



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

January 12, 2000

NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404

RE: Transfer #5541 for water right(s) 35-02472, 35-12931 and Notice
of Completed Administrative Proceeding (NCAP)

Dear Sir:

On November 5, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5541, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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

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

Respectfully,

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

Case No. 39576

Water Rights: 35-02472, 35-12931

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5541**

☐ 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: Jan 22 2000

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/25, 2000, 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:
NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-20-2000
PAGE: A-29-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-12931

NAME & ADDRESS: NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404

SOURCE: GROUNDWATER

QUANTITY: D.37 CFS
88.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-02472 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.36 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 568 AF.

PRIORITY DATE: 05/01/1975

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T03S R33E S19 SWNESW Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.37 CFS
			88.0 AFY

PLACE OF USE:	IRRIGATION	Within BINGHAM County		
	T03S R33E S19	NESW 40	Lot 3 (NWSW)31	Lot 4 (SWSW)31
	142 ACRES TOTAL			SESW 40

USE OF THIS RIGHT WITH RIGHT NO. 35-02472 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 142 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-20-2000
PAGE: A-30-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-12931 (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 35-02472 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT NO. 35-02472 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 22 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5541
WATER RIGHT NO(S). 35-02472/35-12931

RECEIVED
NOV 12 1999

Department of Water Resources
Eastern Region

This is to certify that: NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404

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. 35-02472 :			
IRRIGATION	04/01 to 10/31	2.36 CFS	480.0 AF
Priority: 07/27/1956			
Right No. 35-12931 :			
IRRIGATION	04/01 to 10/31	0.37 CFS	88.0 AF
Priority: 05/01/1975			
TOTAL:		* 2.36 CFS	* 568.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 19, Township 03S, Range 33E
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>
03S	33E	19	NESW 40	NWSW 31	SWSW 31	142
			SESW 40			** 142

Total number of acres irrigated: ** 142

CONDITIONS OF APPROVAL AND REMARKS

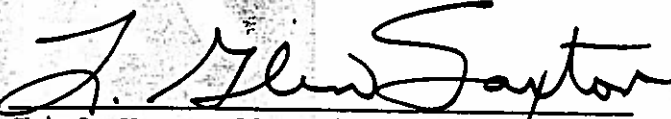
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5541
WATER RIGHT NO(S). 35-02472/35-12931

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. Right 35-02472 is limited to the irrigation of 120.0 acres in the place of use described above in a single irrigation season.
- ** 6. Right 35-12931 is limited to the irrigation of 22.0 acres in the place of use described above in a single irrigation season.
- * ** 7. Rights 35-02172 and 35-12931 when combined shall not exceed a total diversion rate of 2.36 cfs, a total annual maximum diversion volume of 568.0 af at the field headgate, and the irrigation of 142.0 acres.
8. Right 35-12931 is an enlargement of Right 35-02472 pursuant to Section 42-1426, Idaho Code.
9. Right 35-12931 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.
10. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 5th day of November, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02472 & 35-12931

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5541

DATE: November 5, 1999

Transfer 5541 changes the place of use to remove these water rights from 13 acres that are BLM property. The applicant will concentrate all of the water rights on a 142 acre permissible place of use on his property. Expansion Right 35-12931 has been reduced from 26 acres to 22. The net result of the transfer is a reduction of total irrigated acres and diversion volume associated with those acres.

Recommended conditions include measuring & annual reporting, permissible place of use limits, combined right limits, enlargement right conditions for 35-12931, Basin 35 connected sources, irrigation overlap and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant North Highlander Farms Inc Phone 208 529 3073
 Post Office address c/o R W Bennett 1845 Tiffany Dr Idaho Falls ID

A. PURPOSE OF TRANSFER

83404

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes water to be removed from lands
administered by BLM and applied to pivot corners

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-02472</u>	<u>7/26/1956</u>	<u>2.360</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>
<u>35-12931</u>	<u>5/1/1975</u>	<u>0.37</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.36 * 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
	<u>SW</u>	<u>NE</u>	<u>SW</u>	<u>19</u>	<u>35</u>	<u>33E</u>	<u>Bingham</u>	

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	
<u>35</u>	<u>33E</u>	<u>19</u>									<u>40</u>	<u>31</u>	<u>31</u>	<u>40</u>					<u>142</u>

* 35-02472 & 35-12931 are limited to total diversion rate 2.36 142

13 1/2 8

45541

A. DESCRIPTION OF RISK AS RECORDED

DATE: 08/16/99

PAGE: 1

[illegible]

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH HIGHLANDER FARMS INC	05/01/1975	IRRIGATION	04-01 10-31	0.420 CFS	
TOTAL DIVERSION:					0.420 CFS	

Stage: BENEFICIAL USE

Point(s) of Diversion: T03S R33E S19 SWNESW BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	:	-----	
03S	33E	19	:					:					:	39	03-29	04-28	37	:		07	06			:	146.0	
																							TOTAL ACRES	146.0		

POU County: BINGHAM

Other Rights: 35-02472

Conditions of Approval:

- C11 - THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
- PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREEO
- AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
- BETWEEN WATER RIGHTS DECREEO AS ENLARGEMENTS PURSUANT TO SECTION
- 42-1426, IOAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
- RIGHT.
- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTEREO SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 35:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 35-02472 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 584 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 35-02472 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE
IRRIGATION SEASON.

AJ5809NP
No. 35-12931

IOAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

P 488
T5541
DATE: 08/16/99
PAGE: 2

Remarks: GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 35-02472 PURSUANT TO SECTION 42-1426, IOAHO CODE.

EXP RIGHT NO. 35-02472 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 26 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates: Exam Made Date: 10/16/1992 Verified Date: Objection Filed Date: 06/02/1999

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

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 _____

RWB

PART TWO

P 5 8 8

T5541

A. DESCRIPTION OF RIGHT AS RECORDED

AJ5809NP

IDAHO DEPARTMENT OF WATER RESOURCES

DATE: 08/16/99

No. 35-02472

ADJUDICATION CLAIM PROFILE REPORT

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH HIGHLANDER FARMS INC	07/27/1956	IRRIGATION	04-01 10-31	2.360 CFS	
TOTAL DIVERSION:					2.360 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T03S R33E S19

SWNESW

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
03S	33E	19	:					39	03-29	04-28	37	07	06			146.0
TOTAL ACRES															146.0	

POU County: BINGHAM

Other Rights: 35-12931

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 35-12931 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 584 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 35-12931 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 35-12931 IS ALSO DIVERTED THROUGH POINT OF DIVERSION

p 6 of 8
75541

AJ5809NP
No. 35-02472

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/16/99
PAGE: 2

Remarks: DESCRIBED ABOVE.
RIGHT NO. 35-12931 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.

Dates: Exam Made Date: 10/16/1992 Verified Date: Objection Filed Date: 06/02/1999

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? no ReB
If yes, describe _____

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.

see attached

Nick

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

In Re SRBA

Case No. 39576

Water Rights: 35-02472, 35-12931

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above
water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated
below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer 5541

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:
August 26, 2000

DATED: 27 Aug 1999

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9/1, 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:
NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

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



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

August 27, 1999

KARL J. DREHER
DIRECTOR

NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404

RE: Application for Transfer #5541 (35-02472, 35-12931)
and Notice of Administrative Proceeding (NAP)

Dear Mr. Berrett:

On August 18, 1999, the Idaho Department of Water Resources (IDWR) received an Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP to the SRBA Court and other parties listed on page 2 of the form. The intent of this mailing is to notify those parties of the requested change.

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

Respectfully,

Jennifer Hoagland
Technical Records Specialist

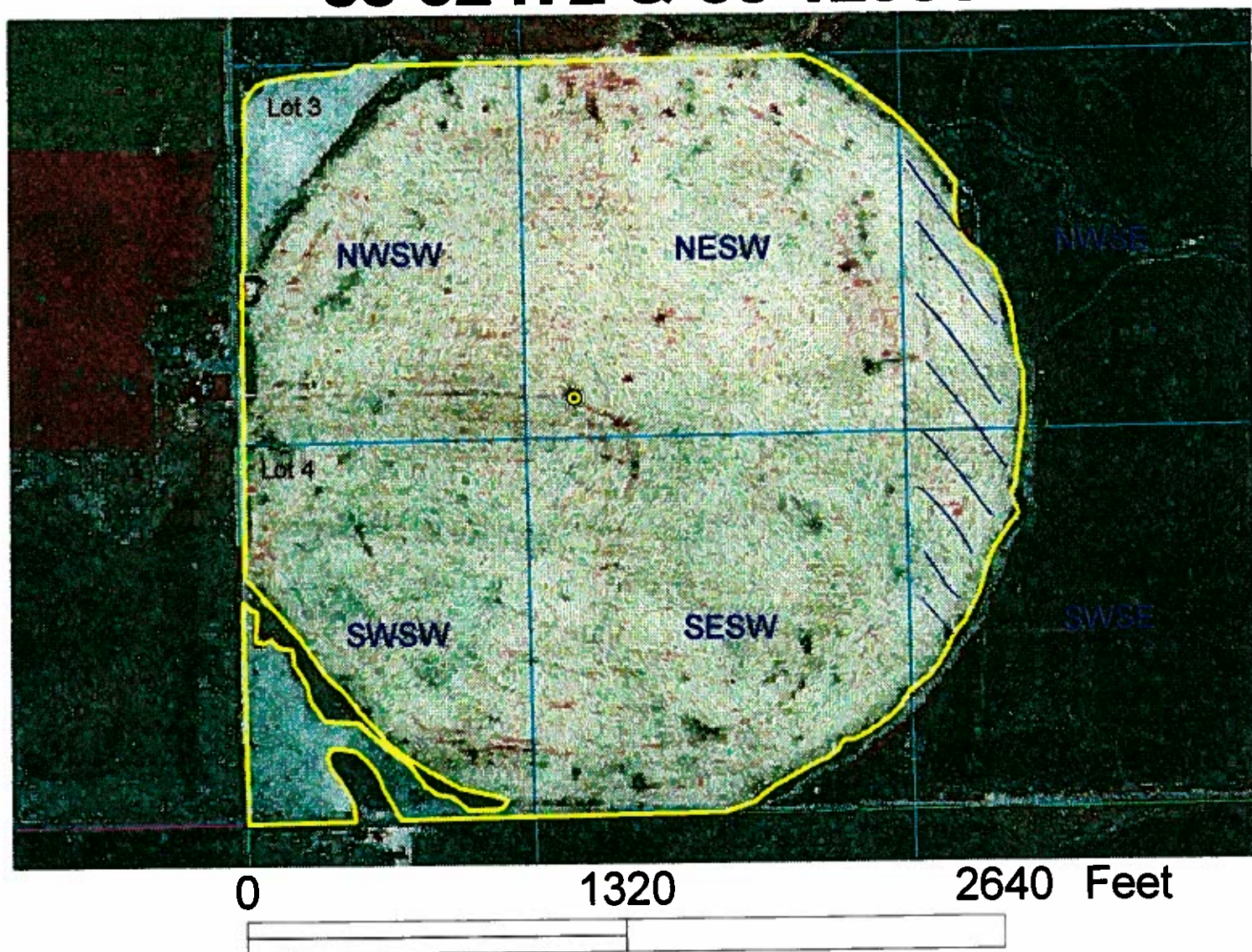
Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

NORTH HIGHLANDER FARMS INC.

Water Right No(s).

35-02472 & 35-12931



Point of Diversion
Location



Place of Use
Boundary



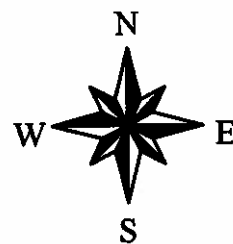
Section Lines



Quarter/Quarter Lines

Township(s) 03S, Range(s) 33E
Section(s) 19

*111 remove per
BLM stip.*



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Greg Taylor
Date: Sept. 19, 1998

LAST: NORTH HIGHLANDER FARMS, INC. FIRST:
ADDRESS: 1845 TIFFANY DRIVE
C/O R. W. BARETTE
CITY: IDAHO FALLS STATE: ID ZIP: 83404
PHONE NUMBER: 208-529-3073
OWNER CODE: C

LAST: SHIPLEY FIRST: ROBERT D.
ADDRESS:
CITY: IDAHO FALLS STATE: ID ZIP: N/A
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD
Y EXAMINER

CLAIM REMARKS: P/D CENTER OF SW1/4, S19, T3S, R33E.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE.
THIS CLAIM IS FILED AS AN EXPANSION OF LICENSE NO. 35-02472.

A. AJ CLAIM: # A35-12931 PRIORITY DATE: 05-01-1975 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE FIELD
Y EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()

IF YES EXPLAIN.

NOTES: Pivot installed 1975 -> Exp. took place @ that time

RECOMMENDED PRIORITY DATE:

5-1-1975

REVIEWED BY

DATE 6-14-93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-12931	03S	33E	19	SW	NE	SW		BINGHAM

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A35-02472 R35-02472
35-02472

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	---

NOTES:

NO CHANGE PER AQ, NARR, ASSCS & Div--by 10-16-92

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4 LOT COUNTY DIVERSION NAME

NO CHANGE

SOURCE: *fu*

TRIP:

REVIEWED BY: *[Signature]*

DATE:

6-14-92

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A35-12931
B. POU LISTING

TWP RNG SEC		1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03S	33E	19	NE	SW	NORTH HIGHLANDER FARMS, INC.	A35-12931 /38.0	-	41.0		
			NE	SW	NORTH HIGHLANDER FARMS, INC.	A35-02472 /38.0	35-02472 /25.0			
			NE	SW	NORTH HIGHLANDER FARMS, INC.	K35-02472 /25.0	-			
03S	33E	19	NW	SW	NORTH HIGHLANDER FARMS, INC.	A35-12931 /29.5	-	30.0		
			NW	SW	NORTH HIGHLANDER FARMS, INC.	A35-02472 /29.5	35-02472 /30.0			
			NW	SW	NORTH HIGHLANDER FARMS, INC.	K35-02472 /30.0	-			
03S	33E	19	SW	SW	NORTH HIGHLANDER FARMS, INC.	A35-12931 /28.5	-	30.0		
			SW	SW	NORTH HIGHLANDER FARMS, INC.	A35-02472 /28.5	35-02472 /30.0			
			SW	SW	NORTH HIGHLANDER FARMS, INC.	K35-02472 /30.0	-			
03S	33E	19	SE	SW	NORTH HIGHLANDER FARMS, INC.	A35-12931 /38.0	-	41.0		
			SE	SW	NORTH HIGHLANDER FARMS, INC.	A35-02472 /38.0	35-02472 /35.0			
			SE	SW	NORTH HIGHLANDER FARMS, INC.	K35-02472 /35.0	-			
03S	33E	19	NW	SE	NORTH HIGHLANDER FARMS, INC.	A35-12931 /6.0	-	10.0		
			NW	SE	NORTH HIGHLANDER FARMS, INC.	A35-02472 /6.0	-			
03S	33E	19	SW	SE	NORTH HIGHLANDER FARMS, INC.	A35-12931 /6.0	-	9.0		
			SW	SE	NORTH HIGHLANDER FARMS, INC.	A35-02472 /6.0	-			
TOTAL ACRES						A35-12931 146.00		161.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: BINGHAM
DUE TO POU DISCREPANCY? (Y/N) Y

PRESUMPTION FLAG:

NOTES:

NO CHANGE PER OQ, NAPP, ASCS, DRIVE BY 10-16-92
Permissible POW. w/ A35-02422, This Right is limited to 26.Ac. w/in 146

RECOMMENDATIONS:

TOTAL ACRES: 26/146

REVIEWED BY: *SLJ*

DATE: 6-14-93

Flag 505

A. AJ CLAIMED USES:

PURPOSES
A35-12931 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
2.360 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.420 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()
Y() N()

Explain in notes, below.

NOTES:

4-1 to 10-31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.420 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

TRUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) DATABASE FIELD
Y EXAMINER
N

B.

MEASUREMENT METHOD FLOW MEASUREMENT
SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE 95-02472

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A35-12931	GROUNDWATER	NORTH HIGHLANDER FARMS, INC.	0.420	0.002		
A35-02472	GROUNDWATER	NORTH HIGHLANDER FARMS, INC.	2.360	0.016		
K35-02472	GROUNDWATER	NORTH HIGHLANDER FARMS, INC.	2.360	0.019		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(____) N(____)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(____) N(____) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AE/A

ACRES _____ X CONSUMPTIVE VOL. AE/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AE/A

ACRES _____ X DIVERSION VOL. AE/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

See outslapping its analysis sheet

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 10-31 11-01	DATABASE EXAMINER 2.360	DATABASE EXAMINER	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT		0.420		0.0

REVIEWED BY:  DATE: 6-14-93

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-12931

DATABASE

EXAMINER

CFS

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

A35-12931

0.420

-

TOTAL CFS

0.420

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 sheet attached? (Y/N)

DATABASE

FIELD
EXAMINER

NOTES:

2.36 cfs licensed under 35-02472

2.36 ÷ 146 total acres = .0162

.0162 x .0162 = .0142 cfs

See overlapping Rts analysis sheet for Stud. Remarks

AUTHENTICATION:

SIGNATURE: *[Signature]*

DATE: 6-14-93

NAME OF FIELD EXAMINER: *CS Taylor*

TITLE: *Hydrol. Asst.*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A35-12931

09:15:07
06/10/93

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		ALL	N	6	ALL	ALL	ALL
POINT OF DIV	Y			N	1,2,4,5			
SOURCE	Y			N	5			
PLACE OF USE	Y			N	1,2,4,5			
TOTAL AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y			Y	6			
REMARKS	Y		ALL	Y	6			

* VERIFIED BY CODES

TOPO MAP/ORIHO-PG = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

HBL
2
18 130

5
63.5

3
71.2

24

R33E

T
3
S
B
M

NHEL
1
46

T2094
1795

39.5

38

P.D.

6

Lot 4

28.5

38

6

NHEL
3
45.0

NHEL
2
137.5

Plan
of

OVERLAPPING RIGHTS ANALYSIS SHEET
(COMBINED RIGHTS W/ PERMISSIBLE P.O.U.)

4/27/93 eastern
VERSION 1.3

CLAIMANT: N. HIGHLANDER

AGENT: TAYLOR

DATE: 6-14-93

ANALYSIS

ANALYSTS #	AJ NUMBER	REC. ACRES	RECOMMENDED PRIORITY	RECOMMENDED CFS	Q.M. CFS
1	A35-02472	120	1456	2.36	
2	A35-12931	26	1975	42	2.36

TOTAL ACRES 146 (COMBINED)

IRRIGATION METHOD: FLOOD % SPRINKLER 100 %

DIV VOL = 146 AC. X 4 = 584 AF

C.U. VOL = 146 AC. X 3 = 438 AF

P.D. A SUANE SW SEC. 19 T33R33E

B

C

RIS. W/ SAME P.D. 1' 2"

DIVERSION RATE ANALYSIS

DIV. RATE AT 1" PER ACRE = 146 X 0.02 CFS = 2.92

DIV. RATE AT 1/2" PER ACRE = 146 X 0.01 CFS = 1.46

DIV. RATE AT 0.062 PER ACRE = 26 AC. X 0.062 CFS = .42

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y () N (X)

** IF YES, ADDITIONAL WATER USE FORM INCLUDED? Y () N () **

REMARKS:

STANDARD CONDITIONS: RT.#1 COS

FLAC

RT.#2

RT.#3

RT.#4

STANDARD REMARKS:

RT.#1 → E01 → 2.36 cfs, 584 AF, 438 AF, 146 Acres

F05 → #2

K01 → #2

K06 → 100 Acres

RT.#2 → E01 → SAME AS ABOVE

→ F05 → #1

→ K02 → #1

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: A35-12931

Date Received: 8/15/1988

Receipt No: 5018683

Received By: H/J

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: NORTH HIGHLANDER FARMS, INC.

208-529-3073

Address: 1845 TIFFANY DRIVE

C/O R. W. BARETTE

IDAHO FALLS ID

83404

2. Date of Priority: MAY 1, 1975

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	33E	19	SW	NE	SW		BINGHAM

5. Description of diverting works:

WELL W/ PUMP TO CENTER PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.360		

7. Total Quantity Appropriated is:

0.420 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	33E	19	NE	SW		IRR	38.0
			NW	SW	3	IRR	29.5
			SW	SW	4	IRR	28.5

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APR 18 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	33E	19	SE	SW		IRR	38.0
			NW	SE		IRR	6.0
			SW	SE		IRR	6.0
Section Acres							146.0
Total Acres							146.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/D CENTER OF SW1/4, S19, T3S, R33E.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE.

THIS CLAIM IS FILED AS AN EXPANSION OF LICENSE NO. 35-02472.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 26479

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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For Organizations:

I do solemnly swear or affirm that I am Pres. of
Title
North Highlander Farms Inc., that I have signed the foregoing
Organization
document in the space below as Pres. of
Title
North Highlander Farms Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

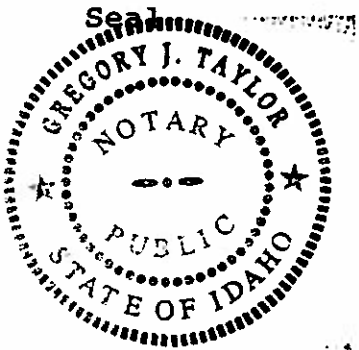
x RW Bennett
Signature of Authorized Agent

Pres. North Highlander Farms Inc.
Title and Organization

x 6-8-93
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of June 19 93
Gregory J. Taylor
Notary Public



Residing at Idaho Falls
My Commission Expires 3/3/98

MICROFILMED
APR 18 1994

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Bingham County are shown to the nearest section -- more specific locations are available upon request.

Water Right: 35-04244

NAME & ADDRESS: LARRY D CALDWELL
472 S 1400 W
PINGREE ID 83262

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1979

POINT OF DIVERSION: T03S 33E 27 NWNESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T03S R33E 27 NESW SESW NESE NWSE
SWSE SESE

This right is for an enlargement of 8.4 acres within the total 158.4 acres recommended.

Water Right: 35-04261

NAME & ADDRESS: DELWYN V & BARBARA ELLIS
904 W 200 N
BLACKFOOT ID 83221

SOURCE: GROUNDWATER

PRIORITY DATE: 05/15/1972

POINT OF DIVERSION: T02S R34E 21 NWNWSE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T02S R34E 21 SWNE NESE NWSE SWSE SESE

This right is for an enlargement of 94 acres within the total 179 acres recommended.

POINT OF DIVERSION: T04S R33E 04 SESESW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T04S R33E04 SESW SWSE SESE

This right is for an enlargement of 7.4 acres within the total 116 acres recommended.

WaterRight: 35-12924

NAME & ADDRESS: THOMPSON FARMS
493 S 1200 W
PINGREE ID 83262

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1981

POINT OF DIVERSION: T04S R33E 22 NWNENW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T04S R33E 22 NENW NWNW SWNW SENW

This right is for an enlargement of 25 acres within the total 132 acres recommended.

Water Right: 35-12931

NAME & ADDRESS: NORTH HIGHLANDER FARMS INC
C/ R W BARRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404

SOURCE: GROUNDWATER

PRIORITY DATE: 05/01/1975

POINT OF DIVERSION: T03S R33E 19 SWNESW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T03S R33E 19 NESW NWSW SWSW SESW
NWSE SWSE

This right is for an enlargement of 26 acres within the total 146 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402-3653 on or before May 7, 1999.