

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: A43-04018
Date Received: 2/28/1989
Receipt No: S006400
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KENT DURFEE 208-824-5536
Address: PO BOX 175
ALMO ID 83312

AND/OR

Name: JANIS DURFEE 208-824-5536
Address: PO BOX 175
ALMO ID 83312

2. Date of Priority: APR 1, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	24E	12	NW	SW	SW		CASSIA
			SW	SW			CASSIA

5. Description of diverting works:
2 WELLS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	24E	12	NE		SW		IRR	40.0
			NW		SW		IRR	20.0
			SW		SW		IRR	25.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	285.0
							Total Acres	285.0

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:
NONE

14. Remarks:

THIS CLAIM SHOWS THE EARLIER PRIORITY OF THE WATER USED AT THIS P/U.

**CLAIM AMENDED TO ADD A SECOND P/D NEAR THE FIRST WELL. THE COMBINED DIVERSION RATE FROM THE TWO WELLS IS THE SAME AS THE ORIGINAL WELL. THE ORIGINAL WELL WAS PUMPED DEEPER USING A DIESEL MOTOR. THE TWO WELLS WENT TO ELECTRIC AND THE PUMPS WERE SET SHALLOWER. OWNERSHIP CHANGE IS ALSO INCLUDED WITHIN THIS AMENDMENT. THE OWNERSHIP CHANGE RESULTS IN THE SEPARATION OF ACRES COVERED BY THIS CLAIM AND OTHER LICENSED RIGHTS. A TRANSFER HAS BEEN APPLIED FOR TO ADDRESS THE CHANGES. KKC

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Kent R. Dunfee Date: 1/16/92
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of January 19 92

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, ID

My Commission Expires 10/16/1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 16S Range 24E
Section 12, 1/4 SE 1/4, 1/4, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A43-04018
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): E. Bruce Durfee
- ☐ New Owner/Claimant (Purchaser): Kent R. + or Janis Durfee
- ☐ New Mailing Address: P.O. Box 125
Almo Id. 83312
- ☐ New Telephone Number: (208) 824-5536
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Kent R Durfee Date 1/16/92
- ☐ Signature of Former Owner/Claimant(s) E. Bruce Durfee Date 1-16-92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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MAR 04 1993

The claimants have split this claim from the system that ~~cover~~ included two other water rights. The system recommendation is also tied to transfers filed on 1-16-92.

The goal is to reduce the acres covered by this claim to 85 and maintain the 1.5 cfs on those acres. The licensed rights will be moved off the 85 acres and all the div rate moved to a P/D in sec 23.

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MAR 04 1993

A43-4018

R A F

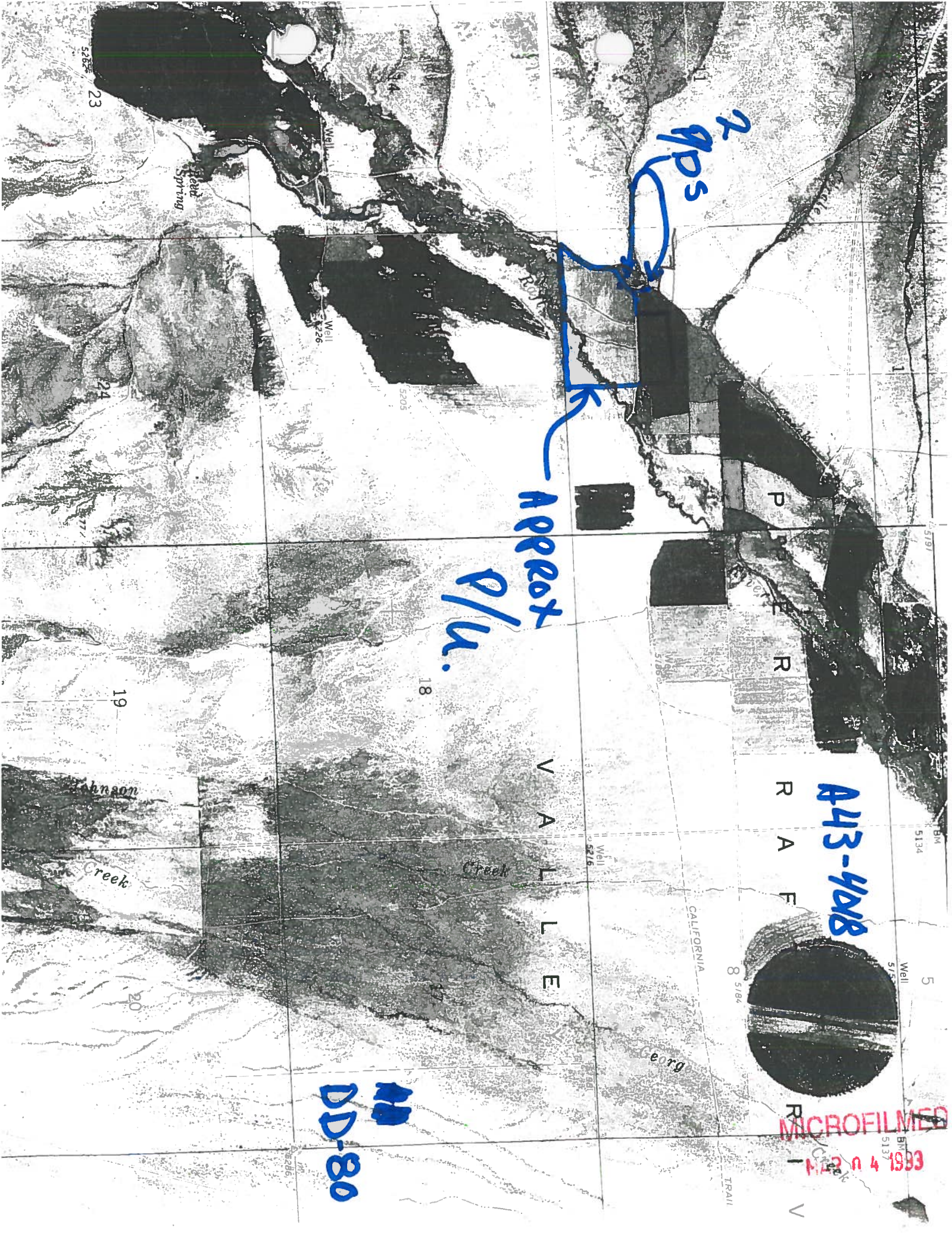
MICROFILMED

MAR 4 1993

Approx
P/U.

2
903

DD-80



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: A43-04018
Date Received: 2/28/1989
Receipt No: S006400
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELBERT L. DURFEE 208-824-5566
Address: P.O. BOX 187
ALMO, ID 83312

OR
Name: E. BRUCE DURFEE 208-824-5566
Address: P.O. BOX 187
ALMO, ID 83312

OR
Name: KENT DURFEE 208-824-5536
Address: P.O. BOX 175
ALMO, ID 83312

2. Date of Priority: APR 01, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-04018

Page 1

Date: 02/28/89

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MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	24E	12	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
							Total Acres	320.0

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, A43-02552, APPLICATION 43-07291.

14. Remarks:
THIS CLAIM SHOWS THE EARLIER PRIORITY OF THE WATER USED AT THIS
P/U.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

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

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of February 19 89 Steve G. Ollis
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04018
ELBERT L. DURFEE
E. BRUCE DURFEE
P.O. BOX 187
ALMO

ID 83312

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 14 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04018
KENT DURFEE
P.O. BOX 175

ALMO

ID 83312

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

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Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 04 1993

AFFIDAVIT

STATE OF IDAHO)
 :
COUNTY OF CASSIA)

Elbert L. Durfee, being first duly sworn, deposes and says: that I was a resident of Almo, Cassia County, Idaho, during the years from 12 Feb 1906, to the date of this affidavit. I hereby testify that I purchased the S 1/2 of S12 T16S R24 EBM from Ernest Jensen in 1953. In 1953, I installed an electrical powered pump in an existing well that had been used by Ernest Jensen. In 1954, I drilled an additional well in the SW1/4 SW1/4 S12 T16S R24 EBM, and installed an electrical driven pump in that well. These two pumps have been used each season since in the SW1/4 of S12 T16S R24 EBM and produce 1.5 cubic feet per second.

Dated this 16th day of January, 1992.

Elbert L. Durfee
Elbert L. Durfee

STATE OF IDAHO
COUNTY OF CASSIA

On this 16th day of January 1992
before me a notary public in and for said State, personally
appeared Elbert L. Durfee

known to me to be the
(person/persons) whose name/names were subscribed to
the within instrument and acknowledged to me that (he, she,
they) executed the same.

Shirley A. Kellar

Notary Public

Residing at Albion, Idaho

My commission expires 8-9-93

MICROFILMED
MAR 04 1993

3201

AGREEMENT FOR PURCHASE OF POWER

THIS AGREEMENT, Made this 8th day of April, 19 54, between
the Raft River Rural Electric Cooperative, Inc., hereinafter called the Seller, and

Elbert L. Durfee hereinafter called the Consumer,

WITNESSETH, WHEREAS the Consumer is the owner of the following described real
estate in the County of Cassia, State of Idaho, particularly
described as follows, to-wit:

S $\frac{1}{2}$ Section 12

Section 12, Township 16 South, Range 24,
East, of the Boise Meridan. And has a well on the SW $\frac{1}{4}$, SW $\frac{1}{4}$
of Section 12 of the said real estate and desires to irrigate the irrigable
portion of said real estate by pumping water from such well or wells.

NOW, THEREFORE, THE SELLER agrees to sell and deliver to the Consumer on the
above described real estate, electrical energy up to 20/50/160 KVA, and the Consumer
agrees to purchase from the Seller all electrical energy used for pumping water from
the well or wells upon said premises for irrigation purposes during the irrigation
season of each year for a period of not less than eight years from the date of
this contract.

1. Service Characteristics

The electrical energy to be furnished under this contract shall be alternating
current. three phase, sixty cycle, 240 volts.

after the bill is mailed to the Consumer. If the Consumer shall fail to pay any such bill within such fifteen day period, the Seller may discontinue the service hereunder, by giving to the Consumer ten days notice in writing of its intention so to do.

3. The Consumer agrees that if at any time the rate under which the Seller purchases electrical energy at wholesale is modified, the Seller may make a corresponding modification in the rates for electrical energy furnished hereunder. If the rate to the Consumer be increased by such modification, the Consumer shall have the right to cancel this contract unless the Seller shall elect to furnish the electrical energy at the rates specified in Schedule I hereinbefore referred to.

4. Continuity of Service

The Seller shall use reasonable diligence to provide a constant and uninterrupted supply of electrical energy. But if such supply shall fail, or be interrupted, or become defective, through the act of God, public enemy, by accident, strikes, labor troubles or the burning out of any transformer, generator, or other electrical equipment or for any other cause beyond the reasonable control of the Seller, the Seller shall not be liable to the Consumer for any damage that he may sustain by reason of such interruption in service.

5. Membership

The Consumer shall become a member of the Seller, shall pay the membership fee and be bound by the provisions of the Articles of Incorporation and provisions of the By-laws of the Seller and by such rules and regulations, as may from time to time be adopted by the Seller.

Elbert L. Purcell
(Consumer)

(Seal)

By

RAFT RIVER RURAL ELECTRIC COOPERATIVE, INC.

P. E. Shane
(Manager)

STATE OF IDAHO)
County of Cassia) ss

On this 15th day of April, 1954, before me, the undersigned, a Notary Public in and for said State, personally appeared P. E. Shane, known to me to be the manager of the Raft River Rural Electric Cooperative, Inc., the corporation whose name is subscribed to the within instrument, and acknowledged to me that such corporation executed the same.

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

Chloe Hansen
Notary Public for the State of Idaho,

A F F I D A V I T

STATE OF UTAH
COUNTY OF WEBER

ERNEST L. JENSEN, being first duly sworn, deposes and says: that he was a resident of Ogden, County of Weber, State of Utah, during the years from 1917 to date of this affidavit. In 1935 and subsequent years, I acquired various properties including the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) in Section Twelve (12), Township Sixteen (16) South, Range twenty-four (24) East of the Boise Meridian, where a well was drilled during the years 1940, 1941 and completed in the year 1942. The waters from this well were utilized on lands in the South Half (S 1/2) of the said Section Twelve (12), Township Sixteen (16) South, Range Twenty-four (24) East of the Boise Meridian. During the first years a diesel motor was used and the well provided one hundred (100) miners inches of water.

I used the water from this well from the summer of 1942 through the summer of 1953, when I sold the property to ELBERT L. DURFEE. To my personal knowledge, this well has been used for irrigation and stock purposes each year from 1942 to date.

Dated this 20th day of November, 1968.

Ernest L. Jensen

STATE OF UTAH,)
COUNTY OF WEBER)
 : ss
)

S. N. 30-531-327

FIRST READING 0009

ACCOUNT NO.

FIRST DATE June 3, 1954

DUE DATE

DELINQUENT DATE

DELINQUENT RATING

READING	KWH USED	NET BILL	PENALTY	GROSS BILL	CREDIT OR ARREARS	AMOUNT PAID	DATE PAID	BALANCE
90	442H	30.52	1.53	32.05H		30.52C	JL 7	00H
510	434H	36.04	1.80	37.84H		37.84C	JL 10	1.00C
250	561H	43.60	2.18	45.78H	1.00C	41.86C	JL 7	00H
460	539H	48.34	2.42	50.76H		48.34C	JL 7	00H
150	587H	36.22	1.81	38.03H		36.22C	JL 10	00H
720	593H	49.58	2.48	52.06H		49.58C	JL 7	00H
650	629H	47.74	2.39	50.13H		47.74C	JL 7	00H

37.84C

2.42C

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: 43-13051

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: 43-13051

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

SOURCE: GROUND WATER

QUANTITY: 1.2 CFS
240 AFY

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: 04/01/1963

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	1.20 CFS 240.00 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	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 60 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

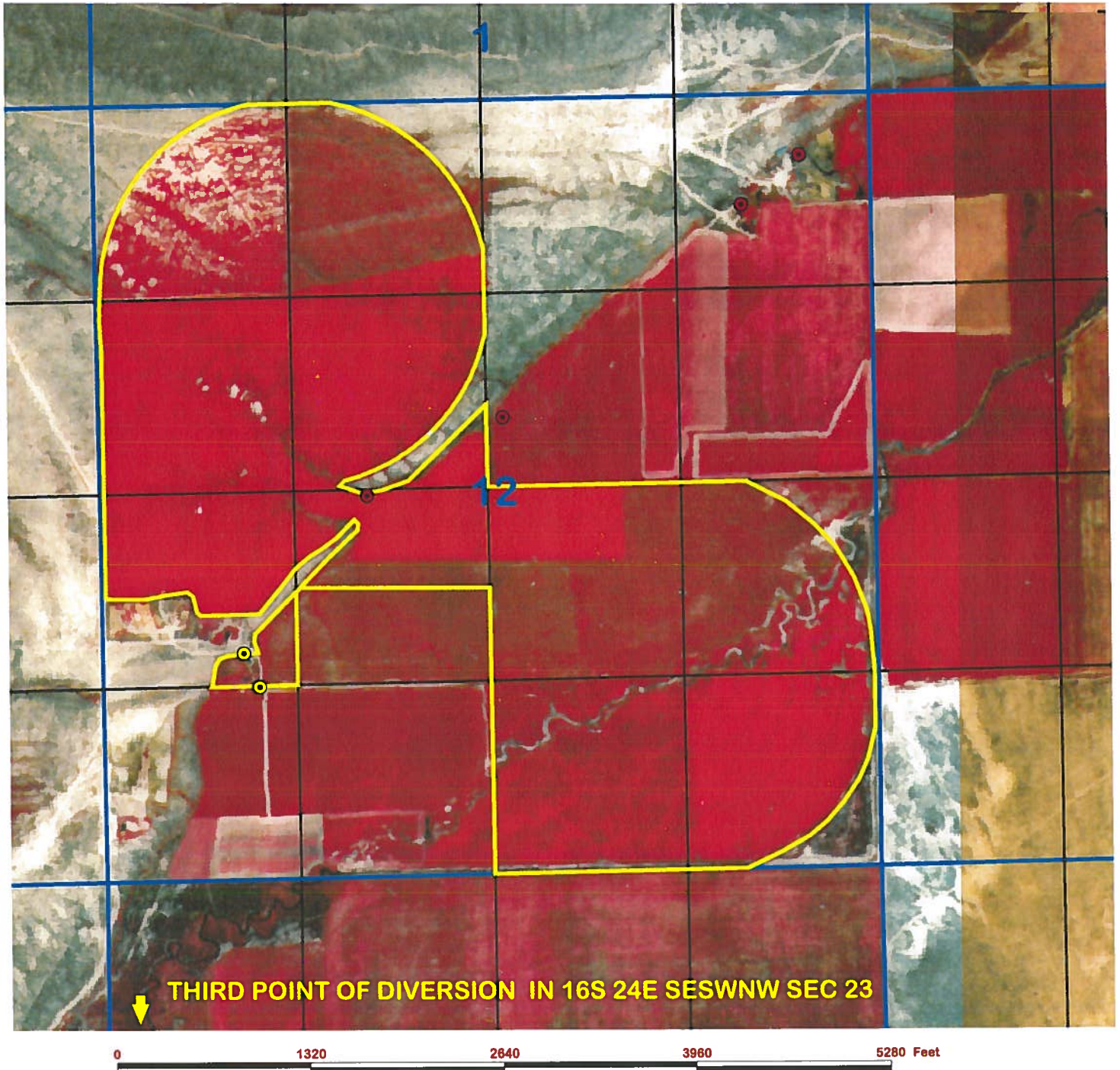
THIS RIGHT IS A PORTION OF 43-4018

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**

02/01/2001

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

RIGHT NUMBER:

43-4018

NAME AND ADDRESS:

JANIS DURFEE
KENT DURFEE
PO BOX 175
ALMO, ID 83312

BRUCE DURFEE
PO BOX 187
ALMO, ID 83312

SOURCE:

GROUND WATER

QUANTITY:

1.52 CFS
304 AFY

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.

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.

PRIORITY DATE:

04/01/1963

POINT OF DIVERSION:

T16S R24E S12
T16S R24E S12
T16S R24E S23

SENWSW
NESWSW
SESWNW

Within CASSIA County
Within CASSIA County
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
1.52 CFS
304.00 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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 76 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 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.

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 - Beneficial Use

Split Rights

GW Claims

DAK
6-8-01

Bruce Durfee, Kent Durfee

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

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

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

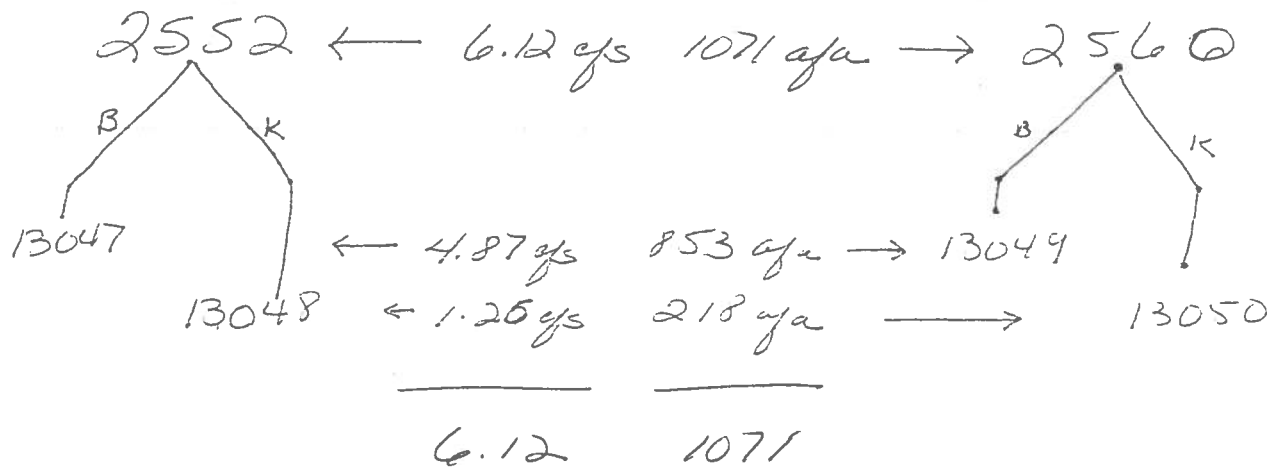
$$7.64 \times .204 = 1.55 K$$

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

↑ OK'd by B & K Durfee 6-8-01

3-	43-		cfs	aga	ac
2552	13047 B	COMB 1.25	2.87	853	244
	13048 K		.73	218	62
2560	13049 B	COMB 1.25	3.98	853	244
	13050 K		1.02	218	62
4018	13051 B	COMB 1.25	1.20	240	60
	13052 K		.32	64	16
10014	13053 B	COMB 1.25	.56	112	28
	13054 K		.14	28	7

Comb Limits



OK
6-8-01

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

RECEIVED**JUN 19 2001**

Department of Water Resource
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	43-387			43-25160	-
	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 83312
- 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, - 3560</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		<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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

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

E Bruce Dwyer

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

JUN 19 2001

Department of Water Resources
Southern Region

CONTRACT OF SALE OF REAL ESTATE
AND PERSONAL PROPERTY

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

W I T N E S S E T H:

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

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

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

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

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

Miscellaneous farm machinery
75 head of cattle branded Y Right hip

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

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

PARSONS, SMITH & PEDERSEN
LAWYERS
BURLEY, IDAHO

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

IN WITNESS WHEREOF, the parties have executed this
Agreement.

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

STATE OF IDAHO)
County of Cassia) ss

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

IN WITNESS WHEREOF, I have hereunto set my hand and
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

STATE OF IDAHO)
County of Cassia) ss

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

IN WITNESS WHEREOF, I have hereunto set my hand and
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 SW¹/₄, Section 12, Township
16, Range 24 E.B.M.

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

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

Kent R. Durfee
Janis C. Durfee

STATE OF IDAHO)
County of Cassia) ss

On this 12 day of April, in the year 1990, before
me, the undersigned, a Notary Public in and for said State,
personally appeared KENT R. DURFEE and JANIS C. DURFEE, husband
and wife, known or identified to me to be the persons whose
names are subscribed to the within instrument, and acknowledged
to me that they executed the same

E. Brock Shull
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, betwe
4 ELBERT L. DURFEE, a/k/a ELBERT DURFEE and GRACE A. DURFE
5 husband and wife, of Almo, Idaho, 83312 ("E. Durfee") and
6 BRUCE DURFEE and KAY H. DURFEE, husband and wife, of Alm
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 t
11 contracts of sale of real estate and personal property, one wi
12 K. Durfee and one with B. Durfee. The contracts with supporti
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 alon
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. Durfe
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 th
24 terms and conditions hereof the parties agree:

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

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 Deeds

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 lands, cattle, and irrigation equipment will be enforced upon
6 the respective contract with E. Durfee, K. Durfee and/or
7 Durfee as though the same had been within the respective
8 contracts from the inception and as though no exchange had
9 place.

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

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

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

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

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

6 Grace A. Durfee
7 Grace A. Durfee

8 E. Bruce Durfee
9 E. Bruce Durfee

10 Kay H. Durfee
11 Kay H. Durfee

12 Kent R. Durfee
13 Kent R. Durfee

14 Janis C. Durfee
15 Janis C. Durfee

16 STATE OF IDAHO)
17 County of Cassia) ss

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

24 E. Bruce Durfee
25 Notary Public for Idaho
26 Residing at Burley
My commission expires on 5-11-93

27 STATE OF IDAHO)
28 County of Cassia) ss

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

names are subscribed to the within instrument, and acknowledged to me that they executed the same.

E. Ruth Shupe
Notary Public for Idaho
Residing at Burley
My commission expires on 5-10-93

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. Ruth Shupe
Notary Public for Idaho
Residing at Burley
My commission expires on 5-10-93

RECORDED AT THE REQUEST OF
E. Ruth Shupe
FILED
1995 MAY -3 PM 2:14
236449
FEE \$7.00 RETURN

236446

WARRANTY DEED

THIS INDENTURE, made this 25 day of Feb,
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

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

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.

Elmer R. Purfee
Grace A. Purfee

1 STATE OF IDAHO)
2 County of Blaine) 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.

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Notary Public for Idaho
Residing at Blaine

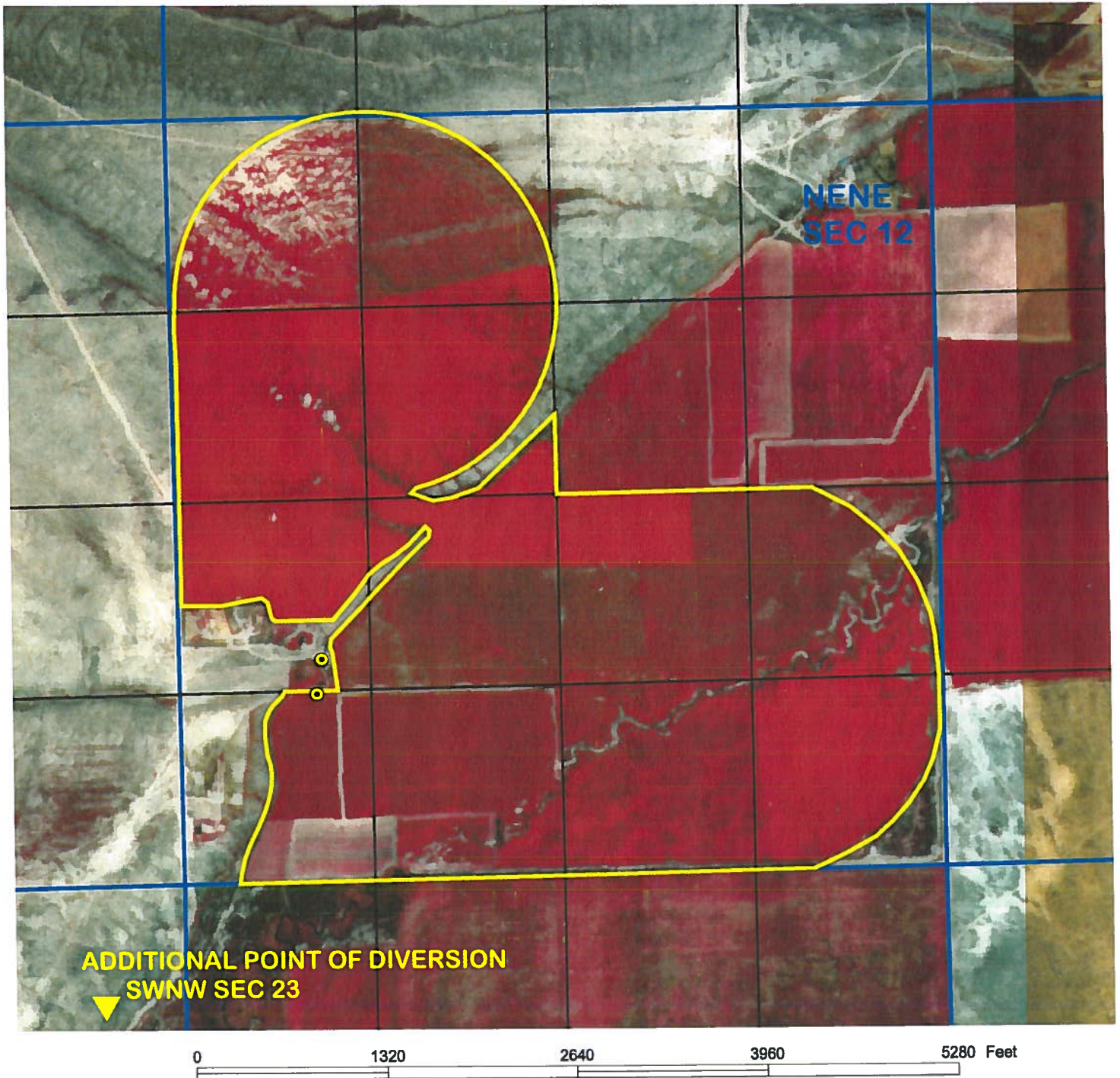
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Blaine, ID

RECORDED AT THE REQUEST OF:
Elbert L. Durfee
265

236446

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



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



*Splet
6-8-01*

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

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 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.

NOTE TO FILE

From: Vikie Hancock

6/26/00

Regarding: Claim number A43-04018

This claim is based upon a Statutory Claim filed by Elbert Durfee in 1970 to assert irrigation on acres he felt were left off a licensing field exam for licenses 43-02552 and 43-02560 in 1968. Documents in the Water Right file subsequent to the issuing of the licenses chronicle the steps that Mr. Durfee went to in an attempt to have the Department reconsider the number of acres licensed. In 1984 and 1985 memos were issued conceding that there was an error in the licenses due to the use of out-dated aerial photos at the time of the field exam. The memos agreed that 239 acres had been irrigated by groundwater in the S½ of section 12 T16S, R24E in 1968, not 163 acres as licensed. The memos stated that it would not be appropriate to amend the licenses after 16 years, but suggested that the upcoming Adjudication could rectify the error.

Mr. Durfee originally filed Statutory Claim 43-04018 for 320 acres, or the entire south half of section 12. The current claimants, Bruce and Kent Durfee who inherited the farm from their father, agree that there was never 320 acres irrigated in the south ½ of section 12, and stated that 239 acres, as shown in the 1968 ASCS photo sounded correct to them. The difference in the number of acres actually irrigated in 1968, and the number of acres licensed is 76.

The attached sheet lists the location of the specific acres not included in the original licenses. It appears that a beneficial use right for 1.5 cfs on 320 acres with a priority date of 1944 is not correct. Although it is probable that some portion of the south half of section 12 was irrigated beginning in 1944, the actual extent is unknown. It does appear that a beneficial use right for 1.52 cfs on 76 acres with a priority date of 01-04-1963, matching the later license, would be correct and appropriate. This process would grant to the Durfees the acres that should have been licensed in 1968, and a corresponding increase in diversion rate, with a priority date before implementation of the mandatory permit statute.

ANALYSIS OF ACRES IRRIGATED FROM GW SECTION 12, CLAIM A43-04018					
		1968		1968	
	LICENCED	ACTUAL	T2851	SHORTAGE	
NESW	32	35	32	3	
NWSW	4	4	17	0	
SWSW	15	21	15	6	
SESW	29	35	29	6	
NESE	5	35	5	30	
NWSE	30	35	30	5	
SWSE	34	38	34	4	
SESE	14	36	14	22	
	163	239		76	
					B/U CLAIM 43-04018 SHOULD INCLUDE THESE ACRES.

RECEIVED
JUN 22 2000
Department of Water Resources
Snake River Region

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

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): A 43 02552 A 43 10014 A 43 02560
A 43-00148, -00337, -02058, -02200, -02214, -02051
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant
Elbert L. Durfee
Almo ID. 83312
4. New Owner/Claimant(s)
E. Bruce or Kent R. Durfee
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P.O. Box 187 or P.O. Box 175
 City, State and ZIP Code Almo ID. 83312
 New Telephone Number (208) 824-5566 824-5536
5. Date you acquired the property _____
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s)
 or Claimant(s)
E. Bruce Durfee
Kent R. Durfee
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

CONVERSATION MEMORANDUM

MAY 7 1985

DATE May 1, 1985

NAME OF PARTY Elbert Durfee

DEPARTMENT OF LANDS & WATER RESOURCES
SOUTHERN DISTRICT OFFICE

FILE 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.

FROM

Mun

DATE

4-22-85

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

FROM

DATE

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)

1/4

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.

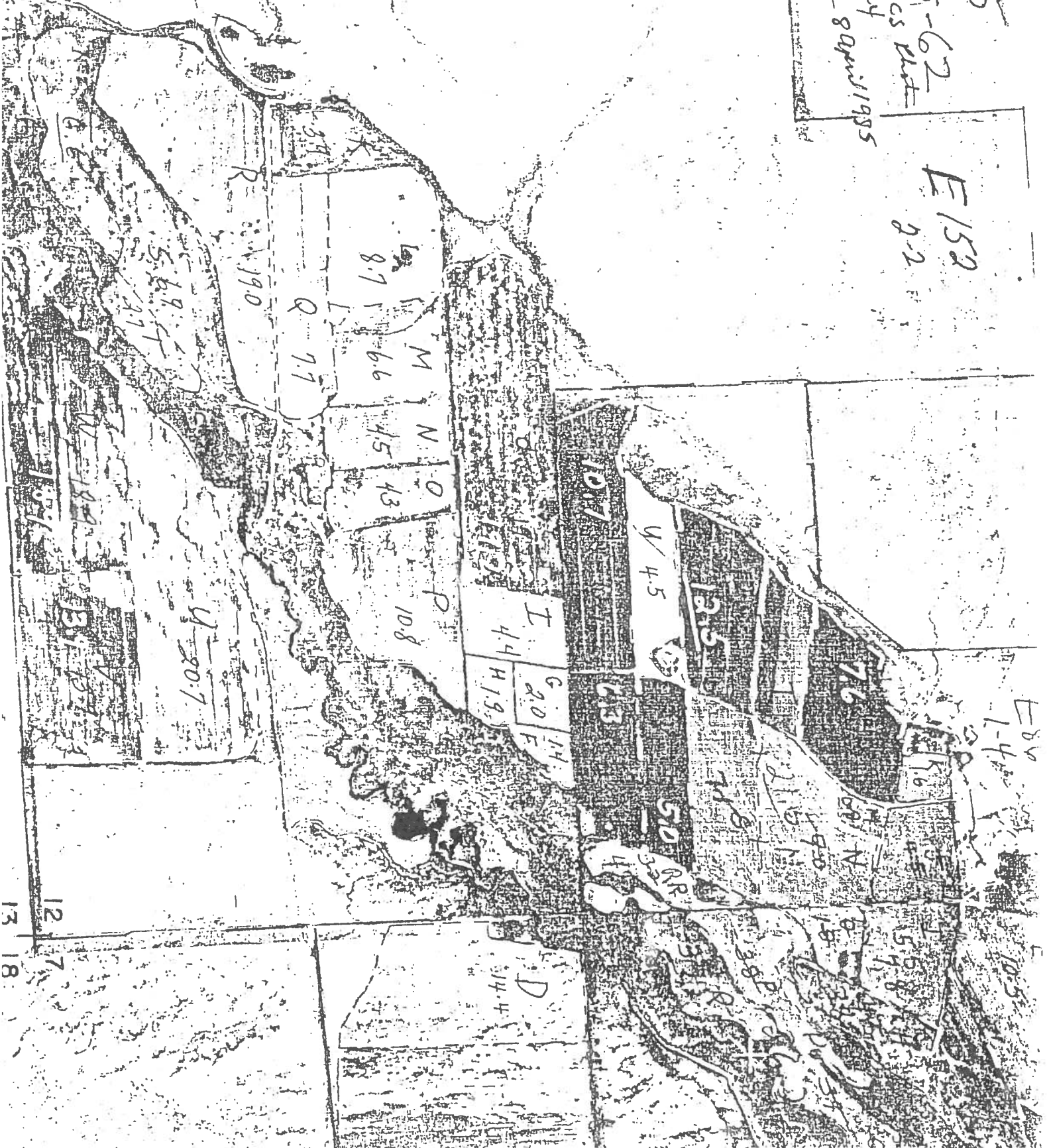
Attachment A, cont'd.

<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.	

Attachment B

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

E 152
2-2



12-17-18

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 } This option
the application for transfer of Claim 43-4018 withdrawn. } 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.

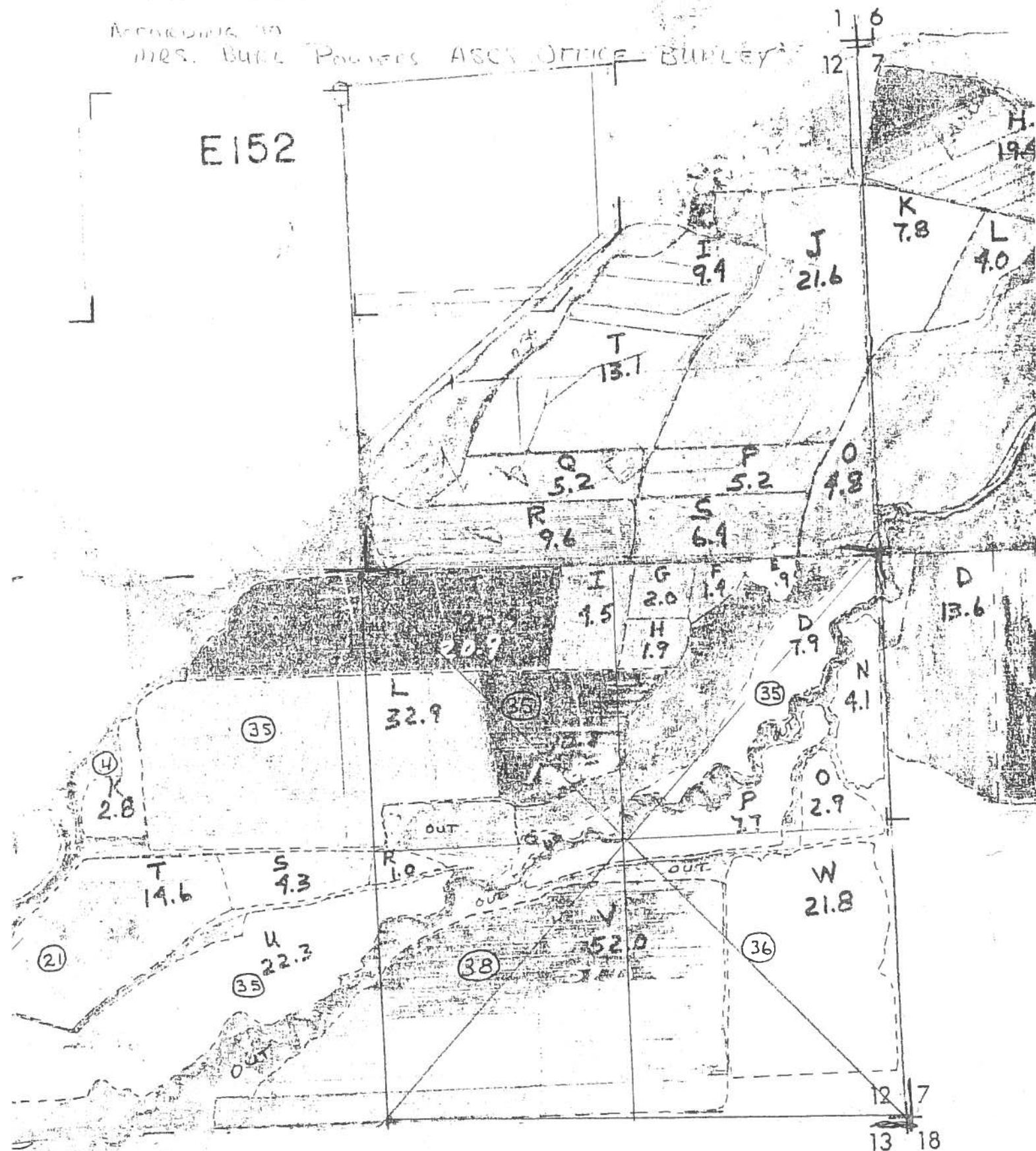
If the licenses can be amended, then the following action is proposed:

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.

1968 FLIGHT

According to
MRS. BULL POWERS ASST OFFICE BURLEY

E152



(Σ = 217, 12/92)

2 1
11 12 1957 FLIGHT

MRS BURL
POWERS
ASCS OFFICE
BURLEY

E152
2-2

E86
1-4

7.6

12.5

U 4.5

10.7

6.3

5.0

I

G 2.0

1.4

4.4

H 1.9

F

L

M

N

O

P

8.7

6.6

4.5

4.3

10.8

L

Q

7.7

R

19.0

5.6.9

2.7

0.6

18.9

U 20.7

11 12

14 13

(Σ=164, 12/92)

~~30874~~

30874

43 05 12

Identification No. 43-4018
Claim No. 43-4018
Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Please refer to the instructions on the back of this form.

1. Name of claimant Elbert L. Purdy
post office address Alma, Ida 83312
2. The point of diversion is in NW 1/4 of SW 1/4 of Section 12 Township 16 S
Range 24 E B.M. located on Wells (name of source)

tributary to in Cassia County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

1 April 1942 amount: 2 c.f.s. or acre feet
amount: c.f.s. or acre feet
amount: c.f.s. or acre feet
Total claimed c.f.s. or acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from April 1 to Nov 1 (both dates inclusive)
use period of use from to (both dates inclusive)
use period of use from to (both dates inclusive)
use period of use from to (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of
length is feet; height is feet;
width at bottom is feet; width at top is feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known

b. Underground water diverting works: is well flowing or pumped pumped; depth of well is 400 feet; diameter of well is 14 inches; type of pump is diest turbine
capacity of pump is 2 c.f.s. g.p.m.; name and address of well driller is David Jensen
Elbert L. Jensen

43 4018

630877

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. The well drilled by Elliott & Hughes delivers 60 miners inches of water. The well drilled by Ralph Denton delivers 40 miners inches of water.

has there been any enlargements of the reservoir since it was first built 1914, if so, give dates and describe

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 100 cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

The ground in the S 1/2 of S 12 T 16 S R 24 E 0 M
has a deeded right from Raft River in the
amount of 60 minor inches. This right is
actually of no value, since it is only partially
filled for a few days, possibly, once in ten
years

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date)

State of Idaho

County of Cassia ss.

On this 30 day of June 1964, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Albert L. Curpe
(Signature of Claimant)

Harmon H. Nelson
Notary Public residing at Barley

My commission expires May 12, 1970

1-20-70 For Department Use Only

Received by <u>ef</u>	Date <u>1-22-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>D</u>	Date <u>1-22-70</u>			
Fee received by <u>ef</u>	Date <u>1-22-70</u> Fee <u>\$10.00</u>			
Approved for publication by <u>D</u>				
Published in <u>Idaho State</u>	Dates <u>2-11-70</u>			

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