



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 22, 2000

RUFF TIMES TWO
3004 W 2100 S
ABERDEEN ID 83210

RE: Transfer #5540 (water right 35-07477B) and 35-02312D, 35-07882B, and 35-13271B and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Ruff:

On October 1, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5540, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Water Rights: 35-07477B
SPLIT INTO 35-07477C &
35-07477D AND

CORRECTED REMARKS ON 35-02312D, 35-07882B, 35-13271B

Case No. 39576

)
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

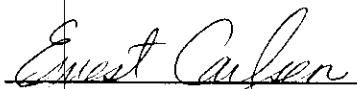
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **5540**
 - ☒ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 7 March 2000

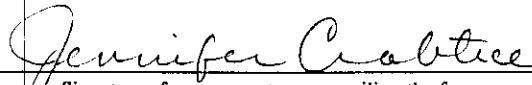


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/10, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
RUFF TIMES TWO
3004 W 2100 S
ABERDEEN ID 83210
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAR-9-2000
PAGE: A-2-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07477D

NAME & ADDRESS: RUFF TIMES TWO
3005 W 2100 S
ABERDEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.63 CFS
128.0 AFY

PRIORITY DATE: 02/12/1975

POINT OF DIVERSION: T06S R30E S18 NENENE Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.63 CFS 128.0 AFY

PLACE OF USE:	IRRIGATION	Within BINGHAM County
	T06S R30E S18 69 ACRES TOTAL	NWNE 9 SWNE 30 SENE 30

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 35-07882B, 35-02312D, 35-13271B,
35-07477D AND 35-08747A.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5540
WATER RIGHT NO(S). 35-07477D/35-08747A

RECEIVED

OCT 07 1999

Department of Water Resources
Eastern Region

This is to certify that: RUFF TIMES FARMS
C/O DOUG RUFF
3005 W 2100 S
ABERDEEN ID 83210

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07477D : IRRIGATION Priority: 02/12/1975	04/01 to 10/31	0.63 CFS	128.0 AF
Right No. 35-08747A : IRRIGATION Priority: 04/07/1989	04/01 to 10/31	0.74 CFS	148.0 AF
TOTAL:		1.37 CFS	276.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 06S, Range 30E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	30E	18	NWNE 9	SWNE 30	SENE 30	69
Total number of acres irrigated:						* 69

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- * 2. Right 35-07477D is limited to the irrigation of 32.0 acres in the place of use described above in a single irrigation season.
- * 3. Right 35-08747A is limited to the irrigation of 37.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5540
WATER RIGHT NO(S). 35-07477D/35-08747A

CONDITIONS OF APPROVAL AND REMARKS

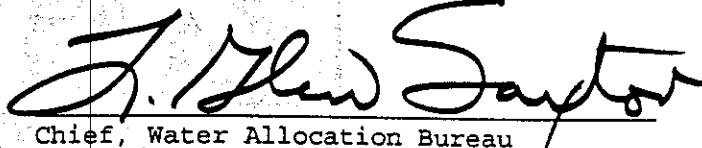
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Right 35-08747A is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
10. Diversion and use of water under Right 35-08747A is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
11. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 1st day of

October

19

99


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-07477B & 35-08747A

FROM: Pam Skaggs/^{3b}State Office

SUBJECT: Transfer 5540

DATE: October 1, 1999

Transfer 5540 changes the point of diversion and place of use under all of Right 35-08747A and part of Right 35-07477B, splitting the right into Parts C and D. The two rights create a 69 acre permissible place of use. This change completes a pivot partially completed under previous Transfer 5479.

Recommended conditions include drilling permit requirements, measuring & annual reporting, irrigation overlap, permissible place of use, connected sources, trust conditions (35-08747D), and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Ruff Times Farms c/o Doug Ruff Phone 208-397-4660
Post Office address 3005 W. 2100 S. Aberdeen ID 83210

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes I want to fill in a pivot in Sec 18. See pending tr. 5479 by Reid Stewart.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|------------------|--------------------|-------------------|-----------------------------|
| <u>35-08747A</u> | <u>4/01/1989</u> | <u>0.74</u> | <u>Irrigation</u> | <u>4/01</u> to <u>10/31</u> |
| <u>35-07477D</u> | <u>2/12/1975</u> | <u>0.63</u> | <u>IRRIGATION</u> | <u>4/01</u> to <u>10/31</u> |
| | | <u>1.37</u> | | |
2. Total amount of water being transferred ~~0.74~~ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____ 3.36

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	18	6S	30E	Bingham	

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 %	
6S	30E	18		9	28														37
6S	30E	18			2	30													32

PART 1

6. General Information:

a. Description of diversion system well + pump to pivot

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

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

Land will be dry farmed

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

Witness my hand this _____ day of _____, 19 _____

PART 2

TRANS NO. 5540

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-07477B

STAGE: LICENSE

BENEFICIAL USEPERIOD OF USEDIVERSION
RATEANNUAL
VOLUME

IRRIGATION

04/01 to 11/01

4.60 CFS

928.0 AF

SOURCE

GROUNDWATER

Priority: 02/12/1975

LOCATION OF POINT(S) OF DIVERSION:NWSWNW , Sec. 15, Township 06S, Range 29E
POWER CountyPLACE OF USE: IRRIGATIONTWN RGE SECACRESACRESACRESTOTAL

06S 29E 15

NWNE 39

SWNE 39

NENW 39

NWNW 38

SWNW 38

SENE 39

232

Total number of acres irrigated:

232

CONDITIONS/REMARKS:

1. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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 0.63 cfs for Irrigation purposes from 4-01 to 11-01
 (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
	NW	SW	NW	15	6S	29E	Power	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	29E	15		16	16														32

Total acres 32**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 3.97 cfs for Irrigation purposes from 4-01 to 11-01
 (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
	SW	NW	SW	15	6S	29E	Power	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	29E	15		23	23		39	38	38	39									200

Total acres 200

PART 2

TRANS NO. 5540

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-08747A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.74 CFS	148.0 AF

SOURCE

GROUNDWATER

Priority: 04/07/1989

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 15, Township 06S, Range 29E
POWER CountyPLACE OF USE: IRRIGATION

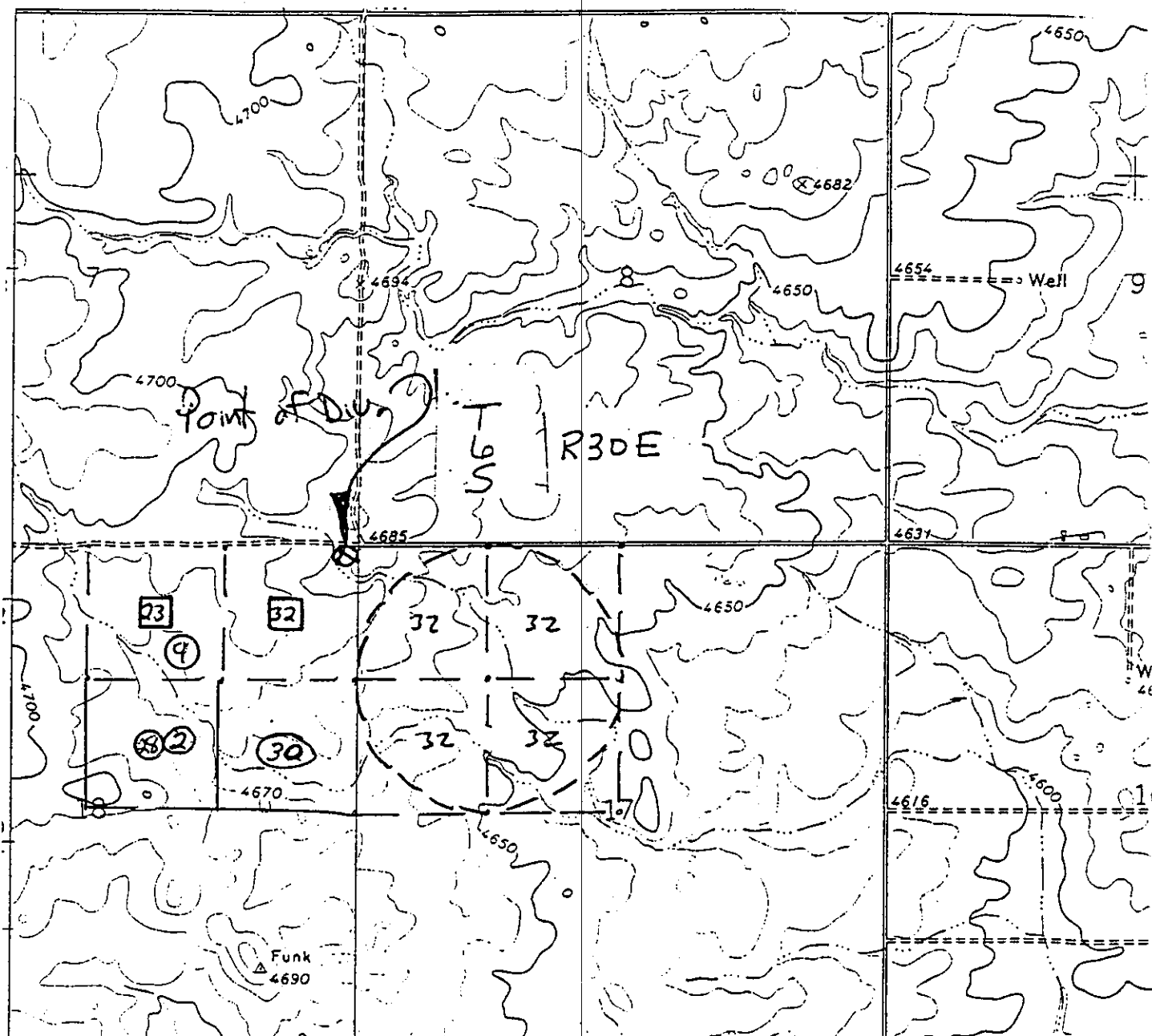
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 29E 10	NWSW 7	SWSW 30		37
Total number of acres irrigated:				37

CONDITIONS/REMARKS:

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. Right 35-07477B is also diverted through the point(s) of diversion described above.

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

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



PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

RUFF TIMES FARMS OF [Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 12 day of Aug, 19 99.

[Signature]
(Notary Public)

My commission expires 2/26/2002

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DC Date 8/12/99 Protest filed by _____

Prelim. check by _____ Fee \$100 E025208

Receipted by DC Date 8/12/99

Published in Morning News Copies of protest forwarded by _____

Pub. dates 8/26 & 9/2/99 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



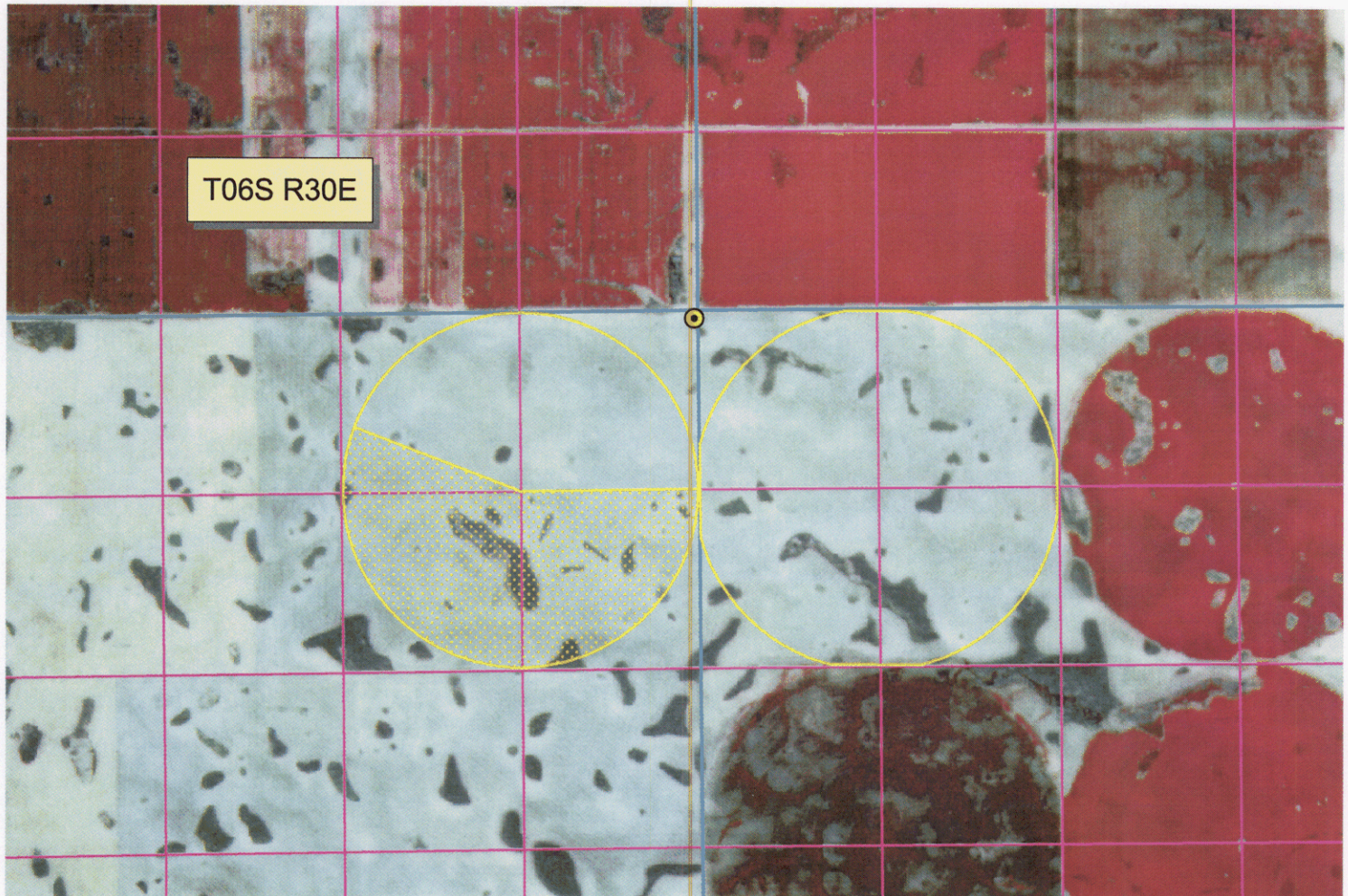
STATE OF IDAHO

Department of Water Resources

Eastern Region

not found

Water Right(s): 35-07477D,
35-08747A



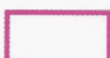
0 1320 2640 3960 5280 Feet

LEGEND

 Point of Diversion

 Place of Use

 Section Line

 Quarter-section line



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: February 2000