

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: **A43-02552**
Date Received: 2/28/1989
Receipt No: S006400
Received By: CCC

SPLIT

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: SEP 19, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	24E	12	NW	SW			CASSIA
			SW	SW			CASSIA
		23	SW	NW			CASSIA

5. Description of diverting works:
THREE WELLS AND PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.600		1082.00

7. Total Quantity Appropriated is:
3.600 C.F.S. (and/or) 1082.00 A.F.A.

8. Total consumptive use is 765.0 Acre Feet Per Annum.

A43-02552

Page 1

Date: 02/28/89

Split

MICROFILMED

MAR U 3 1993

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	24E	12	NE		NW		IRR	30.0
			NW		NW		IRR	30.0
			SW		NW		IRR	40.0
			SE		NW		IRR	30.0
			NE		SW		IRR	32.0
			NW		SW		IRR	17.0
			SW		SW		IRR	15.0
			SE		SW		IRR	29.0
			NE		SE		IRR	5.0
			NW		SE		IRR	30.0
			SW		SE		IRR	34.0
			SE		SE		IRR	14.0
Section Acres								306.0
Total Acres								306.0

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:

A43-10014, A43-02560, APPLICATION 43-07291, A43-04018.

14. Remarks:

TRANS. 2851.

WHEN COMBINED WITH OTHER WR LISTED NOT TO EXCEED THE TOTAL
6.12 CFS. WATER TO REPLACE REED SPRING EQUAL TO 0.80 CFS PER
WATERMASTER, DIST. 34-B. IT IS PART OF THE 6.12 CFS.

15. Basis of Claim: LICENSE

Water Right Number: 30732

(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.

For Individuals:

Signature of Claimant(s): E. Bruce Surfer Date: Feb. 28 1989
Date: _____

of February 19 89

Notary Public

My Commission Expires Dec 7 1994

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: 43-13047

E BRUCE DURFEE

PO BOX 187

ALMO ID 83312

Telephone Number: (208)824-5566

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:

RECEIVED
JUL 24 2001
Department of Water Resources
Southern Region

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

DATE:

7-18-01

SIGNATURE:

E. Bruce Durfee

Please print your name:

E Bruce Durfee

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

06/12/2001

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

RIGHT NUMBER: 43-13047
NAME AND ADDRESS: E BRUCE DURFEE
PO BOX 187
ALMO, ID 83312
SOURCE: GROUND WATER
QUANTITY: 2.87 CFS
853 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13049 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 853 AF.
USE OF THIS RIGHT WITH RIGHT NOS. 43-13049 AND 43-13053 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.87 CFS.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.9 CFS. COMBINED RIGHT NOS.: 43-
7140, 43-13047, 43-13048, 43-13049, 43-13050, 43-13051, 43-
13052, 43-13053, 43-13054.

PRIORITY DATE: 09/19/1962

POINT OF DIVERSION:	T16S R24E S12	SENWSW	Within CASSIA County
	T16S R24E S12	NESWSW	Within CASSIA County
	T16S R24E S23	SESWNW	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	2.87 CFS 853.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T16S R24E S12	NENW	33	T16S R24E S12 NWNW 32
T16S R24E S12	SWNW	39	T16S R24E S12 SENW 36
T16S R24E S12	NESW	19	T16S R24E S12 NWSW 27
T16S R24E S12	NESE	33	T16S R24E S12 NWSE 40
T16S R24E S12	SWSE	40	T16S R24E S12 SESE 33

332 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 244 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-13049 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 244 ACRES 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 - License

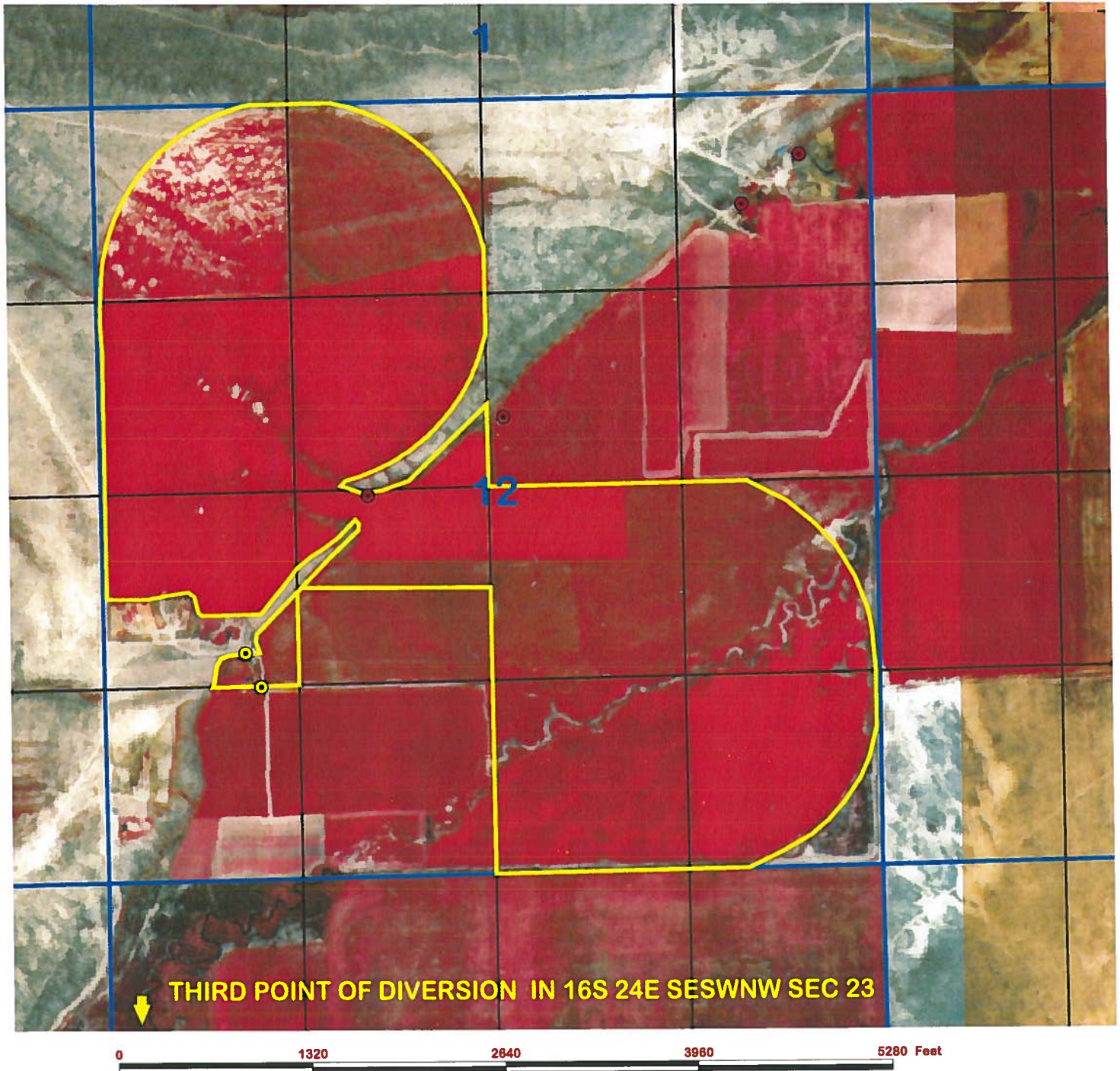
RIGHT NO. 43-13053 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.
THIS RIGHT IS A PORTION OF 43-2552.

Idaho Department of Water Resources

**RIGHTS: 43-13047, 43-13049, 43-13051,
43-13053**

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

SOURCE: GROUND WATER



○ 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**

Split Rights

GW Claims

DAK
6-8-01

Bruce Durfee, Kent Durfee

$$85/415 = 20.4\% K$$

$$330/415 = 79.6\% B$$

$$\begin{array}{r} 6.12 \\ 1.52 \\ \hline 7.64 \text{ cfs} \end{array} \quad \begin{array}{l} 43-2552, -2560, -10014 \\ 43-4018 \end{array}$$

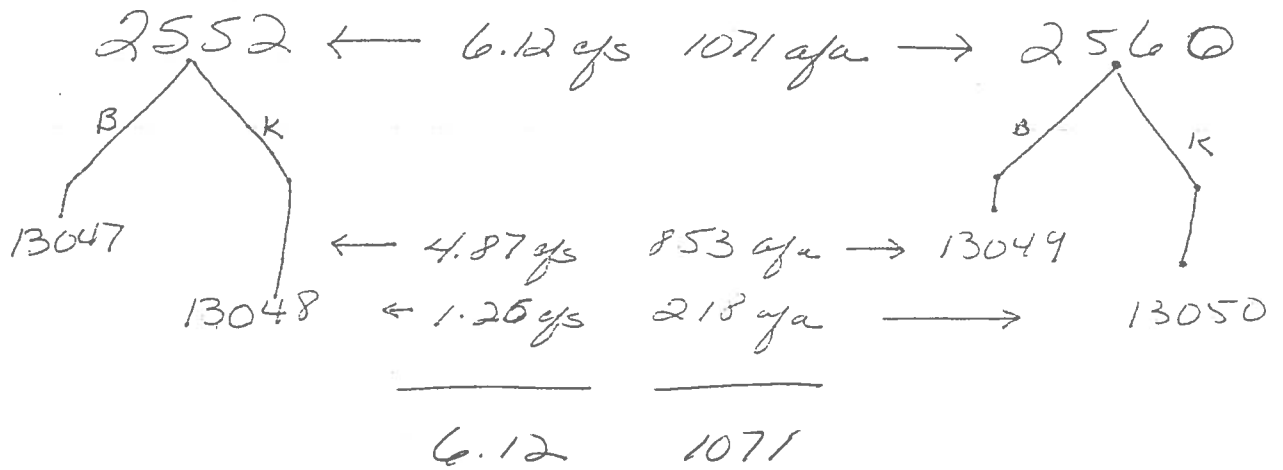
$$7.64 \times .204 = 1.55 K$$

$$7.64 \times .796 = 6.08 B$$

↑ OK'd by B & K Durfee 6-8-01

3-	43-		cfs	afa	ac
2552	13047	B	2.87	853	244
	13048	K	.73	218	62
2560	13049	B	3.98	853	244
	13050	K	1.02	218	62
4018	13051	B	1.20	240	60
	13052	K	.32	64	16
10014	13053	B	.56	112	28
	13054	K	.14	28	7

Comb Limits



0

DAK
6-8-01

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

RECEIVED**JUN 19 2001**

Department of Water Resources
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 & Kent 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

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 <u>43-148 - 2051, 2552, - 3860</u>		
Water Use	Diversion Rate or Volume	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation		
Stock		<u>Per meeting with V Hancock</u>
Domestic		<u>6-8-2001</u>
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	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

E Bruce Duffer

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

JUN 19 2001

Department of Water Resources
Southern Region

1 CONTRACT OF SALE OF REAL ESTATE

2 AND PERSONAL PROPERTY

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

9 W I T N E S S E T H:

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

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

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

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

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

29 Miscellaneous farm machinery
30 75 head of cattle branded Y Right hip

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

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

PARSONS, SMITH & PEDERSEN
LAWYERS
BURLEY, IDAHO

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.

8 IN WITNESS WHEREOF, the parties have executed this
9 Agreement.

Elbert L. Durfee
Grace A. Durfee
E. Bruce Durfee
Kay H. Durfee

14 STATE OF IDAHO)
15) ss
16 County of Cassia)

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

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

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

23 STATE OF IDAHO)
24) ss
25 County of Cassia)

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

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

William A. Parsons
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 SW¼, 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. Brock Hall

Notary Public for Idaho

Residing at Burley

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, between
4 ELBERT L. DURFEE, a/k/a ELBERT DURFEE and GRACE A. DURFEE
5 husband and wife, of Almo, Idaho, 83312 ("E. Durfee") and
6 BRUCE DURFEE and KAY H. DURFEE, husband and wife, of Almo
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 two
11 contracts of sale of real estate and personal property, one with
12 K. Durfee and one with B. Durfee. The contracts with supporting
13 documents are in escrow at D. L. Evans Bank, Albion, Idaho.

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

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

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

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

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

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

in Cassia County, Idaho:

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 $\frac{1}{2}$

AND TOGETHER with four (4) shares of water in the Almo Water Company and a certain well and pump in the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 23, Township 16 South, Range 24 East, Boise Meridian, and the pressure pumps located in the SW $\frac{1}{4}$, Section 12, Township 16 South, Range 24 East, Boise Meridian, TOGETHER with all water rights in Raft River and 180 head of beef cattle branded Y on the right hip.

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

TOWNSHIP 16 SOUTH, RANGE 24 EAST, BOISE
MERIDIAN, CASSIA COUNTY, IDAHO
Section 12: S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 14: NW $\frac{1}{4}$ SE $\frac{1}{4}$.

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

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

1 for the completion of the chain of title.

2 5. CONSENT BY E. DURFEE: E. Durfee consents to the
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/or
6 Durfee as though the same had been within the respect
7 contracts from the inception and as though no exchange had t
8 place.

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

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

19 8. NON-WAIVER: The execution of this agre
20 Durfee shall not be construed as a waiver of any
21 the respective contracts with K. Durfee and B. D
22 contracts shall remain separate and independent and
23 way be altered except as to the exchange of prop
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) SS
18 County of Cassia)

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

25 E. Bruce Durfee
26 Notary Public for Idaho
Residing at Burley
My commission expires on 5-10-93

27 STATE OF IDAHO)
28) SS
29 County of Cassia)

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

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 *Boise*

My commission expires on *5-10-93*

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

RECORDED AT THE REQUEST OF
E. Ruth Shale
FILE *365*
1995 MAY -3 P 2:14
236449
TELEPHONE

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; Agree-
ment 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, heredita-
ments and appurtenances thereunto belonging or in anywise apper-
taining, 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-men-
tioned 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.

Elliott R. Purfee
Grace A. Purfee

1 STATE OF IDAHO)
2 County of Cassia) ss

3 On this 28 day of Feb in the year 1985, before me,
4 the undersigned, a Notary Public in and for said State, personally
5 appeared ELBERT L. DURFEE, also known as ELBERT DURFEE and
6 GRACE A. DURFEE, husband and wife, known or identified to me to
7 be the persons whose names are subscribed to the within instrument,
8 and acknowledged to me that they executed the same.

[Signature]
Notary Public for Idaho
Residing at [Signature]

RECORDED AT THE REQUEST OF:
ELBERT L. DURFEE
365
150 E. 3rd St. Burley, ID
RE: Box 205
Almo, ID

150 E. 3rd St. Burley, ID 236446

02/01/2001

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

RIGHT NUMBER: 43-2552 *B 13047*
 NAME AND ADDRESS: KENT DURFEE
 PO BOX 175
 ALMO, ID 83312
 E BRUCE DURFEE
 PO BOX 187
 ALMO, ID 83312 *K 13048*

SOURCE: GROUND WATER *853 afa*

QUANTITY: 3.6 CFS
 1082 AFY *1071*

USE OF THIS RIGHT WITH RIGHT NO. 43-2560 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1071 AF. *853 afa*
~~WHEN COMBINED, RIGHT NOS. 43-148, 43-337, 43-2051, 43-2058, 43-2200, 43-2214, 43-2552, 43-2560, 43-4018, 43-10014 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.~~

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.9 CFS. COMBINED RIGHT NOS.: 43-2552, 43-2560, 43-4018, 43-7140, 43-10014. *218 afa*

USE OF THIS RIGHT WITH RIGHT NOS. 43-2560 AND 43-10014 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.12 CFS. *✓*

PRIORITY DATE: 09/19/1962

POINT OF DIVERSION:	T16S R24E S12	SENWSW	Within CASSIA County
	T16S R24E S12	NESWSW	Within CASSIA County
	T16S R24E S23	SESWNW	Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	3.60 CFS 1,071.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County			
T16S R24E S12	NENW	33	T16S R24E S12 NWNW 32
T16S R24E S12	SWNW	39	T16S R24E S12 SENW 36
T16S R24E S12	NESW	39	T16S R24E S12 NWSW 25
T16S R24E S12	SWSW	25	T16S R24E S12 SESW 40
T16S R24E S12	NESE	33	T16S R24E S12 NWSE 40
T16S R24E S12	SWSE	40	T16S R24E S12 SESE 33

415 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 432 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-148, 43-337, 43-2051, 43-2058, 43-2200, 43-2214, 43-2552, 43-2560, 43-4018, 43-10014.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 306 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-2560 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 306 ACRES IN A SINGLE IRRIGATION SEASON.

Split by ownership 6-8-01 UH

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.

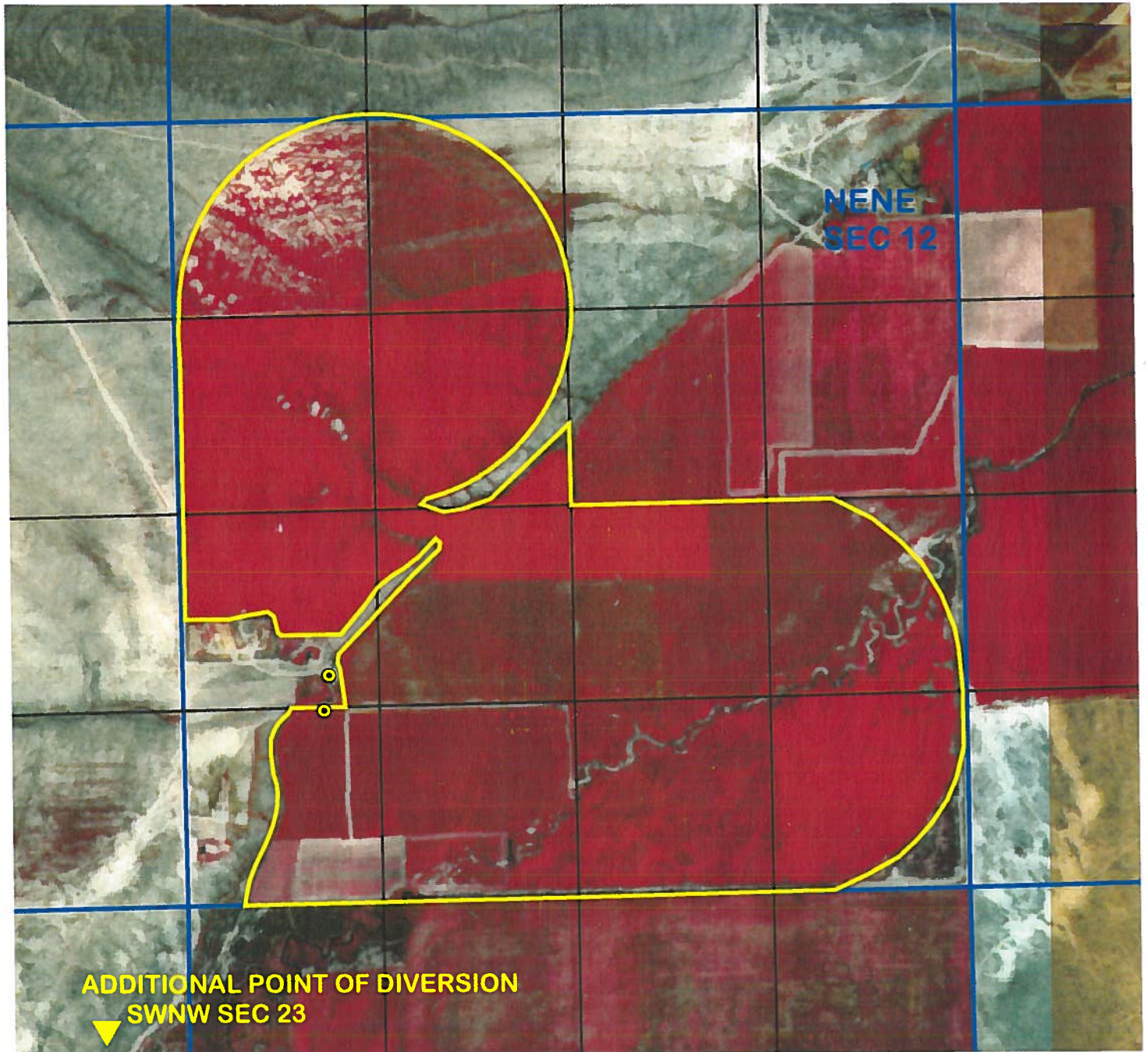
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 43-10014 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.

Idaho Department of Water Resources

**RIGHTS: 43-02552, 43-02560
43-04018, 43-10014**

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



0 1320 2640 3960 5280 Feet

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



*Split
68-01*

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

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

~~Gen~~ ~~BA9~~ 10014
Snt w/ 7040, 4018, 2560 limited to 89gs (EX4)
Qnt w/ 2560 limited to 6.2 gs (EX1) & 1077 pu fig
Qnt w/ 500 & 600 limited to 437 ac & 8.34 gs
C-18 10014

EX1
entered by
10014

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUN 22 2000

Department of Water Resources
Snake River Region

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): A4302552 A4310014 A4302560
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 _____

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
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.

CHRONOLOGY OF EVENTS
GROUND WATER RIGHTS OF ELBERT, BRUCE AND KENT DUFEE

1968 - Licenses 43-2552 and 43-2560 issued for a combined total of 306 acres and 8.6 cfs. 43-2552 = 298 ac, 3.6 cfs. 43-2560 = 266 ac, 5.0 cfs. Field exam indicates total capacity of 5 wells is 8.73 cfs.

1970 - Statutory claim 43-4018 filed for 2 cfs on 320 acres priority date 1942 which is date first well was dug in NWSW Sec 12 per affidavit. POU is S ½ section 12. This claim is filed in response to claimed shortage in acres licensed to right holder in 1968.

1975 - T1935. First transfer moves 103 acres from Sec 14 to Sec 12. Combined limits are included in transfer, limiting diversion rate to 6.12 cfs for 306 acres.

1979 - Application for permit filed for 135 acres and 2 cfs in Section 14 with POD of well in Section 14. License 43-7140 is issued in 1989. Capacity of this well measured 2.10 cfs.

1982 - T2712. Second transfer filed to accurately show wells combined into one system. 1 well located in Sec 23, 1 well in Sec 14, 3 wells in section 12. No change in POU. Diversion rate for 43-2552 remains at 3.6 cfs. Diversion rate for 43-2560 now reduced to 2.52 cfs with combined limits remark.

1985 - T2851. Third transfer moves 40 acres from Sec 23 to Sec 12. POD in section 14 deleted from this system. Wells in system identified as 1 well in Sec 23, 2 wells in Sec 12. No change in diversion rate, acres remain at 306. *Memos outlining possible errors in licensed acres and combined diversion limit are added to the file.*

1987 - SRBA ground water claims filed include licensed rights 43-2552 & 43-2560 as transferred, Stat claim 43-4018, and an expansion claim 43-10014, all appurtenant to section 12. Also Licensed right 43-7140 for section 14.

2000 - SRBA review reveals errors in the numbers of acres licensed in 1968. The number of acres irrigated in Section 12 were shorted by approximately 76 acres. The number of acres and the combined

diversion rate for the two licenses 43-2552 and 43-2560 should properly have been 382 acres and 7.64 cfs. It appears, at this time, that the clearest way to rectify the error is by recommending the additional 76 acres and 1.5 cfs as beneficial use claim 43-4018 using the priority date of the junior license, 1-4-1963.

Enlargement claim 43-10014 is also found to be necessary for 35 acres that were developed in the late 1970s due to the addition of pivot sprinklers and the resulting increased efficiency of ground water usage.

RECOMMENDATION

Due to the co-mingling of groundwater rights into a common sprinkler system prior to commencement of the adjudication, the four rights involved should be recommended as a permissible place of use of ~~417~~ 415 acres, broken down as follows:

43-2552 3.60 cfs for the irrigation of a certain 306 acres when combined with claim 43-2560, in a permissible place of use of 417 acres. Combined diversion rate with 43-02560 of 6.12 cfs.

43-2560 5.0 cfs for the irrigation of a certain 306 acres when combined with claim 43-2552, in a permissible place of use of 417 acres. Combined diversion rate with 43-2552 of 6.12 cfs.

43-4018 1.50 cfs for the irrigation of 76 acres within a permissible place of use of 417 acres.

43-10014 No additional diversion rate for the irrigation of 35 acres within a permissible place of use of 417 acres.

43-7140 - 2.0 cfs for the irrigation of 132 acres in Section 14. This well is a separate system from that in Section 12.

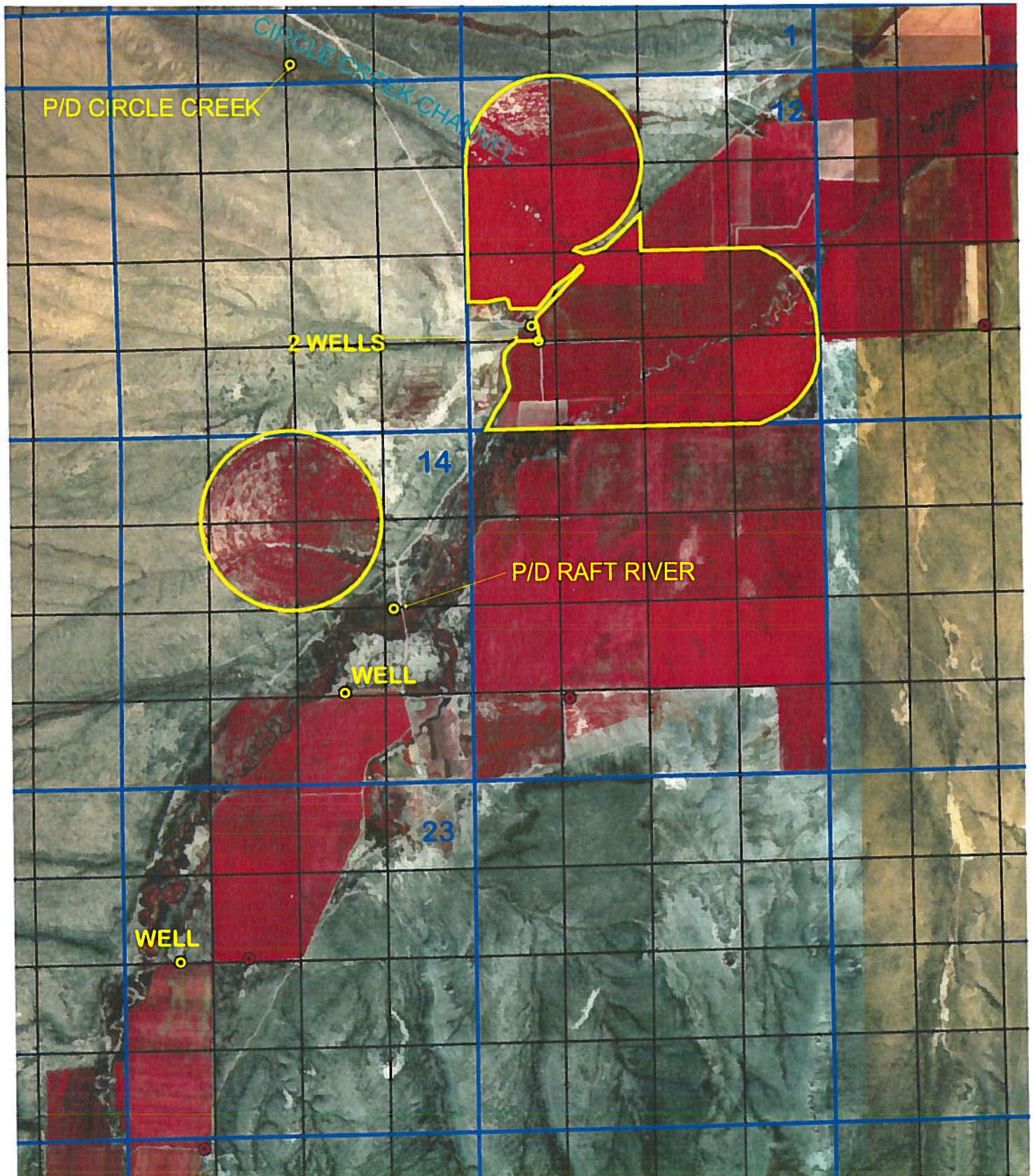
Combined limits for the wells associated with the rights listed above is 8.9 cfs, which includes the original licensed diversion rates of 3.6 and 5.0 cfs with an additional 0.3 cfs measured from the well in section 14 during the licensing exam for 43-7140.

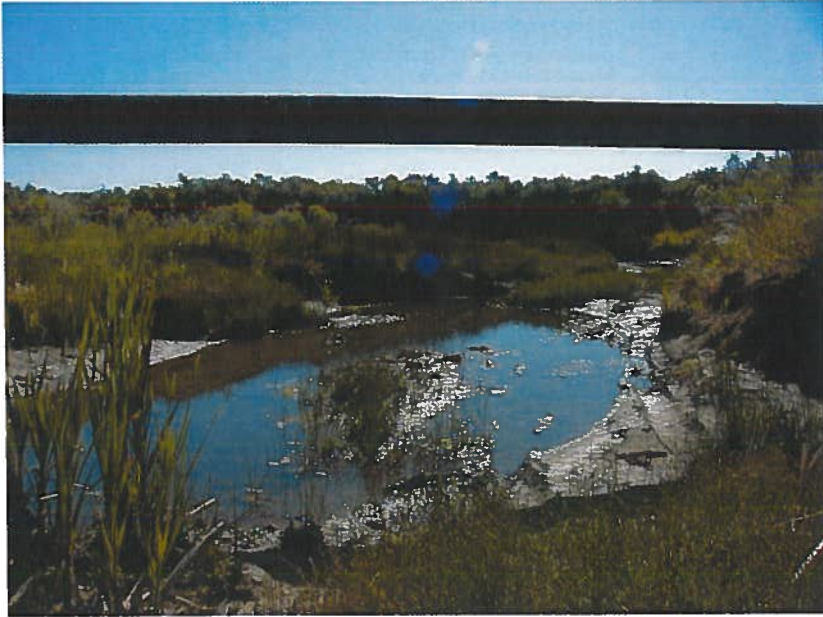
Subsequent to the father Elbert Durfee's death in 1995, there has been a division in ownership of the property, and a split of the four rights between Kent and Bruce will be necessary. Groundwater rights are also subject to diversion rate limits when combined with surface water.

FILE NOTES

DURFEE

TWP 16S RNG 24E





7. Looking easterly at Kent Durfee's pipe crossing the Raft River to the booster pump to his pivot in section 14. Flow measurement point. The flow was measured with the Fuji Flow meter.



8. Bruce Durfee's pump in T16S R24E section 23. Looking south. Site tag A0004513. GPS file name A0004513.



9. Close-up of Bruce Durfee's section 23 pump.



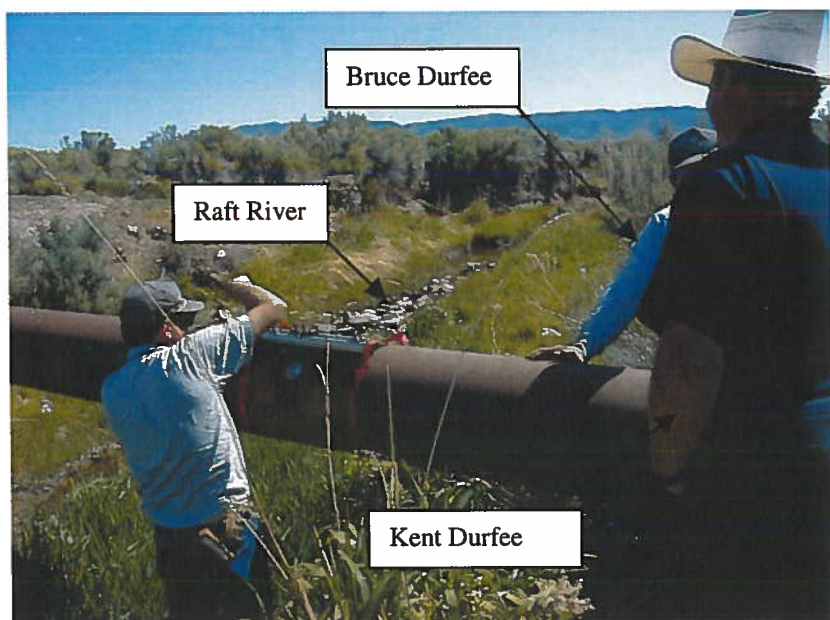
10. Old concrete ditch in T16S R24E section 23 that was originally used to convey the water by E. Bruce Durfee. Looking Southeasterly.



11. Bruce Durfee's pipe from T16S R24E section 23 POD. The leaky pipe returns water to the Raft River.



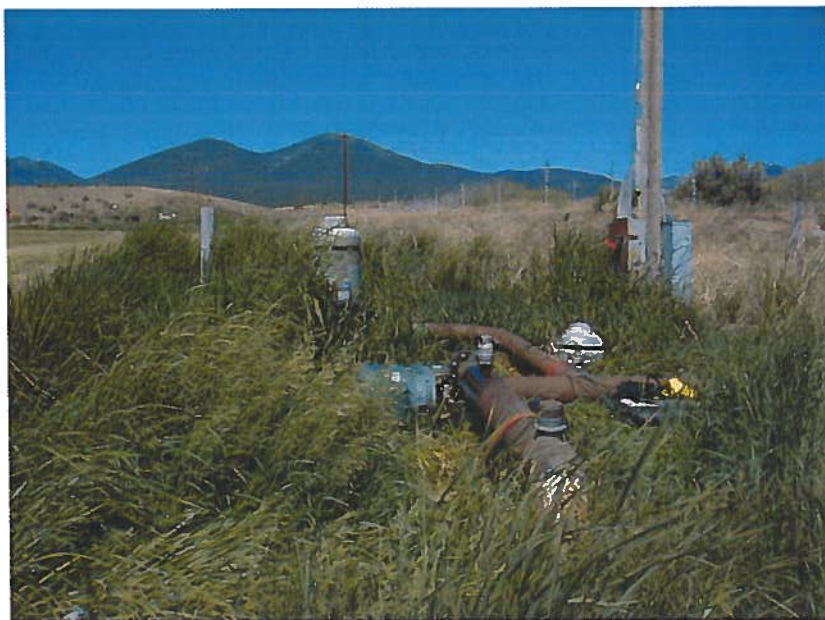
12. Close-up of the Bruce Durfee's leaky pipe.



13. Scott King is attaching the transducer to Bruce Durfee's pipe.



14. Kent Durfee pump in section 12. T16S R24E South pump.



15. Kent Durfee pump in section 12. T16S R24E



16. Kent Durfee POU. T16S R24E S12



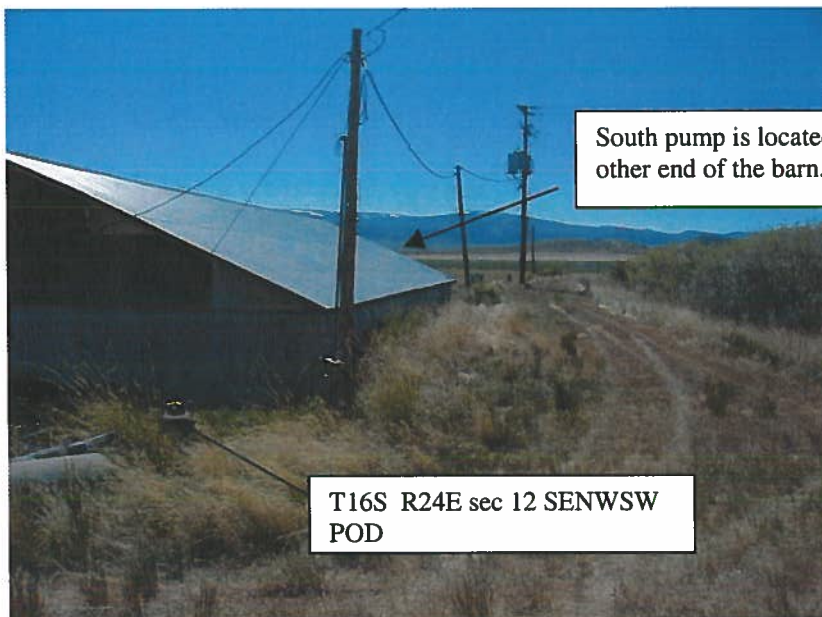
17. Kent Durfee booster pump. T16S R24E S12



18. Looking south from the Kent Durfee booster pump at the POU.



19. T16S R24E S12 North pump.



South pump is located on the other end of the barn.

T16S R24E sec 12 SENWSW
POD

20. Looking south from Kent Durfee's north pump.

A43-4018

-255

-2566

-10014

16524E12

NESWSW

Kent Durfee

L00000000LD07

LD07

LD07

No.07

L

OG NAME: KENT12S

START :06-02 11:35

END :06-02 11:50

INTERVAL:00:01:00

06-02 11:35:00

+5.207E+0 ft/s

+4.273E+2 gal/m

+TOTAL 0002572 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:36:00

+5.132E+0 ft/s

+4.211E+2 gal/m

+TOTAL 0002997 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:37:00

+4.986E+0 ft/s

+4.091E+2 gal/m

+TOTAL 0003413 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:38:00

+4.834E+0 ft/s

+3.967E+2 gal/m

+TOTAL 0003816 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:39:00

+4.680E+0 ft/s

+3.841E+2 gal/m

+TOTAL 0004208 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:40:00

+4.583E+0 ft/s

+3.761E+2 gal/m

+TOTAL 0004589 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:41:00

+4.385E+0 ft/s

+3.599E+2 gal/m

+TOTAL 0004960 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:42:00

+4.396E+0 ft/s

+3.607E+2 gal/m

+TOTAL 0005310 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:43:00

+4.854E+0 ft/s

+3.983E+2 gal/m

+TOTAL 0005703 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:44:00

+4.803E+0 ft/s

+3.942E+2 gal/m

+TOTAL 0006100 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:45:00

+4.776E+0 ft/s

+3.919E+2 gal/m

+TOTAL 0006494 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:46:00

+4.755E+0 ft/s

+3.903E+2 gal/m

+TOTAL 0006887 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:47:00

+4.715E+0 ft/s

+3.869E+2 gal/m

+TOTAL 0007276 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:48:00

+4.698E+0 ft/s

+3.855E+2 gal/m

+TOTAL 0007663 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:49:00

+4.720E+0 ft/s

+3.873E+2 gal/m

+TOTAL 0008050 gal

-TOTAL 0000055 gal

NORMAL

06-02 11:50:00

+4.437E+0 ft/s

+3.642E+2 gal/m

+TOTAL 0008429 gal

-TOTAL 0000055 gal

NORMAL

$$Aug = 3858m$$

$$= 0.86 cfs$$

$$MAX \approx 430 gpm$$

A43 - 4018

A43-02552

A43 - 2560

165 24E12
SE NSW

Kent Durfee

LD10 A43 - 10014

NORMAL

LD10

No.10

L

OG NAME: KENT12N

START :06-02 12:05

END :06-02 12:15

INTERVAL:00:01:00

06-02 12:12:00

+3.661E+0 ft/s

+3.025E+2 gal/m

+TOTAL 0003268 gal

-TOTAL 0000055 gal

NORMAL

06-02 12:13:00

+0.000E+0 ft/s

+0.000E+0 gal/m

+TOTAL 0003303 gal

-TOTAL 0000060 gal

NORMAL

06-02 12:05:00

+4.331E+0 ft/s

+3.578E+2 gal/m

+TOTAL 0000723 gal

-TOTAL 0000055 gal

NORMAL

06-02 12:06:00

+4.340E+0 ft/s

+3.586E+2 gal/m

+TOTAL 0001082 gal

-TOTAL 0000055 gal

NORMAL

06-02 12:07:00

+4.353E+0 ft/s

+3.597E+2 gal/m

+TOTAL 0001441 gal

-TOTAL 0000055 gal

NORMAL

06-02 12:08:00

+4.326E+0 ft/s

+3.575E+2 gal/m

+TOTAL 0001800 gal

-TOTAL 0000055 gal

NORMAL

06-02 12:09:00

+4.316E+0 ft/s

+3.567E+2 gal/m

+TOTAL 0002157 gal

-TOTAL 0000055 gal

NORMAL

06-02 12:10:00

+4.340E+0 ft/s

+3.586E+2 gal/m

+TOTAL 0002515 gal

-TOTAL 0000055 gal

NORMAL

06-02 12:11:00

+5.214E+0 ft/s

+4.308E+2 gal/m

+TOTAL 0002912 gal

-TOTAL 0000055 gal

Avg = 358 gpm
= 0.80 cfs
Max ≈ 430 gpm

AMENDED

Water Right No. 43-2552
43-2560
Trans. 2712RECEIVED
AUG 10 1985Department of Water Resources
Southern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Elbert L. &/or Elbert Bruce Durfee Phone 824-5525
824-5566
Post Office address Almo, Idaho, 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name) _____
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 43-2552 & 43-2560 issued by the Idaho Department of Water Resources
Trans 2712
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Original holder of licenses and transfers.

3. Source of water Groundwater tributary to _____
4. Date of priority 43-2552 ----- 9/19/1962 * When combined under Trans. 2712
43-2560 ----- 1/4/1963
5. Water is used for the following purposes:
amount 6.12 cfs * for Irrigation purposes from April 1 to Oct. 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 6.12 * cubic feet per second
&/or
b. 1071 acre feet per annum
7. Location of original point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23
Township 16S Range 24E, B.M., in Cassia County
Additional points of diversion, if any NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14; (3 pts) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, all in T16S,
R24E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	24E	12					40		40	23	32	4	15	29	5	30	34	14	266
		23					15	25											40

Total number of acres to be irrigated 306

9. Describe any other water rights used for the same purpose as described above
- 43-4018

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

1582 TH 2851

43-2552
43-2560
2712

✓

B. DESCRIPTION OF RIGHT OR PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 6.12 * c.f.s. &/or 1071 acre feet
 - b. Description of diverting works Three wells & pumps to sprinkler system
 - c. Describe the reasons for the proposed changes To properly locate wells presently used on lands in Section 12 and also allow for irrigation of land in section 12 not now covered in exchange for abandonment of irrigation of land in section 23.
2. Change in point of diversion

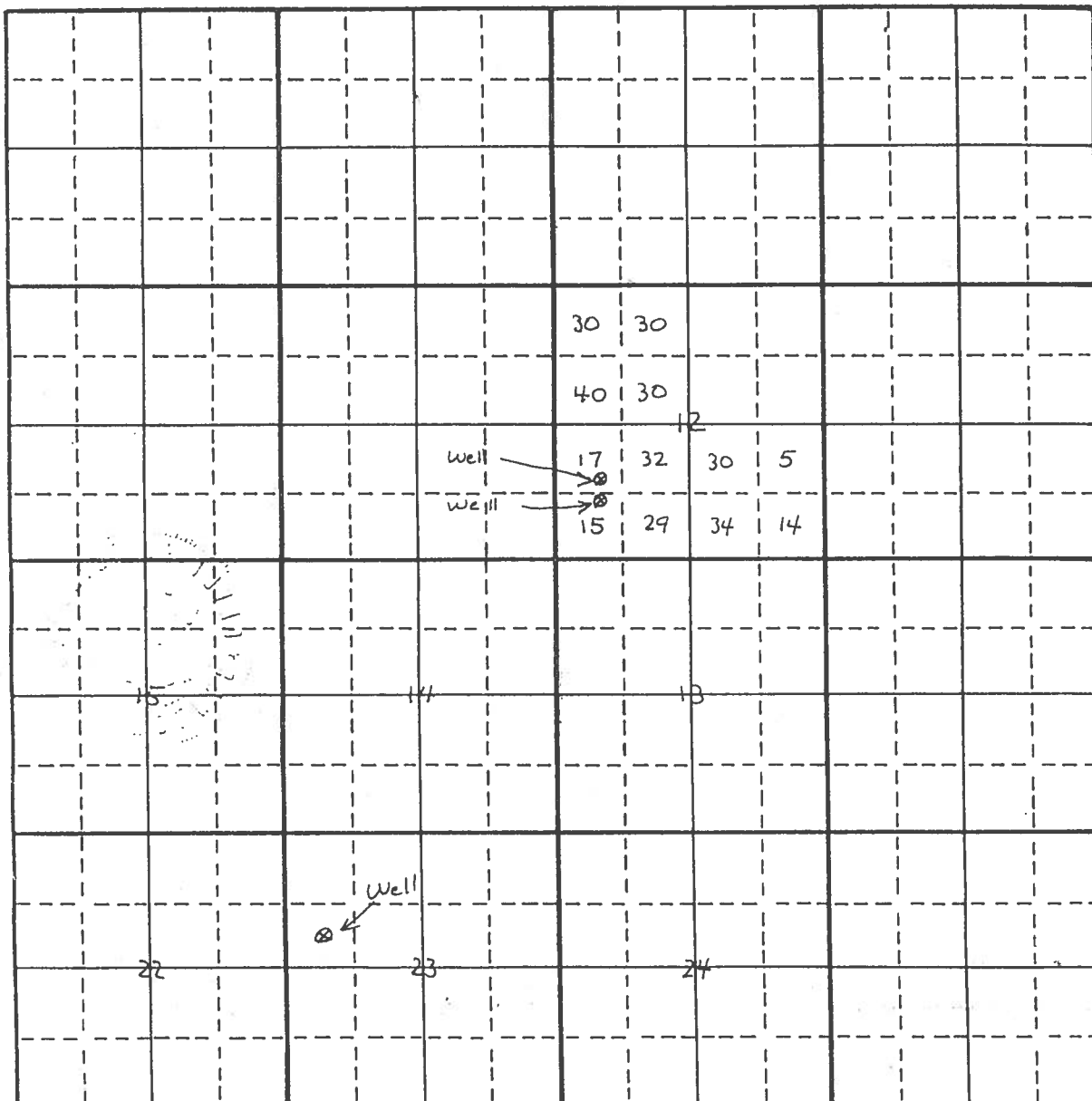
Point of diversion SW 1/4 NW 1/4, Section 23 Township 16S
Range 24E, B.M., Cassia County
Additional points NW 1/4 SW 1/4, and SW 1/4 SW 1/4 of Section 12, T16S, R24E, B.M.
(Note that both of the wells in Sec. 12 have been recorded as being in the NW 1/4 SW 1/4 however one of these is actually in the SW 1/4 SW 1/4 of that Section.)
3. Change in place of use
 - a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The land in Section 23 will no longer be irrigated.

c. Describe the land, or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	24E	12					30	30	40	30	32	17	15	29	5	30	34	14	306

Total number of acres to be irrigated 306

4. Describe any other water rights used for the same purpose as described above. 43-4018
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

~~License 43-2552 was originally licensed for 3.60 cfs and license 43-2560 was licensed for 5.00 cfs but when these licenses are combined in a common system the max. rate of diversion was limited by trans 2712 to be 6.12 cfs or 1"/acre. Presently due to errors in licensing of the original rights the Department is considering increasing the number of acres under these rights and the max. allowable rate will be increased accordingly.~~

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 willfull misrepresentations made in this application may result in voiding its approval.

Edbert L. Duffee
(Signature of Applicant)

Subscribed and sworn to before me this 25 day of April, 19 85.

Loren O. Halmer
(Notary Public)

My commission expires 6/6

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2552/2560
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 13th day of August, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by ADM Date 4/25/85 Protest filed by None
Prelim. check by QA Fee 20.00 Amending
Receipted by ADM Date 4/25/85 # 35335
Published in Sacramento Press Copies of protest forwarded by _____
Pub. dates 5/2 + 5/6/85 Hearing held by _____ Date _____
Watermaster recommendation requested on N/A Recommended for approval denial
_____ rec'd. _____ by ADM Jim

RECEIVED

Transfer No. 2712

APPROVED

DEC 20 1982

Water Right No. _____

Lic. No. (A) 43-2552

(B) 43-2560

T 1935

STATE OF IDAHO
Department of Water Resources
Water Right District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Elbert L. Duffer Phone 824-5525Post Office address Almo, Idaho, 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____

(A) 43-2552 T 1935 (Name of court)

b. License No. (B) 43-2560 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____

4. Date of priority (A) 9-19-62 (B) 1-4-63

5. Water is used for the following purposes:

amount (A) 3.6 cfs for Irrigation purposes from April 1 to Oct 31amount (B) 5.0 cfs for Irrigation purposes from April 1 to Oct 31

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

(A) 3.6

6. Total amount of water under right: a. (B) 5.0 cubic feet per second

(A) 1082

(B) 930

(A)

(B)

7. Location of original point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23Township 16S Range 24E, B.M., in CASSIA CountyAdditional points of diversion, if any (B) NWSE, Sec. 14, Twp. 16S Rge. 24E3 points in the NWSE Sec. 12, Twp. 16S Rge. 24E8. Lands irrigated or place of use: As transferred T 1935

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	24E	12					40		40	23	32	4	15	29	5	30	34	14	266
		23						15	25										40

Total number of acres to be irrigated 3069. Describe any other water rights used for the same purpose as described above 43-401810. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS

T 2712

43-2552
43-2560
T-1935

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted (A) 3.60 cfs (B) 5.0 cfs c.f.s. &/or (A) 1082 (B) 930 acre feet
- b. Description of diverting works Wells, pumps, meters, pipelines & ditches to pond and sprinkler system
- c. Describe the reasons for the proposed changes To allow pumping from the ponds of diversion shown the amounts actually being pumped

2. Change in point of diversion

Point of diversion SW 1/4 NW 1/4, Section 23 Township 16S
Range 24E, B.M., Cassia County
Additional points NWSE Sec 14; 3 pts. in the NWSE Sec 12, Twp 16S Rge 24E.

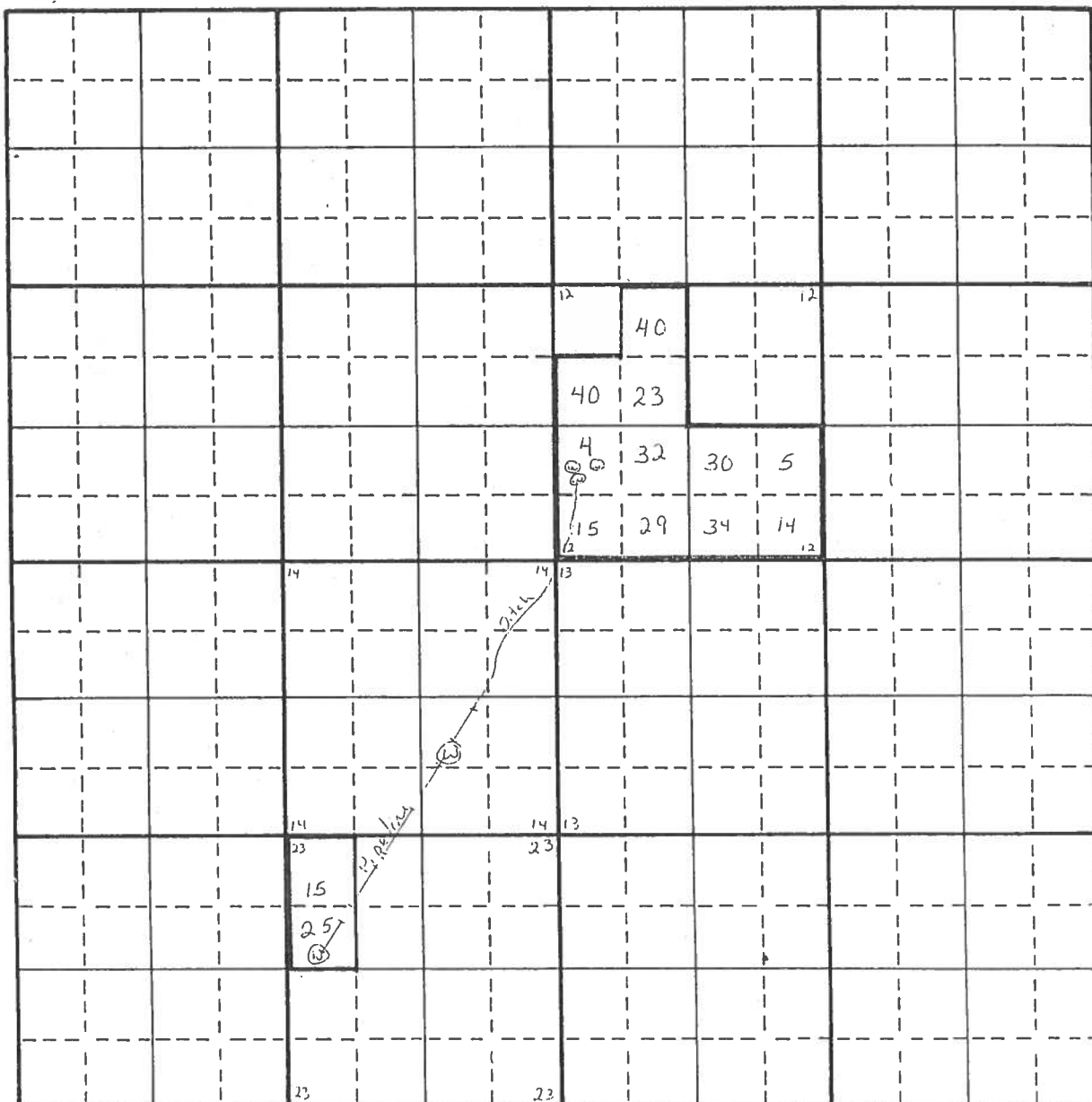
3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No ☒. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. 4.3-4018
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Albert L. Durfee
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of July, 19 82

[Signature]
(Notary Public)

My commission expires Aug

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2552 and 43-2560 and said application is hereby APPROVED, subject to the following limitations and conditions:
1. The maximum rate of diversion shall not exceed 6.12 cfs from the four ponds.

Witness my hand this 30th day of November, 19 82

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by T.G.B. Date 7-8-82 Protest filed by _____

Prelim. check by _____ Fee \$50.00

Receipted by T.G.B. Date 7-8-82 # 20863

Published in South Idaho Press Copies of protest forwarded by _____

Pub. dates 7/22 + 7/29/82 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for approval denial

_____ rec'd. _____ by Joni DRT

RECEIVED

FEB 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 1935

Application No.

License No.'s (A) 43-2552

(B) 43-2560

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Department of Water Resources
Southern District Office

Name of applicant Elbert L. Durfee Phone 824-2051

Post office address Alma, Idaho 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to (Name) vs (Name)

in case of vs

dated in county of

(A) 43-2552 3.60 cfs (Name of court)

b. License No. (B) 43-2560 5.0 cfs issued by the Idaho Department of Water Resources

c. Claim No. on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

3. Source of water Groundwater tributary to

4. Date of priority (A) 9-19-62; (B) 1-4-63

5. Water is used for the following purposes:
amount (A) 3.60 cfs for Irrigation purposes from April 1 to October 31
amount (B) 5.0 cfs for Irrigation purposes from April 1 to October 31
amount for purposes from to
(month/day - both dates inclusive)

6. Total amount of water under right: a. (A) 3.60 cfs cubic feet per second
(B) 5.0 cfs
(A) 1,082 &/or
b. (B) 930 acre feet per annum (when combined)

7. Location of original point of diversion is (A) SW 1/4 of NW 1/4 of Section 23 not to exceed
Township 16S Range 24E, B.M., in Cassia County
Additional points of diversion, if any (B) NW 1/4 SE 1/4, Sec. 14, Twp. 16S, Rge. 24E, B.M.;
3 points in the NW 1/4 SW 1/4, Sec. 12, Twp. 16S, Rge. 24E, B.M.

8. Lands irrigated or place of use:

(A)

43-2560

TWP.	RANGE	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	
16S	24E	12									32	4	15	29	5	30	34	14	163
		14	5	20	27		20			23									95
		23						15	25										40

(B) See Attached

Total number of acres to be irrigated 298

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion (A) 3.60 cfs
a. Amount of water to be diverted (B) 5.0 cfs c.f.s. &/or (A) 1,082 acre feet
b. Point(s) of diversion (A) SW ¼ NW ¼, Section 23 Township 16S
Range 24E, B.M., Cassia County
Additional points (B) NW ¼ SE ¼, Sec. 14, Twp. 16S, Rge. 24E, B.M.;
3 points in the NW ¼ SW ¼, Sec. 12, Twp. 16S, Rge. 24E, B.M.
c. Description of diverting works wells, motors, pumps, pond & sprinkler system.
d. Describe the reasons for applying for a change in the point(s) of diversion No change of points of diversion.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
16S	24E	12					40		40	23	32	4	15	29	5	30	34	14	
		23						15	25										266
																			40

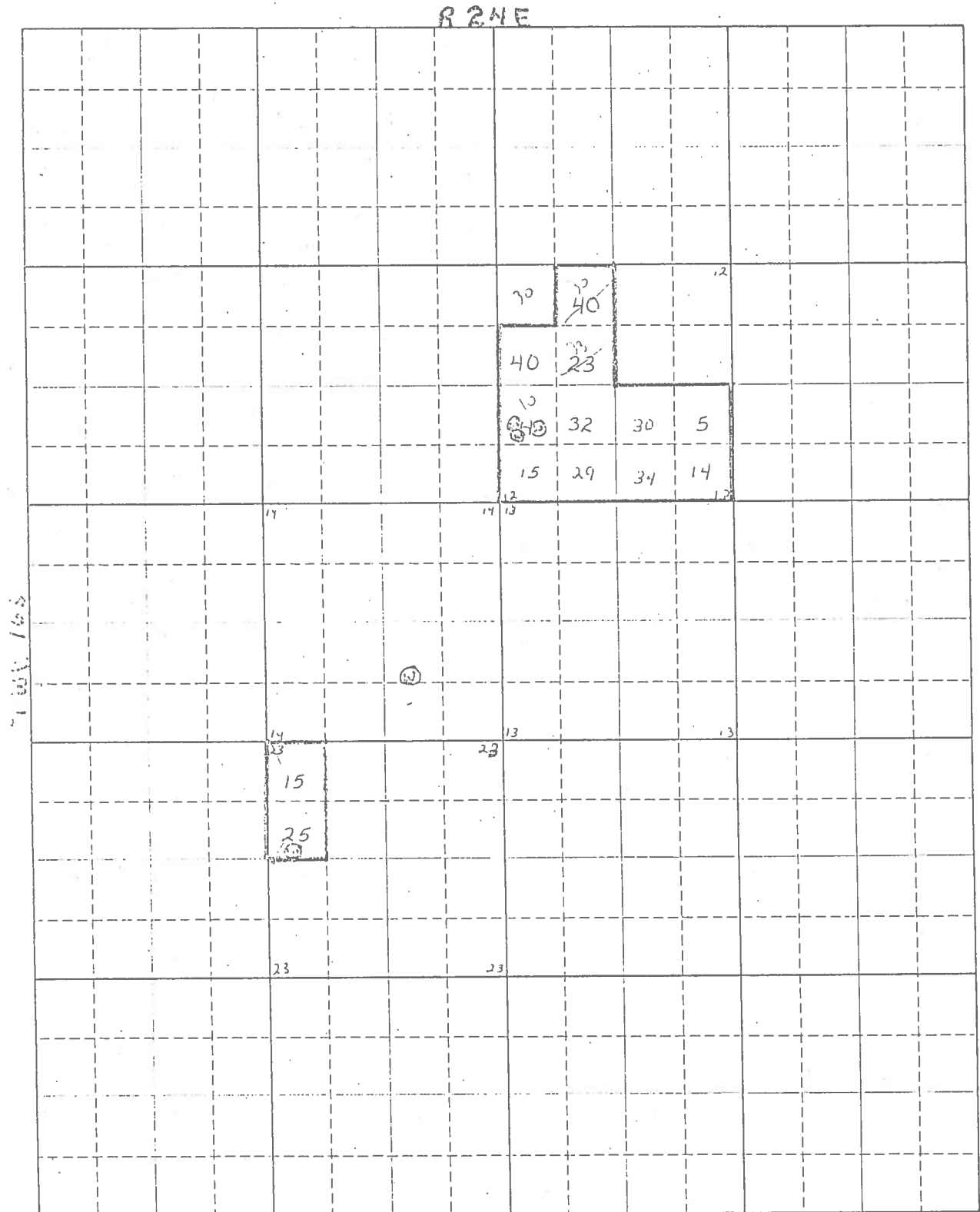
(B)

30874 - 43-2560

TWP.	RANGE	SEC.	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	
16S	24E	12									32	4	15	29	163
		14	5	20	27		20	3	5	23					103

Total number of acres to be irrigated 266

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

3. Remarks There is a Claim To A Water Right No. 43-4018 and also a surface water right to Raft River, which is not used because it only allows water over a certain amount late in the year and those conditions are seldom if ever met, which also are appurtenant to these lands.

I hereby assert that no one will be injured by such change and 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.

Robert L. Purser
(Signature of applicant)

Subscribed and sworn to before me this 17th day of December, 19 75

Carol E. Clough
(Notary public)

My commission expires 8-12-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 1935/43-2552/43-2560 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

Maximum rate of diversion shall not exceed 6.12 from the four ponds.

2. Denial of said application is for the following reasons:

Witness my hand this 20 day of February, 19 76

R. Karl Higgin

FOR DEPARTMENT USE ONLY

Received by L. A. B. Date 12-17-75

Prelim. check by CC Fee 30.00

Receipted by CC Date 12-17-75

Published in South Idaho Press

Pub. dates 12-30-75 & 1-6-76

Watermaster recommendation requested on

rec'd.

Protest filed by

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by Michael H. Stuck DEC

State of Idaho

WATER LICENSE

Water License No. G-30732 Priority September 19, 1963 Amount 3.6 c.f.s.

THIS IS TO CERTIFY, that ELBERT L. DUFFEE

of Almo, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 19, 1963; that Permit G-30732 was issued pursuant to said application; that the proposed works were completed on or about June 1963

with a storage or carrying capacity of 3.6 c.f.s., said works consisting of well, motor, pump, concrete diversion works through earth ditches; and that on September 11, 1967

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1082 when combined with Permit 30874 acre feet per season, with a maximum rate of diversion of 3.6 cubic feet per second of the waters of ground water, tributary of _____,

for the purpose of Irrigation from April 1 to October 31;

and for _____ from _____ to _____; and for _____ from _____ to _____; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in SW 1/4 NW 23 T. 10 S. R. 24 E. B.M., and other additional points _____, in the County of

Cassia; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 1082 acre feet per year., when used in conjunction with Permit 30874

Description and location of place of use:

TWP.	RANGE	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	
16 S	24 E	12									32	4	15	29	5	30	34	14	163
		14	5	20	27		20			23									95
		23					15	25											40

Total number of acres irrigated 298

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of August, 19 60.

[Signature]
State Reclamation Engineer

30732

43 2552

43-2552

Form 23
2M-4-65

RECEIVED

FEB 23 2000

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-30732

REPORT ON PROOF OF Completion of Works & Beneficial Use

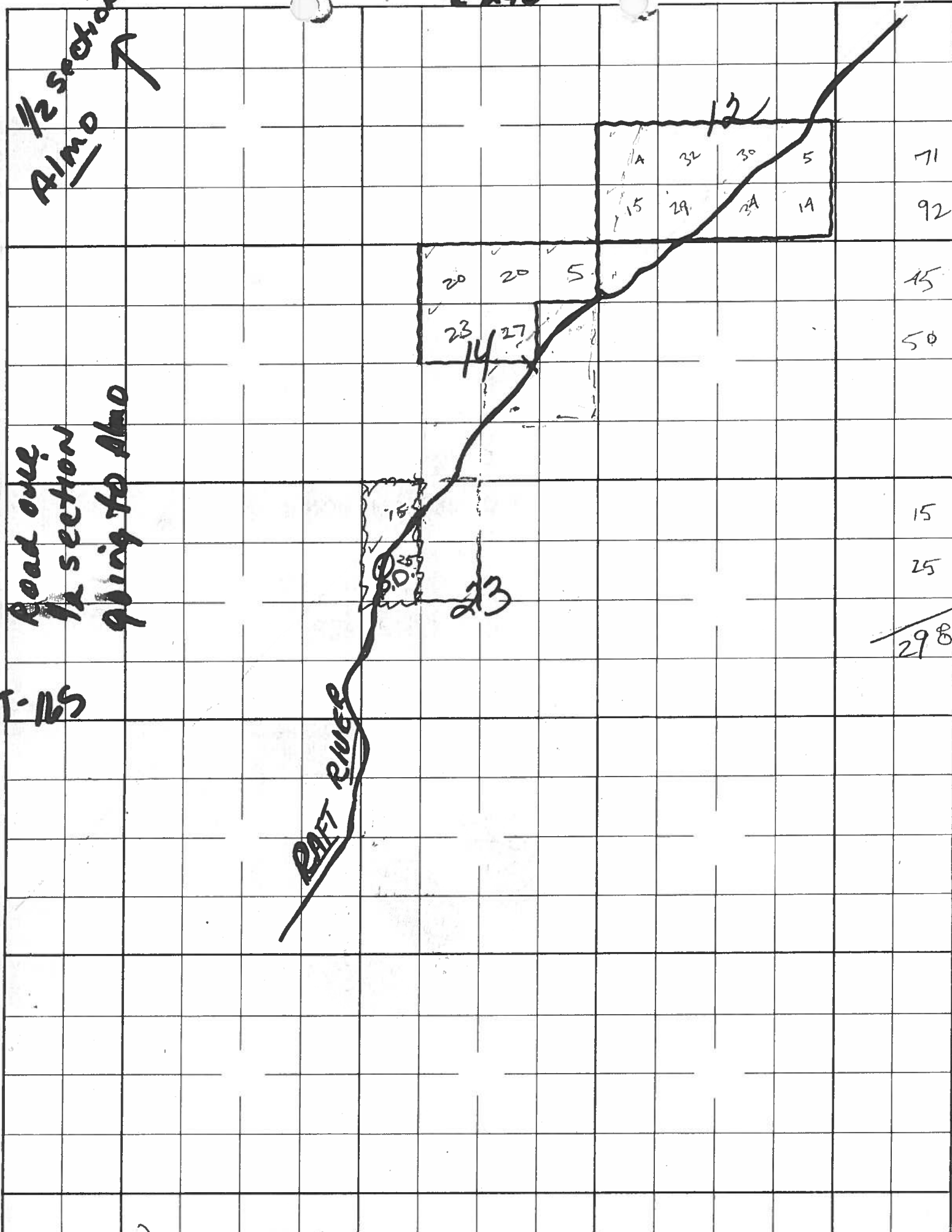
R-24E

1/2 section
Almo ↑

Road over
1/2 section
going to Almo

T-165

RAFT RIVER



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-30732

This proof is for C/W & B/U

In Water District No.

1. Name of applicant Elbert L. Durfee

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23

T. 16 S R. 24 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:

10 HP 1/2 IN 5 PLE MOTOR, 1/2 B VTP
240.15 (1710 gpm 135') 10" DISCHARGE
TIE 8" & 10" THROUGH CONCRETE DIVERSION
WORKS THROUGH EARTH DITCHES —
GRAVITY IRRIGATION

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S $\frac{1}{2}$, Sec. 12; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 14; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 23, T. 16 S, R. 24 E, B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: FOR ELBERT DURFEE & SON ASSISTED WITH

WATER SURVEYS & DISCHARGE DETERMINATION

SPRING IRRIGATION

Elbert L. Durfee well and casing private ditch
Almo, Idaho 15" - 250'
4 - 10'
Q - 235'

Permit No. G-30732

Examination for C/W & B/U

County Cassia

Quantity: 6.0 c.f.s. Sec. 23 T. 16S R. 24E

Source: subterranean

P.D.: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 16 S, R. 24 E, B. M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights: Dist. 8-B Raft River & Permit G-28593

Filed: September 19, 1962

Due: September 20, 1967

Made: September 11, 1967

Priority: September 19, 1962

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. STEED HEARING

A43-02552

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.

1968 Licenses issued for a combined total of 306 ~~ac~~^{9c} & 8.73 ~~ac~~^{6.0} cfs.

43-2552 - 298 ac 3.6 cfs

43-2560 - 266 ac 5 cfs

Field exam indicates capacity of wells = 8.73 cfs
3.6 cfs well in 23, 5.13 3 wells Sec 12 & 1 well Sec 14

1975 T1935 - 1st Transfer moves ¹⁰³~~95~~ ac from Sec 14 to Sec 12. Combined limits are included limiting div rate to 6.12 cfs for 306 ac.

1982 T2712 - 2nd Transfer filed to accurately show wells combined into 1 system. 1 well listed in Sec 23, 1 Section 14, 3 in Section 12. No change in POU, diversion rate for 43-2552 remains 3.6 cfs, div rate for -2560 reduced to 2.52 in data Base with combined limits remark.

1985 T2851 - 3rd Transfer moves 40 ac from Sec 23 to Sec 12. P/d in section 14 deleted. Wells in system 10'd as 1 well in Sec 23, 2 wells in Sec 12. No chg in diversion rate on 306 ac. Memo's outlining possible errors in licensed acres & combined diversion limit added to file.

1979 Application for permit filed for acres in Sec 14 with p/d of well in Sec 14.

1989 Lic 43-07140 issued for 132 acres @ 2 cfs from well in Sec 14. Well capacity measured at 2.10 cfs. Condition in license limits rate of diversion to 2.10 cfs when combined with 43-2140. (?)

≈ 1987 132 acres being irrigated in Sec 14
 47 acres being irrigated in Sec 12
 Expansion claim filed for 142 ac in Sec 12
 Application for permit for 115 ac Sec 12
 (on moratorium hold. Filed 6-12-88)

1970 Stat claim 43-04018 filed for 2 cfs on 320 ac. Priority date 1942, date first well dug on property per Affidavit. POD listed in NWSEW Sec 12. POD S $\frac{1}{2}$ Sec 12
 - Stat claim filed in response to perceived shortage in acres on licenses issued in 1968.

- Per current claimants - irrigated acres prior to father's purchase in ≈ 1951 much less than 320. ~~He~~ No idea how much irrigated from GW but nowhere

near 320 ac as not even 320 are irrigated in the $5\frac{1}{2}$ Sec 12 today.

Do not know father's motivation.

Note Affidavit claims 100" produced by well ~~owned~~^{dug} by previous owner Jensen.

Capacity measured in 1968 = 8.73 cfs

Capacity measured in 2000 = 7.5 to 8.0 cfs
(includes well in Sec 14)

Capacity of 4 wells orig licensed to -02560 equalled 5.12 cfs (reduced to 2.52 by trans)

Capacity of 1 well licensed to -02552 was 3.6 cfs.

? 43-07140 Shouldn't limits have been capacity of -2560 wells not just well in 14?

PLAN A Chg Licensed Rights

Should have:

1968 licenses issued for a total of 382 ac
and 8. ⁶⁰~~73~~ cfs

1975 T# 1 acres from sec 14 moved to
Sec 12. Combined limits 382 ac 7.64 cfs

1982 T# 2 Combined limit 7.64 cfs which is
3.60 cfs 43-2552 5 wells
4.04 cfs 43-2562

1985 T# 3 Acres in sec 23 moved to Sec 12
well in sec 12 deleted from system
will in sec 14 deleted from system
382 ac 7.64 cfs 3 wells

50000...

1989 License 43-07140 for 2 cfs, 132 ac.

OK with
alloc. { Combined limit for 7140 & 2560
would be 5.0 cfs? Combined 460
available to 2552 & 256 now 6.60 cfs.
 $3.6 + 3.0 = 6.6$

1987-2000 - Expansion claim 43-10014 for a total of
45 acres (427 currently irr - 382 lic = 45)
Expansion occurred prior to 1987 and
after 1978 per opg.

- Bll claim 43-04018 withdrawn or
disallowed.

- Claim 43-02552 would be recommended for 3.6 cfs ~~with a PPU of~~ for 382 ac within a PPU of 427 ac w/ combined limits on ^{div &} acres with -2560 & 10014.
- Claim 43-02560 would be recommended for ~~4.04~~ ^{3.04} cfs for 382 ac within a PPU of 427 ac with combined limits on ^{div &} acres with 43-2552 & -10014 and diversion limit of ~~4.04~~ 5.0 with 43-07140.

Transfers filed in 1992 amended.

- Kent Transfers 1.5 cfs p/d 2 wells in Sec 12 To 85 ac ~~from lie -2560 & -2552~~
- Bruce Transfers 5.0 cfs to well in Sec 23 provided capacity verified. ~~also from lie -2552 & -2560.~~

✓
PLAN-B

Licenses / TRANSFERS NOT CHG'D

1987 Expansion claim for ³⁵45 acres
43-10014 no increase in div. Rate

comb total
6.12 cfs
- License A43-02552 recommended
as licensed for 36 cfs PPL 306

- License A43-02560 recommended as
licensed for ~~2.52~~^{5.0} cfs PPL 306

- ^{combined} License A43-07140 recommended as
licensed with ~~adjusted~~^{NO} combined limit
in diversion rate with -2560 (~~3.63~~)

- BU claim 43-04018 recommended
for 76 acres @ 1.52 cfs priority
≈ 1962 to cover error in orig
License on acres in Sec 12.

Combined div rate for all 4 = 8.9 cfs which is capacity
of system. (8.73 + .3 additional to well in 14)

Capacity ~~8.73 cfs in 1968~~

Combined lic limit	6.12	306 ac
Additional stat claim	1.52	76 ac
Additional Lic 43-07140	2.0	132 ac
	9.64	

Combined limits with Surface water

STAT
4018

8.73 cfs

8.73
cap

2552

2560

3.6 + 5.0

Comb by transfer
in 2 ppa
conditions
put on

8.6

1.52

+

6.12

7.64

7140

meas additional
.3 cfs

new cap
9.03

1.52

6.12

2.0

9.64

3.6

2.52

5.00

← comb limits?

1.52

3.6

~~3.63~~
3.91

~~8.73~~
9.03

LIC

2552

2560

3.6
(6.12 comb w/2560)

5.0
(4.12 comb w/2552)

306
6.12 cfs combined limit
306 ac combined

Comb w/100147

4018

76 ac

1.52 cfs

Priority same as

JE License 43
(one with 5 cfs.)

7140 + 4018

+ 2560 + 2552

combined limited
to 8.9 cfs

(orig lic plus .3
additional capacity
well in SIC M)

LIC

WR

ADJ.

B/u

306 ac

8.6 cfs

382

76

Wells

34
00
05

T1935

T2712

Wells
1

3.6

Wells
2-5

5.0

1.5
6.12

382 7.64
T2851

764-6.12

1.52

2
①

306

T2851

1.5
6.12

6.12

well 2
(see LIC
7140)

2.0

382 5.64

79 LIC 7140

132 ac 2.0 cfs

orig cap 8.73

+ .3 additional to
well in sec 14

combined capacity
of all wells 8.9 cfs

Hancock, Vikie

From: King, Scott
Sent: Friday, June 09, 2000 9:52 AM
To: Hancock, Vikie
Subject: RE: Durfee

Vikie,

From what I can tell, there may or may not have been a mistake on original licensing. But I don't believe that it matters much due to the transfers that were filed. First transfer for 306 acres limited flow from licenses to 6.12 cfs. As I understand, the sequence of transfers combined everything so that now each of the 306 acres has 1" per acre, regardless of which well it comes from. However, they very likely pumped significantly more than 6.12 cfs, with high conveyance losses and the difficulties of flood irrigation.

Since then, sprinklers were installed and they increased acreage. But from what I can tell, the extra acres are not covered by any claims. If this is the case, maybe they need to file an expansion claim. Since the expansion occurred prior to 1987, maybe they can apply for a permit for pre-1987 development. Maybe they should do both? I believe that the flows that Cindy and I measured are representative of historical pumping capacities, if not a little less than historic. We measured somewhere between 7.5 and 8 cfs from all the wells.

Cindy and I will both be out of town next week, getting back very late on the 14th. Should be in on the 15th, but likely in a little late (9:00 or so). Please call then if we can help!

Scott

-----Original Message-----

From: Hancock, Vikie
Sent: Friday, June 09, 2000 8:32 AM
To: King, Scott
Subject: RE: Durfee

Kent Durfee
824-5536

Scott,

He has made an appt to come to Twin on June 15th, but as I told Cindy, I can call him and request a delay if you feel it would be best. I'll call you next week.

Vikie

-----Original Message-----

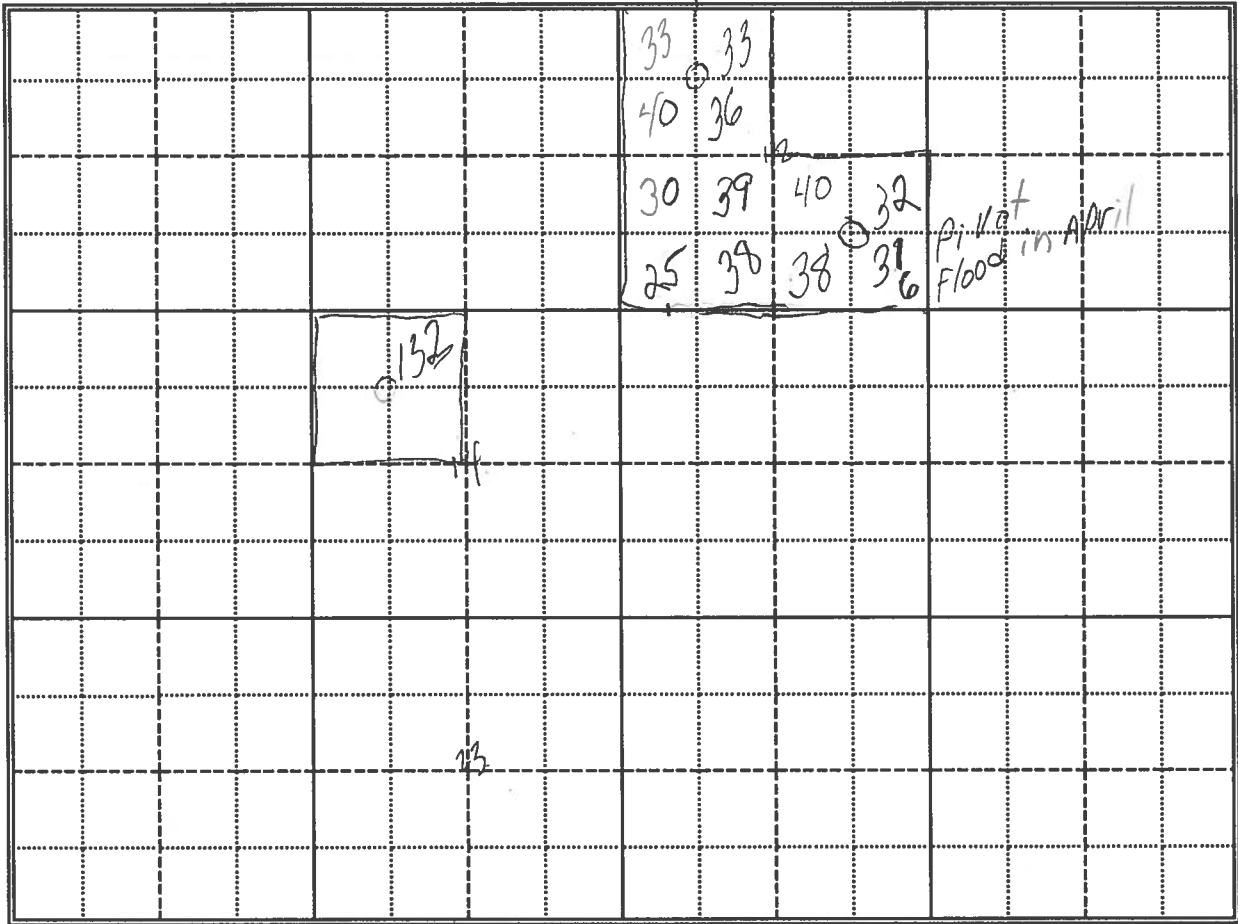
From: King, Scott
Sent: Thursday, June 08, 2000 7:56 PM
To: Hancock, Vikie
Subject: Durfee

Vikie,

Please call me about Durfee before they come in.

Scott

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for Irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

[illegible]

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I,R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I,R} \text{ and } V_{D,R} =$ _____**2. Volume Calculations for Other Uses:****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____

SEAL

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Have conditions of permit approval been met? ☐ yes ☐ no

Cindy,

Thanks again for agreeing to do the investigation on these claims. I contacted this claimant, originally, to do a field exam on claims he has filed in T15S, R24E Sec 15 & 16, and ran into this mess. I took the time then – August '99 – to document his use of surface water from Raft River and Circle Creek, but didn't get far into the GW issue. Doug kindly offered to hand-off the transfer file that he hadn't had time to sort out yet, in the hopes that I would.

Bruce and Kent Durfee have inherited from the father Elbert, and have now split the property in Section 12 between them (see GIS layout). Bruce told me he only uses the well in Section 23 to irrigate his lands. Kent uses 2 wells in Sec 12 to irrigate the approx 80 acres he has in Sec 12. Kent also has claim 43-07140 for use in Sec 14, which has licensed combined limits with 43-02560.

According to Bruce, there are two unresolved issues regarding the wells as licensed:

- Irrigated acres were actually much greater than indicated on licenses
- Diversion rates for individual wells were mixed up. He claims that the well in Sec 23 pumped 250 inches and that the other wells combined pumped the 3.6 cfs.

At first glance, the field exam doesn't suggest a mix up, but since it seems apparent that there was an error in acres, anything's possible. Bruce said that these errors caused his father to tie all the wells together and transfer the POU around to get his lands wet. There is a great chronology in the transfer file that lists the various events leading up to the Adjudication.

The Durfee's have pretty much given up any dependence on Raft River water, however last summer the diversion works were still functional and the ditches were still there, though Raft R. was dry. Bruce said they will use the water to flood in early spring if available, but haven't spent the money to filter the water for use in their sprinkler system. I'm enclosing profile reports of the surface water claims, and my field notes, so you have a complete picture of the water historically available on the farm, but kept the files here. Let me know if you want them or more specific info on them.

Bruce and his wife have all the papers regarding water use that were saved by Elbert, and are pleasant people to work with. Going thru my notes today I noticed that they need to file an AJ claim to cover a licensed right on their diary and still need to change the ownership from Elbert to Bruce and Kent. I thought that I would correspond with them about those issues and mention that you may be in contact with them.

Give me a call if you have any questions. Thanks.

Vikie

6/2/2000

Kent Durfee (Data logger file)

16S 24E 514

815 gpm. - Fuji Flowme

Pipe

Pipe thickness 0.17 avg. $8175 / 10_{\min} = 817 \text{ gpm}$

D = 10.828

Sp. = 8.07 in.

* Air in the pipe

(rated) pivot 900 gpm

[108 - 105]

10, 11, 12, 13

@ Kent Durfee.

sect 14

pipe run to booster pump.

Kent Sect 12 X1 well.

General Electric.

30 hp.

1760 RPM

Model 12FS9085.

S/k No. XD6781660

Pole 3209 by pump no meter.

Kent Pole 3201
N. Pole.

K_h 1.2.

CL 20

K_t 1.2.

2995 Kwh

1.97 Kw.

FM455

120-48V

9:42 - 0
9:52 - 10

8175 gallons
minute

Booster. About $\frac{1}{4}$ mi N(?) of well, towards pivot

Motor 40 hp GE 1770 RPM

Pump Cornell Cent.

Mod 4RB-40-4

SN 41147

12 $\frac{3}{8}$ " impeller

Discharge Psi after gate valve
(partly closed) = 50 psi

Pole 32034

Meter: Sangamo SN 28017535

Demand = 30.5 kW $Kh = 57.6$

Measured flow on long section
of straight pipe between well
and booster.

Some air into system at well.

Pivot Rated at 900 gpm
Flows are better in spring.

Bruce 824-5566

Kent 824-5536

320

6.4

210

4.2

530

Durfee Well

A0008915 previously tagged
GPS'd again

Pole 32012

Power meter: GE SN 16 658272 480V

Kh = 14.4

Mult = _____

No Disk. ^{digital} 4 blocks moving →
30 rev 36.11
36.09
36.10

01
24798

02
43.30

Demand kW

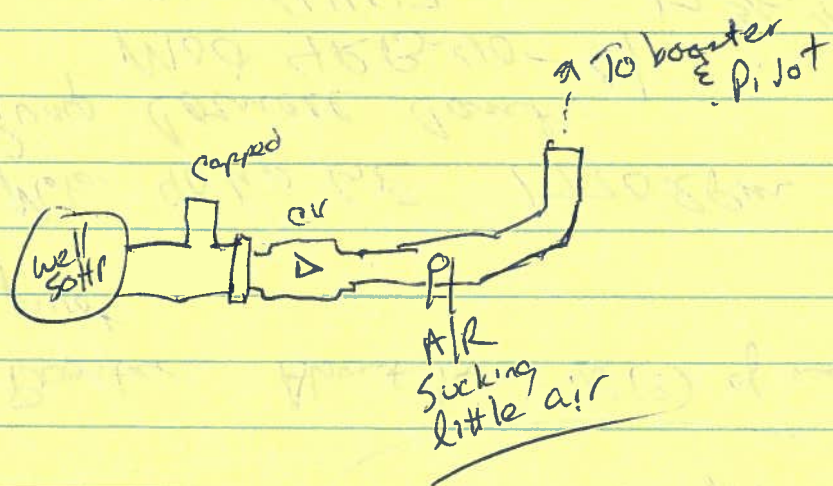
24798

Well Motor: US Electric 50 HP
SN 1065944 440 V 1800 RPM

Pump Layne & Bowler Verti line SN: DO3514
WL access = Yes

Note on power panel:

8-6-98 WL = 53' WD = 200'



over



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

43-04018

February 10, 2000

Second Notice

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DURFEE, KENT & JANIS
PO BOX 175
ALMO ID 83312

RE: Information about historical water diversion flow rate

Dear Wateruser:

This past December IDWR sent a letter to you requesting your assistance in providing information about flow rates from certain diversions (copy attached). These letters are being sent to claimants with identified rights that have not previously been confirmed (measured) either through the licensing process or by decree. IDWR desires to make the most accurate recommendation to the SRBA Court and this requires your participation and cooperation, pursuant Idaho Code §42-1410.

One advantage of providing good, verifiable information to us is that the flow rate that we recommend will be the full measure of your water right as developed. Another benefit is that disputes over the recommendation are minimized. Lastly, documentation for flow rate will likely be dated and may support evidence of priority determination.

In the absence of good information about historical diversion flow rates IDWR may conclude any of three less desirable alternatives:

- 1) Recommend disallowal of right.
- 2) Recommend a flow rate limited to a licensed rate, if a licensed diversion is part of the system, but with additional diversion volume if the use and diversion capacity is documented to have occurred before 1963.
- 3) Recommend the right as an expansion in a critical ground water area, §42-1416B I.C., which limits the flow rate AND volume to the licensed quantity. This provision also sets the priority at 6/30/1985, regardless of development date between 1963 and 1985.

Thank you for your attention to this matter and we look forward to your quick response and documentation relating to this request. Water Resource Agents from the department may be contacting you in the near future should field work be required to finalize recommendations. Inquiries related to this diversion rate information request should be made to Scott King or Cindy Bird at (208) 327-7900. Inquiries about other aspects of your claim should be made to the Southern Region Office (208) 736-3033.

Sincerely,

Scott King

Enclosures



G.J. VERTI-LINE PUMPS, INC.

1970 Highland Ave. East

P.O. Box 892

Twin Falls, ID 83303

(208) 733-4278

INVOICE

7610

SOLD TO:

Kent Durfee
Box 175
Almo, Id 83312

Date

09/25/97 - F

CUSTOMER CODE: 6155

JOB NUMBER: 74265

QTY.	NUMBER	DESCRIPTION	NET
		Design:	
		Pull 20 HP Worthington Pump, rebush and wear ring bowl assembly, replace worn out tube and shaft, reinstall pump	
		Rebush and wear ring 3 stages 10" bowl assembly, 2 1/2 x 2 1/2 x 1 11/16 tube adapter bearing w/ 1" shoulder	1,120.00
		2 - 2 x 1 3/16 tube and shaft 'used'	
		4 - 2 x 1 3/16 tube and shaft new	
		1 - 2 x 1 1/2 x 1 tube reducer bearing	
		1 - 13 x 1 1/2 top tube	
		1 2 1/2 x 2 x 1 31/6 tube reducer bearing	1,305.00
		Labor to pull and reinstall pump and shop labor	2,660.00
		Total Invoice Amount	5,085.00
		~~500~~ ~~600 GPM @ 135~~ 500 GPMC 120 head	
		Well in SW SW Sec 12	
		Per Kent Durfee.	
		- pumps less than notation	

RECEIVED
FEB 17 2000
Department of Water Resources
Bozeman, MT

TERMS: Net 30 Days - 1 1/4% Interest charged per month on Past Due Invoices.

LAYNE AND BOWLER PUMP COMPANY WELL TEST REPORT

NAME Elbert Durfee DATE 3-30-67

LOCATION So. of Almo SEC. RANGE T.

WELL DEPTH 360' WELL SIZE 16" CASING 300'

TEST PUMP DEPTH 270 overall ORIFICE SIZE 6" x 5"

STATIC WATER LEVEL 50' STARTING TIME 12:20 P.M.

TIME	PUMPING LEVEL	ORIFICE READING	G.P.M.	MINERS INCHES
1:10	270'	24"	596'	66"
1:30	152'	13"	448	50"
1:45	149'	12"	430	48"
2:30	100'	50 $\frac{1}{2}$ " - 6"x3"	236	26"

Shut down at 2:30 P.M.

REMARKS

STANDARD-TIME FILE

RECEIVED
 FEB 17 2000
 Department of Water Resources
 Division 101-1



LAYNE & BOWLER PUMP COMPANY

200 N. PUENTE AVENUE, CITY OF INDUSTRY, CALIF.

MAILING ADDRESS: P. O. BOX 1300, LA PUENTE, CALIF. 91747

PLEASE REMIT TO P. O. BOX NEAREST YOUR OFFICE →

P. O. BOX 91859 - CHICAGO, ILLINOIS 60690

→ P. O. BOX 92068 - WORLDWAY POSTAL CENTER

ADDRESSES AT RIGHT FOR REMITTANCE ONLY:

LOS ANGELES INTERNATIONAL AIRPORT - LOS ANGELES, CALIFORNIA 90045

Verti-Line Pumps

SOLD TO . **Elbert Durfee**
Almo, Idaho 83312

SHIP TO . **Same**

TERMS: NET 30 DAYS

CUSTOMER ORDER NO.	JOB NAME	SHIP VIA	TERR.	CUSTOMER CODE	INVOICE NUMBER	INVOICE DATE
			18		18 0026	8/25/70

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
----------	-------------	------------	--------

1 used 6" Wintroath pump less motor and starting equipment.

180' 6" x 1-1/2 x 1 w/3 stage 10" bowls 800.00

Field labor to pull old Pomona pump and reinstall used Wintroath 200.00

1000.00

600 GPM @ 140 ft Appx

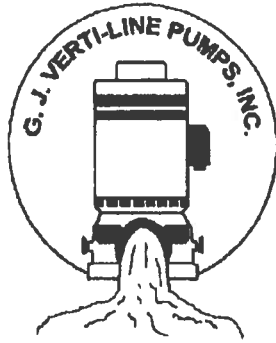
RETURN ONE COPY OF INVOICE WITH YOUR PAYMENT

THE TITLE TO THE MERCHANDISE AND PERSONAL PROPERTY COVERED BY THIS INVOICE SHALL REMAIN VESTED IN LAYNE & BOWLER PUMP COMPANY UNTIL THE PURCHASE PRICE IS PAID IN FULL.

ALL CLAIMS FOR SHORTAGE MUST BE MADE IN WRITING WITHIN FIVE DAYS.

A **FINANCE CHARGE** computed at a periodic rate of 1% per month which is an **ANNUAL PERCENTAGE RATE** of 12% or highest lawful rate, will be applied to past due accounts after deducting current payments and/or credits. Pay in full within 30 days of invoice date to avoid **FINANCE CHARGE**.

RECEIVED
FEB 17 2000
Department of Water Resources
Southern Region



G.J. VERTI-LINE PUMPS, INC.
1970 HIGHLAND AVE. EAST P.O. BOX 892
TWIN FALLS, IDAHO
PHONE (208) 733-4278
FAX (208) 733-5009

TO: Water Resources
FAX NUMBER: 736-3037
ATTENTION: Vicki Hancock
SUBJECT MATTER: _____

Concerning Elbert, Bruce, Kent Ruffe

TOTAL PAGES: _____
(INCLUDING COVER SHEET)
SENT BY: _____
DATE: _____

IF YOU DO NOT RECIEVE THE FULL TRANSMISSION, PLEASE NOTIFY US IMMEDIATELY.

LAYNE & BOWLER PUMP COMPANY

MANUFACTURERS OF VERTICAL TURBINE PUMPS

NOTICE TO THE BUYER: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge if any is included.

NOTICE TO THE SALESMAN: Before execution of this agreement by either party all inapplicable blank spaces must be lined out. LAYNE & BOWLER PUMP COMPANY, a California Corporation, Los Angeles County, California, hereinafter called the Seller,

and Edward J. Dunfee of the county of San Diego and State of California hereinafter called the Buyer, do hereby agree upon the 16th day of August, 1955, as follows:

Seller agrees to furnish and help the following described Machinery to the Buyer F.O.B. factory warehouse.

To wit: One Vertical Turbine Pump as follows

- 1- 7000 Discharge Head of 10" std. 90 degree Outlet
- 50-0 10" x 1 1/2" Water Lubricated Column, 5 ft
- 1- Single Stage 14" R.M. Bowl Assembly w/ dual Seal Rings, Dry
- 100-0 10" R.M. Bowl Assembly w/ Bull nose Strainer
- 5-0 10" std. Discharge Pipe T.E. 1- Special O. Ring Flange 1/2" dia.
- 1- 40 HP 115 E.F.U. VHS 220/440 Volt Electric Motor w/ 17" Dia. x 1 1/2" Stroke
- 1- 40 HP 115 Volt SE Pumping Plant Panel w/ 3" by Protection HOA 1st
- 3- 1000 115 Volt Pansions, 115 Volt 480 Volt Supertension Protection & Installation

SERVICE REQUIREMENTS

Pumping capacity in gallons per minute 2250 Revolutions per minute 1160
Head below surface 50 Ft. Head above surface 0 Ft. Total Head 50 Ft.
Shipment to be made in about 5 days after receipt and approval of order.

a. The total cash sales price is

which consists of:

Selling price of above merchandise

Installation charge

Sales tax

TOTAL

\$ 1965.40

\$ 125.00

\$ 100.00

\$ 2090.40

b. The total amount of Buyer's down payment is

which consists of:

Cash to Seller

\$ 696.48

and/or allowance on the following goods:

Descriptions

TOTAL DOWN PAYMENT

\$ 696.48

c. The total unpaid balance, being item (a) less item (b) is

\$ 1393.92

d. The time price differential is

\$ 1040.00

e. The time balance, being the sum of items (c) and (d) is

\$ 1603.00

which shall be paid in lawful money of the United States of America, by Buyer to Seller, at Los Angeles, California, in installments, on the dates and in the amounts set forth as follows:

\$ 500.00 on September 1st, 1955
\$ 500.00 on October 1st, 1955
\$ 500.00 on November 1st, 1955
\$ 103.00 on December 1st, 1955

Should the interest on any part thereof not be paid as agreed, it shall become a part of the principal and the principal shall thereafter bear interest at the maximum legal rate per annum until paid.

f. The time sale price, being the sum of items (a) and (d) is \$ 2248.48

(1) The time sale price of the above described property is to be installed and located upon that certain lot, piece or parcel of land situated in the County of San Diego, California

P.O. Box 6991, Los Angeles 22, California

MAKE ALL REMITTANCES PAYABLE TO LAYNE & BOWLER PUMP COMPANY

(Buyer's Mailing Address)

Edward J. Dunfee
I hereby accept the foregoing on the day and date first above written and the undersigned hereby certifies that the property described herein is located on the lot, piece or parcel of land situated in the County of San Diego, California

day of August, 1955



LAYNE & BOWLER PUMP COMPANY

2943 VAIL AVENUE, LOS ANGELES 22, CALIFORNIA. MAILING ADDRESS: P. O. BOX 6991
TELEPHONE RAYMOND 3-3381

SOLD TO **Albert L. Durfee**
Almo, Idaho

DATE **1-28-59**

INVOICE NO. **3012**

SHIPPED TO AND DESTINATION

SALES ORDER NO.	CUSTOMER'S ORDER NO.	PUMP NO.	TERMS: NET 30 DAYS
QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT

1
40 ft.

3 stage 12KWH enameled Bowl Assembly
Column 8" x 1 3/16" WL

Invoice to follow for balance material
and machine work.

Quote **133.5**

1350 GPM @ 140 ft head 3-14-59

ALL CLAIMS FOR SHORTAGE MUST BE MADE IN WRITING WITHIN FIVE DAYS. INTEREST CHARGED AT THE RATE OF 8% ON PAST DUE ACCOUNTS

RECEIVED
FEB 17 2000
Department of Water Resources
Guthrie Park

LAYNE AND BOWLER PUMP COMPANY

WELL TEST REPORT

NAME Elbert Purtee DATE 5/24/67
 LOCATION South of Alamo SEC. _____ RANGE _____ T. _____
 WELL DEPTH 24 WELL SIZE 20" CASING 1 1/2"
 TEST PUMP DEPTH 160' bank & suction ORIFICE SIZE 10X
 STATIC WATER LEVEL 1' STARTING TIME 12:00

TIME	PUMPING LEVEL	ORIFICE READING	G.P.M.	MINERS INCHES
3:00	137'	11	1080	120"
3:30	137'	15	1230	137"
4:15	150'	19 1/2	1387	154"
5:05	173'	26	1585	174"
6:00	158'	20	1404	156"
6:15	120'	10	1040	115"

Pumped much sand

REMARKS

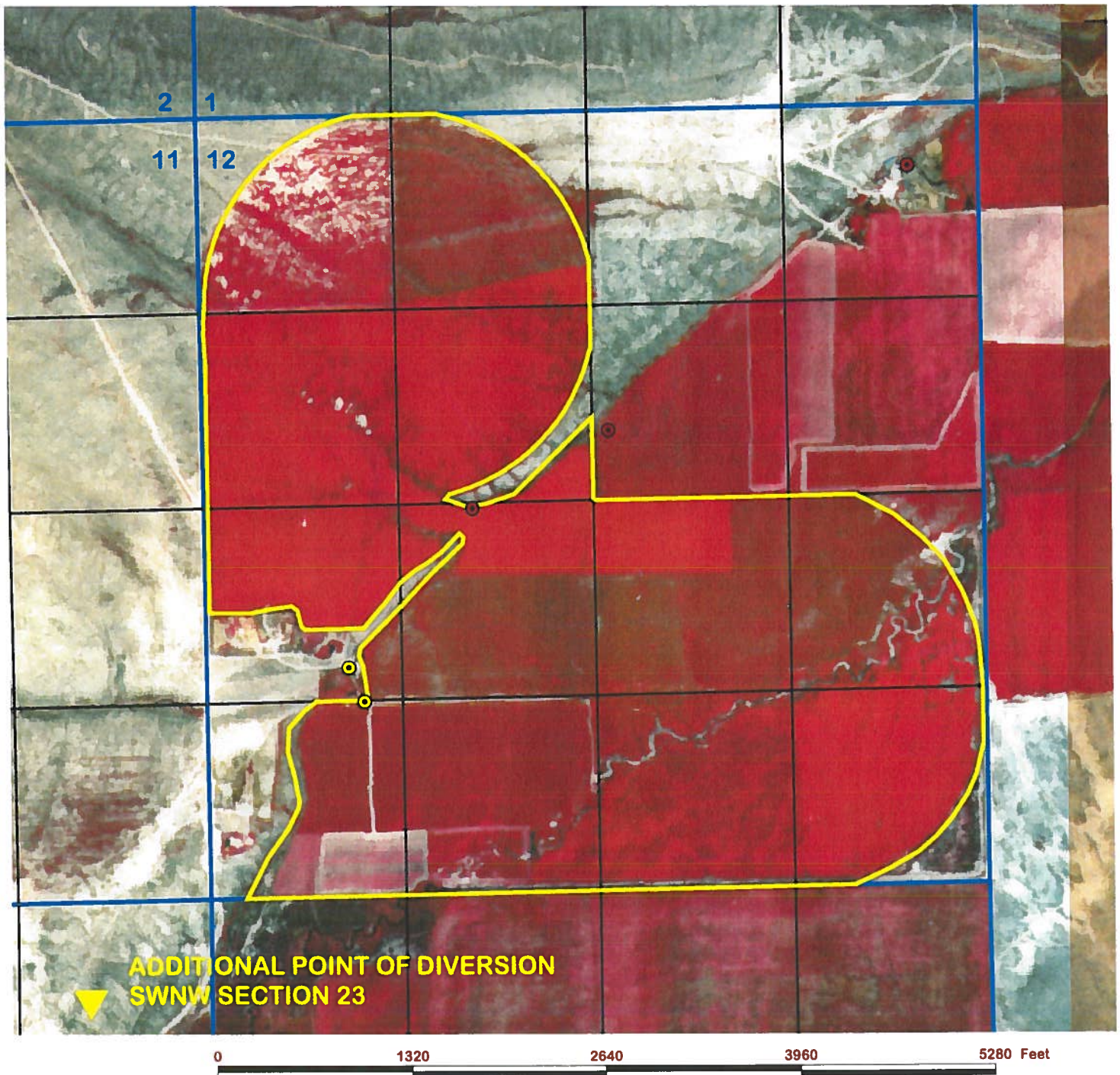
Pumps to be switched around c 3

RECEIVED
 FEB 17 2000
 Department of Water Resources
 Southern Region

Idaho Department of Water Resources

**RIGHT: 43-2552, 43-2560,
43-4018, 43-10014**

**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



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

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

January 31, 2001

Regarding:

Customer:

43-2552 ETAL

BRUCE AND KENT DURFEE

[illegible]

Bruce Durfee came into the office on June 22, 2000 to deliver a copy of his father's death certificate for deletion of his father's name on the claims.

We discussed ways to best file a transfer of the points of diversion on the various claims to separate Kent's wells from Bruce's well, including just leaving the three points of diversion on all the claims.

It was determined that it may be best to wait and proceed with the transfer of points of diversion until after the claims have been recommended in the SRBA. I told him that we could split the places of use of the claims so that he and Kent each had their share of the acreage and of the diversion amounts for each claim for groundwater and for surface water. I told him that to do that in the SRBA I would need the deeds that showed conveyance from the father's estate to each brother and specifying who now owned what parcels. He said that he would get those, or have Kent get them to me.

As of this date the claims still remain in both Kent and Bruce's names as, according to our records, they both own a portion of the permissible place of use of the groundwater and surface water claims. When documents are received these claims will need to be split by ownership, or split as part of the transfer process.

Durfee -

Splitting ownership

- 1) GW put into permissible place of use. ALL FOUR RIGHTS
Split proportionately
85 ac Kent
332 ac Bruce
cfs Kent
cfs Bruce

2) SW ownership

Circle Cr - Bruce (43-2200) 1915
R.R (43-2214) ~~Bent~~ 1917
R.R (43-2058) Kent 1911
R.R (43-148) Split 50/50 1882
R.R (43-337) Bruce 1882
R.R (43-2051) Split 36% Kent
40 ac 0.8 cfs
P Split 64% Bruce
70 ac 1.4 cfs

Or PPU & Split the 5 RR's

To create discrete polygons for ownership split: Paste Kent's 85 ac into the Kent/Bruce PPU. Subtract they will be discrete

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

RECEIVED

JUN 22 2000

Department of Water Resources
Regional Office

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. 82312
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. 82312
 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.
ENTHED FIRST NINESS NEEDED

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



ANALYSIS OF ENLARGMENT ACRES SECTION 12, T16S, R24E - BRUCE & KENT DURFEE

	LICENSED/ T#2851**	CLAIM 43-4018	FOUND IRRIGATED	ENLARGMENT 43-10014				
NENW	30	0	33	3				
NWNW	30	0	32	2				
SWNW	40	0	40	0				
SENW	30	0	36	6				
NESW	32	6	40	2				
NWSW	17	0	25	8				
SWSW	15	6	25	4				
SESW	29	8	40	3				
NESE	5	27	32	0				
NWSE	30	5	40	5				
SWSE	34	4	40	2				
SESE	14	20	34	0				
	306	76	417	35				
** Transfer applied to licenses 43-2552 and 43-2560								

April 25, 1985

By this action I hereby amend the pending transfer of 43-4018 and in its place submit the attached amended transfer which deletes right 43-4018 from the transfer and replaces it with licenses 43-2552 and 43-2560.

Elbert L. Durfee

Elbert Durfee

RECEIVED

DEC 18 1992

Department of Water Resources
Southern Region Office

Transfer No. 2851Water Right No. 43-4018**VOND**

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT**To Change the Point of Diversion and/or the Place of Use**Name of applicant Elbert L. Durfee Phone 824-5525Post Office address Almo, Idaho, 83312**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. _____ Decreed to _____
 (Name)
 in case of _____ vs _____
 dated in _____ in _____ county of _____
 (Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 43-4018 on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Original Claimant

3. Source of water Groundwater tributary to _____

4. Date of priority April 1, 1942

5. Water is used for the following purposes:

amount 2.0 cfs for Irrigation purposes from April 1 to Nov. 1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water _____

2.0

CONVERSATION MEMORANDUM

MAY 2 1985

DATE May 1, 1985

NAME OF PARTY Elbert Durfee

Department of Water Resources
Snake River District OfficeFILE Transfer No. 2851, Water
Right Nos. 43-4018, 43-2552
and 43-2560

EMPLOYEE Dave Tuthill DRT

RE: Disposition of Application for Transfer

On April 24, 1985, Mr. Durfee called to inquire about the disposition of his application for transfer, and the potential for amending his two licensed water rights. I informed Mr. Durfee that the Department had made a decision based on a review of all the facts in the case to not amend the two licenses, because more than a decade has passed since the licenses were initially issued, and because the licenses will likely be reviewed and modified in the course of the upcoming Snake River adjudication.

Mr. Durfee indicated that he still wishes to transfer the two licensed water rights from lands within Sec. 23, Twp 16S, Rge 24E to lands within Sec. 12. I indicated to Mr. Durfee that he could file an application for transfer to make this change, and we would consider the application for transfer to be an amended application, amending Transfer Application No. 2851 because Application for Transfer No. 2851 was originally filed in our regional office, and because the intent of the transfer application was initially, and still is, to clarify water rights for lands within Sec. 12. Thus, Application for Transfer No. 2851 will be returned to the regional office for amendment by Mr. Durfee. Due to the extensive changes on the new application, a new document should be used, but the filing fee can be limited to \$20 for readvertisement as opposed to \$50 for a new application for transfer.

Mr. Durfee asked about what additional filings he should make to properly record the water rights on Sec. 12. I explained that his current claim covers all of the lands irrigated within the S $\frac{1}{2}$ of Sec. 12, so that with respect to future Idaho Power Company actions, the current water use is recorded. Because of the documentation in the file, it appears there is enough information to adequately prepare a proper adjudication claim for the licensed water rights, which would insure that water rights are provided for the 239 acres shown on the aerial photo to have been irrigated in 1968. However, Mr. Durfee should file an application for permit for any acres brought under irrigation in Sec. 12 after 1968, which will not be provided a water right after the proposed transfer.

DATE 4-22-85

FROM

Ylu

TO

Dave T DET

SUBJECT

- I think it is inappropriate for the Dept to be issuing amended licenses at this point in time.

- It would be my recommendation that an amended claim be filed showing land irrig from ground-water in 1942. Remarks on the claim could explain the acreage & relationship of the licenses to the irrigated land.

SIGNATURE

DATE

FROM

TO

SUBJECT

- Transfer probably should be withdrawn or denied if not voluntarily withdrawn

- The Snake R. Adjud. is the process matters like these can be straightened out (not the amended lic process 16 yrs after the fact).

SIGNATURE

MEMORANDUM

TO: Files 43-2552, 43-2560 & 43-4018, and Glen Saxton

FROM: Dave Tuthill *DT*

DATE: April 19, 1985

RE: Application for Transfer of No. 43-4018 and Amendment
of Licenses 43-2552 and 43-2560

The purpose of this memorandum is to elaborate on Jim Johnson's memo of the same topic dated April 11, 1985, regarding recommended actions with respect to the above-referenced water rights. Currently there are two items before the Department. The first action is disposition of Application for Transfer No. T2851, which proposes to clarify the place of use of a claimed water right on Mr. Durfee's property. The second action is the possible modification of two licenses which, based on information in the files, appear to have been issued with incorrect places of use. These two actions will be discussed separately below. See Attachment A for a brief chronology of pertinent background information.

Application for Transfer of Right 43-4018

On May 3, 1984, the position of the Department with respect to Application for Transfer No. T2851 on Claim No. 43-4018 was summarized in a letter which was sent to Mr. Durfee. The letter documents that a field examination conducted by the Department on August 3, 1968 found only 163 acres to be irrigated within the S $\frac{1}{2}$, Sec. 12, T16S, R24E. Because the application for transfer proposes to specify the location of a 1942 claimed water right as pertaining to lands not found to be irrigated during that examination, the transfer application is suspected to not be eligible for approval.

In response to the May 3rd letter, Mr. Durfee visited this office and provided additional information in the form of two aerial photographs. Mr. Durfee indicated that, to his knowledge, one of the photographs was dated 1957 and the other 1968. As a result of subsequent discussions with Mr. Durfee, this office obtained from the ASCS office in Burley, Idaho certified copies of two aerial photographs that cover the S $\frac{1}{2}$, Sec. 12, T16S, R24E. These photos were taken on August 24, 1962 and on September 14, 1968. The photos are designated as Attachment B and Attachment C, respectively.

Mr. Durfee explained that the field examination which was conducted by Mr. Dean Reynolds of this office on August 23, 1968, focused primarily on measurement of rates of flow from existing wells. Mr. Durfee does not recall seeing a copy of the aerial photo at the time of the exam. Evidence in the file indicates that the examiner used a copy of the latest photo available at that time, the 1962 version. Acreage determined for both licenses, 163 acres in the S $\frac{1}{2}$ of Sec. 12, corresponds with irrigated acreage appearing on the 1962 photo.

TO: Files 43-2552, 43-2560 & 43-4018, and Glen Saxton
DATE: April 19, 1985
PAGE: 2

Claim No. 43-4018, which was initially filed with our office on July 16, 1969, shows a place of use of all 320 acres within the S $\frac{1}{2}$ of Sec. 12, and a rate of flow of 2 cfs. Application for Transfer No. 2851 attempts to clarify the place of use of the claimed right as acres in addition to those in the S $\frac{1}{2}$ of Sec. 12 which are included in the above-referenced water right licenses. Based on information in the aerial photographs, it is clear that the extent of irrigation as of August 25, 1962, was limited to the 163 acres identified by the licenses. Because of the mandatory filing of groundwater rights after March 25, 1963, the 1962 aerial photo likely shows all lands which have the potential of being included within a claimed water right. Therefore, even if irrigation did begin in the early 1940's, the place of use of the claimed water right should include no lands which are not included in the 163 acres identified on the licenses. Thus, Application for Transfer No. 2851 is not acceptable in its current form.

License Nos. 43-2552 and 43-2560

As indicated above, it appears that Mr. Durfee cannot legitimately claim a beneficial use right for the irrigation of more than 163 acres within the S $\frac{1}{2}$, Sec. 12. Thus, water rights for any acres within the S $\frac{1}{2}$ of Sec. 12 in addition to the 163 shown in the existing licenses can be legitimately recorded only through the application, permit, license procedure. Therefore, the Department has two options for further action. One option is to require Mr. Durfee to file a new Application for Permit for the irrigation of all lands in excess of the 163 acres shown on the existing licenses. The other option is to amend the existing licenses. The former option is possible because the points of diversion are not located within a critical groundwater area; however, the latter option should be explored in view of the facts of this case.

Because we have on file the copy of the aerial photo dated September 14, 1968, which is only three weeks after the field examination was completed, we have evidence that indicates that the place of use on each of the above-referenced licenses should be increased. A modified place of use list generated based on the aerial photo conforms closely with lands which Mr. Durfee has indicated he irrigated in 1968. The attached draft amended licenses demonstrate a recommendation for acreage shown in the S $\frac{1}{2}$ of Sec. 12 of 239 acres instead of 163 acres.

The question in this memorandum is whether the Department should issue amended licenses based on new factual data that has been provided where no error in behalf of the field examiner can be clearly shown. In this case, the field examiner appears to have used the most recent aerial photo available to him for the determination of acreage. The permit holder was provided an opportunity to respond to acreage totals when the licensing letters were provided with acreage totals included. The question then is whether amended licenses should be issued based on the new aerial photo. The permit holder did respond that the acreage was too restrictive, but in ways that did not impact totals on the licenses.

TO: Files 43-2552, 43-2560 & 43-4018, and Glen Saxton
DATE: April 19, 1985
PAGE: 3

As suggested by Jim Johnson, we can suggest that the application for transfer be withdrawn in a letter to the applicant. Otherwise we will need to deny the application. In addition, we can suggest that the claim to a water right be amended to coincide with the information shown in the aerial photo.

Mr. Durfee is anxious to proceed with documenting water right on the acres irrigated by his system. Your response regarding how to proceed is solicited.

Attachment A

Chronology of Events with Respect to Irrigation Development of the S $\frac{1}{2}$, Sec. 12, Twp 16S, Rge 24E, B.M.

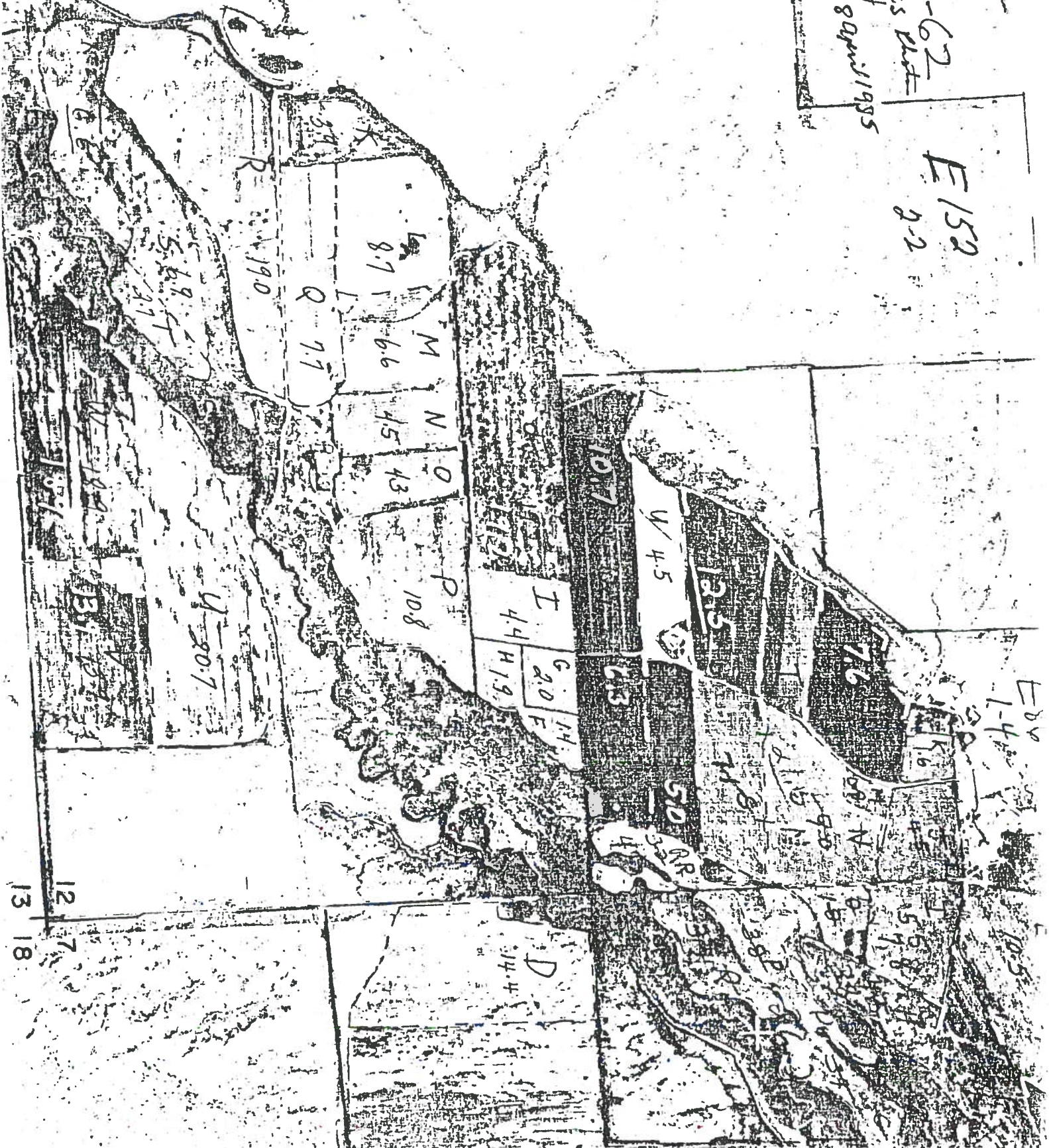
<u>Date</u>	<u>Event</u>	<u>Reference</u>
1940	One well was drilled in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T16S, R24E, for the irrigation of the following acres within the same section: NE $\frac{1}{4}$ SW $\frac{1}{4}$:35; SE $\frac{1}{4}$ SW $\frac{1}{4}$:30; NW $\frac{1}{4}$ SE $\frac{1}{4}$:40; SW $\frac{1}{4}$ SE $\frac{1}{4}$:8; Total: 113 acres.	Reported by Mr. Durfee to Alan Merritt during a visit to the Southern Reg. office on 4/10/85
04-01-1942	Date of priority for Claim No. 43-4018 for 320 acres in the S $\frac{1}{2}$, Sec. 12, p/d in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12.	Claim No. 43-4018
08-25-1962	ASCS Aerial Photo taken	Copy of photo in file
09-19-1962	App. for Permit No. 43-2552 filed for the irrigaiton of 520 acres. Includes 280 acres within the S $\frac{1}{2}$, Sec. 12. P/d within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23.	License No. 43-2552 file.
01-04-1963	App. for Permit No. 43-2560 filed for the irrigation of 495 acres. Includes 300 acres within the S $\frac{1}{2}$, Sec. 12. P/d within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23.	License No. 43-2560 file.
1963	Well drilled in Sec. 23.	Reported by Mr. Durfee to Alan Merritt during a visit to the Southern Reg. office on 4/10/1985
1965	Two wells drilled in Sec. 12, and one drilled in Sec. 14.	" "
1967 or 1968	Irrigation conducted from groundwater on 235 acres within the S $\frac{1}{2}$, Sec. 12 as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$:35; SW $\frac{1}{4}$ SW $\frac{1}{4}$:20; SE $\frac{1}{4}$ SW $\frac{1}{4}$:35; NE $\frac{1}{4}$ SE $\frac{1}{4}$:35; NW $\frac{1}{4}$ SE $\frac{1}{4}$:40; SW $\frac{1}{4}$ SE $\frac{1}{4}$:35; SE $\frac{1}{4}$ SE $\frac{1}{4}$:35; Total: 235 acres, plus 40 acres in Sec. 23 and 103 acres in Sec. 14.	" "
09-11-1967	Proof of Application of Water to Beneficial Use and Completion of Works Submitted by Mr. Durfee, for both 43-2552 and 43-2560, showing the irrigation of 250 acres within the S $\frac{1}{2}$, Sec. 12, and various acres within Secs. 14 and 23.	Both water right files.

Attachment A, cont'd.

<u>Date</u>	<u>Event</u>	<u>Reference</u>
08/23/1968	Field examination conducted on both 43-2552 and 43-2560. Examiner found for: 43-2560 - 3.6 cfs diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, for the irrigation of 163 acres in S $\frac{1}{2}$, Sec. 12, 95 acres in Sec. 14, and 40 acres in Sec. 23. 43-2552 - 5.13 cfs diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12 (3 points) and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, for the irrigation of 163 acres in S $\frac{1}{2}$, Sec. 12, and 103 acres in Sec. 14. Acreage determinations for both field exams correspond with acreages on the most recent aerial photo available to the examiner, dated 8/25/1962.	Both water_right files
09/14/1968	ASCS Aerial Photo taken.	Copy of photo in file.
07/02/1969	Licensing letter for 43-2552 showing irrigation of 298 acres within specified tracts of Secs. 12, 14 and 23 sent to Mr. Durfee.	File 43-2552
07/03/1969	Licensing letter for 43-2560 showing irrigation of 266 acres within specified tracts of Secs. 12, 14 and 23 sent to Mr. Durfee.	File 43-2560
07/16/1969	Letter from Mr. Durfee received, in which he enclosed the first draft of Claim to a Water Right No. 43-4018 with two associated affidavits establishing the date of first use from a well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12 to be in 1942.	Files 43-2552 and 43-2560
08/04/1969	Letter to Mr. Durfee conveying License No. 43-2552 and requesting an amendment on 43-2560.	Files 43-2552 and 43-2560
08/15/1969	Licensing amendment returned by Mr. Durfee. He showed irrigation of 270 acres in the S $\frac{1}{2}$, Sec. 12, but this was lined through, probably by Department staff.	File 43-2560
08/18/1969	License issued for 43-2560 showing irrigation of 163 acres within S $\frac{1}{2}$, Sec. 12.	File 43-2560
09/08/1976	Mr. Durfee filed three affidavits showing that additional lands in the S $\frac{1}{2}$, Sec. 12 had been irrigated since 1962, and requested that the affidavits be recorded "in support" of his water rights, Nos. 43-2552 and 43-2560.	Files 43-2552 and 43-2560
02-20-1976	Transfer approved which removed Water Right No. 43-2552 from lands in Sec. 14 and placed the water rights on lands within Sec. 12.	

P45
S-25-62
from USDB ASCS Plot
S 12 T 16 R 24
Baptist 8 April 1995

E152
2-2



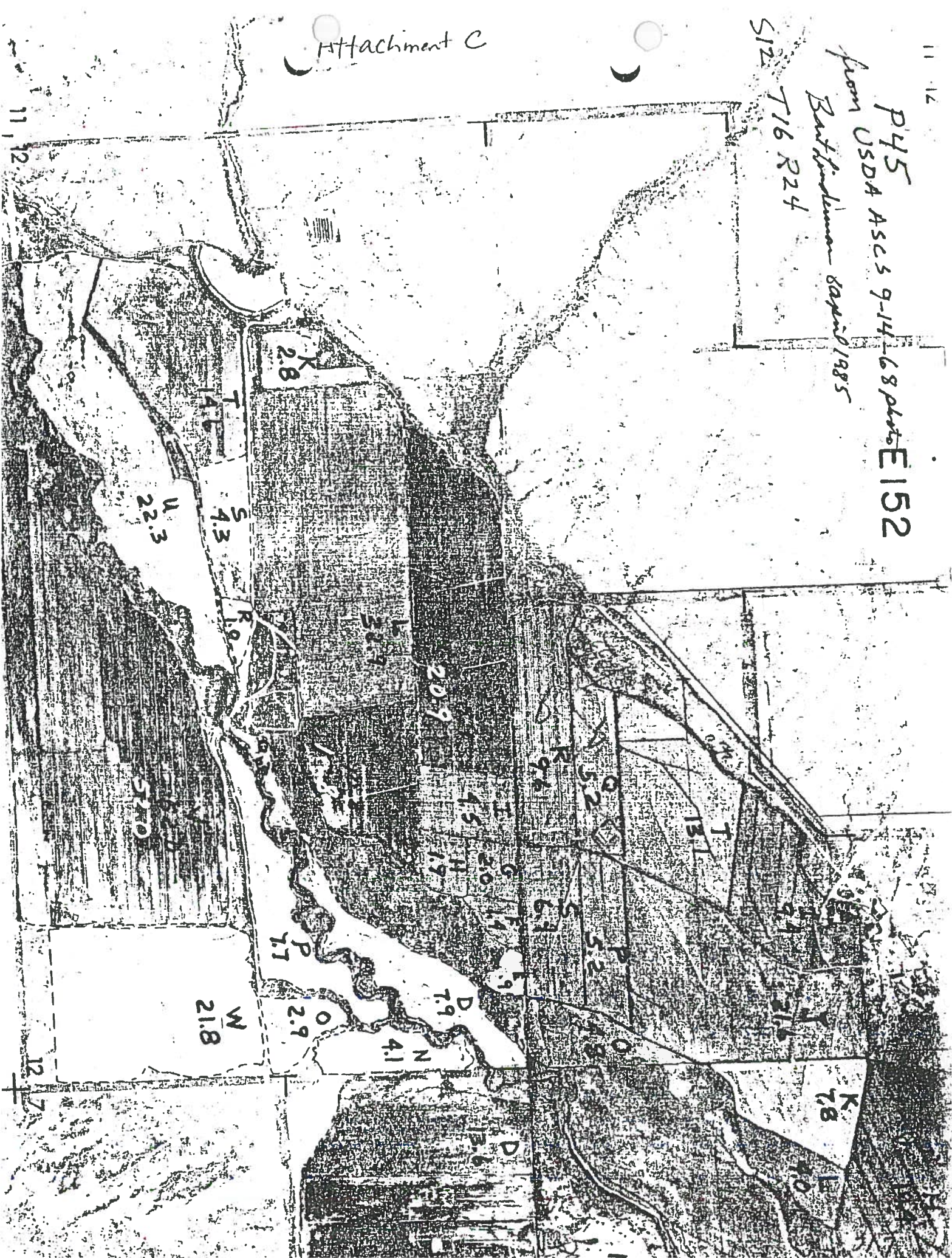
P45
from USDA ASCS 9-14-68 photo E152
Bathymetric map 1985

S12
T16 R24

Attachment C

11 12

12 7



MEMORANDUM

TO: Files 43-2552, 43-2560 & 43-4018

FROM: Jim Johnson

RE: Application for Transfer in the Name of Elbert L. Durfee

The purpose of this memo is to identify elements related to an application for transfer filed by Elbert L. Durfee. Most of the items were addressed in memos of 3/20/84 and 4/11/84 and the letter of 5/3/84. Mr. Durfee visited the office in follow-up to the 5/3/84 correspondence and based upon information provided, an amended transfer application was prepared which included two other water rights that are used in conjunction with Mr. Durfee's water delivery system. } This option not recommended per additional review.

The reason for the amended transfer is because in reviewing Claim No. 43-4018, it became obvious that the lands shown to be irrigated could not have been irrigated with the priority data claimed.

J. J.
4-10-84

Background for Filing Claim

According to Mr. Durfee, the reason why he filed Claim No. 43-4018 was because he discovered that License Nos. 43-2552 and 43-2560 were in error on the number of acres irrigated.

However, before the claim can be discussed, the two water rights that Mr. Durfee originally filed must be addressed further. Right No. 43-2552 was filed on September 19, 1962 requesting 10.0 cfs for irrigation of 520 acres of lands located within Sections 12, 14 and 23. Proof of Beneficial Use of water was filed on September 11, 1967, and on August 23, 1968 a field exam was made.

Right No. 43-2560 was filed on January 4, 1963 requesting 6.0 cfs for irrigation of land also located within Section 12 and 14; some of these lands overlapped with Right No. 43-2552. The point of diversion was not the same as filed under Right No. 43-2552. The field examination on this right was done at the same time as Right No. 43-2552.

Mr. Durfee stated that lands actually irrigated at the time of the field exams were greater than the number of acres shown on the subsequent licenses issued. To support this statement, he provided copies of two ASCS aerial photos which were dated 1957 and 1968.

The file for Water Right No. 43-2560 contained an ASCS photo used by the field examiner to determine the acres irrigated under the two said water rights. A comparison was made of this photo to the two provided by Mr. Durfee. The photo used by the field examiner was taken in 1957 and contained less acres irrigated than the photo taken in 1968. Therefore, Mr. Durfee's statement contending that more acres should have been included in the said water rights appears to be correct, since the acres on the license were determined from the 1957 photo rather than the 1968 photo.

TO: Files 43-2552, 43-2560 & 43-4018

DATE:

PAGE: 2

If the license^s can be amended to include the additional lands then the application for transfer of Claim 43-4018 withdrawn.

This option
added
4-10-85

Therefore, before any further action can be taken on the transfer a decision should be made as to whether the two licenses can be amended.

MEMORANDUM

TO: Files 43-2552, 43-2560 & 43-4018

FROM: Jim Johnson *Jim*

DATE: April 11, 1985

RE: Application for Transfer of Rt. 43-4018 and Amendment of Licenses
43-2552 & 43-2560

The purpose of this memorandum is to summarize a review process which concluded in the belief that licenses 43-2552 and 43-2560 were issued for less acres than were actually irrigated at the time of the field examination of the said rights.

Even though the licenses were issued over 16 years ago, this continues to be a problem for Mr. Durfee who has made several unsuccessful attempts to get this matter straight.

Most recently Mr. Durfee filed a transfer application on a claim to a water right in an attempt to use the claim on lands not covered by the said licenses. However, since the claim had originally been filed for a different reason, the transfer application cannot be approved as it is currently prepared.

In light of the information in both the license files and information learned in reviewing the transfer application, (see memo in file 43-4018), it is felt that if the two licenses can be amended to include 124 additional acres in the S $\frac{1}{2}$, Sec. 12, Twp 16S, Rge 24E, the application for transfer of the claimed right can be withdrawn and Mr. Durfee will have statutory rights on the lands which should have been covered on the licenses.

This position is supported by the receipt of aerial photos which clearly show that ~~244~~²³⁹ acres were irrigated in the S $\frac{1}{2}$, Sec. 12 on September 14, 1968.

Mr. Durfee, while agreeing to pay for licensing of the water rights, attempted to inform the department that information on the licenses was not completely accurate. However, due to Mr. Durfee's lack of knowledge of legal procedures, he failed to properly show that an error had been made and no further action was taken on this matter until he filed an application for transfer on December 17, 1975. Although there is no correspondence providing background for why the transfer was filed, Mr. Durfee again tried to document what lands were irrigated in the S $\frac{1}{2}$, Sec. 12 by filing 3 affidavits from individuals stating that 124 acres in addition to the 163 acres were in irrigation at the time the field examination was done.

TO: Files 43-2552, 43-2560 & 43-4018
DATE: April 11, 1985
PAGE: 2

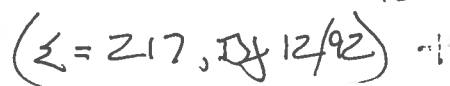
Evidence that we now have shows that the said affidavits are not entirely accurate but the fact remains that more lands were irrigated than were licensed.

If the licenses can be amended, then the following action is proposed:

Inform Mr. Durfee that the Dept. intends to amend the licenses.
Request that he withdraw the application for transfer and
request that he amend acres claimed to be irrigated on
Claim 43-4018.

According to
Mrs. BURL POWERS ASST. OFFICE BURLEY

1	6
12	7



MRS BURL
POWERS
ASCS' OFFICE
BURLEY

E 152
2-2

E86
1-4

K.6

7.6

12.5

4.4

5.0

407

613



G	
---	--

142

2.0

H 1.9

Jan

M

N

0

7. P.

8.7

b.6

4.5

43

10.8

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

77

R

5.6

—

4.

20.7



10

100



$(\Sigma = 164, \text{ 12/92})$

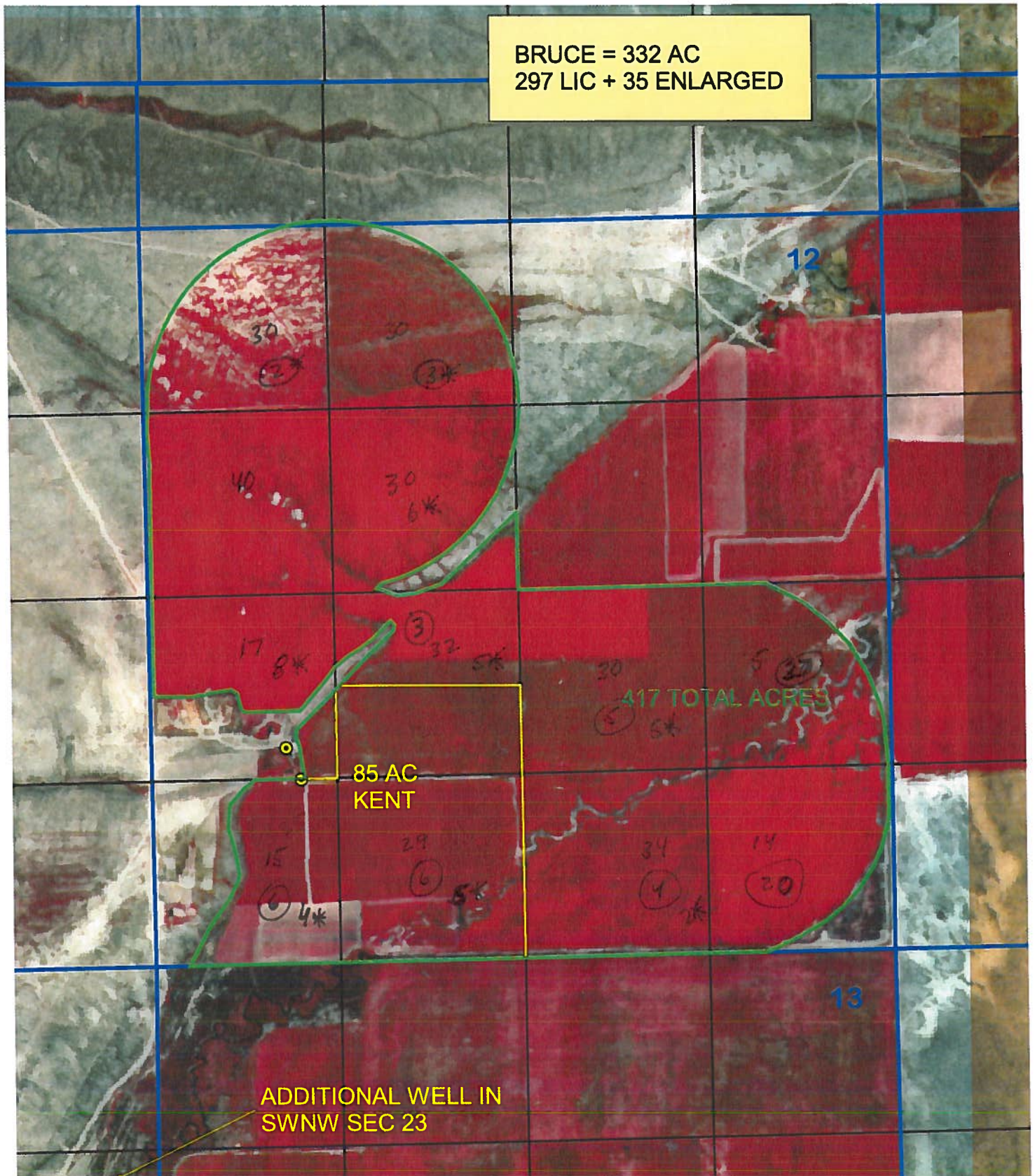
30874

43-2560

FILE NOTES

Kent and Bruce Durfee

TWP 16S RNG 24E



V. HANCOCK

~~1863~~ AERIAL PHOTOGRAPHY
1001



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

October 16, 2001

Kent Durfee
PO Box 175
Almo, ID 83312

E. Bruce Durfee
PO Box 187
Almo, ID 83312

RE: Transfer Applications

Gentlemen:

As you may recall in 1992 you both filed applications for transfer of water rights to separate out a delivery system. The transfer applications were held for review by the SRBA staff and the transfer applications were never processed. During the SRBA staff review they understood from you that the need for the transfers may not be necessary. (Please find attached SRBA memo)

The purpose of this letter is to inquire of your desire regarding the applications. It appears if the transfer applications are to be processed they need to be revisited and amended to conform to the recent SRBA recommendations. If the applications are not necessary you may withdraw them and the fees paid will be refunded.

Please let me know how you want to proceed in writing within 14 days. If I do not hear from you I will reject the applications and initiate a refund of the fees paid.

If you have any questions, please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: SRBA – Vikie Hancock
IDWR- State Office - Glen Saxton

MEMO

FROM: Vikie Hancock
TO: Allen Merritt
RE: Transfer Review

Kent or Janis Durfee 43-4018
E. Bruce Durfee 43-2552, 43-2560

In light of the review and subsequent recommendation of the Durfee Adjudication claims, there would need to be alterations to the above two transfer applications in order for them to proceed.

The original intent of the transfer, as they explained it to me, was to separate the delivery system so that the well in SWNW Section 23, T16S, R24E was only used to supply water to land owned by Bruce Durfee and the two irrigation wells in NWSW and SWSW Section 12, T16S, R24E were only used on land owned by Kent Durfee. . In my conversations with the applicants, they expressed that they may not even wish to proceed with the transfer because the adjudication recommendations more clearly defined ownership of the water rights and corrected some errors in the combined limits that had existed as conditions of their water rights. At the time my recommendation was prepared, all three wells were still connected and could be used in a common system if the Durfees so desired.

At this juncture I believe that the applicants should be contacted to determine their intentions. My experience has been that they may need to be contacted more than one time in order to receive a response. If they wish to proceed with separating the system, I would generally recommend that the transfer of POD be approved.

by Scott K. & Cindy Bird

6/2/2000

Durfee, Bruce

Section 23 well

16S 24E 23 SE SW NW

Pole 32011

TAGGED A0004513

Kemp Motor 100 HP GE
SN JJJ 926146

1770 RPM

Pump TAG Layne & Bowler

1740 GPM

135 ft

1770 RPM

Model

12KHHM

SN 24015

Power meter Westinghouse

SN 36 371 355

$K_h = 2.4$

$M_u H = 40$ estimated

$P_{demand} = 1.76 \times 40 = 70.4 \text{ kW}$

8 revs 38.63 sec.

$KW = 3.6 \times 2.4 \times 40 \times 8 \div 38.63 = 71.57 \text{ kW} = 95.9 \text{ HP}$

Measured flow at river crossing on large pipe. Data logger file failed.

Recall flow being ~~about~~ max of 1900 gpm.

Avg of about 1860 gpm. Measured flow matches well with model 12KHHM curve w/ 3 stages

PEC 5431 $\times 70.4 \div 1900 = 201 \text{ kWh/AF}$ ✓

IF PWL 80' PSI 5 psi 9 ft friction: $\approx 50\%$ efficient.

Durfee

1960's Measured 4 wells
License sent.

licensed section 23 well for
much less than producing
and section 12 for more than producing.

Elbert tried to fix problem, but
WR failed to correct.

PPU Transfer filed.

~~2552~~

Seet 23 well - Bruce's

when drilled. SWL at 35 ft

{ Used to pump from 60 ft pump, PWL ~ 40 ft
Now, pump at 100 ft, PWL ~ 80
→ and used to open discharge.
Pump 6 cts +

Brent owns other three

by Scott King & Cindy Brub
6/21/2000

Kent Duffer Section 12 S. well

Pole 3201-3
↳ missing

Logger may be on before pressurized
No Tag, but GPS'd

Motor: GE 20HP SN: PE678994/
1760rpm

Pump: Worthington Size 8QGE 4stg
SN: T1471489

Bowls set at 180 ft

Note on panel: 9/10/97 WL=50'
WD=333 - date last worked on

Booster for both N&S well

Motor: Marathon 25 HP

Pump: Cornell Model 4RB-25-4
SN 70190 11.04" impeller

BM 8134A-100

	watch time		High inst flow ~450 also 400
5000	@ 11:37	Not pressured yet	
5700	11:39	"	
6880	11:42	"	389 gpm
7660	11:44		386
8423	11:46	Pressure coming up	360
9100	11:48	Pressured	320
9720	11:50	"	310
10345	11:52		

by Scott King and Cindy Brnd

6/2/2000

Kent Duffer Section 12 North

A/C 19^{5/16} Circ OD = 6.15
Thick = 0.17"

4 Wheel lines, 32 birds on 2
31 " on 2

6 birds on handlines

9/64" nozzles on all.

N. well
Avg 360
gpm

Watch	Reset Flo	
11:59	Reset 0	
12:03	1435	
12:05	2151	355 gpm
12:06:30	2688	350

S. well turned off

Max about 480 when S well off.

S. well	310
N. well	360
Total	670

132 nozzles x 4.25 gpm
= 561
20% + leaks & wear
673 good

RECEIVED

Transfer No. 2712

APPROVED

DEC 20 1982

Water Right No. 43-2552
Lic. No. (A) 43-2552
(B) 43-2560
T 1935STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Elbert L. Duffer Phone 824-5525
Post Office address Almo, Idaho, 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____dated in (A) 43-2552 in T 1935 (Name of court) county of _____b. License No. (B) 43-2560 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____4. Date of priority (A) 9-19-62 (B) 1-4-63

5. Water is used for the following purposes:

amount (A) 3.6 cfs for Irrigation purposes from April 1 to Oct 31
amount (B) 5.0 cfs for Irrigation purposes from April 1 to Oct 31
amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)6. Total amount of water under right: a. (A) 3.6 cubic feet per second
(B) 5.0 &/or
(A) 1082 acre feet per annum
b. (B) 9307. Location of original point of diversion is (A) SW 1/4 of NW 1/4 of Section 23
Township 16S Range 24E, B.M., in CASSIA CountyAdditional points of diversion, if any (B) NWSE, Sec. 14, Twp. 16S, Rge 24E
3 points in The NWSE Sec 12, Twp 16S Rge 24E.8. Lands irrigated or place of use: As transferred T 1935

TWP.	RANGE	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	
16S	24E	12					40		40	23	32	4	15	29	5	30	34	14	266
		23					15	25											40

Total number of acres to be irrigated 3069. Describe any other water rights used for the same purpose as described above 43 4018

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

3-2552
-2560
1935
1 2712

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use:

TWP.	RANGE	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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted (A) 3.60 cfs (B) 5.0 cfs c.f.s. &/or (A) 1082 (B) 930 acre feet
 - b. Description of diverting works Wells, pumps, motors, pipeline & ditches to pond and sprinkler system
 - c. Describe the reasons for the proposed changes To Allow pumping from the points of diversion shown the amounts actually being pumped

2. Change in point of diversion

Point of diversion SW 1/4 NW 1/4, Section 23 Township 16S
Range 24E, B.M., Cass, A County
Additional points NWSE Sec 14; 3 pts in the NWSE Sec 12, Twp 16S Rge 24E.

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No ☒. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None

c. Describe the lands or place of use to which the right will be transferred: No Change

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. 43-4018

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Albert L. Curfee

(Signature of Applicant)

Subscribed and sworn to before me this 8th day of July, 19 82

[Signature]

(Notary Public)

My commission expires Feb

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2552 and 43-2560 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. The maximum rate of diversion shall not exceed 6.12 cfs from the four ponds.

Witness my hand this 30th day of November, 19 82

A. Glen Sayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by T.G.B. Date 7-8-82 Protest filed by _____

Prelim. check by _____ Fee \$50⁰⁰ _____

Receipted by T.G.B. Date 7-8-82 # 20863

Published in South Idaho News Copies of protest forwarded by _____

Pub. dates 7/22 + 7/29/82 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for approval denial

_____ rec'd. _____ by Joni DRT

AMENDED

Water Right No. 43-2552
43-2560
Trans. 2712STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Elbert L. &/or Elbert Bruce Durfee Phone 824-5525
824-5566
Post Office address Almo, Idaho, 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ VS _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 43-2552 & 43-2560 Issued by the Idaho Department of Water Resources
Trans 2712
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired ~~Original holder of licenses~~ and transfers.

3. Source of water Groundwater tributary to _____
4. Date of priority 43-2552 ----- 9/19/1962
43-2560 ----- 1/4/1963 * When combined under Trans. 2712

5. Water is used for the following purposes:
amount 6.12 cfs * for Irrigation purposes from April 1 to Oct. 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 6.12 * cubic feet per second
&/or
b. 1071 acre feet per annum
7. Location of original point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23
Township 16S Range 24E, B.M., in Cassia County
Additional points of diversion, if any NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14; (3 pts) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, all in T16S,
R24E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	24E	12					40		40	23	32	4	15	29	5	30	34	14	266
		23						15	25										40

Total number of acres to be irrigated 306

9. Describe any other water rights used for the same purpose as described above 43-4018
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

43-2552
43-2560
Trans 2712

✓

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 6.12 * c.f.s. &/or 1071 acre feet
 - b. Description of diverting works Three wells & pumps to sprinkler system
 - c. Describe the reasons for the proposed changes To properly locate wells presently used on lands in Section 12 and also allow for irrigation of land in section 12 not now covered in exchange for abandonment of irrigation of land in section 23.
2. Change in point of diversion

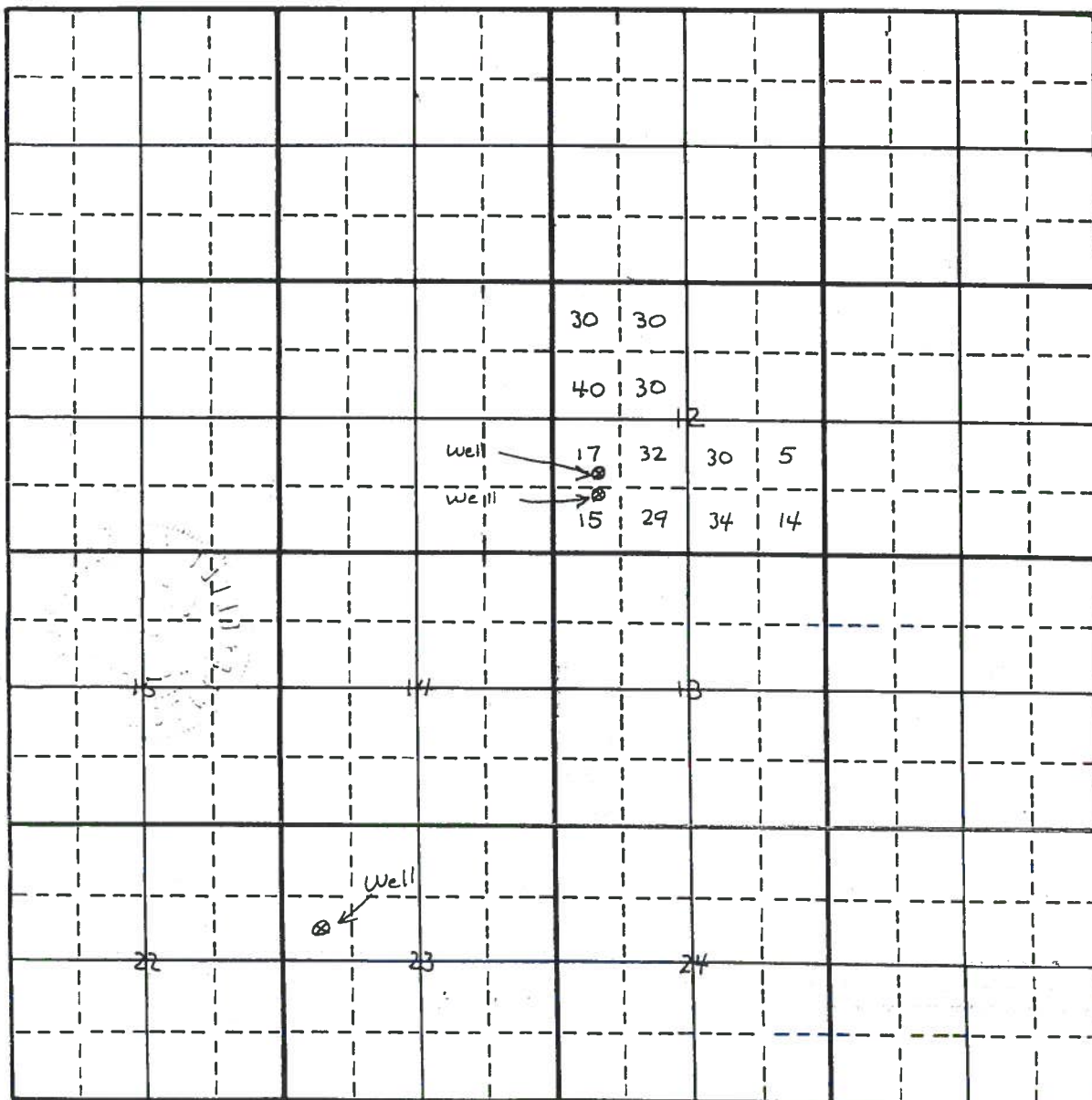
Point of diversion SW ¼ NW ¼, Section 23 Township 16S
Range 24E, B.M., Cassia County
Additional points NW¼SW¼, and SW¼SW¼ of Section 12, T16S, R24E, B.M.
(Note that both of the wells in Sec. 12 have been recorded as being in the NW¼SW¼ however one of these is actually in the SW¼SW¼ of that Section.)
3. Change in place of use
 - a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The land in Section 23 will no longer be irrigated.

c. Describe the lands or place of _____ to which the right will be transferred:

[illegible]

Total number of acres to be irrigated 306

4. Describe any other water rights used for the same purpose as described above. 43-4018
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

License 43-2552 was originally licensed for 3.60 cfs and license 43-2560 was licensed for 5.00 cfs but when these licenses are combined in a common system the max. rate of diversion was limited by trans 2712 to be 6.12 cfs or 1"/acre. ~~Presently due to errors in licensing of the original rights the Department is considering increasing the number of acres under these rights and the max. allowable rate will be increased accordingly.~~

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.

Elbert L. Purfee
(Signature of Applicant)

Subscribed and sworn to before me this 25 day of April, 19 85

Loren O. Halmer
(Notary Public)

My commission expires 6/6

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2552/2560 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 13th day of August, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by ADM Date 4/25/85 Protest filed by None

Prelim. check by JD Fee 20⁰⁰ Amending

Receipted by ADM Date 4/25/85 # 35335

Published in Sacramento State Journal Copies of protest forwarded by _____

Pub. dates 5/2 + 5/16/85 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for approval denial

_____ rec'd. _____ by ADM Jim

Transfer No. 135

Application No. _____

License No.'s (A) 43-2552
(B) 43-2560

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 2 APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Department of
Southern District OfficeName of applicant Elbert L. Durfee Phone 824-2051Post office address Almo, Idaho 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to _____ (Name) _____
in case of _____ vs _____
dated _____ in _____ county of _____
(A) 43-2552 3.60 cfs (Name of court) _____
b. License No. (B) 43-2560 5.0 cfs issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____

4. Date of priority (A) 9-19-62; (B) 1-4-63

5. Water is used for the following purposes:

amount (A) 3.60 cfs for Irrigation purposes from April 1 to October 31
amount (B) 5.0 cfs for Irrigation purposes from April 1 to October 31
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. (A) 3.60 cfs
(B) 5.0 cfs cubic feet per second
(A) 1,082 &/or
b. (B) 930 acre feet per annum (when combined not to exceed)7. Location of original point of diversion is (A) SW 1/4 of NW 1/4 of Section 23
Township 16S Range 24E, B.M., in Cassia County

Additional points of diversion, if any (B) NW 1/4 SE 1/4, Sec. 14, Twp. 16S, Rge. 24E, B.M.;
3 points in the NW 1/4 SW 1/4, Sec. 12, Twp. 16S, Rge. 24E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	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	
16S	24E	12									32	4	15	29	5	30	34	14	163
		14	5	20	27		20			23									95
		23						15	25										40

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion (A) 3.60 cfs
a. Amount of water to be diverted (B) 5.0 cfs c.f.s. &/or (A) 1,082
b. Point(s) of diversion (A) SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23 Township 16S
Range 24E, B.M., Cassia County
Additional points (B) NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 16S, Rge. 24E, B.M.;
3 points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, Twp. 16S, Rge. 24E, B.M.
- c. Description of diverting works wells, motors, pumps, pond & sprinkler system.
- d. Describe the reasons for applying for a change in the point(s) of diversion No change of points of diversion.

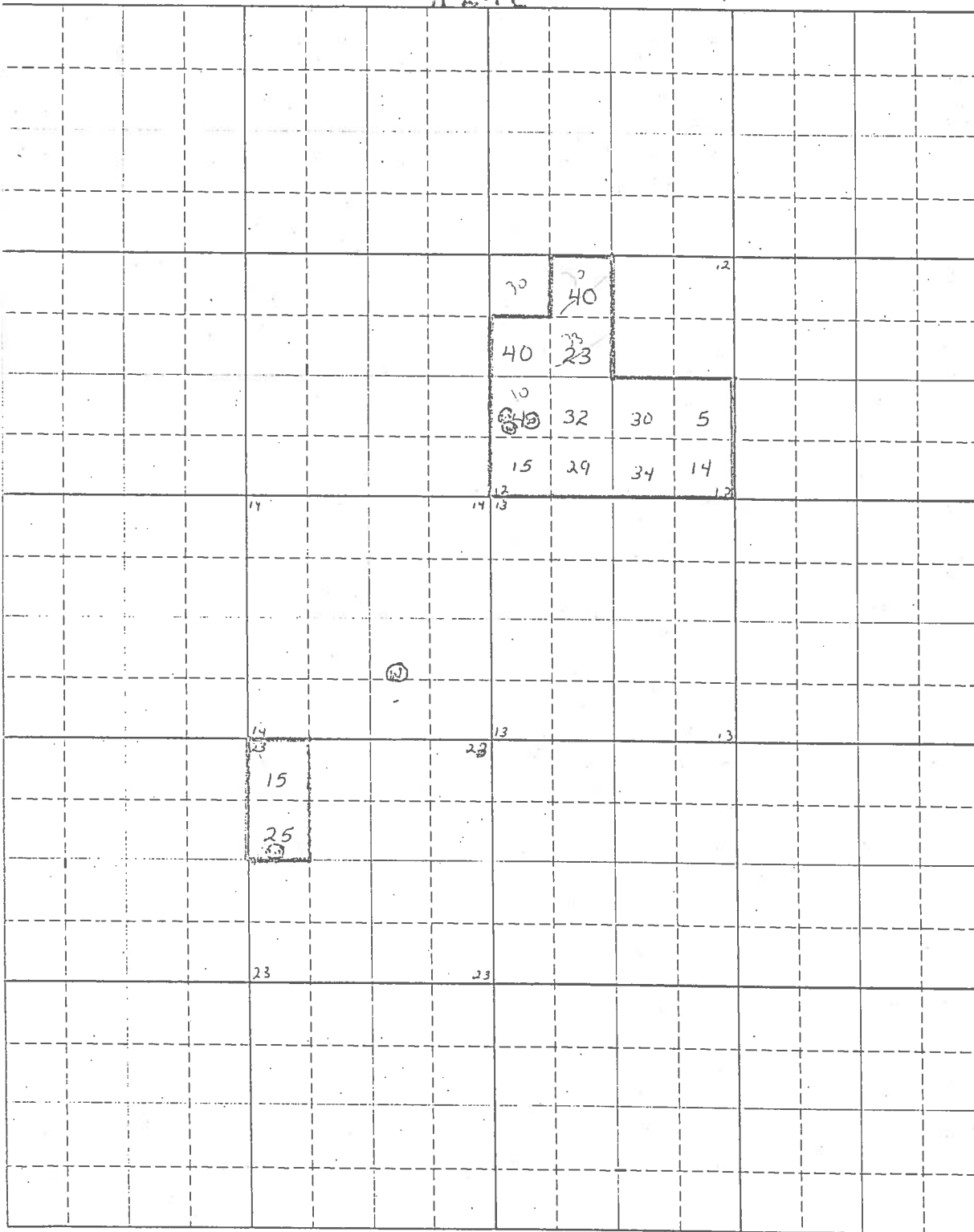
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	24E	12					40		40	23	32	4	15	29	5	30	34	14	266
		23					15	25											40

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R 24E



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

(5)

0874 - 43-2560

TWP.	RANGE	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	
16S	24E	12									32	4	15	29	5	30	34	14	163
		14	5	20	27		20	3	5	23									103

Total number of acres to be irrigated 266

3. Remarks There is a Claim To A Water Right No. 43-4018 and also a surface water right to Raft River, which is not used because it only allows water over a certain amount late in the year and those conditions are seldom if ever met, which also are appurtenant to these lands.

I hereby assert that no one will be injured by such change and 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.

Robert L. Barber
(Signature of applicant)

Subscribed and sworn to before me this 17th day of December, 19 75

Carol E. Clough
(Notary public)

My commission expires 8-12-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 1935/43-2552/43-2560 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

Maximum rate of diversion shall not exceed 6.12 from the four ponds.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20 day of February, 19 76

R. Karl Higgins

FOR DEPARTMENT USE ONLY

Received by J. A. B. Date 12-17-75

Prelim. check by CC Fee 30.00

Receipted by CC Date 12-17-75

1/4 Published in South Idaho Press

Pub. dates 12-30-75 & 1-6-76

Watermaster recommendation requested on _____
rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial
by Michael L. Stuck DPT

43-4018

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill
TO Alan Merritt (Southern)
SUBJECT Durfee Transfer

RECEIVED DATE 4/8/85
APR 10 1985
Department of Water Resources
Southern District Office

In the process of preparing a memo re: the Durfee transfer I noticed that Mr. Durfee had supplied to our file the copies of aerial photos. In the interest of standard documentation practices, I have asked ASCS to provide the copies of the photos, with the dates the photos were taken. They called to say they are in the mail. We will prepare a final of my memo when the photos are rec'd.

SIGNATURE
Dave

120012	2.84	5.00
2)	3.60	3.60
	6.44	5.00

1977

Flight

Sec

12
23

2.84 cts
3.60
6.44 6.44

382

163

163
235 2crs

1967

1968

76 2crs
diff.

76 2crs

2

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11

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35

21

23.6

12

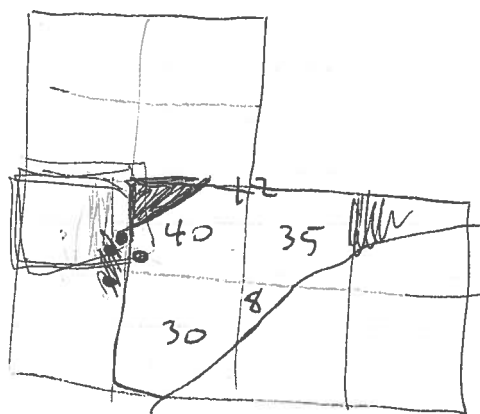
81018

10770 SCAL

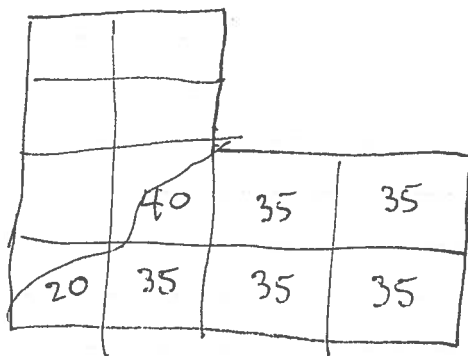
100 inches

105 2CK,

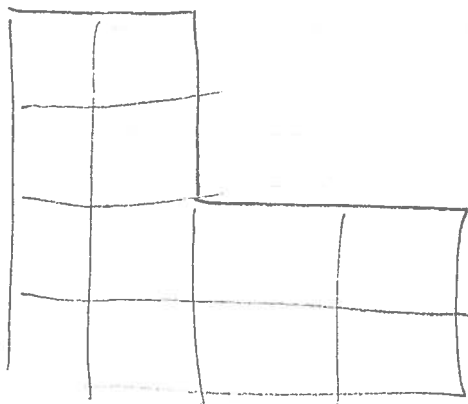
113



[Handwritten notes:]
1 NW SW
1 SE SW
Trig Station in sec 12



1963



Sec 23

75-4018



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RECEIVED

MAY 8 1984

Department of Water Resources
Southern District Office

May 3, 1984

Elbert L. Durfee
Almo, ID 83312

RE: Application for Transfer of Water Right No. 43-4018

Dear Mr. Durfee:

This office is currently reviewing the above referenced Application for Transfer which you originally submitted to our Southern Regional Office on March 30, 1983. Since that date our staff has conducted an examination of the water rights associated with lands in the south half of Section 12, Twp. 16S., Rge. 24E., and has reviewed aerial photographs of that land.

As you are aware, there are two water right licenses which have as places of use lands within the above referenced section. Both Licenses Nos. 43-2552 and 43-2560 show as a place of use 163 acres in the south half of Section 12. The manner in which this 163 acres was identified has a direct bearing on our analysis of the Application for Transfer in question.

You may recall that when Applications for Permit Nos. 43-2552 and 43-2560 were originally submitted to this office, they each identified places of use within each of the forty acre tracts within the south half of Section 12, Twp. 16S., Rge. 24E. Therefore, when a field examination was conducted to determine which of the acres in the tracts were irrigated, our examiner sought to identify the entire irrigated acreage within the south half of Section 12. The examination was conducted on August 3, 1968, by Mr. Dean Reynolds of this office. The "Reports of Examiner" which he prepared to describe the results of his examination are currently located in Department files. On the reports he indicated that you and your son assisted with measurements and acreage determination. Based on his examination notes and information in the file it appears that he also utilized aerial photographs for the computation of irrigated acreages. For your information copies of the reports and the aerial photographs are enclosed. As

43-4018

Elbert L. Durfee

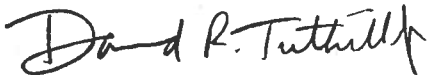
May 3, 1984

Page 2

shown on the reports, Mr. Reynolds found that 163 acres were irrigated in the south half of Section 12 at the time of his examination. This computation corresponds with the irrigated acreage identified on the aerial photographs.

Examination of the Application for Transfer in question in light of the reports prepared by Mr. Reynolds, results in a question regarding the date of first irrigation of lands within the south half of Section 12. Mr. Reynolds found 163 acres irrigated, and the effect of approval of the Application for Transfer would be to recognize the existence of an additional 127 acres on the south half of Section 12, with date of priority of April 1, 1942. Because the information in the file does not support the claimed irrigated acreage, could you please provide to this office an explanation or additional evidence. Please provide additional information by June 15, 1984, to enable us to proceed with the evaluation of your Application for Transfer.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ns

Enclosures

✓cc: Southern Region

Transfer No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Elbert L. Durfee Phone 824-5525
Post Office address Almo, Idaho, 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. 43-4018 on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Original Claimant

3. Source of water Groundwater tributary to _____

4. Date of priority April 1, 1942

5. Water is used for the following purposes:

amount 2.0 cfs for Irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12
Township 16S Range 24E, B.M., in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	24E	12									40	40	40	40	40	40	40	40	320

Total number of acres to be irrigated 320

9. Describe any other water rights used for the same purpose as described above _____

Lic. 43-2552 & Lic. 43-2560 recorded by transfer #2712
Decreed water rights from Raft River

10. To your knowledge, has any portion of this _____ right undergone a period of five or more consecutive years
of nonuse? No _____
If yes, describe in detail _____

13-4018

B. DESCRIPTION OF PORTION OF RIGHT OR PORTION THEREOF, AS REQUESTED BY APPLICANT. If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

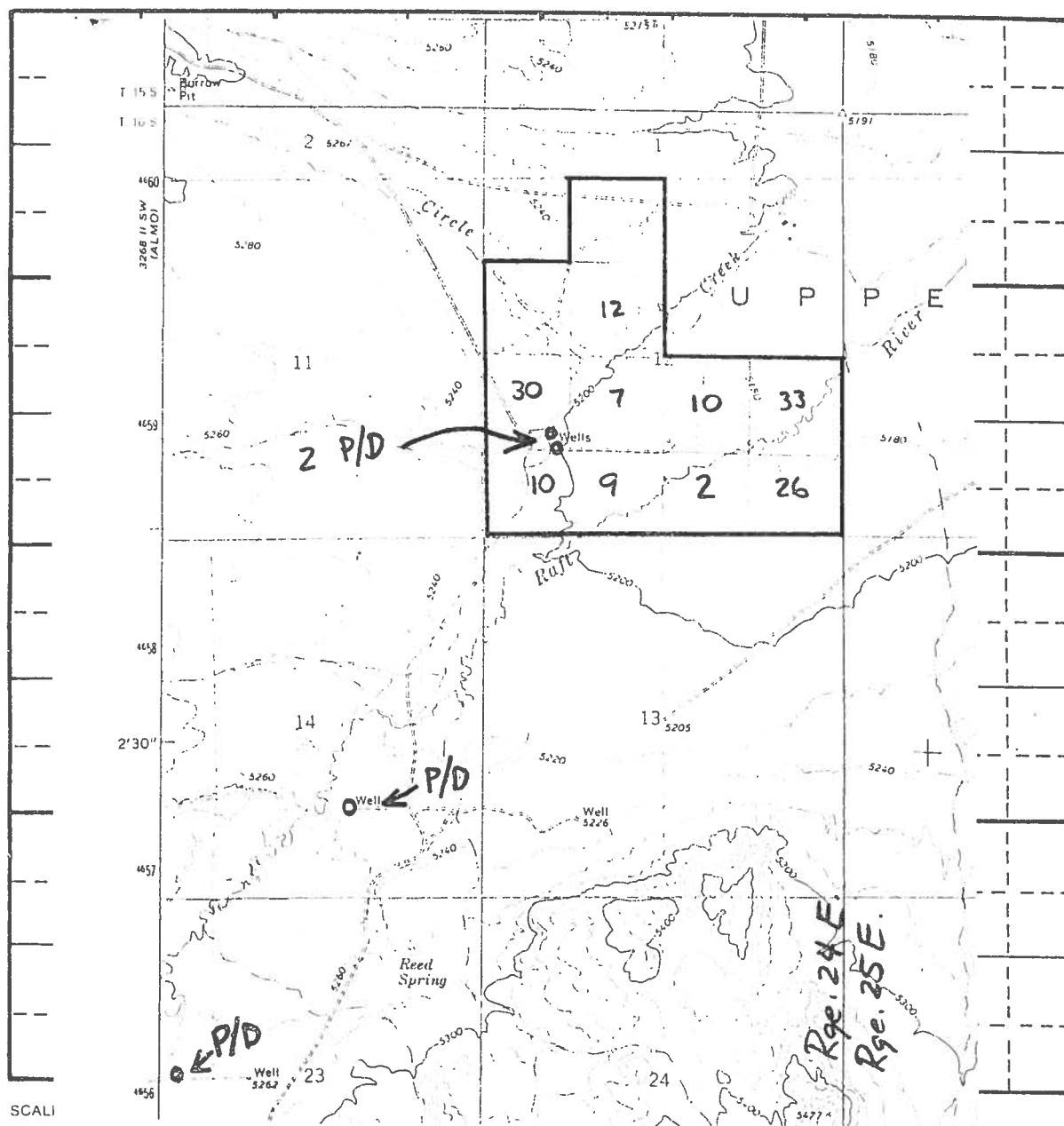
1. General Information
 - a. Amount of water to be diverted 2.0 cfs c.f.s. &/or _____ acre feet
 - b. Description of diverting works Four Existing wells which deliver water into sprinkler system.
 - c. Describe the reasons for the proposed changes To clarify water use on lands and to allow flexibility in use of all the wells.
2. Change in point of diversion
Point of diversion SW 1/4 NW 1/4, Section 23 Township 16S
Range 24E, B.M., Cassia County
Additional points NW 1/4 Sec. 14; 2 pts in the NW 1/4 of Sec. 12
all in Twp. 16S, Rge 24E, B.M.
3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None The same land that has been irrigated for many years will
continue to be irrigated.

c. Describe the lands or place to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	24E	12								12	7	30	10	9	33	10	2	26	139

Total number of acres to be irrigated 139

- Describe any other water rights used for the same purpose as described above. Decreed water from Raft River
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

This transfer is meant to clarify what lands are irrigated.

After this transfer when this right is combined with those licenses recorded under transfer #2712 it should clearly cover all of the 445 acres which are irrigated by well water.

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 willfull misrepresentations made in this application may result in voiding its approval.

Elbert L. Dwyer
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of march, 19 83

Mary A. Newby
(Notary Public)

My commission expires life

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 _____.

FOR DEPARTMENT USE ONLY

Received by ADM Date 3/30/83 Protest filed by None
Prelim. check by JK Fee \$50.00
Receipted by same Date 3/30/83 # 26136
Published in South Idaho Press Copies of protest forwarded by _____
Pub. dates June 15 and June 22, 1983 Hearing held by _____ Date _____
Watermaster recommendation requested on NA Recommended for approval denial
_____ rec'd. _____ by ADM

MEMORANDUM

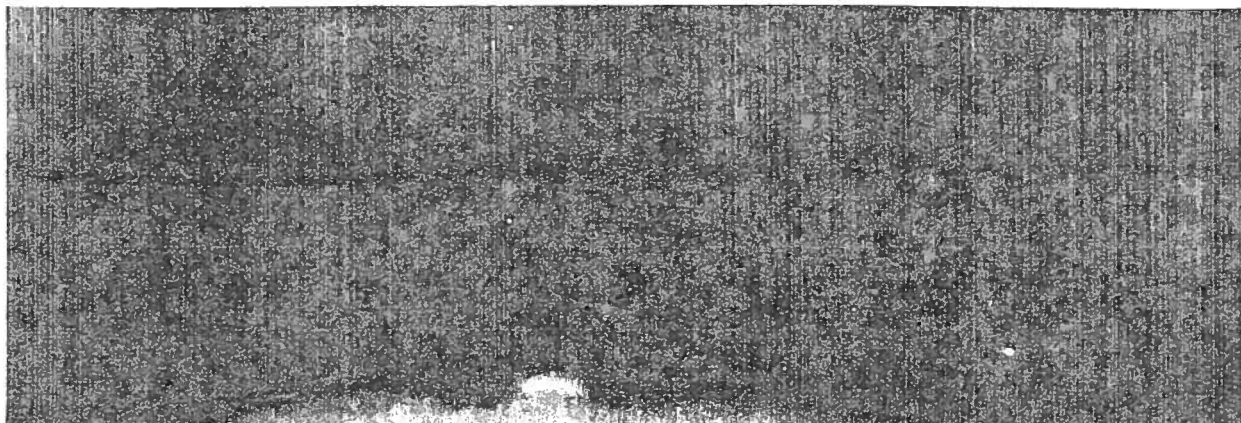
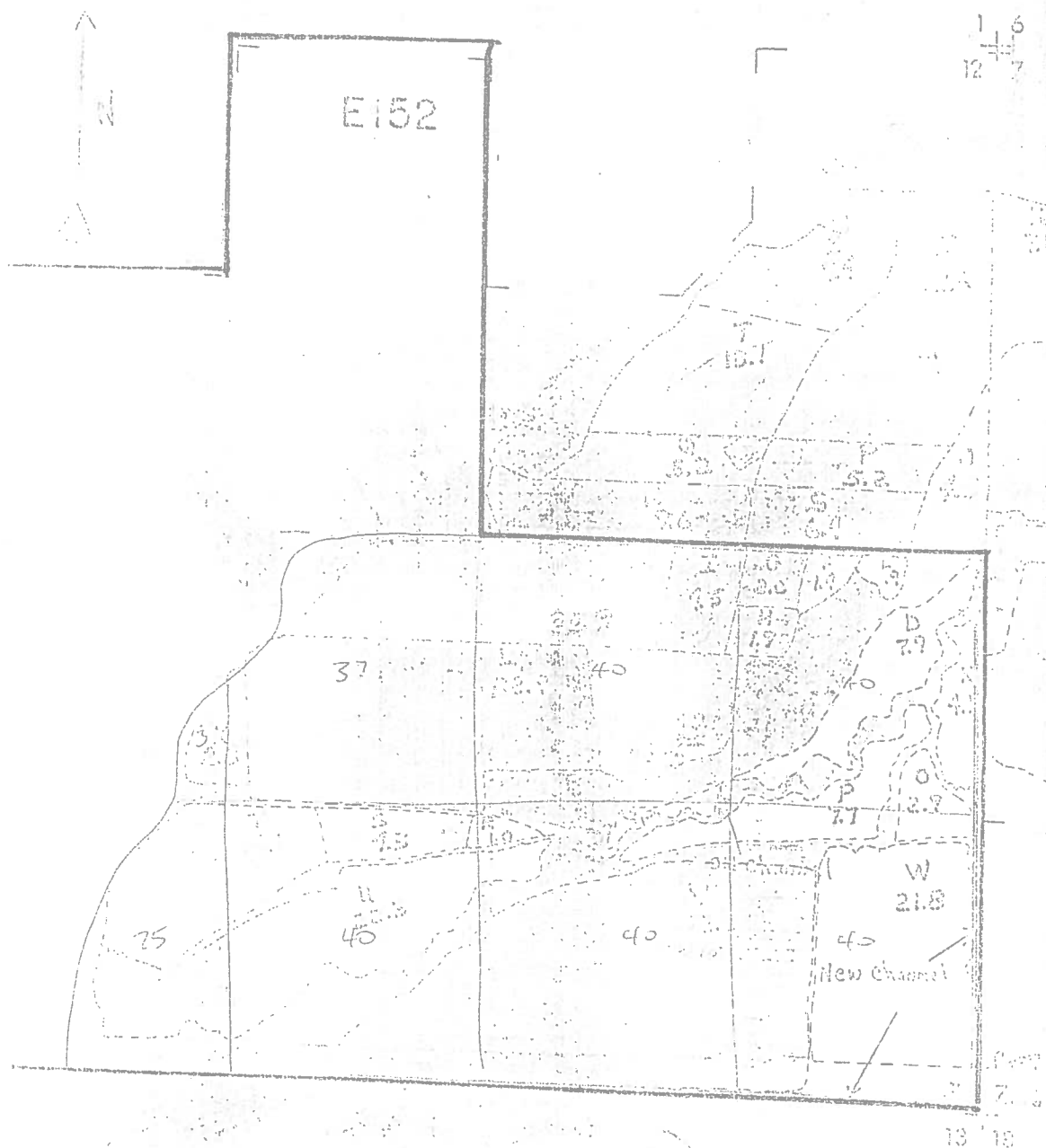
To: Jim Johnson
From: Allen Merritt
Date: 3/20/84

Subject: Review of lands claimed to be irrigated under 43-4018

Pursuant to your 10/31/83 memo I have obtained and reviewed several aerial photos of the Durfee property. Please find attached copies of the 1977 and 1968 flights. I have also reviewed the aerial slides taken in the 1979 which cover a portion of the Durfee property. Presently the land has two center pivots installed on the property as penciled in on the 1977 photo.

All evidence indicates that not all of the S $\frac{1}{2}$ of Sec. 12, T16S, R24E, B.M. has been irrigated as claim 43-4018 indicates. Giving Mr. Durfee the benefit I estimate that not more than 265 acres were ever irrigated in the S $\frac{1}{2}$ of Sec. 12 as shown on the 1968 photo. My estimate of the acres irrigated is mainly based on the 1968 photo and the field exam reports for licenses 43-2552 and 43-2560. These licenses when initially licensed both recognized 163 acres irrigated in the S $\frac{1}{2}$ of Sec. 12. I assume that more land was irrigated than this 163 acres. If this assumption is valid it would appear that the allowable amount of acres to be transferred under the transfer for 43-4018 would be (265-163)= 102 acres.

Based on the above analysis it appears that the transfer as filed should not be approved without a reduction of acreage to approx. 102 acres. If you concur the application should either be denied or the applicant approached to reduce the acreage on the application.

$$\frac{1}{12} \frac{6}{7}$$


1977 Flight

36 31

16 EE

2

E 152

A

140.9

1.6

14.3

28.2

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M

6.4

3.6

22.5

24

6.2

45.5

23.6

12

12

R. 21

NOT TO SCALE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Elbert L. ^{\$1}or Elbert Bruce Durfee Phone 824-5525
824-5566
Post office address Almo, Idaho, 83312
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 Township 16 S
Range 24E, B.M. Cassia County, additional points of diversion if any: _____
NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, T.16S., R.24E., B.M.
4. Water will be used for the following purposes:
- Amount 2.0 for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to 1 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
- a. 2.0 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Existing wells & pumps delivering to existing sprinkler system.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
- c. ~~Proposed~~ well diameter is _____ inches; proposed depth of well is _____ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).
8. Description of proposed uses:
- a. If water is not for irrigation:
- (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S.	24E.	12					3	3		5	8	9	5	9	35	10	4	24	115

Total number of acres to be irrigated 115

c. Describe any other water rights used for the same purposes as described above. This filing covers the additional acres not covered by Lic. 43-2552 and

43-2560 as transferred. Portion of above land also covered by Claim 43-4018. Also surface rights out of R24 River

9. a. Who owns the property at the point of diversion Applicant.

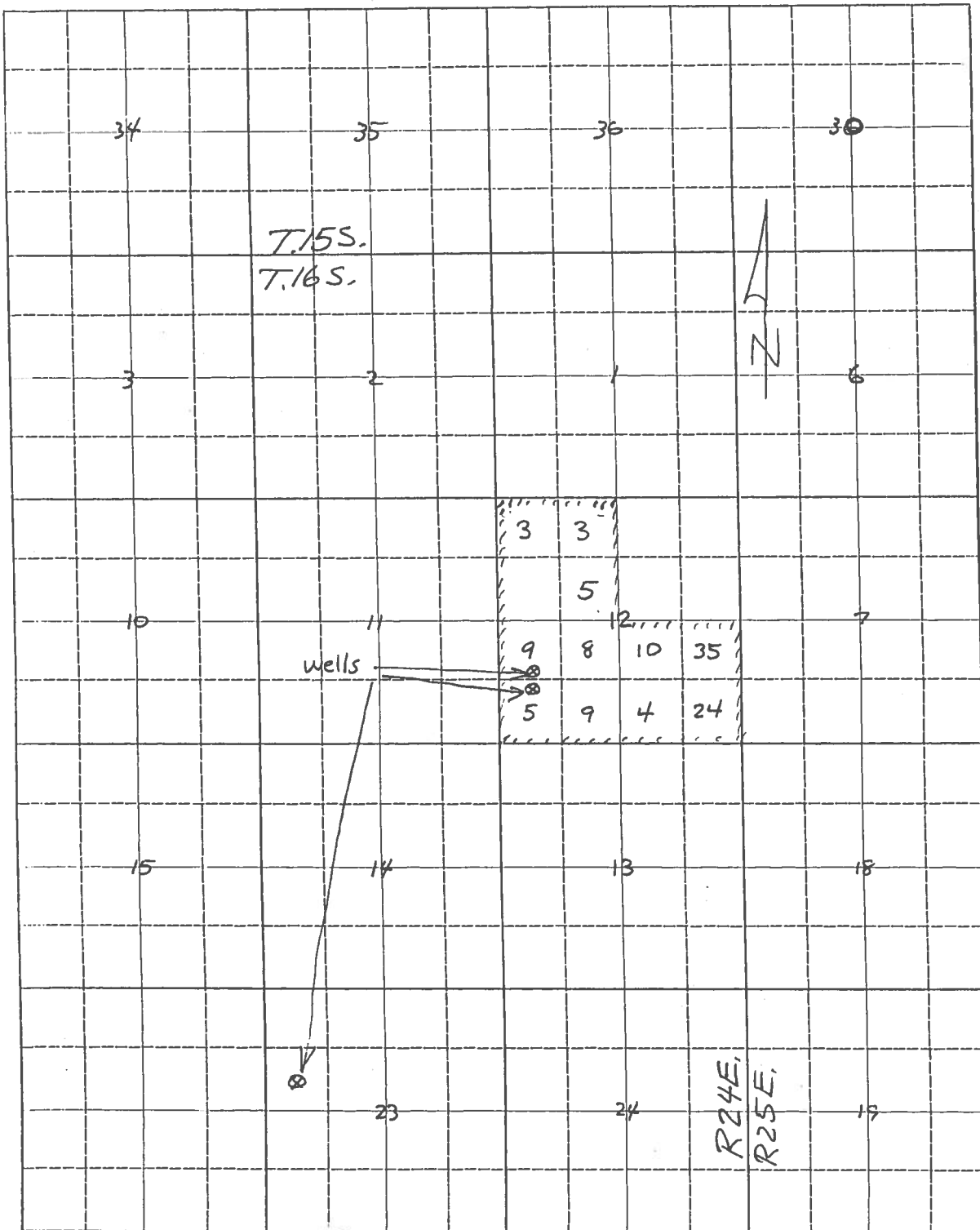
b. Who owns the land to be irrigated or place of use Applicant.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This filing is for the additional acres not covered by Lic. 43-2552 & 43-2560 as transferred which are presently being irrigated and have been since 1978. This application is being made to insure that the benefits of subordination of the Swan Falls Agreement are obtained.

11. Map of proposed project: show clear
township and range number.

proposed point of diversion, place of use, section number,



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Albert L. Dwyer
(Applicant)

Received by ADM Date 6/12/85 Time 3:20 p.m.

Preliminary check by AJF Fee \$ 45⁰⁰

Receipted by ADM Date 6/12/85 # 35395

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Water Application Report 43-7291

WATER RIGHT NUMBER: 43-7291

ALMO, ID 83312
(208)824-5566

ALMO, ID 83312
(208)824-5566

Basis:

Status: Active

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.000 CFS	
	Total Diversion:	2.000 CFS	

GROUND WATER SW1/4NW1/4 Sec. 23, Twp 16S, Rge 24E, B.M.
CASSIA County

GROUND WATER NW1/4SW1/4 Sec. 12, Twp 16S, Rge 24E, B.M.
CASSIA County

GROUND WATER SW1/4SW1/4 Sec. 12, Twp 16S, Rge 24E, B.M.
CASSIA County

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
16S	24E	12					3.0	3.0		5.0	8.0	9.0	5.0	9.0	35.0	10.0	4.0	24.0	115.0

Total Acres: 115

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 43-7291

Remarks:Comments:Dates and Other Information:

Application Received Date: 6/12/1985
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks:
Other Water Rights:
Time to Complete Works:
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------