

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: **A43-10810B**

Date Received: 6/ 5/1989

Receipt No: X777777

Received By: split right

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT A FEHLMAN 208-645-2241
Address: BOX 101
MALTA ID 83342

AND/OR

7/20/01
Name: SHERRY L FEHLMAN 208-645-2241
Address: BOX 101
MALTA ID 83342

2. Date of Priority: MAR 5, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	8	NE	NE	NW		CASSIA

5. Description of diverting works:
WELL, PUMP, FLOOD IRRIG. & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.910		211.20

7. Total Quantity Appropriated is:
0.910 C.F.S. (and/or) 211.20 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 of	Lot	Use	Acres
13S	27E	8	NE	NW		IRR	35.8

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	8	NW	NW		IRR	17.0
Section Acres							52.8
Total Acres							52.8

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:
NONE

14. Remarks:

REPRESENTS CLAIM 43-02439 (4.47 CFS) & 43-02440 (2.5 CFS),
SAME WELL, SAME PRIORITY.

THIS CLAIM IS A PORTION OF A43-10810, WHICH WAS SPLIT PURSUANT TO
APPROVED TRANSFER #5432. 2/9/00 jr

15. Basis of Claim: LICENSE

Water Right Number: 26230

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: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-10810A					
43-10810B					
43-10352					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Grant & Sherry Fehlman
PO Box 101 Malta
4. New Owner/Claimant(s) Grant Fehlman
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 101
- City, State and ZIP Code Malta ID
- New Telephone Number (208) 645-2241
5. Date you acquired the property 1983

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Shane A. Lehman*
(include title if applicable) _____

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

For Office Use Only

Received by *DJ* Date 7/20 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by *DJ* AJ Date 7/20 WR _____ Date _____

INDEXED

THIS BLANK FURNISHED BY *Land Title and Escrow, Inc.*

148658

QUITCLAIM DEED

RECEIVED

JUL 20 2001

For Value Received Sherry L. Fehlman

Department of Water Resources
Southern Region

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto
Grant A. Fehlman, *Matter, Idaho*

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

Parcel No. 1

Boise Meridian, Idaho
T. 13 S., R. 27 E.
Section 4, Tract 37;
Containing 256.47 acres

Parcel No. 2

Boise Meridian, Idaho
T. 13 S., R. 27 E.,
Section 5, Tract 38;
Section 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
Containing 201.21 acres

Which includes the following improvements and fixtures:

A 24x70 Foot Mobile Home
A 1000 Bushel Granary

And any and all other buildings and improvements located and
fixed to the property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the gran-
tee's heirs and assigns forever.

Dated: This 12th day of January, 1983.

Sherry L. Fehlman
Sherry L. Fehlman

STATE OF IDAHO, COUNTY OF Cassia
On this 12th day of January, 1983,
before me, a notary public in and for said State, per-
sonally appeared

Sherry Fehlman

known to me to be the person whose name
subscribed to the within instrument, and acknowledged
to me that *she* executed the same

[Signature]

Notary Public
Burley, Idaho.

Residing at

RECORDED AT THE REQUEST OF:
Sherry Fehlman
FILM 154
JAN 12 4:32 PM '83
CASSIA COUNTY, IDAHO
FRIEDMAN & ARNS
FEE 3.00 DEPUTY LC
Burley
Burley

Instrument No.

148658

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5432
WATER RIGHT NO(S). 43-02439B/43-02440BThis is to certify that: GRANT A FEHLMAN
PO BOX 101
MALTA ID 83342

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. 43-02439B :			
IRRIGATION	04/01 to 10/31	0.44 CFS	102.0 AF
Priority: 03/05/1956			
Right No. 43-02440B :			
IRRIGATION	04/01 to 10/31	0.47 CFS	109.2 AF
Priority: 03/05/1956			
	TOTAL:	0.91 CFS	211.2 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 8, Township 13S, Range 27E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	27E	8	NENW 35.8	NWNW 17.0		52.8
Total number of acres irrigated:						* 52.8

CONDITIONS OF APPROVAL AND REMARKS

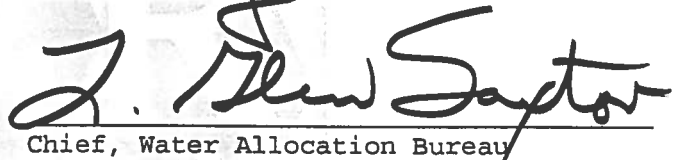
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

TRANSFER NO. 5432
WATER RIGHT NO(S). 43-02439B/43-02440B

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- * 8. Right 43-02439B is limited to the irrigation of 25.5 acres within the place of use described above in a single irrigation season.
- * 9. Right 43-02440B is limited to the irrigation of 27.3 acres within the place of use described above in a single irrigation season.

Dated this 12th day of January, 2000.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Rights 43-02439 & 43-02440

FROM: Pam Skaggs^{OS}/State Office

SUBJECT: Transfer 5432

DATE: January 11, 2000

Transfer 5432 changes the point of diversion and place of use under a portion of Rights 43-02439 and 43-02440, splitting each right into Parts A & B. The applicant wants to irrigate a parcel of land adjacent to the existing irrigated property that currently has no water rights from a new well.

Recommended conditions include extended season limits, permissible place of use limits, drilling permit requirements, future measuring & annual reporting, irrigation overlap and standard transfer conditions.

RECEIVED

JUL 22 2002

Department of Water Resources

2002 JUL 22 PM 12: 56

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

)

Subcase 43-10810B

)

Case No. 39576

)

)

ORDER OF PARTIAL DECREE

)

TO CORRECT CLERICAL ERROR; I.R.C.P.

)

60(a)

)

On July 18, 2002, a *Partial Decree* was issued for the above-captioned water right. The *Partial Decree* was issued pursuant to a *Special Master's Report*, which in turn was based upon a *Standard Form 5* entered into by the parties to the subcase. A comparison of the *Standard Form 5* with the *Partial Decree* reveals that a clerical error was made in the point of diversion element by court personnel in the process of generating the *Partial Decree* from the IWATRS computer system.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error is corrected and that water right 43-10810B is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 43-10810B*.

DATED: 7-22-02

R. S. Burdick
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10810B

2002 JUL 22 PM 12: 56

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: GRANT A FEHLMAN
PO BOX 101
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.91 CFS
211.20 AFY

PRIORITY DATE: 03/05/1956

POINT OF DIVERSION: T13S R27E S08 NENENW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	0.91 CFS
			211.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Cassia County
T13S R27E S08 NENW 35.8 NWNW 17.0
52.8 Acres Total

USE OF WATER IN THE NWNW, S08, T13S, R27E IS LIMITED TO THE EAST 1/2 OF THE NWNW.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE TO CORRECT CLERICAL ERROR was mailed on July 22, 2002, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

GRANT A FEHLMAN
PO BOX 101
MALTA, ID 83342
Phone: 208-645-2241

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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FILE COPY FOR 00243


Deputy Clerk

RECEIVED

JUL 19 2002

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 18 2002	
By _____	Clerk _____
Deputy Clerk _____	

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

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE

)
) For Water Right 43-10810B

On May 31, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-10810B is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002

Roger Burdick
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 18 2002	
By _____	Clerk
_____	Deputy Clerk

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10810B

NAME AND ADDRESS: GRANT A FEHLMAN
PO BOX 101
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.91 CFS
211.20 AFY

PRIORITY DATE: 03/05/1956

POINT OF DIVERSION: T13S R27E S08 SENENW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.91 CFS 211.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Cassia County
T13S R27E S08 NENW 35.8 NWNW 17.0
52.8 Acres Total

USE OF WATER IN THE NWNW, S08, T13S, R27E IS LIMITED TO THE EAST 1/2 OF THE NWNW.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JUL 18 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-10810B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-10810B was mailed
on July 18, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

GRANT A FEHLMAN
PO BOX 101
MALTA, ID 83342
Phone: 208-645-2241

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/18/02

07/22/2002

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

RIGHT NUMBER: 43-10810B
NAME AND ADDRESS: GRANT A FEHLMAN
PO BOX 101
MALTA ID 83342

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.91 CFS
211.2 AFY

PRIORITY DATE: 03/05/1956

POINT OF DIVERSION:
T13S R27E S8 NENENW 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	0.910 CFS 211.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CASSIA County
T13S R27E S08 NENW 35.8 T13S R27E S08 NWNW 17.0

52.8 ACRES TOTAL

USE OF WATER IN THE NWNW, S08, T13S, R27E IS LIMITED TO THE EAST 1/2 OF THE NWNW.

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.

EXPLANATORY MATERIAL: License

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.43-02439, & 43-02440.

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

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

In Re SRBA)
)
Case No. 39576)
)
)
)
_____)

A. Subcase 43-10810B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING
Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Grant A. Fehlman
Address: P.O. Box 101; Malta, ID. 83342
Name:
Address:;
Name:
Address:;
Name:
Address:;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

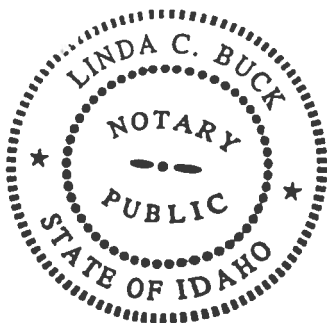
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002
Linda C. Buck



Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Grant A. Fehlman
Address: P.O. Box 101; Malta, ID. 83342

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

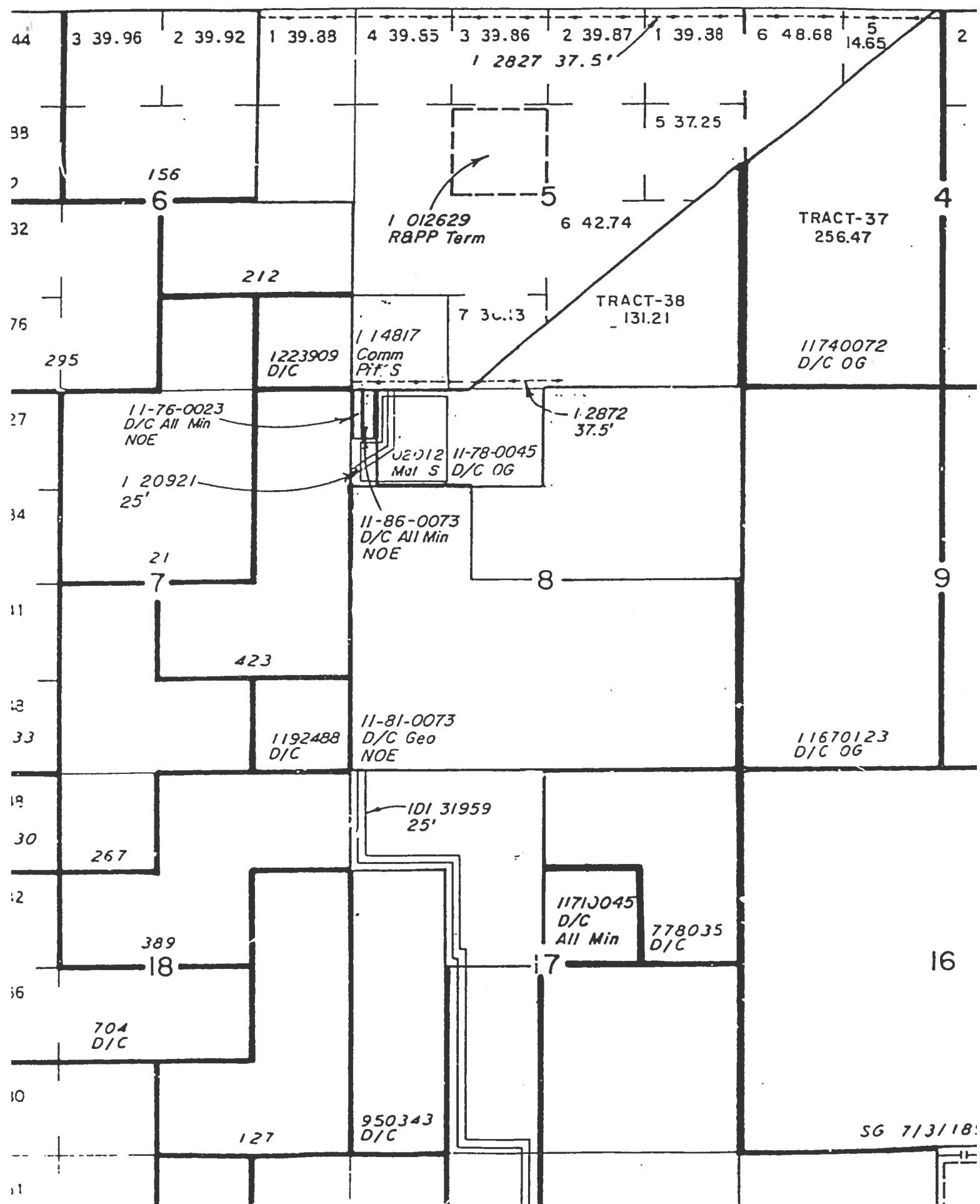
3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf



VERIFIED BY

8/12/01

01/02/2001

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

RIGHT NUMBER: 43-10810B

NAME AND ADDRESS: GRANT A FEHLMAN
~~SHERRY L FEHLMAN~~
PO BOX 101
MALTA, ID 83342

7/20/01 JF

SOURCE: GROUND WATER

QUANTITY: 0.91 CFS
211.2 AFY

PRIORITY DATE: 03/05/1956

POINT OF DIVERSION: T13S R27E S8 SENENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.91 CFS 211.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within CASSIA County				
T13S R27E S8	NENW	35.8	T13S R27E S8	NWNW 17

52.8 ACRES TOTAL

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

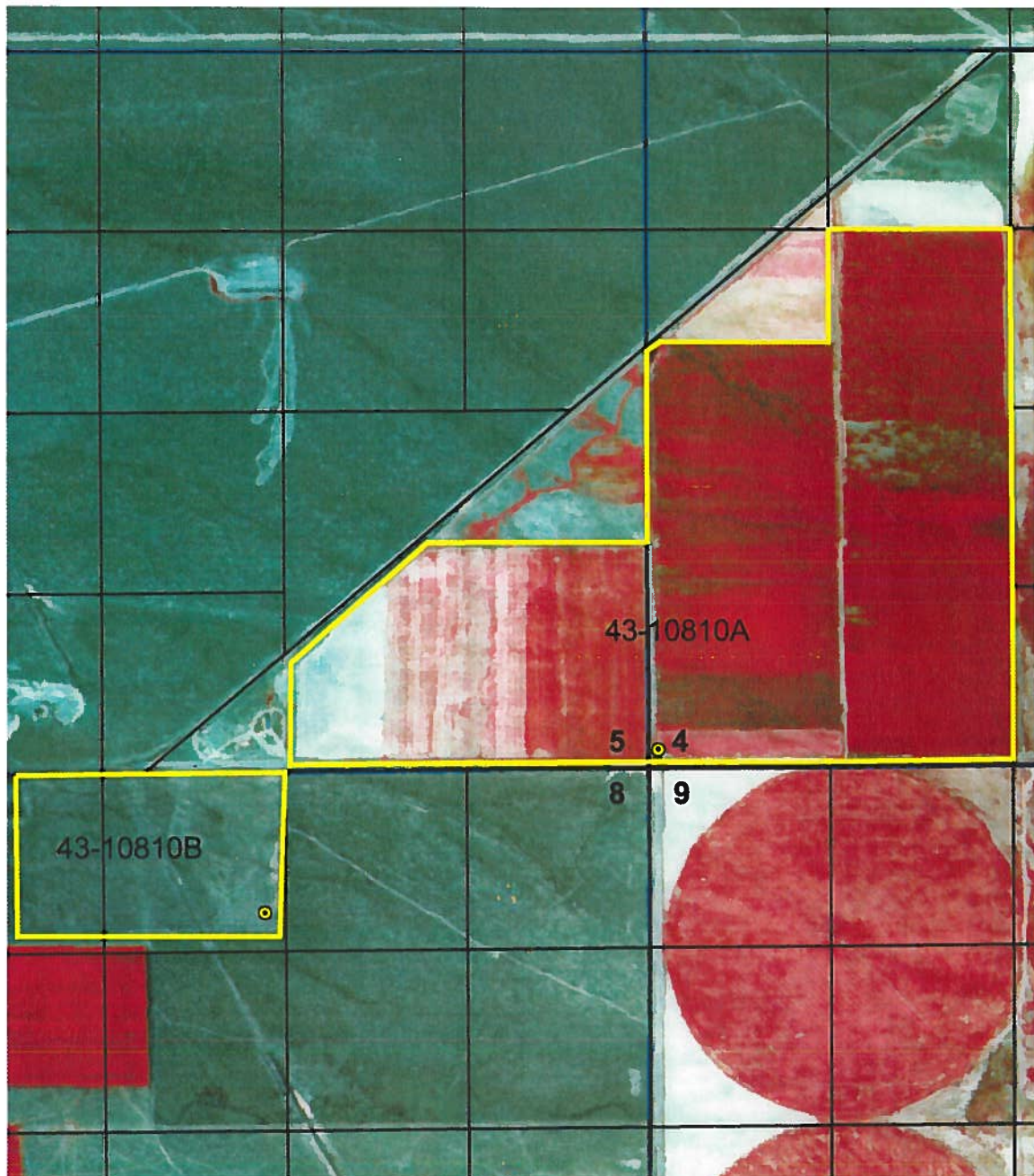
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.43-02439, & 43-02440.

Water Right 43-10810B

43-10810A & 43-10810B



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 2, 2001
TWP 13S, RNG 27E, SEC. 4, 5, & 8

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

AJ0749NP
No. R43-108108

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

DATE: 02/09/00
PAGE: 1

VERIFIED BY *[Signature]*
02/09/00

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GRANT A FEHLMAN	03/05/1956	IRRIGATION	04-01 10-31	0.910 CFS	211.20 AFA
C	SHERRY L FEHLMAN					
TOTAL DIVERSION:					0.910 CFS	211.20 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T13S R27E S08 SENEMW CASSIA County

Place of use Legal Description for: IRRIGATION

NE									
SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac
13S	27E	8	:						
			:	35		17			
TOTAL ACRES									52.8

POU County: CASSIA

Other Rights: NONE

Conditions of Approval:

- 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: USE

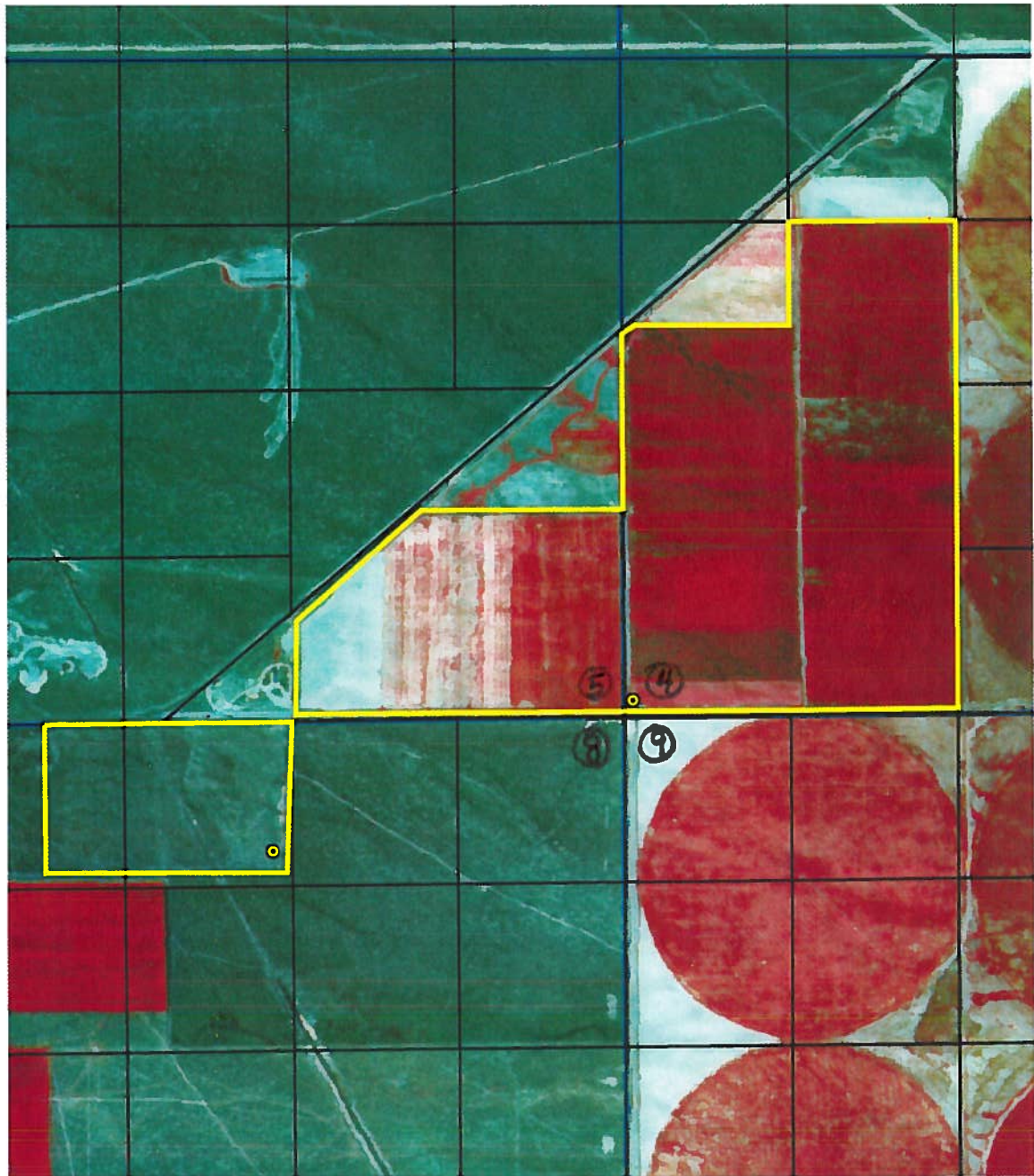
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

EXP THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS. 43-02439 AND 43-02440.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

43-10810A and 43-10810B



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 9, 2000
TWP 13S, RNG 27E, SECTIONS 4, 5, and 8



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

AJ0749NP
No. R43-108108

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

DATE: 02/09/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GRANT A FEHLMAN	03/05/1956	IRRIGATION	04-01 10-31	0.910 CFS	211.20 AFA
C	SHERRY L FEHLMAN					
TOTAL DIVERSION:					0.910 CFS	211.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T13S R27E S08

SENEW

CASSIA County

Place of use legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
13S 27E 8	: 35	: 17	:	:	: 52.8
TOTAL ACRES					52.8

POU County: CASSIA

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Condition Code C18
Use Remark SØ3
EXP - P15

CLAIM NUMBER 43-10810.1 DATE 2/9/00
AGENT [Signature]

TRANSFER NUMBER 5430
CLAIMED ACRE TOTAL 52
GIS ACRE TOTAL 52

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	135	27E	08					358	17										5
GIS	135	27E	08					358	17										5
RECOM	135	27E	08					358	17										5
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP
SHAPE NOS.
97 (52.8 Ac.)

B43-POD.SHP
NOS. DESCRIPTION
22

DBF TABLES UPDATED
B43-DBPOU.DBF ☒
B43-DBPOD.DBF ☒
JPEG LAYOUT ☒

01/02/01 16:45:05
Page 1

Old (D) Number - 26230

Phone - 208-000-0000

+ - - Other Rights for Same Use -

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/02/01 16:45:09
Page 2

Water right number - 43-02439A

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

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

+ - - - - Comments - - - - -
Date: 01/10/2000 User Id: PSKAGGS Subject: TRANSFER 5432
Transfer 5432 changes the place of use under a portion of Rights 43-02439 & 43-02440, splitting each right into Parts A & B.

+ - - Audit Fields - 03/26/99 MBALDWIN 01/10/00 PSKAGGS

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

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 03/12/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - S021793	Water District -
Licensed Date - 06/28/1979	Appl Received - 00/00/0000	Transfer/Amended - I
Presumption Flag -	Name Connector -	POU Ownership Flag- Y
SRBA Decreed Flag -		

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/02/01 16:45:40
Page 1

Water Right Number - 43-02440A

Prefix Translation: WATER RIGHT

Old (D) Number - 26231

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

*** C - CURRENT OWNER ***

FEHLMAN

SHERRY LYNNE

1 -

2 -

3 -

City- MALTA

State- ID Zip- 83342

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

WARD

VAUDIS J

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - -

03/05/1956

17 SOUTHERN

L - LICENSE

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

GROUNDWATER

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

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No
-----	-----	-----	-------	-----	------	--------	----------------	----------------	--------------

13S	27E	4	SW SW			(31) CASSIA			
-----	-----	---	-------	--	--	-------------	--	--	--

+ - - - - Water Use - - - - -

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	----------------	------------------

01 - IRRIGATION		04/01	10/31	2.030	470.80
-----------------	--	-------	-------	-------	--------

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

2.030

470.80

0.0

+ - - - - Place of Use - - - - -

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
-----	-----	-----	-------	-----	-------	------	-------------	--------

13S	27E	5	SE SW		22.0	01	IRRIGATION	(31) CASSIA
-----	-----	---	-------	--	------	----	------------	-------------

13S	27E	5	NE SE		11.7	01	IRRIGATION	(31) CASSIA
-----	-----	---	-------	--	------	----	------------	-------------

13S	27E	5	NW SE		4.0	01	IRRIGATION	(31) CASSIA
-----	-----	---	-------	--	-----	----	------------	-------------

13S	27E	5	SW SE		40.0	01	IRRIGATION	(31) CASSIA
-----	-----	---	-------	--	------	----	------------	-------------

13S	27E	5	SE SE		40.0	01	IRRIGATION	(31) CASSIA
-----	-----	---	-------	--	------	----	------------	-------------

Total Acres: 117.7

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/02/01 16:45:40
Page 2

Water right number - 43-02440A

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

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

+ - - - - Comments - - - - -
Date: 01/10/2000 User Id: PSKAGGS Subject: TRANSFER 5432
Transfer 5432 changes the place of use under a portion of Rights 43-02439 & 43-02440, splitting each right into Parts A & B.

+ - - Audit Fields - 03/26/99 MBALDWIN 01/10/00 PSKAGGS

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- S021793	Water District	-
Licensed Date	- 06/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	- I
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5432
WATER RIGHT NO(S). 43-02439B/43-02440B

RECEIVED
JAN 20 2003
Department of Water Resources
Southern Region

This is to certify that: GRANT A FEHLMAN
PO BOX 101
MALTA ID 83342

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. 43-02439B :			
IRRIGATION	04/01 to 10/31	0.44 CFS	102.0 AF
Priority: 03/05/1956			
Right No. 43-02440B :			
IRRIGATION	04/01 to 10/31	0.47 CFS	109.2 AF
Priority: 03/05/1956			
	TOTAL:	0.91 CFS	211.2 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 8, Township 13S, Range 27E
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>
13S	27E	8	NENW 35.8	NWNW 17.0		52.8
Total number of acres irrigated:						* 52.8

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

TRANSFER NO. 5432
WATER RIGHT NO(S). 43-02439B/43-02440B

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- * 8. Right 43-02439B is limited to the irrigation of 25.5 acres within the place of use described above in a single irrigation season.
- * 9. Right 43-02440B is limited to the irrigation of 27.3 acres within the place of use described above in a single irrigation season.

Dated this 12th day of

January, 2000


Chief, Water Allocation Bureau

MEMORANDUM

TO: Rights 43-02439 & 43-02440

FROM: Pam Skaggs^{OS}/State Office

SUBJECT: Transfer 5432

DATE: January 11, 2000

Transfer 5432 changes the point of diversion and place of use under a portion of Rights 43-02439 and 43-02440, splitting each right into Parts A & B. The applicant wants to irrigate a parcel of land adjacent to the existing irrigated property that currently has no water rights from a new well.

Recommended conditions include extended season limits, permissible place of use limits, drilling permit requirements, future measuring & annual reporting, irrigation overlap and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant GRANT A. FELLMAN Phone (208) 645-2241
 Post Office address PO BOX 101, MALTA, ID. 83342

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I WANT TO IRRIGATE THE LAND I OWN IN SECTION 8 THAT DOES NOT HAVE WATER RIGHTS ON IT.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
 * 43-02439-B 03-05-1956 0.438 cfs IRRIGATION 4/1 to 10/31
 * 43-02440-B 03-05-1956 0.471 " " " " to "
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 0.909 cubic feet per second and/or 211.2 acre-feet per annum

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
				08	13S	27E	CASSIA	NEW WELL

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	27E	08					35.8	17											52.8

* Combined A43-10810

Total acres 52.8

43-02439B T # 5432

2 of 9

Transfer No. 5432

PART 1

General Information:

a. Description of diversion system 250HP pump w/ booster diverts to
handlines

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The 53 acres[±] will not be irrigated and there for
can be moved to new p/u

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

And said application is hereby _____, subject to the following limitations and conditions: -

Witness my hand this _____ day of _____, 19 _____.

3 of 9

PART 2

TRANS. 5432

DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02439

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.47 CFS	1040.0 AF

SOURCE

GROUNDWATER

Priority: 03/05/1956

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 4, Township 13S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
13S 27E 4	* NENW	30		SWNW	30	SENW	40
	NESW	40		NWSW	40	SWSW	40
	SESW	40					260
							260

Total number of acres irrigated: 260

CONDITIONS/REMARKS:

* CORRECT ON PART 2 B.
* RECOGNIZE 1.0 ACRE IRRIGATION IN NWNW 1/4 SEC 4

7 of 9

PART 2

Transfer No. 5432

to your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.438 cfs for IRRIGATION purposes from 4/1 to 10/31
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	4	13S	27E	CASSIA	EXISTING WELL GPS A0007851

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	27E	4					9	1	15.5										25.5

Total acres 25.5

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

1. amount 4.032 for IRRIGATION purposes from 4/1 to 10/31
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	4	13S	27E	CASSIA	EXISTING WELL GPS A0007851

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	27E	4					20	14.5	40	40	40	40	40						234.5

Total acres 234.5

5 of 9

PART 2

TRANS NO. 5432

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02440

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.50 CFS	580.0 AF

SOURCE

GROUNDWATER

Priority: 03/05/1956

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 4, Township 13S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S 27E 5	SENE 1	SESW 22	NESE 38	
	NWSE 4	SWSE 40	SESE 40	145
		Total number of acres irrigated:		145

CONDITIONS/REMARKS:

NO If yes, describe

ON OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

2. Point(s) of Diversion:

3. Lands irrigated or place of use:

Total acres 27.3

C. DESCRIPTION OF CFS

1. amount 2.029 cfs for IRRIGATION purposes from 7/1 to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
_____ for diversion

- [illegible]

[illegible]

Total acres 117.7

Page _____ of _____

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A43-10810

STAGE: LICENSE

BENEFICIAL USE

PERIOD OF USE

DIVERSION RATE

IRRIGATION

04/01 to 10/31

6.97 CFS

SOURCE

GROUNDWATER

Priority: 03/05/1956

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 4, Township 13S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

13S 27E 4

NENW 30

SWNW 30

SENW 40

NESW 40

NWSW 40

SWSW 40

260

SESW 40

SESW 22

NESE 38

5

SENE 1

SWSE 40

SESE 40

145

NWSE 4

Total number of acres irrigated:

405

CONDITIONS/REMARKS:

1. REPRESENTS CLAIM 43-02439 (4.47 CFS) & 43-02440 (2.5 CFS),
SAME WELL, SAME PRIORITY.

43-02439 4.47cfs 260ac 1040 div. vol.

43-02440 2.5cfs 145ac 580 div. vol.

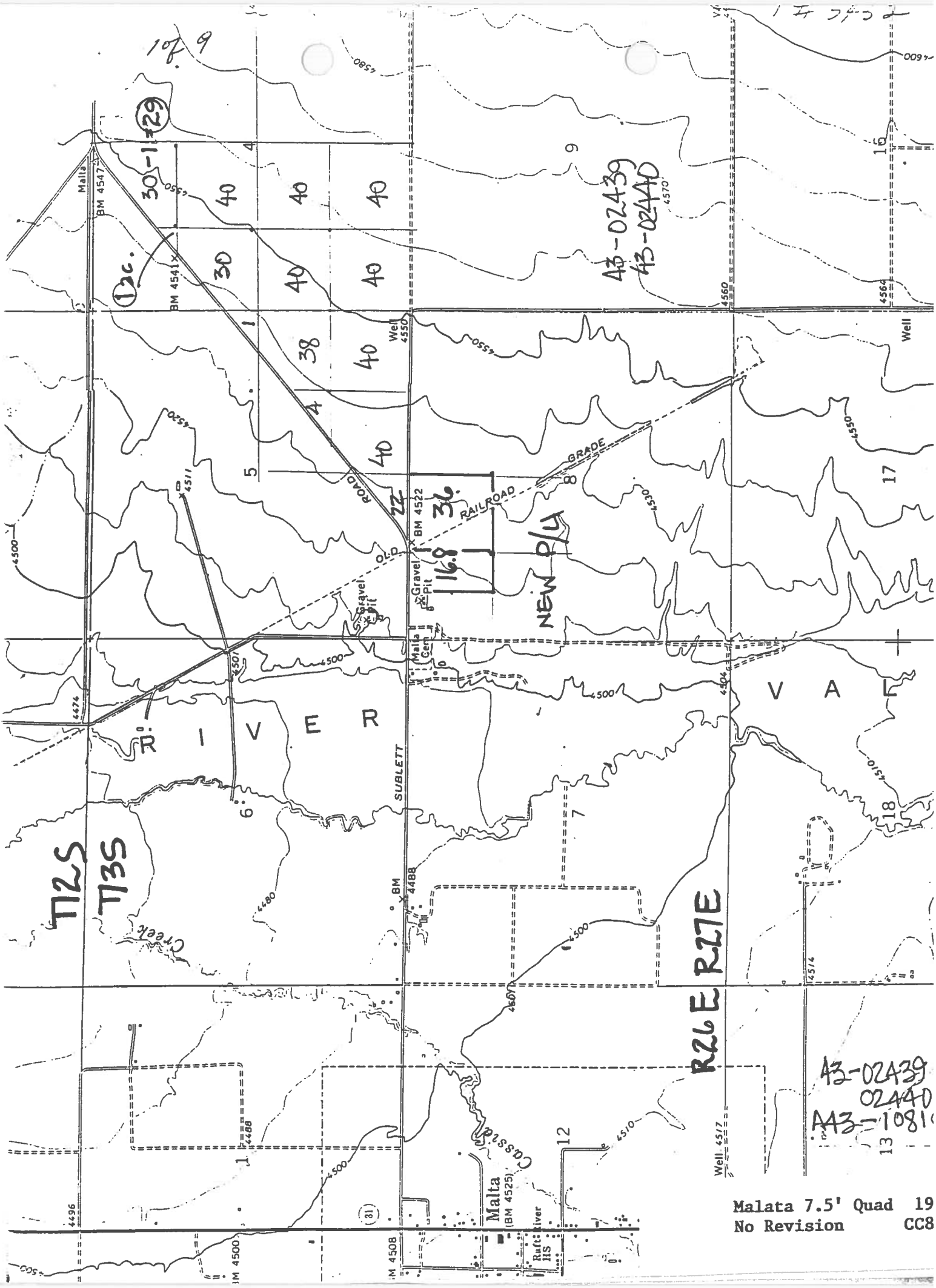
A43-10810 6.97cfs 405ac 1620

0.017 cfs/acre

$$\frac{52.8}{405} = 13.2$$

$$109 \cdot \frac{1.47}{260} = 0.471$$

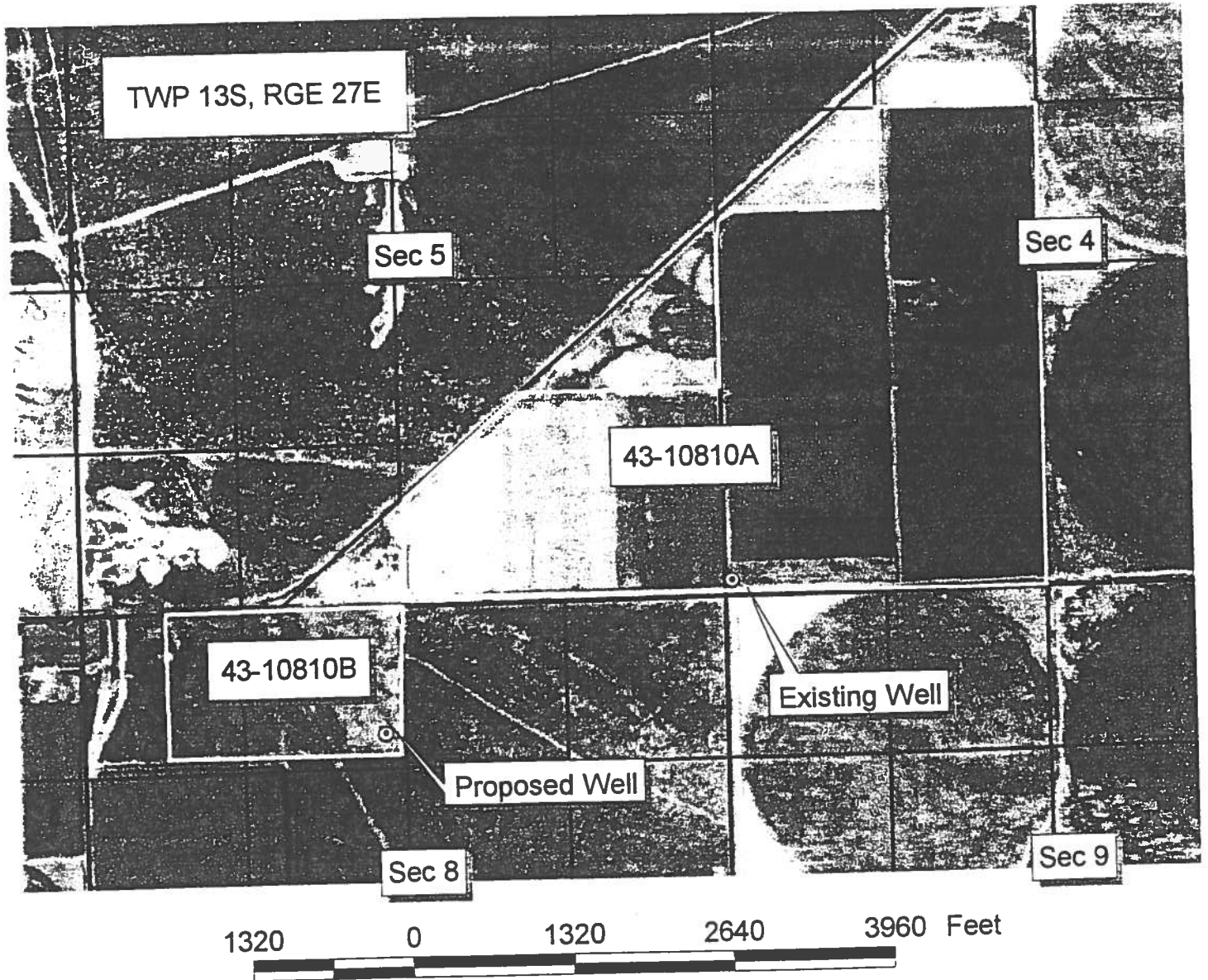
$$209 \cdot \frac{2.5}{145} = 27.3$$



Malata 7.5' Quad 19
No Revision CC8

IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER NO: 5432



- Place of Use
Wells
Section Lines
Tract Lines



Created 4/7/99
By: GLS

PART 3

CHANGES IN NATURE OF USE

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

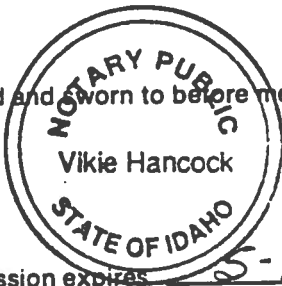
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this _____



Grant H. Sullivan
(Signature of Applicant)

23rd

day of

February

, 19 99

Vikie Hancock
(Notary Public)

My commission expires 5-7-2003

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 4 attachments

Received by GLS Date 23 Feb 99

Protest filed by _____

Prelim. check by " Fee \$100 S021793

Receipted by " Date 23 Feb 99

Published in Id. Sp. Press

Copies of protest forwarded by _____

Pub. dates 4/5 & 4/12/99

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED
FEB 23 1999
Department of Water Resources
Southern Region

FROM: Allen Merritt *AM*

DATE: August 2, 1999

TO: Transfer File No. 5432
Water Right(s): 43-02439 Part
43-02440 Part

In the Name of: Grant Fehlman

SUBJECT: Review and Recommendation

This transfer proposes to split off 52.8 acres and move the rights to a new location where a well is desired to be drilled for irrigation of these new lands. The subject licenses are claimed in the SRBA as A43-10810 which combines both licenses. SRBA staff has reviewed the transfer and rights and approves said changes. There does not appear to be forfeiture issues.

The transfer was advertised without protest.

RECOMMENDATION

I recommend the transfer be approved subject to the following conditions:

- The new well to be drilled must comply with the requirement to obtain a drilling permit.
- The rights are subject to SRBA review.
- Lands identified to be dried up on approval of this transfer must be dried up; to irrigate further without a water right is subject to NOV and civil penalties.

MEMO TO FILE: Transfer: #5432 Grant Fehlman

WR: 43-02439 & 43-02440

AJ: A43-10810

EMPLOYEE: Jeanie Robertson, Adjudication

DATE: July 31, 1999

I recommend approval of this transfer with the conditions proposed by Georgia Satterlee. I worked with Georgia in the initial filing process of the transfer and created the GIS shape-file for determining irrigated acres. In reviewing the finished product, it appears to be accurate and I would recommend the SRBA claim accordingly, if the transfer is approved.

MEMO TO FILE

FROM: Georgia Satterlee
DATE: 03 March 1999
RE: Transfer per 43-02439,-02440

The application for transfer is filed in the name of Mr. Grant Fehlman. He would like to dry up acres on his existing farm (a portion of land in the NW $\frac{1}{4}$ of Section 4, T13S, R27E and a portion in the E $\frac{1}{2}$ of Section 5, T13S, R27E). The proposed place of use is situated in the NW $\frac{1}{4}$ of Section 8, T13S, R27E. There was a claim for irrigation in Section 8, R43-11112, but in 1994 Mr. Fehlman indicated he did not want to pursue the claim.

The new place of use is approximately 54 acres with 52.8 acres proposed to irrigate. They are planning on building a new home with outbuildings plus a driveway. These developed areas are excepted out of the irrigated acreage. Mr. Fehlman is aware of the need for approval of the application for transfer before the irrigation well can be drilled.

He would like to begin building his home soon. It was suggested to drill a domestic well, without a water right permit. The irrigation well would be separate.

When filing an adjudication claim, the two licensed rights were combined into claim A43-10810. In order to appropriate the rate/irrigation proportionally, I looked at each licensed right separately.

43-02439	4.47 cfs	260 acres	1040 diversion volume
43-02440	2.5 cfs	145 acres	580 diversion volume
A43-10810	6.97 cfs	405 acres	<u>0.017 cfs/acre</u>

The licensed acres to be moved from 43-02439 is 25.5 acres.

<u>4.47 cfs</u>	<u>0.438 cfs</u>
260 ac	25.5 ac

The licensed acres to be moved from 43-02440 is 27.3 acres.

<u>2.5 cfs</u>	<u>0.471 cfs</u>
145 ac	27.3 ac

Total=52.8 acres with 0.909 cfs = 0.017 cfs/acre

The recommended conditions:

-The proposed point(s) of diversion will be located in the NENW $\frac{1}{4}$ Section 8, T13S, R27E.

-The acres unauthorized for irrigation are as follows:

9 acres in the NENW $\frac{1}{4}$, 1 acre in the NWNW $\frac{1}{4}$,
15.5 acres in SWNW $\frac{1}{4}$ all in Section 4, T13S, R27E,
for a total of 25.5 acres.

1 acre in the SENE $\frac{1}{4}$, 25.3 acres in the NESE $\frac{1}{4}$, &

1 acre in NWSE $\frac{1}{4}$ all in Section 5, T13S, R27E,
for a total of 27.3 acres.

-Approval of this transfer does not preclude the opportunity for review in the ongoing SRBA

Fehlman Transfer
03 March 1999
Page 2/2

The recommendation with the conditions:

- The proposed point(s) of diversion will be located in the NENW $\frac{1}{4}$ Section 8, T13S, R27E.
- The acres unauthorized for irrigation are as follows:
 - 9 acres in the NENW $\frac{1}{4}$, 1 acre in the NWNW $\frac{1}{4}$,
15.5 acres in SWNW $\frac{1}{4}$; all in Section 4, T13S, R27E,
for a total of 25.5 acres.
 - 1 acre in the SENE $\frac{1}{4}$, 25.3 acres in the NESE $\frac{1}{4}$,
1 acre in NWSE $\frac{1}{4}$; all in Section 5, T13S, R27E,
for a total of 27.3 acres.
- Approval of this transfer does not preclude the opportunity for review in the ongoing SRBA

Dept. of Water Resources
Statehouse
Boise, ID
83270

10-10-00

RE: Water Transfer #5432

Dear Sirs;

This transfer was approved in January of this year, with one year allotted to complete the proposed project. I had planned to drill a new well and irrigate a parcel of dry land that I own, but poor crop prices this year have not provided sufficient funds for this project. I would like to request a one-year extension on this transfer, as I feel that this will allow me to complete the planned work.

Thank You,

Grant Fehlman

Grant Fehlman
PO Box 101
Malta, ID
83342

RECEIVED

OCT 10 2000

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:01:59
02/10/00
37

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A43-10810B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GRANT A FEHLMAN	03/05/1956	IRRIGATION	04-01 10-31	0.910 CFS	211.20 AFA
C	SHERRY L FEHLMAN					
TOTAL DIVERSION:					0.910 CFS	211.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T13S R27E S08

NENW

CASSIA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
				13S				27E				8								
				:				35				17				:				52.8
																			TOTAL ACRES	52.8

POU County: CASSIA

Other Rights: NONE

Remarks: GEN REPRESENTS CLAIM 43-02439 (4.47 CFS) & 43-02440 (2.5 CFS),
SAME WELL, SAME PRIORITY.

THIS CLAIM IS A PORTION OF A43-10810, WHICH WAS SPLIT PURSUANT TO
APPROVED TRANSFER #5432. 2/9/00 jr

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:00:13
02/10/00

PAGE: 17
QUICKLOOK INFORMATION

36
CLAIM NUMBER: A43-108108

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE