

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: 34-7035 SPLIT INTO
34-7035A & 34-7035B

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 **5659 FOR 34-7035B ONLY**
(FOR 34-7035A SEE NCAP FOR TRANSFER 5661)

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

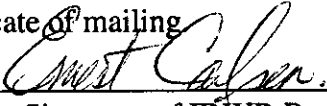
☒ split of water right ☐ change in ownership

☐ other

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: Oct 9, 2001


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Oct 12, 2001, 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:
M TODD PERKES
RT 1 BOX 69
MOORE ID 83255
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
M TODD PERKES
RT 1 BOX 69
MOORE ID 83255
MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255
4. One copy to:
Each party in the subcase, or attorney of record
KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
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

Cheri Undermeulen

Signature of person or attorney mailing the form

Not Found

10/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: ~~18938~~
NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: GROUND WATER
TRIBUTARY:

QUANTITY: 4.980 CFS
1,293.30 AFY
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6 AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.

PRIORITY DATE: 04/12/1973

POINT OF DIVERSION:
T04N R26E S5 SESE Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/01 11/01	4.980 CFS 1,293.30 AFY

PLACE OF USE:	IRRIGATION Within BUTTE County							
	T03N R25E S02	NENW	39.0	T03N R25E S02	NWNW	39.0		
	T03N R25E S02	SWNW	40.0	T03N R25E S02	SENW	40.0		
	T03N R25E S03	NENE	39.0	T03N R25E S03	NWNE	39.0		
	T04N R25E S34	NENE	39.0	T04N R25E S34	NWNE	38.0		
	T04N R25E S34	SWNE	40.0	T04N R25E S34	SENE	40.0		
	T04N R25E S34	NESE	40.0	T04N R25E S34	NWSE	40.0		
	T04N R25E S34	SWSE	40.0	T04N R25E S34	SESE	40.0		
	T04N R25E S35	NENW	38.0	T04N R25E S35	NWNW	38.0		
	T04N R25E S35	SWNW	40.0	T04N R25E S35	SENW	40.0		
	T04N R25E S35	NESW	20.0	T04N R25E S35	NWSW	40.0		
	T04N R25E S35	SWSW	39.0	T04N R25E S35	SESW	20.0		

828 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 369.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-496A, 34-692D, 34-2428, 34-7035B AND 34-12416.

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

10/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

WATER IS DELIVERED THROUGH THE TIMBER DOME CANAL.



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

October 10, 2001

M TODD PERKES
RT 1 BOX 69
MOORE ID 83255

RE: Transfer #5659 (water right 34-7-35 SPLIT INTO 34-7035A AND 34-7035B) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Perkes:

On August 24, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5659, 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,

Cheri Vandermeulen
Records Clerk

Carter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5659
WATER RIGHT NO. 34-07035B

RECEIVED
AUG 28 2000

Department of Water Resources
Eastern Region

This is to certify that: **M TODD PERKES**
RT 1 BOX 69
MOORE ID 83255

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.

BENEFICIAL USE PERIOD OF USE

IRRIGATION 04/01 to 11/01

DIVERSION ANNUAL
RATE VOLUME

4.98 CFS 1293.3 AF

SOURCE
GROUNDWATER

Priority: 04/12/1973

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 5, Township 04N, Range 26E
BUTTE 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>
03N	25E	2	NENW 39	NWNW 39	SWNW 40	158
			SEnw 40			78
		3	NENE 39	NWNE 39		
04N	25E	34	NENE 39	NWNE 38	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		317
		35	NENW 38	NWNW 38	SWNW 40	
			SEnw 40	NESW 20	NWSW 40	
			SWSW 39	SESW 20		275
Total number of acres irrigated:						828

CONDITIONS OF APPROVAL AND REMARKS

Right 34-07035B is subject to the conditions of the Preliminary Order dated 06-06-2000 which has become final in the matter of Application for Transfer 5659.

Dated this 24th day of

August, 2000

J. Glen Saxton
Chief, Water Allocation Bureau

Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5659APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant M TODD PERKES Phone _____Post Office address RT 1 BOX 69 MOORE ID 83255

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 SPLIT RIGHT
2. Describe the reason for the proposed changes TO SETTLE LITIGATION BETWEEN JENSEN AND SORENSEN

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>34-07035 B</u> | <u>04/12/1973</u> | <u>4.98 CFS</u> | <u>IRRIGATION</u> | <u>04/15</u> to <u>10/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 4.98 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	05	04N	26E	BUTTE	MITCHELL D. SORENSEN FARM, NEW WELL

5. Lands irrigated or place of use: PPU LANDS OWNED BY MITCHELL D. SORENSEN

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
03N	25E	02					39	39	40	40									158
		03	39	39															78
04N	25E	34	39	38	40	40									40	40	40	40	317
		35					38	38	40	40	20	40	39	20					275

Total acres 828

PART 1

6. General Information:

a. Description of diversion system WELL AND PUMP ON ONE SORENSEN FARM WILL DIVERT
INTO PIPELINE WHICH WILL DISCHARGE DIRECTLY INTO TIMBERDOME CANAL
TO OTHER SORENSEN FARM

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:

NONE

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 _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 34-07035 issued by the Idaho Department of Water Resources.
- c. Claim No. A34-07035 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 04/12/1973

5. Water is used for the following purpose:

amount 5.62 CFS for IRRIGATION purposes from 04/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 5.62 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	NW	08	04N	26E	BUTTE	M. TODD PERKES FARM

8. Lands irrigated or place of use: PPU OF LANDS OWNED BY M. TODD PERKES

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
03N	25E	01	33	33	33	33													132
04N	25E	25					33	33	33	40	40	33	33	39	33	40	39	33	429

Total acres 561

9. Describe any other water rights used for the same purpose as described above 34-07122A

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 4.98 cfs for Irrigation purposes from 4/15 to 10/15
 (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	NW	NW	8	4N	26E	Butte	Todd Perks Farm

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	

Total acres _____

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

1. amount 0.64 cfs for Irrigation purposes from 4/15 to 10/15
 (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	NW	NW	8	4N	26E	Butte	

3. Lands irrigated or place of use:

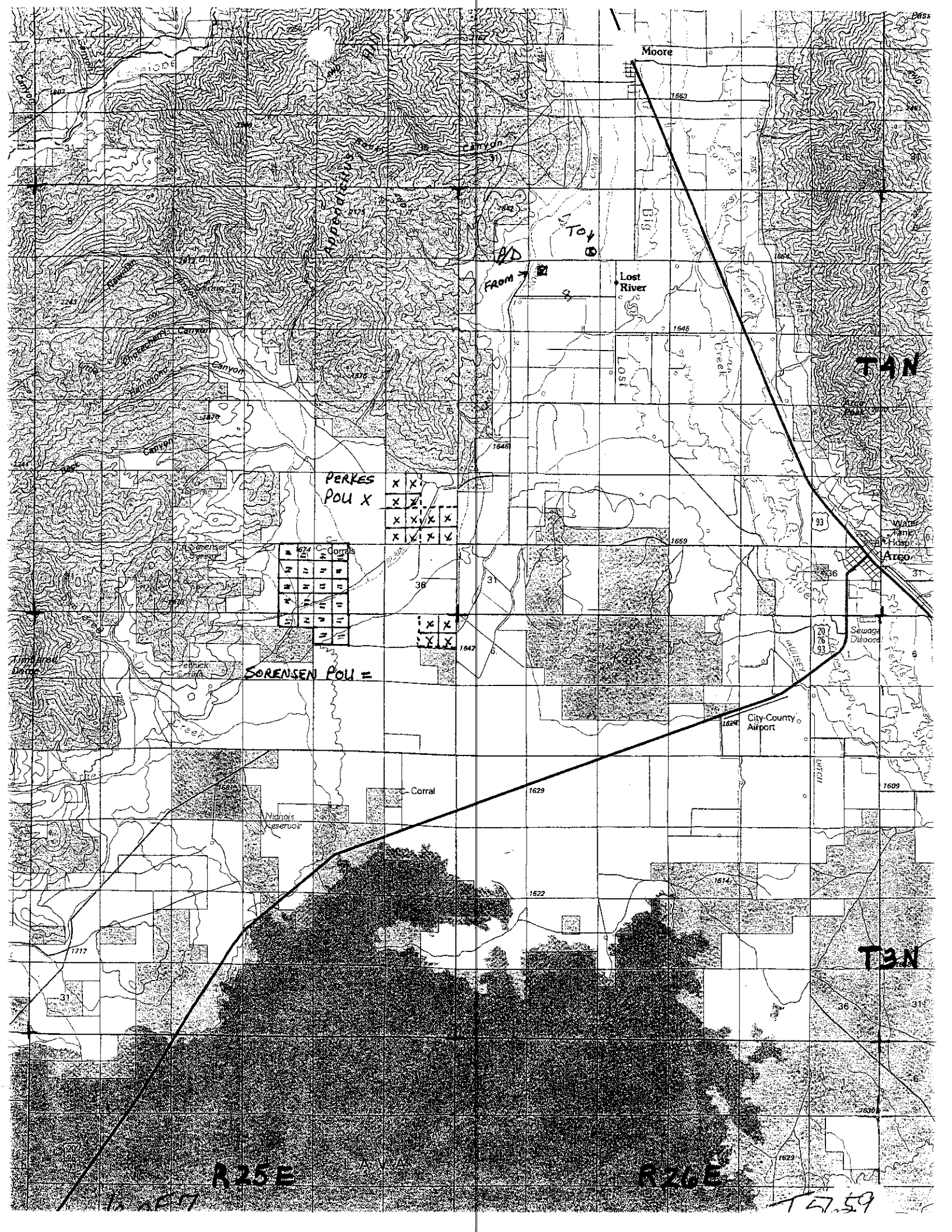
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	26E	1	33	33	33	33													132
4N	26E	25					33	33	33	40	40	33	33	39	33	40	39	33	429

Total acres 561

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.

SEE MAP ATTACHED



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

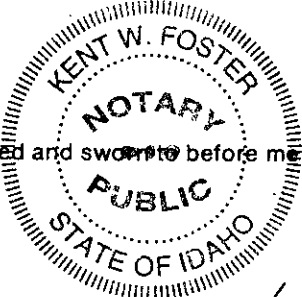
2. Quantity and quality of return flows and location of discharge:

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.

Subscribed and sworn to before me this 5th day of JANUARY, 2000.

 M. Todd Parker
(Signature of Applicant)

Kent W. Foster
(Notary Public)

My commission expires 11/20/2004

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 10 attachments

Received by [Signature] Date 1-10-2000 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Receipted by HWS #EO25547 Date 1-10-2000

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. dates 2-17 & 3-2-00 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

DATE: 5/13/92

ANALYSTS

ACRES OVERLAPPING: 945 (COMBINED TOTAL)
IRRIGATION METHOD: FLOOD 3 SPRINKLER 60
DELIVERY LOSS FACTOR USED:

$$\frac{B_2}{(SUC)} = \frac{C_2}{(SUC)} = \frac{20}{1}$$

(Source) _____

3.12
RANGE OF RECOMMENDABLE DIVERSION RATES & VOLUMES

SURCS	W.B. ACRES	DIVISION RATE MIN	MAX	DIV VOL.	C.U. VOL.
511	945	11.87	23.63	418.4	2362.5
811	828	11.87	23.65	—	2070
1011	915	—	23.65	—	212.5

* w/ 20% loss

ANALYSIS FOR CLAIM NO.: A34-02428

STANDARD CONDITIONS:

STANDARD CONDITIONS: C₀: 5, C C₀3: 1, 2, 3, 4, 5 C C₀3: 2, 3, 1 C₀6: 1

STANDARD REMARKS:

#	/ E/2: —; 2362.5car, 945 k; 3,345! 6/Ept: —; 4134, 445A; —; —;	1986: 173
2	E/2: Dima/Edu: —; —;	—; —;

2 EN2: D1m0/EP4: D1m0/141: 7/7/PS: 19/Encuuc/EP7: 537: 2.76/6/141: 141

3 E12: D1m0/EP4: 7/PS: 21/Encuuc/EP7: 137: 2.92/6/141: 141

4 E12: 0mo/ E44: 0mo/ xdr: 2/ EKwUGe/eq1375-15846/146: 80
5 E12: 0mo/ 2 2

6 E/12: 0000/

7 #12: 020/EP4: D170/EP7: 1,3,3,4: 11.55cfs/K02: 1,3,3,4/~~EP4: D170/EP7: 1,3,3,4~~: 11.55cfs/K06: 365

IDAHO DEPARTMENT OF WATER RESOURCES

34-7035A, 34-7122A, 34-7096A, 34-7097A,
34-7223



PLACE OF USE