

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: A43-00148
Date Received: 2/28/1989
Receipt No: S006400
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. BRUCE DURFEE 208-824-5566
Address: P.O. BOX 187
ALMO, ID 83312
OR
Name: ELBERT L. DURFEE 208-824-5566
Address: P.O. BOX 187
ALMO, ID 83312
OR
Name: KENT DURFEE 208-824-5536
Address: P.O. BOX 175
ALMO, ID 83312

2. Date of Priority: APR 30, 1882

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	24E	14	NW	NE	SE		CASSIA
			NE	SE	SE		CASSIA

5. Description of diverting works:
CONCRETE DIVERSION AND EARTH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	06/15	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00148

Page 1

Date: 02/28/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	24E	12	NE	SW		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:
SEE REMARKS.

14. Remarks:

OTHER WR:

A43-00337, A43-02058, A43-02214, A43-02051 (RAFT RIVER)
A43-10014, A43-02560, A43-02552, A43-04018 (GROUNDWATER)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

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): Kent R Dumper Date: 2/28/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of February 19 89

Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. STEED HEARING

A43-00148

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.

FROM: Allen Merritt

DATE: August 19, 1997

TO: STEED ILLEGAL DIVERSION FILE

SUBJECT: VISIT BY STEED

ON 8/18 MR. STEED VISITED THE OFFICE AND WE DISCUSSED THE RECENT LETTER SENT REGARDING APPARENT ACRES IRRIGATED WITHOUT A WATER RIGHT. MR. STEED INDICATED THAT SOME OF THE ACRES MAY HAVE HISTORICALLY BEEN IRRIGATED BEFORE 1987 AND WOULD QUALIFY AS EXPANSION ACRES. WE ALSO DISCUSSED THE POSSIBILITY OF FILING A TRANSFER TO MOVE WATER FROM LESS DESIRABLE LAND TO MORE PRODUCTIVE ACRES. WE ALSO DISCUSSED HIS USE OF BLM LAND WHICH HE INDICATED WAS IN SOME AGREEMENT WHICH HE PROVIDED ACCESS TO REED SPRINGS FOR CATTLE GRAZING ON BLM IN EXCHANGE FOR IRRIGATION OR TRESPASS ON BLM. I TOLD HIM THE MATTER OF TRESPASS WAS NOT OUR CONCERN, OURS WAS THAT THE LAND IRRIGATED NEEDED TO BE COVERED BY A WATER RIGHT SO IT WAS UP TO HIM OR BLM TO MAKE APPROPRIATE FILINGS. (IT APPEARS THAT THESE LANDS MAY QUALIFY FOR EXPANSION ACRES SINCE IRRIGATED FOR LONG TIME.)

AS FOR THIS YEAR HE INDICATED THAT NO MORE IRRIGATION OF THE SUBJECT LANDS WOULD OCCUR. I TOLD HIM THAT BEFORE THESE LANDS ARE IRRIGATED AGAIN THAT THE WATER RIGHTS ISSUES WILL NEED TO BE DEALT WITH.

I PROVIDED MR. STEED WITH COPIES OF THE WATER RIGHTS ON THE RANCH AS WELL AS COPIES OF MAPS/PHOTOS. I WAS MY UNDERSTANDING HE WAS GOING TO GET AN ACCURATE MEASUREMENT OF THE ACRES AND DETERMINE WHAT TO DO AND WILL BE BACK IN TOUCH.

A43-02001
A43-07086
A43-07087

SURFEE, BRUCE (see record exhibit)

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.

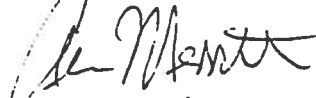
-&/or obtain a valid permit or water right for your for irrigation of these lands.

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", is written over the typed name.

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton, Norm Young - IDWR State Office

FROM: Allen Merritt

DATE: August 13, 1997

TO: Steed/Reed Springs/WD 43-B

SUBJECT: Meeting

On July 23, 1997 I met Gary Steed & Dave Sundberg at Steed's pond. The purpose of the meeting was to discuss the replacement of water back into Reed Springs as per condition of license 43-07086. Mr. Sundberg had requested some assistance or guidance in this matter.

At the time of the meeting there was very little water flowing in Upper Raft River above Reed Spring. We observed that some water was flowing in Reed Spring through the pond into Raft River. Mr. Steed was not discharging water from well into spring but some water may have been flowing from a small domestic well. We also observed that Durfee was discharging water from his well system into Upper Raft River. We proceeded downstream to where Raft River crossed major East West County Road and found that Raft River was dry. We also went further down Raft River where Almo Creek enters and above the confluence Raft River was dry but Almo Creek was providing water to Raft River and the river was flowing and filling rights below according to Sundberg. Pictures were taken.

As a result of the meeting Mr. Steed agreed to modify his discharge control works so that the watermaster can control said discharge. He also agreed to improve the measuring device below the pond per watermaster requirements. The watermaster (Sundberg) agreed that pumping water to spring was not then required since Raft River dry and he also would contact Durfee to cease replacement. It was agreed that the watermaster was the one to make the call when replacement was necessary.

While at the road crossing Mr. Ward stopped and talked to Steed and I about related issues of Reed Spring and protest of pond application. During the discussion Steed and Ward did not resolve anything so Steed requested that I schedule a hearing. Both Steed and Ward provided me some dates and I have scheduled said hearing for the 9/10/97. During the discussion we talked about expansion of acres and affects on springs which seems to be an issue. I told them that if someone provided me with a written complaint describing what lands are being illegally watered that we would investigate. If I found lands without water rights then I would initiate a NOV if irrigation continued. I recommended that Mr. Steed review his water filings and see if he was within his rights.

A few days after returning to my office Terry Blau received a call from Erickson regarding Steed watering lands he purchased from Erickson without a water right. I have investigated and found potentially lands without rights so I have sent out the first letter. (See letter to Steed/Durfee/BLM dated 8/13/97).

43-07086

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

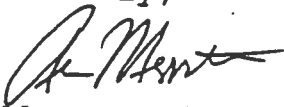
-The Raft River is at extreme low flow or dried up
(futile call),

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

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Kelly K Christensen

DATE

September 26, 1996 11:15am

CUSTOMER

DURFEE

(Bruce) per clipboard

SUBJECT: REVIEW OF CLAIMES FILED BY ELBERT L DURFEE
phone call (.) walk-in (X)

I did an AJQ1 search and found A43-02051, A43-02560, A43-04116, A43-10012 A43-10013, A43-10014, A43-10018, A43-00148, A43-00337, A43-02058, A43-02200, A43-02214, and A43-02552. I printed profile reports for the above listed rights. He indicated that there may be a spring use not claimed. I gave him an extension of time form and discussed the filing requirements for late claims. We also discussed evidence of priority. I also gave him claim forms and instructions.

He indicated that he is having problems with a neighbor concerning diversion and water use from Stynes Creek. I did an AJQ6 and found A43-02586 claimed by Harmash. The right is for use outside of the normal irrigation season. We discussed the right as it relates to his problem. Basically it sounds as though Harmash is using that right as the basis for irrigation which is incorrect. We discussed access to the ditches on the Harmash property and I indicated that that is primarily a civil matter.

The AJQ6 search also turned up the beneficial use right A43-10013 which was filed by his father. We discussed evidence of priority for this right also. I did not pull the files. I did note and then introduce the Durfees to Frank as he has been assigned the review of the claims in that area.

CC: HARMASH claim A43-02586.

DURFEE, E. BRUCE
 DURFEE, E. BRUCE
 DURFEE, E. BRUCE
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 DURFEE, E. BRUCE
 DURFEE, E. BRUCE

ELBERT L.
 KENT

✓ A43-00148 D/ 04/30/1882 RAFT RIVER
 ✓ A43-00337 D/ 04/30/1882 RAFT RIVER
 ✓ A43-02051 L/ 09/23/1909 RAFT RIVER
 ✓ A43-02058 L/ 07/29/1911 RAFT RIVER
 ✓ A43-02200 L/ 11/08/1915 CIRCLE CREEK
 ✓ A43-02214 L/ 03/28/1917 RAFT RIVER
 ✓ A43-02552 L/ 09/19/1962 GROUNDWATER
 ✓ A43-02560 L/ 01/04/1963 GROUNDWATER
 ✓ A43-04116 S/ 09/01/1942 SPRING
 ✓ A43-10013 J/ 04/01/1951 STYNES CREEK
 ✓ A43-10014 J/ 03/15/1976 GROUNDWATER

SNAKE RIVER
 SNAKE RIVER
 SNAKE RIVER
 SNAKE RIVER
 RAFT RIVER
 SNAKE RIVER

SINKS
 ALMO CREEK

DURFEE, KENT
 DURFEE, KENT & JANIS

A43-07140 P/ 07-27-1979 GROUNDWATER
 A43-04018 S/ 04-01-1942 GROUNDWATER from the 04-27-91

✓ ~~00112~~ 1 A43-10012 STR/DAM BU GN 05-20-1879
~~00118~~ 2 A43-10018 STR BU unnamed stream 05-01-1951



06/14/2001

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-13043

E BRUCE DURFEE

PO BOX 187

ALMO ID 83312

Telephone Number: (208)824-5566

RECEIVED

JUL 24 2001

Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 7-7-01 SIGNATURE: E Bruce Durfee

Please print your name: E Bruce Durfee

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

06/14/2001

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

RIGHT NUMBER: 43-13043

NAME AND ADDRESS: E BRUCE DURFEE
PO BOX 187
ALMO, ID 83312

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.4 CFS

PRIORITY DATE: 04/30/1882

POINT OF DIVERSION: T16S R24E S14 NWNESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 06-15	0.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T16S R24E S12	NESW	15	T16S R24E S12 NWSW 4.2
T16S R24E S12	NESE	40	T16S R24E S12 NWSE 40
T16S R24E S12	SWSE	40	T16S R24E S12 SESE 40

179.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 349 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-337, 43-2200, 43-
13043, 43-13045, 43-13047, 43-13049, 43-13051, 43-13053.

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.

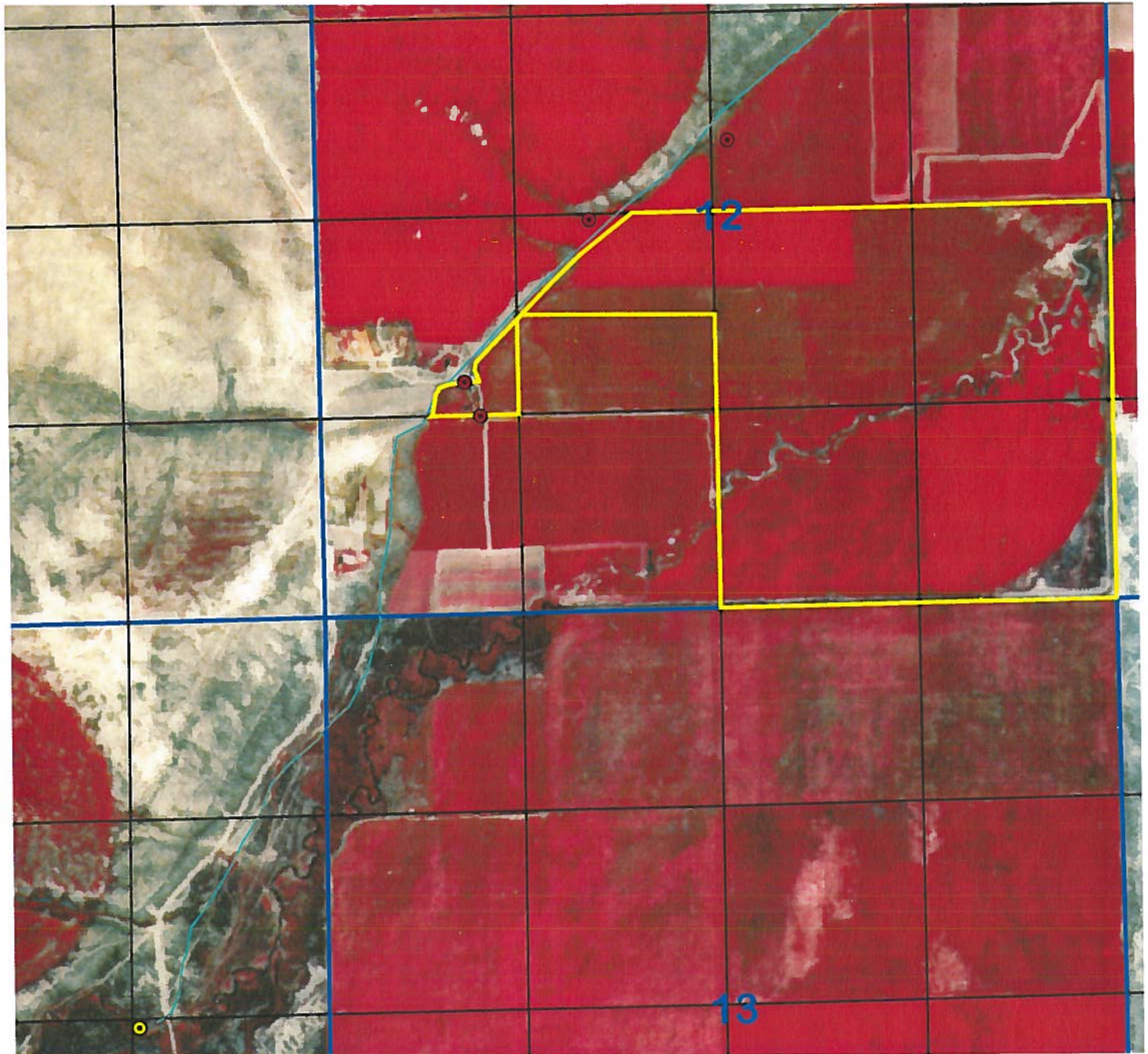
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

RIGHTS: 43-337, 43-13043, 43-13045

SOURCE: RAFT RIVER

RECOMMENDED PLACE OF USE
TWP 16S, RNG 24E,
Data entry on June 11, 2001



0 1320 2640 3960 5280 Feet

○ RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

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

02/01/2001

RIGHT NUMBER: 43-148
NAME AND ADDRESS: KENT DURFEE
PO BOX 175
ALMO, ID 83312
E BRUCE DURFEE
PO BOX 187
ALMO, ID 83312

13043 Bruce Durfee
13044 Kent Durfee

Split 50/50
Kent & Bruce

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.80 CFS
43-148, 43-337, 43-2051, 43-2058,
43-1018, 43-10014 SHALL

PRI

PO

PU
PF

Split Recom Only

43-13043 B
43-13044 K

Within CASSIA County

IOD OF USE QUANTITY
01 06-15 0.80 CFS

T16S R24E S12	NWSW	4.6
T16S R24E S12	SESW	40
T16S R24E S12	NWSE	40
T16S R24E S12	SESE	40

B-179
K-8

TOTAL

IGATION OF 40 ACRES WITHIN
A SINGLE IRRIGATION

IS LIMITED TO THE
432 ACRES IN A SINGLE
NOS.: 43-148, 43-337, 43-
3-2552, 43-2560, 43-4018,

ION OF THIS WATER RIGHT:

BJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE
THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS
THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY
ION 42-1412(6), IDAHO CODE.

CHANGE IN PLACE OF USE PURSUANT

Split By
advisory

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

RECEIVED**JUN 19 2001**

Department of Water Resource
Southern Region

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
	43-387			43-2560	-
	43-2200			43-4018	-
	43-148	-		43-10014	-
	43-2081	-			
	43-2552	-			

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)

Bruce & Keat Durfee

4. New Owner/Claimant(s)

Bruce Durfee

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO Box 187

City, State and ZIP Code

Almo, ID 83812

New Telephone Number

() _____

5. Date you acquired the property

APPROX 1990

0041

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.

ALL OF 43-337 & 43-2200 plus

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
A PORTION OF Water Right and/or Adjudication Claim Number <i>43-148 - 2051, 2552, - 3860</i>		
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		<i>Per meeting with V Hancock</i>
Domestic		<i>6-8-2001</i>
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		

X 7. Signature of New Owner(s) or Claimant(s) *E Bruce Dwyer*
(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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

JUN 19 2001

Department of Water Resources
Southern Region

CONTRACT OF SALE OF REAL ESTATE
AND PERSONAL PROPERTY

THIS AGREEMENT, made and entered into this 19th day
of March, 1975, between ELBERT L. DURFEE, also known
and ELBERT DURFEE, and GRACE A. DURFEE, husband and wife, of
Almo, Idaho, herein called the "Seller", and E. BRUCE DURFEE
and KAY H. DURFEE, husband and wife, of Almo, Idaho, herein called
the "Buyer".

W I T N E S S E T H:

In consideration of the mutual covenants, conditions,
and agreements herein contained, the parties mutually agree as
follows:

1. SALE: The Seller agrees to sell and convey to the
Buyer and the Buyer agrees to buy the following described real
estate in the County of Cassia, State of Idaho, to-wit:

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

Section 10: E $\frac{1}{2}$ E $\frac{1}{2}$
Section 12: S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$
Section 14: E $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 15: NW $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 22: SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 2: Lot 2

together with all and singular the tenements, hereditaments,
and appurtenances thereunto belonging and all water rights appurten-
ant, and the following personal property:

Miscellaneous farm machinery
75 head of cattle branded Y Right hip

and an undivided two - thirds (2/3) interest in and to certain
pump and water rights in Township 16 South, Range 24 East Boise
Meridian, which undivided interest is with Kent Durfee.

2. PURCHASE PRICE: The Buyer agrees to pay to the
Seller for the real estate and personal property the sum of
Eighty Thousand Dollars (\$80,000.00), in lawful money of the
United States of America, in the manner following:

1 2. SECURITY INTEREST. The Seller does not reserve
2 a security interest in the personal property and title is passing
3 upon the execution of this agreement, however, the Buyer agrees,
4 as elsewhere provided in the contract, to maintain the premises
5 and to maintain the same as principally a cattle operation.
6 Other material change in use of the premises shall be with the
7 consent of the Seller.

Albert L Duffee
 Grace A. Duffee
 E. Bruce Duffee
 Kay H Duffee

On this 19th day of March, 1975, before me, the undersigned, a Notary Public in and for said State, personally appeared ELBERT L. DURFEE and GRACE A. DURFEE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

William A. Parsons
Notary Public for Idaho
Residing at Burley, Idaho

25 On this 22d day of March, 1975, before me,
26 the undersigned, a Notary Public in and for said State, personally
appeared E. BRUCE DURFEE and KAY H. DURFEE, husband and wife,
27 known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed
28 the same.

William A. Karsus
Notary Public for Idaho
Residing at Burley, Idaho

236449

QUITCLAIM DEED

THIS INDENTURE, made this 12 day of April, 1990,
between KENT R. DURFEE and JANIS C. DURFEE, husband and wife of
Almo, Idaho 83312, herein called the "Grantor", and E. BRUCE
DURFEE and KAY H. DURFEE, husband and wife, of Almo, Idaho,
83312, herein called the "Grantee".

W I T N E S S E T H:

The said Grantor, for and in consideration of the sum
of Ten Dollars (\$10.00), lawful money of the United States of
America, and other valuable consideration to Grantor in hand
paid by the Grantee, the receipt whereof is hereby acknowledged,
does by these presents remise, release and forever quitclaim
unto the Grantee and to the heirs and assigns of the Grantee,
all of the interest of the Grantor in that certain lot, piece or
parcel of land situated, lying and being in the County of
Cassia, State of Idaho, bounded and particularly described as
follows, to-wit:

TOWNSHIP 15 SOUTH, RANGE 24 EAST, BOISE
MERIDIAN

Section 15: N $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 16: NE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

TOWNSHIP 16 SOUTH, RANGE 24 EAST, BOISE MERIDIAN

Section 12: S $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 21: E $\frac{1}{2}$.

Appurtenant water rights in Raft River and four
shares of Almo Water Company stock, together with
a well and pump in the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 23, Township
16 South, Range 24 East, Boise Meridian and pressure

pumps located in SW $\frac{1}{4}$, Section 12, Township
16, Range 24 E.B.M.

TOGETHER with all and singular the tenements,
hereditaments, and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder
and remainders, rents, issues, and profits thereof. To have and
to hold all and singular the said premises, together with the
appurtenances, unto the Grantee, and to the heirs and assigns of
Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this
Quitclaim Deed.

Kent R. Durfee

Janis C. Durfee

STATE OF IDAHO)

County of Cassia)

) ss

On this 12 day of April, in the year 1990, before
me, the undersigned, a Notary Public in and for said State,
personally appeared KENT R. DURFEE and JANIS C. DURFEE, husband
and wife, 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.

E. Scott Shull

Notary Public for Idaho

Residing at Burley, Idaho

My commission expires on 5-11-93

1 MODIFICATION OF CONTRACTS OF SALE OF
2 REAL AND PERSONAL PROPERTY

3 AGREEMENT, made this 12 day of April, 1990, betw
4 ELBERT L. DURFEE, a/k/a ELBERT DURFEE and GRACE A. DUR
5 husband and wife, of Almo, Idaho, 83312 ("E. Durfee") and
6 BRUCE DURFEE and KAY H. DURFEE, husband and wife, of Al
7 Idaho, 83312 ("B. Durfee") and KENT R. DURFEE and JANIS
8 DURFEE, husband and wife, of Almo, Idaho, 83312 ("K. Durfee")

9 1. RECITALS: The parties recite and declare:

10 1.1. On March 19, 1975, E. Durfee entered into
11 contracts of sale of real estate and personal property, one w
12 K. Durfee and one with B. Durfee. The contracts with support
13 documents are in escrow at D. L. Evans Bank, Albion, Idaho.

14 1.2. K. Durfee and B. Durfee desire to excha
15 certain lands in their respective contracts to each other al
16 with certain cattle, water rights and irrigation equipment.

17 1.3. E. Durfee is willing to allow the excha
18 subject to the terms and conditions hereof.

19 1.4. There is currently owed to E. Durfee by B. Dur
20 \$38,193.90, as of March 8, 1990.

21 1.5. There is currently owned to E. Durfee by
22 Durfee \$38,218.22 as of March 8, 1990.

23 NOW, THEREFORE, in consideration of recitals and
24 terms and conditions hereof the parties agree:

25 2. EXCHANGE BY K. DURFEE TO B. DURFEE: K. Dur
26 shall exchange to B. Durfee the following described real esta

1 in Cassia County, Idaho:

2 TOWNSHIP 15 SOUTH, RANGE 24 EAST, BOISE
3 MERIDIAN

4 Section 15: N $\frac{1}{2}$ SW $\frac{1}{4}$.

5 Section 16: NE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

6 TOWNSHIP 16 SOUTH, RANGE 24 EAST, BOISE
7 MERIDIAN

8 Section 12: S $\frac{1}{2}$ SE $\frac{1}{4}$.

9 Section 21: E $\frac{1}{2}$

10 AND TOGETHER with four (4) shares of water in the Almo Water
11 Company and a certain well and pump in the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 21,
12 Township 16 South, Range 24 East, Boise Meridian, and the
13 pressure pumps located in the SW $\frac{1}{4}$, Section 12, Township 16
14 South, Range 24 East, Boise Meridian, TOGETHER with all water
15 rights in Raft River and 180 head of beef cattle branded Y on
16 the right hip.

17 3. EXCHANGE B. DURFEE TO K. DURFEE: B. Durfee shall
18 exchange to K. Durfee the following real estate in Cassia
19 County, Idaho, to-wit:

20 TOWNSHIP 16 SOUTH, RANGE 24 EAST, BOISE
21 MERIDIAN, CASSIA COUNTY, IDAHO

22 Section 12: S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

23 Section 14: NW $\frac{1}{4}$ SE $\frac{1}{4}$.

24 TOGETHER with the well and pumps in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14,
25 Township 16 South, Range 24 East, Boise Meridian, and 100 head
26 of dairy and holstein cattle branded Y on the right hip, the
deep irrigation wells and pumps and stock well in SW $\frac{1}{4}$ of Section
12, Township 16 South Range 24 E. B.M.

1 4. DOCUMENTS: B. Durfee and K. Durfee will execute
2 appropriate Quitclaim Deeds to the real estate and Bills of Sale
3 to the respective chattels and place them in the escrows of the
4 respective contracts with E. Durfee at D. L. Evans Bank so that
5 upon full payment and performance the Deeds shall be delivered
6 along with the Bills of Sale together with the E. Durfee Deeds.

1 for the completion of the chain of title.

2 5. CONSENT BY E. DURFEE: E. Durfee consents to
3 exchange with the express understanding that in the event of
4 default under either or both of the contracts that the exchange
5 the respective contract with E. Durfee, K. Durfee and/
6 Durfee as though the same had been within the respective
7 contracts from the inception and as though no exchange had
8 place.

9 6. ESCROW: An appropriate executed copy
10 agreement shall be placed in each escrow at D. L. Evans
11 the respective parties along with the appropriate
12 Deeds and Bills of Sale.

13 7. COOPERATION: Each of the parties
14 cooperate with the other in implementing this exchange
15 particularly the execution of any changes in water
16 the Department of Water Resources for compliance with
17 laws of the State of Idaho and the current water
18 case now pending in Idaho.

19 8. NON-WAIVER: The execution of this agreement
20 Durfee shall not be construed as a waiver of any
21 the respective contracts with K. Durfee and B.
22 contracts shall remain separate and independent
23 way be altered except as to the exchange of property
24 other terms and conditions of the contracts
25 parties remain in full force and effect.

1 IN WITNESS WHEREOF, the parties have executed this
2 modification agreement the day and year first above written.

3 Elbert L. Durfee
4 Elbert L. Durfee, a/k/a
5 Elbert Durfee

6 Grace A. Durfee
7 Grace A. Durfee

8 E. Bruce Durfee
9 E. Bruce Durfee

10 Kay H. Durfee
11 Kay H. Durfee

12 Kent R. Durfee
13 Kent R. Durfee

14 Janis C. Durfee
15 Janis C. Durfee

16 STATE OF IDAHO)
17 County of Cassia) ss

18 On this 12 day of April, in the year 1990, before
19 me, the undersigned, a Notary Public in and for said State,
20 personally appeared ELBERT L. DURFEE, a/k/a ELBERT DURFEE, and
21 GRACE A. DURFEE, husband and wife, known or identified to me to
22 be the persons whose names are subscribed to the within
23 instrument, and acknowledged to me that they executed the same.

24 E. Smith Shell
25 Notary Public for Idaho
26 Residing at Burley
My commission expires on 5-18-93

27 STATE OF IDAHO)
28 County of Cassia) ss

29 On this 12 day of April, in the year 1990, before
30 me, the undersigned, a Notary Public in and for said State,
31 personally appeared E. BRUCE DURFEE and KAY H. DURFEE, husband
32 and wife, 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.

E. Ruth Shale

Notary Public for Idaho

Residing at *Burley*

My commission expires on *5-10-93*

STATE OF IDAHO

)

) ss

County of Cassia

)

On this 12 day of April, in the year 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared KENT R. DURFEE and JANIS C. DURFEE, husband and wife,, 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.

E. Ruth Shale

Notary Public for Idaho

Residing at *Burley*

My commission expires on *5-10-93*

RECORDED AT THE REQUEST OF
E. Ruth Shale
FILED
1995 MAY -3 P 2:14
2700 E. MAIN
236449

236446

WARRANTY DEED

THIS INDENTURE, made this 28 day of July,
1985, between ELBERT L. DURFEE, also known as ELBERT DURFEE and
GRACE A. DURFEE, husband and wife, of Almo, Idaho, hereinafter
called the "Grantor", and E. BRUCE DURFEE and KAY H. DURFEE,
husband and wife, whose address is Almo, Idaho, 83312, hereinafter
called the "Grantee".

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of America,
and other good and valuable consideration, to the Grantor in hand
paid by the Grantee, the receipt whereof is hereby acknowledged,
has granted, bargained and sold and by these presents does grant,
bargain and sell, convey and confirm unto the Grantee, and to the
heirs and assigns of Grantee, forever, all of the following
described real estate situated in the County of Cassia, State of
Idaho, to-wit:

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

Section 10: E $\frac{1}{2}$ E $\frac{1}{2}$
Section 12: S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$
Section 14: N $\frac{1}{2}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$
Section 15: NW $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 22: SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$
Section 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$

SUBJECT TO:
1985 and subsequent years taxes, levies and
assessments; Agreement for Easement and Right
of Way per instrument number 181075 in Book
8 of Bills of Sale and Agreement at page 327,
records of Cassia County, Idaho (affects

property located in Sections 14, 15 and 23, Township 16 South, Range 24 East Boise Meridian; Agreement for Purchase of power with Raft River Rural Electric per instrument No. 12314 on Film No. 24, Cassia County, Idaho, as affects SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 16 South, Range 24 East Boise Meridian; Right of Way contained in Warranty Deed recorded as Instrument Number 31368 on Film 43, records of Cassia County, Idaho; Agreement for purchase of power recorded as Instrument number 36574 on Film 51, records of Cassia County, Idaho and Geothermal Lease and Agreement with Raft River Rural Electric recorded as Instrument number 64034, on Film 77, records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

Albert L. Burpee
Grace A. Burpee

STATE OF IDAHO)
County of Blaine) ss

On this 28 day of July in the year 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared ELBERT L. DURFEE, also known as ELBERT DURFEE and GRACE A. DURFEE, husband and wife, 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]
Notary Public for Idaho
Residing at [Signature]

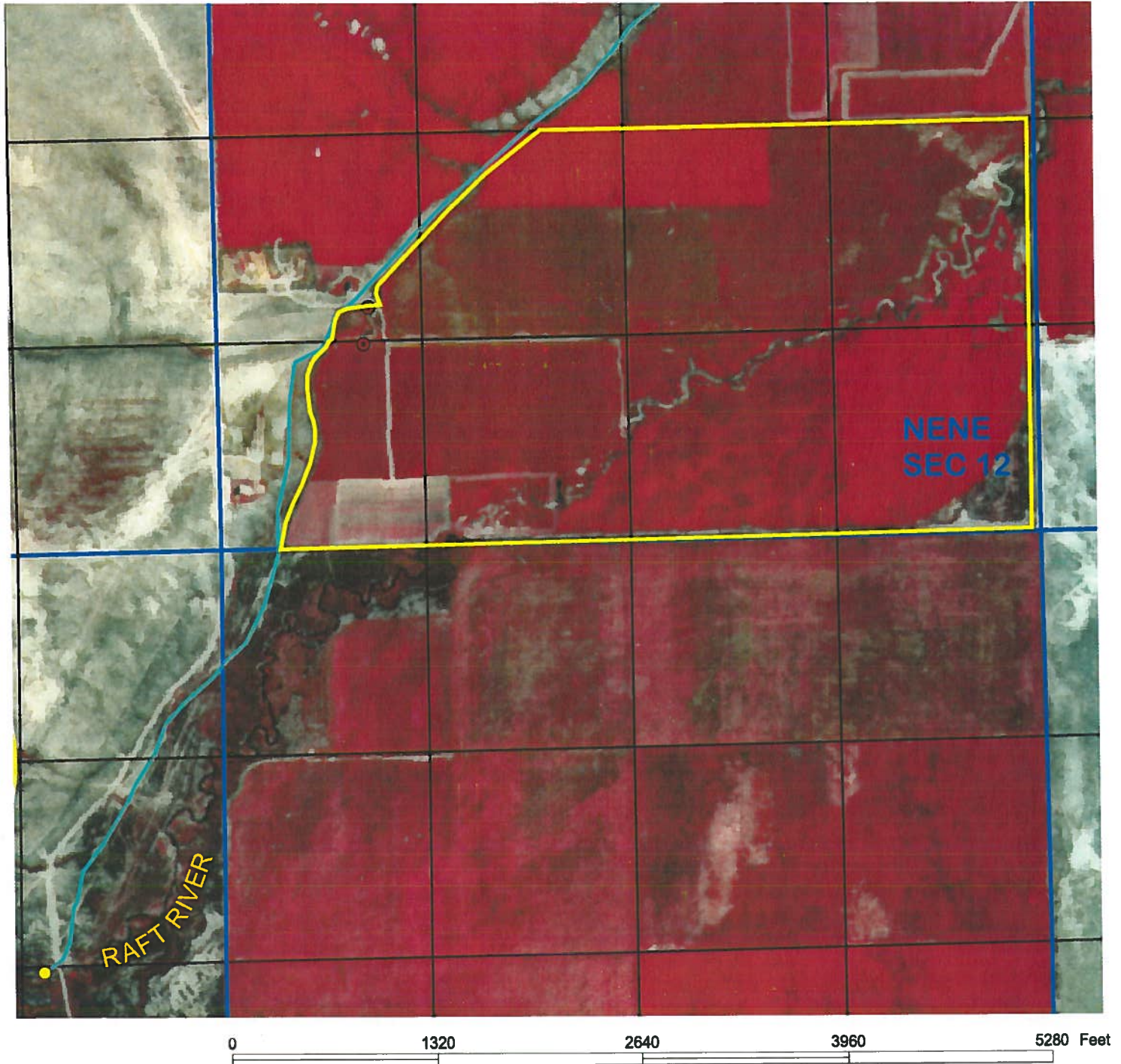
900
E. Dot 205
Blaine, ID

RECORDED AT THE REQUEST OF
Elbert L. Durfee
365
JUL 30 1985
236446

Idaho Department of Water Resources

**RIGHTS: 43-00148, 43-00337,
43-02051, 43-02058, 43-02214**

**RECOMMENDED PLACE OF USE
TWP 16S, RNG 24E, SEC 12
Data entry on June 28, 2000**



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



Split 6-8-01

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

CLAIM NUMBER - A63-00148

~~100.00 AFA~~

CASSIA County

~~NEPSE~~

24

III

MS

SE

SUM

40:0

TOTAL ACRES

Other Rights: SEE REMARKS.

A43-00337, A43-02058, A43-02214, A43-02051 (RAFT RIVER)
A43-10014, A43-02560, A43-02552, A43-04018 (GROUNDWATER)

Verified Date:

10

Field Inspection Flag:
Presumption flag:

EXS ppl

212

218

~~SWD~~ limited to 263 ac 524 yds¹⁷

~~SWD~~ & GWD Rights limited to (~~445~~ ⁴⁰⁸?) ac & (~~8.34~~ ^{8.34}) yds ✓

~~SWD~~ 8 out - 1309

~~SWD~~

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

RECEIVED
JUN 22 2000
 Idaho 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 No(s): _____
 Adjudication Claim No(s): A43 02552 A43 10014 A43 02560
A43-00148, -00337, -02058, -02200, -02214, -02051
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s).
 (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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
Elbert L. Durfee
Almo ID. 83312
4. New Owner/Claimant(s)
E. Bruce or Kent R. Durfee
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P.O. Box 187 or P.O. Box 175
 City, State and ZIP Code Almo ID. 83312
 New Telephone Number (208) 824-5566 824-5536
5. Date you acquired the property _____
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) or Claimant(s)
E. Bruce Durfee
Kent R. Durfee
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

FATHER ELBERT DURFEE DECEASED

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: NOVEMBER 13, 1995

STATE FILE NUMBER: 95-06803

DECEDENT: ELBERT LORENZO DURFEE

DATE OF DEATH: NOV. 06, 1995 PLACE OF DEATH: ALMO, IDAHO

DATE OF BIRTH: FEB. 12, 1906 PLACE OF BIRTH: IDAHO

AGE: 89 YEARS SEX: MALE VETERAN? NO

MARITAL STATUS: MARRIED SPOUSE (MAIDEN): GRACE AFTON ROOKER

SOCIAL SECURITY NUMBER: 518-42-6679 RESIDENCE: ALMO, IDAHO

FATHER: LORENZO DURFEE
FATHERS BIRTHPLACE: UTAH
MOTHER (MAIDEN): ANNA ABBY BRUESCH
MOTHERS BIRTHPLACE: NEW MEXICO

MORTUARY: PAYNE MORTUARY
MORTICIAN: JOSEPH W. LARSEN

BURLEY, IDAHO
DISPOSITION: BURIAL

CERTIFYING CORONER: PAUL B. YOUNG

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

METASTATIC CANCER OF THE COLON

5 MONTHS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

MANNER OF DEATH: NATURAL

I certify that this is a true and correct reproduction or abstract of an official
record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

NOVEMBER 14, 1995

DATE ISSUED: _____

Jane S. Smith
JANE S. SMITH
State Registrar



Field Exam Notes

Field Exam Date: 8-26-99

**Claim Nos: A43-00148, -00337, -02051, -02058, -02214.
Surface rights, Bruce Durfee**

Agent: Vikie Hancock

The above claims are for surface rights on Raft River.

A43-00148 and -00337 are based on rights to Raft River decreed in the Jobe Adams decree of 1928. Both have priority dates of 1882.

A43-02051, -02058, -02214 are based upon licenses issued for water from Raft River in 1909, 1911 and 1917, respectively. Note that claim A43-02200 is based upon a license for Circle Creek in 1915, appurtenant to the N ½ of section 12, and not included in the analysis.

All decrees and licenses were issued to different parties on separate acreages that Elbert Durfee (father now deceased) and his sons Bruce and Kent subsequently purchased, and farm. It appears that neither of the rights decreed in 1928 supercedes any licenses, as they are not appurtenant to any of the same tracts.

From a history of the irrigation documented in file 43-4018 for the investigation of Transfer #2851, it is determined that groundwater was tapped as a source for the irrigation of the lands in the S ½ of section 12 as early as 1942. ASCS maps from 1957 and 1962 show a total of 163 acres irrigated out of the 236 licensed and decreed acres for Raft River water in the S ½ of section 12. Possible explanations are that the diminished availability of Raft River water had caused a decreased number of acres to be irrigated in the years following the issuance of the three licenses and the two decrees, as is evidenced by the need for supplemental groundwater. It is also probable that the number of acres calculated as identified in the Jobe Adams decree was excessive. A portion of decreed right 148, for the NESW, was most likely uphill of the conveyance ditches of the day, and a portion of decreed right 337, for the NWSE, included the actual Raft River and it's historically unstable banks. In addition, the license exam for right 43-02058 failed to note a steep hillside that encompasses 18 of the 40 acres licensed, which claimant agrees has never been irrigated.

A field exam conducted August 26, 1999 found a diversion in the NW NE SE Section 14, and ditches still in place for the conveyance of water from Raft River to the place of use. Claimant stated that the amount of water available is limited due to their priority dates. Because of the limited nature of the source, the claimant has not spent the time or money necessary to incorporate the

surface water into his current sprinkler system, as was done when only had lines were used. Claimant said that they quit using surface water in their sprinklers when the pivots were put in, sometime in the late 1970s or early 1980s. When water is available from Raft River to fill their decrees and licenses, they use ditches to flood irrigate the south half of section 12. In reality, they have seldom had more than enough to irrigate the SESE in recent years. It should be noted that, since the 1987 NAPP aerial photo was taken, the channel of Raft River has been moved by the claimant. It now flows east along the south boundary of section 12, and north along the east boundary of section 12. See GIS layout for description of ditches still in use.

Based upon IDWR policy, the surface water rights will be recommended even though there is evidence that there has been little use of them in recent years due to the unavailability of water. Surface water rights will be limited to 1 inch per acre when combined with groundwater rights.



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

May 24, 2000

Bruce Durfee
Kent Durfee
PO Box 175
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: Various

Dear Bruce and Kent,

I was going through my notes from last summer, and noticed that we had never followed through on removing your father's name from claims in the name of E. Bruce, Kent and Elbert Durfee. I'm sending you a couple of Ownership Change forms, however you can change the ownership of multiple claims on one form. It seems that you had accurate records of all your claims at the house, but if you need any information, just call.

I also did some research and found that you had not filed an SRBA claim on the license you have for commercial use of water at the dairy. Since proof of beneficial use was made for this license prior to commencement of the Adjudication in November 1987, you need to file a claim on it. I'm sending you a profile report of the licensed right and a Notice of Claim form for the Adjudication. Let me know if you have any questions.

I have yet to find the time to delve into the unresolved issues regarding your groundwater irrigation diversions and licensed acreage amounts. For that reason, I've asked Cindy Bird, an engineer at our State Office in Boise, to look into the history of your water rights, and perhaps do some additional measurements. She has the advantage of access to original documents and correspondence in our vault there, and also the expertise to analyze the technical information. I anticipate that she will be getting in touch with you this summer, as I told her that you had many records, and were very aware of how much water you used from the various wells. I forwarded to her the well information that Kent supplied me in February.

As you may have heard, there is talk of allowing the owners of decreed rights on Raft River to divert their surface rights through a well head. You should be getting a letter from IDWR outlining the date and time of a meeting for affected irrigators. If, by any chance, you don't get notice, be sure to contact me and I'll

give you the particulars. So far we have zeroed in on June 20th as the date, but not determined the time or location.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent

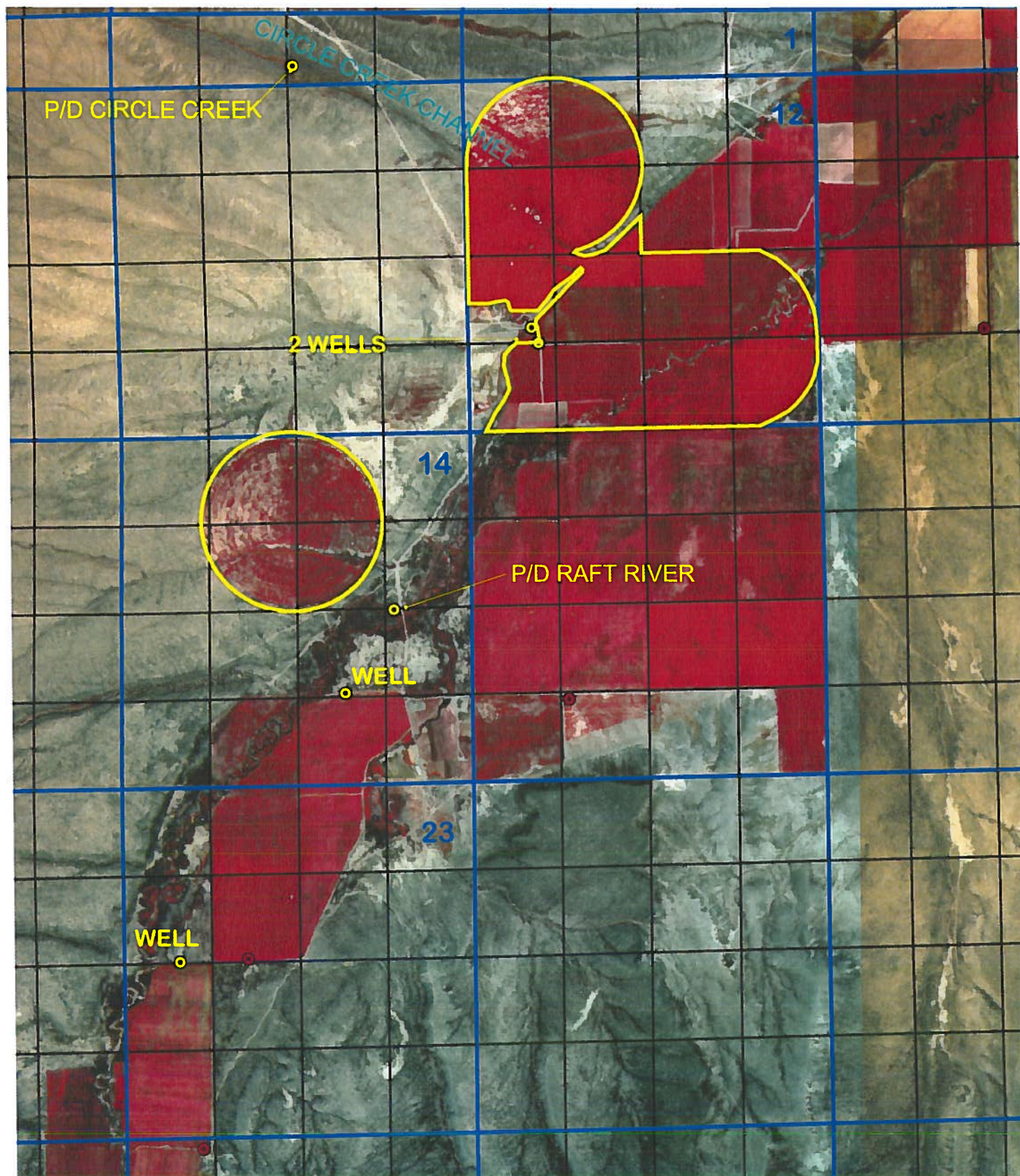
*Copy also sent to
Bruce Durkee at
PO Box 178
Almo*

A handwritten signature in dark ink, appearing to be 'DH' or similar initials, written in a cursive style.

FILE NOTES

DURFEE

TWP 16S RNG 24E



V. HANCOCK

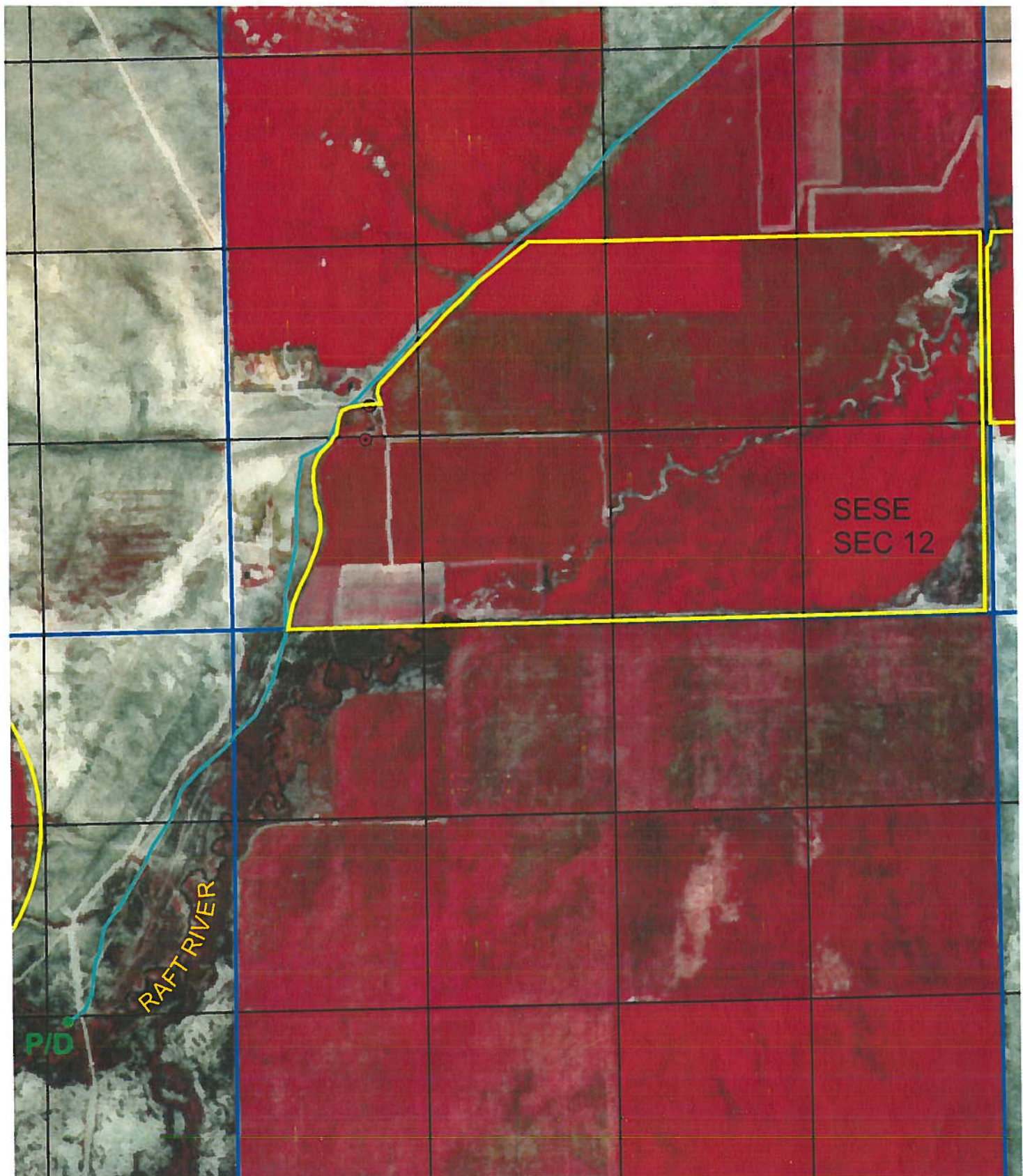
*Durfee System POU
SW & GW*

1987 NAPP AERIAL PHOTOGRAPHY

FILE NOTES

**CLAIM NO(S):43-00148, -00337, -2214,
-2058, -2051 (RAFT R. SURFACE WATER)**

**TWP 16S, RNG 24E
SECTION 12**



V. HANCOCK

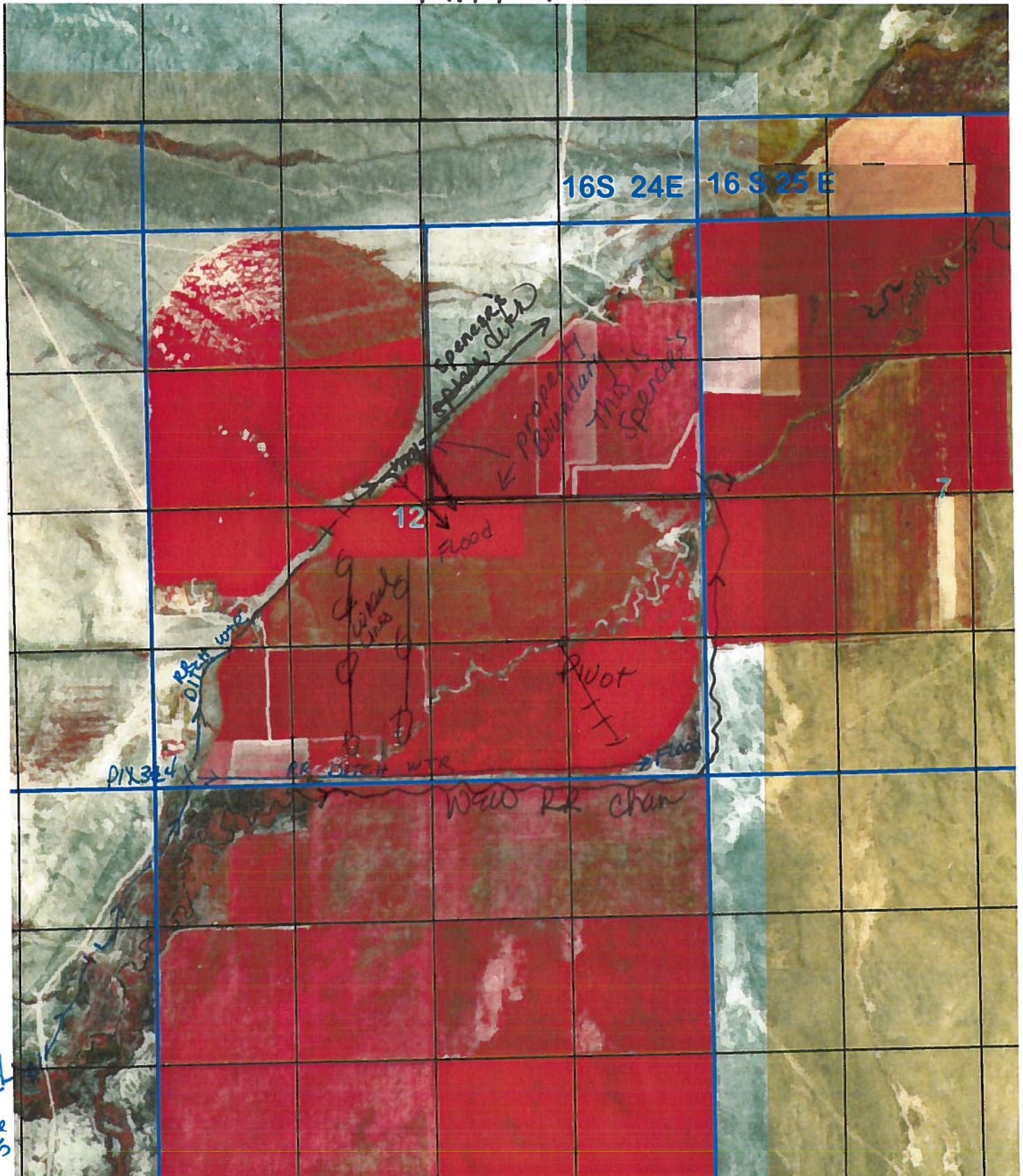
1987 NAPP AERIAL PHOTOGRAPHY

FIELD NOTES

Claim No(s): VARIOUS
BRUCE DURFEE

TWP 16S, RNG 24E,

Surface Water
RAFT RIVER



V HANCOCK

Date: 8-26-99

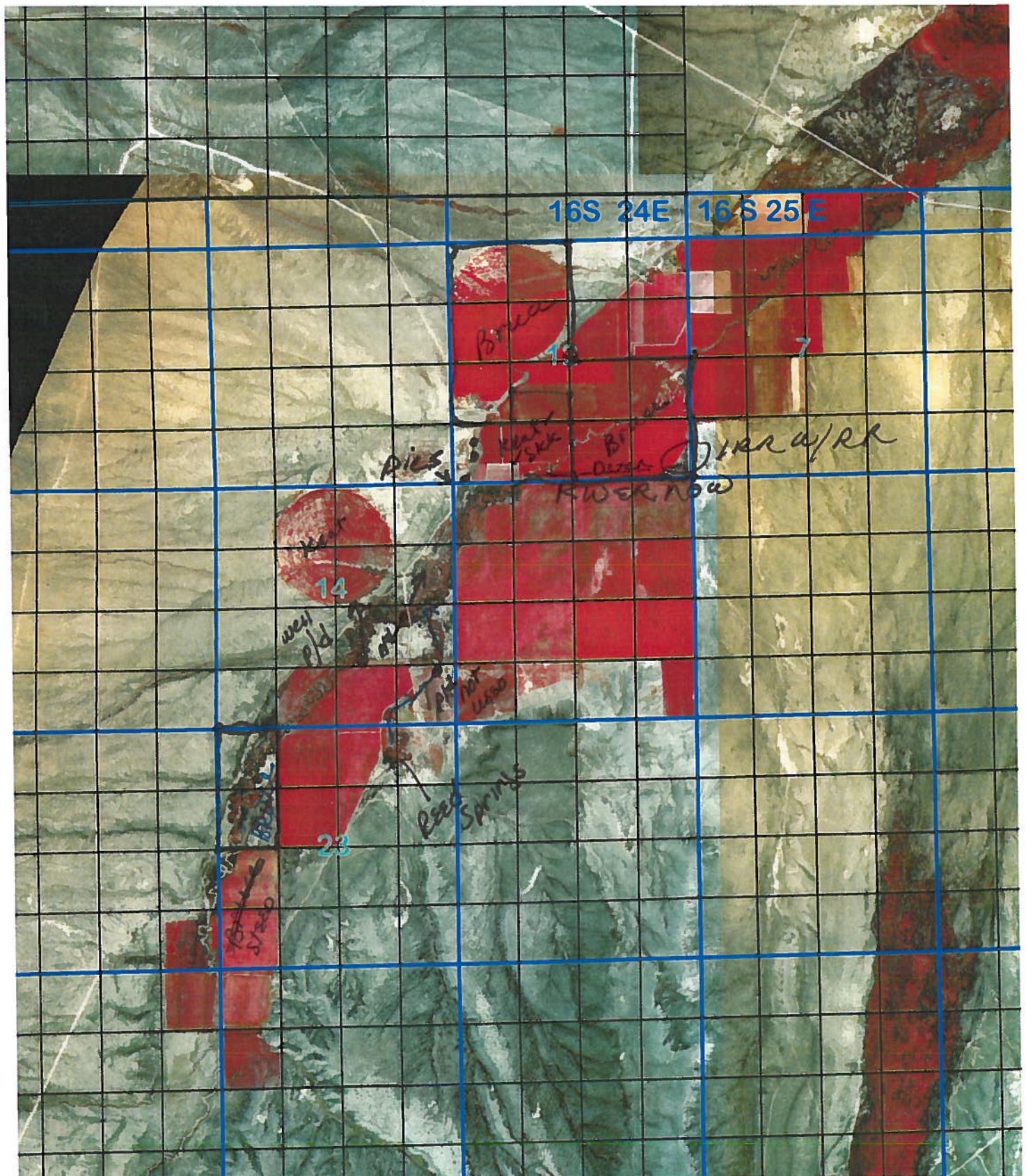
1987/1988 NAPP PHOTOGRAPHY

FIELD NOTES

**Claim No(s): VARIOUS
BRUCE DURFEE**

TWP 16S, RNG 24E,

Surface water R.R.



Raft River

00148	1882	0.8	40 ac
00337	1882	0.8	40 ac
02051	1909	2.2	110 ac
02058	1911	0.8	40 ac
02214	1917	0.12	6 ac
		<u>4.72</u>	<u>236 ac</u>

Creek Ce

02200	1915	0.5	25 ac
-------	------	-----	-------

$$5.22 / 261 = .02 \text{ ays/ac}$$

claimed
C.R. CR
p/d

2200 (circle) LIC 1915	12
LIC 1917 224	148 DECREE 1882
2058 LIC 1911	337 DECREE 1882
	2051 LIC 1909

claimed RR p/d
NW NE SE Sec 14

SURFACE RIGHTS
EIBERT & BRUCE
DURFEE
Kent Durfee

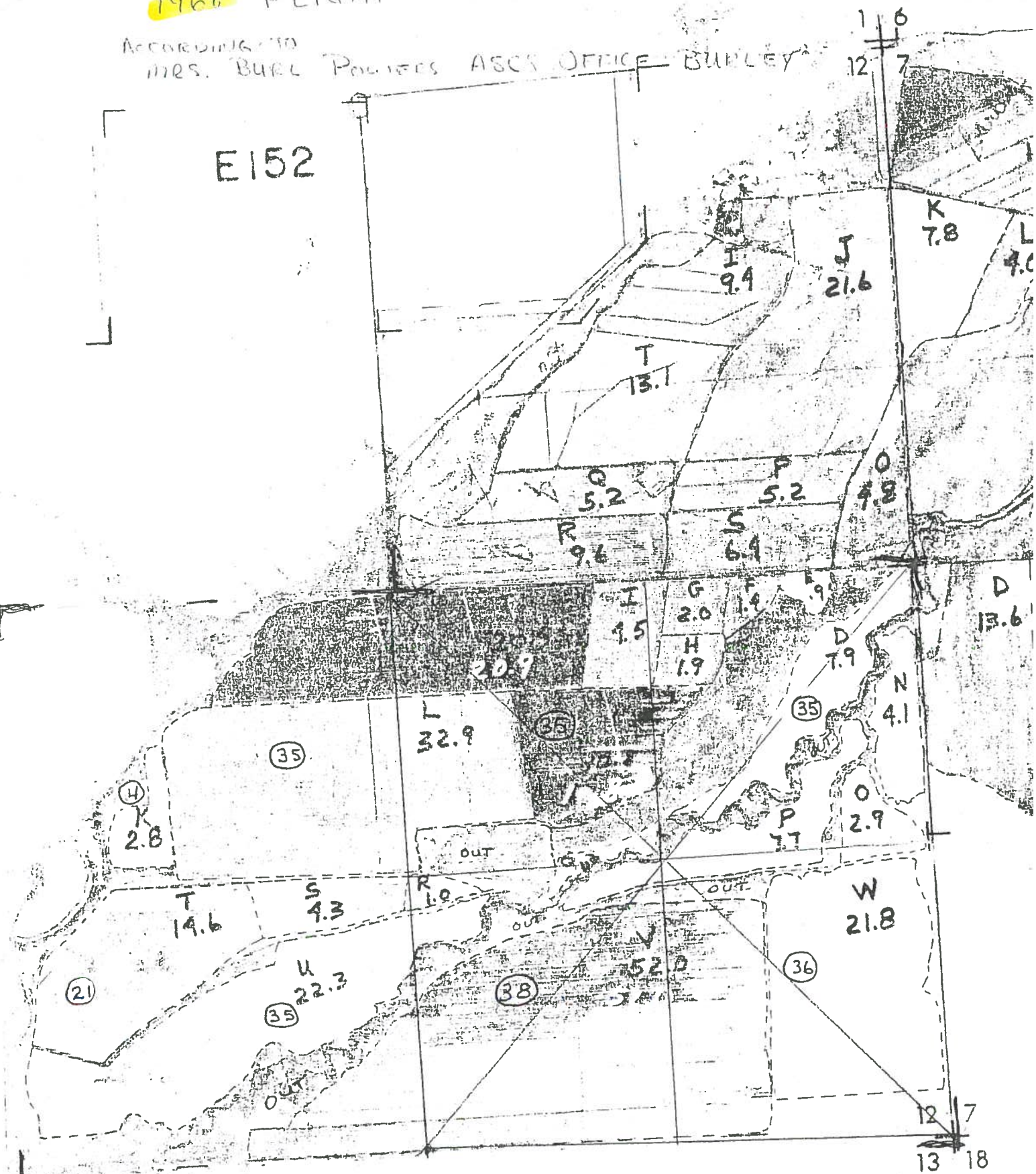
MAPS USED:
ASCS
ORTHO
NAPP
BLM

DATE: A43-02200
A43-00337
A43-00148
A43-02214
A43-02058
A43-02051

1967 FLIGHT

According to
MRS. BURL POLICE ASOS OFFICE BURLEY

E152



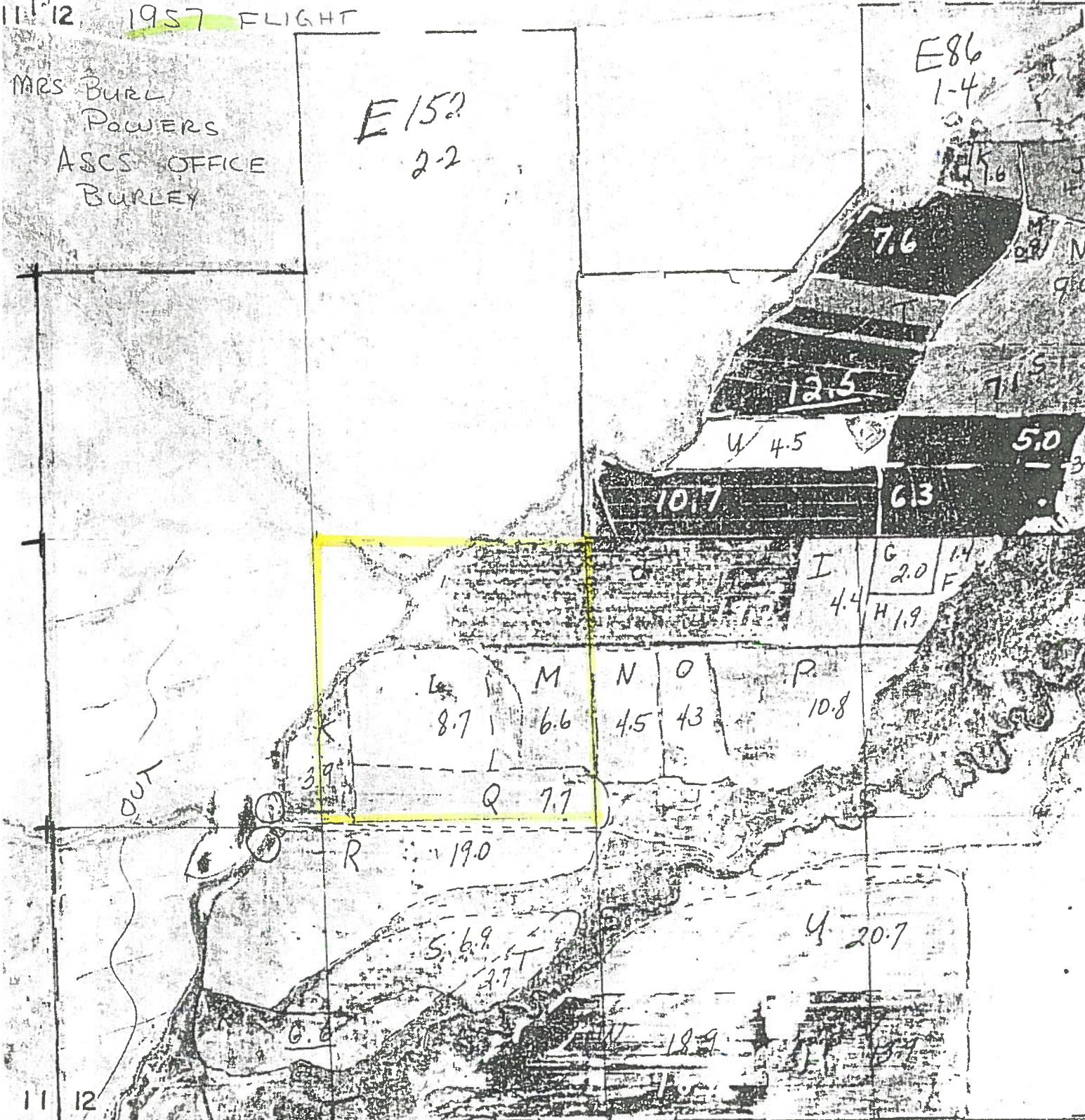
(Σ = 217, 12/92)

21
11/12 1957 FLIGHT

MRS BURL
POWERS
ASCS OFFICE
BURLEY

E152
2-2

E86
1-4



(Σ=164, 12/92)

30874

4B-00148

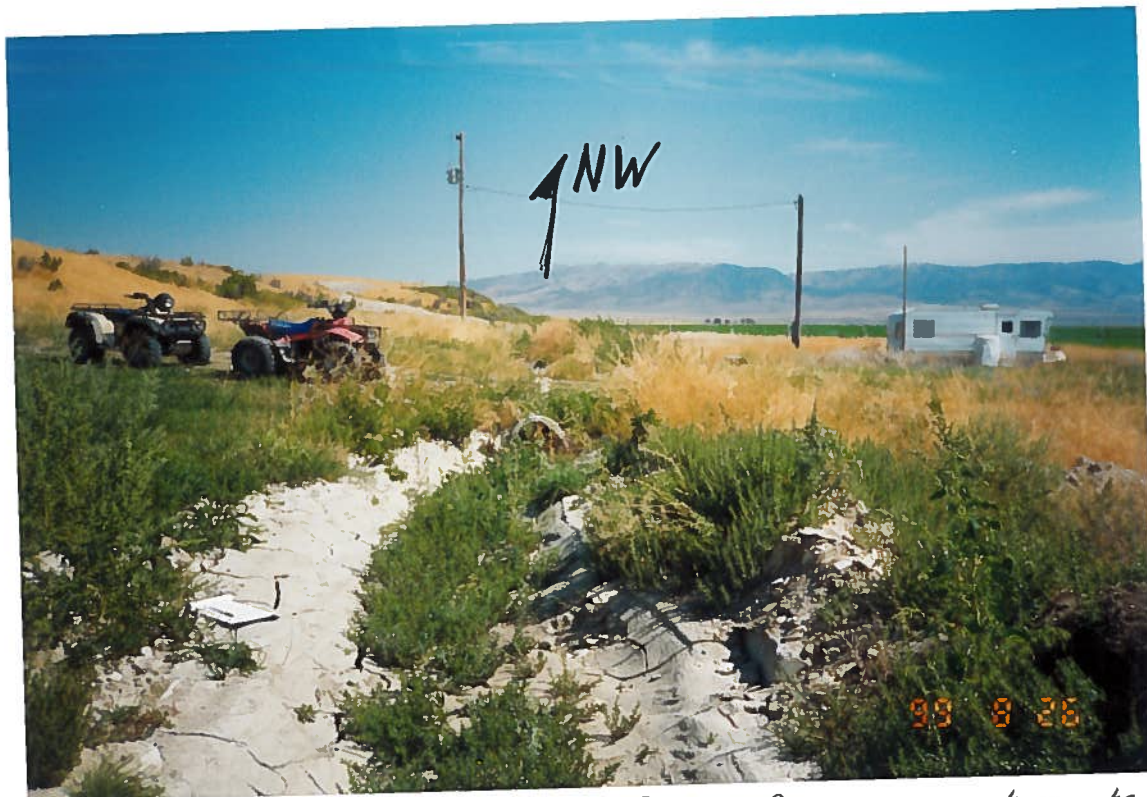
~~3-2666~~

FIELD EXAM NOTES AND PHOTO LOG

Claimant / Area of Concern: Raft Lake, Circle Co, GW Page 1 of 1

Agent: Vikie Hancock

Notes: Claimant says rarely gets RR water except in early spring. When does, floods in SE SE Sec 12. One time in past they incorporated into springler system with BW but not since pivots put in in 1980 too dirty. Circle creek dry for years then had water last 2 years in early spring. Let flood onto around in NW 1/4 Sec 12.



Roll 21
pix 3

TO WEST
HERE
→

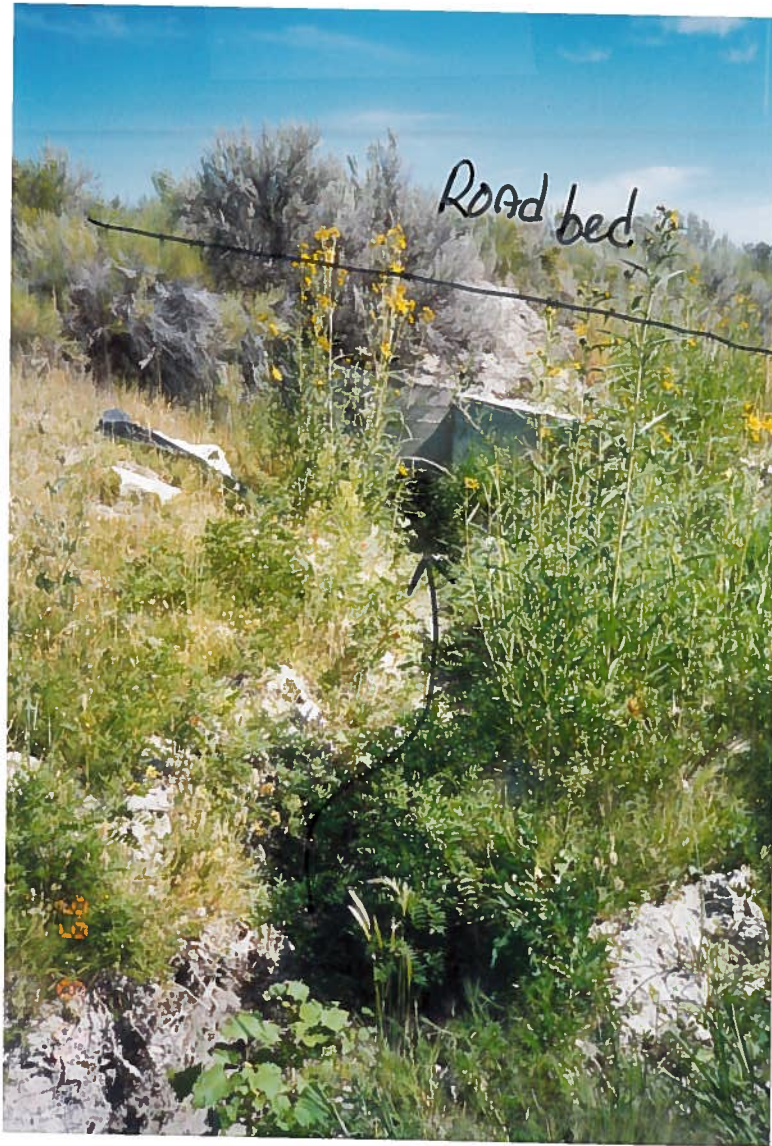
Conveyance ditch from Raft River as it enters
Claimant's property at SWSWSW Sec 12.
Looking N. Ditch going to Kent Durfee acres and
on to Spenser downstream (olden Ward orig claim).
Water in Spring.



Roll 21
pix 4

DITCH WEST TO ~~B~~ BRUCE DUFFEE PROPERTY.
NOT USED THIS YEAR, USED LAST YEAR PER CLAIMANT

Roll 21
Pix 5, 6.



Road bed

SW SE NE Sec 14

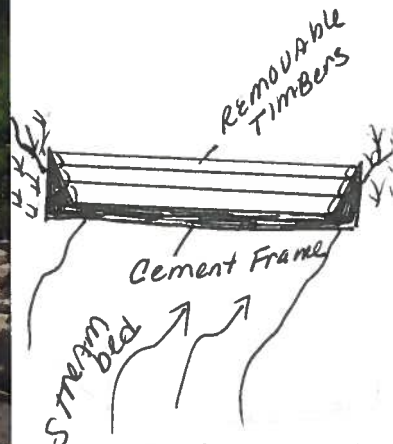
CONVEYANCE ditch
goes under road
from p/d to
Durfee's pool in
Section 14



Cement
DAM Supports

p/d

Rat River



RRICE DURFEE

-00141

142

143

144

145

146
147

148

J. C. Hitt
1912-June 1

J. R. Hitt
Jennie Hitt
1912-June 1

James B. Hitt
1883-Apr. 1

1886-Mar. 31

1894-Apr. 1

Ellen Hoagland
1882-Apr. 30
1885-Apr. 30

Ray O. Holley and
Pearl Holley
1882-Apr. 30

Robert Hutchinson
Martha Hutchinson
1880-Apr. 30
1881-Apr. 30
1894-Apr. 1
1905-Apr. 1

David Hubbard
1874-Dec. 31
1877-Apr. 30
1894-Apr. 1

1.6 s.f.

1.6 s.f.

3.4 s.f.

1.8 s.f.

1.2 s.f.

.4 s.f.
.8 s.f.

.8 s.f.

1.2 s.f.
.4 s.f.
1.6 s.f.
.8 s.f.

.2 s.f.
.4 s.f.
1.28 s.f.

To be diverted from Cassia Creek for the irrigation of $W\frac{1}{2}NW\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 26 E.B.M.

To be diverted from Cassia Creek for the irrigation of $E\frac{1}{2}NE\frac{1}{4}$, Sec. 22, Twp. 13 S. R. 26 E.B.M.

To be diverted from Raft River, April 1 to October 1 each year, for the irrigation of Lot 2 and the $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 19, Twp. 13 S. R. 27 E.B.M.

To be diverted from Cassia Creek for the irrigation of $E\frac{1}{2}SE\frac{1}{4}$, Sec. 13, $E\frac{1}{2}NE\frac{1}{4}$, Sec. 24, Twp. 13 S. R. 26 E.B.M.

To be diverted from Cassia Creek for the irrigation of $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, Sec. 18, Twp. 13 S. R. 27 E.B.M.

To be diverted from Cassia Creek From Green Canyon Creek for the irrigation of $W\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 6 and $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 7, Twp. 14 S. R. 25 E.B.M.

To be diverted from Raft River, April 30 to June 15 each year, for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 12, Twp. 16 S. R. 24 E.B.M.

To be diverted from Cassia Creek for the irrigation of the $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ and Lots 2 and 3 Sec. 18, Twp. 13 S. R. 27 E.B.M.

To be diverted from Cassia Creek for the irrigation of a tract of land described as follows:

Commencing at the NW corner of the $NE\frac{1}{4}$ of Sec. 32, Twp. 13 S. R. 25, thence East $17\frac{1}{2}$ rods, thence South 160 rods, thence West $17\frac{1}{2}$ rods, to the legal center of said section, thence West on a continuation of said last line 29 rods, thence North 160 rods to the boundary of said section, thence East 29 rods to the place of beginning, containing $46\frac{1}{2}$ acres, except a tract of land described as follows: Commencing at a point 29 rods West of the legal center of Sec. 32, Twp. 13 S. R. 25, thence North 20 rods, thence at right angles East 16 rods, thence South 20 rods, thence West 16 rods to the place of beginning, containing two acres.