

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: **A43-07086**
Date Received: 5/30/1989
Receipt No: M003751
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RHL FINANCIAL INC
Address: 2325-A RENAISSANCE DRIVE
LAS VEGAS NV 89119

2. Date of Priority: JUL 22, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	24E	13	NE	SE	SW		CASSIA
		23	SE	SE	NW		CASSIA
		26	NE	NW	NW		CASSIA

5. Description of diverting works:
3 WELLS, 180', 350' 450' DEEP, 2-60HP & 1-30HP PUMPS, HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	24E	13	NE	NE		IRR	35.0
			NW	NE		IRR	30.0
			SW	NE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	24E	13	SE		NE		IRR	40.0
			NE		NW		IRR	24.0
			NW		NW		IRR	10.0
			SW		NW		IRR	8.0
			SE		NW		IRR	1.0
			NE		SW		IRR	12.0
			NW		SW		IRR	1.0
			SW		SW		IRR	18.0
			SE		SW		IRR	28.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SE		SE		IRR	23.0
							Section Acres	348.0
		14	SE		SW		IRR	12.0
							Section Acres	12.0
							Total Acres	360.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
LIC. 43-2557.

14. Remarks:

FLows OF REED SPRINGS, DEPLETED BY PUMPAGE OF GROUNDWATER
UNDER THIS LICENSE, SHALL BE REPLACED TO PROTECT PRIOR WATER
RTS. THE MAX. COMBINED RATE OF DIV. UNDER THIS RT. &
RTS. 43-2557/7087 SHALL NOT EXCEED 12.43 CFS.

OWNERSHIP CHANGE MADE 6/26/96 BY TLB.

2-9-2000: OWNERSHIP CHANGE PER NOTICE REC'D 7-2-99 AND TWO DEEDS
STEED TO RHL - VH

15. Basis of Claim: LICENSE

JUL 02 1999

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

Department of Water Resources
Snake River Basin

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 Number(s) A43-02557, A43-07086, A43-07087 and A43-10271
Adjudication Claim Number(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 for parcel of ten acres or less. (These are usually on file with the county.
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (former ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) E. Gary Steed and Sonia Steed
3382 Reid Springs Road, Almo, Idaho 83312
4. New Owner/Claimant(s) RHL Financial, Inc.
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 2325-A Renaissance Drive
City, State and ZIP Code Las Vegas, Nevada 89119
New Telephone Number () - -
5. Date you acquired the property June 15, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the space below. If necessary, attach additional pages. Steed retains 26 acres per Nancy Garrett 7/99 SEE W/D DATED 10-1-99 UH
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) RHL Financial, Inc.
By: [Signature] President Date 6/15/99
A duly authorized officer _____ Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

See A43-02557 For AERIAL photo
Submitted 7-2-99

265731

WARRANTY DEED

RECEIVED

FEB 09 2000

Department of Water Resources
Cassian Region #32119
265731CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDERFEB 09 2000 DEPUTY *[Signature]*'99 OCT 29 PM 4:14
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

For Value Received

E. GARY STEED and SONIA STEED, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

RHL FINANCIAL, INC., a Nevada corporation
Address: 2325-A Renaissance Drive
Las Vegas, NV 89119

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

TOWNSHIP 16 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHOSection 14: SE $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1999, and subsequent years.

Agreement for Easement and Right of Way, between Elbert Durfee and the United States of America, dated December 17, 1953 and recorded January 23, 1954 as Instrument No. 181075 in Book 8 of Bills of Sales and Agreements, on Pages 327 and 328, records of Cassia County, Idaho.

Oil and Gas Lease between Jack E. Erickson and Kathryn Erickson, husband and wife, as Lessor, and Faith Financial Services, Inc., a Utah corporation, as Lessee, dated May 29, 1981 and recorded June 22, 1981 as Instrument No. 136062 on Film No. 143, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 1, 1999

[Signature of E. Gary Steed]
E. Gary Steed*[Signature of Sonia Steed]*
Sonia Steed

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 7th day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared E. GARY STEED and SONIA STEED, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Brek Cranney
Notary Public
Residing at: Oakley
My Commission expires: 5-28-2002



263468

WARRANTY DEED

#31718

For Value Received

E. GARY STEED and SONIA STEED, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

RHL FINANCIAL, INC., a Nevada corporation
Address: 2325-A Renaissance Drive
Las Vegas, Nevada 89119

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 16 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: All

PARCEL NO. 2:

TOWNSHIP 16 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 14: S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 23: W $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 3:

TOWNSHIP 16 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$

EXCEPT the following described tract:

Name: 00263468.000
Dimensions: 2544 x 3274 pixels

Beginning at the Northeast corner of said Section 23, said corner marked by a U.S. BLM iron pipe with brass cap on top which shall be the Point of Beginning;
Thence South 00°06'54" West along the East line of the NE¼NE¼ for a distance of 351.18 feet to ½ rebar;
Thence South 88°57'58" West for a distance of 620.20 feet to a ½ inch rebar;
Thence North 00°06'54" East for a distance of 351.18 feet to a ½ inch rebar on the North line of the NE¼NE¼;
Thence North 88°57'58" East along said line for a distance of 620.20 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Adjudication Nos. A43-02557, A43-07086, A43-07087, and A43-10271.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1999 and subsequent years.

Agreement for Easement and Right of Way, between Elbert Durfee and the United States of America, dated December 17, 1953 and recorded January 23, 1954 as Instrument No. 181075 in Book 8 of Bills of Sales and Agreements, on Pages 327 and 328, records of Cassia County, Idaho.

Agreement for Purchase of Power, between the Raft River Rural Electric Cooperative, Inc., the Seller and Jack Erickson, the Consumer, dated February 9, 1968 and recorded June 11, 1969 as Instrument No. 46674 on Film No. 61, records of Cassia County, Idaho.

Agreement for Purchase of Power, between the Raft River Electric Cooperative, Inc., the Seller, and Jack Erickson, the Consumer, dated April 23, 1975 and recorded May 7, 1976 as Instrument No. 90463 on Film No. 101, records of Cassia County, Idaho.

Agreement for Purchase of Power, between the Raft River Rural Electric Cooperative, Inc., and Jack Erickson and Kathryn Erickson, dated April 3, 1980 and recorded April 14, 1980 as Instrument No. 125530 on Film No. 134, records of Cassia County, Idaho.

Oil and Gas Lease between Jack E. Erickson and Kathryn Erickson, husband and wife, as Lessor, and Faith Financial Services, Inc., a Utah corporation, as Lessee, dated May 29, 1981 and recorded June 22, 1981 as Instrument No. 136062 on Film No. 143, records of Cassia County, Idaho.

State of Idaho Lease No. 0G-0362 as revealed by Assignment of Mineral, Oil and Gas, and/or Geothermal Resource Lease, from Steven W. Davis and Karen M. Davis, as Assignor, to Bridger Energy Associates, as Assignee, recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho.

Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., the Seller, and River Ridge Ranches, the Consumer, dated April 28, 1986 and recorded June 19, 1986 as Instrument No. 179233 on Film No. 181, records of Cassia County, Idaho.

Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., the Seller, and River Ridge Ranches, the Consumer, dated April 28, 1986 and recorded June 29, 1986 as Instrument No. 179234 on Film No. 181, records of Cassia County, Idaho.

Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., the Seller, and River Ridge Ranches, the Consumer, dated April 28, 1986 and recorded June 19, 1986 as Instrument No. 179235 on Film No. 181, records of Cassia County, Idaho.

Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., the Seller, and River Ridge Ranches, the Consumer, dated April 28, 1986 and recorded June 19, 1986 as Instrument No. 179236 on Film No. 181, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and River Ridge Ranch, Inc., Consumer, dated September 29, 1994 and recorded October 4, 1994 as Instrument No. 233314 on Film No. 259, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., and Idaho rural electric Cooperative of Malta, Seller and River Ridge Ranch, Consumer, dated May 15, 1995 and recorded May 23, 1995 as Instrument No. 236753 on Film No. 266, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and River Ridge Ranch, Consumer, dated May 15, 1995 and recorded May 23, 1995 as Instrument No. 236754 on Film No. 266, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and River Ridge Ranch, Consumer, dated May 15, 1995 and recorded May 23, 1995 as Instrument No. 236755 on Film No. 266, records of Cassia County, Idaho.

State of Idaho Easement No. 2283 to Albion Telephone Company as contained in State of Idaho Deeds recorded May 23, 1996 as Instrument No. 242935 and No. 242936, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Gary Steed, Consumer, dated July 22, 1996 and recorded July 29, 1996 as Instrument No. 244200 on Film No. 279, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Gary Steed, Consumer, dated September 5, 1996 and recorded September 17, 1996 as Instrument No. 245054 on Film No. 280, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Gary Steed, Consumer, dated January 28, 1997 and recorded March 3, 1997 as Instrument No. 247677 on Film No. 285, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Gary Steed, Consumer, dated January 28, 1997 and recorded March 3, 1997 as Instrument No. 247678 on Film No. 285, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric

Cooperative of Malta, Seller, and Gary Steed, Consumer, dated April 28, 1997 and recorded May 7, 1997 as Instrument No. 248864 on Film No. 287, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Gary Steed, Consumer, dated July 24, 1997 and recorded September 8, 1997, as Instrument No. 251061 on Film No. 291, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Gary Steed, Consumer, dated May 22, 1997 and recorded December 22, 1997 as Instrument No. 252733 on Film No. 294, records of Cassia County, Idaho.

Federal Tax Lien against E. Gary Steed, dba Steed Farms, dated March 18, 1999 and recorded March 25, 1999 as Instrument No. 261705, records of Cassia County, Idaho.

Federal Tax Lien against E. Gary Steed, dated March 18, 1999 and recorded March 25, 1999 as Instrument No. 261706, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 10, 1999

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM _____

1999 JUN 18 P 2:21

263468

CASSIA COUNTY, IDAHO
DARNELL M. ROSKELLEY
RECORDER

FEE 12.00 DEPUTY *[Signature]*

[Signature of E. Gary Steed]
E. Gary Steed

[Signature of Sonia Steed]
Sonia Steed

STATE OF IDAHO)

COUNTY OF Cassia) ss.

On this 10th day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared E. GARY STEED and SONIA STEED, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature of Larry Roberts]
Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

Larry Roberts
Notary Public
State of Idaho

Name: 00263468.003
Dimensions: 2560 x 3270 pixels

263477

WARRANTY DEED

FOR VALUE RECEIVED, JACK ERICKSON and KATHRYN ERICKSON, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells, and conveys unto RIVER RIDGE RANCH, INC., hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

Township 16 South, Range 24 East Boise Meridian

Section 13: All of Section 13

Section 14: S $\frac{1}{2}$ SE, SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 23: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 23: W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$

SUBJECT TO all encumbrances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 23rd day of November, 1982.

Jack Erickson
Jack Erickson

Kathryn Erickson
Kathryn Erickson

1 STATE OF IDAHO)
2) ss
3 County of Cassia)

4 On this 23rd day of November, 1982, before me, the
5 undersigned, a Notary Public in and for said State, personally
appeared JACK ERICKSON and KATHRYN ERICKSON, husband and wife,
known to me to be the persons whose names are subscribed to the
foregoing instrument and acknowledged to me that they executed
the same.



IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

Richard S. Harper
Notary Public for Idaho
Residing at Burley, Idaho

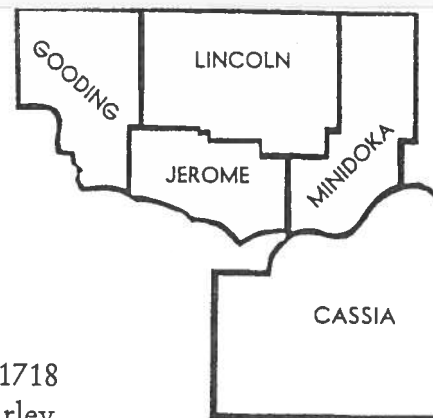
BEDKE & WHIPPLE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM
1989 JUN 18 P 4:02
CASSIA COUNTY, IDAHO
DAKELL N. ROSKELLEY
RECORDER
FEE DEPUTY

263477

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #31718

OFFICE: Burley

July 1, 1999

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

JUL 02 1999

Department of Water Resources
Sutton, Idaho

Dear Sir/Madam:

Enclosed with this letter please find an original executed Notice of Change of Water Right Ownership, copies of Warranty Deeds and aerial photos on the transfer of water rights to RHL Financial, Inc.

Would you please make the necessary changes in your records to show the new owners as RHL Financial, Inc. for future water assessments. Please send a receipted copy to this office.

Should you have any questions concerning this matter, please don't hesitate to contact me.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrétt
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

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: A43-07086
Date Received: 5/30/1989
Receipt No: M003751
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: E GARY STEED
Address: PO BOX 127
ALMO ID

83312

208-824-5582

AND

Name: SONIA STEED
Address: PO BOX 127
ALMO ID

83312

208-824-5582

2. Date of Priority: JUL 22, 1977

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	24E	13	NE	SE	SW		CASSIA
		23	SE	SE	NW		CASSIA
		26	NE	NW	NW		CASSIA

5. Description of diverting works:

3 WELLS, 180', 350' 450' DEEP, 2-60HP & 1-30HP PUMPS, HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.230		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	24E	13	NE		NE		IRR	35.0
			NW		NE		IRR	30.0
			SW		NE		IRR	38.0
			SE		NE		IRR	40.0
			NE		NW		IRR	24.0
			NW		NW		IRR	10.0
			SW		NW		IRR	8.0
			SE		NW		IRR	1.0
			NE		SW		IRR	12.0
			NW		SW		IRR	1.0
			SW		SW		IRR	18.0
			SE		SW		IRR	28.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SE		SE		IRR	23.0
							Section Acres	348.0
		14	SE		SW		IRR	12.0
							Section Acres	12.0
							Total Acres	360.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
LIC. 43-2557.

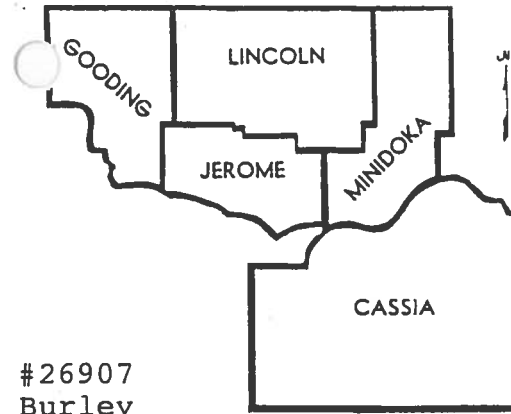
14. Remarks:
FLOWS OF REED SPRINGS, DEPLETED BY PUMPAGE OF GROUNDWATER
UNDER THIS LICENSE, SHALL BE REPLACED TO PROTECT PRIOR WATER
RTS. THE MAX. COMBINED RATE OF DIV. UNDER THIS RT. &
RTS. 43-2557/7087 SHALL NOT EXCEED 12.43 CFS.

OWNERSHIP CHANGE MADE 6/26/96 BY TLB.

15. Basis of Claim: LICENSE

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #26907
OFFICE: Burley

June 6, 1996

Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

JUN 07 1996

Department of Water Resources
Southern Region

Dear Clerk:

Enclosed please find an original executed Notice of Change of Water Right Ownership on property located in Cassia County.

Would you please make the necessary changes in your records to indicate the new owners to be E. Gary and Sonia Steed for future references. Please send a receipted copy to this office.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 • FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 • FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 • FAX 834-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0806 • FAX 438-1199

from all lawful claims whatsoever.

DATED this 23rd day of May, 1996.

GRANTOR:

RIVER RIDGE RANCH, INC.

By: W David Hammons
Its President

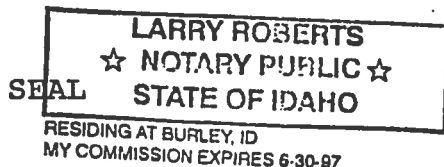
ATTEST:

PENELOPE HAMMONS
Secretary

STATE OF IDAHO)
)
County of Cassia) ss.

On this 23 day of May, 1996, before me, the undersigned notary public in and for said state, personally appeared W. DAVID HAMMONS, known to me to be the President of River Ridge Ranch, Inc., who executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

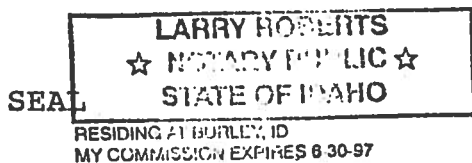


[Signature]
Notary Public
Residing at Burley, Idaho
My commission expires 6-30-97

STATE OF IDAHO)
)
County of Cassia) ss.

On this 23 day of May, 1996, before me, the undersigned notary public in and for said state, personally appeared PENELOPE HAMMONS, known to me to be the Secretary of River Ridge Ranch, Inc., who executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public
Residing at Burley, Idaho
My commission expires 6-30-97



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

JUL 11, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

E GARY & SONIA STEED
PO BOX 127
ALMO ID 83312

RE: SRBA CLAIM(S): A43-10271, A43-07087, A43-07086, & A43-02557
RIVER RIDGE RANCH

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: N. GARRETT, LAND TITLE & ESCROW, BOX 177, BURLEY, ID 83318

Water Right Number - A43-07086 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STEED

E GARY

1 - PO BOX 127
2 -
3 -

State- ID Zip- 83312

City- ALMO
Phone - 208-824-5582
1 - PO BOX 127
2 -
3 -

STEED

SONIA

State- ID Zip- 83312

City- ALMO
Phone - 208-824-5582

*** O - ORIGINAL OWNER ***
ERICKSON

JACK

1 -
2 -
3 -

State- ID Zip- 83312

City- ALMO
Phone - 208-000-0000
1 -
2 -
3 -

ERICKSON

KATHRYN

State- ID Zip- 83312

City- ALMO
Phone - 208-000-0000
1 - C/O BERRY ANDERSON
2 -
3 -

RIVER RIDGE RANCH

State- ID Zip- 83312

City- ALMO
Phone - 208-824-5515

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/22/1977 17 SOUTHERN L - LICENSE

+ - - Source - - - - - + + - - Tributary - - - - - +

GROUNDWATER

+ - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

16S 24E 13 NE SE SW (31) CASSIA
23 SE SE NW (31) CASSIA
26 NE NW NW (31) CASSIA

+ - - Code Description Period From Period To Water Use - - - - - +
01 - IRRIGATION 04/01 11/01

6.230

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
6.230 0.0

Diversion Rate Diversion Volume

Water right number - A43-07086

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
16S	24E	13	NE NE		35.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	NW NE		30.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	SW NE		38.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	SE NE		40.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	NE NW		24.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	NW NW		10.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	SW NW		8.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	SE NW		1.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	NE SW		12.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	NW SW		1.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	SW SW		18.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	SE SW		28.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	NE SE		40.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	NW SE		40.0		01 IRRIGATION	(31) CASSIA
16S	24E	13	SE SE		23.0		01 IRRIGATION	(31) CASSIA
16S	24E	14	SE SW		12.0		01 IRRIGATION	(31) CASSIA

Total Acres: 360.0

+ - - Diversion Means - 3 WELLS, 180', 350' 450' DEEP, 2-60HP & 1-30HP PUMPS, HANDLINES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - LIC. 43-2557.

Remarks	

GEN FLOWS OF REED SPRINGS, DEPLETED BY PUMPAGE OF GROUNDWATER UNDER THIS LICENSE, SHALL BE REPLACED TO PROTECT PRIOR WATER RTS. THE MAX. COMBINED RATE OF DIV. UNDER THIS RT. & RTS. 43-2557/7087 SHALL NOT EXCEED 12.43 CFS.

OWNERSHIP CHANGE MADE 6/26/96 BY TLB.

[illegible]

+ +

	- - - - -	- Conditions of Approval	- - - - -	+
R04	-	Use of water under this water right will be regulated by the - watermaster of State Water District No. 43B.		
016	-	See remarks for additional conditions of approval.		

+ - - -	- Decree Plaintiff	- - +	+ - - -	- Decree Defendant	- - +	+ - Decree Date
						00/00/0000

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: A43-07086
Date Received: 5/30/1989
Receipt No: MOD3751
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RIVER RIDGE RANCH 208-824-5515
Address: C/O BERRY ANDERSON
ALMO, ID 83312

2. Date of Priority: JUL 22, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
16S	24E	13	NE		SE		SW		CASSIA
		23	SE		SE		NW		CASSIA
		26	NE		NW		NW		CASSIA

5. Description of diverting works:
3 WELLS, 180', 350' 450' DEEP, 2-60HP & 1-30HP PUMPS, HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	24E	13	NE		NE		IRR	35.0
			NW		NE		IRR	30.0

A43-07086

Page 1

Date: 05/30/89

MICROFILMED

MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
16S	24E	13	SW		NE		IRR	38.0			
			SE		NE		IRR	40.0			
			NE		NW		IRR	24.0			
			NW		NW		IRR	10.0			
			SW		NW		IRR	8.0			
			SE		NW		IRR	1.0			
			NE		SW		IRR	12.0			
			NW		SW		IRR	1.0			
			SW		SW		IRR	18.0			
			SE		SW		IRR	28.0			
			NE		SE		IRR	40.0			
			NW		SE		IRR	40.0			
			SE		SE		IRR	23.0			
										Section Acres	348.0
					14	SE		SW		IRR	12.0
							Section Acres	12.0			
							Total Acres	360.0			

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
LIC. 43-2557.

14. Remarks:
FLOWS OF REED SPRINGS, DEPLETED BY PUMPAGE OF GROUNDWATER
UNDER THIS LICENSE, SHALL BE REPLACED TO PROTECT PRIOR WATER
RTS. THE MAX. COMBINED RATE OF DIV. UNDER THIS RT. &
RTS. 43-2557/7087 SHALL NOT EXCEED 12.43 CFS.

15. Basis of Claim: LICENSE

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: 1

For Organizations:

I do solemnly swear or affirm that I am MANAGER of River Ridge Ranch, that I have signed the foregoing document in the space below as MANAGER of River Ridge Ranch and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Manager River Ridge Ranch
Title and Organization
30 May 1989
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 30th day of May 1989
[Signature]
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

MICROFILMED
MAR 04 1993

A45-6708



Old (D) Number -

Address - - - - - +

State- ID Zip- 83312

Status - - - +

Tributary

Stream Index (Blank if no Index Code)

(31) CASSIA
(31) CASSIA
(31) CASSIA

1260.00

12.430

County

16S	24E	13	NE NE	35.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	NW NE	30.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	SW NE	38.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	SE NE	40.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	NE NW	24.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	NW NW	10.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	SW NW	8.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	SE NW	1.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	NE SW	12.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	NW SW	1.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	SW SW	18.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	SE SW	28.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	NE SE	40.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	NW SE	40.0	01	IRRIGATION	(31)	CASSIA
16S	24E	13	SE SE	23.0	01	IRRIGATION	(31)	CASSIA

MICROFILMED
MAR 04 1993

Water right number - 43-07086

Prefix Translation:

WATER RIGHT

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	24E	14	SE SW		12.0	01	IRRIGATION	(31) CASSIA

Total Acres: 360.0

+ - - - - Diversion Means - WELL, PUMP & SPRINKLERS.

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use - LIC. 43-2557.

Remarks -

FLAWS OF REED SPRINGS, DEPLETED BY PUMPAGE OF GROUNDWATER
UNDER THIS LICENSE, SHALL BE REPLACED TO PROTECT PRIOR WATER
RTS. THE MAX. COMBINED RATE OF DIV. UNDER THIS RT. &
RTS. 43-2557/7087 SHALL NOT EXCEED 12.43 CFS.

+ - - - - Old Water Right Numbers -

No Old Water Right Numbers found.

+ - - - - Conditions of Approval -

R04 - Use of water under this water right is subject to control by the
- watermaster of State Water District No. 43B.
016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - - - - Decree Date - +

00/00/0000

+ - - - - Comments -

No Comments Found

+ - - - - Audit Fields - 09/21/87 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	01/01/1983	Field Exam Made	07/11/1983	Field Exam Fee
Approved/Denied	- 01/13/1978	Protested Date	- 00/00/0000	Swan Falls
Proof Made Date	- 12/09/1982	Hearing Date	- 00/00/0000	Temporary Right
Exam to S.O. Date	- 00/00/0000	Verified Date	- 12/30/1986	DLE/Carey Act
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District
Licensed Date	- 11/06/1986	Appl Received	- 00/00/0000	Transfer/Amended
Decree Date	- 00/00/0000	Presumption Flag	-	A

MICROFILMED

MAR 14 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 16, 2000

Mr. Jay Harper
Chairman, Water District 43B
1926 South 2350 East
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claims of Gary Steed A43-02557, A43-07086 & A43-07087
Transfer #5287 dealing with the above claims for groundwater
And Permit for a Water Right 43-07322 - a pond

Dear Mr. Harper,

As promised, I have reviewed the claims of Gary Steed in the Snake River Basin Adjudication. These three claims were filed prior to Mr. Steed's ownership of the property around Reed Springs. The claims are all based upon licensed water rights, and claimed exactly as they were licensed to predecessors Jack and Dennis Erickson. My recommendation in the SRBA will generally be the same diversion rate and number of acres as the rights were originally licensed for. For the District's information, ownership of the water right claims have recently been changed into the name of RHL Financial, Inc., of Las Vegas, Nevada.

The controversy surrounding right 43-07086 is documented in the water right file. According to our records, Mr. Elbert Durfee protested the application for permit for this license citing his concern that an increase in pumping of Mr. Erickson's existing wells in the SENW Section 23 and NWNW Section 26 would intensify the draw-down of Reed Springs. Mr. Durfee withdrew his protest on the grounds that conditions be put on the license that Erickson replenish the amount of water that increased pumping depleted from Reed Springs. As you know, those conditions were included in the license, however they were vague as to the amount necessary to replenish Reed Springs, possibly because there were no measurements of the springs available to determine historical flows.

There are still no documents in Department files on which to base a requirement for an exact amount of water needed to replenish the depletion of the springs by Mr. Steed's wells. At the Water District meeting in January, you indicated that water master Dave Sundberg had measurements of Reed Springs dating back several years. Although these measurements are not contemporary with the protest by Mr. Durfee in 1981, they may give the department a basis for a more precise replacement condition on this water right.

It is also possible that Mr. Durfee and Mr. Erickson entered into a private agreement regarding the replacement amounts that may be binding on successors in interest. You may want to contact Erickson or Bruce or Kent Durfee to see if they have anything in their files. Also, the minutes of the January 1999 Water District meeting state that an amount equal to the flow of Reed Springs measured prior to the pumping season was *agreed upon* as the amount needed for replenishment after pumping began. Since Garth Steed was present at that meeting, was the agreement approved by Gary Steed, and if so is there any documentation?

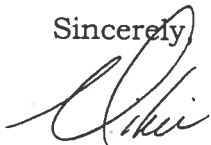
In addition to the SRBA review of license 43-07086, Mr. Steed has applied for a transfer, number 5287, that affects the place of use for this water right, as well as 43-02557 and 43-07087. The transfer proposes a permissible place of use with minor changes in tracts irrigated, and was not protested. It does give the Department an administrative opportunity to review the conditions included on the license, however, so I urge you to quickly submit any information the district water users have that would assist the Department in placing conditions on this water right.

Paperwork for approved permit number 43-07322, which is for the pond on Mr. Steed's property, is in the State Office. Proof of Beneficial Use has been provided by the applicant. I know that the district water users have concerns about the current lack of measuring devices on the inflow and outflow of the pond, and those concerns would be best directed to our State Office in Boise. I would suggest that you contact Jeff Peppersack, whose number and address I have listed below. Again, the department needs to have some substantiation of the facts that are the foundation of the district water users concerns.

Any correspondence regarding the pond should reference the permit number 43-07322, and as I said, would be best sent directly to **Jeff Peppersack at Idaho Department of Water Resources, 1301 North Orchard Street, Boise, Idaho 83706**. Any correspondence regarding the replenishment conditions on license 43-07086, and regarding transfer 5287, can be sent to me, and I will see that they are included with the transfer application when it is sent to the State Office for review. I urge you contact Dave Sundberg and ask that he send any information he has, as soon as possible.

I am awaiting a reply from you or Dave before I make my final determination of these Adjudication Claims. I hope that I have addressed most of the issues regarding the Steed water rights, but please don't hesitate to call me here at the office about these or additional matters.

Sincerely,



Vikie Hancock
Water Resource Agent

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. STEED HEARING

A43-07086

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

September 8, 1997 1:34pm

NAME:
OLEN WARD-UPPER RAFT RIVER

RE:
RECORDS FOR USAGES RELATED
STEED/REEDSPRINGS-HEARING.

WALK-IN AT 9:20-CW-WANTED ALL USAGES "LICENSES" FOR BRUCE DURFEE, KENT DURFEE, BRENT JONES AND BILL JONES.

DISCUSSED HIS PROTEST RE: STEED USAGES AND FLOWS FROM THE STEED ACRES.

REVIEWED BASIN 43 SEL/ALPHA CLAIMS RECORDS FOR UPPER RAFT RIVER CLAIMS ASSIGNED TO FH AND DID AN AJS58 QUERY FOR THE CLAIMS OF THE NOTED PEOPLE. COLLATED BY NUMBER AND PUT COPIES OF THE NAME LISTS USED WITH EACH SET.

WARD CALLED BACK AT 11:42 TO CONFIRM THE JONES CLAIMS BEING PULLED. HE STOPPED IN SHORTLY AFTER NOON TO PICK UP THE PROOFS LEFT FOR HIM AT THE FRONT DESK.

TO: Allen

DATE: August 15, 1997

FROM: Jim Stanton

SUBJECT: Bruce Durfee/Gary Steed Illegal Diversion, Basin 43

Land owner Bruce Durfee called today in response to your recent letter. As you were not here, I took the call. Mr. Durfee told me that his arrangement with Mr. Steed started 3 years ago. The land in question was virgin ground that Steed wanted for seed potatoes. Mr. Durfee expected that Steed would dry up a like number of acres of licensed ground in order to provide water for the new ground, but Steed simply added the additional ground to the system. The arrangement with Durfee was only supposed to last for 1 year, but Steed is obviously still there. Durfee has tried unsuccessfully to get him off the place. The illegal ground is in grain this year, so in all likelihood there will be no more irrigation this year. Once the grain is harvested, Durfee plans to plant crested wheat on this property after removing the irrigation equipment. So there should not be any more irrigation on the unlicensed ground. I'm not sure exactly what arrangement existed between the two men to allow Steed to farm the ground, but from what Durfee said it was not exactly a lease. Mr. Durfee plans to call you Monday on this. He asked me what he needs to do next, but I wasn't sure.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1997

Gary Steed
PO Box 127
Almo, ID 83312

Bruce Durfee
PO Box 187
Almo, ID 83312

Bureau of Land Management
200 S Oakley Hwy
Burley, ID 83318

RE: Complaints of illegal water use on lands around Reed Springs

Gentlemen:

Our office has been contacted by waterusers in the upper Raft River drainage to investigate potential illegal water use on lands in the Reed Springs vicinity (Sections 13, 14, 23, & 24 Twp.16S, Rge.24E). Our office has reviewed the 1997 CFSA aerial slides for this area and compared these with ownership records at Cassia County and water right and SRBA claim records with the department. We confirm that there appears to be irrigated lands that do not have a valid water right. The particular lands falling in this category include:

Lands within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Twp.16S, Rge.24E, B.M. belonging to Bruce Durfee. (Approximately 25 acres)

Lands within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Twp.16S, Rge.24E, B.M. belonging to Gary Steed. (Approximately 34 acres)

Lands within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Twp.16S, Rge.24E, B.M. belonging to the BLM. (Approximately 7 acres)

Since no right or permit exists in our records I request your cooperation in:

-identifying what water right covers the irrigation of these lands if our records are not correct.

-do not divert water for irrigation of these lands if you do not have a water right.

-&/or obtain a valid permit or water right for your for irrigation of these lands.

Please respond to our office within 14 days of the date of this letter as to the status of the irrigation of these lands. Please also note that to divert water in Idaho without a valid water right

is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to \$100 per day.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allen Merritt", written over a faint horizontal line.

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton, Norm Young - IDWR State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1997

Gary Steed
PO Box 127
Almo ID 83312

RE: Application for Permit 43-07322 (Pond)
Control by watermaster of License 43-07086

Dear Mr. Steed:

As you may recall, at the pre-hearing conference for your protested application 43-07322 held on June 12th, it was decided that the parties involved would get together and explore options for agreement and/or settlement of the protests. I requested that you contact me by July 1 to inform me of the progress of these negotiations or to advise me if I need to schedule another conference or set the hearing if things cannot be worked out. To date I have not heard from you. Please contact me as soon as possible to inform me of what needs to be done.

On another note, at the conference, you may recall the discussion regarding the requirement for you to replace water in Reed Springs as mitigation for pumping water from your nearby well. The question was asked if mitigation was required at all times or were there situations during flooding or drought where mitigation would not be required. I have researched our records and discussed this matter with the department administrators. I have found that license 43-07086 (copy enclosed) is conditioned that:

-Flows of Reed Springs, depleted by pumpage of groundwater under this license, shall be replaced to protect prior water rights.

-Use of water under this water right will be regulated by the watermaster of State Water District 43-B.

These two conditions were placed on the license so that the watermaster, who delivers the rights on the Upper Raft River, can regulate the water required to be replaced so that the rights of prior right holders are not injured. In the specific situations where:

-The Raft River is at flood stage and all rights called for are being filled

or

RECEIVED

JUL 16 1997

Department of Water Resources
Southern Region

443-07086

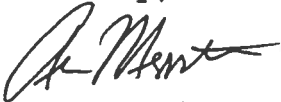
-The Raft River is at extreme low flow or dried up
(futile call),

then the watermaster is authorized to determine that no replacement is required; otherwise, the affect of pumping groundwater pursuant to license 43-07086 on Reed Springs shall be mitigated by replacing water from the well back into the Reed Springs or the Raft River.

By copy of this letter I will inform the watermaster to take control of this situation. Please note that measuring devices may need to be installed by you to allow the watermaster to make the measurements necessary to determine and monitor the water replaced if they do not presently exist.

If you have questions, please feel free to contact our office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

Encl: License 43-07086

CC: Dave Sundberg, watermaster 43-B, PO Box 1, Malta 83342
Jay Harper, 43-B chairman, 1926 S 2350 E, Malta 83342

RECEIVED

NOV 18 1986

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

Department of Water Resources
Southern Region Office

License of Water Right No. 43-7086 Priority July 22, 1977 Amount 6.23 cfs

THIS IS TO CERTIFY, that Jack &/or Kathryn Erickson
of Almo, Idaho, has complied with the terms and conditions of Permit
No. 43-7086 issued pursuant to Application for Permit dated July 22, 1977
and has submitted proof to the Department of Water Resources on December 9, 1982
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 12.43 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>6.23</u> cfs and	<u>1260.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 6.23 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1260.0 acre feet per year, said waters to be diverted within the SE1SW1 Section 13;
SE1NW1, Sec. 23; NW1NW1, Sec. 26; in the County of Cassia
Twp 16S, Rge 24E
Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16S	24E	13	35	30	38	40	24	10	8	1	12	1	18	28	40	40		23	348
		14												12					12

Total number of acres irrigated 360

15-1000

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

The maximum combined rate of diversion under this right and Right Nos. 43-2557 & 43-7087 shall not exceed 12.43 cfs.

Use of water under this license is subject to control by the watermaster of State Water District No. 43B, Upper Raft River.

Flows of Reed Springs, depleted by pumpage of groundwater under this license, shall be replaced to protect prior water rights.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6TH day of NOVEMBER, 19 86.

Acting for the Director

Norman C. Young

TO: REED SPRINGS COMPLAINT FILE
FROM: FH
DATE: 04-11-1995.
SUBJ: MAPS PREPARED FOR COMPLAINT INVESTIGATION

THIS DATE I HAVE REMOVED THE USGS QUAD COPIES, THE CASSIA COUNTY PLAT COPIES, THE ASCS NAPP CPOIES AND THE STATE HIGHWAY COPY.

THESE HAVE BEEN PUT INTO THE RIVER RIDGE RANCH CLAIM FILE, LOWEST NUMBER OF THREE, A43-02557. THE OTHER NUMBERS ARE A43-07086 AND A43-07087.

THESE ARE STORED IN THE BANKER'S BOXES UNDER MY WORK TABLE IN MY CUBICLE. PLEASE USE THE INVENTORY SHEETS TAPED TO THE TABLE.

CC: A43-02557 CLAIM FILE
SRBA MEMO FILE

09/19/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-7086

NAME AND ADDRESS: RHL FINANCIAL INC
2325-A RENAISSANCE DRIVE
LAS VEGAS, NV 89119

SOURCE: GROUND WATER

QUANTITY: 6.23 CFS
1260 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.43 CFS. AND A TOTAL
COMBINED ANNUAL VOLUME OF 3816.0 AF. COMBINED RIGHT NOS.: 43-
02557 & 43-07087

PRIORITY DATE: 07/22/1977

POINT OF DIVERSION:	T16S R24E S13	NESESW	Within CASSIA County
	T16S R24E S23	SWSENW	Within CASSIA County
	T16S R24E S26	NENWNW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	6.23 CFS 1,440.0 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T16S R24E S13	NENE	40	T16S R24E S13	NWNE	40
T16S R24E S13	NENW	40	T16S R24E S13	SENE	40
T16S R24E S13	SWNE	40	T16S R24E S13	SENE	40
T16S R24E S13	SWNW	40	T16S R24E S13	NESE	40
T16S R24E S13	NWSE	40	T16S R24E S13	NESW	40
T16S R24E S13	NWSW	40	T16S R24E S13	SESE	23
T16S R24E S13	SESW	28	T16S R24E S13	SWSW	38
T16S R24E S13	NWNW	15	T16S R24E S14	SESW	26
T16S R24E S14	SESE	19	T16S R24E S14	SWSE	37
T16S R24E S22	SESE	38	T16S R24E S23	NENW	39
T16S R24E S23	SENE	39	T16S R24E S23	NWSW	39
T16S R24E S23	SWSW	38	T16S R24E S23	NENE	26
T16S R24E S23	NWNE	22	T16S R24E S26	NWNW	13
T16S R24E S26	SWNW	36	T16S R24E S27	NENE	38

954 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

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.

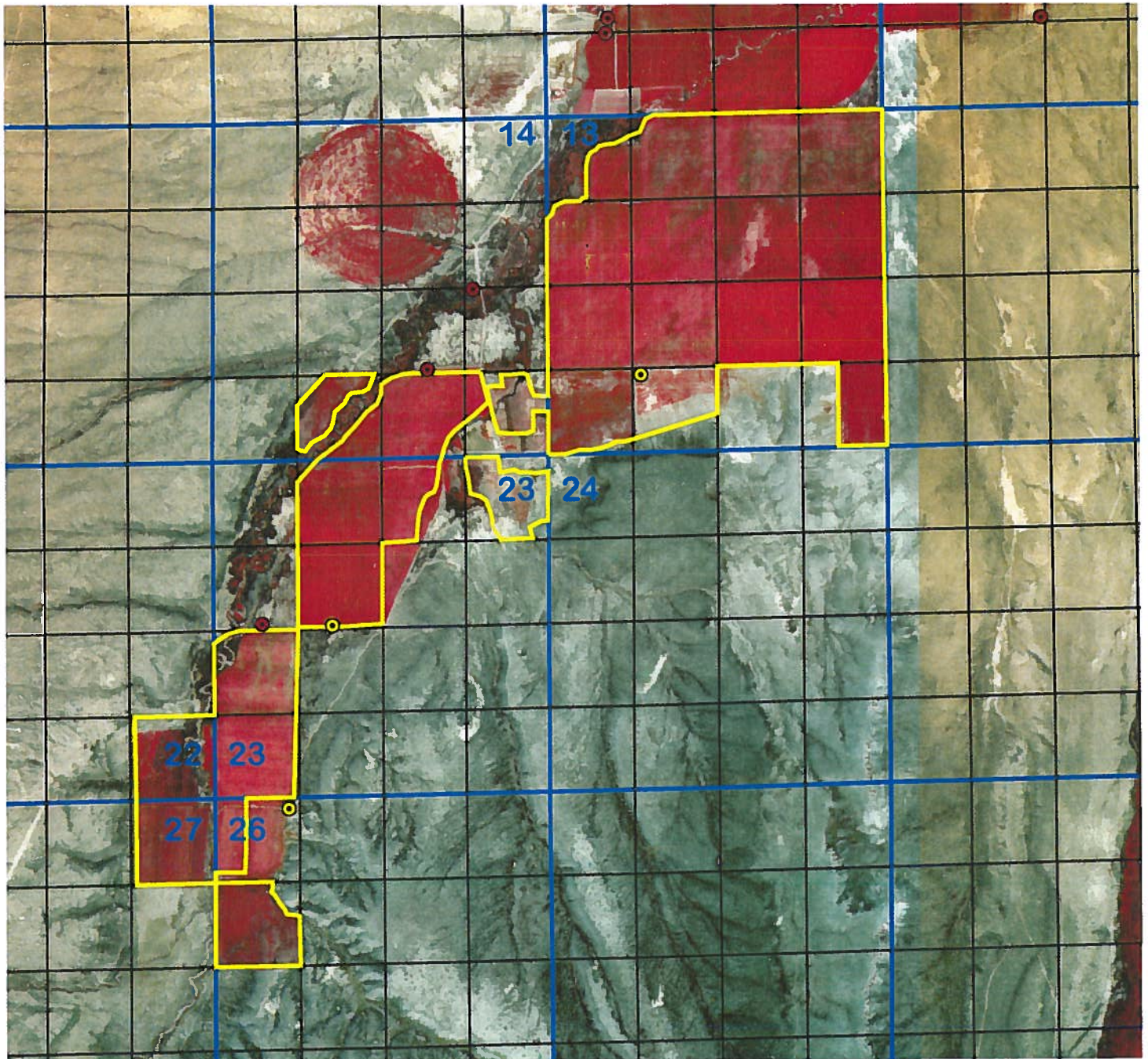
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

**RIGHTS: 43-2557, 43-7086,
and 43-7087**

**RECOMMENDED PLACE OF USE
TWP 16S, RNG 24E,
Data entry on September 19, 2000**



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

AJ0749NP
No. R43-07086

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

DATE: 03/01/00
PAGE: 1

OWNER
CODE NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C RHL FINANCIAL INC
2325-A RENAISSANCE DRIVE
LAS VEGAS NV 89119

07/22/1977 IRRIGATION

04-01 11-01

6.230 CFS

1260.00 AFA

TOTAL DIVERSION:

6.230 CFS

1260.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T16S R24E S13
S23
S26

NESESW
SSESW
NENSW

CASSIA County
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM
T	R S	NE	SW	NE	SW	NE	SW	
16S 24E 13	40	40	41	40	39	14	40	40
16S 24E 14	40	40	41	40	39	14	40	40
16S 24E 23	40	40	41	40	39	14	40	40
TOTAL ACRES		TOTAL ACRES		TOTAL ACRES		TOTAL ACRES		738.0

POU County: CASSIA

Other Rights: LIC. 43-2557.

Conditions of Approval:

- C18 - 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.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.43 CFS COMBINED RIGHT NOS.:
43-02557 & 43-07087. *Land volume of 3816.0*

POU1

USE OF THIS RIGHT WITH RIGHT NO. 43-02557 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 738 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

GEN

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 438.

EXP

RIGHT NO. 43-02557 IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE AS T16S R24E SEC 23 SSESW AND SEC 26
NESWSW. RIGHT NO. 43-07087 IS ALSO DIVERTED THROUGH POINT OF

per 15287

see 15287

AJ0749NP
No. R43-07086

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

DATE: 03/01/00
PAGE: 2

Remarks: DIVERSION DESCRIBED ABOVE AS T16S, R24E SEC 26 NENMNM.

Dates: Exam Made Date: Verified Date: Objection filed Date:

Misc: Water District Number: 438 Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5287
WATER RIGHT NO(S). 43-02557/43-07086/43-07087

RECEIVED

JUL 03 2000

Department of Water Resources
Southern Region

This is to certify that: RHL FINANCIAL INC
2325-A RENAISSANCE DR
LAS VEGAS NV 89119

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. 43-02557 :			
IRRIGATION	04/01 to 10/31	7.30 CFS	1512.0 AF
Priority: 02/21/1963			
Right No. 43-07086 :			
IRRIGATION	04/01 to 10/31	6.23 CFS	1440.0 AF
Priority: 07/22/1977			
Right No. 43-07087 :			
IRRIGATION	04/01 to 10/31	4.32 CFS	864.0 AF
Priority: 07/22/1977			
	TOTAL:	* 12.43 CFS	3816.0 AF *

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSESW , Sec. 13, Township 16S, Range 24E
SWSNW , Sec. 23, Township 16S, Range 24E
NENWNW , Sec. 26, Township 16S, Range 24E
CASSIA 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>
16S	24E	13	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 15	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 38	SESW 28	
			NESE 40	NWSE 40	SESE 23	544
14			SESW 26	SWSE 37	SESE 19	82
22			SESE 38			38
23			NENE 26	NWNE 22.3	NENW 39	
			SESW 39	NWSW 39	SWSW 38	203.3

TRANSFER NO. 5287
WATER RIGHT NO(S). 43-02557/43-07086/43-07087

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>
		26	NWNW 12.7	SWNW 36		48.7
		27	NENE 38			38
Total number of acres irrigated:						954

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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. 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.
- * 6. The total instantaneous diversion of water from all points of diversion under Transfer 5287 shall not exceed 12.43 cfs, nor total combined annual volume of 3816.0 af.
- ** 7. Right 43-02557 is limited to the irrigation of 378 acres within the place of use described above in a single irrigation season.
- ** 8. Right 43-07086 is limited to the irrigation of 360 acres within the place of use described above in a single irrigation season.
- ** 9. Right 43-07087 is limited to the irrigation of 216 acres within the place of use described above in a single irrigation season.

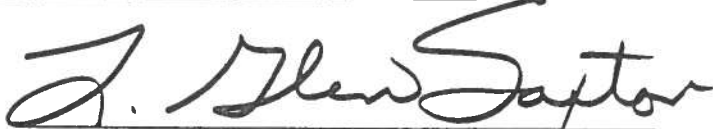
Dated this

29th

day of

June

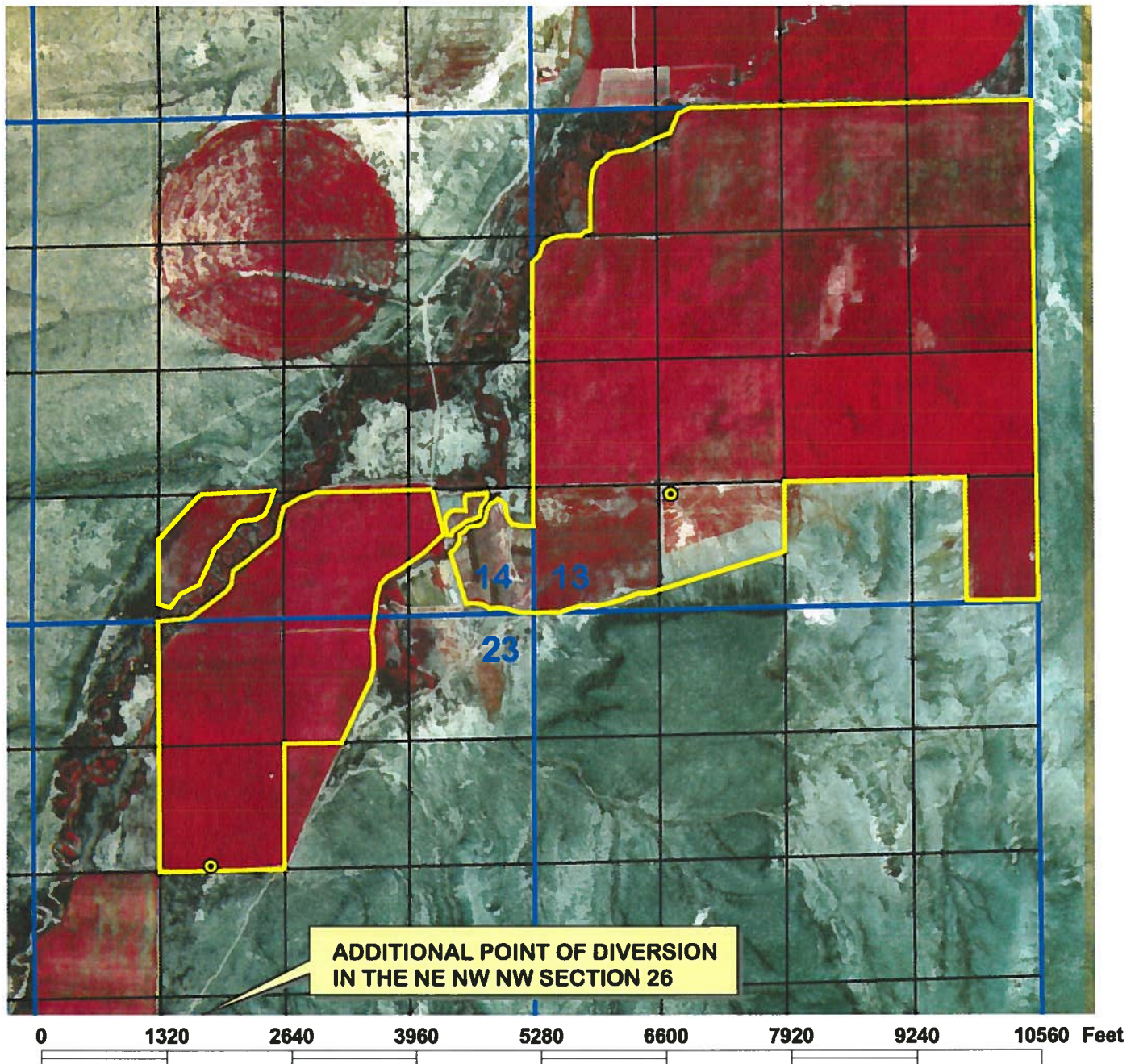
, 2000.


Chief, Water Allocation Bureau

Idaho Department of Water Resources

RIGHTS: 43-02557 & 43-07086

RECOMMENDED PLACE OF USE
TWP 16S, RNG 24E
Data entry on February 16, 2000



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY VIKIE HANCOCK

LAIM NUMBER

A43-02557

A43-07086

DATE

2-10-2000

TRANSFER NUMBER

CLAIMED ACRE TOTAL

738

GIS ACRE TOTAL

738

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
LAIM	116S	24E	13	40	40	40	40	40	15	40	40	40	40	38	28	40	40		23
GIS				40	40	41	40	39	14	40	40	40	40	38	28	40	41		23
ECOM				40	40	41	40	39	14	40	40	40	40	38	28	40	41		23
LAIM			14												26			35	25
GIS															27			36	24
ECOM															27			36	24
LAIM			23		33	0		36	.		39								
GIS					27	9		40			40								10
ECOM					27	0		40			40								10
																			10

43-POU.SHP

43-02557 Limited to 378 acres within

SHAPE NOS.

Tracts identified. 43-07086 limited to

360 acres within Tracts identified.

43-POD.SHP

OS. DESCRIPTION

3F TABLES UPDATED

3-DBPOU.DBF

3-DBPOD.DBF

LEG LAYOUT

✓ 43-02557

Water Right Number - A43-07086

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STEED

E GARY

1 - PO BOX 127
2 -
3 -

State- ID Zip- 83312

STEED

SONIA

City- ALMO
Phone - 208-824-5582
1 - PO BOX 127
2 -
3 -

State- ID Zip- 83312

*** O - ORIGINAL OWNER ***
ERICKSON

JACK

1 -
2 -
3 -
City- ALMO
Phone - 208-000-0000
1 -
2 -
3 -

State- ID Zip- 83312

ERICKSON

KATHRYN

City- ALMO
Phone - 208-000-0000
1 -
2 -
3 -

State- ID Zip- 83312

RIVER RIDGE RANCH

City- ALMO
Phone - 208-000-0000
1 - C/O BERRY ANDERSON
2 -
3 -
City- ALMO
Phone - 208-824-5515

State- ID Zip- 83312

+ - Priority Date - - +
07/22/1977

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

16S 24E

13 NE SE SW
23 SE SE NW
26 NE NW NW

(31) CASSIA
(31) CASSIA
(31) CASSIA

Diversion Name

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

11/01

6.230

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
6.230 1360.0 0.0

Prefix Translation: ADJUDICATION CLAIM

[illegible]

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/30/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 438
Licensed Date	- 00/00/0000	Receipt Number	- M003751	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND	Notice of Error Flag	-

Memo

Date: 3-1-2000

To: Tim Luke
Water Distribution Section Mgr.
IDWR State Office, Boise

From: Vikie Hancock
Water Resource Agent
Southern Regional Office

Tim,

Attached are some measurements of the flow of Reed Springs located in T16S, R24E, Section 23, tributary to Raft River. These measurements were submitted at my request by Dave Sundberg, water master of district 43B. I am forwarding the originals to you so that you may archive them in your section files.

As you are aware, there has been ongoing controversy between the water users of Water District 43B and the current owner of license 43-07086 regarding the amount of water needed to fulfill the conditions of the license and replenish the flow of Reed Springs diminished by groundwater pumping. The water users of 43B hope that the attached information may assist the department in better defining the replenishment condition to the license during our current review of transfer #5287. To that end, Mr. Sundberg also sent copies of these measurements to Jeff Peppersack, and copies have been included in the transfer file.

cc. Jay Harper, Chairman
Water District 43B

RECEIVED

FEB 28 2000

Department of Water Resources
Southern Region

Dave Sundberg
Box 1, Malta Id. 83342
Feb. 23, 2000

Vikie Hancock
IDWR
1341 Fillmore Street Suite 200
Twin Falls, Idaho 83301-3380

Dear Vikie,

Jay Harper gave me a letter from you requesting data about Reed Springs and asked me to answer it. I am enclosing a list of measurements for each year, before Ridge River Ranch turned their pumps on, and another list showing the average amount which was replaced when replacement was required. I have not required Steed to replace the spring water when there was water running out of District 43-B unecalled for.

I have also included a list of all the measurements which were taken in the past 11 years. The lists on the first page are based on these other lists.

If I can be of further assistance, feel free to contact me.


Dave Sundberg

WATER FLOWING IN REED SPRING
BEFORE PUMPS WERE TURNED ON

1990	127 inches
1991	101
1992	unknown
1993	60.5
1994	78.5 - - - -
1995	63.5
1996	104.5
1997	60
1998	110
1999	120
2000	154 on February 23

AVERAGE AMOUNT REPLACED
WHEN REPLACEMENT REQUIRED

68
120.5
132
61
60.4
40.4
72
44.3
110.4
53.5

AVERAGE FLOW BEFORE PUMPING

101 inches

MEASUREMENTS TAKEN BY WATERMASTER AT REED SPRINGS IN 1990

Date	measurement	amount in cfs	amount in inches
4-8-90	.54' in 24" Cippolleti	2.7 cfs	135 inches
4-15-90	.50	2.38	118.5
4-22-90	.54	2.7	135
4-29-90	.52	2.53	127
5-6-90	.27	.96	48 started pumps
5-27-90	.29	1.03	52
6-3-90	.15	.4	20
6-9-90	.47	2.15	108
6-24-90	.48	2.22	111
7-1-90	.52	2.55	128
7-18-90	.19	.56	28
8-12-90	no water	none	0 pumps off
8-17-90	.35	1.42	70.5
9-1-90	.50	2.36	117
10-14-90	.10	.23	12
11-5-90	.22	.69	35
11-11-90	.22	.69	35
11-24-90	.25	.84	42
12-13-90	.31	1.17	59
12-20-90	.31	1.17	59

MEASUREMENTS TAKEN BY WATERMASTER AT REED SPRINGS IN 1991

1-13-91	.34	1.32	66
2-6-90	.38	1.57	78.5
3-14-91	.44	1.95	97.5
4-7-91	.45	2.02	101
4-28-91	.44	1.95	97.5
5-17-91	.45	2.02	101
5-26-91	.44	1.95	97.5
6-14-91	.44	1.95	97.5
6-20-91	.41 + .36 in a 12" Cip. weir	.735	36.75 total 134.2"
	.41 + .35	1.76 + .705 = 2.465	123 total
7-28-91	.50 + .35	2.37 + .705 = 3.075	154
8-8-91	.30 + .35	1.10 + .705 = 1.8	90
8-22-91	.25	.836	41.8
10-4-91	.3 + 2.9 cfs from Durfee	4.00	200
11-7-91	.2	.6	30
11-24-91	.25	.836	42

MEASUREMENTS OF REED SPRINGS IN 1992, MOSTLY BY ELBERT DURFEE

7-10-92	.33	1.27	64 Bob Hone
7-4-92	.5 + .22	2.37 + .35	136
7-20-92	.22 + .22	.691 + .349	52
8-6-92	.49 + .49	2.3 + 1.18	174
8-13-92	.53 + .39	2.59 + .85	172
8-17-92	.29 = .34	1.04 + .675	86
8-24-92	.44 + .27	1.95 + .475	121
8-30-92	.30 + .29	1.1 + .53	81.5
9-5-92	.6 + .27	3.13 + .475	180 Bob Hone
9-8-92	.53 + .26	2.97 + .449	171
9-14-92	.58	2.97	148
9-22-92	.6	3.13	156
9-28-92	.47	2.16	108
10-12-92	0	0	Durfees pumping 100"
10-20-92	0	0	Durfees pumping 80"
11-1-92	small amount		

SUMMARY OF MEASUREMENTS FOR REED SPRINGS 1993

Date	measurements	amount in cfs	amount in inches
3-21-93	.27' 24" Cippolletti	.937 cfs	46.85 inches
4- 8-93	.3	1.1	55
4-11-93	.3	1.1	55
4-18-93	.31	1.21	60.5
4-25-93	.31	1.15	57.5
5- 2-93	.34	1.32	66
5-16-93	.39	1.63	81.5
5-23-93	.34	1.32	66
6-18-93	.26	.866	44.3
6-20-93	.53	2.59	129.5
7- 2-93	.35	1.38	69
8- 6-93	.16	.43	21.5
10-30-93	.13	.316	15.8

SUMMARY OF MEASUREMENTS FOR REED SPRINGS 1994

4-17-94	.38	1.57	78.5
5- 8-94	.3	1.1	55
5-18-94	.33 in 12" weir	.644	32.2
9- 8-94	.23 in 24" weir	.739+.195	47

SUMMARY OF MEASUREMENTS FOR REED SPRINGS 1995

4-15-95	.33	1.27	63.5
5-28-95	.17 12" weir	.237	11.85
6-11-95	.35 24" weir	1.38	69
7-16-95	0	0	0

Summary of measurements for Reed Springs 1996

4- 7-96	.43	1.89	94.5
4-13-96	.44	1.95	97.5
4-22-96	.46	2.09	104.5
5- 1-96	.46	2.09	104.5
5-11-96	.25	.836	41.8
5-21-96	.4	1.69	84.5
6- 9-96	.36	1.44	72
6-16-96	.31	1.15	57.5

Measurements of Reed Springs made by Dave Sundberg 1997

3-25-97	.3' in 26" cement	1.2	60
5-14-97	0 frame where 24"	0	0
5-31-97	.15 weir has been	.4+.8 Durfees	60
6-29-97	.16 removed	.44+.8	62
7-11-97	0	0 +.5	25
7-11-7-23-1997 see attached notes copied from my daily log			
7-24-97			40
7-25-97			50
7-26-97			110
7-28-97			15
7-29-97			40
7-30-97			20
7-31-97			110
8- 1-97			40
8- 2-97			30
8- 4-97			60
8- 6-97			40
8-11-97	0	0	0
8-13-97	0	0	0
8-16-97			60
8-20-97			60
8-23-97			60
8-24-97			10
8-26-97			70

REED SPRINGS 1997 CONT.

date	measurement	amount in cfs	amount in inches
8-31-97		1.2	60
9- 4-97		1.6	80
9- 9-97		2.2	110
9-14-97		.5	25
9-18-97	0	0	0
9-21-97	0	0	0
9-27-97	0	0	0
9-30-97	1 1/4" in 26" wide frame	.3	15
10-7-97	2 1/4	.6	30
10-14-97	2 1/2	.66	33
10-22-97	3" temperature	.9	45
10-28-97	3 1/4 air above pond below	1.04	52
11-7-97	58 55 50	1.2	60
12-3-97	54 44 42	1.2	60

REED SPRINGS MEASUREMENTS MADE IN 1998 BY DAVE SUNDBERG

1- 3-98	50 ⁶	52 ⁵	42 ⁶	~~1.235~~	~~67~~	
2- 5-98	4.125"	36 ⁶	50	42	1.235	67
3- 4-98	5"	30	46	36	1.86	93
4- 2-98	5.06				1.92	96
4-20-98	5 $\frac{1}{4}$ "				2.2	110
5- 1-98	.45'				2.21	112
5- 7-98	.5	Gary was	with me		2.48	124
6- 4-98	.5				2.48	124
6-25-98	not required				.25	12.5
7- 1-98					2.5	125
7- 8-98					2.5	125
7-17-98		Gary complained			.8	40
7-23-98					1.8	90
8- 1-98					2.1	105
8- 7-98					2.1	105
8-16-98	.64				3.6	180
8-24-98	1.0				7	350
9- 2-98					3.2	160
9- 7-98					3.2	160
9-12-98					1.4	70
9-21-98	0				0	0
9-30-98					1.5	75
10-20-98					.6	30
11-3-98					1.2	60
12-7-98		40	42	34	1.4	70

MEASUREMENTS OF REED SPRINGS IN INCHES 1999

1- 3-99	73 inches	10-2-99	25 inches
2- 1-99	96	10-9-99	25
3-15-99	75	10-15-99	25
4- 6-99	120	10-20-99	25
4-27-99	94	10-26-99	25
6-26-99	300	10-30-99	25
7- 6-99	25	11-23-99	70
7-17-99	25	12-17-99	64
8- 2-99	25	1-25-2000	136 inches 6 1/2" in 26" wide cement frame
8- 9-99	90		
8-18-99	25	2-23-2000	154 inches .58' in frame
9-20-99	15		

NOTES TAKEN FROM DAILY LOG JULY 11-23, 1997

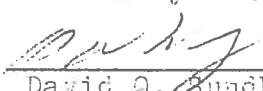
On July 11, I received a letter from IDWR saying to take charge of the replacement of Reed Springs by Gary Steed which he has not been doing except enough to keep the fish alive in his pond. Gary Steed was not putting any water into the river and Bruce Durfee was putting in about 25 inches which was just barely reaching the road below Olen Ward's. In fact it may not have been running on the surface at 2:00 p.m. I went to Malta and talked to Jay Harper who suggested that I talk to Gary. When I went back at about 7:00 p.m. it had rained and a fair stream was running down below Ward's. I couldn't find Gary so I didn't do anything. Saturday I didn't do anything about Steed because nobody was home. Sunday, July 13, I turned some water into Reed Spring from Steed's injection pipe. Monday morning there was nothing leaving the pond so I went up to the injection pipe and found the valve wide open with 3-4 cfs running into the spring. When I arrived at the pond somebody on a 4-wheeler went up to the spring and obviously opened the valve because the water was not reaching the pond and in fact did not reach the pond while I was there. The water had obviously been shut off shortly after I left Sunday afternoon because the moss had not floated off of the pond and plugged the standpipe.

Tuesday there was no water leaving the pond and it had obviously been turned off as soon as I left Monday. Wednesday I talked quite a while with Gary. He claimed that no water was reaching the road below Olen Ward's. We went down and looked and there was about 10 inches crossing the road. About 20 inches was coming from Utah and Durfee's were putting in 25 inches, so of 45 inches, 10 were reaching the users below. I pointed out to Gary that if he put in 60 inches it would all probably reach because the river was already sinking its capacity. He agreed to put water in. I turned a stream which I quite carefully estimated as 60 inches where it forms a channel below the injection pipe. It was 2' wide and 10" deep and moving a little less than 1 foot per second.

I talked to Bruce Durfee and He told me to turn 35" if I wanted to from his pipe. I turned 30". I didn't ask Bruce to give water because he really has no obligation to do so. Thursday morning the weir below the pond measured 5" deep or 1.75 cfs but was not reaching the road any more than when only Durfee's water was running. Friday morning there was some water running from the pond but not reaching so I went back later and it was shut off. Apparently they are turning it on just before I get there and back off as soon as I leave.

July 23, Allen Merritt and I met with Gary Steed and we agreed that he would put a handle that can be locked on the injection pipe and an accurate measuring device below the pond.

These notes were taken from my handwritten notes in my daily log.


David Q. Sundberg

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING THE BUDGET AS
ADOPTED AT THE ANNUAL MEETING OF THE USERS OF

WATER DISTRICT No. 43-B

Annual Meeting Minutes for Water District 43-B

A meeting for Raft River and Clear Creek water users was held January 15, 1999 at the Raft River Electric building in Malta, Idaho. The meeting began at 1:00 P.M. Those in attendance were Tim Luke (IDWR) Boise, Jay Harper, Robert Hope, David Sundberg, Steven Holmgren, Shane Holmgren, Rodney Hall, Michael Lewis, Douglas Freestone, Ray Jones, Harold Jones, Reid Stewart, Daniel Hill, Don Walker, Leanna Walker, H. Olen Ward, Boyd Hoskins, Rodney Jones, Jodee Willett, Oleta Willett, Garth Steed, Alan Harper and Dwight Rarick.

The meeting was called to order by Jay Harper, chairman of the Advisory Committee. The items of business include the following:

1. Jay Harper was elected to serve as chairman for the meeting.
2. Robert Hope was elected secretary of the district by unanimous vote.
3. The appointment of a credentials committee was discussed. It was decided not to appoint a Credentials Committee until the need arises.
4. The minutes of Last years meeting were read by Robert Hope. The minutes were approved by unanimous vote.
5. The financial Statement was read by Douglas Freestone. The statement was unanimously approved.
6. Reed Springs and the ponding of water by Gary Steed was discussed. Proper weirs for measuring water into and out-of the pond have not been properly installed yet. A culvert prior to a measuring weir is leaking and allows water to go around the weir. A permit to pond the water was given by the Idaho Department of Water Resources (IDWR) on the condition that weirs be installed before and after the pond to see how much seepage there is lost from the pond. A new target date of May 1st to install proper weirs was agreed on.
Water to be put back into the Raft River channel from irrigation pumps when Reed Springs goes dry from pumping was discussed. An amount equal to the flow of Reed Springs as measured prior to the pumping season was the agreed amount.
7. It was moved and seconded that the water users annual meeting be scheduled as close to January 15th as possible. The motion was unanimously approved.
8. The salary for the watermaster was discussed. It was proposed that the salary remain at 10.00/hour. The watermaster will continue to pay his own transportation costs. The motion was approved.
9. The election of a watermaster was accomplished with David Sundberg to remain as watermaster. It was also resolved to employ the watermaster on a year round schedule. He will be the watermaster until a new one is duly elected and trained.
10. It was approved we adopt Idaho Code 42-617 as follows: "No ditch, Canal Company or water user shall have the right to demand and receive water, and the watermaster shall not deliver to such person until the amount due and payable from user as fixed by the budget, has been paid."
11. It was approved that assessments to water users should be paid by April 1, 1999. This is the beginning of the irrigation season.

Memorandum

RECEIVED

JAN 20 1999

Department of Water Resources
Southern Region

To: Alan Merritt
From: Tim Luke *tyl*
Date: January 17, 1999
Re: Water District 43-B Annual Meeting

Attached are my notes from the annual water district meeting for District 43-B, Upper Raft River and tributaries.

Note in particular the discussion regarding the Steed Pond and related water right permit, and the matter regarding Utah-Idaho administration on Clear Creek.

I'd like to discuss with you two tasks that IDWR needs to pursue following this meeting. The first relates to the Steed matter. The district would like us to send some reminder notice to Steed concerning compliance with measuring devices. It sounded like Steed may need some technical assistance or advice as well. I may be able to help with this matter, but you may need to initiate some reminder to Steed since you are no doubt familiar with the history of Reid Springs and the permit in question.

The second task involves our need to send a copy of the memo from Lee Sim regarding the protocol established between Utah and IDWR. I promised Sundberg and the Clear Creek users that we would get them this information, and that I would confirm that the Utah commissioner had been given the proper directive from the Utah Division of Water Rights. I can pursue this task but would like to discuss with you first.

Please call me when you get a chance.

Cc: Norm Young

Summary of Water Dist. 43-B Annual Meeting held on January 15, 1999

Summary by Tim Luke, IDWR

Meeting held at Raft River Rural Electric Board Room, Malta, ID

Meeting called to order by Jay Harper at 1:00 p.m. Harper was elected meeting chairman. Bob Hope was elected meeting secretary.

A brief discussion was held about electing a credentials committee. I explained that one was generally only needed in case there was a controversial issue and at least one user requested voting by the alternative method. The users voted to not form a credentials committee.

Bob Hope read minutes of last years meeting. Minutes were approved.

Treasurer Doug Freestone gave a report of finances. The district has a balance of \$4,053 on hand. The '98 expenses were about \$1,600.

There was some discussion about the Steed Pond. Harper discussed recent approval of an application for permit for diversion of water from the pond by Steed and that permit has conditions regarding measuring devices. Steed did not comply with this condition initially and was given extension by IDWR until May 1, 1999. A device was installed above the reservoir as required, but it is located below a culvert and the culvert apparently leaks and goes around the measuring device. Watermaster Dave Sundberg mentioned other concerns about the culvert related to the accuracy of the weir and also reported that the measuring device below the reservoir is not a standard device. The district is concerned that these devices do not comply with permit conditions. Harper asked about IDWR consequences. I explained that permit holders may ultimately risk losing a permit if they are not in compliance with terms of the permit. Harper suggested that IDWR send Steed a reminder notice. Mr. Steed's son was in attendance at the meeting. He mentioned that a device was installed below the culvert but acknowledged concerns about its adequacy and problems caused by the culvert. The measuring device involved pouring concrete. There was a suggestion by Harper that perhaps the device could be moved above the culvert, but Steed said it could not be moved. I agreed to discuss with Alan Merritt.

There was also some related discussion about a ground water right owned by Steed that effects the flow of Reid Springs (same source as the flow to the reservoir). The discussion centered on some specific conditions under the ground water license that requires replacement of spring water from ground water pumping. No resolutions or suggestions were made regarding this matter.

It was resolved to keep the watermaster salary the same rate as last year, or \$10 per hour. Dave Sundberg was re-elected as watermaster. The same advisory committee from last year was also re-elected. Doug Freestone was re-elected as treasurer. The district also adopted the same budget as last year.

Jay Harper initiated some discussion about IDWR water management rules. I gave some explanations about current status of rules and their origins, background etc. Users asked some specific questions about how this affects their district and wells in their valley. Harper said he had submitted comments to IDWR concerning the rules on behalf of the water district. He said they might submit further comment in response to the next version of rules. Harper and others seemed intrigued about the district also taking on measurement of ground water diversions.

There was a brief discussion about the SRBA. I gave a very brief update on SRBA status, but I did not know the schedule for the Raft River area.

I gave an update on a meeting held last summer between IDWR, Sundberg, the Utah Water Commissioner for Clear Creek and Utah Water Resources representatives. It was explained that a protocol had been established regarding how the Idaho Watermaster and Utah commissioner would work together, specifically in determining the quantification and timing of deliveries and splits between the two states. Sundberg said he never saw anything in writing from either state that documented the agreement and protocol. Several Clear Creek users also had received no information about this matter. Sundberg asked if the Utah commissioner received this information as well. He complained that the Utah commissioner continued to play hide and seek with him through the rest of last year. I explained I did not know the answer to the latter question, but that I would check with Lee Sim of Utah Water Rights Division and confirm that the commissioner had at least been given this information in writing. I also agreed to send Sundberg and the Idaho Clear Creek users a copy of Sim's memo that describes the protocol agreed between the two states. I'll likely forward with a brief cover letter.

RECEIVED

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

NOV 13 1986

Department of Water Resources
Southern Region Office

License of Water Right No. 43-7086 Priority July 22, 1977 Amount 6.23 cfs

THIS IS TO CERTIFY, that Jack &/or Kathryn Erickson
of Almo, Idaho, has complied with the terms and conditions of Permit
No. 43-7086 issued pursuant to Application for Permit dated July 22, 1977,
and has submitted proof to the Department of Water Resources on December 9, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 12.43 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>6.23</u> cfs and	<u>1260.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 6.23 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1260.0 acre feet per year, said waters to be diverted within the SE1SW1 Section 13;

SE1NW1, Sec. 23; NW1NW1, Sec. 26; in the County of Cassia
Twp 16S, Rge 24E
Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16S	24E	13	35	30	38	40	24	10	8	1	12	1	18	28	40	40		23	348
		14												12					12

Total number of acres irrigated 360

43-7086

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

The maximum combined rate of diversion under this right and Right Nos. 43-2557 & 43-7087 shall not exceed 12.43 cfs.

Use of water under this license is subject to control by the watermaster of State Water District No. 43B, Upper Raft River.

Flows of Reed Springs, depleted by pumpage of groundwater under this license, shall be replaced to protect prior water rights.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6TH day of NOVEMBER, 19 86.

Acting for the Director

Norman C Young

RECEIVED

OCT 21 1986

STATE OF IDAHO

Ident. No. _____

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)**APPROVED**

Comes now Jack &/or Kathryn Erickson Phone _____
of (address) Almo, ID 83312, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 43-7086, and requests that the permit be changed as follows:

1a. Point of diversion: SE 1/4 SW 1/4, Section 13, Township 16S, Range 24E,
B.M., County of Cassia. Other points of diversion: SE 1/4 NW 1/4, Sec. 23;
NW 1/4 NW 1/4, Sec. 26; Twp 16S, Rge 24E

1b. Source: groundwater tributary to -----

2a. Period and nature of use:

Amount 6.23 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)

(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

2b. The maximum quantity diverted shall not exceed 6.23 cfs or 1260.0 acre feet
per year.

3. Place of use or land to be irrigated:

			NE				NW				SW				SE				TOTALS
TWP	RGE	SEC	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	
16S	24E	13	35	30	38	40	24	10	8	1	12	1	18	28	40	40		23	348
		14												12					12

Total number of acres to be irrigated = 360

4. Date of priority: July 22, 1977

Conditions (if any): Use of water under this license is subject to control by the watermaster of State Water District No. 43B, Upper Raft River.

The maximum combined rate of diversion under this right and Rt. Nos. 43-2557 & 43-7087 shall not exceed 12.43 cfs.

Flows of Reed Springs, depleted by pumpage of groundwater under this license, shall be replaced to protect prior water rights.

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Almo, this 20th day of October, 1986

Jack Eichen
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by rg Date 10/21/86 # 39

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resource hereby Approve the above Application for Amendment for Permit No. 43-7086.

Witness my hand this 6TH day of NOVEMBER, 1986

Roman C Young
Acting for the Director

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
)DEVICE REQUIREMENT FOR PERMIT NO. 43-7086)
)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:
"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

G. Glen Saxton

GLEN SAXTON

Chief, Operations Bureau

RECEIVED

June 9, 1982

in the Matter of Application for Amendment)
)
)
 of Permit No. 43-7085 in the name of)
)
)
 Jack &/or Kathryn Erickson)
)
)

PROTEST

Comes now, Elbert L. Durfee and protests the granting of the above application on the following grounds:

- 1) The protestant is the owner of water licenses 43-2557 and 43-2560 for the diversion of groundwater.
- 2) Applicant's proposed points of diversion in Sec. 23 and 26, T16S, R24E are existing wells which affect the flow of Reed Springs.
- 3) Applicant's water licenses also divert from well which affect Reed Springs.
- 4) The groundwater users must replace flow of the springs for owners of prior rights.
- 5) Approval of the application for amendment would allow greater pumpage from the additional wells to be added to the permit, further depleting the flow of the Springs, thus injuring the water rights of the protestant's.

Elbert L. Durfee
ELBERT L. DURFEE
Almo,
Idaho 83312

RECEIVED

JUN 24 1962

Department of Water Resources
Snake River Water Office

11-9, 2000
19 June 1962

Water Resources Board
State of Idaho

Dear Sirs,

I do not propose to drill another well in Section 13 T20N R24E. The fifty
feet of water that Ericsons pumped from it is not from the Feed Spring.

Ericsons have to tap the well in S21 R23 T10S R24 E. The
water in S21 R23 T10S R24 E is not from the Feed Spring. It is
from a normal flow of about 10 cfs. When Ericsons began to pump
water from the well in S21 R23 T10S R24 E, the water in the
well in S21 R23 T10S R24 E was about 10 cfs. This is a tributary
of the Snake River and the water in the well is not from the
water from our wells. When the wells were not pumped the flow of the spring
was only recovered within twelve hours.

Four years ago, Ericsons began using another well drilled in
S21 R23 T10S R24 E. This well was drilled while the one in
S21 R23 T10S R24 E was being used. It is also dry up the spring.

These last four years that all three pumps have been in use, the spring
has been very slow to recover. Therefore my protest concerning their
proposal to change the location of diversion from the well in S13 to the ones
in S23 and S26 with the intention of increasing the permit to pump more
water than allowed on February 21, 1953 for the well in S23, and also to
pump water from the one in S26, is not withdrawn.

Sincerely,

Robert L. Durfee

Robert L. Durfee
Almo, Idaho
83312

RECEIVED

JUN 8 1982

Department of Water Resources
Southern District Office

I do hereby withdraw my protest against
Application for Amendment # 43-7686 by Jack and
Kathryn Erickson. Providing that a condition be
placed on the permit and subsequent license that would
require the holder to replenish Reed Spring by that
amount which additional pumping from the wells in
Sections 23 and Sections 26, T16S, R24E would deplete
Said Spring

Date 7-8-82 *Elmer F. Wagner*

DD-79

DD-80

Raft

UPPER
River

RAFT

RIVER

43-7087
(Good location unknown)

43-2572 } 11935
43-2570 }

43-257

Land
Spray

43-2572 } 11935
43-2570 }

43-708224
11115
Amendments

43-7086

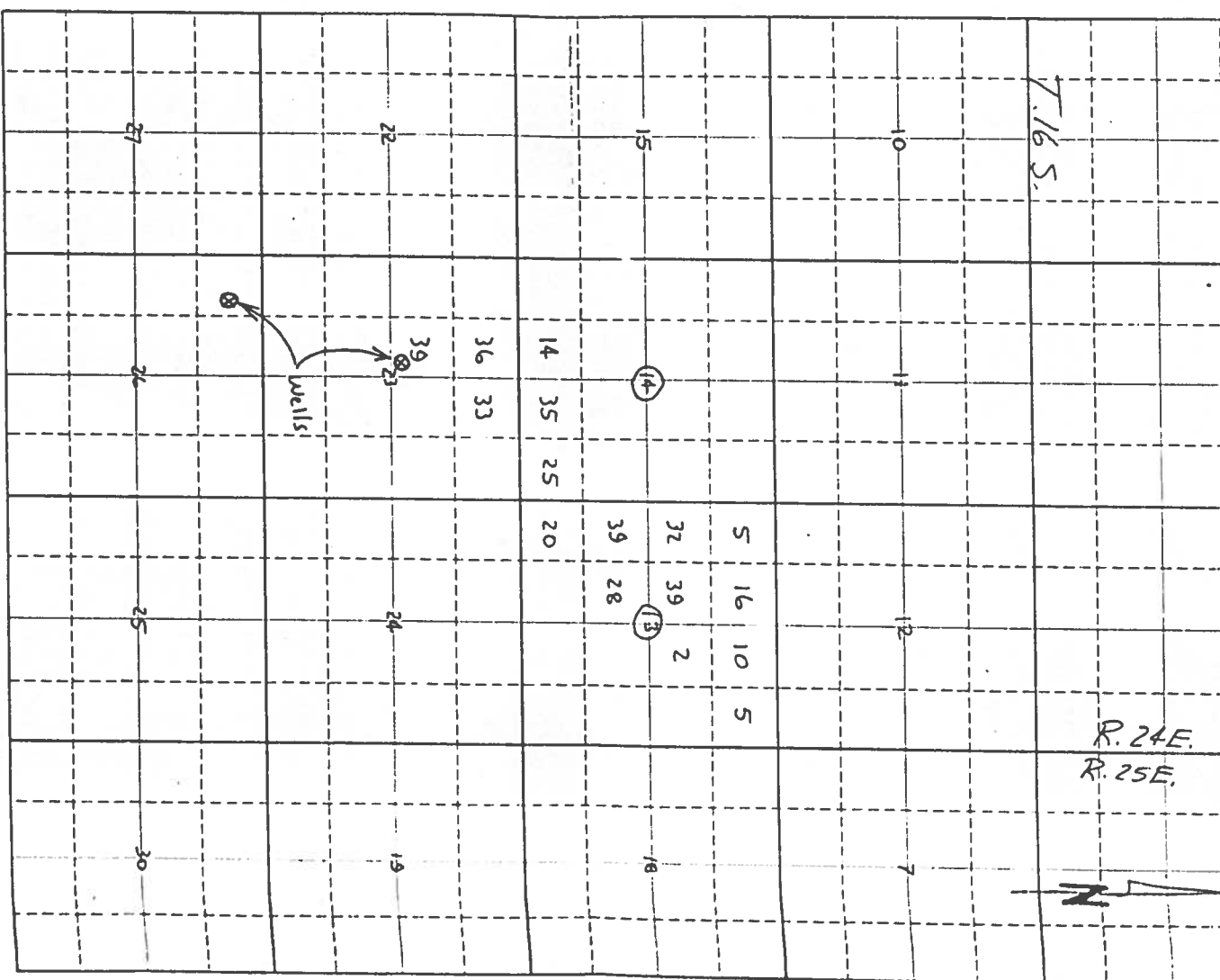
TOTALS

165

50

and

TOTALS



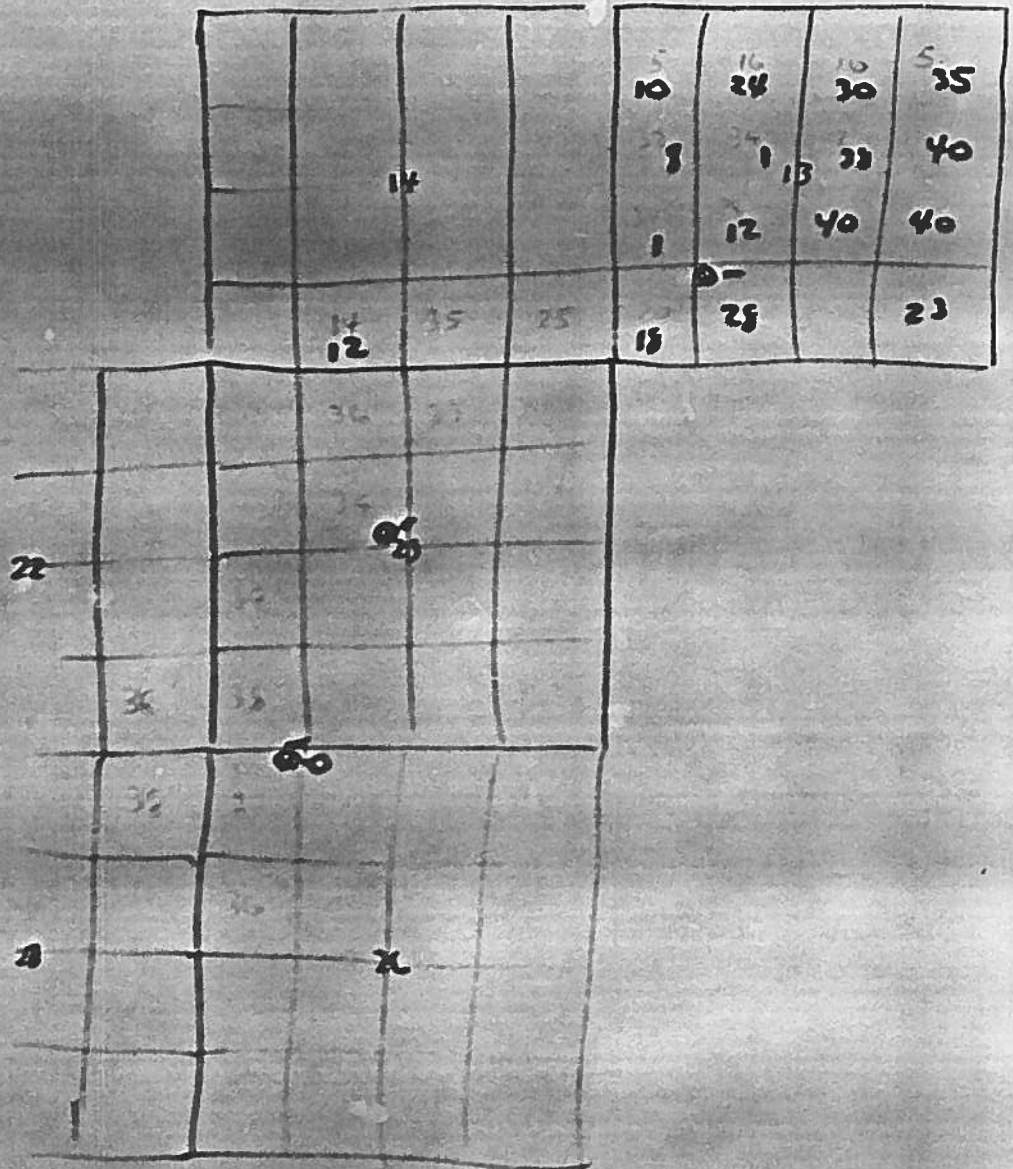
SCALE: 2 inches equal 1 mile. Draw plan in ink.

627-5

43-7027

432.5

43-7086



* Exam Attachment describing rts. 11