

176

COPY

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

RECEIVED

MAR 20 1990

Ident. Number: A41-07030
Date Received: 3/07/1990
Receipt No: MO06177
Received By: DC

Department of Water Resources
Southern Region Office

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: FAROLD J. NELSON
Address: BOPX 177
ROCKLAND, ID 83271
208-548-2261

2. Date of Priority: JAN 02, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	31E	28		NE	SE		POWER

5. Description of diverting works:
WELL/PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.400		441.00

7. Total Quantity Appropriated is:
1.400 C.F.S. (and/or) 441.00 A.F.A.

8. Total consumptive use is 378.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	28		NE	SW	IRR	8.0
				SE	SW	IRR	8.0
				NE	SE	IRR	18.0

A41-07030

Page 1

Date: 03/07/90

MICROFILMED

MAR 02 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	28	NW	SE		IRR	37.0
			SW	SE		IRR	37.0
			SE	SE		IRR	18.0
					Section Acres		126.0
					Total Acres		126.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

MICROFILMED
MAR 02 1993

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): *Herald G. Jackson* Date: 3-7-90
_____ Date: _____

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of March 19 90 *Bert Carver*
Notary Public

Seal

Residing at am. Falls, Idaho
My Commission Expires 11/5/91

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 16 2006	
By _____	Clerk
_____	Deputy Clerk

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

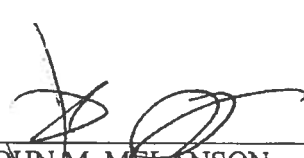
In Re SRBA	)	ORDER OF PARTIAL DECREES
	)	
Case No. 39576	)	SUBCASES: 41-07030 & 41-07034
	)	
	)	
	)	
	)	

On September 21, 2006, an *Order Granting Motions to Alter or Amend and Amended Special Master Report* was filed for the above-captioned water rights. No Challenges were filed to the *Amended Special Master Report* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

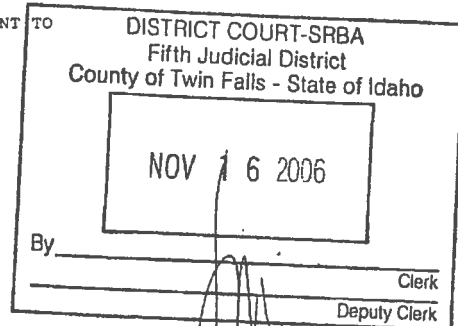
DATED Nov. 15, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 41-07030



NAME AND ADDRESS: TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.40 CFS
441.00 AFY

RIGHTS 41-7030, 41-7034, 41-7071, 41-7076 AND 41-7081 WHEN
COMBINED FOR IRRIGATION SHALL NOT EXCEED A TOTAL DIVERSION RATE
OF 10.02 CFS.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIORITY DATE: 01/02/1978

POINT OF DIVERSION: T09S R31E S06 SWSE Within Power County
SWSE
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.40 CFS 441.00 AFY

PLACE OF USE:	Irrigation	Within Power County
T09S R30E S01	NENE 40.0 SWNE 40.0 NESW 40.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 SESW 40.0 NWSE 40.0 SESE 31.0
S12	NWNE 40.0 NENW 40.0 NESW 40.0 NWSE 40.0	SWNE 40.0 SENW 40.0 SESW 40.0 SWSE 40.0
R31E S06	NWNW 21.0 NESW 36.0 SWSW 18.0 NESE 40.0 SWSE 33.0	SNNW 22.0 NWSW 22.0 SESW 30.0 NWSE 38.0 SESE 40.0
1011.0 Acres Total		

RIGHT 41-7030 IS LIMITED TO THE IRRIGATION OF 126.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHTS 41-7030, 41-7034, 41-7071, 41-7076 AND 41-7081 ARE
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 814.3 ACRES IN
A SINGLE IRRIGATION SEASON.

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

AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER
SHALL RECORD THE QUANTITY OF WATER DIVERTED OR SHALL ENTER INTO
AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER
DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE
INFORMATION TO THE DEPARTMENT. THE RIGHT HOLDER SHALL PROVIDE A
MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

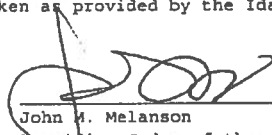
OTHER PROVISIONS (continued)

AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

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

RULE 54(b) CERTIFICATE

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



John M. Melanson

Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 41-07034

NAME AND ADDRESS: TIMOTHY P DEEG
2597 DEEG ROAD
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.82 CFS
364.00 AFY

RIGHTS 41-7030, 41-7071, 41-7076 AND 41-7081 WHEN COMBINED FOR
IRRIGATION SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 10.02 CFS.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIORITY DATE: 04/07/1978

POINT OF DIVERSION: T09S R31E S06 SWSE Within Power County
SWSE
SWSE

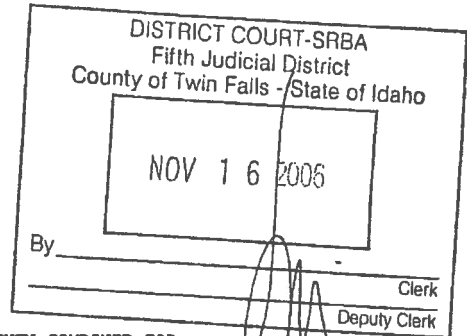
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.82 CFS 364.00 AFY

PLACE OF USE:	Irrigation		Within Power County
	T09S R30E S01	NENE 40.0 SWNE 40.0 NESW 40.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 SESW 40.0 NWSE 40.0 SESE 31.0
	S12	NWNE 40.0 NENW 40.0 NESW 40.0 NWSE 40.0	SWNE 40.0 SENE 40.0 SESW 40.0 SWSE 40.0
	R31E S06	NWNW 21.0 NESW 36.0 SWSW 18.0 NESE 40.0 SWSE 33.0	SWNW 22.0 NWSW 22.0 SESW 30.0 NWSE 38.0 SESE 40.0
	1011.0 Acres Total		

RIGHT 41-7034 IS LIMITED TO THE IRRIGATION OF 91.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHTS 41-7030, 41-7034, 41-7071, 41-7076 AND 41-7081 ARE LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 814.3 ACRES IN A SINGLE
IRRIGATION SEASON.

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

AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER
SHALL RECORD THE QUANTITY OF WATER DIVERTED OR SHALL ENTER INTO
AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER
DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE
INFORMATION TO THE DEPARTMENT. THE RIGHT HOLDER SHALL PROVIDE A
MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL
AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF



SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

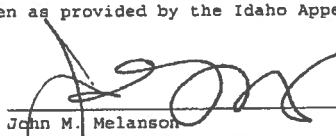
OTHER PROVISIONS (continued)

THE TOTAL RATE OF DIVERSION.

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

RULE 54(b) CERTIFICATE

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



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on November 16, 2006, with sufficient first-class postage to the following:

TIMOTHY P DEEG

Represented by:

KENT W FOSTER

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 11/16/06

FILE COPY FOR 00007

Deputy Clerk

Julie Murphy

COPY

2006 JUL 10 PM 12:19

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Subcase No: 41-7030, 41-7034

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership

☐ Split of Water Right

☒ Point of Diversion

☒ Place of Use

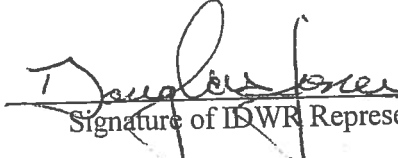
☐ Period of Use

☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 7/10/06


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/10, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

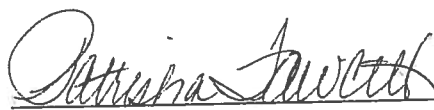
2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

Timothy Deeg
2597 Deeg Rd
American Falls ID 83211

Kent Foster
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405



Signature of person or attorney mailing the form

07/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 41-7030

NAME AND ADDRESS: TIMOTHY P DEEG
2597 DEEG RD
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 1.400 CFS
441.00 AFY

Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 when combined for irrigation shall not exceed a total diversion rate of 10.02 cfs.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 01/02/1978

POINT OF
DIVERSION: T09S R31E S6 SWSE Within POWER County
T09S R31E S6 SWSE Within POWER County
T09S R31E S6 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.400 CFS 441.00 AFY

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>			
T09S R30E S01	NENE	40.00	T09S R30E S01 NWNE 40.00
T09S R30E S01	SWNE	40.00	T09S R30E S01 SENE 40.00
T09S R30E S01	NESW	40.00	T09S R30E S01 SESW 40.00
T09S R30E S01	NESE	40.00	T09S R30E S01 NWSE 40.00
T09S R30E S01	SWSE	40.00	T09S R30E S01 SESE 31.00
T09S R30E S12	NWNE	40.00	T09S R30E S12 SWNE 40.00
T09S R30E S12	NENW	40.00	T09S R30E S12 SENW 40.00
T09S R30E S12	NESW	40.00	T09S R30E S12 SESW 40.00
T09S R30E S12	NWSE	40.00	T09S R30E S12 SWSE 40.00
T09S R31E S06	NWNW	21.00	T09S R31E S06 SWNW 22.00
T09S R31E S06	NESW	36.00	T09S R31E S06 NWSW 22.00
T09S R31E S06	SWSW	18.00	T09S R31E S06 SESW 30.00

T09S R31E S06	NESE	40.00	T09S R31E S06	NWSE	38.00
T09S R31E S06	SWSE	33.00	T09S R31E S06	SESE	40.00

1011 ACRES TOTAL

Right 41-7030 is limited to the irrigation of 126.0 acres within the place of use described above in a single irrigation season.

Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 are limited to the irrigation of a combined total of 814.3 acres in a single irrigation season.

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

07/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 41-7034

NAME AND ADDRESS: TIMOTHY P DEEG
2597 DEEG RD
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 1.820 CFS
364.00 AFY

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 when combined for irrigation shall not exceed a total diversion rate of 10.02 cfs.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/07/1978

POINT OF
DIVERSION: T09S R31E S6 SWSE Within POWER County
T09S R31E S6 SWSE Within POWER County
T09S R31E S6 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.820 CFS 364.00 AFY

PLACE OF USE:

IRRIGATION Within POWER County

PLACE OF USE	QUANTITY
T09S R30E S01 NENE 40.00	40.00
T09S R30E S01 SWNE 40.00	40.00
T09S R30E S01 NESW 40.00	40.00
T09S R30E S01 NESE 40.00	40.00
T09S R30E S01 SWSE 40.00	31.00
T09S R30E S12 NWNE 40.00	40.00
T09S R30E S12 NENW 40.00	40.00
T09S R30E S12 NESW 40.00	40.00
T09S R30E S12 NWSE 40.00	40.00
T09S R31E S06 NWNW 21.00	22.00
T09S R31E S06 NESW 36.00	22.00
T09S R31E S06 SWSW 18.00	30.00

T09S R31E S06	NESE	40.00	T09S R31E S06	NWSE	38.00
T09S R31E S06	SWSE	33.00	T09S R31E S06	SESE	40.00

1011 ACRES TOTAL

Right 41-7034 is limited to the irrigation of 91.0 acres within the place of use described above in a single irrigation season.

Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 are limited to the irrigation of a combined total of 814.3 acres in a single irrigation season.

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

July 10, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

TIMOTHY DEEG
2597 DEEG RD
AMERICAN FALLS ID 83211

RE: SRBA Claim(s) 41-7030, 41-7034

Dear Mr. Deeg:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

cc: Kent Foster



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 14, 2004

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Ave, 3rd Floor
Idaho Falls, ID 83402

RECEIVED
MAY 17 2004
Department of Water Resources
Southern Region

RE: NOTICE TO RESUME USE FOR WATER RIGHT NO. 41-7030

Dear Mr. Foster:

This letter follows up our recent phone conversation and your letter dated May 5, 2004, in connection with resumption of water use under water right no. 41-7030 by your client Tim Deeg ("Deeg"). In our phone conversation we generally discussed potential actions to prevent forfeiture allegations relative to this right.

Without going into all the specifics of this matter, on March 21, 1995, the director of the Department issued an Amended Final Order approving Transfer No. 4268 involving water right no. 41-7030. The transfer authorized the diversion and use of 1.4 cfs and 441 acre feet of ground water for the irrigation of 126 acres of land. On July 13, 1999, you filed an Application for Extension of Time to Avoid Forfeiture ("extension request") of this water right stating that "Because of economic problems, applicant has been unable to purchase the equipment necessary to increase the capacity of his well by the 1.4 cfs authorized under this right. Applicant is concerned that the recent preliminary recommendation for this water right would result in the entry of a decree which may be interpreted as a forfeiture of the rate of diversion under this right, which is a leased right."

On January 25, 2000, the department approved the extension request requiring resumption of use on or before July 1, 2004 and on April 2, 2004, sent a Notice to Resume Water Use to Mr. Deeg prompting our phone conversation and your May 5 letter to me.

In our phone conversation, I suggested that Mr. Deeg perhaps could put the water right into the water supply bank in order to stay forfeiture. You advised that Mr. Deeg has irrigated the 126 acres but has not increased the diversion capacity from his well by 1.4 cfs. This arguably could be interpreted to mean that resumption of use has already been accomplished since additional water volume has been diverted and applied to use under terms of the approved transfer even though the diversion rate from the well was not increased. The corollary question then seems to be whether the

right to additional diversion rate can or will be lost, even though additional water volume has been diverted.

Subsequent transfer 5120 involving water right no. 41-7030 and several other water rights was approved limiting the diversion rate from Mr. Deeg's well to a total of 6.68 cfs. From our phone conversation, I understand that Mr. Deeg has filed a new application for transfer with the department seeking to increase the authorized diversion rate under the water rights to more than 6.68 cfs and that this application is now being reviewed and processed in the department's Twin Falls office.

I understand from you that due to the upcoming resumption of use date for water right 41-7030 and the pending application for transfer seeking enlargement of the 6.68 cfs rate limiting condition, you are seeking means to minimize potential allegations of forfeiture for water right 41-7030.

There does not appear to be a clear-cut option to provide the assurance you are seeking in this matter. After generally discussing this matter with Phil Rassier of this office, however, it appears that Mr. Deeg might want to take the position that he has already resumed use of the right.

Mr. Deeg should respond to the Notice to Resume Water Use in some manner prior to July 1, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton", written in a cursive style.

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

c: Phil Rassier
IDWR - Gary Spackman
IDWR - Regional Office
IDWR - Doug Jones

COPY

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

2003 MAY 1 PM 2 13

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

In Re SRBA

Case No. 39576

Water Rights: 41-7030, 41-7034

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

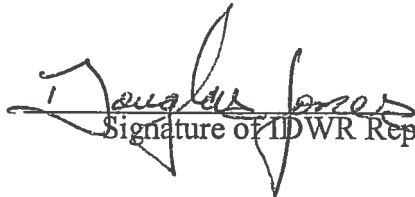
☒ I.C. § 42-222 transfer

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: May 3, 2004.

Dated 5/1/03

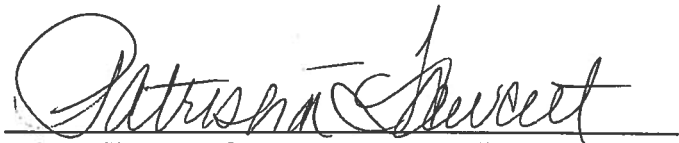


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/1, 2003, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Kent W Foster
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405-0130
3. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
4. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED

DEC 23 1999

Department of Water Resources

RECEIVED

DEC 30 1999

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 35976

A. Subcase 41-07030

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Timothy P. Deeg

Address: 2957 Deeg Road

American Falls, Idaho 83211

Daytime Phone: (208)

Name & Address of Attorney, if any:

Kent W. Foster

P.O. Box 50130

Idaho Falls, Idaho 83405

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

Name: Timothy P. Deeg

Address: 2957 Deeg Road

American Falls, Idaho 83211

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 1.4 cfs without restriction
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Points of Diversion**
Should be: TS 9 South, Sec 6, Range 31 E B. M.
(further described as tract 23)
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: March 15-November 15
9. ☐ **Place of Use**
Should be: _____

10. **I object because:**

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

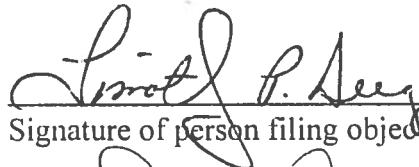
E. REASONS SUPPORTING OBJECTION(S): Claimant believes March 15-November 15 would be a more correct representation of the limits of the irrigation season in this area than April 1-October 31. This right has been leased by claimant and at the termination of the lease it will be necessary to return the right to the owner with the full quantity without restriction. The acre foot per year quantification should be 504 acre feet rather than 441.

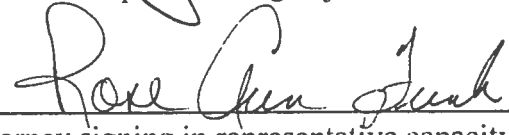
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Power)

Timothy P. Deeg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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


Signature of person filing objection


Attorney signing in representative capacity

Subscribed and sworn to before me on: Dec. 21, 1999

Notary Public for State of Idaho
Residing at: Am. Falls Id
My Commission Expires: 12-16-2000

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I hereby certify that on 21st day of December, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Timothy P. Deeg

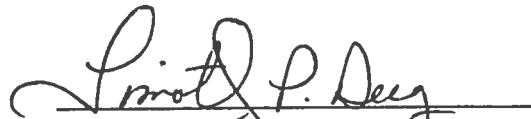
Address: 2957 Deeg Road, American Falls, Idaho 83221

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on
Objector's behalf

G:\WPDATA\KWF\1246\SF1.1.kmc

APPLICATION FOR TIME TO
AVOID FORFEITURE

APPLICATION FOR TIME TO AVOID FORFEITURE										
f	Dt	DATE	NAME	WR #	Dt.	1st	2nd	Final	Prot.	SENT
		REC'D			Pr.	Pub	Pub.	Prot.	Date	S.O
2/26	7/24/99		Amended on 5/10/99 Griffin Rch. Homeowners Assn. Pub Chg of Range. Re-denied	37-001039	7/30/99	4/8/141	4/8/218	5/3/99	8/30/99	9/16/
				37-00482						
				37-00664						
				37-00665						
5/4	5/4/99		Call, R. Reed	43-025202	9/16	9/27	10/4	10/15/99		
7/12	7/12/99		Deeg, Timothy P.	41-7030 41-07034	9/15/99	9/22	9/29	10/12/99		



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

July 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TIMOTHY P DEEG
2957 DEEG ROAD
ROCKLAND ID 83211

RE: SRBA CLAIM NOS. 41-07030 & 41-07034 PRELIMINARY
RECOMMENDATION

Dear Mr. Deeg,

Your Notice of Error reply is received and has been reviewed in consideration of the comments you listed on the reply sheet. You requested we increase the combined flow rates of the licenses to 8.08 cfs from the 6.68 cfs as listed in the SRBA recommendation. Your SRBA recommendation is based upon the Conditions of Approval listed in Transfer No. 5120. This recent administrative review of these licensed rights is reflected in the current SRBA recommendation and will not be contradicted through the SRBA process.

You had the opportunity to correct the elements of the transfer through the Preliminary/Final Order process when it was issued last year. It is my understanding that it is quite difficult to make corrections to administrative actions after that time of correction window has passed.

Your application for an Extension of Time is being addressed through the regular staffing procedures within IDWR.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

CC: Kent Foster, Esq.
Georgia Satterlee, IDWR

June 11, 1999

RECEIVED

JUL 13 1999

Department of Water Resources
Southern Region

**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: July 9, 1999

Water right number: 41-07030

TIMOTHY P. DEEG
2957 DEEG ROAD
ROCKLAND, ID 83211

Daytime Telephone Number:

Evening Telephone Number:

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

Restriction on diversion rate

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

1.4 cfs under right no. 41-07030 should be added to the 6.68 cfs under the other rights for a total of 8.08 cfs

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

This right is a leased right and under the terms of the lease agreement must be returned to the lessor at the termination of the lease in the same condition it was in when the lease was executed.

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

DATE: 7/7/99

SIGNATURE: 

Please print your name: Kent W. Foster, attorney for Timothy P. Deeg

The point of diversion shown on the map which accompanied the preliminary recommendation does not appear to be the correct point of diversion. Applicant believes the actual well sight is approximately 1100 feet North of the point shown on the map, although within the same quarter-quarter section.

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

COPY

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUL 13 1999

Department of Water Resources
Southern Region

July 7, 1999

IDAHO DEPARTMENT OF
WATER RESOURCES
P.O. Box 83720
Boise, ID 83707-9815

Re: Water Rights Nos. 41-07030 and 41-07034

Gentlemen:

We are enclosing with this letter two notices of error reply and an application for extension of time to avoid forfeiture of a water right together with a check in the amount of \$100.00 for the filing fee.

The concern of the applicant is that both of these water rights are leased water rights and he consequently cannot risk any interpretation by the department or a court now or at a later date that the diversion rates or any portion of them have been forfeited. It may be that the department's interpretation of the transfer proceedings is that if these leases are terminated and it becomes necessary to apply to transfer these water rights back to other lands designated by the lessor, that the applicant would be able to continue diverting 6.68 cfs from his existing well and that lessors or someone else would be able to divert the 1.82 cfs and the 1.4 cfs under the two water rights. It seems like this is the right time to address these issues and to determine what might be done to protect these rights.

Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

c. Tim Deeg
G:\WPDATA\KWF\1246\IDWR0707.LTR.kmc

AJ0749NP
No. R41-07030

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

DATE: 06/10/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TIMOTHY P DEEG 2957 DEEG ROAD ROCKLAND ID 83211 (208) 226-5588	01/02/1978	IRRIGATION	04-01 10-31	1.40 CFS	441.00 AFA
TOTAL DIVERSION:					1.40 CFS	441.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T09S R30E S06 SWSWE POWER County

Place of use Legal Description for: IRRIGATION

NE			NW			SW			SE					
NAME	NAME	SENE	NAME	NAME	SNW	SEW	NAME	NAME	SNW	SEW	NAME	NAME	SESE	
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	SUM
09S	30E	1	: 25	29	36	36	:				:			126.0
TOTAL ACRES													126.0	

POU County: POWER

Other Rights: 41-07034, 41-07071, 41-07081, 41-07090 & 41-07076

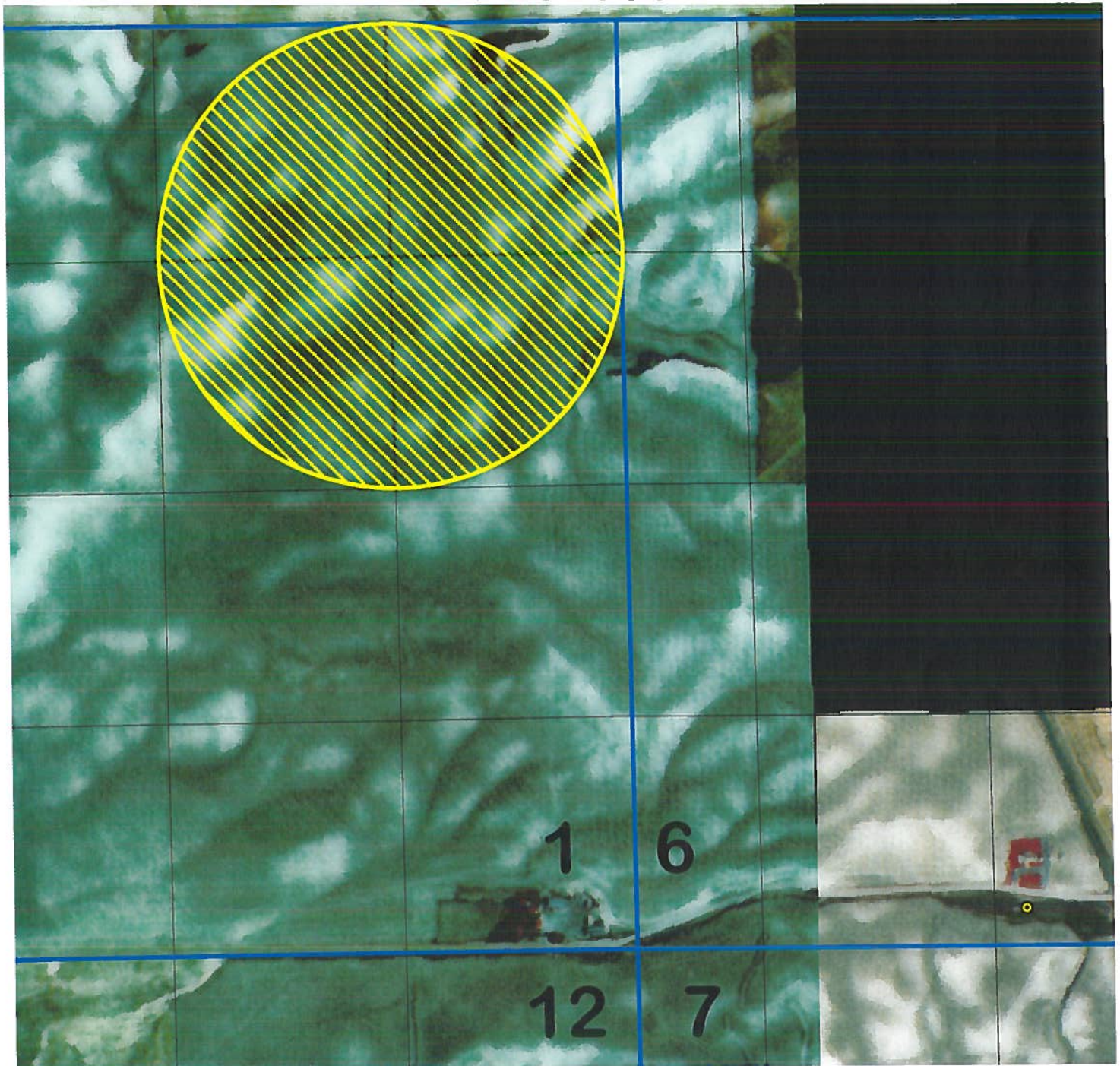
Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.68 CFS. COMBINED RIGHT NOS.:
41-07071, 41-07034, 41-07081 & 41-07076

Dates: Exam Made Date: Verified Date: 06/10/1999 Objection Filed Date:

Misc: Water District Number: 41 Field Inspection Flag: Presumption Flag:

IDAHO DEPT OF WATER RESOURCES

41-07030



660 0 660 1320 Feet



T9S R30E SEC. 1

-  RECOMMENDED PLACE OF USE
-  POINT OF DIVERSION
-  SECTION LINES
-  1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: June 10, 1999

CLAIM NUMBERS

A41-07030

DATE

4/29/99

AGENT

TJ

TRANSFER NUMBER

4268

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

126

GEOGRAPHIC INFO ACRES

125

				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	105	31E	28									8			8	18	37	37	18	12
GIS												8.3			7.6	18	39	37	16	125
RECOM																				
CLAIM	TRANS																			
GIS	01																			
RECOM	POU & POD																			
CLAIM	95	30E	1	25	29	36	36													126
GIS																				125
RECOM				25	29	36	36													126
CLAIM																				
GIS																				
RECOM																				

B41-POU.SHP

SHAPE NOS.

91

POD on layout is very uncertain - Field check required

* Rec'd is based on Transfer info
transfer effectively amends SRBA claim.

B41-POD.SHP

NOS. DESCRIPTION

72

Well (TRANS. #4268) 95, 31E, S6 SWSWSE

DBF TABLES UPDATED

B41-DBPOU.DBF

B41-DBPOD.DBF

JPEG LAYOUT

Shape file is approximate due to Trans. POU.

41-07030.jpg

PRELIMINARY DATA

Revised
6/10/99 SW

WR5809NP
No. 41-07030

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/10/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TIMOTHY P DEEG 2957 DEEG RD AMERICAN FALLS ID 83211 (208) 226-5588	01/02/1978	IRRIGATION	04/01 10/31	1.400 CFS	504.00 AFA
TOTAL DIVERSION:					1.400 CFS	504.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R31E S06 SWSE POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	30E	1	:	25		29		36		36				:											:	126.0
																								TOTAL ACRES	126.0	

Pou County: POWER

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: GEN The authorized season of use is from April 1 to October 31 of each year.
Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the rate of diversion from the well.
The applicant shall notify the department by telephone and by FAX or regular mail when he removes the pump and column from the well in order that the department can conduct appropriate tests to determine whether construction of the well complies with the Idaho Well Construction Standards described in IDAPA 37.03.09, provided that the pump and column shall be removed from the well no later than seven (7) years from the date of this order.
The right holder is not authorized to divert water under this transfer for the 126 acres at a rate larger than 1.4 cfs or to divert more than 441 AF for the 126 acres. Diversion of water under this approval is contingent upon the applicant to be able to readily show compliance with this condition.

WR5809NP
No. 41-07030

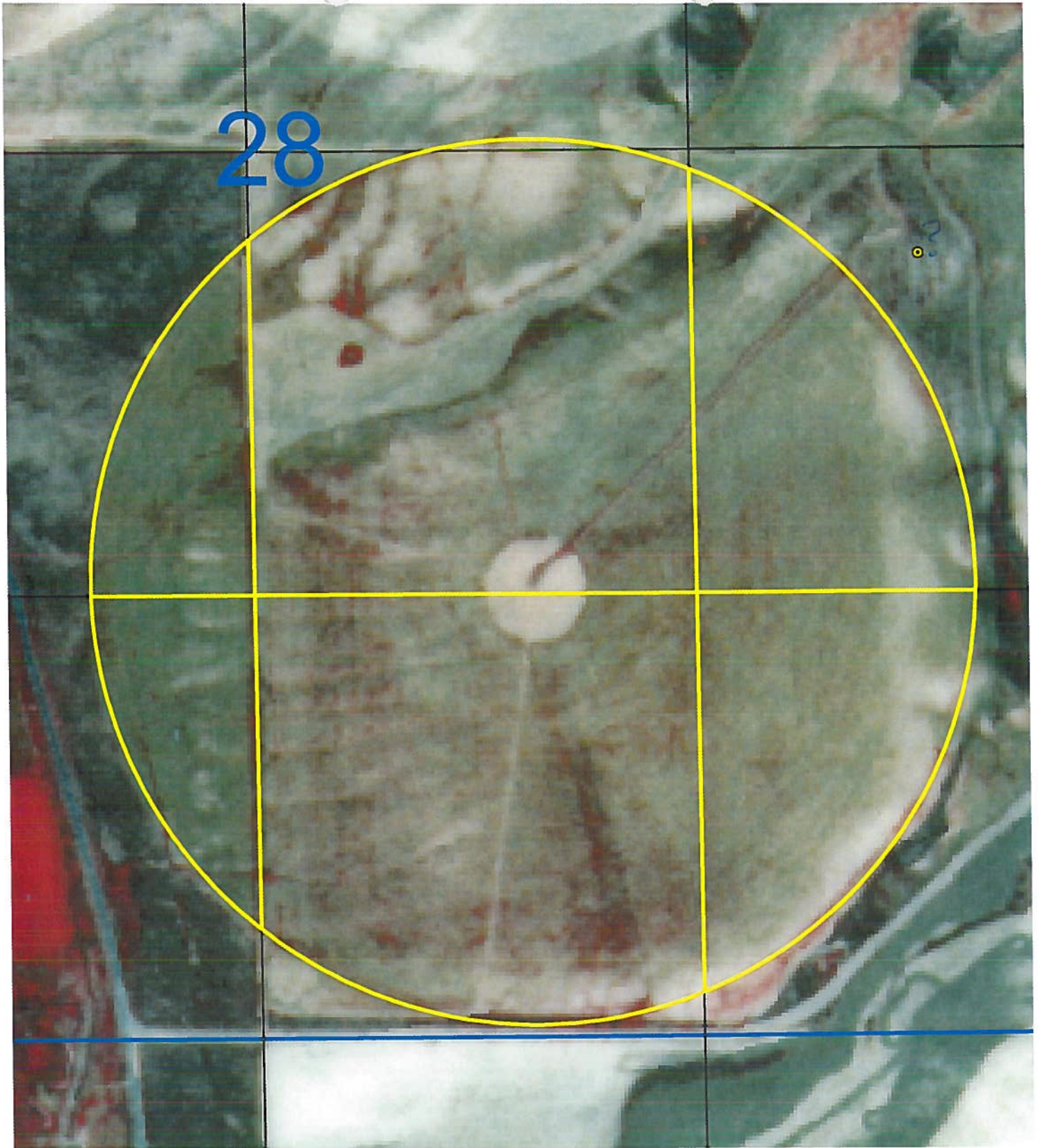
IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/10/99
PAGE: 2

=====

Dates:	App. Received:	10/11/1977	Priority Date:	01/02/1978
	Proof Due Date:		Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:	12/13/1991		

Misc:	Water District Number:	Field Exam Fee:



660 0 660 1320 Feet

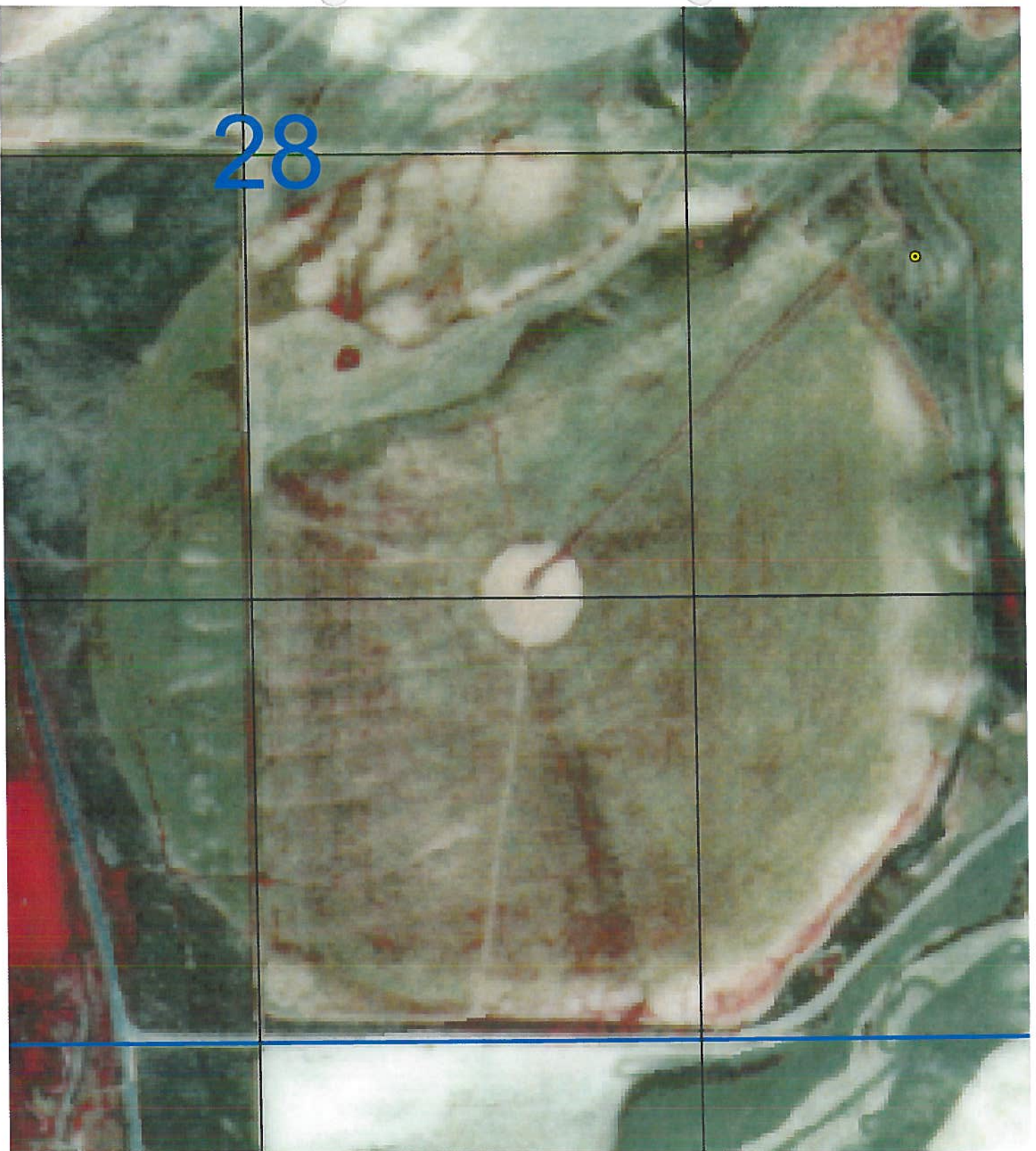
-  Property of Interest
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

A41-07030
Field Copy

Pre-TRANS
T10S R31E



28



660 0 660 1320 Feet

-  Property of Interest
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

A41-07030
Field Copy

T10S R31E



RECEIVED

JUL 06 1998

Department of Water Resource
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

JUN 2 - 1998

OFFICE OF THE
ATTORNEY GENERAL

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4268 OF WATER)
RIGHT NO. 41-07030 IN THE NAME)
OF TIMOTHY P. DEEG)

FINAL ORDER

RECEIVED

JUN 03 1998

Department of Water Resources
Adjudication Bureau

On June 14, 1994, the Department of Water Resources (department) issued a Recommended Order in connection with Application for Transfer No. 4268 of Water Right No. 41-07030 in the name of Timothy P. Deeg (applicant). On June 23, 1994, the protestant submitted a Petition for Reconsideration of the Recommended Order (petition).

The petition was denied fourteen (14) days following the time it was filed as provided in the June 14, 1994, transmittal letter. Thereafter, pursuant to department Rule of Procedure 720, any party had twenty-one (21) days following the denial of the petition to file exceptions with the Director prior to the entry of a final order. No exceptions to the recommended order have been filed with the Director during this 21-day period.

Although the petition was denied by operation of law, the Director responds to the issues and concerns identified in the petition as follows:

1. IDAPA Rule 37.01.01600 provides that the presiding officer at hearing is not bound by the Idaho Rules of Evidence. The rule also states that no informality in any proceeding or in the manner of taking testimony invalidates any order.
2. Water level measurements taken at a pumping rate of 1170 gallons per minute are material and relevant although they do not completely answer the question of water level at a diversion rate of 8.35 cubic feet per second (cfs). More specifically the applicant can not provide well level and draw down information at a maximum pumping rate of 8.35 cfs unless the pending application of the applicant to pump at that rate is approved by the department.
3. See No. 2. above.
4. The protestant's disagreement with the decision reached is not reason to change the decision.
5. There is no error, since the protestant's own unrefuted

FINAL ORDER - Pg 1

MAIL14493



41-07030, T#4268

testimony was that pumping of the Mayer wells did not affect the flow of Cold Creek or Warm Creek.

6. See No. 4. above.

7. See No. 2. above.

8. The department does not agree with the argument of the protestant but nonetheless has changed Conclusion of Law No. 5. to more clearly describe the intent of the conclusion.

9. The department agrees with the argument of the protestant and has changed Condition of Approval No. 6. to insure that the right is not enlarged.

10. See no. 9. above.

11. The opinion of the applicant's expert witness supports the conclusion reached. In addition, general stream flow records, water measurements, depth to water measurements and other records in department files of which official notice was taken also support the conclusion reached.

12. The conclusion is correct and should not be changed. A protestant who diverts water from the Mayer wells testified that an additional 30 acres of potatoes had been planted during the 1994 irrigation season. This protestant did not show that additional water had been obtained thorough a rental agreement or from some other source of water.

13. The argument of the protestant relative to the provisions of a private contract is not within the purview of issues described in Section 42-222, Idaho Code, and thus can not be considered by the department.

14. See no. 9. above.

Based on his understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, Analysis and Final Order:

FINDINGS OF FACT

1. On December 3, 1993, Timothy P. Deeg filed Application for Transfer No. 4268 (application) with the department in connection with water right License No. 41-07030. The applicant proposed to change both the point of diversion and the place of use of the license to a location twelve (12) miles north and three (3) miles west of the original location.

2. The department advertised the application which was protested by Warm Creek Irrigation Co., Steve W. Isaak, Roland Mayer and Sons, the Twin Falls Canal Co. and the North Side Canal

Co. The Twin Falls Canal Co. and the North Side Canal Co. subsequently withdrew their protests.

3. On May 17, 1994 and May 24, 1994, the department conducted a hearing in the matter in American Falls, Idaho. The applicant was present and was represented by attorney Kent Foster. The protestants were present and were represented by attorney Roger Ling.

4. Issues identified by the protestants include the following:

- a. Approval of the application for transfer will injure existing water rights.
- b. Approval of the application will enlarge the right sought to be transferred.
- c. Approval of the application is not in the local public interest.

The general concern expressed by the protestants was that diversion of additional water from the applicant's irrigation well will make less water available for the protestant's use of water diverted from the Mayer wells, Little Creek, Cold Creek and Warm Creek.

5. Exhibits offered and accepted as a part of the record include the following:

- a. Applicant's Exhibit No. 1 - U.S.G.S. Quadrangle sheet titled Neeley, Idaho and Indian Springs, Idaho.
- b. Applicant's Exhibit No. 1-A - U.S. Geological Survey Open-File Report 82-755 titled Water Resources of Rockland Basin, South-Eastern Idaho. The study was conducted in 1982.
- c. Applicant's Exhibit No. 2 - Schematic depiction of certain wells. The exhibit is titled "Elevation Contours."
- d. Applicant's Exhibit No. 3 - Technical Data: Little Creek.
- e. Applicant's Exhibit No. 4 - Technical Data: Cold Creek.
- f. Applicant's Exhibit No. 5 - Technical Data: Mayer Wells.
- g. Applicant's Exhibit No. 6 - Potential Well Interference data and a graph titled Estimated Drawdown From Deeg Irrigation Well.
- h. Applicant's Exhibit No. 7 - Letter dated May 16, 1994 to Timothy Deeg from Rolf E. Larsen of Mountain States Analytical together with analytical results of three (3) water samples.

i. Applicant's Exhibit No. 8 - Miscellaneous information and water measurements.

j. Applicant's Exhibit No. 9 - Photograph showing a concrete water diversion structure on Cold Creek.

k. Applicant's Exhibit No. 10 - Well Test data of Pumpco for the Deeg irrigation well.

l. Protestant's Exhibit A - Letters dated April 10, 1992, April 21, 1993 and January 25, 1994 on Falls Irrigation District letterhead from Terrell O. Sorensen.

6. At the hearing, the hearing officer officially noticed the following:

a) Application for Permit file 41-07030.

b) Past decisions of the department as those decisions may apply to the protested application.

c) Water right records including recorded claims and rights of the protestants.

d) Reports, water measurements and stream flow records in department files such as U.S. Geological Survey reports.

e) Well Driller Reports (well logs) in department files.

7. License No. 29-07157 issued to Roland Mayer describes a water right with the following parameters:

Source:	Ground water
Priority:	September 19, 1973
Diversion rate:	5.10 cfs
Volume of water:	1,169 AF per year
Points of div:	NW1/4NW1/4, SW1/4NW1/4 Section 32, T8S, R31E, BM. (Mayer wells).
Use:	Irrigation
Place of use:	334 acres within parts of Sections 29, 31 and 32, T8S, R31E, BM.

8. License No. 41-07030 issued to Farold J. Nelson describes a water right with the following parameters:

Source:	Ground water
Priority:	January 2, 1978
Diversion rate:	1.4 cubic feet per second (cfs)
Volume of water:	441 AF per year
Point of div:	NE1/4SE1/4 Section 28, T10S, R31E, BM.
Use:	Irrigation
Place of use:	126 acres within parts of Section 28, T10S, R31E, BM.

9. On June 20, 1991, the department issued Permit No. 41-07081 to the applicant with the following parameters:

Source:	Ground water
Priority:	February 28, 1990
Diversion rate:	6.95 cubic feet per second
Point of div:	SW1/4SE1/4 Section 6, T9S, R31E,BM.
Use:	Irrigation
Place of use:	348 acres in parts of Section 1, T9S, R30E,BM. and Section 6, T9S, R31E,BM.

Proof ben. use due: July 1, 1994

10. The applicant drilled the irrigation well authorized by Permit No. 41-07081 (Deeg well) during the summer of 1992 and diverted and used the water on 348 acres during the 1993 irrigation season. The land is sprinkler irrigated with two (2) pivots, four (4) wheel lines and handpipe. The Deeg well is 939 feet deep and is cased with 18 inch diameter casing which is perforated at depths of 210 feet to 330 feet, 450 feet to 490 feet and from 516 feet to 716 feet. There is some cascading water in the well. The static water level is about 452 feet below land surface.

11. The applicant has a five-year lease option for the use of water under License No. 41-07030 and proposes to change the point of diversion to the Deeg well located in the SW1/4SE1/4 Section 6, T9S, R31E,BM. The water would be diverted for the irrigation of an additional 126 acres within Section 1, T9S, R30E,BM using a center pivot.

12. The applicant has a domestic well which is located about 700' from his irrigation well. The domestic well is about 400' deep and the static water level in the well is about 200' to 210' below land surface.

13. Water level measurements in the Deeg well when the well was pumping are as follows:

April 22, 1994	- 463.0'	- 1170 gpm
May 13, 1994	- 460.0'	- 800 gpm
May 15, 1994	- 462.5'	- 920 gpm

14. Pumping of the Deeg irrigation well has little effect upon the water level in the Deeg domestic well.

15. Between September of 1992, and May of 1994, the flow of Little Creek as measured at the Little Creek Weir located in Section 36, T8S, R30E,BM. is approximately 1.8 cfs to 2.0 cfs. There are no diversions upstream from the Little Creek weir.

16. After flowing together, the rate of flow of Warm Creek and Cold Creek before the irrigation season when no diversions were being made is approximately 6.3 cfs to 7.5 cfs as measured in

Section 13, T8S, R30E, BM. The 6.3 cfs measurement was taken on January 24, 1994, and the 7.5 cfs measurement was taken on April 20, 1993.

17. Characteristics of the Roland Mayer irrigation wells include the following:

North well

Location:	NW1/4NW1/4 Section 32, T8S, R31E, BM.
Total depth:	345'
Static water level:	157' to 162'
Pumping level:	305' - previously was 221'
Discharge rate:	About 1200 gpm (2.7 cfs)
Remarks:	This well was deepened from the original depth

South well

Location:	SW1/4NW1/4 Section 32, T8S, R31E, BM.
Total depth:	423'
Static water level:	96' to 97'
Pumping level:	200' - The pump was lowered from 160' to 200' in 1993.
Discharge rate:	850 gpm (1.9 cfs)
Remarks:	Pump has been diesel operated but is now operated by an electric motor.

18. The geology in the Rockland basin generally consists of three different aquifers as follows:

- a) Upper alluvium, consisting of silt, sand and gravels.
- b) Tertiary, consisting of sedimentary and volcanic rocks.
- c) Pre-Tertiary, consisting of the oldest rocks.

19. The source of water for Little Creek, Cold Creek and Warm Creek most likely is fault controlled springs originating between the Tertiary and Pre-Tertiary aquifers.

20. Limestone cuttings were found in the bottom of the Deeg well. Limestone is identified as being within the Pre-Tertiary sedimentary rocks.

21. The temperature of water in the Deeg well is higher than in surrounding wells suggesting that some geothermal water enters the well at depth.

22. The applicant conducted water quality analyses for samples taken from the Deeg well, Little Creek Spring and Cold Creek Spring. Water from the Deeg well showed higher electrical conductivity, more fluoride and more sulfate than the samples taken from the springs.

23. The applicant does not plan to irrigate more land than authorized by License No. 41-07030.

24. The protestants divide the available water on Warm Creek and Cold Creek and rotate the use of the water which is available. As an example, there are 84 shares of water in the Sorenson Ditch which diverts out of Cold Creek. Each share represents 2 hours and 17 minutes and is rotated every 8 days.

25. Water available in the Mayer wells has historically decreased annually as the irrigation season progresses. In 1993, however, the south well started to surge due to the lack of water for the first time, so the pump was lowered 40 feet in the well.

26. The Mayer wells which are closer to Little Creek and Cold Creek than the Deeg well do not noticeably affect the flow of the creeks.

27. Historic flow records of Cold Creek, Warm Creek and Little Creek are not extensive. Testimony of the protestants, however, was that in 1993, they received less water than in past years.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The drawdown in the Deeg well is about nine (9) feet when diverting at a rate of 1,170 gpm (2.6 cfs). The static water level in the Deeg well is over 300 feet below the expected regional water table in the alluvial system and is about 410 feet lower than that of the Mayer wells.

3. The Deeg well derives some of its water at depth from a warm water source and some of its water (cascading) from the upper alluvial system. The warm water source is an external source of water to water diverted from the Mayer wells which derive water from the alluvial system.

4. Pumping of the Deeg irrigation well has little effect upon the Deeg domestic well which is 700' distant and can be expected to have an even smaller effect upon the Mayer wells which are 1.5 miles away.

5. The additional pumping of 1.4 cfs from the Deeg well as proposed in the application will not adversely impact flows in Little Creek Cold Creek or Warm Creek which is four (4) miles north of the Deeg well.

6. The construction of the Deeg well does not meet minimum well construction standards, since water of different quality and from different zones is being mixed. (IDAPA Rule 37.03.09025.03. abbreviated as Well Constructions Standards Rule 25.03).

7. Approval of the application for transfer will not injure existing water rights.

8. Approval of the application will not enlarge the right sought to be transferred.

9. Approval of the application is consistent with the conservation of water resources in Idaho.

10. Approval of the application is not against the local public interest.

11. The department should approve the application for transfer with certain conditions and limitations.

ANALYSIS

There was consistent testimony from the protestants that during 1993, there was less water available for diversion than in prior years. The protestants, however, did not know the cause of the decline and did not show that diversion of water from the Deeg well was the cause of the decrease in water availability.

The residual effects of the 1987 to 1992 drought conditions in Idaho are more likely the cause of any decreased flow in Little Creek, Cold Creek or Warm Creek than the diversion of water from the Deeg well.

Some of the protestants have recently added irrigated acreage and have changed to crops which require more water for consumptive uses than crops previously grown.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4268 of water right License No. 41-07030 is **APPROVED** subject to the following conditions:

1. The applicant shall submit a plan for repair of the Deeg well to the department for review and approval. The plan shall provide for casing the water cascading from the upper aquifer out of the well and shall otherwise comply with IDAPA Rule 37.03.09025.03. The plan shall be submitted within thirty (30)

days of the issuance of a Final Order with provision of the work to be completed prior to the beginning of the 1995 irrigation season. No water may be diverted from the well under this transfer until the repairs are completed.

2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

4. Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the depth to water in the well and the rate of diversion from the well.

5. The authorized season of use is from April 1 to October 31 of each year.

6. The right holder is not authorized to divert water under this transfer for the 126 acres at a rate larger than 1.4 cfs or to divert more than 441 AF for the 126 acres. Diversion of water under this approval is contingent upon the applicant to be able to readily show compliance with this condition.

7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval should not be rescinded.

Signed this 23rd day of August, 1994.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

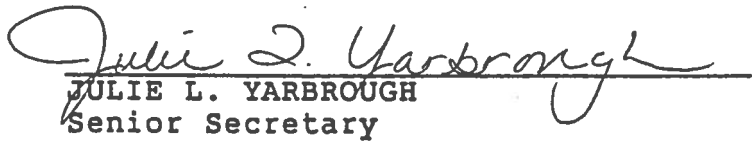
I HEREBY CERTIFY that on this 23rd day of August, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing FINAL ORDER to the following:

IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shuop Ave.
Idaho Falls, ID 83405

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211


JULIE L. YARBROUGH
Senior Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4268
WATER RIGHT NO. 41-07030

This is to certify that: TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.40 CFS	504.0 AF

SOURCE

GROUNDWATER

Priority: 01/02/1978

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 6, Township 09S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 30E 1	NENE 25	NWNE 29	SWNE 36	126
	SENE 36			126
Total number of acres irrigated:				126

CONDITIONS/REMARKS:

Right No. 41-07030 is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4268.

Dated this 23rd day of

August, 1994.

J. Blum Saxton
Chief, Water Alloc. Bureau

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

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

LISTING OF MAPS USED IN REVIEW OF THIS FILE

CLAIM NUMBER: _____.

DESCRIPTION OF MAP	ID NUMBERS	MAP DATE	COPY IN FILE?
AERIAL PHOTOQUAD (OPQ)	_____	_____	YES / NO
SCS MAP	_____	_____	YES / NO
AIR PHOTO	_____	_____	YES / NO
LM AERIAL	_____	_____	YES / NO
UBDIVISION PLAT	_____	_____	YES / NO
TOPOGRAPHIC QUAD	_____	_____	YES / NO
GOVERNMENT LOT MAP	_____	_____	YES / NO
CS SOILS MAP	_____	_____	YES / NO
OTHER:			
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO

=====

REMARKS:

Old (D) Number -

441.00

+ - - Diversion Means - WELL/PUMP TO SPRINKLER SYSTEM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

Water right number - A41-07030

Prefix Translation: ADJUDICATION CLAIM

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

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

+ - - - - - Conditions of Approval - - - - - +
R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for the
- lands above.

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

+ - - - - - Audit Fields - 03/07/90 MOBILE2 04/02/91 BAUMHOFF

+ - - - - - -Comments- - - - - +
No Comments found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/07/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- M006177	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-		

LAST: MCMICHAEL
ADDRESS: NA
CITY: NA
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: KENT O.
STATE: ID ZIP: 00000

LAST: NELSON
ADDRESS: BOPX 177
CITY: ROCKLAND
PHONE NUMBER: 208-548-2261

FIRST: FAROLD J.
STATE: ID ZIP: 83271

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE N FIELD EXAMINER

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A4-1-07030

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A41-07030

PRIORITY DATE: 01-02-1978

STAGE: L

B. WR RECORD: # 41-07030

PRIORITY DATE: 10-29-1977

STAGE: P

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

Y DATABASE EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A41-07030	10S	31E	28		NE	SE		POWER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

L41-07030

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
41-07030	10S	31E	28		NE	SE		POWER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

L41-07030

NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	_____
		N	_____

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SOURCE: GROUNDWATER TRIB:

REVIEWED BY: DATE:

A. ROOT WATER RIGHT NUMBERS: A41-07030

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	31E	28	NE	SE		NELSON , FAROLD J.	A41-07030 /18.0	41-07030 /40.0			
			NE	SE		NELSON , RONALD R.		L41-07030 /18.0			
10S	31E	28	NW	SE		NELSON , FAROLD J.	A41-07030 /37.0	41-07030 /40.0			
			NW	SE		NELSON , RONALD R.		L41-07030 /37.0			
10S	31E	28	SW	SE		NELSON , FAROLD J.	A41-07030 /37.0	41-07030 /40.0			
			SW	SE		NELSON , RONALD R.		L41-07030 /37.0			
10S	31E	28	SE	SE		NELSON , FAROLD J.	A41-07030 /18.0	41-07030 /20.0			
			SE	SE		NELSON , RONALD R.		L41-07030 /18.0			
10S	31E	28	NE	SW		NELSON , FAROLD J.	A41-07030 /8.0	41-07030 /8.0			28.0
			NE	SW		7 U D RANCHES	A41-00008F /10.0	- /			
			NE	SW		7 U D RANCHES		41-00008C /			
10S	31E	28	SE	SW		NELSON , FAROLD J.	A41-07030 /8.0	41-07030 /8.0			32.0
			SE	SW		7 U D RANCHES	A41-00008F /12.0	- /			
			SE	SW		7 U D RANCHES		41-00008C /			
TOTAL ACRES						A41-07030	126.00	156.00			60.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
 IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

 DATABASE
 Y

 FIELD
 EXAMINER

PRESUMPTION FLAG:

REMARKS:

[illegible]

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

[illegible]

A. AJ CLAIMED USES:

PURPOSES
A41-07030 IRRIGATIONMONTH/DAY
FROM 03-15 TO 11-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
1.400 CFS 441.00 AF/A
1.400 CFS 441.00 AF/A

B. WR RECORDED USES:

PURPOSES
41-07030 IRRIGATIONMONTH/DAY
FROM 03-15 TO 11-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
2.800 CFS
2.800 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.400 CFS
 WR ROOT RIGHT TOTAL DIVERSION RATE: 2.800 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
 ** If an amount smaller than the original diversion rate is **
 ** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y FIELD DATABASE EXAMINER

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A41-07030	GROUNDWATER	NELSON, FAROLD J.	1.400	0.011	441.00	3.50
A41-00008F	ROCK CREEK, SOUTH FORK	7 U D RANCHES	1.410	0.013		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 378.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 441.00 AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on consumptive use for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 1.400	DATABASE EXAMINER 441.00	DATABASE EXAMINER 378.0
TOTAL FOR THIS RIGHT		1.400	441.00	378.0

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP	ACCEPTED	NEEDS
FORFEIT/ABANDON	AS CLAIMED	REVIEW
ADDITIONAL DIV. AMOUNT	()	()
	()	()
	()	()
	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-07030
TOTAL DIVERSION RATE OF WR SPLITS 1.400

SPLITS:						
OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A41-07030	1.400	-		41-07030	2.800
-	-		-		L41-07030	1.400
TOTAL CFS		1.400				1.400

DIVERSION RATE REVIEW
DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

REMARKS:

=====

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

=====

Water Right Number - 41-07030

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
NELSON

RONALD R.

1 - P.O. BOX 15
2 -
3 -

City- ROCKLAND

State- ID Zip- 83271

*** O - ORIGINAL OWNER ***
MC MICHAEL

KENT O.

1 -
2 -
3 -
City-
Phone -
State- Zip-

+ - Priority Date - + - Region - + - Stage - + - Status - +
10/29/1977 17 SOUTHERN P - PERMIT

+ - Source - + - Tributary - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - -
Twn Rng Sec Tract Lot Rflg County
10S 31E 28 NE SE (77) POWER

+ - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - -
Code Description Period From Period To
01 - IRRIGATION 03/15 11/15 2.800

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
2.800

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10S	31E	28	NE SE		40.0	01	IRRIGATION	(77)) POWER	
10S	31E	28	NW SE		40.0	01	IRRIGATION	(77)) POWER	
10S	31E	28	SW SE		40.0	01	IRRIGATION	(77)) POWER	
10S	31E	28	SE SE		20.0	01	IRRIGATION	(77)) POWER	
Total Acres:					140.0				

+ - - Diversion Means - WELL, PIPELINE & SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -
WELL MUST BE CASED & UNPERFORATED.
REINSTATED 11-28-1983.

Water right number - 41-07030

Prefix Translation:

WATER RIGHT

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

Conditions of Approval - - - - -
018 - The permit holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install and access port or other device as specified by the
- Department.
016 - See remarks for additional conditions of approval.

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

- - - - - Comments - - - - -
No Comments Found

- - - Audit Fields - 02/05/88 05/28/88 CONVERT

- - - - - Water Rights Dates and Flags Area - - - - -
Proof Due Date - 10/01/1983 Field Exam Made - 08/06/1987 Field Exam Fee - R
Approved/Denied - 10/12/1978 Protested Date - 00/00/0000 Swan Falls - 2
Proof Made Date - 10/19/1983 Hearing Date - 00/00/0000 Temporary Right - P
Exam to S.O. Date - 00/00/0000 Verified Date - 00/00/0000 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number - Water District -
Licensed Date - 00/00/0000 Appl Received - 00/00/0000 Transfer/Amended -
Decree Date - 00/00/0000 Presumption Flag -