

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

Case No. 39576

# STANDARD FORM 1

## OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: CUMMINS FARMS INC. By: Daniel Cummins

Address: \_\_\_\_\_ P O BOX 30  
 \_\_\_\_\_ MURTAUGH, ID 83344-0033

Daytime Phone: 208-432-6675

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: CUMMINS FARMS INC

Address: PO BOX 30

MURTAUGH, ID 83344-0033

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☒ **Quantity**  
Should be: 5.79 cfs
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_
10. ☐ **I object because:**
  - ☐ This water right Should not exist.
  - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** \_\_\_\_\_

Refer to Exhibit "A" attached

## Exhibit "A"

Water right numbers 45-7374 and 45-7110 are limited to a combined 5.47 cfs quantity or flow, per condition of limitation of license.

The water right numbers 45-2583, 45-7035, 45-7020, 45-7238, and 45-2689 have no limitation of quantity or flow per the licensed rights. And in the aggregate these rights are licensed for 23.59 cfs.

The approved transfer of all the aforementioned water rights, as attached to this objection, allows for the aggregate quantity or flow of 29.06 cfs for the 23.59 cfs and the 5.47 cfs of approved quantity.

In the adjudication recommended right report, the I.D.W.R. ignored the licensed rights and the approved transfer by recommending a reduction of quantity of 8.83 cfs to a combined total diversion rate of 20.23 cfs. This I.D.W.R. recommendation has ignored all historical proof of the water right transfer approved on October 21, 1985 as well as all licensed rights, applied for and approved dating back to June 19, 1959.

This farm was purchased on February 11, 1999, with the market value or purchase price predicated on the validity of these approved water rights. I have complied with the appropriate change of ownership forms (1409) and I now am being forced to file this objection to the I.D.W.R. recommendations to protect my investment because the I.D.W.R. has arbitrarily reduced my water rights by 8.83 cfs, which equates to a 30% reduction and will force me to take all appropriate legal action. This IDWR recommendation will result in a 30% diminution in the value of my land, which I find completely unacceptable.

I respectfully request the SRBA court reject the IDWR recommendations.

## WATER RIGHT LICENSE

THIS IS TO CERTIFY, that HOWARD CONRAD

Twp. 11 S, Rge. 24 E, B.M. \_\_\_\_\_ in the County of \_\_\_\_\_ Cassia

[illegible]

Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard F. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)

in case of \_\_\_\_\_ vs \_\_\_\_\_

dated in \_\_\_\_\_ in \_\_\_\_\_ (Name of court) county of \_\_\_\_\_

b. License No. 45-7035 Issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_4. Date of priority 2-28-1969**5. Water is used for the following purposes:**amount 5.79 for Irrigation purposes from 3/15 to 11/15

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (month/day — both dates inclusive)

6. Total amount of water under right: a. 5.79 cubic feet per second  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is NW % of NW % of Section 15Township 11S Range 21E B.M. in Cassia County

Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | 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 |        |
| 11S  | 21E   | 16   | 40     | 40     | 40     | 40     |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     | 320    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 320

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? \_\_\_\_\_ If yes, describe in item D, REMARKS.

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)

in case of \_\_\_\_\_ vs \_\_\_\_\_

dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)b. License No. 45-7110 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_3. Source of water groundwater tributary to \_\_\_\_\_4. Date of priority 9-18-1972

## 5. Water is used for the following purposes:

amount 3.98 for irrigation purposes from 3/1 to 11/1amount .02 for stockwater purposes from 1/1 to 12/31amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)6. Total amount of water under right: a. 4.0 cubic feet per secondb. \_\_\_\_\_ &/or  
acre feet per annum7. Location of original point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 15Township 11S Range 21E B.M. in Cassia CountyAdditional points of diversion, if any \_\_\_\_\_  
\_\_\_\_\_

## 8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 11S  | 21E   | 15   |                  |                  |                  |                  | 39               | 38               | 39               | 39               | 39               | 39               | 39               | 39               |                  |                  |                  |                  | 310    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 310

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? \_\_\_\_\_ If yes, describe in item D, REMARKS.

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)

in case of \_\_\_\_\_ vs \_\_\_\_\_

dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)b. License No. 45-7374 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired:** \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_4. Date of priority 4-11-1979**5. Water is used for the following purposes:**amount 3.10 for irrigation purposes from 3/1 to 11/1

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

**6. Total amount of water under right:** a. 3.10 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 15Township 11S Range 21E, B.M., in Cassia County

Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 11S  | 21E   | 10   |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 40               | 36               | 39               |                  |                  |                  |                  | 155    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 155

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

**10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?** \_\_\_\_\_ If yes, describe in item D, REMARKS.

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444

Post Office address Rt. 1 Murtaugh, Idaho 83344

**A. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)

in case of \_\_\_\_\_ vs \_\_\_\_\_

dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)

b. License No. 45-2583 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_

4. Date of priority 6/19/1959

5. Water is used for the following purposes: \_\_\_\_\_ not given on license

amount 1.82 for irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.82 cubic feet per second  
&/or

b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is SE 1/4 of SE 1/4 of Section 9

Township 11S Range 21E, B.M. in Cassia County

Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | 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 |        |
| 11S  | 21E   | 9    |        |        | 40     | 40     |        |        |        | 20     |        |        |        |        | 40     | 40     | 25     | 40     | 245    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 245

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five consecutive years of nonuse? \_\_\_\_\_ If yes, describe in item D, REMARKS.

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5414Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)

in case of \_\_\_\_\_ VS \_\_\_\_\_

dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)b. License No. 45-2689 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_4. Date of priority 11/9/1962

5. Water is used for the following purposes: Not given on license

amount 5.82 for irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day -- both dates inclusive)6. Total amount of water under right: a. 5.82 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum7. Location of original point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 10Township 11S Range 21E B.M., in Cassia County

Additional points of diversion, if any: \_\_\_\_\_

## 8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 11S  | 21E   | 9    | 40               | 40               | 40               | 40               | 37               | 40               | 40               | 40               |                  |                  |                  |                  | 40               | 40               | 40               | 40               | 477    |
|      |       | 8    | 17               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 17     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 494

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D, REMARKS.**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)

in case of \_\_\_\_\_ VS \_\_\_\_\_

dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)b. License No. 45-7020 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_3. Source of water groundwater tributary to \_\_\_\_\_4. Date of priority 4/6/1967

## 5. Water is used for the following purposes:

amount 3.76 for irrigation purposes from 4/1 to 11/15

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)6. Total amount of water under right: a. 3.76 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum7. Location of original point of diversion is NW 1/4 of NW 1/4 of Section 15Township 11S Range 21E B.M. in Cassia CountyAdditional points of diversion, if any \_\_\_\_\_  
\_\_\_\_\_

## 8. Lands irrigated or place of use:

| TWP. | RANGE | 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 |        |
| 11S  | 21E   | 8    |        |        |        |        |        |        |        | 10     | 38     | 20     | 40     | 40     |        |        |        |        | 148    |
|      |       | 7    |        |        |        |        |        |        |        |        |        |        |        | *      |        |        | 10     | 30     | 40     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 1889. Describe any other water rights used for the same purpose as described above **MICROFILMED**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? \_\_\_\_\_ If yes, describe in item D, REMARKS.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)

in case of \_\_\_\_\_ vs \_\_\_\_\_

dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)b. License No. 45-7238 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_4. Date of priority 5/2/1975

## 5. Water is used for the following purposes:

amount 6.4 for irrigation purposes from 3/15 to 11/15

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day -- both dates inclusive)6. Total amount of water under right: a. 6.4 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum7. Location of original point of diversion is NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 9Township 11S Range 21E B.M. in Cassia County

Additional points of diversion, if any \_\_\_\_\_

## 8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 11S  | 21E   | 18   | 40               | 40               | 40               | 40               | 39               | 38               | 39               | 40               | 40               | 39               | 39               | 40               | 40               | 40               | 40               | 40               | 634    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 634

9. Describe any other water rights used for the same purpose as described above: \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D. REMARKS.**MICROFILMED**

B DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second &/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_
3. Place of use: \_\_\_\_\_

| TWP. | RANGE | 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 number of acres to be irrigated \_\_\_\_\_

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
  - a. Amount of water to be diverted 29.06 C.F.S. c.f.s. &/or \_\_\_\_\_ acre feet
  - b. Description of diverting works WELLS, MOTORS, AND PUMPS
  - c. Describe the reasons for the proposed changes CONSOLIDATING POINTS OF DIVERSIONS  
AS TO IRRIGATE ALL OF THE GROUND BY ONE COMMON SYSTEM.
2. Change in point of diversion
 

Point of diversion 2pts-NE 1/4 SE 1/4, Section 9 Township 11S  
Range 21 E, B.M., cassia County  
Additional points se, sec 9, sww, sec 10, nwnw, sec 15 nenw, sec 9 11s 21e
3. Change in place of use NO CHANGE
  - a. 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 change.
  - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

[Signature]  
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of June, 19 85

[Signature]  
(Notary Public)

My commission expires 6/6

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

45-2583/2639/7020/  
7035/7110/7238/7374

This is to certify that I have examined Application for Transfer of Water Rights No 7035/7110/7238/7374 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 21<sup>st</sup> day of October, 1985

[Signature]  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by AS Date 6-27-1985 Protest filed by None  
Prelim. check by ADM Fee 50.00 #36642  
Receipted by AS Date 6-27-1985 # 36642  
Published in South Idaho Press Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 8/29 + 9/5/85 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on NA Recommended for: approval denial  
rec'd. \_\_\_\_\_ by ADM Sim

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## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on January 4, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: CUMMINS FARMS INC

Address: P.O. BOX 30

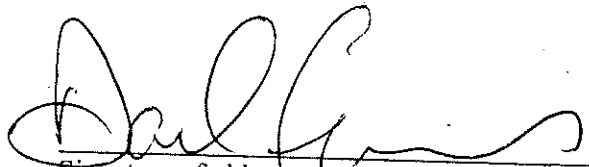
MURTAUGH, ID 83344-0033

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

  
Signature of objector or attorney  
mailing on Objector's behalf

ORIGINAL

F.

**VERIFICATION** (must be completed)

State of \_\_\_\_\_ )  
 )ss.  
County of \_\_\_\_\_ )

\_\_\_\_\_, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Kevin F. Trainor, Attorney

Subscribed and sworn to before me on:

January 5, 2005

Loraine R. Jones  
Notary Public for Idaho

Residing at: Quinn Falls

My Commission Expires: 6-7-09

