



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

May 20, 2005

Hon. John Melanson
Snake River Basin Adjudication Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: *Subcase No. 45-2457C*

Dear Judge Melanson:

The partial decree for this water right was entered May 6, 2005. It has come to the attention of the Idaho Department of Water Resources (Department) that, while the point of diversion for water right no. 45-2457C was correctly identified in Transfer No. 66071, approved on May 8, 2002, the point of diversion recommended in the SRBA was incorrect.

Transfer No. 66071 identifies the point of diversion of water right 45-2457C as T09S R25E S28. However, due to a clerical error on the part of the Department, the point of diversion was incorrectly identified in the Basin 45 Director's Report for Irrigation and Other (filed in September 2004) as T09S R25E S27. The error in the Director's Report was carried forward in the Partial Decree.

Therefore, the correct legal description for the point of diversion, as identified by the transfer, a copy of which is attached hereto, is T09S R25E S28.

If you have any questions or concerns regarding this matter, please contact me at: (208) 287-4809. I am sending a copy of this letter to the claimant for his information.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Chris M. Bromley", with a long horizontal flourish extending to the right.

Chris M. Bromley

Attachment

cc: Paul Duncan, Claimant
Kelly Christensen, IDWR Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66071

This is to certify that: JACKSON FARMS INC
746 EAST 100 SOUTH
RUPERT ID 83350
(208)436-1214

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
45-2457C	AJC/License	09/14/1953	2.48 cfs			146.0	GROUND WATER
45-2616E	AJC/License	04/17/1960	1.59 cfs			103.0	GROUND WATER
45-4241A	AJC/Beneficial Use	08/20/1976	0.30 cfs			20.0	GROUND WATER
45-2429E	AJC/License	12/15/1952	0.31 cfs			25.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

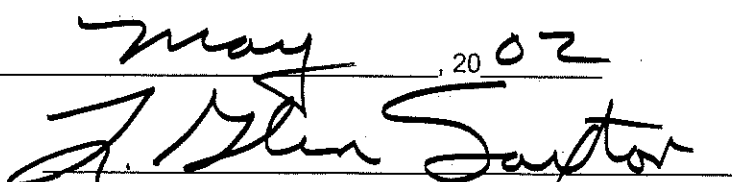
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-2457C	NO	YES	YES	NO	NO	NO
45-2616E	NO	YES	YES	NO	NO	NO
45-4241A	NO	YES	YES	NO	NO	NO
45-2429E	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre	Remaining Limit	Remaining Total Acres
45-2457C	45-2457C	2.48 cfs	584 af	146.0	294.0		N/A	N/A	N/A	N/A	
45-2616E	45-2616E	1.59 cfs	412 af	103.0	294.0		N/A	N/A	N/A	N/A	
45-4241A	45-4241A	0.3 cfs	80 af	20.0	294.0		N/A	N/A	N/A	N/A	
45-2429E	45-2429E	0.31 cfs	100 af	25.0	294.0		N/A	N/A	N/A	N/A	
TOTALS		4.38 cfs	1176 af		294		N/A	N/A	N/A	N/A	

Detailed Water Right Description(s) attached

Dated this 8th day of May, 2002


Chief, Water Allocation Bureau

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JUN 16 2002

WATER RIGHT NO. 45-2429E

As Modified by Transfer No. 66071

In accordance with the approval of Transfer No. 66071, Water Right No. 45-2429E is now described as follows.

Right Holder: JACKSON FARMS INC
750 E 100 S
RUPERT ID 83350

Priority Date: 12/15/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.31 CFS	100.0 AF
			0.31 CFS	100.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 09S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 25E 28									40.0	23.5	40.0	40.0		23.5	40.0		207.0
09S 25E 33			23.5		40.0	23.5											87.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
2. Rights 45-2429E, 45-2457C, 45-2616E and 45-4241A when combined shall not exceed a total diversion rate of 4.38 cfs.
3. 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.
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. Right 45-4241A is based upon an enlargement of right 45-2429E pursuant to section 42-1426, Idaho Code.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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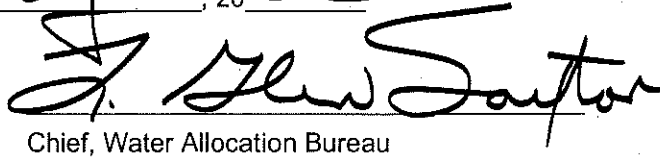
WATER RIGHT NO. 45-2429E
As Modified by Transfer No. 66071

CONDITIONS OF 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 this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of May, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 45-2457C

As Modified by Transfer No. 66071

In accordance with the approval of Transfer No. 66071, Water Right No. 45-2457C is now described as follows.

Right Holder: JACKSON FARMS INC
750 E 100 S
RUPERT ID 83350

Priority Date: 09/14/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.48 CFS	584.0 AF
			2.48 CFS	584.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 09S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 25E 28									40.0	23.5	40.0	40.0		23.5	40.0		207.0
09S 25E 33		23.5			40.0	23.5											87.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 146 acres within the place of use described above in a single irrigation season.
2. Rights 45-2429E, 45-2457C, 45-2616E and 45-4241A when combined shall not exceed a total diversion rate of 4.38 cfs.
3. 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.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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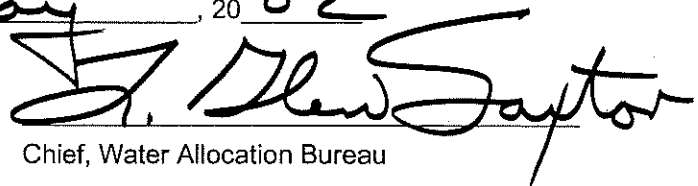
WATER RIGHT NO. 45-2457C
As Modified by Transfer No. 66071

CONDITIONS OF APPROVAL

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of May, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 45-2616E

As Modified by Transfer No. 66071

In accordance with the approval of Transfer No. 66071, Water Right No. 45-2616E is now described as follows.

Right Holder: JACKSON FARMS INC
750 E 100 S
RUPERT ID 83350

Priority Date: 04/17/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/15	1.59 CFS	412.0 AF
			1.59 CFS	412.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 09S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 25E 28									40.0	23.5	40.0	40.0			23.5	40.0	207.0
09S 25E 33			23.5		40.0	23.5											87.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 103 acres within the place of use described above in a single irrigation season.
2. Rights 45-2429E, 45-2457C, 45-2616E and 45-4241A when combined shall not exceed a total diversion rate of 4.38 cfs.
3. 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.
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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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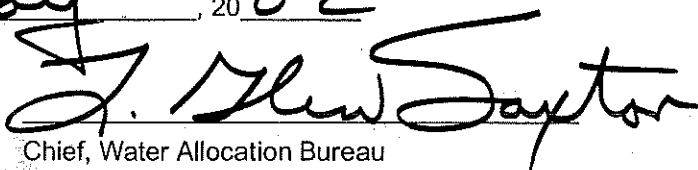
WATER RIGHT NO. 45-2616E
As Modified by Transfer No. 66071

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of May, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 45-4241A

As Modified by Transfer No. 66071

In accordance with the approval of Transfer No. 66071, Water Right No. 45-4241A is now described as follows.

Right Holder: JACKSON FARMS INC
750 E 100 S
RUPERT ID 83350

Priority Date: 08/20/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.30 CFS	80.0 AF
			0.30 CFS	80.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 09S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 25E 28									40.0	23.5	40.0	40.0		23.5	40.0		207.0
09S 25E 33		23.5			40.0	23.5											87.0
Total Acres: 294																	

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
2. Rights 45-2429E, 45-2457C, 45-2616E and 45-4241A when combined shall not exceed a total diversion rate of 4.38 cfs.
3. Rights 45-4241A and 45-2429E when combined shall not exceed a total diversion rate of 0.31 cfs.
4. 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.
5. 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.
6. Right 45-4241A is based upon an enlargement of right 45-2429E pursuant to section 42-1426, Idaho Code.

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WATER RIGHT NO. 45-4241A
As Modified by Transfer No. 66071

CONDITIONS OF APPROVAL

7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this

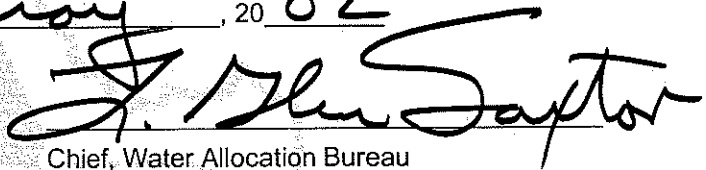
8th

day of

May

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Chief, Water Allocation Bureau

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