



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 11, 2001

M TODD PERKES
RT 1 BOX 69
MOORE ID 83255

RE: Transfer #5660 for water right(s) 34-7096A, ~~34-7097A~~ AND 34-7223 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Perkes:

On August 24, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5660, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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

cc: MITCHELL D SORENSEN

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

Case No. 39576

Water Rights: 34-7096A, 34-7097A
AND 34-7223

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 5660
 - ☐ 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 October 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:
MITCHELL D SORENSEN
RT 1 BOX 63-A
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

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

WILLIAM HOLLIFIELD
HOLLIFIELD & TOLMAN
PO BOX 66
TWIN FALLS ID 83303-0066

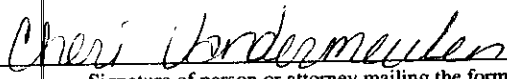
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5660
WATER RIGHT NO(S). 34-07096A/34-07097A/34-07223

RECEIVED

AUG 28 2000

Department of Water Resources
Eastern Region

This is to certify that: MITCHELL D SORENSEN
RT 1 BOX 63-A
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.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-07096A : IRRIGATION Priority: 01/31/1975	04/01 to 10/31	1.84 CFS	322.0 AF
Right No. 34-07097A : IRRIGATION Priority: 01/31/1975	04/01 to 10/31	1.58 CFS	276.5 AF
Right No. 34-07223 : IRRIGATION Priority: 04/16/1979	04/01 to 11/01	1.58 CFS	280.0 AF
TOTAL:		5.00 CFS	878.5 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESWSE , Sec. 8, Township 04N, Range 26E
NWSNW , Sec. 17, 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	1	NENE 33	NWNE 33	SWNE 33	132
			SENE 33			
04N	25E	25	NENW 33	NWNW 33	SWNW 33	
			SENW 40	NESW 40	NWSW 33	
			SWSW 33	SESW 39	NESE 33	
			NWSE 40	SWSE 39	SESE 33	429
Total number of acres irrigated:						561

TRANSFER NO. 5660
WATER RIGHT NO(S). 34-07096A/34-07097A/34-07223

CONDITIONS OF APPROVAL AND REMARKS

Rights 34-07096A, 34-07097A and 34-07223 are subject to the conditions of the Preliminary Order dated 06-06-2000 which has become final in the matter of Application for Transfer 5660.

Dated this 24th day of August, 2000

J. Glen Saxton
Chief, Water Allocation Bureau

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5660

APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1

Name of Applicant Mitchell D. Sorensen Phone (208) 527-3271
Post Office address Rt. 1 Box 63-A, 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 _____
2. Describe the reason for the proposed changes Settlement of litigation with Kirby and Doyle Jensen

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>34-07096A</u> | <u>Jan 31, 1975</u> | <u>1.84 cfs</u> | <u>Irr.</u> | <u>04-15 to 10-15</u> |
| <u>34-07097A</u> | <u>Jan 31 1975</u> | <u>1.58 cfs</u> | <u>Irr.</u> | <u>04-15 to 10-15</u> |
| <u>34-07223</u> | <u>April 16, 1979</u> | <u>1.58 cfs</u> | <u>Irr.</u> | <u>04-15 to 10-15</u> |
- 10/31/00
2. Total amount of water being transferred 5.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	NW	17	4N	26E	Butte	Kirby Jensen farm (07096A and 07097A)
	NE	SW	SE	8	4N	26E	Butte	Doyle Jensen farm (07223)

on Jensen
but will
be re-
for surface
water

5. Lands irrigated or place of use: (Permissible Place of Use-lands owned by M. Todd Perkes)

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	
3N	25E	1	33	33	33	33													132
4N	25E	25					33	33	33	40	40	33	33	39	33	40	39	33	429

Total Acres 561

Total Acres 561

6. General Information:

- | | |
|----|--|
| a. | Description of diversion system wells and pumps on Jensen farms in exchange for surface water diverted through Moore Canal of Big Lost River Irrigation District to Crossover ditch to Timberdome Canal Co. system to Perkes farm |
| b. | Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? <u> x </u> Yes <u> </u> No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. <u>See attached approvals.</u> |
| c. | Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
<u>There will be no effect</u> |
| d. | Remarks:
<u>A copy of the Jensen/Sorensen Settlement Agreement is attached</u> |

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 _____, 2000.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R34-07223

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	1.58 CFS

SOURCE

GROUNDWATER

Priority: 04/16/1979

LOCATION OF POINT(S) OF DIVERSION:NESWSE , Sec. 8, Township 04N, Range 26E
BUTTE CountyPLACE OF USE:

IRRIGATION

												NE				NW				SW				SE																				
												NENE	NWNE	SWNE	SENE	:				NENW	NWNW	SWNW	SENW	:				NESW	NWSW	SWSW	SESW	:				NESE	NWSE	SWSE	SESE	:				SUM
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac									:				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:								
03N	25E	2	:									:				03-39	04-39	40	40	:				:				:				:				158.0								
03N	25E	3	01-39 02-39									:				:				:				:				:				:				78.0								
04N	25E	34	39	38	40	40	:					:				:				:				40	40	40	40	:				317.0												
04N	25E	35	:									:				38	38	40	40	:				20	40	39	20	:				:				275.0								
																												TOTAL ACRES				828.0												

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.55 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4134.4 AF.
- COMBINED RIGHT NOS.: 34-02428, 34-07096A, 34-07096B, 34-07097A, 34-07097B AND 34-12416.
- WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM THE BIG LOST RIVER UNDER RIGHT NO. 34-00093. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-00093, AND WATER DIVERTED FROM THE BIG LOST RIVER IS USED FOR THE PURPOSES AND AT THE

Claim No. R34-07223

PLACES OF USE DESCRIBED IN THIS RIGHT.

5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. COMBINED RIGHT NOS.: 34-00496A, 34-00692D 34-02428, 34-07096A, 34-07096B, 34-07097A, 34-07097B AND 34-12416.
7. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Describe any other water rights used for the same purpose as described above:

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:

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 _____

Claim No. R34-07097A

34-07223 AND 34-12416.

5. WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM THE BIG LOST RIVER UNDER RIGHT NO. 34-10037. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-10037, AND WATER DIVERTED FROM THE BIG LOST RIVER IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN THIS RIGHT.
6. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. COMBINED RIGHT NOS.: 34-00496A, 34-00692D, 34-02428, 34-07096A, 34-07096B, 34-07097B, 34-07223 AND 34-12416.
8. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
8. RIGHT NO. 34-07096A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Describe any other water rights used for the same purpose as described above:

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:

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 _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R34-07096A

STAGE: ~~PERMIT~~ LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
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IRRIGATION

04/01 to 11/01
10/311.83 CFS - 1.84 cfsSOURCE

GROUNDWATER

Priority: 01/31/1975

LOCATION OF POINT(S) OF DIVERSION:NWSWSEW , Sec. 17, Township 04N, Range 26E
BUTTE CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE						
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
03N	25E	2	:					03-39	04-39	40	40										158.0	
03N	25E	3	:	01-39	02-39																78.0	
04N	25E	34	:	39	38	40	40									40	40	40	40		317.0	
04N	25E	35	:					38	38	40	40	20	40	39	20						275.0	
																			TOTAL ACRES	828.0		

CONDITIONS/REMARKS:

- THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.55 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4134.4 AF.
- COMBINED RIGHT NOS.: 34-02428, 34-07096B, 34-07097A, 34-07097B,

Claim No. R34-07096A

34-07223 AND 34-12416.

5. WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM THE BIG LOST RIVER UNDER RIGHT NO. 34-10037. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-10037, AND WATER DIVERTED FROM THE BIG LOST RIVER IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN THIS RIGHT.
6. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. COMBINED RIGHT NOS.: 34-00496A, 34-00692D, 34-02428, 34-07096B, 34-07097A, 34-07097B, 34-07223 AND 34-12416.
8. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 92 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
8. RIGHT NO. 34-07097A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

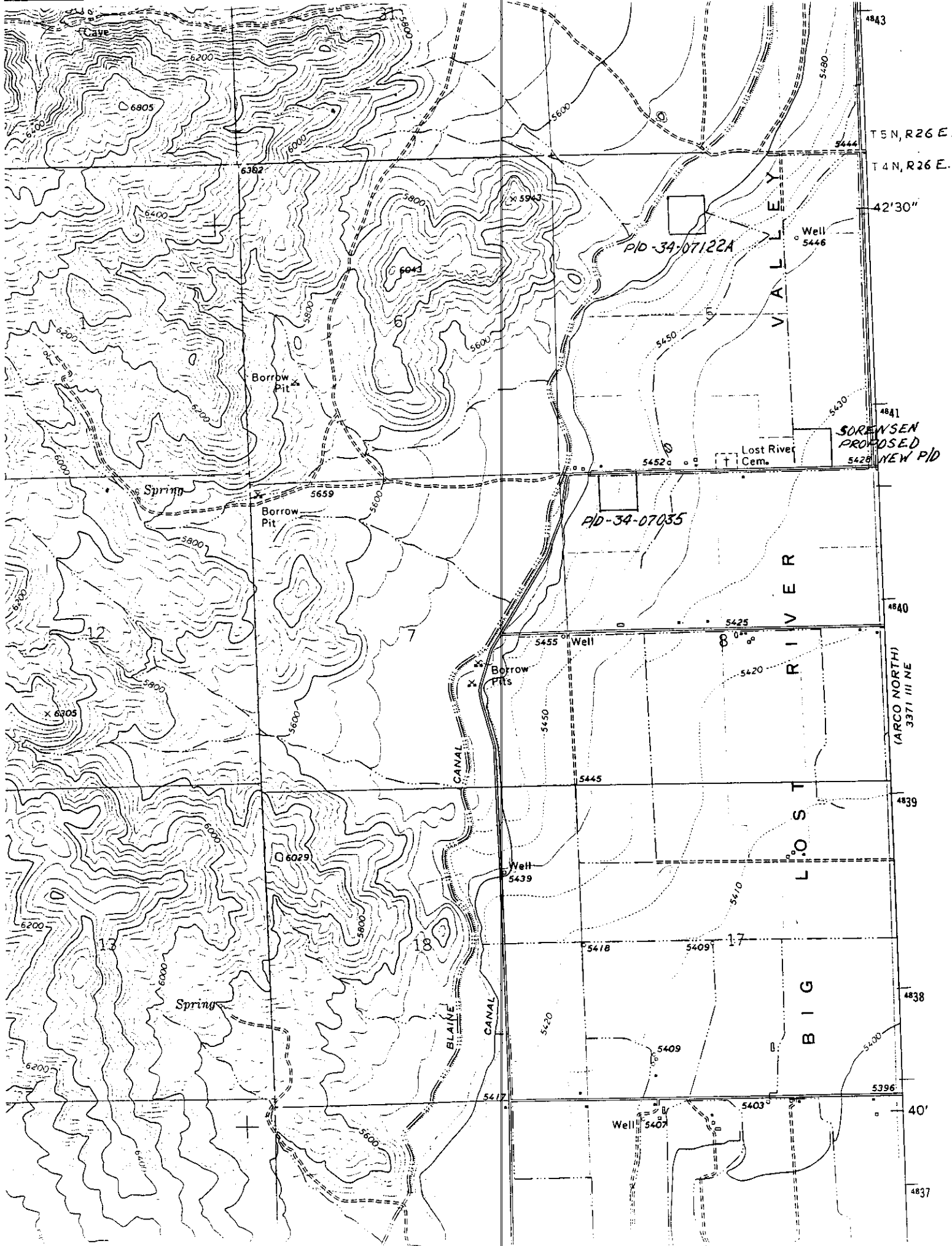
Describe any other water rights used for the same purpose as described above:

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:

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 _____



B. CHANGES IN NATURE OF USE

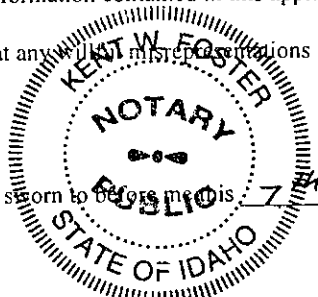
1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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 asset 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 7th day of January, 2000.

[Signature]
Notary Public

My Commission Expires 11/20/2004

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 5 attachments

Received by HWT Date 1-10-2000 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Received by HWT # E025547 Date 1-10-2000

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. dates 2-24 & 3-2-00 Hearing held by _____ Date _____

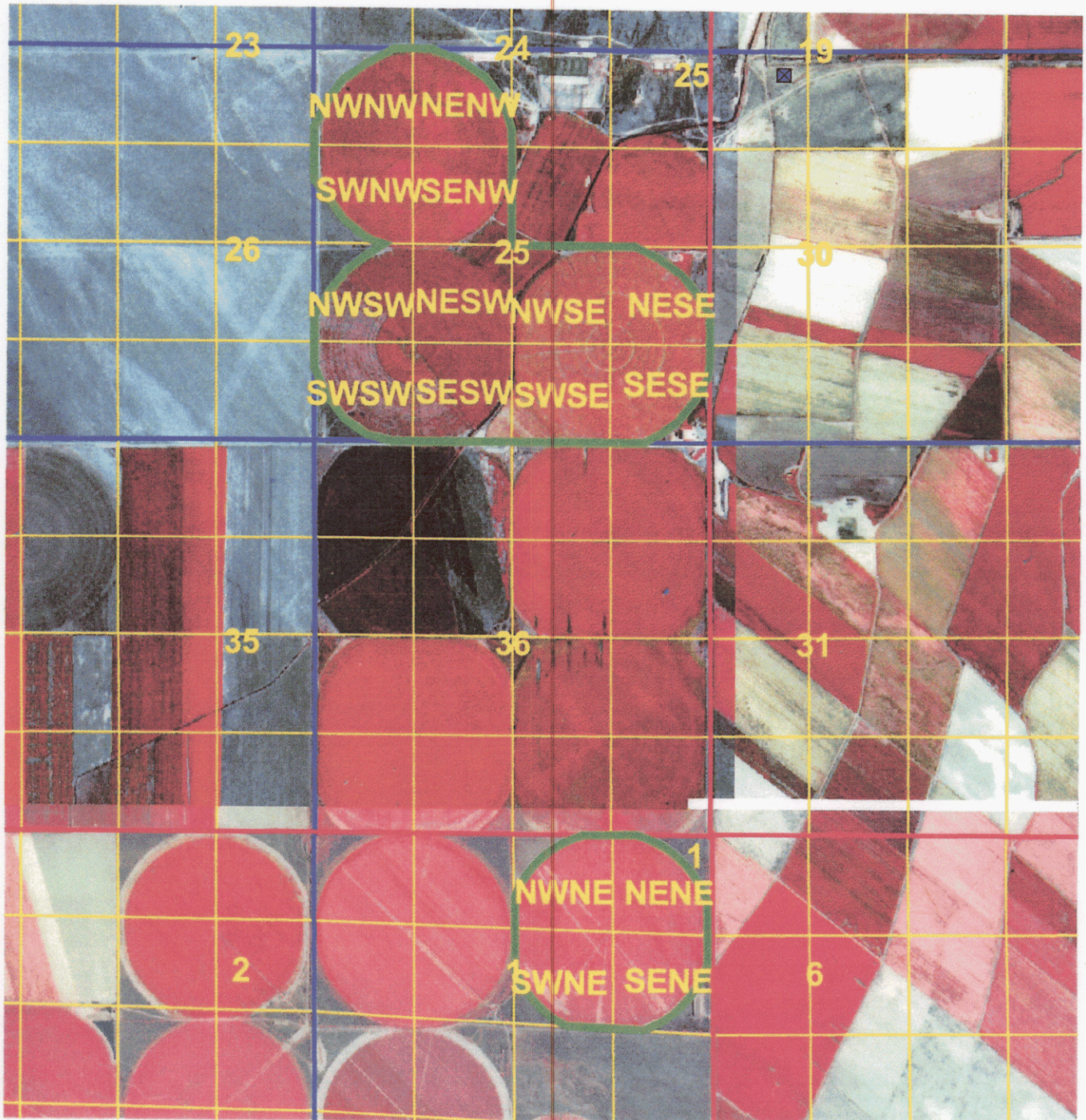
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

IDAHO DEPARTMENT OF WATER RESOURCES

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



PLACE OF USE