

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

RECEIVED**JUN 25 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
_____	43-2058	_____	_____	43-2560	_____
_____	43-2214	_____	_____	43-4018	_____
_____	43-148	_____	_____	43-10014	_____
_____	43-2051	_____	_____	_____	_____
_____	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) Kent Durfee
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address PO Box 175
- City, State and ZIP Code Almo ID 83312
- New Telephone Number () _____
5. Date you acquired the property APPROX 1990

OVER

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.

NOTE: ALL OF 43-2058 & 43-2215 plus:

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
<i>A PORTION OF</i>		
Water Right and/or Adjudication Claim Number <i>43-148, -2051, -2552-2560</i>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		<i>Per Meeting with V. Hancock</i>
Other		<i>6-8-2001</i>
Total		

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

X 7. Signature of New Owner(s) or Claimant(s) *Kent R. Durfee*
(include title if applicable)

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

For Office Use Only

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

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

QUITCLAIM DEED

THIS INDENTURE, made this 12 day of April, 1990,
between E. BRUCE DURFEE and KAY H. DURFEE, husband and wife, of
Almo, Idaho 83312, herein called the "Grantor", and KENT R.
DURFEE and JANIS C. 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 16 SOUTH, RANGE 24 EAST, BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 12: S1/2NE1/4SW1/4.

Section 14: NW1/4SE1/4.

TOGETHER with the well and pumps in the
NW1/4SE1/4, Section 14, Township 16 South, Range
24 East, Boise Meridian, and two deep
irrigation wells and pumps and stock well in
SW1/4 of Section 12, Township 16 South, Range 24
E.B.M.

TOGETHER with all and singular the tenements,
hereditaments, and appurtenances thereunto belonging or in

1 anywise appertaining, the reversion and reversions, remainder
2 and remainders, rents, issues, and profits thereof. To have and
3 to hold all and singular the said premises, together with the
4 appurtenances, unto the Grantee, and to the heirs and assigns of
5 Grantee forever.

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

8 E. Bruce Durfee
9 Kay H. Durfee

10
11
12 STATE OF IDAHO)
13 County of Cassia) ss

14 On this 12 day of April, in the year 1990, before
15 me, the undersigned, a Notary Public in and for said State,
16 personally appeared E. BRUCE DURFEE and KAY H. DURFEE, husband
17 and wife, known or identified to me to be the persons whose
18 names are subscribed to the within instrument, and acknowledged
19 to me that they executed the same.

20 E. Bruce Durfee
21 Notary Public for Idaho
22 Residing at Burley
23 My commission expires on 5-10-93
24
25
26

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 E.
6 BRUCE DURFEE and KAY H. DURFEE, husband and wife, of Almo,
7 Idaho, 83312 ("B. Durfee") and KENT R. DURFEE and JANIS C.
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 a
4 default under either or both of the contracts that the exchanged
5 lands, cattle, and irrigation equipment will be enforced under
6 the respective contract with E. Durfee, K. Durfee and/or B.
7 Durfee as though the same had been within the respective
8 contracts from the inception and as though no exchange had taken
9 place.

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

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

20 8. NON-WAIVER: The execution of this agreement by E.
21 Durfee shall not be construed as a waiver of any rights under
22 the respective contracts with K. Durfee and B. Durfee. The
23 contracts shall remain separate and independent and shall in no
24 way be altered except as to the exchange of properties. All
25 other terms and conditions of the contracts of all of the
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 5-10-93

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,
personally appeared E. BRUCE DURFEE and KAY H. DURFEE, husband
and wife, known or identified to me to be the persons whose

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

3 E. Ruth Howell
4 Notary Public for Idaho
5 Residing at Burley
6 My commission expires on 5-10-93

7 STATE OF IDAHO)
8) ss
9 County of Cassia)

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

16 E. Ruth Howell
17 Notary Public for Idaho
18 Residing at Burley
19 My commission expires on 5-10-93

1
2 CONTRACT OF SALE OF REAL ESTATE
3 AND PERSONAL PROPERTY

4 THIS AGREEMENT, made and entered into this 19th day
5 of March, 1975, between ELBERT L. DURFEE, also known
6 as ELBERT DURFEE, and GRACE A. DURFEE, husband and wife, of Almo,
7 Idaho, herein called the "Seller", and KENT R. DURFEE and JANIS
8 C. DURFEE, husband and wife, of Almo, Idaho, herein called the
9 "Buyer".

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

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

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

17 TOWNSHIP 15 SOUTH, RANGE 24 EAST BOISE MERIDIAN,
18 Section 15: N $\frac{1}{2}$ SW $\frac{1}{4}$
19 Section 16: NE $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$

20 TOWNSHIP 16 SOUTH, RANGE 24 EAST BOISE MERIDIAN
21 Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$
22 Section 14: E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$
23 Section 21: E $\frac{1}{2}$

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

27 75 head of cattle branded Y Right hip
28 Miscellaneous farm machinery
29 Four shares water rights in the Almo Water Company
30 and an undivided one-third (1/3) interest in certain pump rights
31 in Township 16 South, Range 24 East Boise Meridian, which undiv-
32 ided one-third interest is with E. Bruce Durfee.

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

32 (a) Twenty Thousand Dollars (\$20,000.00) upon

PARSONS, SMITH & PEDERSEN
LAWYERS
BURLEY, IDAHO

1 22. 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 23. LIFE ESTATE: Located on the North Half of the
9 Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 15, Township 15 South,
10 Range 24 East Boise Meridian is a home and outbuildings occupied
11 by the Seller. Either or both of the Sellers shall be entitled
12 to a life estate in such home so long as they shall live and
13 so long as either or both shall reside in the home for at least
14 four months each year. Failure to occupy the home for four
15 months each year shall constitute abandonment and the life
16 estate shall be deemed to have terminated. So long as either
17 live there they will maintain the premises in as good a condition
18 as they now are, including, but not limited to painting, repairs,
19 yard upkeep, and so on. The Seller agrees to maintain a policy
20 of fire insurance on the premises with the proceeds payable
21 to the Buyer as the interest of the Buyer appears. In the
22 event of casualty and in the event that the premises are not
23 rebuilt the Buyer shall be entitled to the proceeds of the fire
24 insurance policy. The parties agree that for the purpose of
25 title clearance, this life estate shall not be placed upon the
26 deed, however, in the event the Seller deems it necessary the
27 Seller may record this contract to give notice to the world that
28 the Seller has a life estate in the particular property herein
29 described.

30 IN WITNESS WHEREOF, the parties have executed this
31 Agreement.
32

Elliot L. Dwyer

Provided, however, that you are authorized to receive any or all such payments or any part thereof any time after the above dates specified therefor (hereinafter referred to as the due dates) and prior to delivery of said documents and property to Grantor as hereinafter provided, with like effect as if paid on or before said due date.

If, however, at any time prior to full payment of all principal and interest above specified, Grantor delivers to you at the office above specified, written demand for the delivery of such documents and property to him, specifying in detail as grounds therefor, either:

(a) That all or any part of any payment of principal or interest above specified remains unpaid and that the due date therefor has passed; or

(b) That Grantee has failed to perform any specified term or condition, other than payment of principal and interest, incumbent on him to be performed, under that certain contract dated March 19 1975, made by and between Grantor herein as one party and Grantee herein as the other party, copy of which is deposited with you herewith for purposes of identification, then in such event or events, hereinafter called defaults, you shall promptly deliver to Grantee personally, or at your option deposit in the United States mail, postage prepaid, addressed to Grantee at Almo, Idaho

or at such other address as he may have directed by writing previously delivered to you at the branch above designated, copy of such demand. If it appears by your records that all payments of principal or interest designated in said demand and for which the due date

has actually arrived are fully paid, or if not, then if the same be paid before the expiration of 30 days after said copy of demand is so delivered or mailed to Grantee, and within the same time Grantee also proves to your satisfaction that none of the other defaults, if any, specified in said demand existed at the time said demand was made, or if they did that they do so no longer, Grantor's said demand shall be disregarded and you shall continue to hold said documents and property under the terms hereof and to receive the payments as above specified at the times and on the same conditions and to the same effect as if no such demand had been made; otherwise all said documents and property then held by you shall be delivered to Grantor; provided, however, that you may at your option at any time without liability to anyone, withhold delivery of all said documents and property and decline to receive further payments hereunder until your rights, powers and duties hereunder in any respect requested by you have been settled acceptably to yourselves by further written instructions of the undersigned or finally determined by judicial action.

It is further agreed that this instrument contains the entire agreement between you and the undersigned, or any of them, and that you are not a party to or bound by the contract referred to in paragraph designated (b) above, or any provision thereof, nor by any instrument or agreement other than this, whether between or among the undersigned themselves, or otherwise; that you shall not be required to take notice of any default or any other matter, nor bound by nor required to give any notice or demand, nor require to take any action whatever except as herein expressly provided; and you shall not be liable for any loss or damage not caused by your own negligence or willful misconduct.

The undersigned agree to pay you as compensation for your services hereunder an initial fee of \$ _____ and an additional fee of one-tenth of one per cent. (but not less than _____ cents on each collection) of all funds received by you hereunder, together with all actual and necessary expenses and liabilities you may incur hereunder, for all which you are granted a first lien on all the above described property and documents and all funds coming into your hands hereunder, and you shall be under no obligation to deliver any of said documents, property, or funds until such lien is discharged, anything herein contained to the contrary notwithstanding.

The words "Grantor" and "Grantee", and the language of this instrument, where there is more than one grantor or grantee, shall be construed as plural and be binding equally on all such grantors and or grantees, and in cases where one or more are females, the masculine shall include the feminine. The word "undersigned" as hereinbefore used, refers to the grantors and, or grantees, and not to you.

IN WITNESS WHEREOF, the parties have executed this instrument, in triplicate, this 19 day of March, 19 75, at Burley, Idaho

<u>s/ Kent R. Durfee</u>	<u>s/ Elbert L. Durfee</u>
<u>s/ Janis C. Durfee</u>	<u>s/ Grace A. Durfee</u>
_____	_____
GRANTEES	GRANTORS

STATE OF IDAHO }
County of CASSIA } ss.

On this 19 22 day of March, in the year 19 75, before me, the undersigned, a Notary Public in and for said state, personally appeared ELBERT L. DURFEE and GRACE A. DURFEE, husband and wife, and KENT R. DURFEE and JANIS C. DURFEE, husband and wife, known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument, and acknowledged to me that (t)he(y) executed the same.

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

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

The undersigned bank hereby acknowledges receipt of the documents and property described in the foregoing agreement, and agrees to hold and dispose of the same in accordance with the instructions and upon the terms and conditions above set forth.

Dated at Albion, Idaho this 25 day of March, 19 75.

D. L. EVANS BANK
By [Signature]

ESCROW AGREEMENT

To D. L. EVANS BANK
Albion, Idaho

(Address)

The undersigned, ELBERT L. DURFEE and GRACE A. DURFEE, husband and wife,

hereinafter called "Grantor," and KENT R. DURFEE and JANIS C. DURFEE, husband and wife,

hereinafter called "Grantee," herewith deliver to you in escrow the documents and property hereinafter described, to be held and disposed of by you in accordance with the instructions and upon the terms herein set forth, and not otherwise, to all of which the undersigned hereby agree. Said documents and property are described as follows:

1. Contract of Sale dated March 19th, 1975
2. Warranty Deed dated March 19th, 1975
3. Escrow Agreement

You are hereby authorized and directed to deliver the above described documents and property to Grantee upon payment to you, at the address above specified, for the Grantor of the total sum of \$ 60,000.00, principal and interest on the unpaid balance thereof at 5 per cent. per annum from March 1, 1975, to be paid as follows:

(Specify date and amount of each payment of principal and dates of interest payments)

(a) Twenty Thousand Dollars (\$20,000.00) upon the execution and delivery of this contract, the receipt whereof is hereby acknowledged.

(b) Sixty Thousand Dollars (\$60,000.00) in annual installment payment of Four Thousand Twelve Dollars and Fifty Cents (\$4,012.50), including interest on the unpaid balance at the rate of five percent (5%) per annum. The first annual installment shall be due on March 1, 1976, and annually on the first day of March thereafter until all principal and interest shall have been paid. Interest on the first installment shall be computed from March 1, 1975, and thereafter interest shall be computed from the date of the last principal payment. Notwithstanding the foregoing all payments of principal and interest, unless sooner prepaid shall be due and payable on March 1, 1996.

(c) The Buyer has the privilege to prepay any and all of the unpaid balance at any time so long as all interest is paid to the date of such prepayment.

(d) Any escrow charges attributed to the Buyer shall be in addition to the regular installment payments of principal and interest.

Grantor Social Sec. No. 518-42-6679
Grantee Social Sec. No. 519-72-5868

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): 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
Alma 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 Alma 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.

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: 518-42-5679 RESIDENCE: ALMO, IDAHO

FATHER: LORENZO DURFEE
FATHERS BIRTHPLACE: UTAH
MOTHER (MAIDEN): ANNA ABBY BRUESCH
MOTHERS BIRTHPLACE: NEW MEXICOMORTUARY: PAYNE MORTUARY
MORTICIAN: JOSEPH W. LARSENBURLEY, 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
State Registrar

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: 43-13052

KENT DURFEE

PO BOX 175

ALMO ID 83312

Telephone Number: (208)824-5536

JANIS DURFEE

PO BOX 175

ALMO ID 83312

Telephone Number: (208)824-5536

RECEIVED
JUL - 2 2001
Department of Water Resources
Southern Region

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

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

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

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

DATE: 6/29/01 SIGNATURE: Kent R Durfee

Please print your name: Kent R. 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: 43-13052

NAME AND ADDRESS: JANIS DURFEE
KENT DURFEE
PO BOX 175
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 0.32 CFS
64 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	0.32 CFS 64.00 AFY

LACE OF USE:

IRRIGATION Within CASSIA County			
T16S R24E S12	NESW	20	T16S R24E S12
T16S R24E S12	SESW	40	SWSW 25

85 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 16 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 85 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2058, 43-2214, 43-
13044, 43-13046, 43-13048, 43-13050, 43-13052, 43-13054.

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

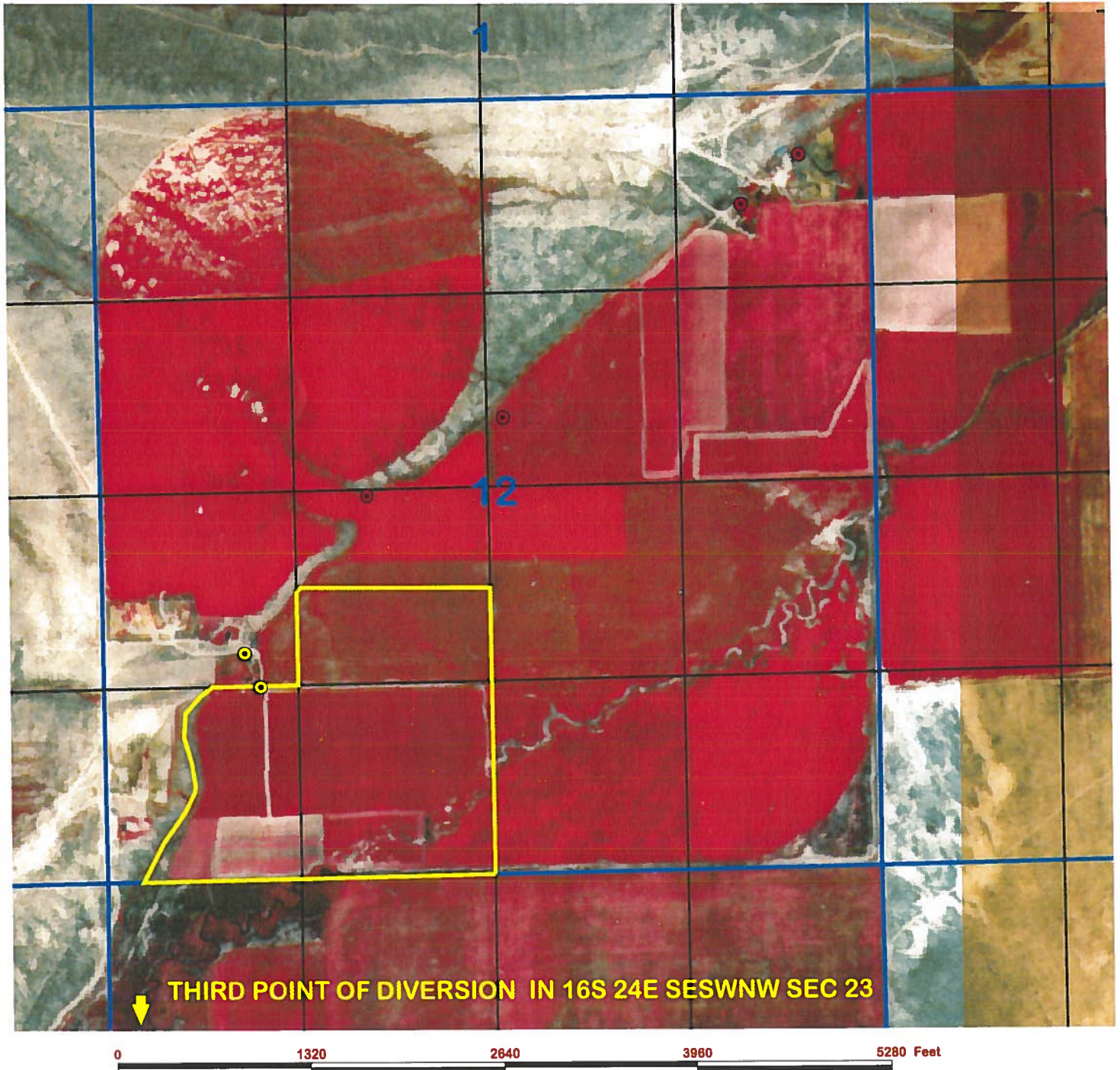
THIS RIGHT IS A PORTION OF 43-4018

Idaho Department of Water Resources

RIGHTS: 43-13048, 43-13050, 43-13052,
43-13054

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

DA
6-8-01

Bruce Durfee, Kent Durfee

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

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

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

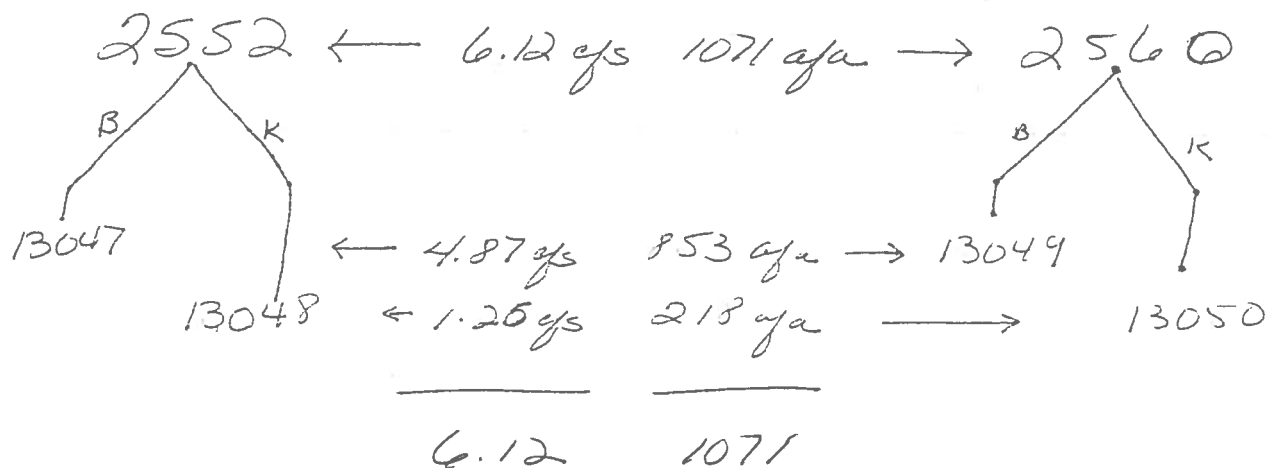
$$7.64 \times .204 = 1.55 K$$

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

↑ OK'd by B & K Durfee 6-8-01

3-	43-		cfs	afa	ac
2552	13047 B	2.87	.73	853	244
	13048 K			218	62
		comb 1.25		comb 4.87	
2560	13049 B	3.98	1.02	853	244
	13050 K			218	62
4018	13051 B	1.20	.32	240	60
	13052 K			64	16
10014	13053 B	.56	.14	112	28
	13054 K			28	7

Comb Limits



OK
6-8-01

A43-4018
-25
-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 ≈ 430 gpm

A43 - 4018

A43-02552

A43 - 2560

165 24E12
SE NWSW

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

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

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.

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): A43 02552 A43 10014 A43 02560
A43-00148, -00337, -02058, -02200, -02214, -02051
 2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s).
(These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
 3. Name and Address of Former Owner/Claimant
Elbert L. Durfee
Almo ID. 83312
 4. New Owner/Claimant(s)
E. Bruce or Kent R. Durfee
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address P.O. Box 187 or P.O. Box 175
City, State and ZIP Code Almo ID. 83312
New Telephone Number (208) 824-5566 824-5536
 5. Date you acquired the property _____
 6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
- Number of acres you irrigate with this water right _____ Number and type of stock _____

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

CONVERSATION MEMORANDUM

MAY 7 1985

DATE May 1, 1985

NAME OF PARTY Elbert Durfee

DEPARTMENT OF LANDS
SOUTHERN SNAKE RIVER

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 $\frac{1}{2}$ 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

Ylin

DATE

4-22-85

TO

Dawl 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 this can be straightened out (not the amended lic process 16 yrs after the fact)

-141

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.

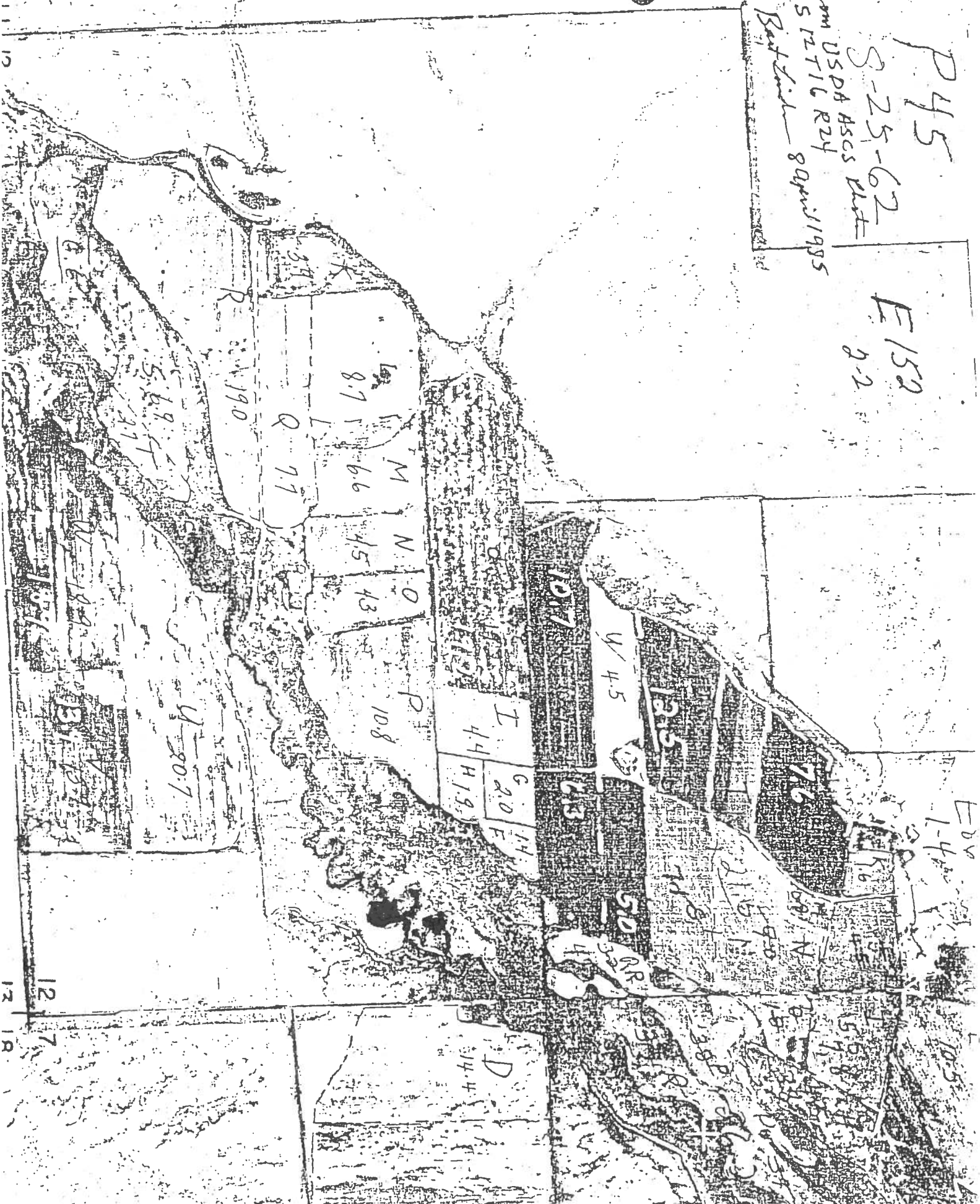
<u>Date</u>	<u>Event</u>	<u>Reference</u>
1940	One well was drilled in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T16S, R24E, for the irrigation of the following acres within the same section: NE $\frac{1}{4}$ SW $\frac{1}{4}$:35; SE $\frac{1}{4}$ SW $\frac{1}{4}$:30; NW $\frac{1}{4}$ SE $\frac{1}{4}$:40; 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 USPA ASCS Plot
5 RT16 R24
8 April 1985
Bastwick

E152
2-2

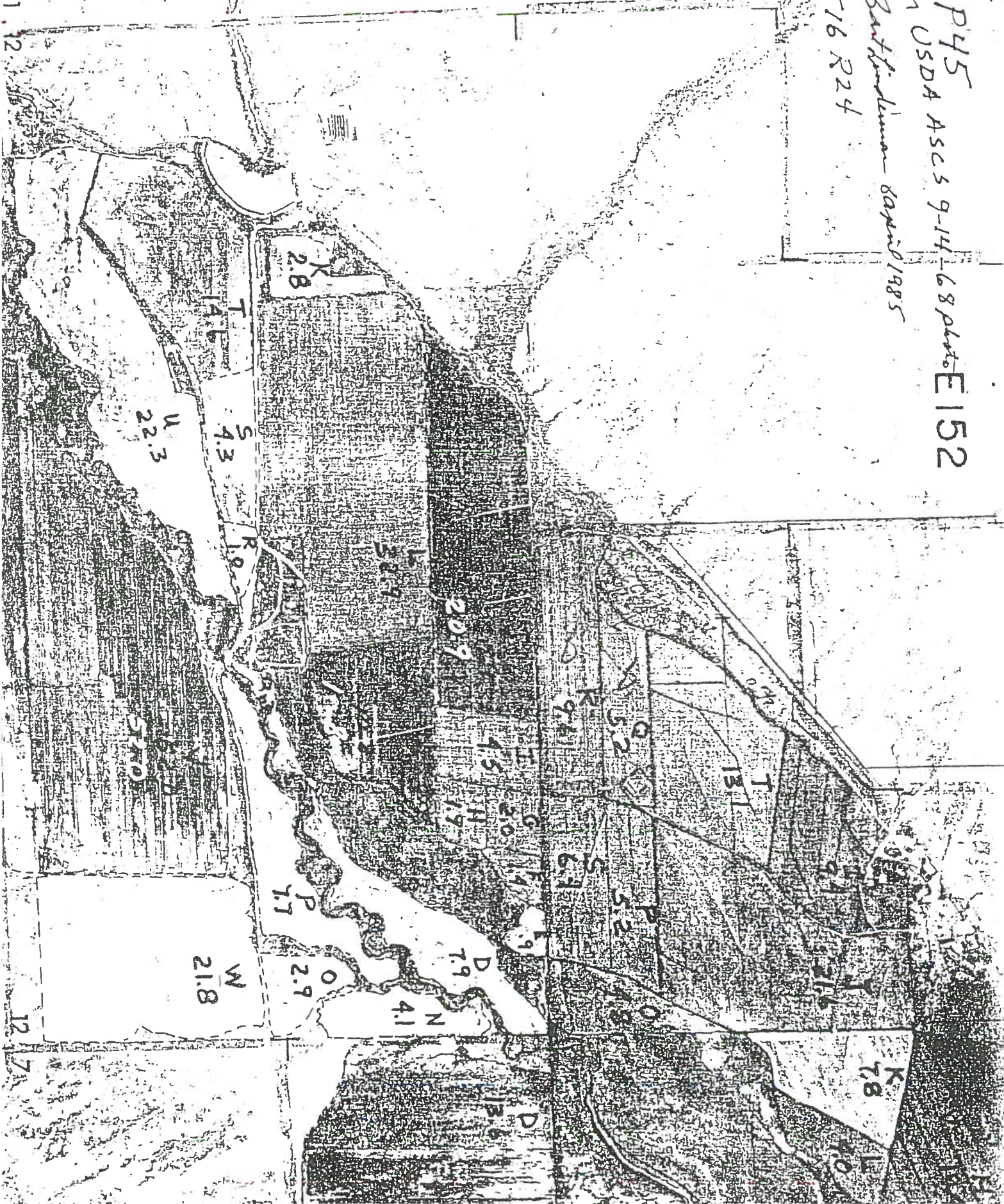


P45
from USDA ASCS 9-14-68 photo E152
Batholite 80001985
S12 T16 R24

Attachment C

11 2

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 } 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.

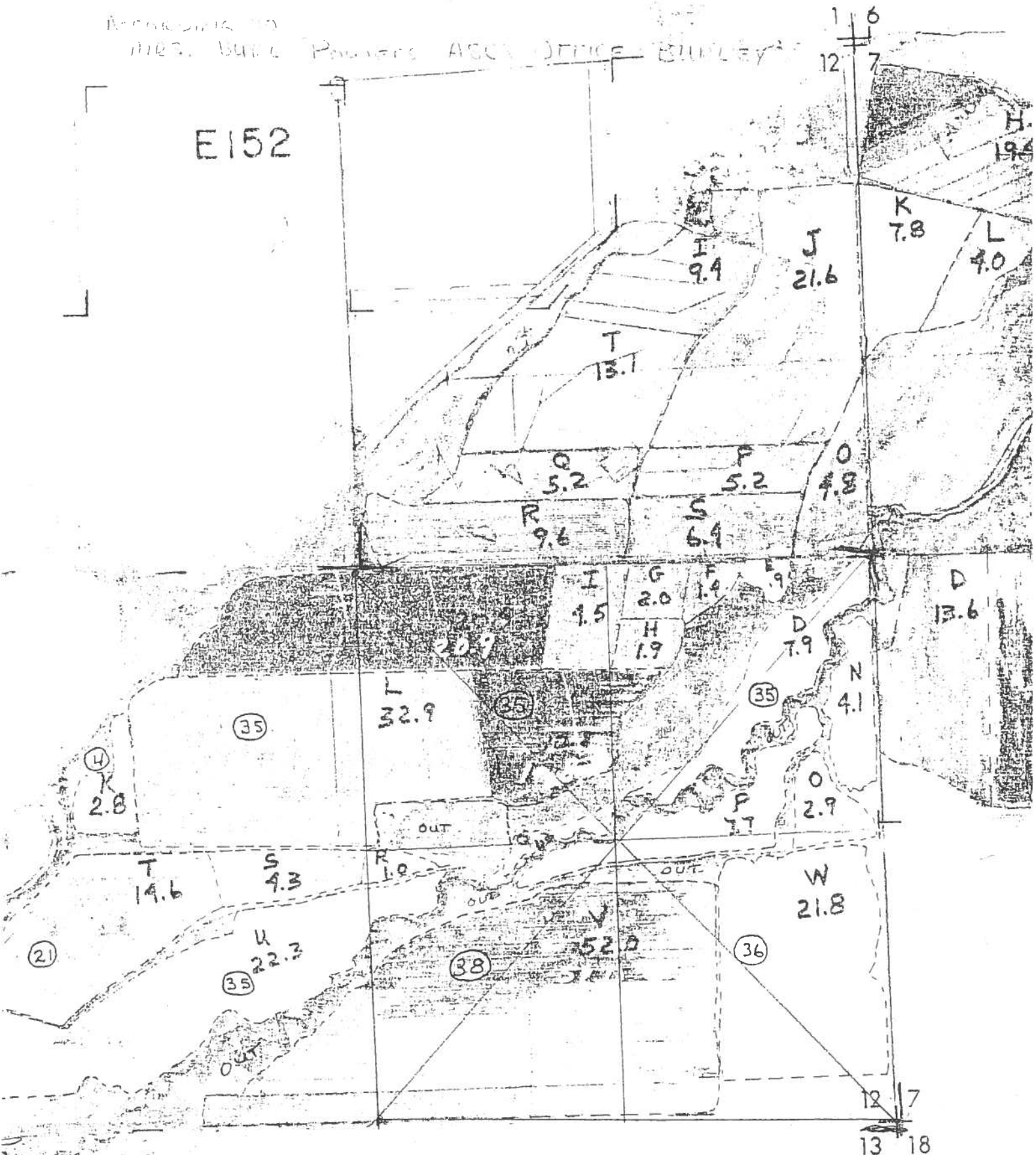
If the licenses can be amended, then the following action is proposed:

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.

1967 FLIGHT

RECORDING TO
METS. BUFILE POWERS ASSN OFFICE BURLING

E152



(Σ = 217, 12/92)

2 1 2

11 12. 1957 FLIGHT

MRS BURL
POWERS
ASCS OFFICE
BURLEY

E 152
2-2

E86
1-4

7.6

12.5

U 4.5

10.7

6.3

5.0

I

G

2.0

H

1.9

L

M

N

O

P

8.7

6.6

4.5

4.3

10.8

K

L

Q

7.7

R

19.0

5.6.9

2.7

U

20.7

18.9

1.0

11 12

14 13

(Σ=164, 12/92)

~~30874~~

30874

Identification No. 43-4018
Claim No. 43-4018
App No. 43-4018

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

Edna L. Murphy
Alma L. Lata
Claimant's name N.W. 1/4 Sec. 12, T. 12 N., R. 12 E.
Township 12 N. Range 12 E. Section 12
B.M. located on Well
(name of source)
in Cassia County

1. Date of priority claimed: For 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 such use has continued for two years or longer when the water was not beneficially used for the same purpose, the priority date should be the date when the water was first beneficially applied following the period of non-use.

2. Date of priority claimed:

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

3. Specify the purpose for which the water has been used and the time during the year when you have used the water claimed:

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

4. Description of diverting works:

a. Diversion works: diversion dam and/or headgate: material is composed of
(length is feet height is feet)
width at top is feet and bottom feet
b. Diversion works: first built by and estimated capacity if known

5. Description of 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 diaphragm turbine
capacity of pump is 2 c.f.s. g.p.m.; name and address of well driller is David Jensen
Robert L. Jensen

[Handwritten:] 70-100 lbs. 65-80 lbs.

The note to Mr. E. M. Post
from Mr. Ralph Denton, Librarian
of the New York Public Library

complain no stream. Reservoir is used primarily for over night storage and atch water.

has been a part of the economy since it was first built. If so, phylo data and

75-10339

Where water is used for irrigation, describe area irrigated by 40-acre subdivisions:

1

Explain any significant increase in use triggered 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 claim regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and acreage _____

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

The ground on the S 1/2 of S 12 T 16 S R 24 E 01 M
has a deeded right from Raft River in the
amount of 60 acres 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

Elbert L. Currier
(Signature of Claimant)

(Date)

State of Idaho

County of Cassia

On this 30 day of June 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Harriet H. H. H. H.
Notary Public residing at Bairley

My commission expires May 12, 1970

1-22-70 For Department Use Only

Received by 14

Date 1-22-70

Exception filed by: _____

Forwarded to

Date

Printed check by 0

Date 1-22-70

Fee received by 0

Date 2-22-70 for \$ 10.00

Approved for publication by 0

Published in Idaho State

Dates 2-22-70

43 4018

A43 - 4018

A43-02552

A43 - 2560

165 24E12
SE NWSW

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 12:05:00

+4.331E+0 ft/s

+3.578E+2 gal/m

+TOTAL 0000723 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 12:06:00

+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

A43-4018

-255
-2566
-1001416524E12
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

Avg = 3858m
= 0.86 cfs

MAX ≈ 430 gpm

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:

*corrected
200* ↓
Township Range Section 1/4 of 1/4 of 1/4 Lot County
06S 24E 12 NW 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