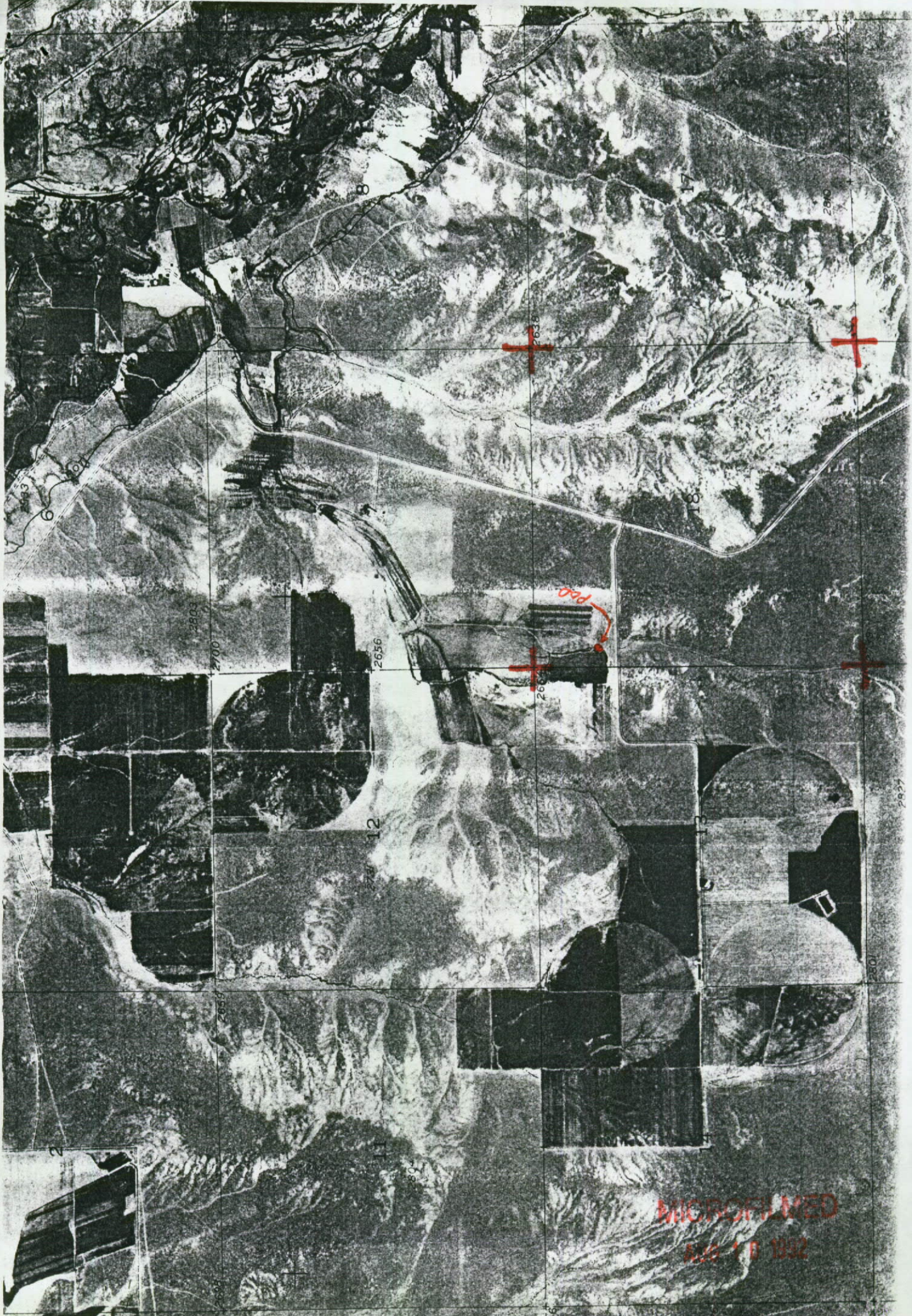


SECTION 18
SW NWNW

T7S R06E



MICROFILMED
AUG 18 1992

AA62

29

30

25

2915

20

2020

2632

2662

12

2682

road

CLAIM 151-07052
INIT MS
T. R. S. 0/0
P/D 75 6E S18 NW1/4
SCALE 75, 53, 13, NE1/4
PHOTO ID AA62 DATE 1974

R 5 E

R 6 E

T7S

7b

Susan Davis 1987

A51-04006
A51-07052

XX = out

○ = acres claimed

SWNE
George Turner
owner

(20)
✓

NWSE

573

(40)

(40)

(20)
✓

2

CRP 1987-1998

17.1

HEL

2.5

HEL

4

HEL

5

HEL

28.5

HEL

CRP

1987-1998

12.3

HEL

(40)

(40)

CRP 1989-1998

70.3

HEL

CRP 1989-1998

6

30.2

HEL

12

7

13

18

(2)

7052A-82

4006A-38

CRP 1989-1998

9

25.0

NHEL

CRP

1989-1998

8

11.5

HEL

14.4

HEL

POD

POD

POD

POD

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

XXXXXX

BLM

BLM

IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R06E, S7 & S18

T07S, R05E, S12 & S13

7c



1987 NAPP PHOTO

SECTION LINES

POD

POU

1/4 1/4 LINES

6 ACRES

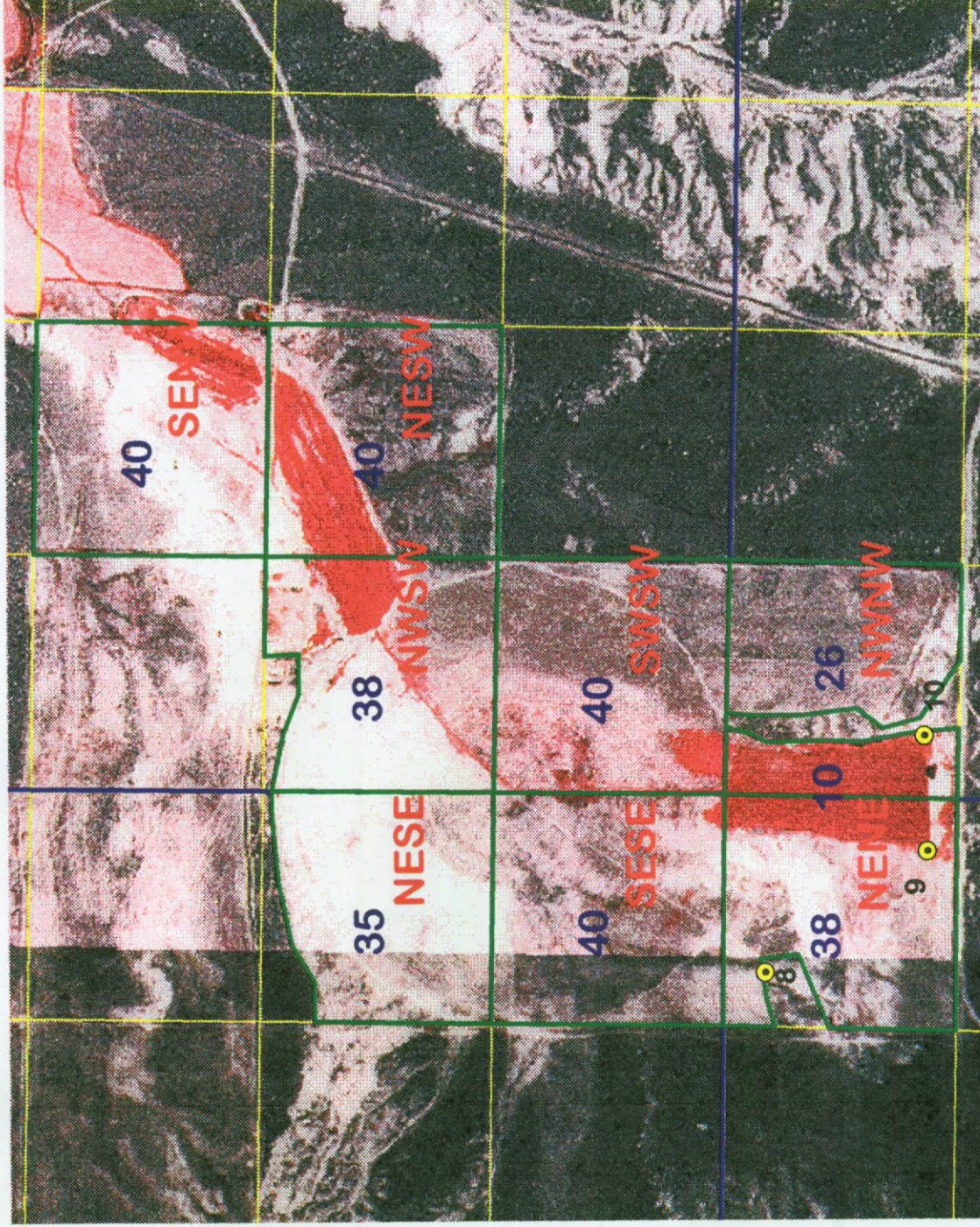
CLAIM(S) : 51-04006 & 51-07052

OWNER(S): SUSAN DAVIS

Prepared by: Mel Schulte

Date: 3/20/1998

TOTAL ACRES = 307



0 0.25 0.5 0.75 1 1.25 Miles

A51-04006



6-2-93

Well in Section 18, NWNW



6-2-93

Place of Use, Section 18, NWNW -looking west

A51-04006



6-2-93

Place of Use in Sec. 13, NENE, showing hill where there is no irrigation.



6-2-93

Photos taken by Linda Werner

A51-04006



6-2-93

Place of Use in Sec. 13, NENE, showing hill where there is no irrigation.



6-2-93

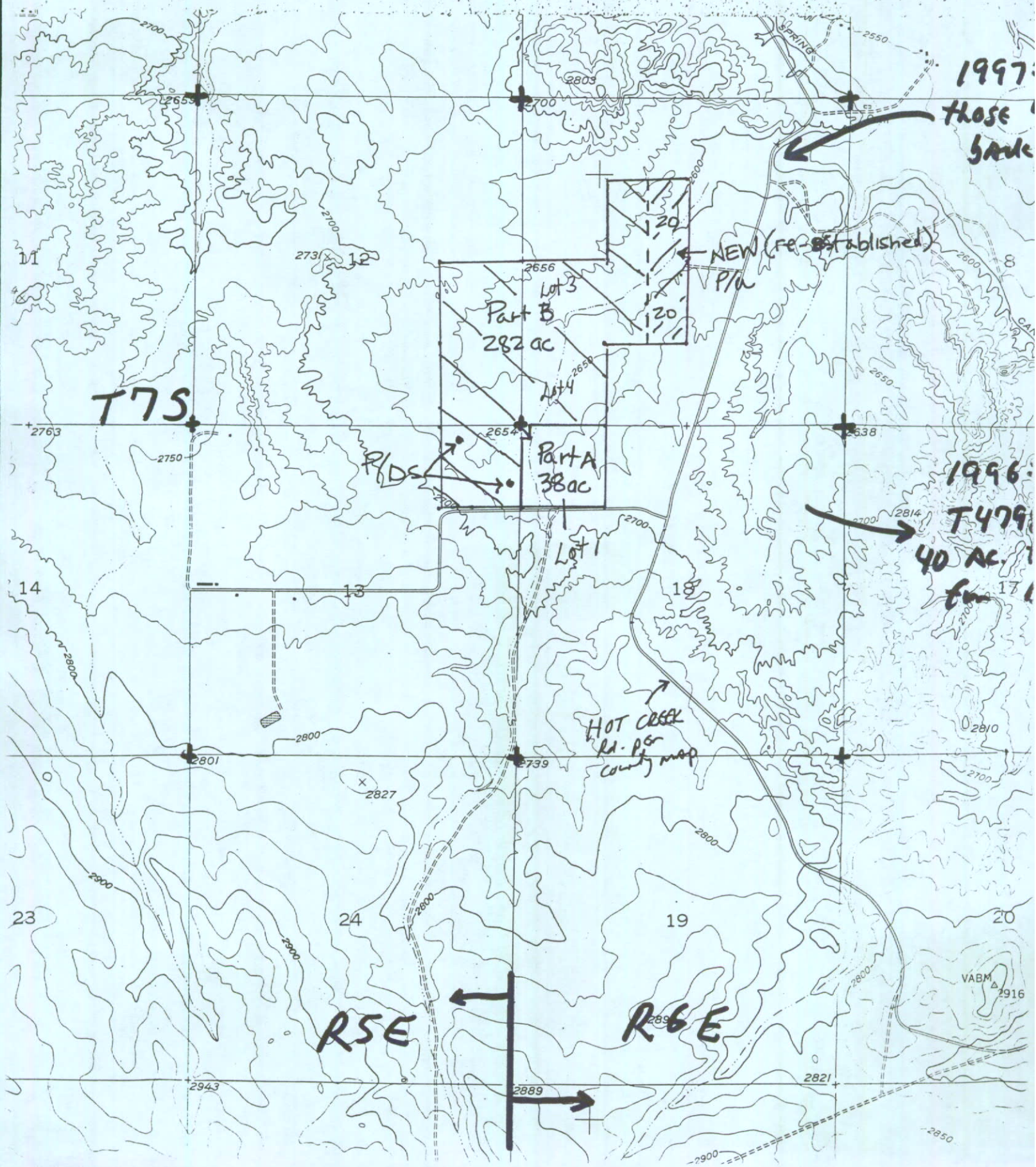
Photos taken by Linda Werner

1997: Transfer
those 40 AC. to
BANK to DAVIS

NEW (re-established)
P/U

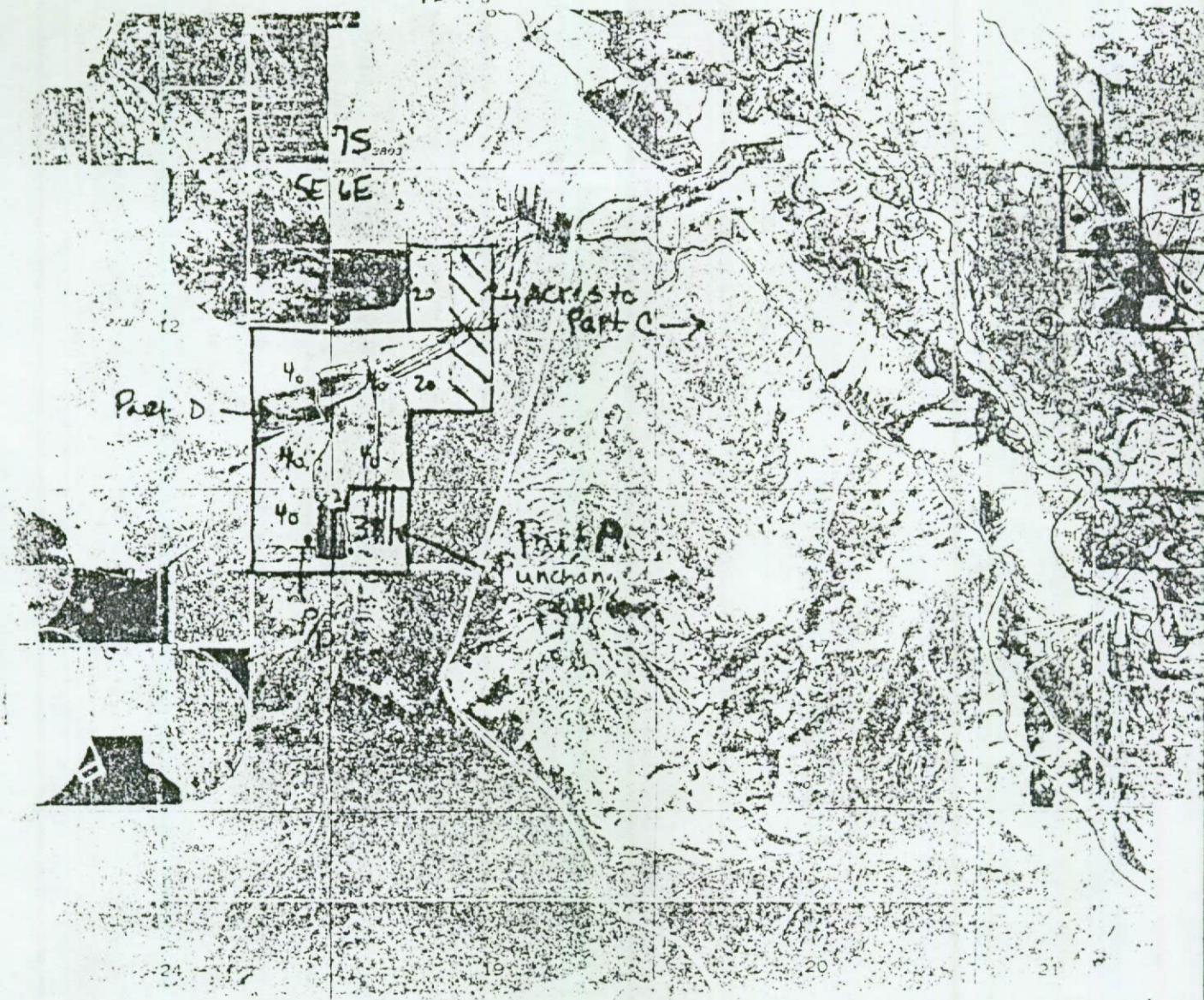
1996:
T4798 moved
40 AC. to S. 9
for 17 BACHMAN

NO gov't lots.
S. 12, 13 (RSE)
S. 9 (R6E)
-SL 5/29/97



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

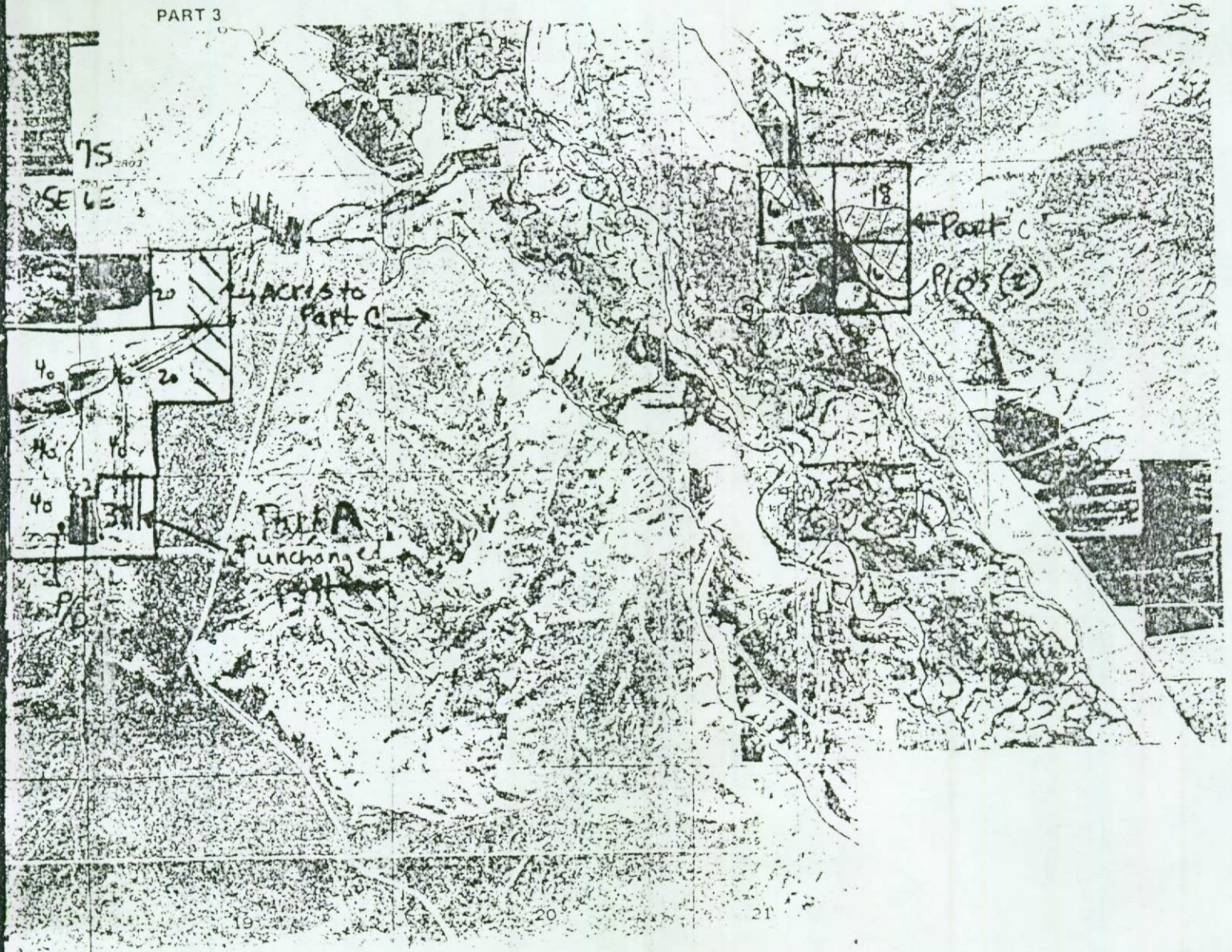
PART 3



SCALE 2 inches equal 1 mile. Draw part only.

Transfer No.

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3760APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant JOYCE LIVESTOCK CO Phone 834-2237
Post Office address SINTER CREEK MURPHY, IDAHO 83650

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 Source

2. Describe the reason for the proposed changes Move surface water right to this well
to enable diversion prior to review of Application for Permit No. 57-07522
Under Swan Falls Criteria.

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	Source
57-4008 B	7/15/1949	6.4 cfs	Irr	4/1 to 11/1	Ground water
51-4006 B	3/1/1963	2.64 cfs	Irr	4/1 to 11/1	Ground water
51-7052 B	3/17/1970	2.36 cfs	Irr	4/1 to 11/1	Ground water

2. Total amount of water being transferred 6.4 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	16	3S	1W	OWYHEE	

5. 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	
3S	1W	16	95	38	10	10	40	40	40	30	10	30			4				280
3S	1W	17													40				40

Total acres 320

PART 1

6. General Information:

- a. Description of diversion system WELL - ELECTRIC MOTOR + PUMP - PIPE
LINE TO PRESSURE PUMPING POND
- 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:
57-4008 - LITTLE AFFECT - PASTURE LAND HAS GONE IDLE LAST
4 YEARS DUE TO LOW WATER
51-4006 & 51-7052. Land is idle due to enrollment in CRP. Water right is moved to new
location on a temporary basis, while new application for permit awaits test water review.
- d. Remarks:
Applicant requests that water rights revert to original locations, p/d, etc
after 3 years.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights no. 51-4006, 51-7052, & 57-4008
And said application is hereby APPROVED in part and DENIED in part.

1. Application for transfer of Water Right No. 57-4008 is denied.
2. Application for transfer of Water Right Nos. 51-4006 and 51-7052 is approved subject
to the conditions and limitations as stated in the attached Department of Water
Resources ORDER dated November 13, 1990.

Witness my hand this

19th

day of

November, 19 90L. Glen Saylor
Chief, Water Alloc. Bureau

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 457-04008 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 FOSSIL CREEK tributary to SNAKE RIVER4. Date or priority July 15, 1919

5. Water is used for the following purpose:

amount 6.4 cfs for IRR purposes from 1/15 to 5/15
(cfs/ac-ft) amount 0.04 for Dom purposes from 1/1 to 12/31
(cfs/ac-ft) amount 0.12 cfs for Stock purposes from 1/1 to 12/31
(cfs/ac-ft)

6. Total amount of water under right 6.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	27	4S	2W	Owyhee	

8. 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	
45	2W	14													40	40	40	40	160
		23			40			40		40	40								160

Total acres 3209. Describe any other water rights used for the same purpose as described above None

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 #51-4008B
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 6.4 for Irr purposes from 3/15 to 11/15
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
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	NE	27	45	2W	Owhee	

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	
45	2W	14													40	40	40	40	160
		23		40			40			40	40								160

Total acres 320

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) #57-4008A

1. amount 0.04 cfs for Domestic purposes from 1/1 to 12/31
(cfs/ac-ft) 0.12 cfs for Stockwater purposes from 1/1 to 12/31
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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 _____

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. _____ Issued by the Idaho Department of Water Resources.
- c. Claim No. 51-4006 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 Contract3. Source of water Groundwater tributary to _____4. Date or priority 3/1/1963

5. Water is used for the following purpose:

amount 3.0 cfs for Irr purposes from 3/1 to 11/1
(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 3.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	18	7S	6E	Owyhee	

8. 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	
7S	5E	12													40			40	80
		13	40																40
7S	6E	7							40	40	40	40							160
		18					40												40

Total acres 320

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

PART 2

Transfer No. 3760

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 51-4006B

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.64 cfs for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	18	75	6E	Owhee	

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	
75	SE	12																	
		13	40												40			40	80
75	6E	7																	40
		18					2				40	40	40	40					160
																			2

Total acres 282C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 51-4006A

1. amount 0.36 for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
75	6E	18					38												38

Total acres 38

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

PART 2

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____ vs. _____
in case of _____ county of _____
dated _____ in _____ issued by the Idaho Department of Water Resources.
- b. License No. 51-7052 on file with the Idaho Department of Water Resources.
- c. Claim No. _____ which produced this right.
- d. Transfer No. _____
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 Contract
3. Source of water Groundwater tributary to _____
4. Date or priority 3/17/1970
5. Water is used for the following purpose:
- amount 2.68 cfs for Irr purposes from 3/1 to 11/1
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ purposes from _____ to _____
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____
(cfs/ac-ft) _____
6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

7. Point(s) of Diversion:							
Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County Local name for diversion
		NE	NE	13	7S	SE	Owyhee

8. Lands irrigated or place of use:

[illegible]

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 non-use?

No If yes, describe _____

51-7052B

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 2.36 for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
75	SE	12													40			40	80
		13	40																40
75	6E	7							40	40	40	40							160
		18					2												2

51-7052A

Total acres 282

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

1. amount 0.32 for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

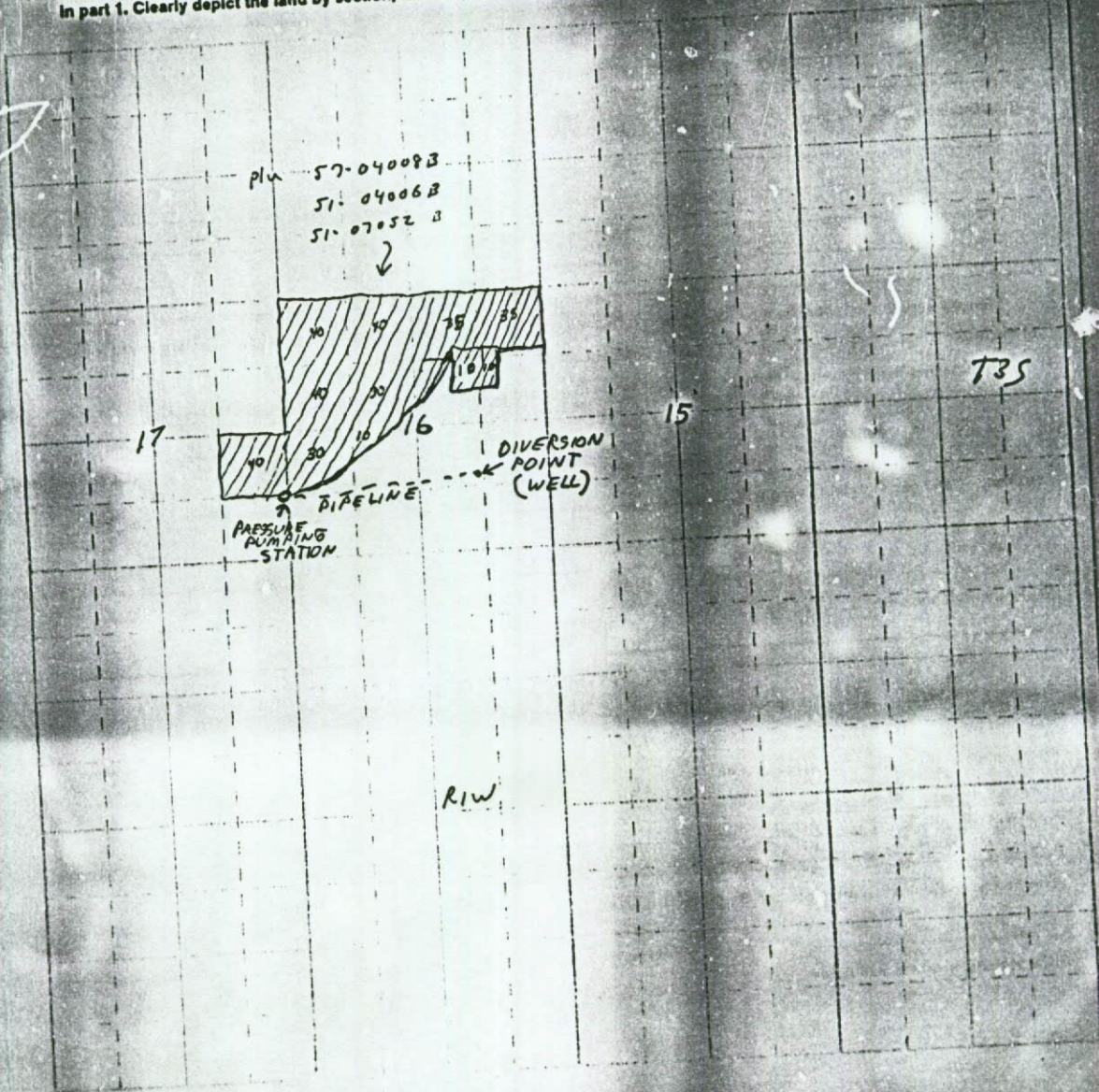
3. Lands irrigated or place of use:

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	
75	6E	18					38												38

Total acres 38

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.

Joyce Livestock Co. by: Paul M. Miller, general partner
(Signature of Applicant)
Subscribed and sworn to before me this 19th day of APRIL, 19 90.

Daniel T. Miller
(Notary Public)
My commission expires 7/15/1994

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and Several attachments
Received by DRT Date 6/11/1990 Protest filed by _____
Prelim. check by RL Fee \$502 WOLZZSS
Receipted by RL Date 6/11/1990
Published in Renewable Resources Copies of protest forwarded by _____
Pub. dates 7/4 + 7/11/1990 Hearing held by _____ Date _____
Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial
_____ rec'd. _____ by DRT
Copy of transfer sent to lien holder _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A51-04006
Date Received: 12/08/1988
Receipt No: M002090
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUSAN H. DAVIS 208-845-2438
Address: BOX 121
BRUNEAU, ID 83604
OR
Name: RICHARD M. DAVIS 208-845-2438
Address: BOX 121
BRUNEAU, ID 83604

2. Date of Priority: MAR 01, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	06E	18	SW	NW	NW		OWYHEE

5. Description of diverting works:
PUMP, PIPELINE, SPRINKLERS,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05E	12	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		80.0
		13	NE	NE		IRR	40.0
					Section Acres		40.0
	06E	7	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
					Section Acres		160.0
		18	NW	NW		IRR	40.0
					Section Acres		40.0
					Total Acres		320.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A51-07052

14. Remarks:
AC. DIV. RATE=150 IN.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not A wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X Susan H. Davis Date: 12/8/88
Date:

State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of Dec 19 88 M. L. Gibson
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 9-2-1994

T7S R06E
Section 18
SW NW NW



AJ0749NP
No. R51-04006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/11/98
PAGE: 1

OWNER CODE C
NAME & ADDRESS
SUSAN H DAVIS
5110 S. SURPRISE WAY #103
BOISE ID 83716
(208) 338-5203

PRIORITY DATE 04/01/1963
WATER USE IRRIGATION

USE PERIOD FROM 03-01 TO 11-15

DIVERSION RATE 3.00 CFS

DIVERSION VOLUME 1128.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R05E S13
R06E S18

NENE
NNNW

OMYHEE County
OMYHEE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE							
		NENE		NNNE		SENE		NNNW		SNNW		SENW		NNSW		SSNW		SESE			
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Remarks: IRRIGATION OF A COMBINED TOTAL OF 307 ACRES IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 51-07052 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 51-04006A AND 51-04006B.

Dates: Exam Made Date: Verified Date: 11/11/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/26/1998 User-ID: MSCHULTE Subject: COPIED FROM REMARKS AC. DIV. RATE=150 IN.
THIS CLAIM HAS BEEN SPLIT INTO A51-04006A & A51-04006B BY APPROVED TRANSFER NO. 4798.

Date: 07/31/1998 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Date: 11/11/1998 User-ID: JSHURTE Subject: SEASON OF USE CHANGE
CHANGED SEASON OF USE FROM 3-15 TO 11-15 TO 3-1 TO 11-15 PER IDWR
STANDARD FOR THIS AREA.

Audit: 11/11/98 JSHURTE



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD & SUSAN DAVIS
5110 S. SURPRISE WAY #103
BOISE, ID 83716

RE: 51-07052 & 51-04006

Dear Mr. & Mrs Davis:

We received the Notices of Error you filed for right 51-07052 and I want to explain the basis of our 307 acre place of use recommendation for this right and the overlapping right 51-04006.

You are right that 51-07052 was licensed for 320 acres which implies there was 320 acres being irrigated when the license was issued in 1976. This water right was processed under the legal process required at that time which included a field examination to verify the extent of beneficial use. Through this process it became a valid right appurtenant to the land described in the license.

Right 51-04006 was not developed in the same legal process as license 51-07052. It was filed in 1983 as a claim to a water right but no field examination was conducted at that time to verify the claim. A field examination was performed however, on June 2, 1993 in conjunction with the claim filed on December 8, 1988 in the Snake River Basin Adjudication. The 1993 exam indicated there were several parcels of land not irrigated. One was a strip North of a center pivot and the other two were pieces to the South of the pivot that are higher in elevation than the adjacent land.

Because 51-04006 overlaps the same land as license 51-07052, we have assumed the field exam in 1993 described the land relating to both rights that have been historically irrigated. The 307 acre place of use in our recommendation is an estimate based on the field information obtained in 1993 and our GIS technology. One of the purposes of our recommendation is to accurately describe the land that receives a beneficial use application of water. Another goal is to describe a recommendation that can be defended by you the claimant if it is challenged by a third party.

Please call me at the number below if you have questions or want to discuss this matter in more detail.

Sincerely,

A handwritten signature in cursive script that reads "Mel Schulte".

Mel Schulte

ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1974</u> IDWR ID NO. <u>AA62</u>	Y() N() <u>7a</u>
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ ~~TOP~~ GIS maps	DATE OF PHOTO <u>3-20-98</u> IDWR ID NO. _____	Y() N() <u>7c</u>
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u> IDWR ID NO. _____	Y() N() <u>7b</u>
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>GIS table</u>	DATE <u>3-20-98</u> <u>Page 7d</u>	Y() N()
☒ OTHER <u>Priority date affidavits</u>	DATE <u>2/93</u> <u>Three - Pages 3a, b, c</u>	Y() N()
☐ OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☒ ~~LICENSING FIELD EXAM~~ <u>Transfer</u>	<u>8-30-96</u>	<u>T4798</u>
☒ ~~WATER RIGHT LICENSE~~ <u>Transfer</u>	<u>11-19-90</u>	<u>T3760</u>
☒ IDWR APPROVED TRANSFER	<u>3-20-98</u>	<u>T5096</u>
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>6-2-93</u>	<u>3</u>
☒ SPLIT RIGHT REVIEW <u>True</u>	DATE REVIEW COMPLETED _____	<u>2</u>
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	
☐ OTHER _____	DATE _____	
☐ OTHER _____	DATE _____	

14:29:15
02/26/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-040068

LAST: DAVIS
ADDRESS: 5110 S SURPRISE WAY #103
CITY: BOISE
PHONE NUMBER: 208-000-0000
OWNER CODE: C
FIRST: SUSAN H
STATE: ID ZIP: 83716

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN

CLAIM AMENDED PER TRANSFER NO. 4798 APPROVED 8/30/96.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY
OF APPROVED TRANSFER NO. 4798 IN FILE.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER NO. 4798 SHALL NOT EXCEED 5.00 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 1128.0 AF FOR THE IRRIGATION OF
282.0 TOTAL COMBINED ACRES IN A SINGLE IRRIGATION SEASON.
APPROVAL OF THIS TRANSFER IN NO WAY CONFIRMS STATUTORY CLAIM NO.
51-040068.

TWO POINTS OF DIVERSION ARE LOCATED WITHIN NWNE, S09, T07S, R06E.
ADDRESS CHANGED PER CLAIMANT LETTER, BY DB 1/22/98.

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A51-04006

REVIEW COMPLETED
WHOM/DATE
MS
3-26-98

"R" RECORD

DATA ENTRY COMPLETED
BY MS DATE 3-26-98

FINAL RECOMMENDATION

BY MS DATE 3-26-98

FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION WHOM/DATE
FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE
CLAIM VERIFIED BY CODE (SEE BELOW)
CHANGE CLAIM Y/N

PRIORITY* by affidavit to 6-2-93

PT. OF DIV.

SOURCE

PL. OF USE

DIV. AMOUNT CFS/AF

CONSUMPTIVE USE

NATURE OF USE

PERIOD OF USE

BASIS OF CLAIM

REMARKS

VERIFICATION CODES

TOPO MAP/ORTHO PHOTO = 1

ASCS MAP = 2

WATERMASTER RECORDS = 3

~~MAP~~ PHOTOS GIS = 4

FIELD EXAM = 5

OTHER (SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN SUBMITTED - YES ✓ NO

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: Combination of A51-04006A & A51-04006B

6 - dept standard on claimer

CONTACT PERSON: Jason Davis

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 6/2/93

APPOINTMENT MADE: Y() N()

TIME: - : - A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

See Field Exam Conversation memo. Page 2a

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER A51-04006 & A51-07052
NAME OF CONTACT Susan Davis
PHONE NO. 845-2438 ADJ. AGENT Linda Warner
DATE SET FOR EXAM 6-2-93 approx 11:30
LOCATION One Past Johnson ranch - On right
Dairy - so look for dairy buildings -
mailbox Davis - Jones.
shake roof only visible

Diverting at full rates? _____

Type of measuring devices? _____

Places to make measurements? _____

Type of system? (pipeline, ditches) _____

How many laterals are used? _____

Length and size of mainline? _____

Size of Motor used for each P/D? _____

Estimate of depth to water? _____

Pressure at well? _____

Pressure at sprinkler head? _____

COMMENTS Under CRP - 5 yr w/5 yr left to go.

A. AJ CLAIM: # A51-040068 PRIORITY DATE: 03-01-1963 STAGE: S

B. WR RECORD: # 51-040068 PRIORITY DATE: 03-01-1963 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(✓)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(✓)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) Y() N(✓)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(✓) Y() N()

FIELD EXAM COMPLETED N/A(✓) Y() N()

FIELD EXAM SENT TO STATE OFFICE N/A(✓) Y() N()

LICENSE ISSUED N/A(✓) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED? N/A() Y() N(✓)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(✓) N()

NOTES:

Three affidavits support a 1963 priority date.

RECOMMENDED PRIORITY DATE:

4-1-1963

REVIEWED BY *Phil Schultz*

DATE *3-25-98*

AJ0729NP
No. A51-04006

RECEIVED

FEB 18 1993

2/15/93 3a

Department of Water Resources
Western Regional Office

I, CATHERINE R. SELLMAN, am a witness, that
the water, described on claim to a Water Right
by LeRoy Davis, has been used from the well
by pumping and irrigation since 1963.

Before me, Boyd Campbell, notary public
for Owyhee County, Idaho appeared
Catherine R. Sellman on this date, 2/16/93
Known to me the person on this
document.

Boyd Campbell
Notary Public
My Comm. Expires 1/15/98



AJ07291 P
No. A51-04006

36

5 Dec 74

RECEIVED

FEB 18 1993

Department of Water Resources
Western Regional Office

I, C. H. Loos am a witness, that the
water, described on claim to a Water Right by LeRoy
Davis, has been used from the well by pumping and
irrigation since 1963.

C. H. Loos

Rt. B. Box 177

Brunson.

2/15/93

C. H. Loos Deceased

MICROFILMED

AJ0729NP
No. A51-04006

CLAIMANTS - RICHARD & JESAN DAVIS 3C
51-04006

CLAIM - 3-1-1963 PRIORITY DATE

5 Dec 1974

RECEIVED

FEB 18 1993

I, Joe E. Black am a witness, that the Department of Water Resources
water, described on claim to a Water Right by LeRoy Western Regional Office
Davis, has been used from the well by pumping and
irrigation since 1963.

Joe E. Black
Box 49

Hammett, Idaho

Joe E. Black
Feb. 16, 1993

Before me, Boyd Campbell, notary public,
for Owyhee County, Idaho appeared

Joe Black on this date, 2/16/93

Known to me the person on this document.

Boyd Campbell
Notary Public
My Comm. Expires 1/13/98

MICROFILMED

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A51-040068	07S 05E	13		NE	NE				OWYHEE		
A51-040068	07S 06E	9		NW	NE				OWYHEE		
OTHER AJ CLAIMS WITH SAME AJ POD											
A PREFIX R PREFIX											
A51-07052A NONE											
A51-07052B											
WR RECORDS IN SAME 40 ACRE TRACT											
51-00050A											
51-00051B											
51-00052A											
51-07052A											
51-07052B											
T51-040068											

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
51-040068	07S 05E	13		NE	NE				OWYHEE	DAVIS WELL	
51-040068	07S 06E	9		NW	NE				OWYHEE	COLYER WELLS (BACHMAN)	
OTHER WR RECORDS WITH SAME WR POD											
A PREFIX R PREFIX											
A51-07052A NONE											
A51-07052B											
AJ CLAIMS IN SAME 40 ACRE TRACT											
51-00050A											
51-00051B											
51-00052A											
51-07052A											
51-07052B											
T51-040068											

SOURCE: GROUNDWATER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

A. ROOT WATER RIGHT NUMBERS:

A51-040068
A51-040068

A51-040068

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	05E	12	NE	SE		DAVIS, SUSAN H	A51-040068 / 40.0	51-040068 / 40.0	29.0		35
			NE	SE		DAVIS, SUSAN H	A51-07052B / 40.0	51-07052B / 40.0			
			NE	SE		DAVIS, SUSAN H		T51-040068 / 40.0			
07S	05E	12	SE	SE		DAVIS, SUSAN H	A51-040068 / 40.0	51-040068 / 40.0	37.0		40
			SE	SE		DAVIS, SUSAN H	A51-07052B / 40.0	51-07052B / 40.0			
			SE	SE		DAVIS, SUSAN H		T51-040068 / 40.0			
07S	05E	13	NE	NE		DAVIS, SUSAN H	A51-040068 / 40.0	51-040068 / 40.0	41.0		38
			NE	NE		DAVIS, SUSAN H	A51-07052B / 40.0	51-07052B / 40.0			
			NE	NE		DAVIS, SUSAN H		T51-040068 / 40.0			
07S	06E	7	SE	NW		DAVIS, SUSAN H	A51-040068 / 20.0	51-040068 / 20.0	19.0		40
			SE	NW		DAVIS, SUSAN H	A51-10105 /				
			SE	NW		DAVIS, SUSAN H	51-10105 /				
			SE	NW		DAVIS, SUSAN H	A51-07052B / 20.0	51-07052B / 20.0			
			SE	NW		DAVIS, SUSAN H		T51-040068 / 40.0			
07S	06E	7	NE	SW		DAVIS, SUSAN H	A51-040068 / 20.0	51-040068 / 20.0	34.0		40
			NE	SW		DAVIS, SUSAN H	A51-10106 /				
			NE	SW		DAVIS, RICHARD M	51-10106 /				
			NE	SW		DAVIS, SUSAN H	A51-07052B / 20.0	51-07052B / 20.0			
			NE	SW		DAVIS, SUSAN H		T51-040068 / 40.0			
07S	06E	7	NW	SW	3	DAVIS, SUSAN H	A51-040068 / 40.0	51-040068 / 40.0	41.0		38
			NW	SW	3	DAVIS, SUSAN H	A51-07052B / 40.0	51-07052B / 40.0			
			NW	SW	3	DAVIS, SUSAN H		T51-040068 / 40.0			
07S	06E	7	SW	SW	4	DAVIS, SUSAN H	A51-040068 / 40.0	51-040068 / 40.0	34.0		40
			SW	SW	4	DAVIS, SUSAN H	A51-07052B / 40.0	51-07052B / 40.0			
			SW	SW	4	DAVIS, SUSAN H		T51-040068 / 40.0			
07S	06E	9	NW	NE		DAVIS, SUSAN H	A51-040068 / 18.0	51-040068 / 18.0	40		38
			NW	NE		BRUNEAU BUCKAROO DITCH CO	A51-00003 / 5.0				
			NW	NE		BRUNEAU BUCKAROO DITCH CO	A51-00005 / 5.0	51-00005 / 5.0			
			NW	NE		BRUNEAU BUCKAROO DITCH CO	A51-10271 / 5.0				
			NW	NE		BRUNEAU BUCKAROO DITCH CO	A51-10350 / 5.0				
			NW	NE		DAVIS, SUSAN H	A51-07052B / 18.0	51-07052B / 18.0			
07S	06E	9	SW	NE		DAVIS, SUSAN H	A51-040068 / 16.0	51-040068 / 16.0	25.0		38
			SW	NE		BACHMAN, FRANK	A51-04048 / 8.0	51-04048 / 8.0			
			SW	NE		BRUNEAU BUCKAROO DITCH CO	A51-00003 / 10.0				

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	06E	9	NE	NW		BRUNEAU BUCKAROO DITCH CO	A51-00005	10.0	51-00005	10.0	
			SW	NE		BRUNEAU BUCKAROO DITCH CO	A51-10271	10.0	-		
			SW	NE		BRUNEAU BUCKAROO DITCH CO	A51-10350	10.0	-		
			SW	NE		BACHMAN, FRANK	A51-04049	8.0	51-04049	8.0	
			SW	NE		DAVIS, SUSAN H	A51-07052B	16.0	51-07052B	16.0	
			SW	NE		BRUNEAU BUCKAROO COOPERATIVE D	A51-00004B	3.0	51-00004B	3.0	
07S	06E	9	NE	NW		DAVIS, SUSAN H	A51-04006B	6.0	51-04006B	6.0	30.0
			NE	NW		BACHMAN, FRANK	A51-04048	20.0	51-04048	20.0	
			NE	NW		BACHMAN, FRANK	A51-04049	20.0	51-04049	20.0	
			NE	NW		BRUNEAU BUCKAROO DITCH CO	A51-00003	20.0	-		
			NE	NW		BRUNEAU BUCKAROO DITCH CO	A51-00005	20.0	51-00005	20.0	
			NE	NW		BRUNEAU BUCKAROO DITCH CO	A51-10271	20.0	-		
			NE	NW		BRUNEAU BUCKAROO DITCH CO	A51-10350	20.0	-		
			NE	NW		DAVIS, SUSAN H	A51-07052B	6.0	51-07052B	6.0	
			NW	NW		DAVIS, SUSAN H	A51-04006B	2.0	51-04006B	2.0	
			NW	NW		DAVIS, SUSAN H	A51-04006A	38.0	51-04006A	38.0	
07S	06E	18	NW	NW		DAVIS, SUSAN H	A51-07052A	38.0	51-07052A	38.0	
			NW	NW		DAVIS, SUSAN H	A51-07052B	2.0	51-07052B	2.0	
			NW	NW	1	DAVIS, SUSAN H			T51-04006B	2.0	
			NW	NW		DAVIS, SUSAN H					

ADDITIONAL POU FOUND

TOTAL ACRES

A51-040068

282.00

282.00

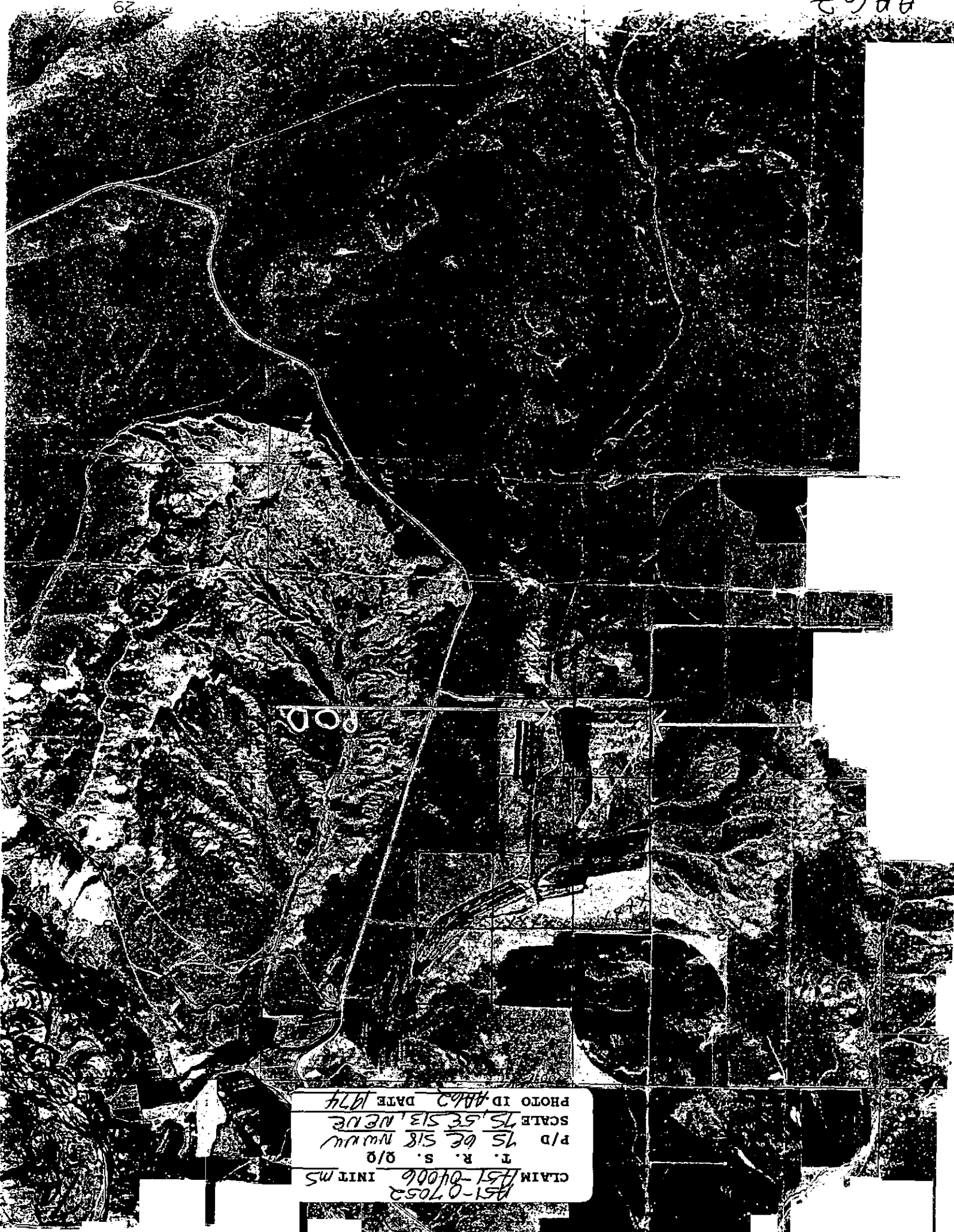
296.00

* 307

POU COUNTY: ONYHEE

* Based on GIS

36



62

08

25

AA62

POD

AA1-07052
CLAIM 151-04006 INIT MS
T. R. S. 0/0
P/D 15 6E S18 NW/4
SCALE 15, 53, 13, NE NE
PHOTO ID AA62 DATE 1974

R 5 E

R 6 E

T 7 S

7b

Susan Davis

1987

O = acres claimed

XX = out

A51-04006

A51-07052

(20)

SW 1/4

George Davis

1987

573

(40)

out

(40)

(20)

2 CRP 1987-1998

17.1 HEL

25 CRP 1989-1998

4

5

28.5 HEL

CRP 1987-1998

2.3 HEL

(40)

(40)

CRP 1989-1998

70.3 HEL

CRP 1989-1998

3

30.2 HEL

12

7

(40)

13

18

(2)

7052.4

4006.4

CRP 1989-1998

3

25.0

NHEL

CRP 1989-1998

8

11.2 HEL

144

HEL

POD

POD

POD

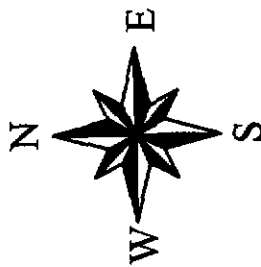
POD

IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R06E, S7 & S18

T07S, R05E, S12 & S13

7c



1987 NAPP PHOTO

SECTION LINES

POD

POU

1/4 1/4 LINES

6 ACRES

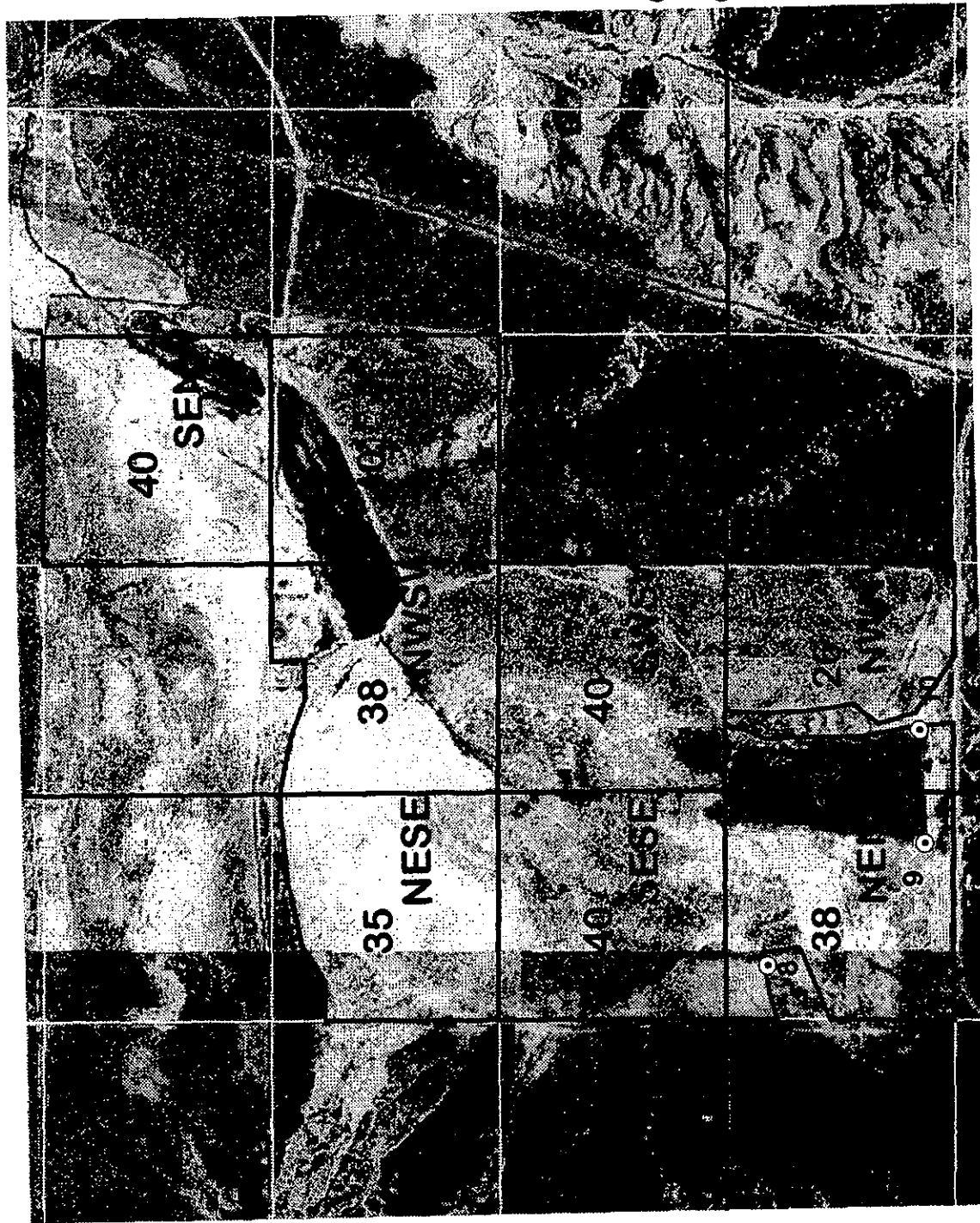
CLAIM(S) : 51-04006 & 51-07052

OWNER(S): SUSAN DAVIS

Prepared by: Mel Schulte

Date: 3/20/1998

TOTAL ACRES = 307



7d

WESTERN REGION

CLAIM NUMBERS A51-04006 & A51-07052

AGENT MS DATE 3-25-98

TOTAL ACRES FROM RECOMMENDATION 307

GEOGRAPHIC INFO SYSTEM ACRES 307

READY FOR DECREE ____ (YES) SENT FOR DECREE ____ (YES)

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	75	5E	12													35			40
GIS			13	38															38
		6E	7							40	40	38	40						158
RECOM			18					36											36
GIS																			307

POLYGON CREATED ON 80 3

POLYGON # () () () () 5-22-98 UPDATED BY MS

ATTRIBUTES OF B51-POU.SHP (43) () () () ()

ATTRIBUTES OF B51-POD.SHP (8) (9) (10) () ()

B51-DBPOU.DBF 5-22-98 UPDATED BY MS

B51-DBPOD.DBF 3-25-98 UPDATED BY MS

RDH GPSTABLE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(✓)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A51-040068	GROUNDWATER	DAVIS, SUSAN H	2.640	0.009	1115.40	3.95
A51-00003	BRUNEAU RIVER	BRUNEAU BUCKAROO DITCH CO	20.000	0.009		
A51-00005	BRUNEAU RIVER	BRUNEAU BUCKAROO DITCH CO	16.400	0.007		
A51-04006A	GROUNDWATER	DAVIS, SUSAN H	0.360	0.009		
A51-04048	GROUNDWATER	BACHMAN, FRANK	0.100	0.001		
A51-04049	GROUNDWATER	BACHMAN, FRANK	1.480	0.018		
A51-07052A	GROUNDWATER	DAVIS, SUSAN H	0.320	0.008		
A51-07052B	GROUNDWATER	DAVIS, SUSAN H	2.360	0.008	977.10	3.46
A51-10271	BRUNEAU RIVER	BRUNEAU BUCKAROO DITCH CO	30.000	0.009		
A51-10350	BRUNEAU RIVER	BRUNEAU BUCKAROO DITCH CO	13.540	0.006		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A51-10105	DOMESTIC	DAVIS, SUSAN H	FROM 01-01 TO 12-31	0.040 CFS	
A51-10105	STOCKWATER	DAVIS, SUSAN H	FROM 01-01 TO 12-31	0.070 CFS	
51-10105	DOMESTIC	DAVIS, SUSAN H	FROM 01-01 TO 12-31	0.040 CFS	
51-10105	STOCKWATER	DAVIS, SUSAN H	FROM 01-01 TO 12-31	0.070 CFS	
A51-10106	STOCKWATER	DAVIS, SUSAN H	FROM 01-01 TO 12-31	0.070 CFS	
51-10106	STOCKWATER	DAVIS, RICHARD M	FROM 01-01 TO 12-31	0.070 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A51-07052B

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(✓) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(✓) N()

G. SHOULD THE CLAIMED POB BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

CHECK DOCUMENTS USED TO VERIFY POB: () ORTHOPHOTOQUAD, IDWR NO. ; () TOPOGRAPHIC QUAD, IDWR NO. ;

() AAPP, IDWR NO. ; () ASCS PHOTO; () OTHER

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: 307.9 N/A()

REVIEWED BY: Mel Schultz DATE: 3-26-98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A51-040068 IRRIGATION	FROM 03-15 TO 11-15	3.000 CFS	
TOTAL DIVERSION RATE/VOLUME		2.640 CFS	1115.40 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
51-040068 IRRIGATION	FROM 04-01 TO 10-31	2.640 CFS	1115.40 AF/A
TOTAL DIVERSION RATE/VOLUME		2.640 CFS	1115.40 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(✓) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(✓) N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N(✓)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(✓) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y(✓) N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y(✓) N()

NOTES: Period of Use Standard = 4-1 to 10-31

AJ CLAIM TOTAL DIVERSION RATE: 3.0 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.0 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. MEASUREMENT METHOD NA FLOW MEASUREMENT

, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 307 x 0.02 CFS/ACRE = 6.14 CFS
(Taken from pod review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 1128 AF/A

ACRES 307 x DIVERSION VOL. AF/A FOR AREA 4 = 1228

TOTAL DIVERSION VOLUME 1228 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 987.0 AF/A

ACRES NA x CONSUMPTIVE VOL. AF/A FOR AREA NA =

TOTAL CONSUMPTIVE USE NA AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

This right is combined with 51-07052.

3.0 cfs + 2.68 cfs = 5.68 cfs = .0185 cfs/acre

EXP - F005 with 51-07052.

P15 "A" & "B"

POU1 E11 304 with 51-07052

QUIT - E25 - 5.68 cfs @ 1228 AF

POB F02 - 75, SE, S13, NENE

WR RECORD CONDITIONS/REMARKS:

- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 gpm per acre for irrigation of the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

N/A

- T09 - 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.
- T17 - Prior to diversion of water under this approval, the right holder
- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow
- determination of the total rate of diversion.

NA

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	DATABASE EXAMINER	REC. DIV VOL. AF/A	DATABASE EXAMINER	REC. CONS. USE
IRRIGATION	4-1 10-31 03-15 14-15	3.000	1128	1128	1128	987.0- NA
TOTAL FOR THIS RIGHT		2.640- 3.0	1128	1128	1128	987.0- NA

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: Mel Schulte DATE: 3-26-98

FLAG: _____
STANDARD CONDITIONS (CODE): _____

See Page 13

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

PAGE: 16
BASIS OF CLAIM REVIEW SHEET

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED
()
()
()
NEEDS REVIEW
()
()
()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

See Split Tree - Page 16aeb

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 51-04006

DATABASE 3.000

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-04006A	0.360	-	51-04006A	0.360
-	A51-04006B	2.640	-	51-04006B	2.640

TOTAL CFS 3.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

NOTES:

51-04006A = 136 cfs
- 04006B = 264 cfs
3.0 cfs

AUTHENTICATION: McLachlan DATE: 3-26-98
SIGNATURE: Judy Warner TITLE: Dr. Agent
NAME OF FIELD EXAMINER: _____

A51-04006 - R & S Davis

DR: 3.00 CU: 1120

PID: 7S, 6E, S18, SWNNWNW

PIU: 7S, 5E, S12, NESE-40 SESE-40

S13, NENE-40

6E, S7, SENW-40 NESW-40

T3760

NWSW-40 SWSW-40

S18, NWNW-40

320

-04006A R & S Davis

DR: .36 CU: 133 QV:

PID: 7S, 6E, S18, SWNNWNW

PIU: 7S, 6E, S18, NWNW-38

T4798

-04006B Susan H. Davis

DR: 2.64 QV: 1115.4 of CU: 987

PID: 7S, 5E, S13, NENE

6E, S9, NENE (2 wells)

PIU: 7S, 5E, S12, NESE-40 SESE-40

S13, NENE-40

6E, S7, SENW-20 NESW-20

NWSW(L+3)-40 SWSW(L+4)-40

S9, NENE-18 SWNE-16

NENW-6

S18, NWNW-2

282

SEE: Transp. 4798 for Conditions & Remarks
Continued on Page 2

Split Tree ASI-04006.
Combination of "A" + "B" after T4798 combined
(1) ownership back to Davis by T5096.

ASI-04006.

DR: 3.0 yd CU: 1120 AF.

POB: 75, 5E, S13, NENE

6E, S18, NWNW

S9, NWNE (2 wells)

POU: 75, 5E, S12, NESE - 40ac SESE - 40ac

S13, NENE - 40

6E, S7, SENW - 20ac NESW - 20ac

NWSW(L3) - 40 SWSW(L4) - 40

S9, NWNE - 18 SWNE - 6

NEW - 6

S18 - NWNW - 40

320 ac.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	USE PERIOD		MAXIMUM DIVERSION	STAGE
			FROM	TO		
A51-04006	SUSAN H. DAVIS RICHARD M. DAVIS BOX 121 BRUNEAU ID 83604	03/01/1963	03-15	11-15	3.00 CFS	STATUTORY CLAIM

SOURCE: GROUNDWATER
OTHER RIGHTS: A51-07052
CONDITIONS OF APPROVAL:

REMARKS: AC. DIV. RATE=150 IN.

POINT OF DIVERSION:
107S R06E S18

PLACE OF USE: IRRIGATION
T07S R05E S12
S13
R06E S07
S18
320.0 ACRES TOTAL

SESE 40.0 40
NESW 40.0 39

NWSW 40.0 36
SWSW 40.0 40

211.8 Acres in CRP
What is under CRP?

S/U
Chg in POA

Recommended

P.O.U. - 6-7-93

Total = 299

Ass run on O-P Napp

& field exam of 6-2-93.

Net field verification
from ASCS

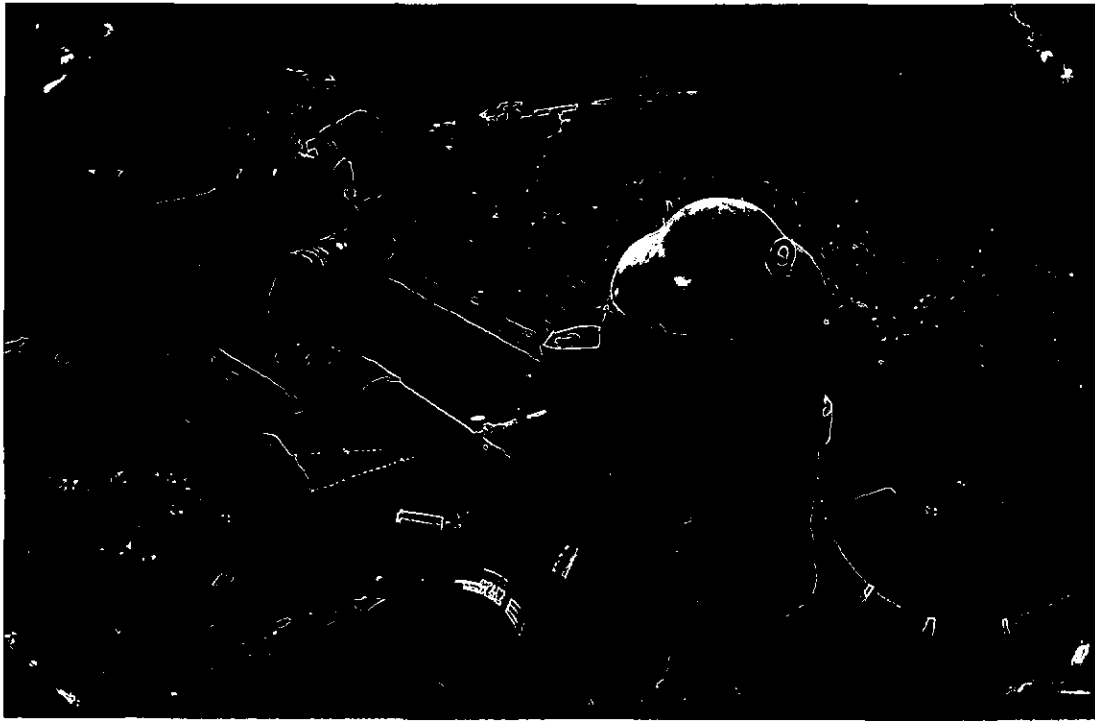
2.00 CFS TOTAL
0.00 AFA TOTAL

150"

150
134
284"

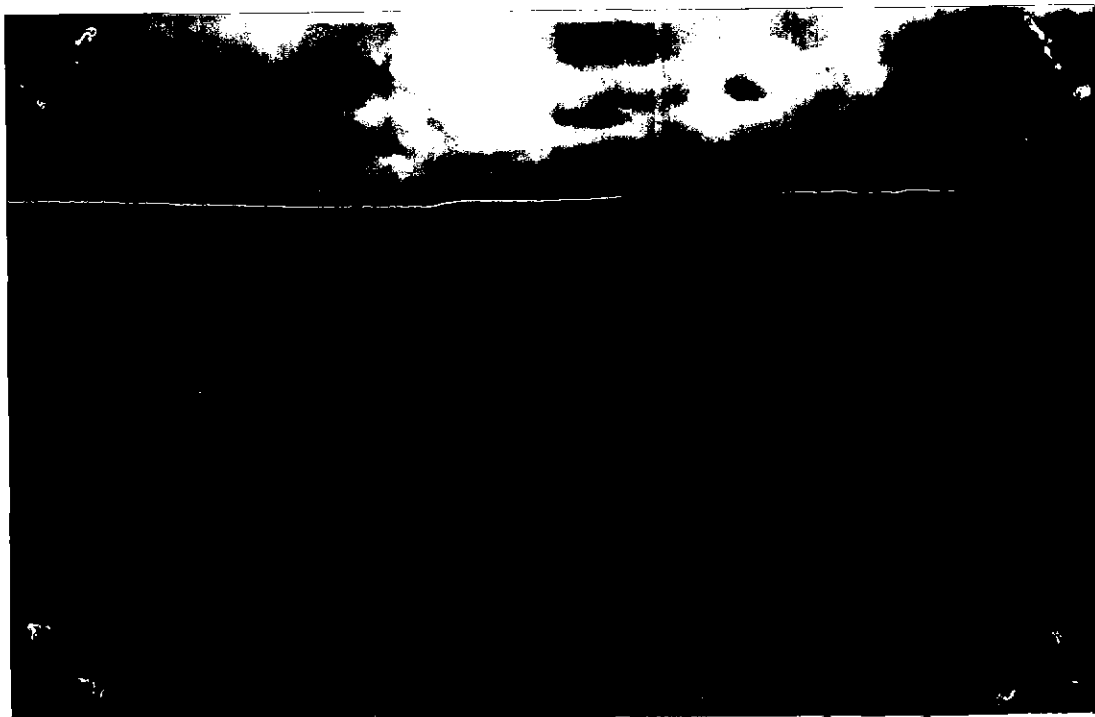
1. Status of 51-7151 - rejected
Does she really need her affidavits notarized?

A51-04006



6-2-93

Well in Section 18, NWNW



6-2-93

Place of Use, Section 18, NWNW - looking west

A51-04006



6-2-93

Place of Use in Sec. 13, NENE, showing hill where
there is no irrigation.



6-2-93

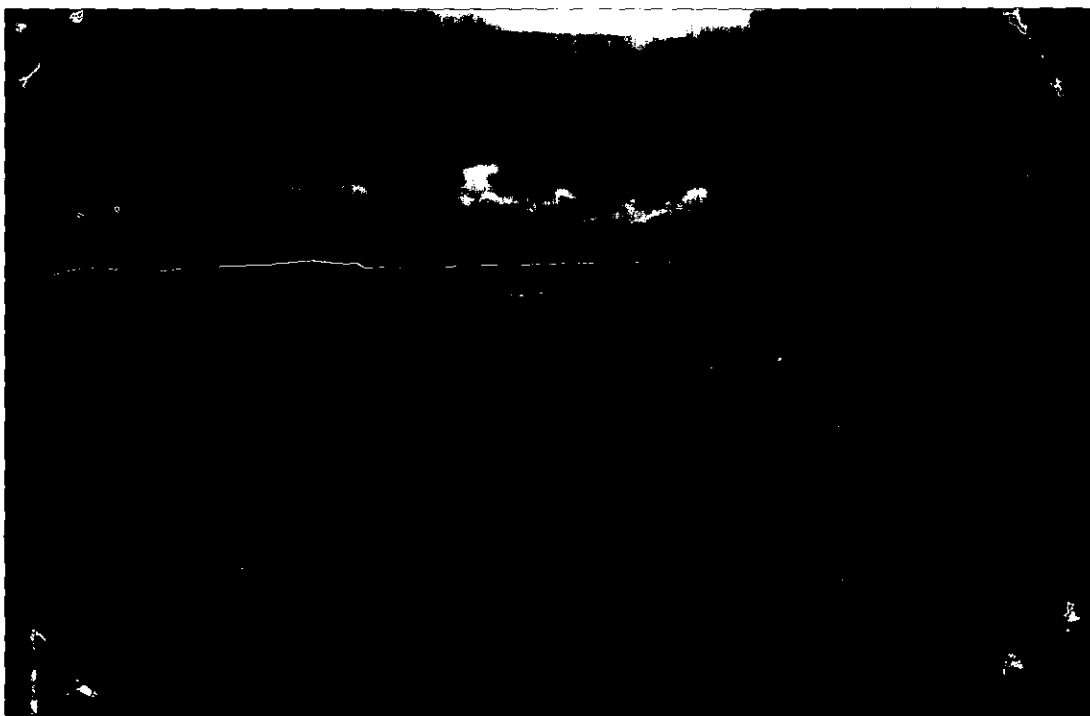
Photos taken by Linda Werner

A51-04006



6-2-93

Place of Use, Section 18, NWNW-looking north



6-2-93

Place of Use, Section 13, NENE, looking northeasterly

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5096
WATER RIGHT NO(S). 51-04006B/51-07052B

This is to certify that: **SUSAN H DAVIS**
3272 GEKELER #D201
BOISE ID 83706

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. 51-04006B : IRRIGATION Priority: 03/01/1963	04/01 to 10/31	2.64 CFS	1115.4 AF
Right No. 51-07052B : IRRIGATION Priority: 03/17/1970	04/01 to 10/31	2.36 CFS	977.1 AF
TOTAL:		* 5.00 CFS	* 1128.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 13, Township 07S, Range 05E
OWYHEE 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>
07S	05E	12	NESE 40	SESE 40		80
		13	NENE 40			40
06E	7		SENW 40	NESW 40	Lot 3(NWSW) 40	
			Lot 4(SWSW) 40			160
		18	Lot 1(NWNW) 2			2
Total number of acres irrigated:						282

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
2. 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.

TRANSFER NO. 5096
WATER RIGHT NO(S). 51-04006B/51-07052B

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5096 shall not exceed 5.00 cfs, nor a total combined annual volume of 1128.0 af.
- * 8. Rights 51-04006B and 51-07052B when combined shall not exceed a total annual diversion volume of 1128.0 af at the field headgate.
9. Approval of Transfer 5096 does not confirm Claimed Right 51-04006B.
10. Two points of diversion are located within NENE, S13, T07S, R05E.

Dated this 20th day of March, 1998

A. Glen Saxton
Chief, Water Allocation Bureau

DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1

MAY 13 1997

JUL 22 1997

WATER RESOURCES
Name of ApplicantSUSAN H DAVIS

Phone

338 5203

Department of Water Resources

Postal address

3272 GEKELER #D201City BOISESt IDZip 83706

A. PURPOSE OF THE 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 reason for the proposed changes: 40 acre lease of water right under X4798 has been terminated, applicant needs to return the right to its original P/W. Also, to add a P/D which was never shown on existing record (existing well)

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	<u>51-4006B</u>	<u>3-1-1963</u>	<u>2.64 cfs</u>	<u>IRR</u>	<u>4-1 to 10-31</u>
	<u>51-7052B</u>	<u>3-17-1970</u>	<u>2.36 cfs</u>	<u>IRR</u>	<u>4-1 to 10-31</u>
	<u>7052</u>				to _____
					to _____

2. Total diversion rate/volume being transferred: 5.0 cfs and/or 1128 ac-ft per annum

3. Source of water: groundwater, tributary to: _____ (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>7S</u>	<u>5E</u>	<u>13</u>	<u>-</u>	<u>NE</u>	<u>NE</u>	<u>-</u>	<u>Owyhee</u>	<u>original Davis P/D's</u>
								<u>(2 pts)</u>

5. Lands irrigated or place of use (or ☐ see Attachment _____):

3. Lands irrigated or place of use (or see Attachment _____).

T W P	R g e	S e c	NE				NW				SW				SE				Total	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
7S	5E	12													40				40	80
		13	40																	40
	6E	7								40	40	L.3 40	L.4 40						160	
		18						2 L.1											2	

Total acres 282

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment _____): 2 wells, sprinkler
irrigation under pivots and handline

b. Remarks (or ☐ see Attachment _____): P/D in Section 9 to be dropped.
Lands in CRP through 1999

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? ☒ Yes ☐ No
If yes, please complete Part 2, item 6.

Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? ☒ Yes ☐ No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

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 right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

Susan H. Davis
(Signature and Title of Applicant)

Subscribed and sworn before me on this 13 day of May, 1997.

Bob Harris
(Signature of Notary Public)

(seal)

My commission expires: 12-8-2000

FOR DEPARTMENT USE ONLY

Transfer contains 4 pages and 5 attachments

Received by cyb Date 5-13-97 Fee 100-

Receipted by cyb Date 5-13-97 # W022357

**APPLICATION FOR TRANSFER OF WATER RIGHT
ADDITIONAL DOCUMENTATION
PART 2**

ATTACHED (Required)

- / 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks).

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- N/A 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- N/A 3. Written description of present system and changes required to accommodate the proposed transfer.
4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- / a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- / b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- N/A c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- / 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right. *(for Bachman portion)*
- N/A 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- N/A 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

N/A

a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change

b) pump power records

c) water master records and/or comments if use is within a water district

d) irrigation crop reports

e) reports from other government agencies and/or qualified consultants

f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred

g) describe any defenses to forfeiture - CRP, extension of time, etc CRP enrollment through 1999

h) other....list other verification documentation for the water right below:

Water transfer agreement

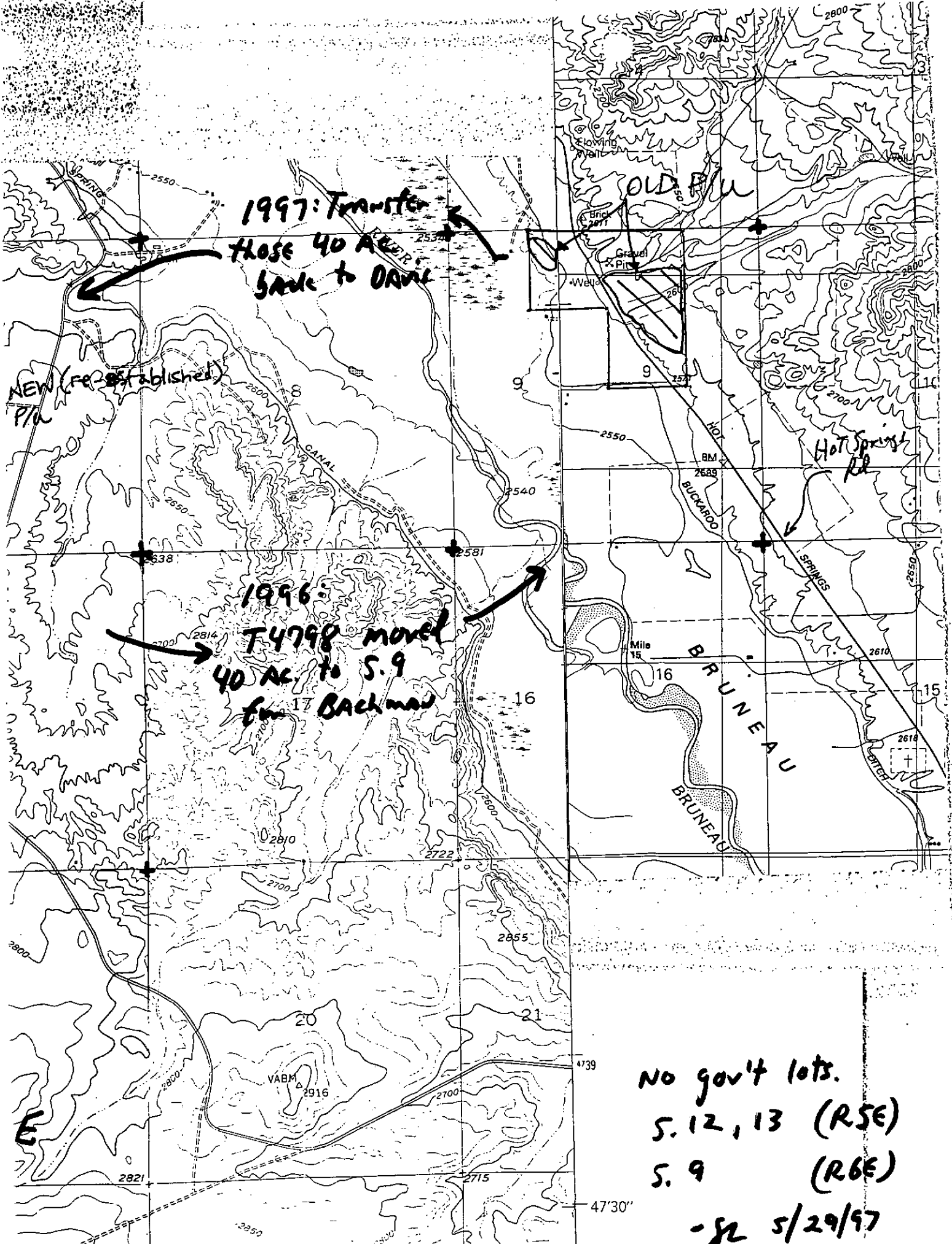
termination of lease and release of rights

N/A

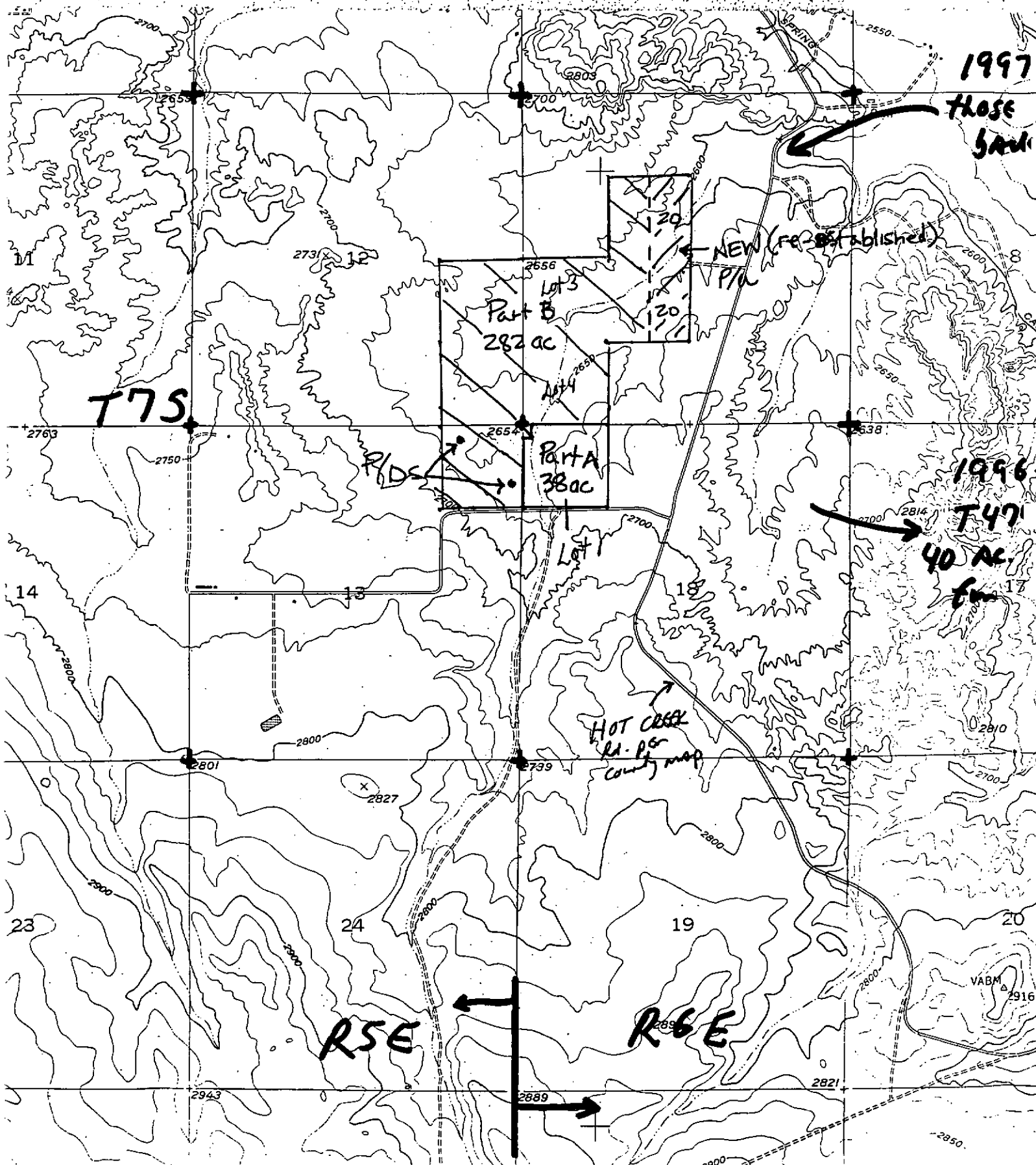
10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.

11. Identify any other documentation that clarifies the transfer application:

Transfer 4798 ~~file~~ Supporting documents - see file



NO gov't lots.
S. 12, 13 (RSE)
S. 9 (RBE)
-SL 5/29/97



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4798
WATER RIGHT NO(S). 51-04006B/51-07052B

RECEIVED

SEP 06 1996

WATER RESOURCES
WESTERN REGION

This is to certify that: SUSAN H DAVIS
HC 85 BOX 121
BRUNEAU ID 83604

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. 51-04006B :			
IRRIGATION	04/01 to 10/31	2.64 CFS	1115.4 AF
Priority: 03/01/1963			
Right No. 51-07052B :			
IRRIGATION	04/01 to 10/31	2.36 CFS	977.1 AF
Priority: 03/17/1970			
TOTAL:		5.00 CFS	* 1128.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 05E
NWNE , Sec. 9, Township 07S, Range 06E
OWYHEE County

PLACE OF USE: IRRIGATION

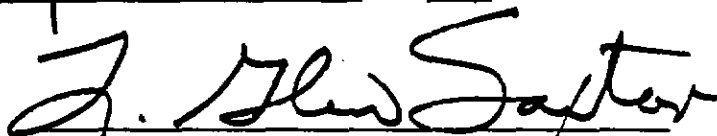
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	05E	12	NESE 40	SESE 40		80
		13	NENE 40			40
06E		7	SENW 20	NESW 20	Lot 3(NWSW) 40	
		Lot 4(SWSW)	40			120
		9	NWNE 18	SWNE 16	NENW 6	40
		18	NWNW 2			2
Total number of acres irrigated:						282

TRANSFER NO. 4798
WATER RIGHT NO(S). 51-04006B/51-07052B

CONDITIONS OF APPROVAL AND REMARKS

- R31 1. 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 the lands above.
- T04 2. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 5. 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.
- T17 6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4798 shall not exceed 5.00 cfs, nor total combined annual volume of 1128.0 af for the irrigation of 282.0 total combined acres in a single irrigation season.
8. Approval of this transfer in no way confirms Statutory Claim No. 51-04006B.
- * 9. Two points of diversion are located within NWNE, S09, T07S, R06E.

Dated this 30th day of August, 1996


Chief, Water Alloc. Bureau

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAY

1998

Transfer No. 4798

I acknowledge
all changes:
* SD SUSAN DAVIS
Date: 5/27/98

Name of applicant Susan L. Davis

Post Office address HC 85 Box 121 Bruner ID 83604

Phone: 208-845-2438

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 See below

2. Describe the reason for the proposed changes Part B of rights had been leased to Joyce livestock. Lease has expired and rights need to be returned to original P/O. At same time, another leaseholder wishes to obtain 40 acres under the rights. "A" & "B" to be redefined to reflect both changes.

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
51-4006, C	3/1/1963	.378	1222	3/1 to 11/1
* 51-4006, D	3/1/1963	2.625 2.27		to
51-7652, C	3/17/1970	.335		to
51-7052, D	3/17/1970	2.345 2.03		to

2. Total amount of water being transferred 5.0 cubic feet per second and/or _____ acre-foot per annum.

3. Source of water Groundwater tributary to N/A

4. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	9	7S	6E	Owyhee	2pts - "Colyer wells" (Bachman)
		NE	NE	13	7S	SE	"	Original P/O (Davis)

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	
7S	6E	9		18	16		6											40	
7S	SE	12													40		40	80	
		13	40															40	
7S	6E	7						20	20	40	40							120	
		18					2			6.3	6.4							2 (242)	

Total acres 320 232

PART 1

C. General Information:

a. Description of diversion system Existing wells @ Davis & Bachman Farmsb. 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. * existing lease contract has expired but not necessary to ~~release~~ release of right fr. type livestockc. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: See provisions of lease
Lands now under Part B are being irrigated under 57-7522.
Lands at Davis Farm (original P/R) are in CRP through 1999.
Lands at Bachman ranch are currently being irrigated fr. Brunseau.

d. Remarks:

PO Box 186 83604 (845-2090)
Lessee of Part D = Frank & Cindy Bachman, Brunseau. This
right to be used to supplement Brunseau Buckaroo Ditch rights
and used in addition to 51-4048 & 51-4049 for a total of 110 ac
irrigation from ground water.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

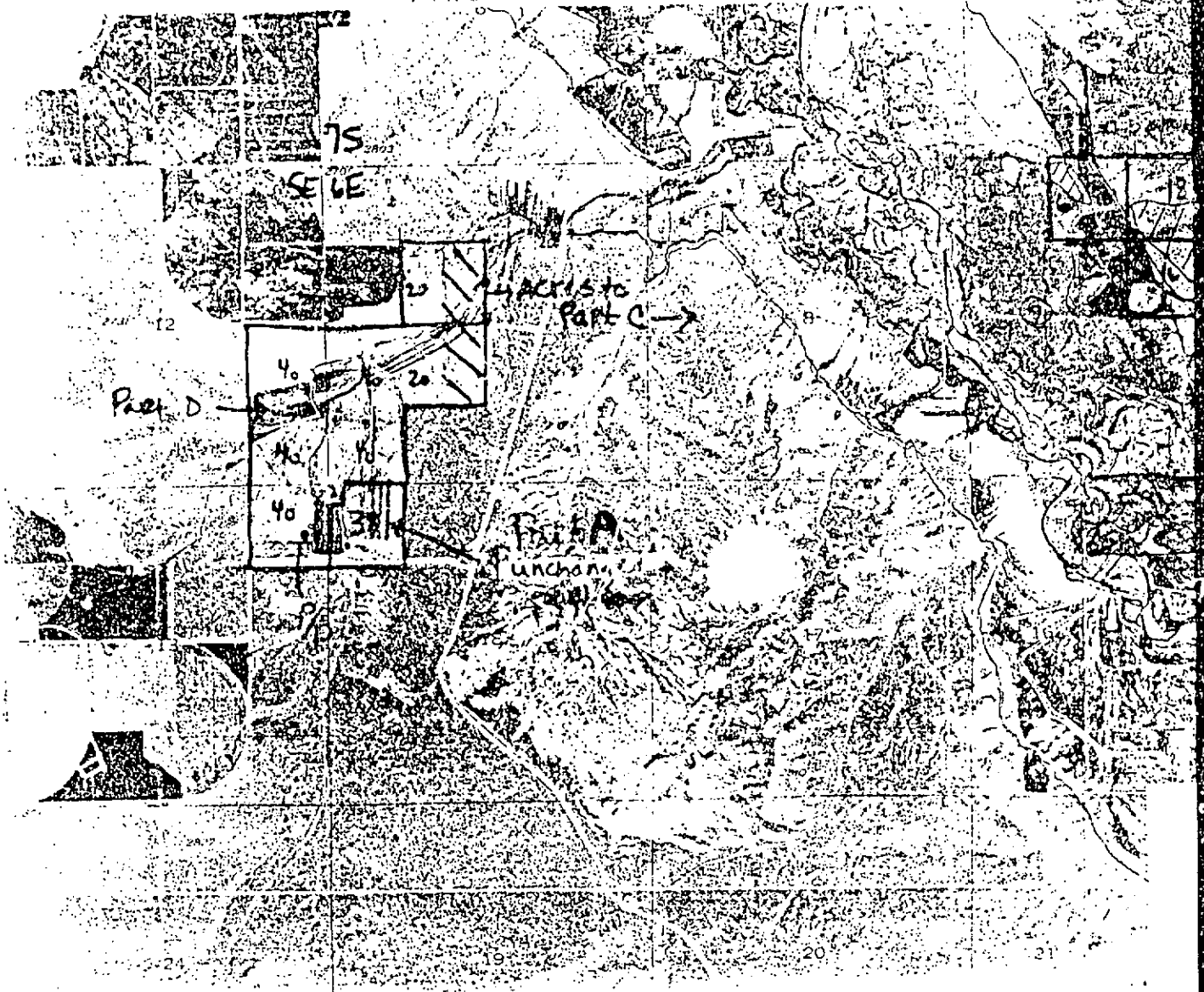
This is to certify that I have examined Application for Transfer of Water Right's No. _____

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 3

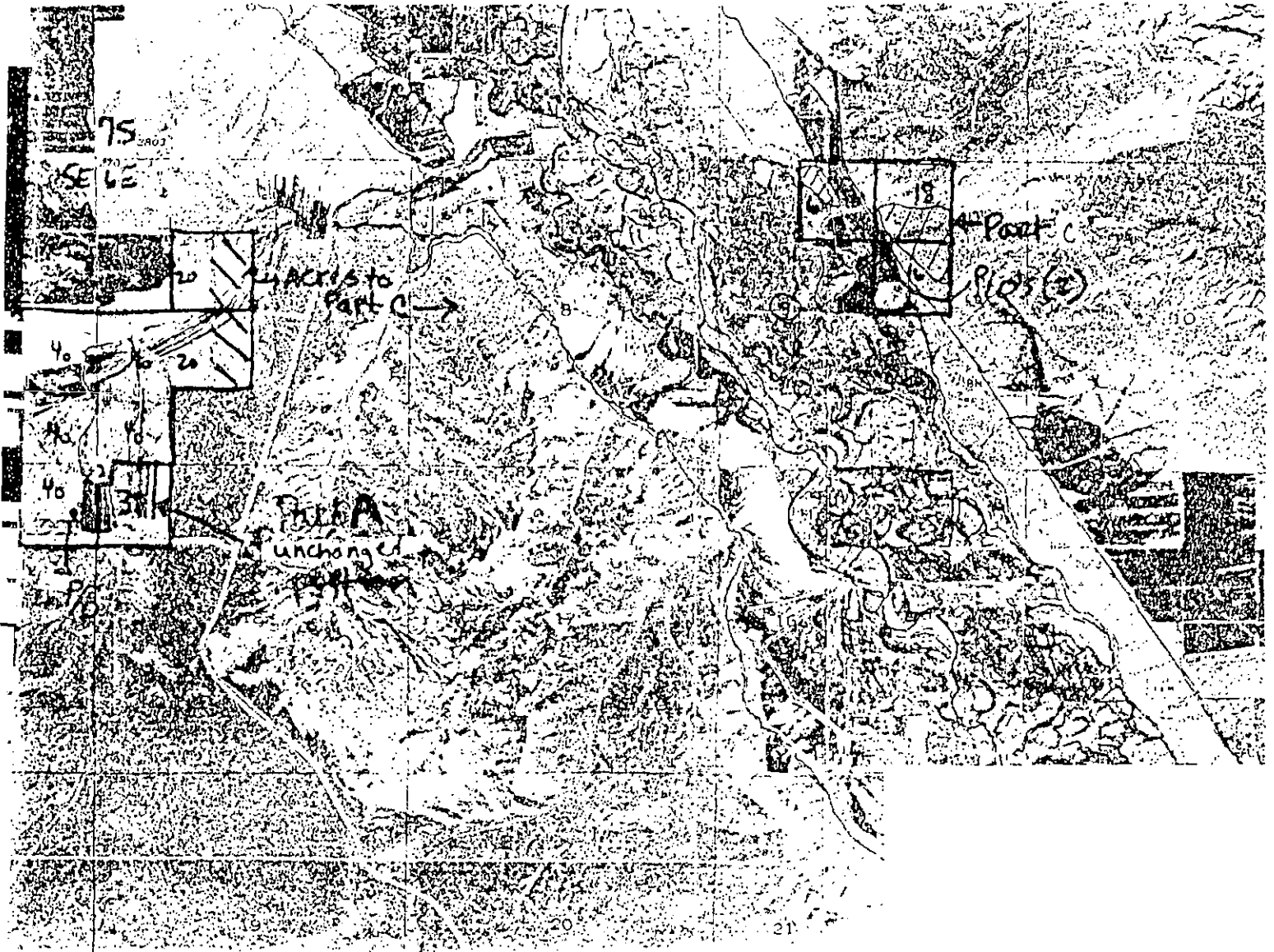


SCALE 2 inches equal 1 mile. Drawn from aerial

Transfer No. _____

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

PART 3



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3760

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant JOYCE LIVESTOCK CO Phone 834-2237
Post Office address SINKER CREEK MURPHY, IDAHO 83650

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 Source

2. Describe the reason for the proposed changes Move surface water right to this well
to enable diversion prior to review of Application for Permit No. 57-07522
Under Swan Falls Section.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source
57-4008 B	7/15/44	6.4 cfs	Irr	4/1 to 11/1	Ground water
57-4006 B	3/1/1963	2.64 cfs	Irr	4/1 to 11/1	Ground water
57-7052 B	3/17/1970	2.36 cfs	Irr	4/1 to 11/1	Ground water

2. Total amount of water being transferred 6.4 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	1/2	3/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	16	3S	1W	OWYHEE	

5. 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	
3S	1W	16	38	38	40	10	40	40	40	30	10	30			4				280
3S	1W	17													40				40

Total acres 320

**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. _____ issued by the Idaho Department of Water Resources.
 c. Claim No. 157-04008 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 FOSSIL CREEK tributary to SNAKE RIVER4. Date of priority July 15, 1919

5. Water is used for the following purpose:

amount 6.4 cfs for Err purposes from 1/15 to 5/15
 (cfs/ac-ft) amount 0.04 for Dom purposes from 1/1 to 12/31
 (cfs/ac-ft) amount 0.12 cfs for Stock purposes from 1/1 to 12/31
 (cfs/ac-ft)

6. Total amount of water under right 6.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	1/4	Sec.	Twp.	Rgs.	County	Local name for diversion
					27	4S	2W	Owyhee	

8. Lands irrigated or place of use:

Twp.	Rgs.	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	
4S	2W	14													40	40	40	40	160
		23			40				40	40									160

Total acres 3209. Describe any other water rights used for the same purpose as described above None

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 157-4088
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 6.4 for irr purposes from 3/15 to 11/15
(cfs/ac-ft) amount for purposes from to
(cfs/ac-ft) amount for purposes from to
(cfs/ac-ft) amount for purposes from to

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	27	4S	2W	Owhee	

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	
4S	2W	14													40	40	40	40	160
		23		40			40		40		40								160

Total acres 320

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 157-4088

1. amount 0.04 cfs for Domestic purposes from 1/1 to 12/31
(cfs/ac-ft) amount 0.12 cfs for Stockwater purposes from 1/1 to 12/31
(cfs/ac-ft) amount for purposes from to
(cfs/ac-ft) amount for purposes from to

2. Point(s) of Diversion:

No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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

**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. _____ Issued by the Idaho Department of Water Resources.
 c. Claim No. 51-4006 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 Contract

3. Source of water Groundwater tributary to _____

4. Date of priority 5/1/1963

5. Water is used for the following purpose:

amount 3.0 cfs for Irr purposes from 5/1 to 11/1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	*1/4	*1/4	*1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NN	18	7S	6E	Owyhee	

8. 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		
7S	5E	12														40			40	80
		13	40																	40
7S	6E	7								40	40	40	40							160
		18						40												40

Total acres 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 non-use?

No If yes, describe

11. 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 2.64 cfs for Irr purposes from 5/1 to 11/1
 (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	NW	18	75	6E	Owyhee	

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	
75	SE	12													40				40
		13	40																40
75	6E	7								40	40	40	40						160
		18						2											2

Total acres 212

12. PORTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 51-40062

amount 0.36 for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

1. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
75	6E	18					38												38

Total acres 38

**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 _____
 - b. License No. 51-7052 Issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ 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 Contract
3. Source of water Groundwater tributary to _____
4. Date of priority 3/17/1970
5. Water is used for the following purpose:

amount <u>2.68 cfs</u> for <u>Irr</u> purposes from <u>3/1</u> to <u>11/1</u>
(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 _____ cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NE	NE	13	7S	SE	Owyhee

B. 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	
7S	5E	12													40			40	80
		13	40																40
7S	6E	7							40	40	40	40							160
		18						40											40

Total acres 320

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

7 of 10

PART 2

Transfer No. 3760

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

51-70520

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 2.36 for Irr purposes from 5/1 to 11/1
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
75	SE	12													40			40	80
		13	40																40
75	SE	7							40		40	40	40						160
		18						2											2

51-70520

Total acres 282

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

1. amount 0.32 for Irr purposes from 5/1 to 11/1
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

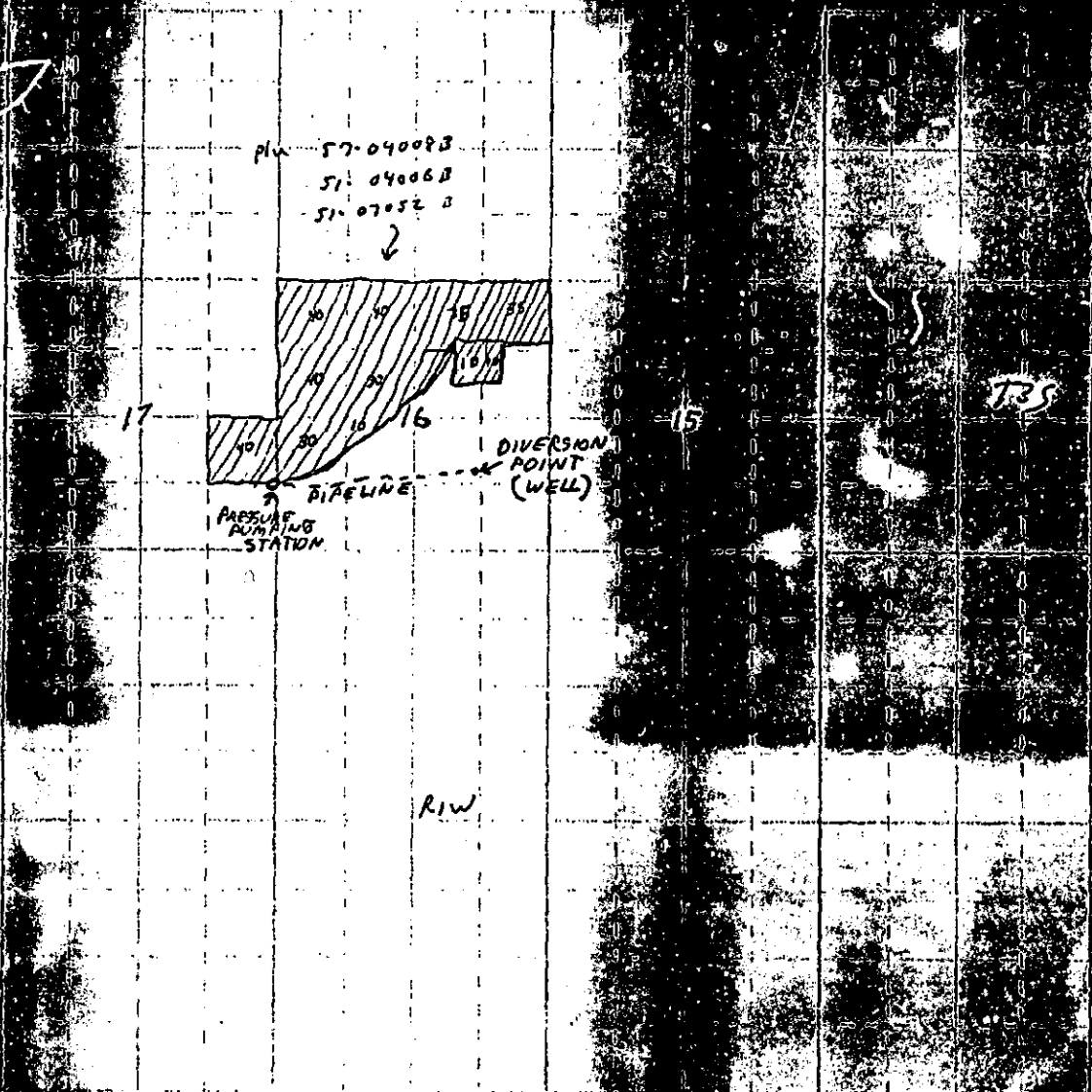
3. Lands irrigated or place of use:

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	
75	SE	18						38											38

Total acres 38

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

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

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.

Joyce Livatoch Co. by: Paul D. Hill, general partner
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of APRIL, 1990

Daniel T. Hill
(Notary Public)

My commission expires 7/15/1994

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and Several attachments

Received by DRT Date 6/11/1990

Prelim. check by PL Fee \$502 W 012255

Received by DRT Date 6/11/1990

Published in Bozeman Capitalist

Pub. dates 7/4 + 7/11/1990

Watermaster recommendation requested on N/A

rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

by DRT

Copy of transfer sent to lien holder _____

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.

Joyce Livestock Co. by: Paul M. Hill
(Signature of Applicant)
Subscribed and sworn to before me this 19th day of APRIL, 1990

Daniel T. Bledsoe
(Notary Public)

My commission expires 9/15/1994

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and Several attachments
Received by DRT Date 6/11/1990 Protest filed by _____
Prelim. check by PL Fee \$502 W 012255
Received by DRT Date 6/11/1990
Published in Boysen's Gazette Copies of protest forwarded by _____
Pub. dates 7/4 & 7/11/1990 Hearing held by _____ Date _____
Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial
by DRT
_____ rec'd. _____
Copy of transfer sent to lien holder _____

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR TRANSFER NO. 3760 OF)	ORDER APPROVING TRANSFER
WATER RIGHT NO.s 51-4006,)	IN PART AND
51-7052, & 57-4008 IN THE)	DENYING TRANSFER IN PART
NAME OF JOYCE LIVESTOCK CO.)	

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3760 filed pursuant to Section 42-222, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On June 11, 1990 Joyce Livestock Co. (applicants) filed an application with the department to transfer 6.40 cfs of water under right no.s 51-4006, 51-7052 & 57-4008. The application proposed changing point of diversions, place of use and period of use for all three rights. The application further proposed changing the source of water under right no. 57-4008 from Fossil Creek to a groundwater source.

2. Groundwater rights no.s 51-4006 and 51-7052 which are presently owned by Susan H. Davis, are both appurtenant to the same 320 acres of land in Township 7S, Range 5E, and Township 7S, Range 6E.

3. Transfer no. 3760 proposes to move a total of 5.00 cfs and 282 acres under right no.s 51-4006 and 51-7052 to land owned by the applicants in Township 3S, Range 1W. The applicants propose to divert a total of 6.40 cfs of groundwater under these two

rights and right no. 57-4008 to irrigate a total of 120 acres at the new place of use.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water ... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

2. Section 42-222, Idaho Code does not provide authority for the director of the department to approve transfer applications which propose to transfer the source of water from surface water to groundwater.

3. Approval of the proposed source change of right no. 57-4008 may constitute an enlargement in the use of this right since water from Fossil Creek has not been a reliable source of water during some irrigation seasons. If water used under the right is diverted from a groundwater source, then the applicants will divert more water during the irrigation season.

4. The proposed transfer of water from Fossil Creek to a groundwater well under right no. 57-4008 should be denied.

5. The transfer of right no.s 51-4006 and 57-7052 should be approved, but limited to the diversion of no more than 5.00 cfs for the irrigation of no more than 282 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3670 of Water Right No. 57-4008 is DENIED, and Application of Transfer No. 3670 of Water Right No.s 51-4006 and 51-7052 is approved subject to the following conditions:

1. The groundwater rights under this transfer are limited to the diversion of 5.0 cfs for irrigation of 282 acres of the 320 acres described above.
2. Within 30 days of the approval of this transfer, the applicants shall describe the location of the 282 acres which are to be irrigated from the new groundwater point of diversion. If the acres proposed for irrigation are not described, the Department will assign the place of use.
3. When combined with all other rights, this transfer shall provide no more than 5.0 acre-feet per acre.
4. A transfer application shall be filed with the Department before the water rights can revert back to the original place of use and point of diversion and a new water right approved before use can continue at the new point of diversion and place use.
5. Approval of this transfer in no way confirms the rights claimed.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 13th day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MEMORANDUM

July 31, 1995

TO: FILES A51-04006 & A51-07052

FROM: KAY WALKER *KW*

RE: OWNERSHIP

Susan Davis called the office this morning to find out the status of her rights as referenced above. The claims were filed and are in our records as Ms. Davis claimed them. The water rights were split by Transfer No. 3760 when she leased water to Joyce Livestock. An approval condition on the transfer said a transfer had to be filed to move the water back to it's original place of use. I relayed this information to Ms. Davis and when she had additional questions regarding the transfer to put the water back to original place of use, I gave her Jim Johnson's number to contact with those questions.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 8, 1995

JOHN ODIAGA
LANDWATCH REALTORS
1061 BLUE LAKES BLVD N
TWIN FALLS ID 83301

Dear Mr. Odiaga:

SUBJECT: Inquiry relating to status of water rights filed by Susan Davis.

Enclosed you will find a well log for the well located in the NE1/4NE1/4, Section 13, T7S, R5E. I did not find a well log for the other irrigation well.

Mrs. Davis has two claims on file in the Snake River Basin Adjudication (SRBA). These claims are numbered A51-04006 and A51-07052. A previous transfer was filed on these rights, as you are aware, for a portion of the original rights to be used by Joyce Livestock on 320 acres. The remaining 38 acres are still listed under Davis. This transfer has a remark that the place of use revert back to the original locations after three years. That would have happened in 1993; however, before this can occur a transfer must be filed to move the place of use back. As of this date, we have no record of a transfer filed for this usage.

A field exam for the rights claimed in the SRBA was conducted in June of 1993, however, no recommendation has been made as yet. Our records indicate that the land is under CRP until 1998. At this point in time, it appears that the water rights appurtenant to Susan Davis's land are covered under right numbers 51-04006A and 51-07052A. They consist of the irrigation of 38 acres from the wells located in section 13 and section 18. A transfer will need to be filed before the 320 acres can revert back to its original place of use on the Davis property.

I will return the profile reports you submitted when you were in my office during the week of May 1. In order to file a transfer application you will need to contact an agent in the Appropriations section of this Department. They can be reached at (208) 334-2190.

Page 2
5/8/95

If you have any questions in regard to the claims filed in the SRBA, you can contact me at the same number.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

January 28, 1993

Re: Claim No(s). A51-04006

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

SUSAN DAVIS
RICHARD DAVIS
BOX 121
BRUNEAU ID 83604

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area should be conducted this summer by Department personnel. Prior to conducting the field exams, we will contact you to discuss details and schedule a time convenient for you.

Please submit the required evidence supporting the priority date(s) by March 15, 1993, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the toll-free number listed on the back page of the pamphlet or the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

NOTE: ON THE PROFILE REPORT SENT WITH THIS LETTER
REFERENCE WAS MADE TO THE TWO ATTACHED
AFFIDAVITS NOT BEING NOTARIALIZED SO THEY COULD
EITHER HAVE THEM NOTARIALIZED OR GET OTHERS.

CLAIMANTS -

RICHARD & JESAN DAVIS

51-04006

CLAIM - 3-1-1963 PRIORITY DAT.

5 Dec 1974

I, Joe E. Black am a witness, that the
water, described on claim to a Water Right by LeRoy
Davis, has been used from the well by pumping and
irrigation since 1963.

Joe E. Black
Box 49
Hammett, Idaho

MICROFILMED

5 Dec 74

I, C. H. Loop am a witness, that the
water, described on claim to a Water Right by LeRoy
Davis, has been used from the well by pumping and
irrigation since 1963.

C. H. Loop
Rt B. Box 177
Brunson.

MICROFILMED