



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 8, 1999

RUFF TIMES TWO
3005 W 2100 S
ABERDEEN ID 83210

RE: Transfer #5479 (water right 35-02312A, 35-07882, 35-13271)
and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On October 1, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5479, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

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

In Re SRBA) Water Rights: 35-02312A,
35-02312C, 35-02312D, 35-07882, 35-07882A, 35-07882B, 35-13271, 35-13271A, 35-13271B

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDINGS

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ Substitution of Party/Split Water Right
- ☒ I.C. § 42-222 transfer 5479
 - ☒ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9 Dec 1999

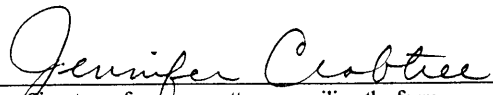


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12/10, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
REID STEWART
3100 W 1000 S
ABERDEEN ID 83210
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
RUFF TIMES TWO
3005 W 2100 S
ABERDEEN ID 83210
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

5/21/96

35-02312A, 35-02312C, 35-02312D, 35-07882, 35-07882A, 35-07882B, 35-13271, 35-13271A, 35-13271B

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DECLG EC 10/24/99
EMC-
RECEIVED
OCT 27 1999
Department of Water Resources
Eastern District Office

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 35-023120 / 35-078928 / 35-132718

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s).
(These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant REID STEWART

3100 W 1000 S ABERDEEN, ID 83210

4. New Owner/Claimant(s) RUFF TIMES TWO

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 3005 W 2100 S ABERDEEN, ID 83210

City, State and ZIP Code ABERDEEN, ID 83210

New Telephone Number (208) 397-4660

5. Date you acquired the property 5-13-99

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 183 Number and type of stock _____

Diversion rate in CFS 1.99 Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) RUFF TIMES TWO BY [Signature]
or Claimant(s)

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

REAL ESTATE CONTRACT

THIS AGREEMENT, effective as of the 13th day of May, 1999, by and between RUFF TIMES TWO, an Idaho partnership, of American Falls, Power County, Idaho, hereinafter referred to as "Purchaser"; and MELVIN SCHRITTER and ROBERTA SCHRITTER, husband and wife, of Gold Beach, Oregon, hereinafter referred to as "Seller",

WITNESSETH:

That Seller, for and in consideration of the covenants and agreements on the part of the Purchaser, hereinafter contained, agrees to sell and convey unto the Purchaser and the Purchaser agrees to buy the following described real property, situate in Bingham County, State of Idaho, more particularly described as follows:

The NW¼ of Section 17, Township 6 South, Range 30 E.B.M., Bingham County, Idaho, and
The NE¼ of Section 18, Township 6 South, Range 30 E.B.M., Bingham County, Idaho.

PURCHASE PRICE: That Purchaser agrees to pay Seller the total sum of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00), lawful money of the United States of America for the above described real property, which said sum is to be paid by the Purchaser to the Seller at the following times and in the following manner, to-wit:

That Purchaser agrees to pay as down payment, the sum of 1,000.00, said sum due at the time of closing. The remainder the purchase price shall be paid in fifteen (15) equal annual amortized payments on the balance of \$200,000.00 of TWENTY FOUR THOUSAND EIGHTY SIX AND NO/100 DOLLARS (\$24,086.00) per year, including interest on the outstanding principal balance computed at the rate of eight and one-half percent (8.5%) per annum from and after the first day of May, 1999, the first of which said payments of \$24,083.00, including interest as aforesaid shall be due and payable on or before the first day of May, 2000, and a like payment on or before the first day of each and every May thereafter until the entire amount of both principal and interest shall have been fully paid and discharged. All payments shall be applied first to accrued interest, then to reduction of principal as of the date of payment.

PREPAYMENT: The Purchaser may prepay any sums due hereunder. However, any such prepayments shall not be cumulative

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Doug Ruff
DOUG RUFF
Melvin Schritter
MELVIN SCHRITTER
Roberta Schritter
ROBERTA SCHRITTER

STATE OF IDAHO)
) ss.
County of Power)

On this 13th day of May, 1999, before me, a Notary Public in and for said State, personally appeared DOUG RUFF and RUSSELL RUFF, known to me to the persons whose names are subscribed to RUPF, within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day 13th day of May, 1999, in this certificate first above written.



Julia A. Belva
Notary Public for Idaho
Residing at: American Falls
Commission expires: 10-01-2004

STATE OF OREGON)
) ss.
County of Curry)

On this 19th day of May, 1999, before me, a Notary Public in and for said State, personally appeared MELVIN SCHRITTER and ROBERTA SCHRITTER, known to me to the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Margaret E. Kruse
Notary Public for Oregon
Residing at:
Commission expires: 2-9-03

1997-1998

-
- 4682
- 4694
- 4650
- 4650
- Well 9
- 4625
- 4631
- 4600
- Well 4629
- 4616
- 16
- 4621
- 4572
- 4598
- 4610
- 4625
- 4608
- 4595
- 8
- 9
- 16
- 20
- 21
- 23
- 32
- 32
- 32
- 32
- 17
- Point of View
- T6S R30E
- P. O. N. A. 4630
- PLEASANT VALLEY

Easton

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5479
WATER RIGHT NO(S). 35-02312D/35-07882B/35-13271B

This is to certify that: REID STEWART
3100 W 1000 S
ABERDEEN ID 83210

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. 35-02312D :			
IRRIGATION	04/01 to 10/31	1.37 CFS	278.0 AF
Priority: 03/17/1953			
Right No. 35-07882B :			
IRRIGATION	04/01 to 10/31	0.62 CFS	124.4 AF
Priority: 12/26/1979			
Right No. 35-13271B :			
IRRIGATION	04/01 to 10/31	0.90 CFS	329.6 AF
Priority: 04/01/1987			
	TOTAL:	* 1.99 CFS	732.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 18, Township 06S, Range 30E
BINGHAM 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>
06S	30E	17	NENW 32	NWNW 32	SWNW 32	
			SEnw 32			128
		18	NENE 32	NWNE 23		55

Total number of acres irrigated: ** 183

CONDITIONS OF APPROVAL AND REMARKS

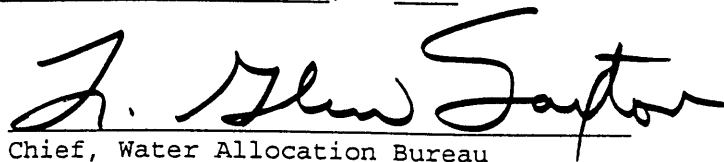
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

TRANSFER NO. 5479
WATER RIGHT NO(S). 35-02312D/35-07882B/35-13271B

CONDITIONS OF APPROVAL AND REMARKS

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 accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- ** 8. Right 35-02312D is limited to the irrigation of 69.5 acres in the place of use described above in a single irrigation season.
- ** 9. Right 35-07882B is limited to the irrigation of 31.1 acres in the place of use described above in a single irrigation season.
- ** 10. Right 35-13271B is limited to the irrigation of 82.4 acres in the place of use described above in a single irrigation season.
- * 11. Rights 35-02312D, 35-07882B, and 35-13271B when combined shall not exceed a total diversion rate of 1.99 cfs.
12. Approval of Transfer 5479 does not confirm SRBA Claimed Right 35-13271B.
13. Right 35-13271B is an enlargement of Rights 35-02312D and 35-07882B pursuant to Section 42-1426, Idaho Code.
14. Right 35-13271B 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.

Dated this 1st day of October, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02312A, 35-07882 & 35-13271

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5479

DATE: September 30, 1999

Transfer 5479 changes the point of diversion & place of use under a portion of Rights 35-02312A (C & D), 35-07882 (A & B) and 35-13271 (A & B), splitting each right. The applicant is selling the transferred portion of the rights and a change of ownership will be required upon approval of the transfer.

These rights have been recommended in the SRBA and are currently under review by the court. The approval is based on these rights as recommended. These rights are used on a common system and no other rights appear to overlap. No drilling permit was identified for the new point of diversion.

Recommended conditions include drilling permit requirements, measuring & annual reporting, irrigation overlap, combined right limits, non-confirmation of claim, enlargement right conditions (35-13271), conjunctive management of sources and standard transfer conditions.