

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 47-16828
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANTELOPE SPRINGS RANCH Phone: (208)731-2722
ANTELOPE SPRINGS
ROGERSON ID USA 83302

2. Date of Priority: 10/22/1964

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	14E	2	SE SW NE	TWIN FALLS	
14S	14E	35	SW NE SE	TWIN FALLS	R

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.39	437.5

7. Total Quantity Appropriated is:
1.39 C.F.S. and/or 437.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
14S	14E	35	SW	NE		IRRIGATION	17
			SE	NE		IRRIGATION	34
			NE	SE		IRRIGATION	26
			NW	SE		IRRIGATION	36
			SW	SE		IRRIGATION	12
						Section Acres	125
						Total Acres	125

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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.

15. Basis of Claim: License

SCANNED

FEB 12 2002

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 47-2394
Date Received: 1/13/89
Receipt No: S005928
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

ANTELOPE SPRINGS RANCH
ANTELOPE SPRINGS
ROGERSON ID USA 83302

Phone: (208)731-2722

2. Date of Priority: 10/22/1964

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	14E	2	SE SW NE	TWIN FALLS	
14S	14E	35	SW NE SE	TWIN FALLS	R

5. Description of diverting works:

WELL & PUMP TO DITCH THE RELIFTED TO PIVOT SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.5	

7. Total Quantity Appropriated is:
1.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	14E	35	SW	SE	IRRIGATION	11
			SW	NE	IRRIGATION	31
			SE	NE	IRRIGATION	31
			NE	SE	IRRIGATION	31
			NW	SE	IRRIGATION	31
					Section Acres	135
					Total Acres	135

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO INCREASE ACRES TO MATCH ORIGINAL LICENSE TOTAL.

15. Basis of Claim: License

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 Organizations:

I do solemnly swear or affirm that I am Partner of
Antelope Springs Ranch, that I have signed the foregoing
Organization Title
document in the space below as Partner of
Organization Title
Antelope Springs Ranch and that the statements contained in the
Organization
foregoing document are true and correct.

Mum Brackitt
Signature of Authorized Agent

Partner Antelope Springs Ranch
Title and Organization

6-26-01
Date

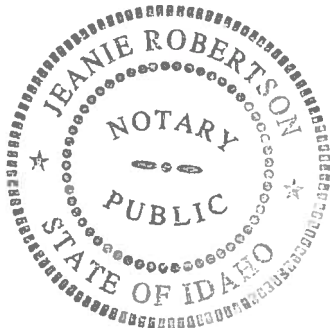
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th
of June 2001
Jeanie Robertson

Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-2006



Idaho Department of Water Resources Receipt

Receipt ID S024071

Payment Amount Date Received Region Status

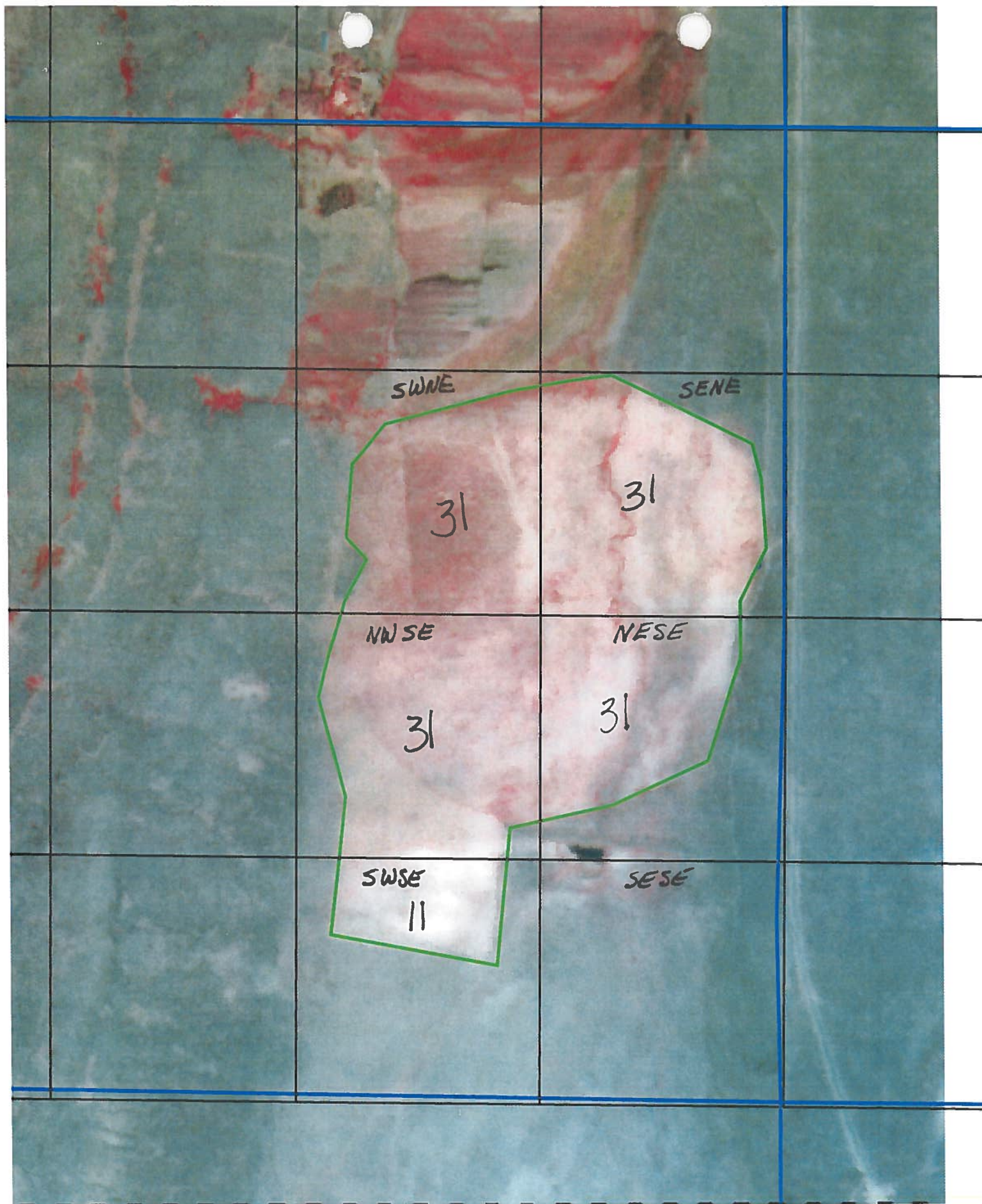
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$35.00	ADJUDICATION FILING FEE	0337	44503	1155	


Signature Line (Dept. Representative)



47-02394

RECEIVED

SEP 10 1973

BY

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32110/47-2394 Priority Oct. 22, 1964 Amount 1.50 cfs

THIS IS TO CERTIFY, that MRS. EDNA BAILEY
of Filer, Idaho, has complied with the terms and conditions of Permit
No. 32110/47-2394 issued pursuant to Application for Permit dated October 22, 1964,
and has submitted proof to the Department of Water Administration on August 10, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.50 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.50 cfs for Irrigation from April 1 to Oct. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.50 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp. 15 S, Rge. 14 E, B.M.

in the county of Twin Falls; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 473 acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	14 E	35	6	18	25	21									25	40			135

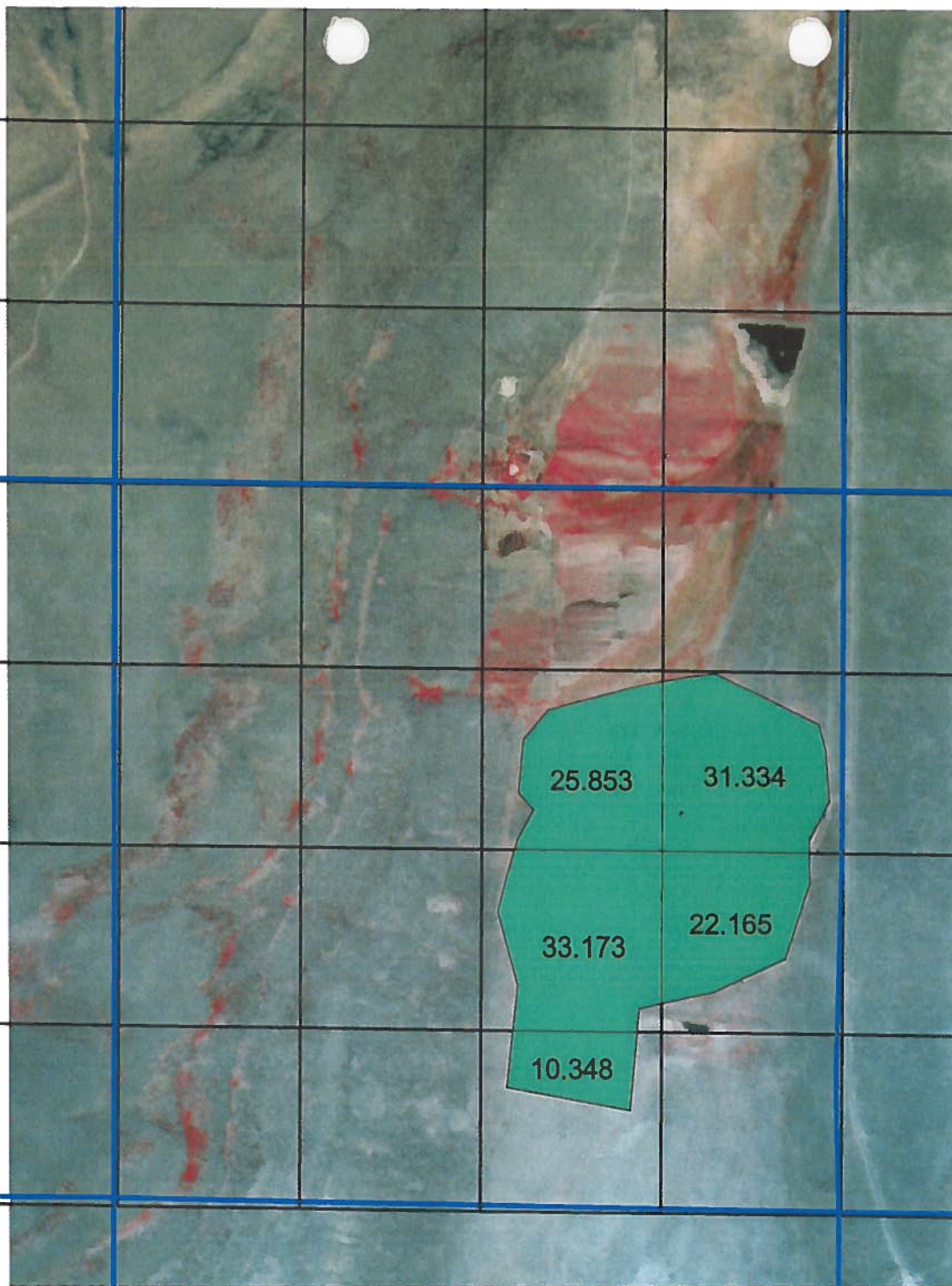
Total number of acres irrigated 135

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

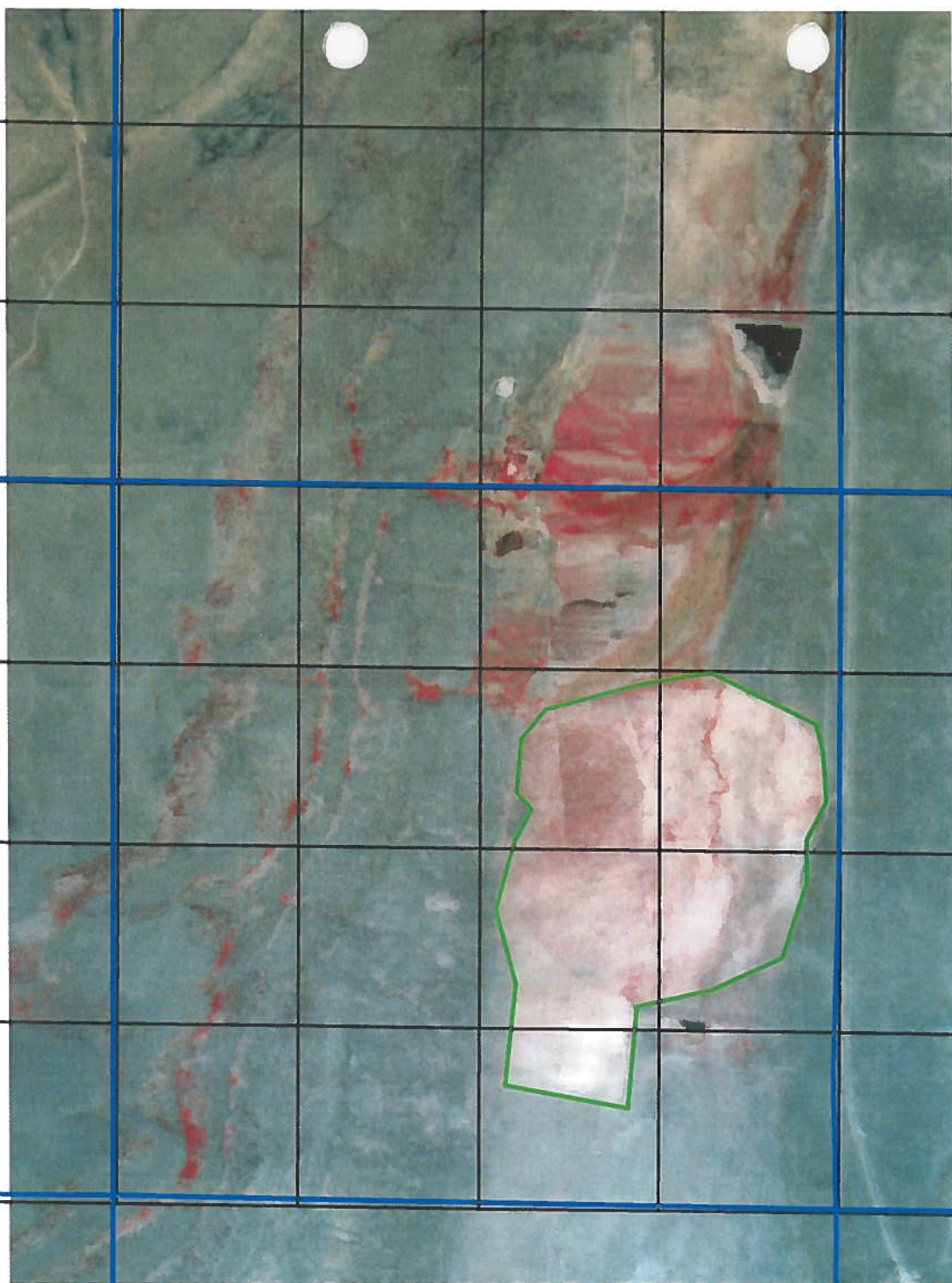
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of

September, 19 73.


Director



↑
122.6
ac





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

RECEIVED

MAY 26 1999

Department of Water Resources
Southern 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 Number(s) A47-02394
Adjudication Claim Number(s) _____
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 for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) C.E. Brackett Cattle Co, POB 111
Rogerson, ID 87702
4. New Owner/Claimant(s) Antelope Springs Ranch
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address Antelope Springs
City, State and ZIP Code Rogerson, ID 87702
New Telephone Number (208) 731-2722
5. Date you acquired the property 4-28-99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the space below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
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.
7. Signature of New Owner/Claimant(s)  Date 5-20-99
Wm Brackett Date 5-21-99
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

COPY

Twin Falls County, Idaho
Recorded for:
STEPHAN & KYANVIG
02:48pm Apr. 29, 1999
1999-008182
No. of Pages: 4 Fee: \$12.0
ROBERT S. FORT
Ex-Officio Recorder
Deputy: BM

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, C.E. BRACKETT CATTLE CO., an Idaho corporation, the Grantor, does hereby grant, bargain, sell and convey unto ANTELOPE SPRINGS RANCH, an Idaho general partnership, consisting of Marc Brackett and Jared Brackett, the Grantee, whose address is Antelope Springs Ranch, Rogerson, ID 83302, the following described premises, to-wit:

See Exhibit A

(The grantor has reserved a first right of refusal on the sale or lease of the premises for a period of fifteen years from the date of this grant.)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs, successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except those of record or apparent and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

DATED effective the 1st day of January, 1998.

C.E. BRACKETT CATTLE CO.

By Chet Brackett
Chet Brackett, Its President

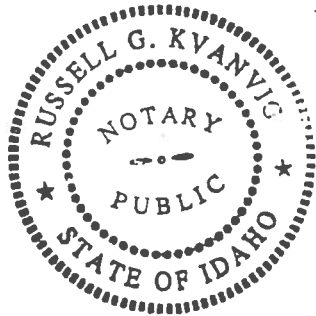
ATTEST:

Kimberly Brackett
Kimberly Brackett, Its Secretary

STATE OF IDAHO)
 : ss.
COUNTY OF TWIN FALLS)

On this 28 day of April, 1999, before me, the undersigned, a Notary Public for Idaho, personally appeared CHET BRACKETT and KIMBERLY BRACKETT, known or identified to me to be the President and Secretary, respectively, of C.E. BRACKETT CATTLE CO., the corporation that executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of said corporation.

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



Russell Kvanvig
Notary Public for Idaho
Residing at Twin Falls
Commission Expires: 8-12-99

EXHIBIT A

PARCEL 1

Township 13 South, Range 14 E., B.M., Twin Falls County, Idaho

- Section 1: Lot 4 and SW1/4 NW1/4
- Section 2: Lot 1 and SE1/4 NE1/4
- Section 25: NE1/4 SW1/4, S1/2 SW1/4
- Section 26: SW1/4 SW1/4, S1/2 SE1/4
- Section 35: NE1/4, NE1/4 NW 1/4, N1/2 SE1/4 ✓
- Section 36: W1/2NW1/4

Township 14 South, Range 14 E., B.M., Twin Falls County, Idaho

- Section 11: NW 1/4 NE1/4, SE1/4 NW1/4
- Section 21: W1/2
- Section 33: NE1/4 SE1/4

Township 15 South, Range 14 E., B.M., Twin Falls County, Idaho

- Section 31: Lots 4, 5, 7, 8, 9, 11 and 12 and the SE 1/4

Township 16 South, Range 14 E., B.M., Twin Falls County, Idaho

- Section 5: SW1/4 NW 1/4 and W1/2 SW1/4
- Section 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12 and
NE1/4 and NE1/4 SE1/4
- Section 7: Lots 2 and 5

PARCEL 2

Township 15 South, Range 13 E., B.M., Twin Falls County, Idaho

- Section 25: SW1/4
- Section 26: SE1/4 SE1/4
- Section 35: NE1/4 NE1/4, S1/2 NE1/4, SW1/4

Township 16 South, Range 13 E., B.M., Twin Falls County, Idaho

- Section 2: NW1/4
- Section 3: E1/2, S1/2 NW1/4, E1/2 SW1/4
- Section 9: E1/2 NE1/4, SE1/4 SE1/4
- Section 10: All
- Section 14: W1/2
- Section 15: NE1/4, NE1/4 SE1/4, S1/2 SE1/4, W1/2
- Section 22: E1/2, NW1/4, NW1/4 SW1/4

Section 23: E1/2 W1/2, NW1/4 NW1/4, SW1/4 SW1/4
Except Highway Right of Ways

SUBJECT TO taxes and assessments for 1988 and subsequent
years, and

SUBJECT to a Mortgage to Equitable Life Assurance Society
of the United States, dated February 2, 1971, recorded
February 4, 1971, as Instrument No. 616470, Mortgage
records of Twin Falls County, Idaho.

TOGETHER with all water rights appurtenant to and
including but not limited to the following rights, numbered
47-0052, 47-0053, 47-2058, 47-2065, 47-2139, and
47-2211.

Together with their appurtenances.

PARCEL 3

Township 14 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 26: S1/2 NE1/4; SE1/4 SW1/4; SE1/4
SUBJECT TO: Twin Falls County Highway Right of Way

Section 35: NE1/4 NW1/4; E1/2
SUBJECT TO: Twin Falls County Highway Right of Way

Township 15 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 2: Lots 1 and 2; SW1/4 NE1/4;
SE1/4 NW1/4; SW1/4; W1/2 SE1/4
SUBJECT TO: Twin Falls County Highway Right of Way
Section 11: NW1/4 NE1/4; E1/2 NW1/4
SUBJECT TO: Twin Falls County Highway Right of Way

Together with all water rights appurtenant to said real property, and all appurtenances
thereto.

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: A47-02394
Date Received: 1/06/1989
Receipt No: 5005928
Received By: ADN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C. E. BRACKETT CATTLE CO. 208-857-2218
Address: P.O. BOX 111
ROGERSON, ID 83302

2. Date of Priority: OCT 22, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	14E	35	SW	NE	SE	R	TWIN FALLS
15S	14E	2	SE	SW	NE		TWIN FALLS

5. Description of diverting works:
WELL & PUMP TO DITCH THE RELIFTED TO PIVOT SPRINKLER SYSTEM.

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 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	14E	35	SW	NE		IRR	25.0
			SE	NE		IRR	25.0

A47-02394

Page 1

Date: 01/06/89

MICROFILMED

MAR 11 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	14E	35	NE		SE		IRR	25.0
			NW		SE		IRR	25.0
							Section Acres	100.0
							Total Acres	100.0

11. Place of use in counties: TWIN FALLS

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
Water Right Number: 32110

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: 1

For Organizations:

I do solemnly swear or affirm that I am Pres _____ of _____ Title

D E Brackett Lattle Co _____, that I have signed the foregoing Organization
document in the space below as Pres _____ of _____ Title

D E Brackett Lattle Co _____ and that the statements contained in the Organization
foregoing document are true and correct.

Chet Brackett
Signature of Authorized Agent

Pres D E Brackett Lattle Co
Title and Organization

1/13/89
Date

State of Idaho)
County of Twin Falls) SS.

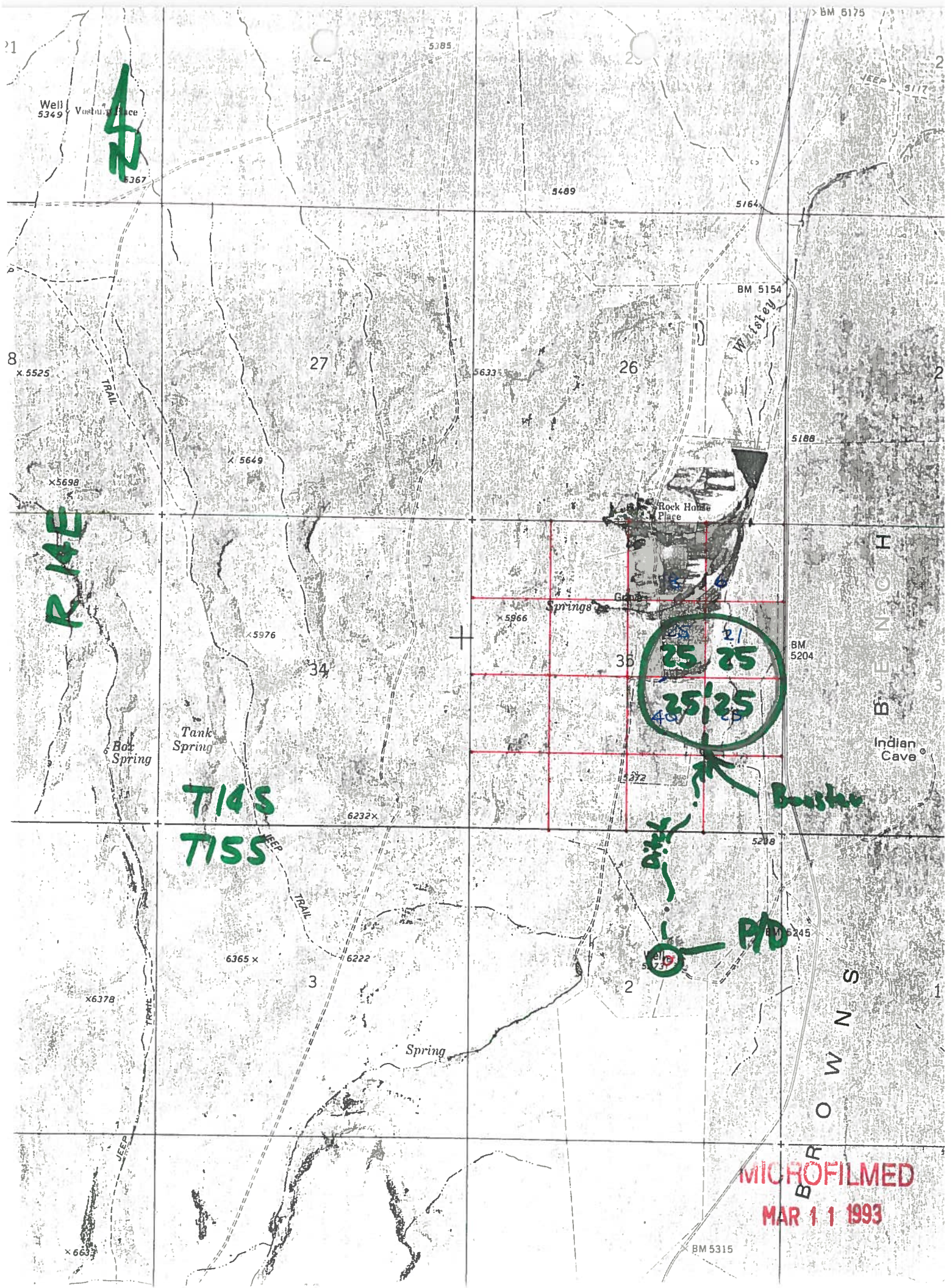
Subscribed and sworn (or affirmed) before me this 13th day
of Jan. 19 89

Lee D. Mendenhall
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/94



MICROFILMED
MAR 11 1993

BM 5315

He was referred by the SRBA court to see me ... we discussed the claims process to get the partial decree. Searched the database and found the claims A47-00052, -02394, -14095, -14096, -14099. Compared these with claims filed in the same areas by BLM and found only instream uses filed and recommended. We discussed the need to file on D&S claims and I explained he could claim those uses at a later date if needed.

VERIFIED BY *JR 8/21/06*

08/21/2006

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

RIGHT NUMBER: 47-16828

NAME AND ADDRESS: ANTELOPE SPRINGS RANCH
ANTELOPE SPRINGS
ROGERSON ID 83302

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.390 CFS
437.500 AFY

PRIORITY DATE: 10/22/1964

POINT OF DIVERSION:

T14S R14E S35 SWNESE Rediversion Within TWIN FALLS County

T15S R14E S2 SESWNE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.390 CFS 437.50 AFY

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T14S R14E S35	SWNE	17.00	T14S R14E S35	SENE	34.00
T14S R14E S35	NESE	26.00	T14S R14E S35	NWSE	36.00
T14S R14E S35	SWSE	12.00			

125 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

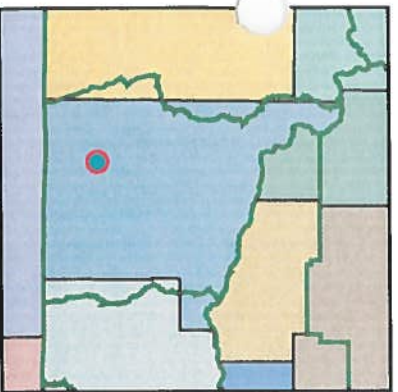


SRBA Recommendation:

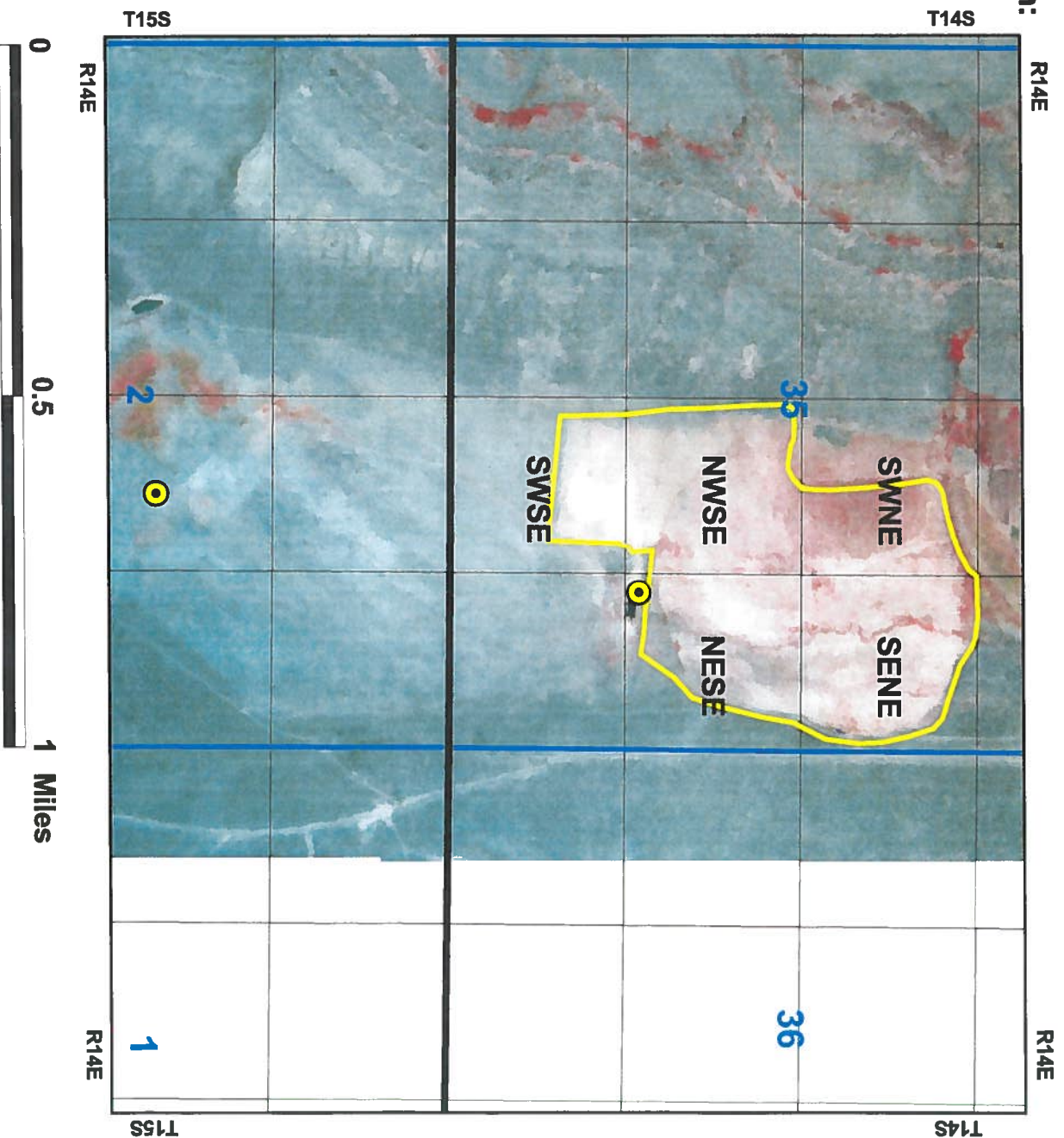
47-16828

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Twin Falls County
IDWR Basin 47



Prepared by J. Roberts
On Monday, August 21, 2006
1987/88 Aerial Photography

11/01/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 17 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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: See Cover Letter

Water right number: 47-16828

ANTELOPE SPRINGS RANCH
ANTELOPE SPRINGS

ROGERSON ID 83302
Telephone Number: (208)731-2722

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

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

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

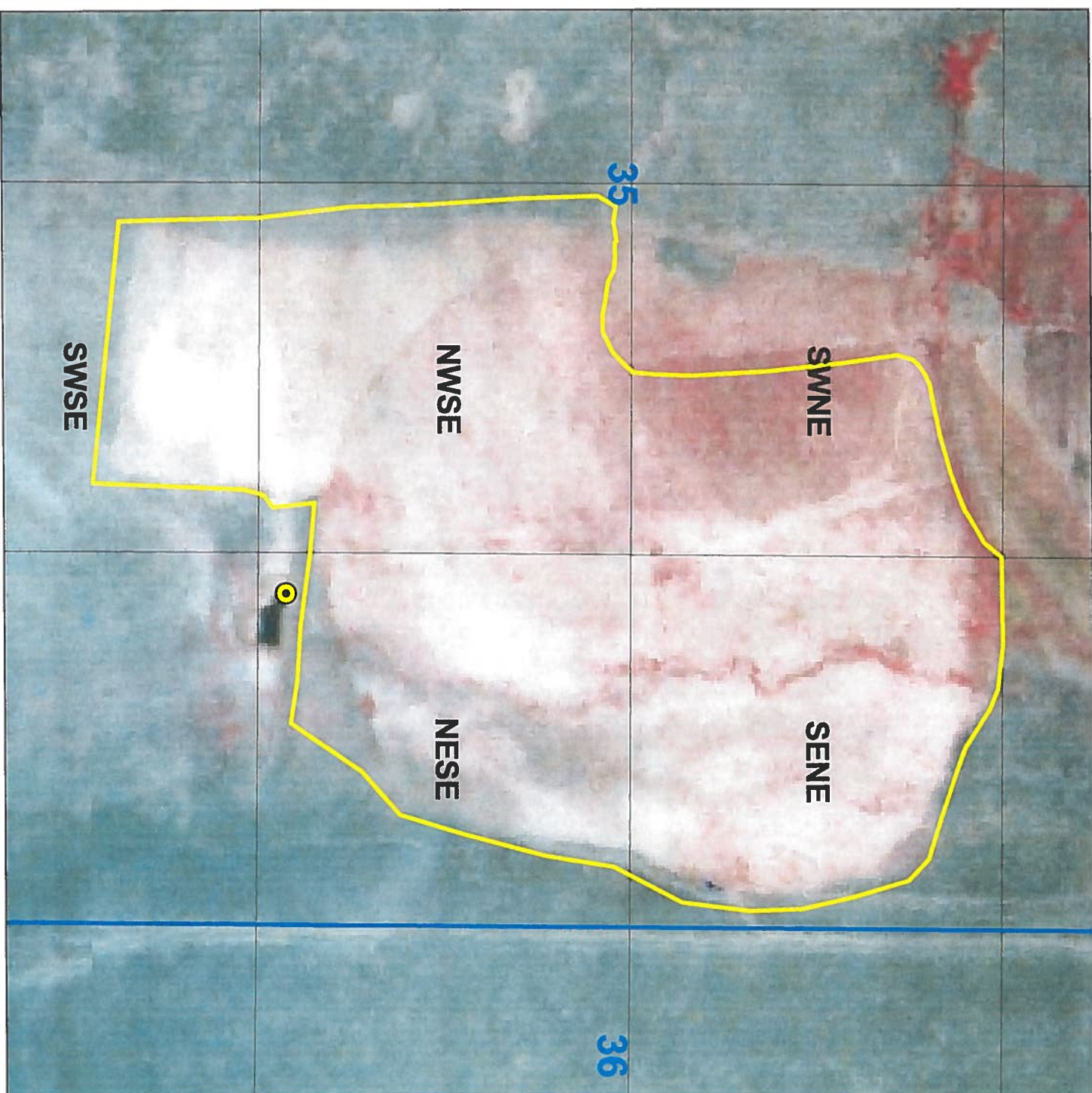
X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-16-06 SIGNATURE: Marc Brackett

Please print your name: Marc Brackett

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

47-16828



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-16828 V1

WATER RIGHT NUMBER: 47-16828 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	C E BRACKETT CATTLE CO PO BOX 111 ROGERSON, ID 83302 (208) 735-5930
Current Owner	ANTELOPE SPRINGS RANCH ANTELOPE SPRINGS ROGERSON, ID 83302 (208)731-2722

Priority Date: 10/22/1964

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.390 CFS	437.50 AF
	<u>Total Diversion:</u>	1.390 CFS	437.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NE1/4	Sec. 2, Twp 15S, Rge 14E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35, Twp 14S, Rge 14E, B.M.
TWIN FALLS County	(Rediversion)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	14E	35			17.0	34.0									26.0	36.0	12.0		125.0

Total Acres: 125

Conditions of Approval:

1. C18 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.

Remarks:Comments:

1. PSKAGGS 10/21/2002 9:02:28 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69510
2. jroberts 8/21/2006 Basis of Recommendation
Comment: Recommended per approved transfer #69510.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

July 28, 2004

Regarding:

Customer:

Antelope Springs Ranch

Marc Brackett

This date Marc Brackett met me at the office to discuss his various claims to two separate ranches, both known as Antelope Springs Ranch.

Claim 47-52 – filed on land north of the Three Creek Highway, along the Roseworth-Antelope Springs road, and located to the north of Antelope Springs. Source Antelope Springs.

Points of discussion:

Irrigation in 1987 on approximately 23 acres of BLM land and one acre of State land. Brackett stated that he no longer is irrigating the BLM land but is currently irrigating more State land because he put in a pivot after 1987.

- We talked about his filing an expansion claim for the 23 acres and then applying for a transfer to move the right off BLM and onto his private land, needing an agreement from BLM to do so.
- He considered not claiming acres located on BLM in 1987 thus reducing his recommended irrigated POU by 23 acres.
- He is aware that any changes implemented post 1987 requires a transfer

A decree from 1927 for 520 inches of water and a 1987 irrigated place of use of approximately 275 acres [on private land within the decreed POU or adjacent land via an accomplished transfer].

- Does he have a water right for 520 inches on 275 acres?
- According to Brackett, Antelope Spring does not have a capacity of 520 inches but closer to 3000 gpm or 335 inches.
- Brackett wants to ensure that his property has a right to the entire flow of Antelope Springs so that the BLM can in no way influence how much water he takes from the spring.

The claimed land in sections 1 and 2 were not included in the decreed place of use (priority 1894) but developed under licenses in 1939/40.

- Brackett no longer irrigates the 51 acres licensed in section 1 and 2
- The reservoir licensed for storage is no longer used as the whole system was impractical to maintain.
- Brackett believes that the land was first irrigated prior to 1939, more likely in the 1920s.
- Brackett has not determined whether or not he will file additional claims necessary to include this land.

Claims 47-14095, 45-14096, 45-14099 & 45-16828 – appurtenant to lands south of the Three Creek Highway along the road to China Creek.

Points of Discussion:

45-16828 – Groundwater.

- Based upon license 47-2394 and 2002 transfer
- Place of use outlined by me using GIS looked correct for this source per T69510

45-14095 – One spring

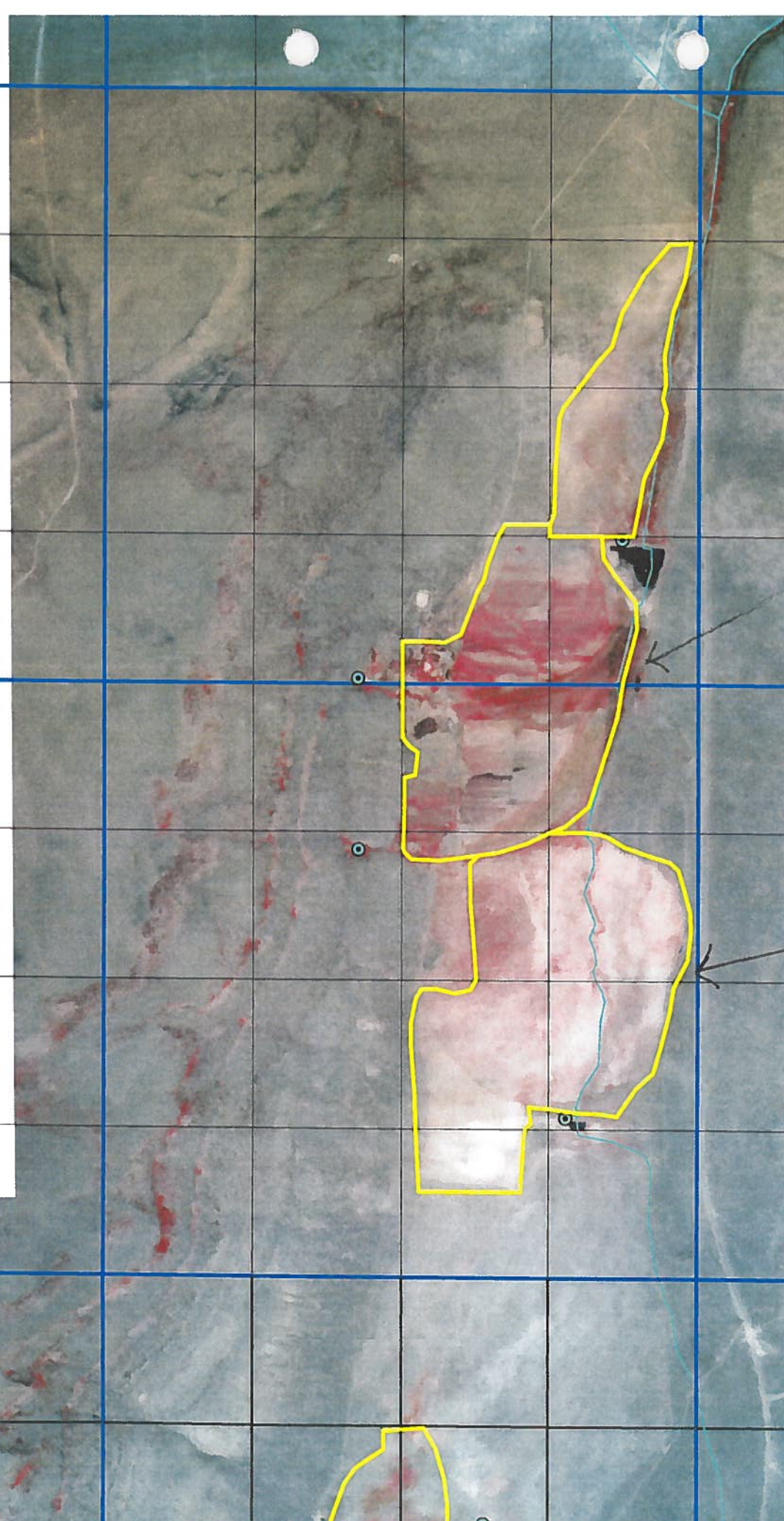
- I pointed out why I believe that there has been no evidence of priority submitted that describes this spring, and he agreed that the two posted notices seem to identify the springs claimed under 45-14096. He said the only "Spring Cr" he knew was to the west on his dad's place.
- He took copies of the evidence and will look further into acquiring information about the development of this spring and place of use.
- According to Brackett this spring was measured over the course of several years and flows from 75 to 80 gpm (.18 cfs). The spring typically flow best between March 1 and July 1.

45-14096 – Two springs

- The two posted notices submitted as evidence of priority describe the two springs associated with this right [see above].
- According to Brackett, the north spring flows 300 gpm (.67 cfs) and the southern spring flows 500 gpm (1.11 cfs).
- The POU I outlined using GIS looked correct to him for this source.

45-14099 – Storage pond on unnamed stream

- Evidence is needed to support the 1940 (or any) priority date
- Brackett is going to ask locals who may have information about when the dam was built, or see if ASCS has historical photos
- He pointed out an area along the east side of my GIS outline that should be included in the irrigated POU.
- I went over the formula I used to determine the volume of the reservoir.



47-14094
OK shape

An aerial photograph of a coastal area, possibly a bay or estuary, with a grid overlay. A yellow line outlines a specific region. Within this region, there is a large area shaded in red. To the right of the map, there are handwritten notes and arrows pointing to specific features. The map is divided into a grid by blue lines. There are two white circular markers at the top of the map. A small black rectangular feature is visible within the yellow boundary. A blue line, possibly a river or canal, runs through the lower part of the map. The overall tone of the map is greyish-blue, typical of an aerial photograph.

47-
16828
now only
1W pivot
I explained
that this shape
matched T695

notes from
mtg w/ ma
Brackett

7-27-04

08

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69510

RECEIVED
OCT 23 2002
Department of Water Resources
Southern Region

This is to certify that: LARRY OLSEN
19073 US HWY 30
BUHL ID 83316
(208)543-5543

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
47-2394	AJC/License	10/22/1964	1.5 cfs	473 af		135.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

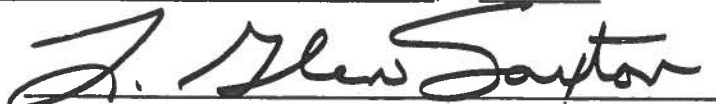
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-2394	YES	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-2394	47-16829	0.11 cfs	35 af	10.0	10.0	47-16828	1.39 cfs	437.5 af	125.0	125.0
TOTALS		0.11 cfs	35 af	10	10		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of October, 2002


Chief, Water Allocation Bureau

47-2394-1-#67510



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 13, 2004

Marc & Jared Brackett
Antelope Springs Ranch
Antelope Springs
Rogerson, Idaho 83302

RE: Snake River Basin Adjudication (SRBA)
Claim Nos. 47-052
47-16828, 47-14095, 47-14096 & 47-14099

Dear Claimants:

I have begun investigating SRBA claims for water rights in your area and have completed an initial review of the water rights at both your ranches on the north and south sides of the Three Creek Highway. I have some questions and some suggestions about your claims that can most probably be quickly resolved.

Regarding claim 47-052, priority date 1894, for irrigation, stockwater and domestic use at Antelope Springs Ranch north of the Three Creek Highway:

- Irrigation at the northern portion of your property, in T13S, R14E, Sections 1 and 2, was developed under IDWR licenses 45-2445 (priority 1937) and 45-2211 (priority 1940). This was after the land in Sections 25, 26, 35 & 36, closer to the spring. Since it would not be appropriate to recommend these licensed acres with an earlier priority date, they should be claimed under different SRBA claims and reflect the licensed dates of development.
- Approximately 25 acres of irrigation are located on public land managed by the BLM (23.5 ac) and State of Idaho (1.5 ac). Are these being irrigated under an agreement with those agencies and how is ownership of the water right to be recorded?
- It appears from maps you submitted that there may be pipelines from Antelope Springs to stock troughs located on other lands. A quick review of our database did not find any claims from Antelope Springs for stockwater in your name. Do you wish to claim additional stockwater?
- Does the spring still provide water for domestic use?

A review of claims 47-16828 (groundwater), 47-14095, 47-14096 (springs) & 47-14099 (storage) at your ranch south of the Three Creek Highway also produced some questions.

- No evidence of priority was submitted for the storage reservoir claimed under 47-14099, but it obviously existed in 1987 and 1978 aerial photos and also an undated ASCS photo from the 1970 licensing field exam for groundwater. Do you have any earlier photos or evidence of when the dam was constructed to support the 1940 priority date claimed?
- As I have interpreted the two Posted Notices that were submitted as proof of priority, they describe the two springs claimed under 47-14096 near to the rock house, but not the spring claimed under 47-14095, which is a mile south. You may have additional personal information to help clarify this.

I appreciate the work that you have already done to support your claims. Now that our SRBA investigation has reached Basin 47, please call to make an appointment with me so that we discuss the above issues.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us

WATER RIGHT NO. 47-16828
As Modified by Transfer No. 69510

In accordance with the approval of Transfer No. 69510, Water Right No. 47-16828 is now described as follows.

Right Holder: ANTELOPE SPRINGS RANCH
ANTELOPE SPRINGS
ROGERSON ID 83302

Priority Date: October 22, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.39 CFS	437.5 AF
			1.39 CFS	437.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWNE Sec. 2 Twp 15S Rge 14E TWIN FALLS County
GROUND WATER SWNESE Sec. 35 Twp 14S Rge 14E TWIN FALLS County
(Rediversion)

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	14E	35			17.0	34.0									26.0	36.0	12.0		125.0

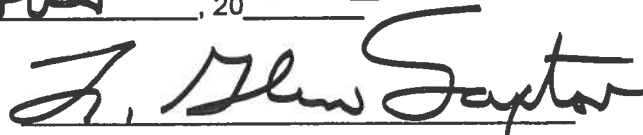
Total Acres: 125

CONDITIONS OF 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of October, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16829
As Modified by Transfer No. 69510

In accordance with the approval of Transfer No. 69510, Water Right No. 47-16829 is now described as follows.

Right Holder: LARRY OLSEN
 19073 US HWY 30
 BUHL ID 83316

Priority Date: October 22, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.11 CFS	35.0 AF
			0.11 CFS	35.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 31 Twp 08S	Rge 14E	TWIN FALLS County
GROUND WATER	NWNE	Sec. 31 Twp 08S	Rge 14E	TWIN FALLS County
GROUND WATER	NWNE	Sec. 31 Twp 08S	Rge 14E	TWIN FALLS County
GROUND WATER	SWNE	Sec. 31 Twp 08S	Rge 14E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30															2.0	2.0	
08S	14E	31			7.0	1.0												8.0	

Total Acres: 10

CONDITIONS OF APPROVAL

1. Use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 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.
4. The total instantaneous diversion of water from all points of diversion under Right 47-16829 shall not exceed 0.11 cfs, nor total combined annual volume of 35.0 af.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

MEMO

FROM: Allen Merritt *AM*

DATE: December 13, 2000

TO: Transfer File No.
In the name of:

T5801
Silva & Sons Dairy

T5802
Tews Land & Livestock

Water Right(s):

T47-02256F
T47-02349D
T47-02358D
T47-02394B
T47-10225

T47-02256H
T47-02349F
T47-02358F
T47-02394D

SUBJECT: Review and Recommendation

These two transfers are related in that they propose splitting up rights from two farms for use at new sites. The proposals were brokered by Del Kohtz. The rights come from the Mathers Ranch (rights: 47-02256D, 47-02349A, 47-02358A) south of Twin Falls along the foothills road and the Antelope Springs Ranch (right 47-02394) on the west side of Salmon Dam Reservoir and Salmon Fall Creek.

The proposed sites are the Silva & Sons Dairy located a couple of miles west of Buhl and the Tews Land & Livestock lands located four miles west of Hollister. Note that both proposed sites are east of Salmon Falls Creek.

These transfers were processed without protest.

T5801 proposes to dry up 11.5 acres at the Mathers Ranch and 6.9 acres at Antelope Springs Ranch and convert the water for stockwater and commercial use at a dairy. The transfer also includes SRBA claim 47-10225 not yet recommended.

T5802 proposes to dry up 24.5 acres at the Mathers Ranch and 6.7 acres at Antelope Springs Ranch and transfer the water for irrigation of 31.2 acres on the Tews Land & Livestock property.

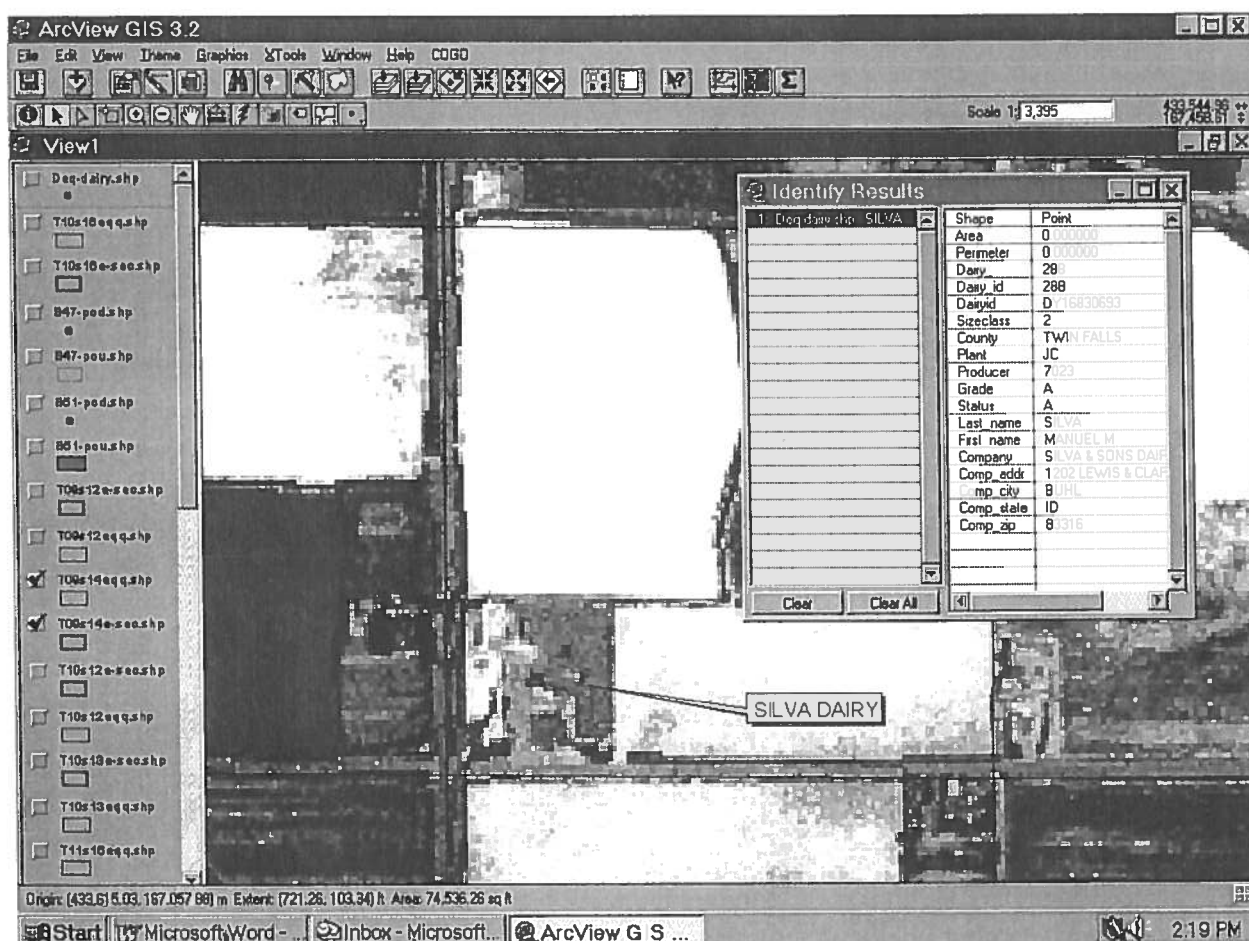
See Corey Skinner's memo dated 8/7/2000 for issues he identified during his staff review and also earlier letters to Kohtz attempting to address various issues.

The issue of the overlap of Mathers right and TFCC shares identified by Corey does not appear to impact the areas specifically being dried up in these transfers so should not be an issue. The remaining unresolved issues were communicated to Mr. Kohtz and the applicants in my letter dated 10/17/2000. In response to the letter Marc Brackett from Antelope Springs Ranch provided an affidavit explaining past use and other corroborating documents to support recent use of right 47-02394. Documents submitted by Mr. Brackett to be retained in A47-02394 SRBA file. Mr. Kohtz also provided statements from the applicants that just state the transfers will not injure other water rights, do not expand the use, are in accordance with conservation of water resources and in the

47-2394

public interest.

In reviewing A47-10225 it is found that the claim is for stockwater, commercial and domestic use and was not reported in the D&S reviews since it includes commercial use. The following GIS map is a shot of SWNW of S34, T09S, R14E for the existing dairy site with 1987 photo and 1999 DEQ dairy information. A "Sizeclass 2" dairy is between 200 and 500 cows.



The original claim lists 160 milking and 40 dry cows with barn, 1 home with lawn. The attached dairy worksheet was run for this situation. Allowing 1.2 afa for the 1 house with lawn and adding in the results of the dairy spread sheet an estimate of use for 47-10225 is $(8.4 + 1.2)$ 9.6 afa. Noting that this is less than 13,000 gpd and would qualify the use as a D&S right.

In reviewing the Antelope Spring Ranch right it does not appear that it is hydrologically connected to the proposed aquifer system where the proposed sites are situated. The Mathers rights are generally within the same aquifer.

Recommendation

I recommend that these transfers be reviewed by the ground water hydrology section and by the

administration. I recommend that right 47-02394 not be allowed to be transferred under these proposals since they would essentially be a new appropriations in the aquifer system in the Twin Falls area. The remaining rights appear to be in the same system so the transfers may be partially approved subject to the following conditions:

T5801

- Right 47-10225 be recommended in the SRBA as D&S with a limit of 9.6 afa.
- When rights 47-02256F, 47-02349D, 47-02358D and 47-10225 are combined they are limited to 0.36 cfs and 44.1 afa for domestic, stockwater and commercial use associated with the dairy.
- One new well is authorized to be added to the system but must be drilled pursuant to well drilling permit requirements.
- Measuring devices with totalizing meters must be installed and maintained on both wells. Annual use must be reported to IDWR if requested in future.
- Subject to other federal, state and county requirements as may be appropriate. Specifically subject to nutrient management plan administered by Idaho Department of Agriculture to limit potential of nitrate pollution of ground water.

T5802

- When rights 47-02256H, 47-02349F and 47-02358F are combined they are limited to 0.68 cfs and 98.0 afa for irrigation of no more than 24.5 acres.
- No new wells are authorized to be drilled under this approval.
- Measuring device with totalizing meter must be installed and maintained on well. Annual use must be reported to IDWR if requested in future.

FILE NUMBER _____ Silva Dairy 47-10225
REVIEWER _____ ADM 12/13/2000 for T5801

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 160
NUMBER OF DRY CATTLE _____ 40
NUMBER OF REPLACEMENT CATTLE: 0-2 MONTHS _____
3-4 MONTHS _____
5-8 MONTHS _____
9-12 MONTHS _____
13-15 MONTHS _____
18-24 MONTHS _____
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 1
IF SPRINKLERS ARE USED: NUMBER OF SPRINKLERS IN HOLDING PEN _____
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) _____
OPERATION TIME OF SPRINKLERS (MIN/DAY) _____
NUMBER OF MILKINGS PER DAY _____ 2
AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.) _____ 70
HOURS PER DAY PUMP OPERATES FOR STOCKWATER USE _____ 12.0
HOURS PER DAY PUMP OPERATES FOR COMMERCIAL USE _____ 12.0
IS RECYCLED WATER USED TO FLUSH MILKHOUSE AND PARLOR FLOORS? _____ N
IS RECYCLED WATER USED TO WASH COWS? _____ N
IS A PLATE COOLER USED? _____ N
IS RECYCLED WATER USED FOR PLATE COOLER? (IF NO PLATE COOLER,
LEAVE BLANK) _____
IF CORRAL MISTERS ARE USED: NUMBER OF MISTERS IN HOLDING PEN _____
NOZZLE DISCHARGE (GPM) _____
OPERATION TIME OF MISTERS (MIN/DAY) _____
DAYS PER YEAR MISTERS ARE USED _____

CALCULATIONS

DIVERSION RATE (CFS):

STOCKWATER
MILKING CATTLE (BASED ON MILK PRODUCTION) _____ 0.02
DRY CATTLE @17.0 GPD/HD _____ 0.00
REPLACEMENT CATTLE _____ 0.00
TOTAL _____ 0.02

COMMERCIAL
TOTAL _____ 0.01

TOTAL DIVERSION RATE _____ 0.03

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE _____ 5.2
DRY CATTLE _____ 0.6
REPLACEMENT CATTLE _____ 0.0
TOTAL _____ 5.8

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.4
BACKFLUSH _____ 0.2
PARLOR/MILKHOUSE/HOLDING PEN CLEANUP _____ 2.0
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 0.2
PLATE COOLER _____ 0.0
CORRAL MISTERS _____ 0.0
TOTAL _____ 2.6

TOTAL DIVERSION VOLUME _____ 8.4

CONSUMPTIVE USE VOLUME (AFA){assuming 100% consumptive):

STOCKWATER _____ 5.8
COMMERCIAL _____ 2.6
TOTAL CONSUMPTIVE USE _____ 8.4

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
PUMP HORSEPOWER (HP) _____	1.50	0.00	0.00	0.00	0.00
LIFT (FT) _____	50	0	0	0	0
DISCHARGE PRESSURE (PSI) _____	50	0	0	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0	0.0	0.0
HOURS PER DAY PUMP OPERATES _____	12.0	0.0	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____	0.05	0.00	0.00	0.00	0.00
DIVERSION VOLUME (AFA) ** _____	18.8	0.0	0.0	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS EVERY DAY OF THE YEAR.

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

DIVERSION RATE _____	CFS
ACRES OF IRRIGATION _____	ACRES
DIVERSION VOLUME _____	AC-FT/AC
CONSUMPTIVE USE VOLUME _____	AC-FT/AC
IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR BOTH (B)? _____	

CALCULATIONS

IRRIGATION DIVERSION RATE PER ACRE _____	#DIV/01	CFS/AC
REDUCTION OF IRRIGATION BASED ON DIVERSION RATE _____	0.0	ACRES
REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME _____	0.0	ACRES
REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE _____	0.0	ACRES

AFFIDAVIT

Marc Brackett, being first duly sworn, deposes and states as follows:

1. My name is Mark Brackett.
2. My current address is: Antelope Springs, Rogerson, ID 83302
3. I am presently the owner of lands within Section 35 T14S, R14E, and appurtenant water right 47-02394. My brother and I acquired the land in the summer of 1999 from the family corporation. I have personal knowledge of the use of the land for more than five years.
4. The water was used in 1995 to water 135 acres of pasture.
5. The water was used in 1997 to water 100 acres of pasture.
6. The water was used in 1998 to water 135 acres of pasture.
7. The water was used in 2000 to water 135 acres of turnips and used for pasture.
8. The pivot historically used to irrigate the land was removed in 1993.
9. Since 1993 the land has been watered by gravity ditches and portable gated pipe as described on the attached sketch.
10. Only the one well noted on the sketch is pumped. The pump on the well is powered by a diesel motor.
11. The pump was worked on in 2000 to enable use for watering the turnips as evidenced by the attached bill.
12. The attached billing for seeding evidences the use in 2000.
13. In the spring of 2000 I agreed to sell a portion of the water right since economically it was more valuable to sell than to maintain the current system.
14. The attached photos taken in October of 2000 further document use.

Mark Brackett
Marc Brackett

10-26-00
Date

SUBSCRIBED AND SWORN before me, a Notary Public in and for the State of Idaho, this 26th day of October, 2000

Allen D. Merritt
Notary Public for Idaho,
Residing in Kimberly, Idaho
My commission expires: 6/30/2006



47-2394



P.O. Box 727 • FILER, IDAHO 83328
Telephone (208) 733-4072

INVOICE

NUMBER

046317

DATE

07/07/00

MARC BRACKETT
ANTELOPE SPRING RANCH

07/07/00 PAGE 1 OF 1
MARC BRACKETT
FIELD: BROWNS BENCH
135 ACRES TURNIPS

S
O
L
D

ROGERSON

ID
83302

S
H
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P
P
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D

SHIPPED VIA

CUSTOMER P.O. NO.	SALESPERSON	CUSTOMER NUMBER	TERMS
	IC	024094	5% NET 10th

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
6.78000 TONS	21-0-0	173.000	\$1,172.94
6.78000 TONS	MIX WITH SEED OR CHEMI	6.000	\$40.68
135.00000 ACRES	BILL AIR CHEMICAL/SEED	5.000	\$675.00



EDUCT 94.43 IF PAID BY 08/10/00 = \$1,794.19 DUE ON 08/11/00 \$1,888.61

ALL PAST DUE ACCOUNTS WILL BE SUBJECT TO FINANCE CHARGE OF 1.75% PER MONTH OR 21% PER ANNUM



TRUCK PARTS

HEAVY DUTY FILTER CLEANING SPECIALISTS

CUSTOMER

ANTELOPE SPRINGS RANCH

10520.000

INVOICE 569820

08/22/2000 10:58

ANTELOPE SPRINGS
ROGERSON

ID 83302

UPS

56 STEFFK

*569820 *

Detroit

Sue

QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE	LIST EA.	YOUR COST	EXTENSION	TAX
1	S/K	R23506003	WATERPUMP Special Order# 325303 I certify that the property which I have here purchased will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, fabricating or farming or as a repair part for equipment used primarily as described above. This tax exemption statement qualifies if this statement is signed by the purchaser and the name, address, and nature of the business of the purchaser is shown on the invoice. Anyone who signs this certification with the intention of evading payment of tax is guilty of a misdemeanor.	69.86	149.00	149.00	218.86	
			NATURE OF BUSINESS					
			BUYER'S SIGNATURE					
1				69.86	149.00	218.86		
TOTAL UNITS		FREIGHT	LABOR	MISC	CORE TOTAL	LIST TOTAL	NON TAXABLE	TAXABLE
RECEIVED BY: X				PAY THIS AMOUNT ▶				218.86

10/25/2008:40

*** INVOICE REPRINT ***

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE



TRUCK PARTS

CUSTOMER

EDIT MEMO 569834

רמ"א

1

COST	EXTENSION	TAX
000	-69.86	C
the g or		
ame.		
of a		
7.86		
TAXABLE	TAXABLE	TOTAL TAX
115 NT	-69.86	



TRUCK PARTS

HEAVY DUTY FILTER CLEANING SPECIALISTS

CUSTOMER

ANTELOPE SPRINGS RANCH

10520.000

INVOICE 569820

ANTELOPE SPRINGS

08/22/2000 10:58

1

ROGERSON

ID 83302

UPS

Detroit O/A 56 STEP-K

*569820 *

-512

Sub

QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE	LIST EA.	YOUR COST	EXTENSION	TAX
1	S/K	R23506003	WATERPUMP Special Order# 325303	69.86	149.00	149.00	218.86	
I certify that the property which I have here purchased will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, fabricating or farming or as a repair part for equipment used primarily as described above. This tax exemption statement qualifies if this statement is signed by the purchaser and the name, address, and nature of the business of the purchaser is shown on the invoice. Anyone who signs this certification with the intention of evading payment of tax is guilty of a misdemeanor. NATURE OF BUSINESS BUYER'S SIGNATURE								
1				69.86	149.00	218.86		
TOTAL UNITS		FREIGHT	LABOR	MISC.	CORE TOTAL	LIST TOTAL	NON-TAXABLE	TAXABLE

RECEIVED
BY: XPAY THIS
AMOUNT ▶

218.86

10/25/2000 8:40

*** INVOICE REPRINT ***

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE



TRUCK PARTS

HEAVY DUTY FILTER CLEANING SPECIALISTS

TELOPE SPRINGS RANCH

10520.000

CREDIT MEMO 569834

TELOPE SPRINGS

08/22/2000 12:55

1

GERSON

ID 83302

UPS

O/A 56 STEP-K

569834

*569834 *

-512

Sub

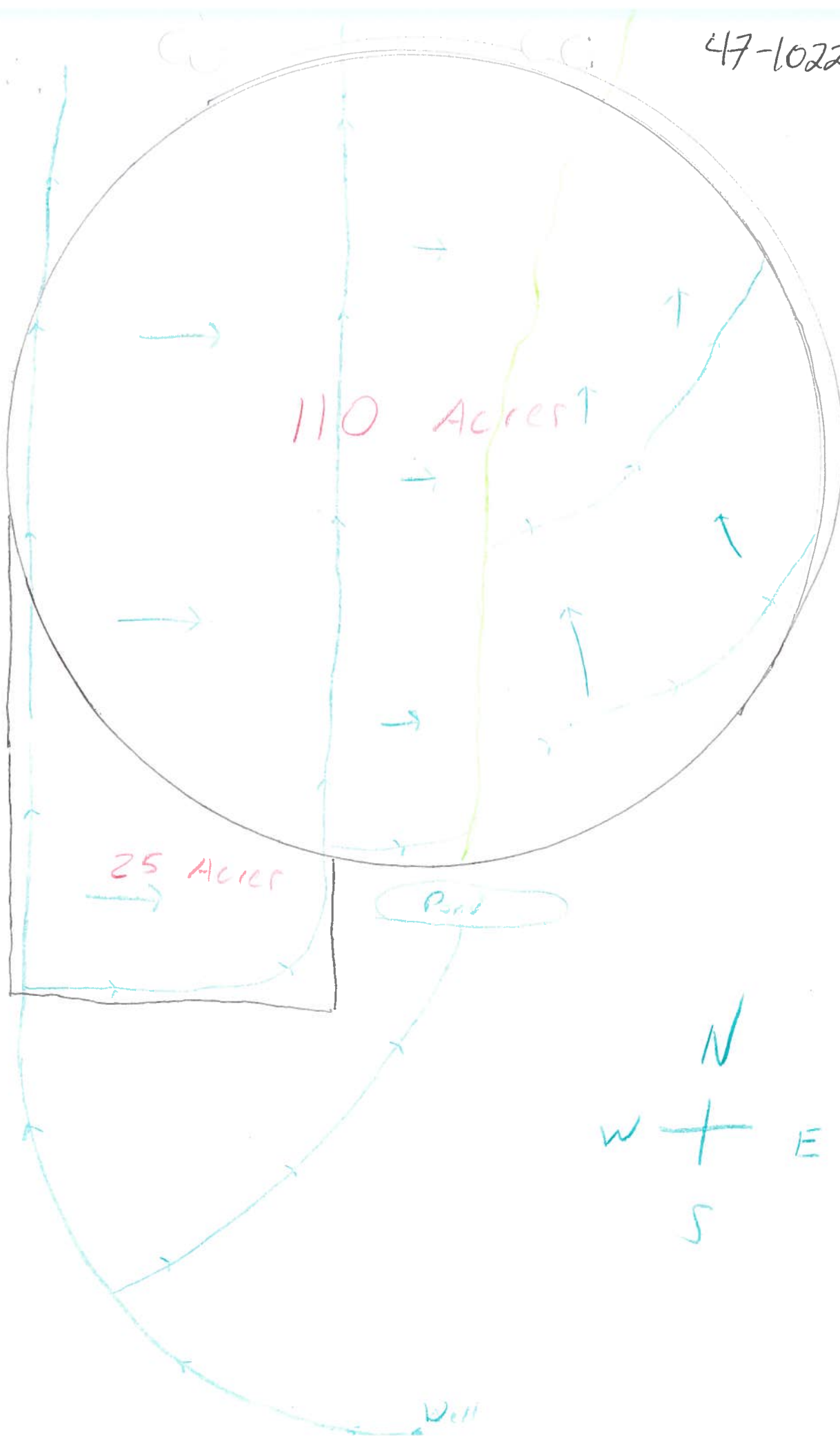
QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE	LIST EA.	YOUR COST	EXTENSION	TAX
-1	S/K	R23506003	water pump Special Order# 325413	69.86	0.00	0.00	-69.86	C
I certify that the property which I have here purchased will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, fabricating or farming or as a repair part for equipment used primarily as described above. This tax exemption statement qualifies if this statement is signed by the purchaser and the name, address, and nature of the business of the purchaser is shown on the invoice. Anyone who signs this certification with the intention of evading payment of tax is guilty of a misdemeanor. NATURE OF BUSINESS BUYER'S SIGNATURE								
-1				-69.86		-69.86		
TOTAL UNITS		FREIGHT	LABOR	MISC.	CORE TOTAL	LIST TOTAL	NON-TAXABLE	TAXABLE

RECEIVED
BY: XPAY THIS
AMOUNT ▶

-69.86

K10 245
92-550

47-10225



10-23-00



Well site and pump, approximately 600 - 700 GPM



10-27-00

pictures
of the
irrigation
ditch.

Notice the
confinement
of green
growth to
the ditch
area.



10-23-00



Area farmed, 135 acres of turnips, picture taken after
extensive grazing by livestock

10-23-00



Pond where water can be stored, notice
lack of perennial vegetation, aside from the
willows which require frequent moisture

10-27-00



1



2

- ① Area of ditch not cleaned out, notice the debris and trash that has collected after the irrigation season. The brush is also suffering and may die.
- ② Area of healthy brush outside the ditch that has not received excess water

10-28-00

①



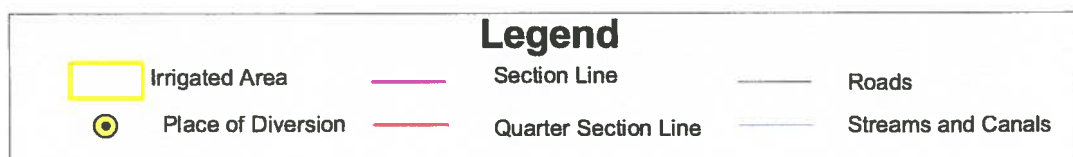
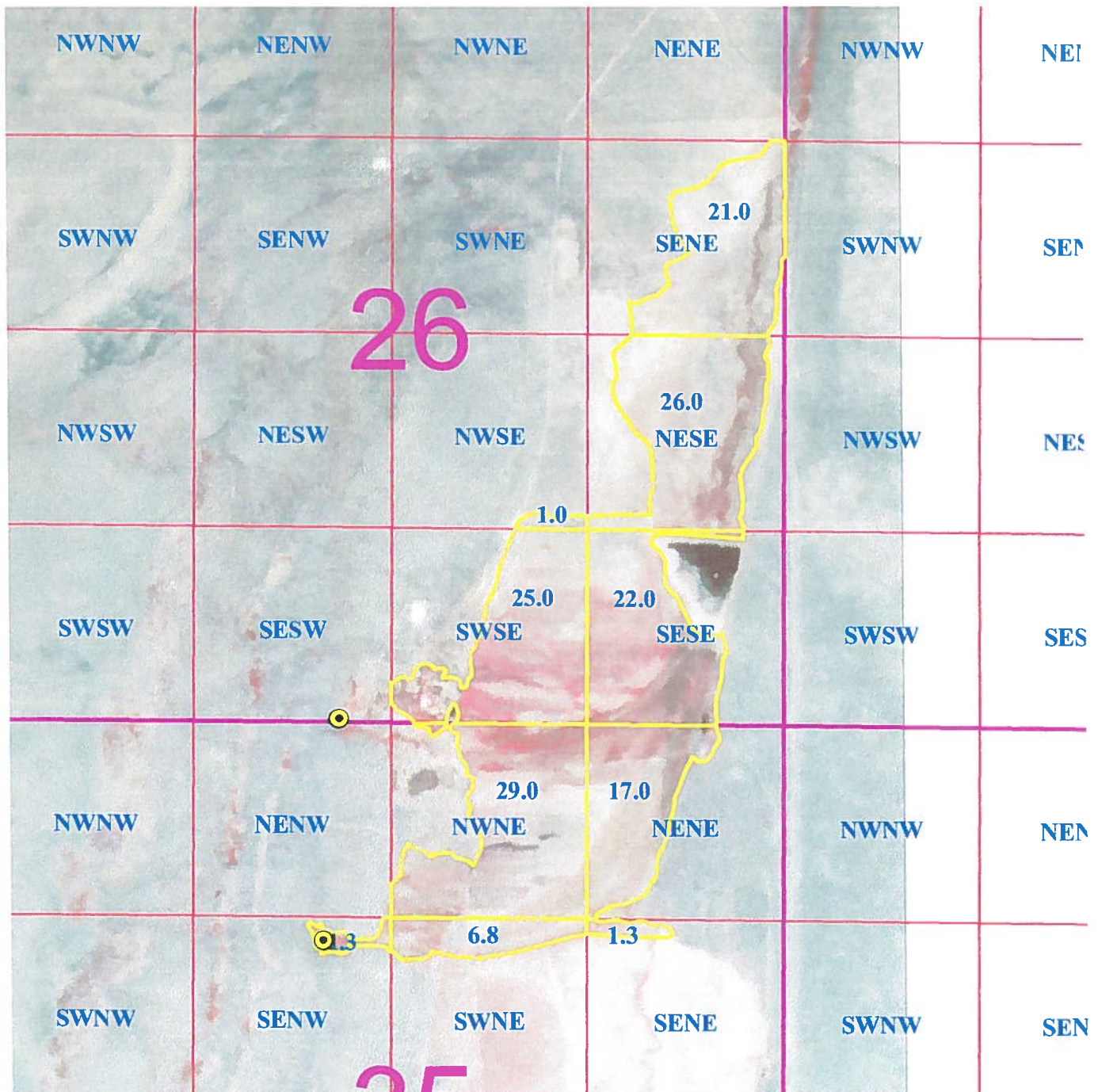
②



1. Another area that is extensively farmed and irrigated by a center pivot. The rabbit brush and rosebrush has done very well under irrigation. This photo is in response to the top picture on page four of the IDWR memorandum.
2. Facing west on the 135 acres irrigated, acreage has been extensively grazed by livestock.

Water Right Claim Number 47-14096
Township, 14S14E

03/28/2001



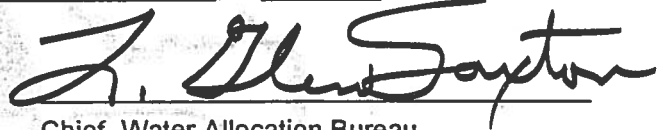
WATER RIGHT NO. 47-16829
As Modified by Transfer No. 69510

CONDITIONS OF APPROVAL

6. After specific notification by the Department, the right holder shall measure the diversion 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of October, 2002


Chief, Water Allocation Bureau

SCANNED
FEB 12 2002

MEMO

FROM: Allen Merritt 

DATE: January 31, 2002

TO: Transfer File No. T69510

In the name of: Larry Olsen

Water Right(s): 47-2394 split into 47-16828 and 47-16829

SUBJECT: **Review and Recommendation**

This transfer is a result of buying a portion of a right (10 acres worth) that has historically been diverted from ground water on the west side of Salmon Falls Creek near Salmon Reservoir and proposes to move the right to the north but still divert it from the west side of Salmon Falls Creek. IT IS RECOMMENDED THAT HYDROLOGY SECTION LOOK AT THIS MOVE. The right involved was attempted to be moved in other transfers but those transfers were conditioned to not allow this right to cross over Salmon Falls Creek and resulted in the right not being moved. (See T5801 and T5802)

During the previous transfer process the issue of forfeiture was addressed. Marc Brackett brought in evidence of recent use since power records do not apply since the pump is powered by a diesel pump. I copied the evidence and kept a copy for the SRBA file (See memo in file) but when this transfer was being processed the copy of the evidence and affidavit could not be located. The records have either been misplaced or sent off to a contract for microfilming. I recall that Marc submitted an affidavit and copies of receipts for pump maintenance, seed and/or fertilizer records. Based on these I concluded that forfeiture was not an issue.

Vikie with SRBA has made a recommendation for the subject right included in the file.

The transfer was processed without protest.

If Hydrology buys off on the move I recommend approval of the transfer. One point that I question is the need for 4 wells to divert 0.11 cfs. I recommend this be limited in some manner.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

WATER RIGHT NO. 47 16828

- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 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.

WATER RIGHT NO. 47 16829

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- 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 this water right in the ongoing Snake River Basin Adjudication.
- T17 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.
- T19 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.
- W27 This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
- W61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- WB4 The total instantaneous diversion of water from all points of diversion under Right 47-16829 shall not exceed 0.11 cfs, nor total combined annual volume of 35.0 af.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-2394 V1

WATER RIGHT NUMBER: 47-2394 V1

Owner Type Name and Address
 Current Owner ANTELOPE SPRINGS RANCH
 ANTELOPE SPRINGS
 ROGERSON, ID 83302
 (208)731-2722

Original Owner C E BRACKETT CATTLE CO
 PO BOX 111
 ROGERSON, ID 83302
 (208)857-2218

Priority Date: 10/22/1964

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.500 CFS	473.00 AF
	<u>Total Diversion:</u>	1.500 CFS	473.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NE1/4	Sec. 2, Twp 15S, Rge 14E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35, Twp 14S, Rge 14E, B.M.
TWIN FALLS County	(Rediversion)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	14E	35			27.0	34.0									26.0	36.0	12.0		135.0

Total Acres: 135

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 47-2394 V1

Comments:

1. vhancock 11/7/2001 Recommendation

Comment: This recommendation is in response to T69510. Original 1989 claim for 100 acres amended to 135 acres in June 2001 in response to T5802 review by Corey Skinner in 2000. Field exam by CS done 8-1-2000 found no evidence of recent irrigation from ground water on the claimed place of use. Issues of non-use post 1987 may exist. See claim file documents for additional info.

2. vhancock 11/7/2001 POD

Comment: A point of re-diversion at a pond located in the SWNESE Section 35 has been added since licensing.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

MEMORANDUM

TO: Transfer Application #69510 File

FROM: Vikie Hancock

DATE: November 7, 2001

SUBJECT: SRBA Claim review 47-2394, for Transfer 69510

The SRBA claim is based upon a license of the same number for irrigation of 135 acres in the E½ Section 35, T14S, R14E from ground water. The priority date is 10-22-1964. A field exam was conducted in September 1972. A map drawn using an undated aerial photo of the property was included in the licensing file and shows the general outline of the new lands put under cultivation under this permit. 200 acres were listed in the permit, but only 135 acres were developed due to the limited capacity of the well.

The point of diversion as claimed in the SRBA matches the location of the licensed well in SWNE Section 2, T15S, R14E. A pond in SWNESE Section 35, claimed as a point of re-diversion, is additional.

The claimed place of use represents a change from the licensed place of use. Specifically, 24 acres irrigated in the N½NE of section 35 are no longer claimed to be irrigated from the groundwater source. The original 1989 SRBA claim was for a total of 100 acres that seemed to indicate a pivot on land located in the S½NE and N½SE Sec 35. The claim was amended in June 2001 to claim 135 acres and include the SESW Sec 35. 1987 NAPP aerial photography indicates that the lands claimed under the Amended Notice of Claim were irrigated prior to 1987, but probably not by pivot. A review of OPQ DD20, 1976 flight, also shows irrigation – most likely using groundwater – occurring in the SWSE of Section 35 as claimed.

A question arises as to whether a portion of the groundwater developed under the 1964 permit was supplemental to spring water that was also available at the time. In fact, SRBA beneficial use claim 47-14096 asserts an 1895 priority date for use of spring water on the N½NE Section 35. If true, the license would represent an original overlapping place of use of perhaps 24 acres and a subsequent unstacking of surface and ground water as the groundwater use moved south. The 1976 OPQ seems to show a use of spring water on the northern portion of the licensed place of use (as it is claimed in the SRBA) however, the licensing field examiner specifically mentions 135 acres of *new land*, so this issue may be more applicable to the eventual recommendation of beneficial use claim 47-14096. This claim is not included in the transfer or transfer review.

Page 2

SRBA Review Claim 47-2394, T#69510

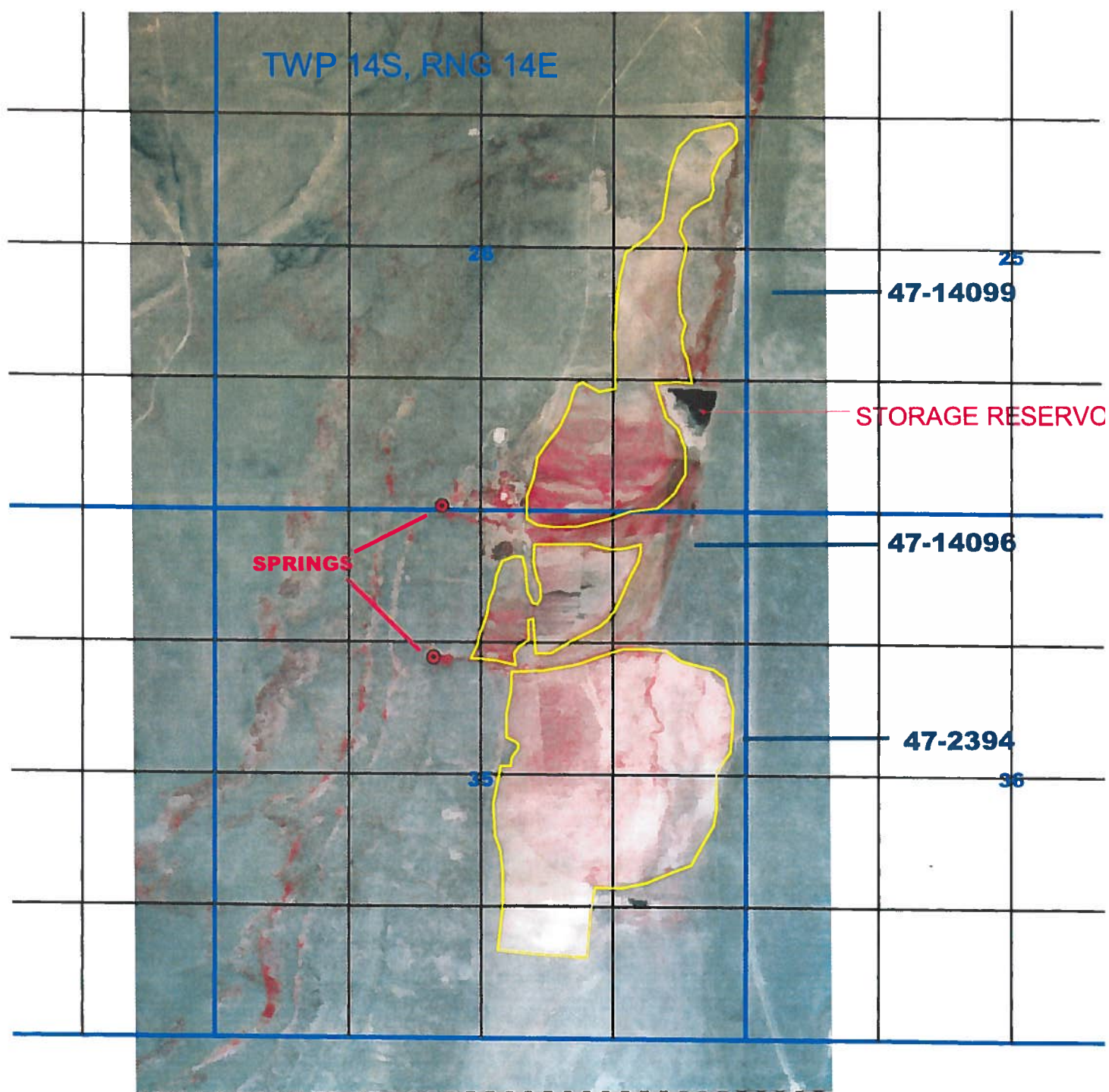
November 7, 2001

Based upon my research, I am recommending the licensed diversion amount of 1.5 cfs, licensed annual diversion volume of 473 af, and 135 acres with an accomplished transfer of place of use. I am not including any combined acre limits with 47-14096.

This recommendation is based upon the information available as to irrigation of these 135 acres in 1987, and pursuant to the Notice of Claim as amended June 26, 2001. 1992 aerial photography supplied by the claimant shows obvious irrigation from the spring but little or no evidence of irrigation from the well. A field exam done by Corey Skinner on August 1, 2000 found no pivot nor current irrigation on the claimed place of use. There are serious questions as to the extent of use of this well for irrigation after 1987. See transfer file #5802.

Copy to Claim files 47-2394 & 47-14096

CLAIM NUMBERS 47-2394, 47-14096, 47-14099



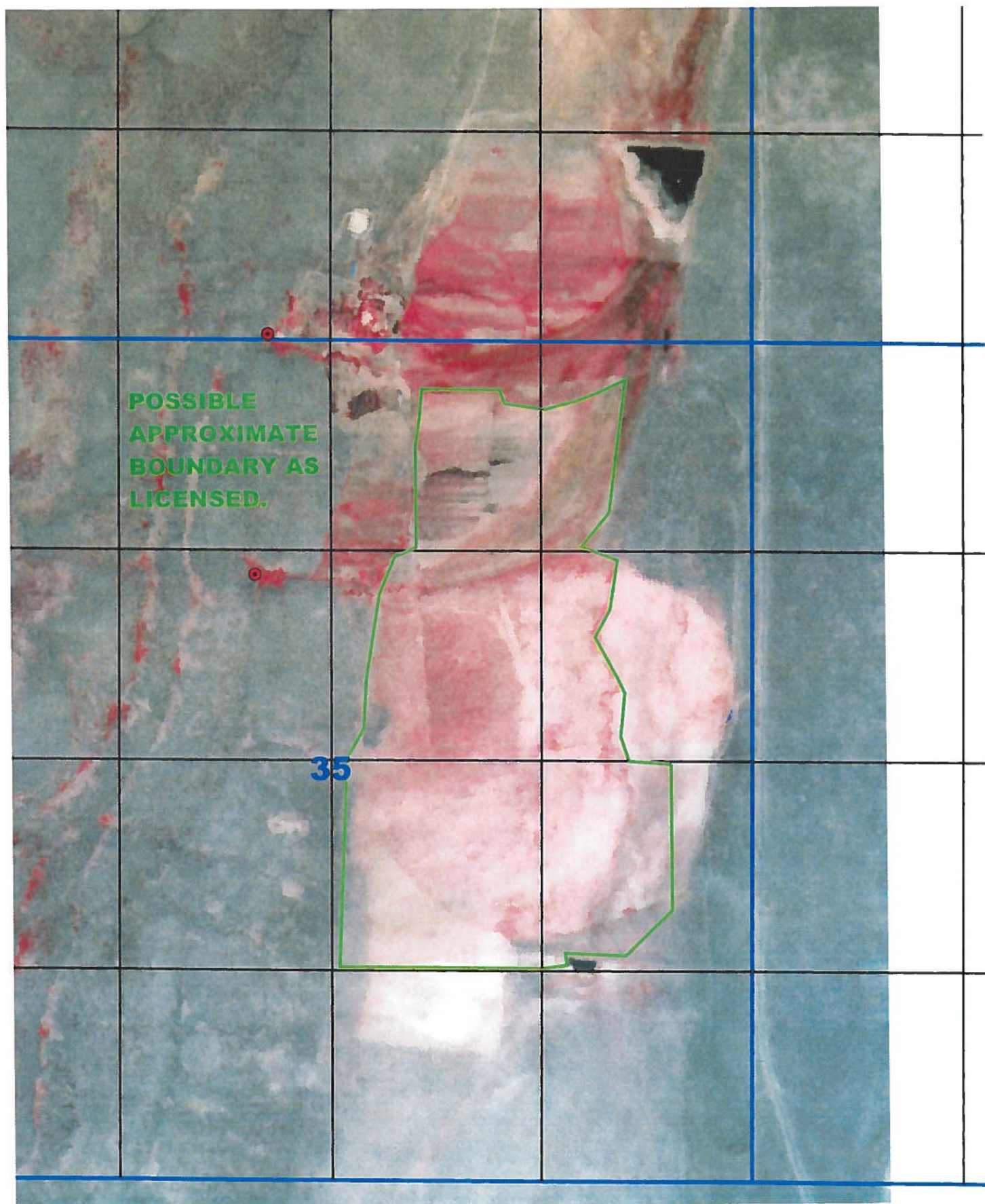
*Rough cut Outline of
Systems & Claims*

WELL —●

1987 NAPP AERIAL PHOTO

V. HANCOCK 11-02-2001

CLAIM NUMBER 47-2394



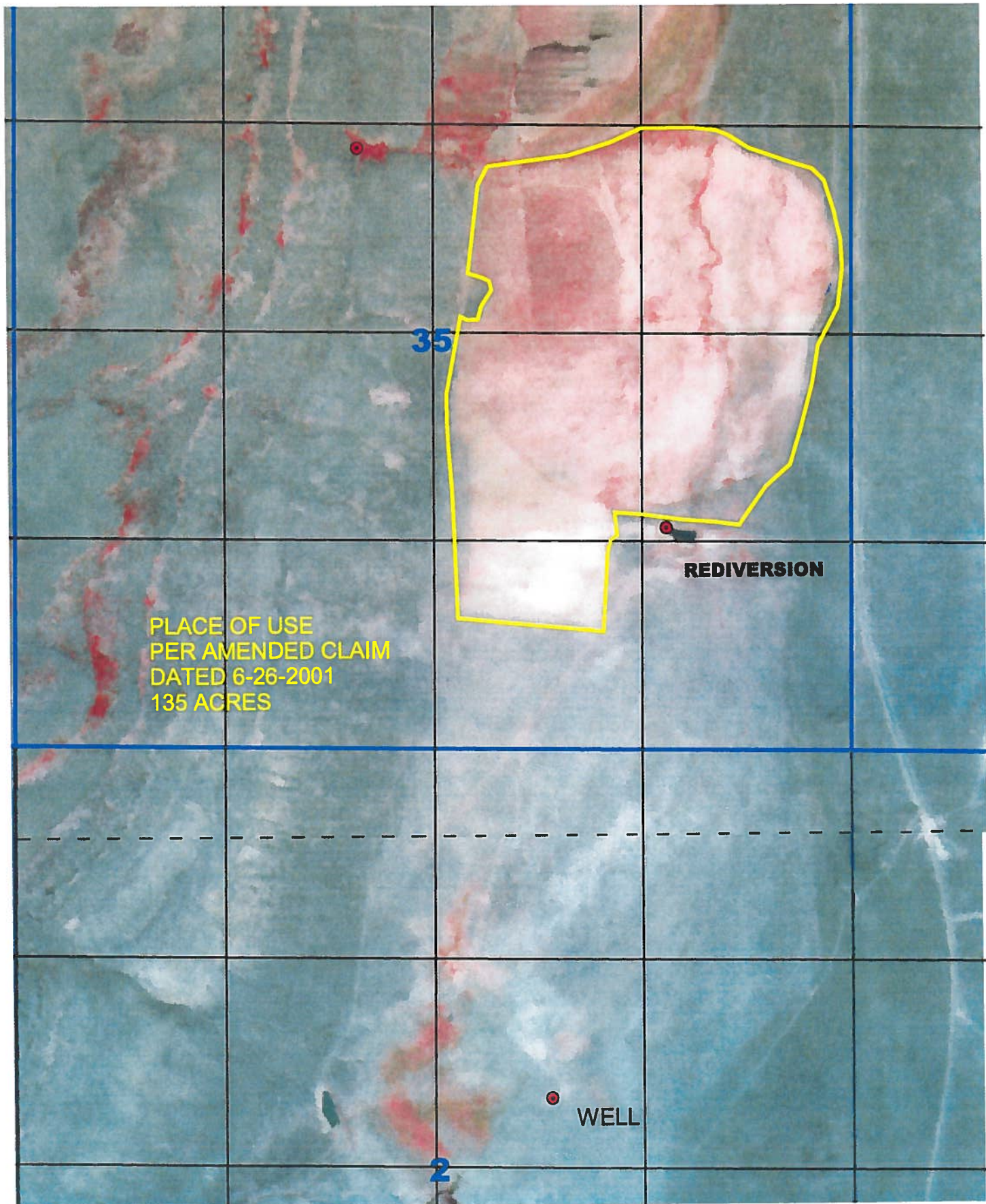
1987 NAPP AERIAL PHOTO

V. HANCOCK 11-02-2001

CLAIM NUMBER 47-2394

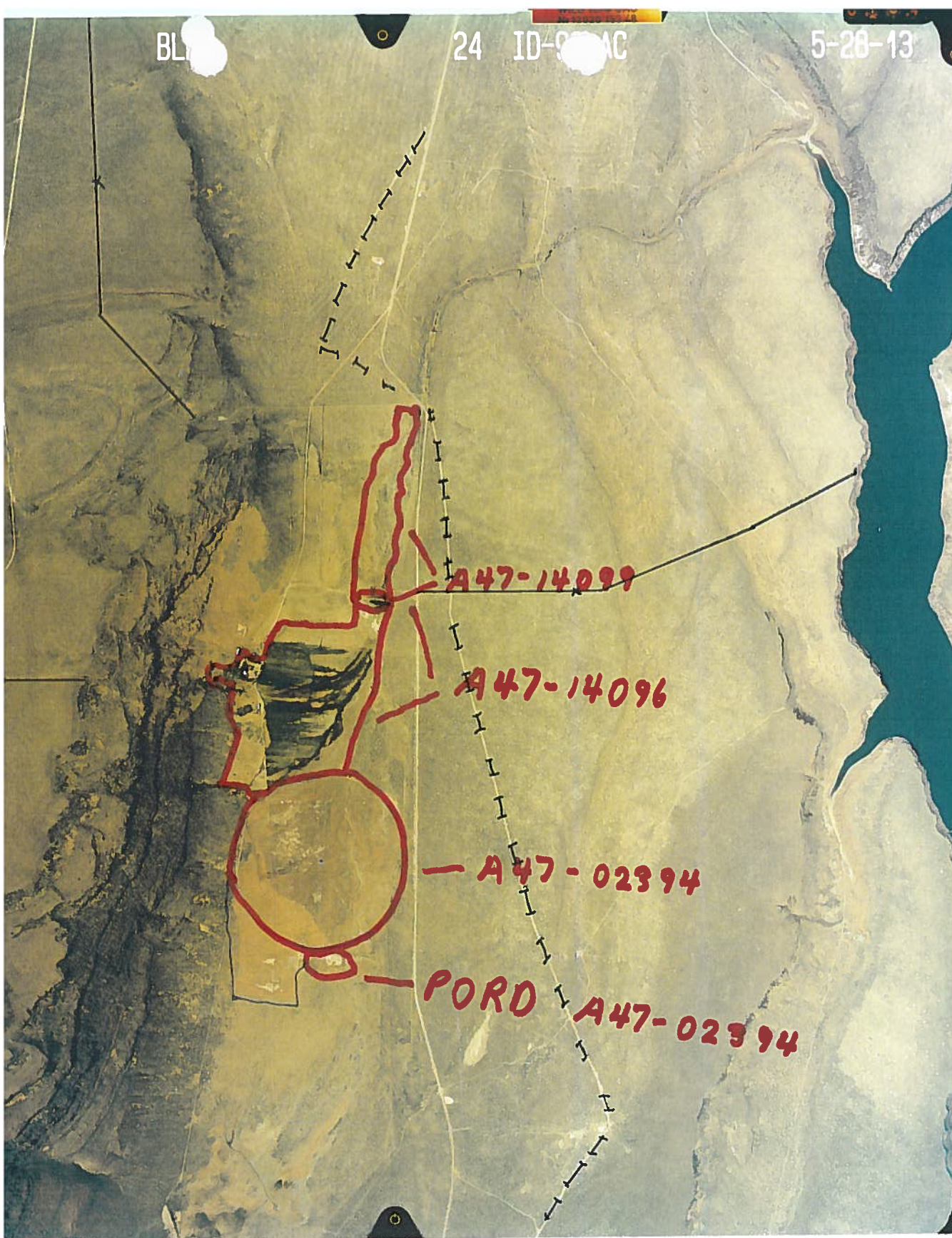
TWP 15S, RNG 14E, SEC 35
TWP 15S, RNG 14E, SEC 2 (POD)

AS RECOMMENDED ^{PER} ~~FOR~~ T#69510 *REVIEW*



1987 NAPP AERIAL PHOTO

V. HANCOCK 11-6-2001





POD 02394

A47-14095

POD 14095

A 47 - 14099
A 47 - 02394
A 47 - 14095
A 47 - 14096

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TI084 HEL
3228

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23/24
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35/36

A47-14099
A47-02394
A47-14095
A47-14096

T1084 HEL
3228

2625
3536

3536
21

+

+

J:2

MEMO

FROM: Allen Merritt *AM*

DATE: December 13, 2000

TO: Transfer File No.
In the name of:T5801
Silva & Sons DairyT5802
Tews Land & Livestock

Water Right(s):

T47-02256F
T47-02349D
T47-02358D
T47-02394B
T47-10225T47-02256H
T47-02349F
T47-02358F
T47-02394DSUBJECT: **Review and Recommendation**

These two transfers are related in that they propose splitting up rights from two farms for use at new sites. The proposals were brokered by Del Kohtz. The rights come from the Mathers Ranch (rights: 47-02256D, 47-02349A, 47-02358A) south of Twin Falls along the foothills road and the Antelope Springs Ranch (right 47-02394) on the west side of Salmon Dam Reservoir and Salmon Fall Creek.

The proposed sites are the Silva & Sons Dairy located a couple of miles west of Buhl and the Tews Land & Livestock lands located four miles west of Hollister. Note that both proposed sites are east of Salmon Falls Creek.

These transfers were processed without protest.

T5801 proposes to dry up 11.5 acres at the Mathers Ranch and 6.9 acres at Antelope Springs Ranch and convert the water for stockwater and commercial use at a dairy. The transfer also includes SRBA claim 47-10225 not yet recommended.

T5802 proposes to dry up 24.5 acres at the Mathers Ranch and 6.7 acres at Antelope Springs Ranch and transfer the water for irrigation of 31.2 acres on the Tews Land & Livestock property.

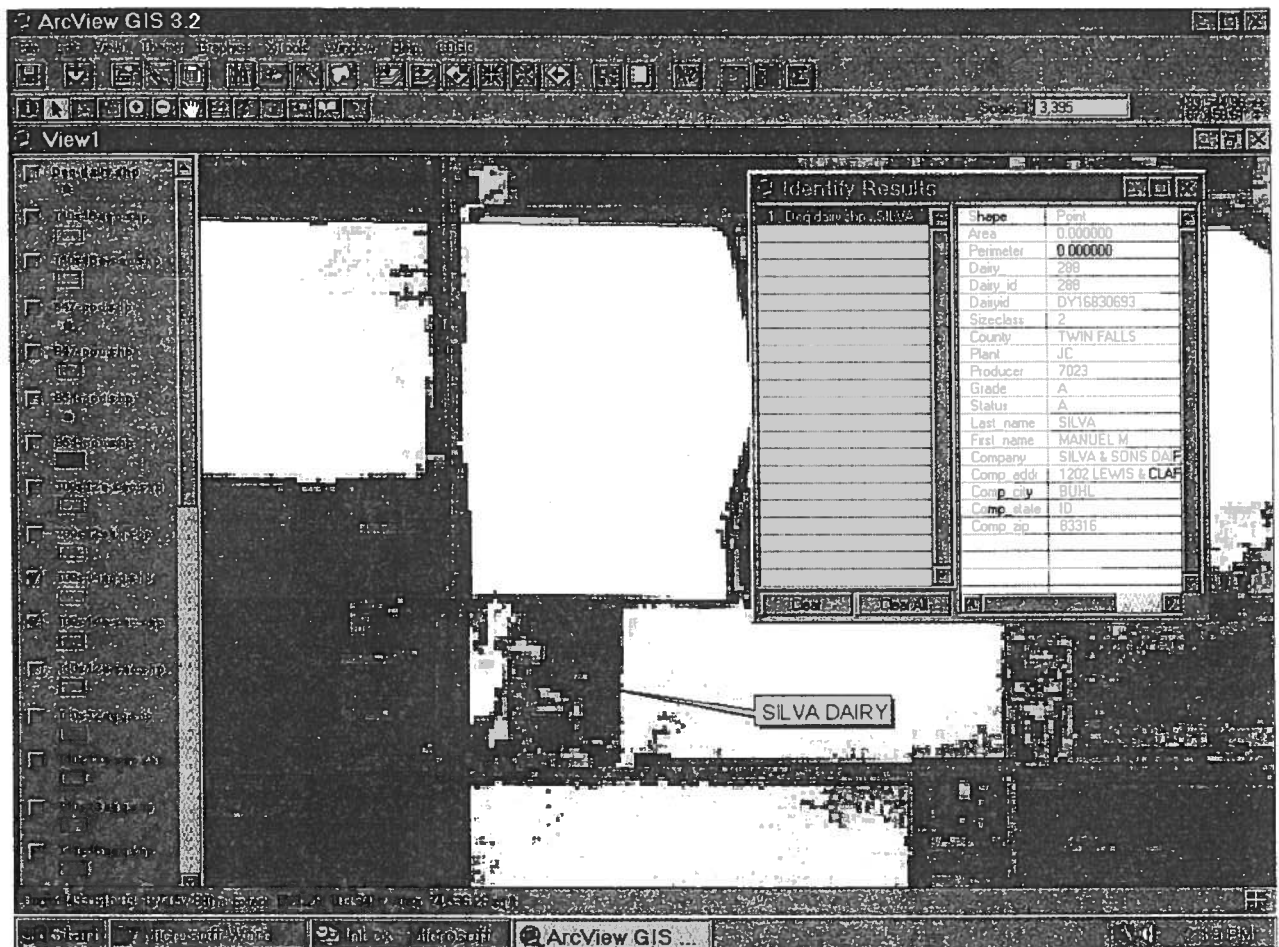
See Corey Skinner's memo dated 8/7/2000 for issues he identified during his staff review and also earlier letters to Kohtz attempting to address various issues.

The issue of the overlap of Mathers right and TFCC shares identified by Corey does not appear to impact the areas specifically being dried up in these transfers so should not be an issue. The remaining unresolved issues were communicated to Mr. Kohtz and the applicants in my letter dated 10/17/2000. In response to the letter Marc Brackett from Antelope Springs Ranch provided an affidavit explaining past use and other corroborating documents to support recent use of right 47-02394. Documents submitted by Mr. Brackett to be retained in A47-02394 SRBA file. Mr. Kohtz also provided statements from the applicants that just state the transfers will not injure other water rights, do not expand the use, are in accordance with conservation of water resources and in the

47-02256 F
47-02394
#5801

public interest.

In reviewing A47-10225 it is found that the claim is for stockwater, commercial and domestic use and was not reported in the D&S reviews since it includes commercial use. The following GIS map is a shot of SWNW of S34, T09S, R14E for the existing dairy site with 1987 photo and 1999 DEQ dairy information. A "Sizeclass 2" dairy is between 200 and 500 cows.



The original claim lists 160 milking and 40 dry cows with barn, 1 home with lawn. The attached dairy worksheet was run for this situation. Allowing 1.2 afa for the 1 house with lawn and adding in the results of the dairy spread sheet an estimate of use for 47-10225 is $(8.4 + 1.2)$ 9.6 afa. Noting that this is less than 13,000 gpd and would qualify the use as a D&S right.

In reviewing the Antelope Spring Ranch right it does not appear that it is hydrologically connected to the proposed aquifer system where the proposed sites are situated. The Mathers rights are generally within the same aquifer.

Recommendation

I recommend that these transfers be reviewed by the ground water hydrology section and by the

administration. I recommend that right 47-02394 not be allowed to be transferred under these proposals since they would essentially be a new appropriations in the aquifer system in the Twin Falls area. The remaining rights appear to be in the same system so the transfers may be partially approved subject to the following conditions:

T5801

- Right 47-10225 be recommended in the SRBA as D&S with a limit of 9.6 afa.
- When rights 47-02256F, 47-02349D, 47-02358D and 47-10225 are combined they are limited to 0.36 cfs and 44.1 afa for domestic, stockwater and commercial use associated with the dairy.
- One new well is authorized to be added to the system but must be drilled pursuant to well drilling permit requirements.
- Measuring devices with totalizing meters must be installed and maintained on both wells. Annual use must be reported to IDWR if requested in future.
- Subject to other federal, state and county requirements as may be appropriate. Specifically subject to nutrient management plan administered by Idaho Department of Agriculture to limit potential of nitrate pollution of ground water.

T5802

- When rights 47-02256H, 47-02349F and 47-02358F are combined they are limited to 0.68 cfs and 98.0 afa for irrigation of no more than 24.5 acres.
- No new wells are authorized to be drilled under this approval.
- Measuring device with totalizing meter must be installed and maintained on well. Annual use must be reported to IDWR if requested in future.

TRANSFER REVIEW SHEET

Transfer # 5802/68486

(12-00)

Date Reviewed 4-18-01

SPLIT ☒ POD ☒ ADD POD ☐ POU ☒ PERIOD ☐ or NATURE ☐ of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim ☒ SRBA Recommendation

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PART OF RIGHTS(S)

(Unchanged)

(Changed)

R/47-2356E	to	C/	G	/	H
R/47-2349C	to	C/	E	/	H
R/47-2358C	to	C/	E	/	H
/47-2344	to	/	/	/	F
/	to	/	/	/	/
/	to	/	/	/	/
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Standard Season 3-15 to 11-15

Standard Volume 4.0/3.0

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☐ Rate (5) ☒ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) ☒ Water District (12) ☒ Pertinent Conditions Previous Transfers (13) ☒ Expansion w/limits

- ④ 0.278 cfs/acre
- ⑦ Change P/D to existing well
- ⑧ Change P/U 24.5 total IRR acres w/in 31.2 acre PPU

Transfer Remarks & Conditions Rel'd & per previous transfers

Gerald Truss agreed that he would like the transfer processed with remaining 3 rights

Database/Processing Notes

47-2344 removed from Approval. Not within same aquifer as other cts. & proposed
POD/POU. See 1-4-01 Memo from Shane Brendixsen, Hydrology. D'base updated 4-27-01
WRS for Update Comments Done on previous Transfer 68485

FAX copy of approval to Del Koltz ✓

Reasons for 43-2394 being excluded from the transfer

MEMORANDUM

TO: Transfer Application #5801 and #5802 Files

FROM: Corey Skinner *CS*

DATE: August 7, 2000

SUBJECT: Staff Review

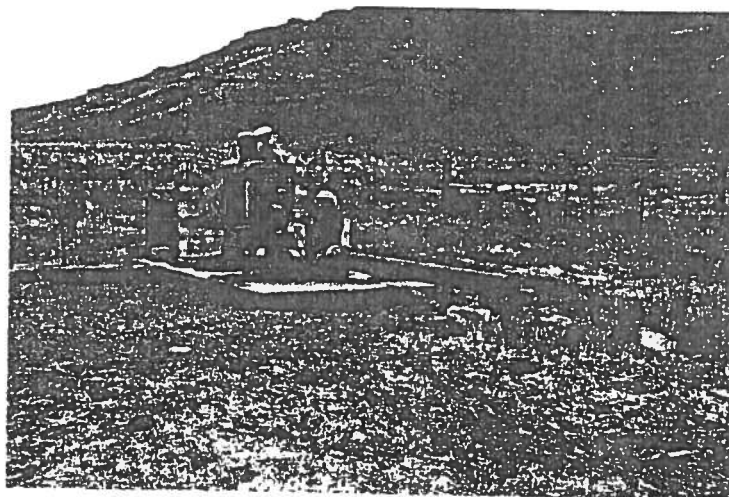
The enclosed transfer applications, #5801 filed by Silva and Sons Dairy and #5802 filed by Tews Land & Livestock, both involve transferring portions of the same water rights. Both applications propose transferring portions of water rights 47-02256D, 47-02349A, 47-02358A, and 47-02394 to different points of diversion and places of use. Transfer #5801 (Silva & Sons) proposes transferring portions of these rights to a dairy operation located two miles west of Buhl. Transfer #5802 proposes transferring portions of these rights to a farm located three or four miles west of Hollister. The applications should be fairly straightforward, but there are some issues that should probably be considered before acting on the applications.

Water rights 47-02256D, 47-02349A, and 47-02358A are all currently appurtenant to property owned by Mathers Ranch Inc located along the Foothill Road about seven or eight miles south of Kimberly. These three rights were recently tied together in a 313-acre permissible place of use through transfer #5430, approved 01/26/2000. Transfers #5801 and #5802 are based on the transfer #5430 approval. In the review of transfer #5430 it was noted that there might be an overlap with Twin Falls Canal Company water on parts of the 313-acre permissible place of use. It appears that this potential overlap with canal water was not addressed in the transfer #5430 approval, but it may warrant consideration before acting on transfers #5801 and #5802.

Water right 47-02394 is currently appurtenant to land located about four or five miles southwest of Salmon Dam, west of Salmon Falls Creek Reservoir. There is a discrepancy between the amount of acres irrigated between license 47-02394 and the corresponding SRBA claim, A47-02394. The license lists 135 acres, and the claim lists 100 acres, in the same general area, but slightly different locations. The map that was filed with the SRBA claim indicates that the 100 acres are under a pivot sprinkler system. Transfers #5801 and #5802 were based on a rate per acre according to the SRBA claim. From various visits to the general area over the years, I could not recall much in the way of irrigation in this area. The Department's NAPP photos appear to indicate some possible irrigation occurring, though. On August 1, I visited the site and examined the irrigation system. A diesel motor powers the pump for the well, and the water is conveyed to the place of use through a ditch that runs to the north. It did not appear that water had been in the ditch anytime in the recent past, but an effort had been made to clean the ditch and work the ground that consisted of the place of use. Photos of this irrigation system were taken and are attached at the end of this memo.

Transfer #5801, in the name of Silva and Sons, also involves SRBA claim A47-10225, which is a stock water, commercial, and domestic filing. Note that a recommendation has not yet been filed with the SRBA court for this particular claim. I suspect this claim is the basis for the water use at the existing dairy operation, but transfer #5801 appears to only account for this claim for minimal volume. Del Kohtz, the gentleman who prepared the transfer for the applicant, said that the claim serves one home, with a yard, and the dairy. However, the applicant does not want to depend on the claim for a source of water for the dairy operation. It was included in the transfer application, to account for the additional point of diversion that will be added to the dairy/domestic system.

In addition to the items already mentioned in this memo, the Department should consider the relationships between the current points of diversion and places of use and the new points of diversion and places of use proposed by transfers #5801 and #5802. As previously indicated the extent of the past use of the water right 47-02394 is questionable, but transfers #5801 and #5802 both propose transferring the right across Salmon Falls Creek. The canyon that Salmon Falls Creek flows through is in excess of 400 feet deep. Examination of the well log for the well that serves as the point of diversion for water right 47-02394 reveals that the well is 815 feet deep with standing water at a depth of 143 feet. Transfer #5801 proposes transferring part of water right 47-02394 over 30 miles to the north, across Salmon Falls Creek Canyon. Transfer #5802 proposes transferring part of water right 47-02394 over 16 miles to the Northeast, across Salmon Falls Creek Canyon. Note that these proposed changes also cross season of use, and irrigation requirement boundaries. Rights 47-02256D, 47-02349A, and 47-02358A are proposed to be moved over 24 miles to the northwest, through transfer #5801, and over 15 miles to the Southwest, through transfer #5802.

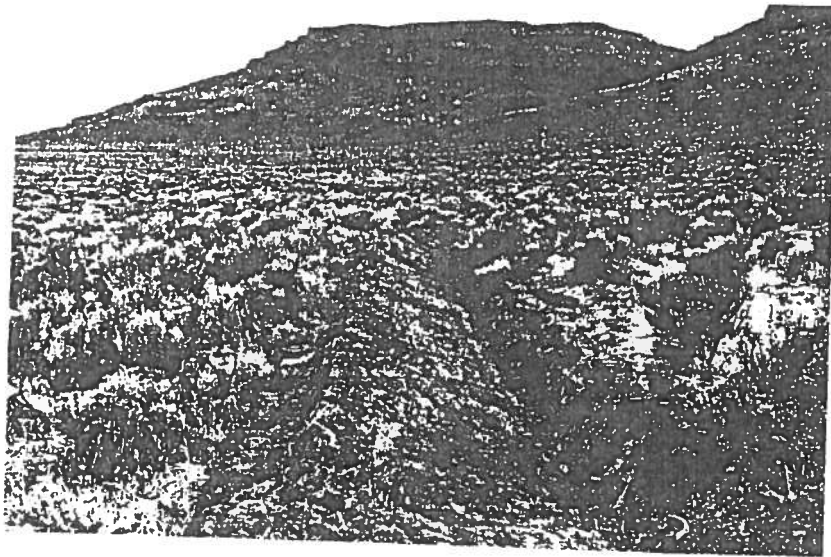


Ditch to place of use

View of the well, pump, and motor, that serve as the point of diversion for right 47-02394.

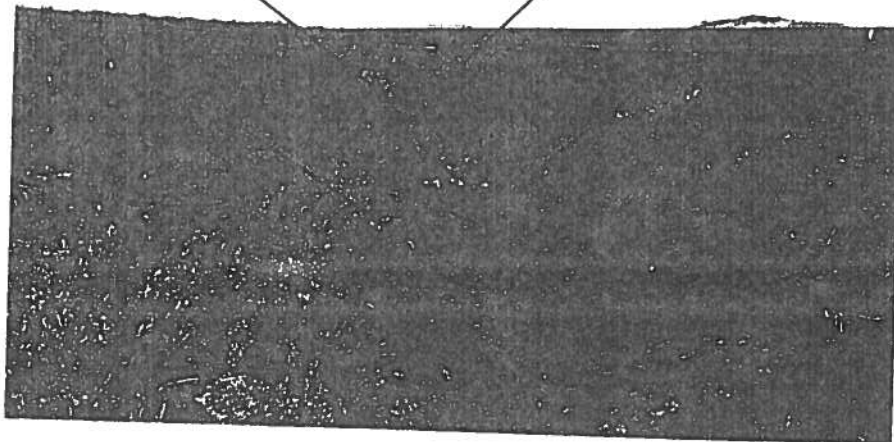
Page 3

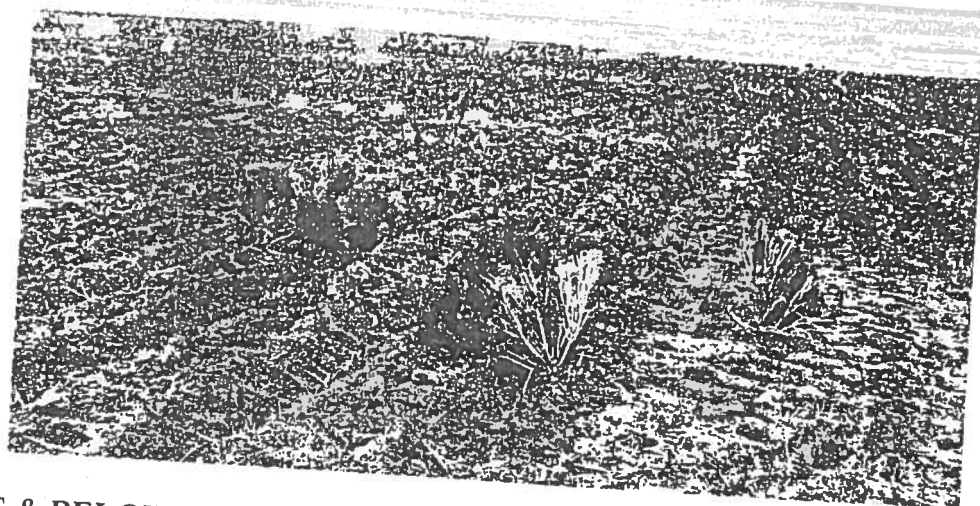
Transfer #5801 and #5802 Memo
August 7, 2000



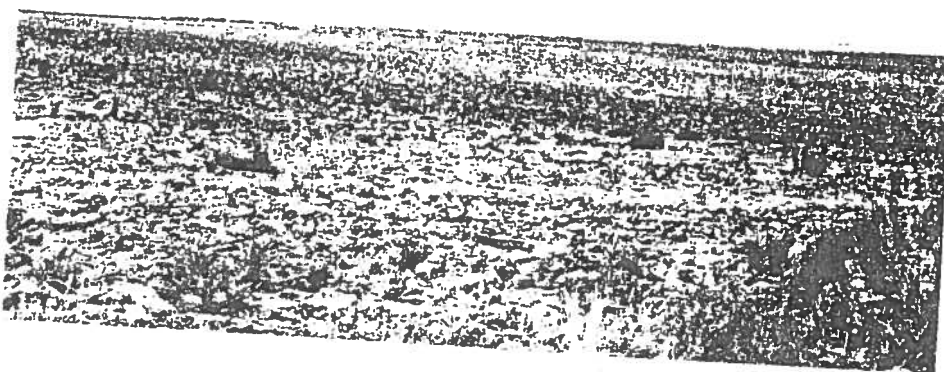
ABOVE: View looking up the ditch from the well to the place of use for water right 47-02394. Note that the ditch has been recently cleaned out, but there was no sign of water being conveyed down the ditch. Also note the absence of lush vegetation along the ditch that would be expected if the ditch carried water on a regular basis.

BELOW: View looking down the ditch (indicated by arrows) at an area where the ditch was not recently cleaned out. Note the vegetation, including sagebrush, growing in the ditch.





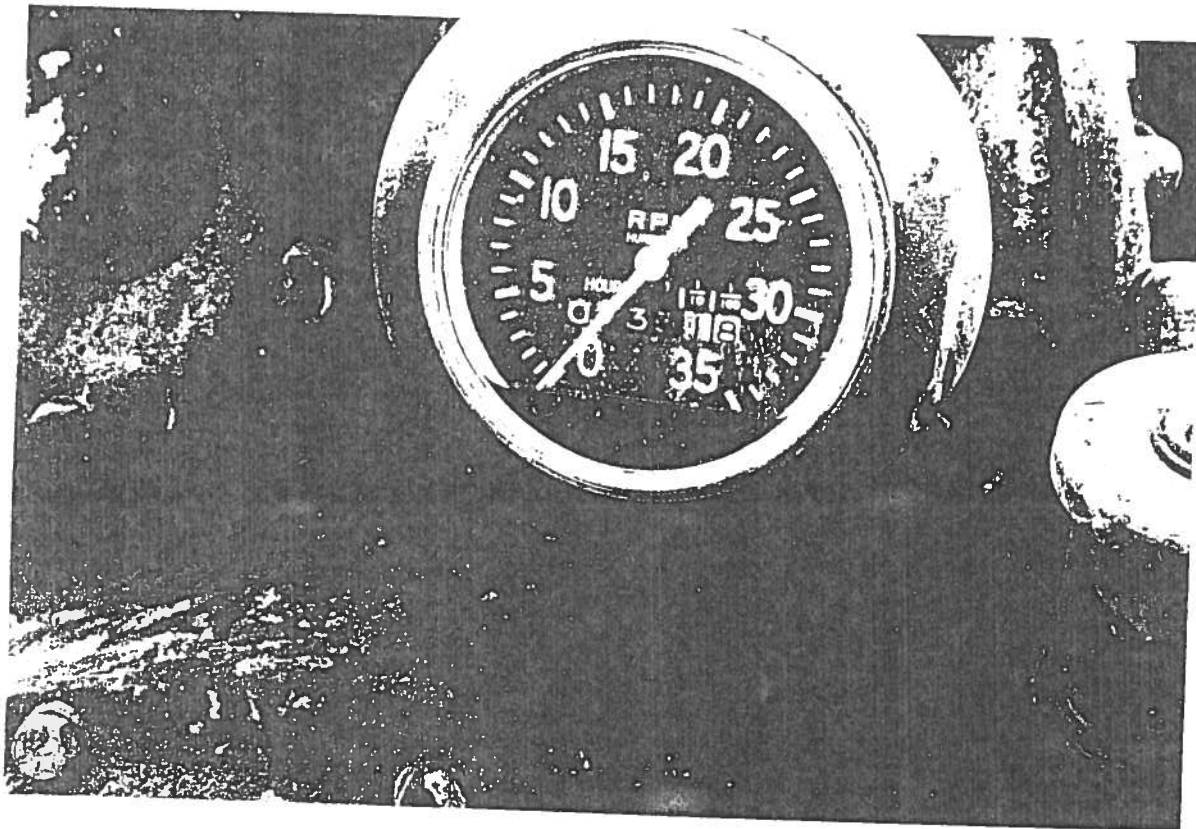
ABOVE & BELOW: Views of the place of use for water right 47-02394 (North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 35). The ground indicated that it had been worked this year, probably by a disk or a chisel plow. However, note the rabbit and sage brush that has been, and is still growing on the place of use. There was no indication that this ground had been recently irrigated. The map that was included with SRBA claim A47-02394 indicated that a pivot sprinkler was used to irrigate this ground. No pivot sprinkler, or past signs of a pivot sprinkler were observed during the field visit.



Page 5

Transfer #5801 and #5802 Memo

August 7, 2000



View of the tachometer for the diesel motor that serves as the power source for the pump for the well that serves as the point of diversion for right 47-02394. Note that the gauge also indicates the number of hours that the motor has run. The hour reading was 733.18 hours. If the motor ran for 733.18 hours, and the pump was diverting at a rate of 1.5 cfs (licensed diversion rate) this would amount to a volume of just over 90 acre-feet.

RECOMMENDATION NOTES

From: Vikie Hancock

11/7/01

Regarding: Claim number 47-2394

This claim is based upon a license of the same number for irrigation from ground water, priority date 10-22-1964. The field exam was conducted in September 1972. A map drawn using an undated aerial photo of the property was included in the licensing file and shows the general outline of the new lands put under cultivation using groundwater under the permit. Note that 200 acres were listed under the permit, but that only 135 were developed due to the limited capacity of the well. The place of use is in Section 35, T14S, R14E.

The point of diversion as claimed in the SRBA matches the location of the licensed well in SWNE Section 2, T15S, R14E. A pond in SWNESE Section 35, claimed as a point of re-diversion, is additional.

The claimed place of use has changed. Specifically, 24 acres irrigated in the N½NE of section 35 are no longer claimed to be irrigated from this source. Instead, a greater number of acres are claimed in the S½NE and SE¼. 1987 NAPP aerial photography indicates that prior to 1987 the lands claimed under the Amended Notice of Claim were irrigated from the well. A review of OPQ DD20, 1976 flight, also shows that the place of use has begun to move south into the SWSE of Section 35.

A question arises as to whether a portion of the groundwater developed under the 1964 permit was supplemental to spring water that was also available at the time. In fact, SRBA beneficial use claim 47-14096 asserts an 1895 priority date for use of spring water on the N½NE Section 35. If true, the license would represent an original overlapping place of use of at least 24 acres and a subsequent unstacking of surface and ground water as the groundwater use moved south. The 1976 OPQ seems to show a use of spring water on the northern portion of the licensed place of use (as it is claimed in the SRBA) however, the licensing field examiner specifically mentions 135 acres of *new land*, so this issue may be more applicable to the eventual recommendation of beneficial use claim 47-14096. This claim is not included in the transfer review.

Based upon my review, I am recommending the licensed diversion amount of 1.5 cfs, licensed annual diversion volume of 473 af, and 135 acres with an accomplished transfer of place of use. I am not including any combined acre limits with 47-14096. This recommendation is based upon the information available as to irrigation of these lands in 1987, and pursuant to the Notice of Claim as amended June 26, 2001. Serious questions remain as to the extent of use of this well for irrigation after 1987.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORN
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 2000

Del Kohtz
1135 Valley Road South
Eden, ID 83325

Dear Mr. Kohtz:

You recently filed a transfer application in the name of Silva & Sons Dairy and another transfer application in the name of Tews Land & Livestock with our office. Both of these applications involve portions of rights 47-02358, 47-02256, and 47-02349 that you are in the process of purchasing from Mathers Ranch Inc. In addition, the two applications also involve portions of water right 47-02394 that you are in the process of purchasing from Antelope Springs Ranch. A preliminary review of these applications revealed a significant problem that prevents the processing of both of the applications.

The problem involves water right 47-02394, which you are purchasing from Antelope Springs Ranch. This particular water right was originally licensed for the diversion of 1.50 cfs of groundwater for the irrigation of 135.0 acres. However, the Snake River Basin Adjudication claim, filed in January of 1989 by the CE Bracket Cattle Company, for this water right claims the diversion of 1.50 cfs of groundwater for the irrigation of 100.0 acres. The map that was filed with this claim indicates that the 100.0 acres consist of land under a pivot sprinkler located in the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 35, Township 14 South, Range 14 East. I have included a profile report of the original water right license and the corresponding Snake River Basin Adjudication claim for your reference.

The Silva and Sons Dairy application and the Tews Land & Livestock application both propose transferring portions of water right 47-02394 from the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 35, Township 14 South, Range 14 East. According to claim A47-02394, water right 47-02394 is no longer used on this ground. Therefore, the applications are proposing transferring a water right from ground where the right is no longer used.

Page 2
May 30, 2000

Because claim A47-02394 claims 1.50 cfs on 100 acres, the licensed diversion rate has been consolidated onto a smaller acreage, which affects the associated rate per acre. Therefore, the 5.2 inches (0.104 cfs) of water that you are attempting to convey to Silva and Sons Dairy corresponds to 6.9 acres and the 5 inches (0.10 cfs) of water that you are attempting to convey to Tews Land & Livestock corresponds to 6.7 acres. It should also be noted that water right 47-02394 has an authorized diversion rate of 3.5 acre-feet per acre per year and a consumptive use volume of 2.5 acre-feet per acre per year.

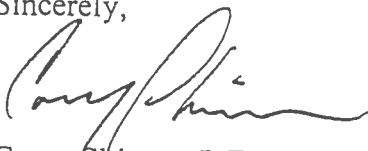
If water right 47-02394 is going to be included in the Silva and Sons Dairy and Tews Land & Livestock applications, then the issues discussed in this letter need to be addressed.

There are also a couple of additional issues with the Silva and Sons Dairy application that should be addressed. The first page of the application describes stock water on 18 different 40-acre tracts. I suspect that the stock water use should be limited to just the dairy site, where the corrals are located. The number of homes to be covered under the domestic use described on the application needs to be specified. In addition, the application should specify whether or not there will be any yard irrigation associated with the domestic use.

Please note that I am giving you 30 days from the date of this letter to address the items outlined in this letter. If these items are not addressed in 30 days, the applications will be returned to the applicants, and a refund of the filing fees will be initiated.

If you have any questions, or if you need any further assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, P.E.
Water Resource Engineer

Enclosures

cc: Silva and Sons Dairy (w/o enclosures)
Tews Land & Livestock (w/o enclosures)



RECEIVED

SEP 7 1973

Department of Water Administration
Boise, Idaho

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32110/47-2394 Priority Oct. 22, 1964 Amount 1.50 cfs

THIS IS TO CERTIFY, that MRS. EDNA BAILEY
of Filer, Idaho, has complied with the terms and conditions of Permit
No. 32110/47-2394 issued pursuant to Application for Permit dated October 22, 1964,
and has submitted proof to the Department of Water Administration on August 10, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.50 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 1.50 cfs for Irrigation from April 1 to Oct. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 1.50 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp. 15 S, Rge. 14 E, B.M.
in the county of Twin Falls; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 473 acre feet per year or _____
3.5 acre feet per acre.

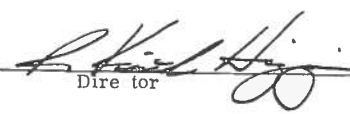
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	14 E	35	6	18	25	21									25	40			135

Total number of acres irrigated 135

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of
September, 19 73.


Director

47-2394

17 2394

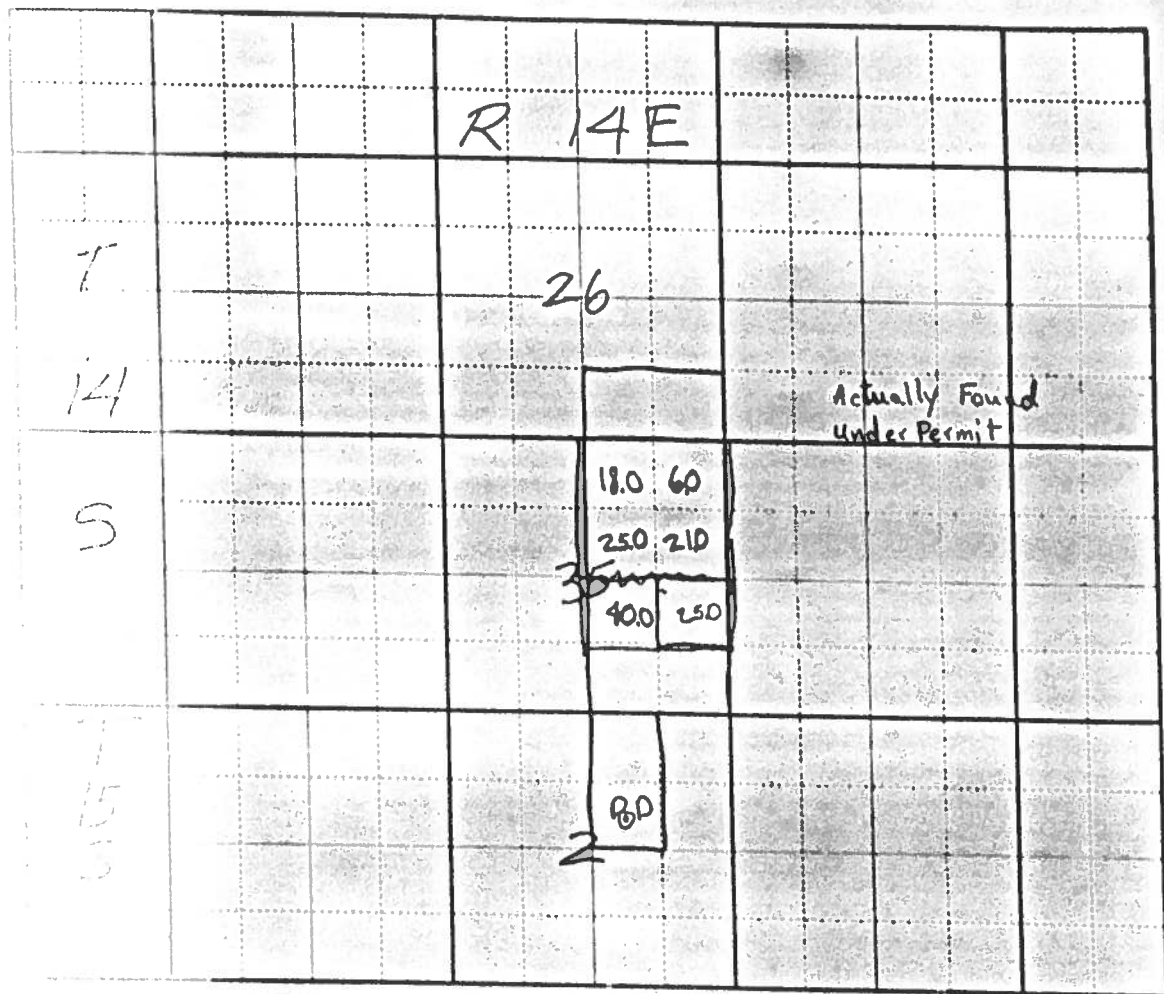
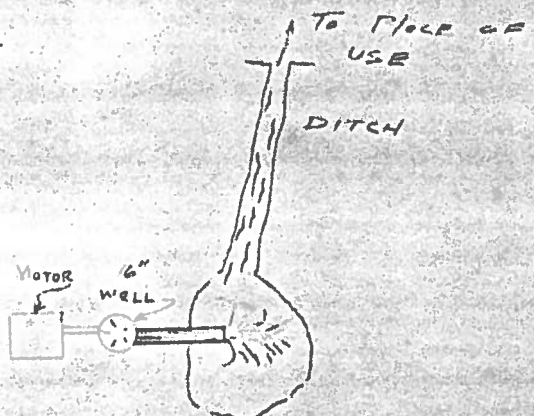


Diagram of System

SYSTEM RECORDS
 COMPLETED
 by GLF



1K-50

YR-1KK-

26	25
35	36

① ③

18

16

NE

25

21

384-B

B-294

13-11-44
New York
NY

25

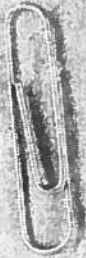
SE

MAP INCL IN FIELD EXAM LIC 17 2394

Canada Daily

384-B

B-294



26	25
35	36

47 2394

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

I, Chester E. Brackett, hereby assign to Mrs. Edna Bailey
at Route # 2, Filer, Idaho 83328 Name
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 32110 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. 32110 to appropriate the public waters of the State of Idaho. (Give this portion of the permit being assigned by describing the land first and the point of diversion - describe by acreage within each 40-acre subdivision.)

Made this _____ day of February, 19 69

Chester E. Brackett
Permit Holder

Title of Permit Holder

State of Idaho)
County of Blaine Falls) ss.

On this 28th day of February, 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Corinne Stafford
Notary Public residing at _____
Kimberly, Idaho

My commission expires 6-13-72

32110

JUN 23 1970

Department of Reclamation

Permit No. 37110

Route 2, Filer, Idaho 83328

That JBE is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

1. Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 15 S

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo - day mo - day

For irrigation purposes from April 1 to Oct. 31 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated

Total number of acres to be irrigated

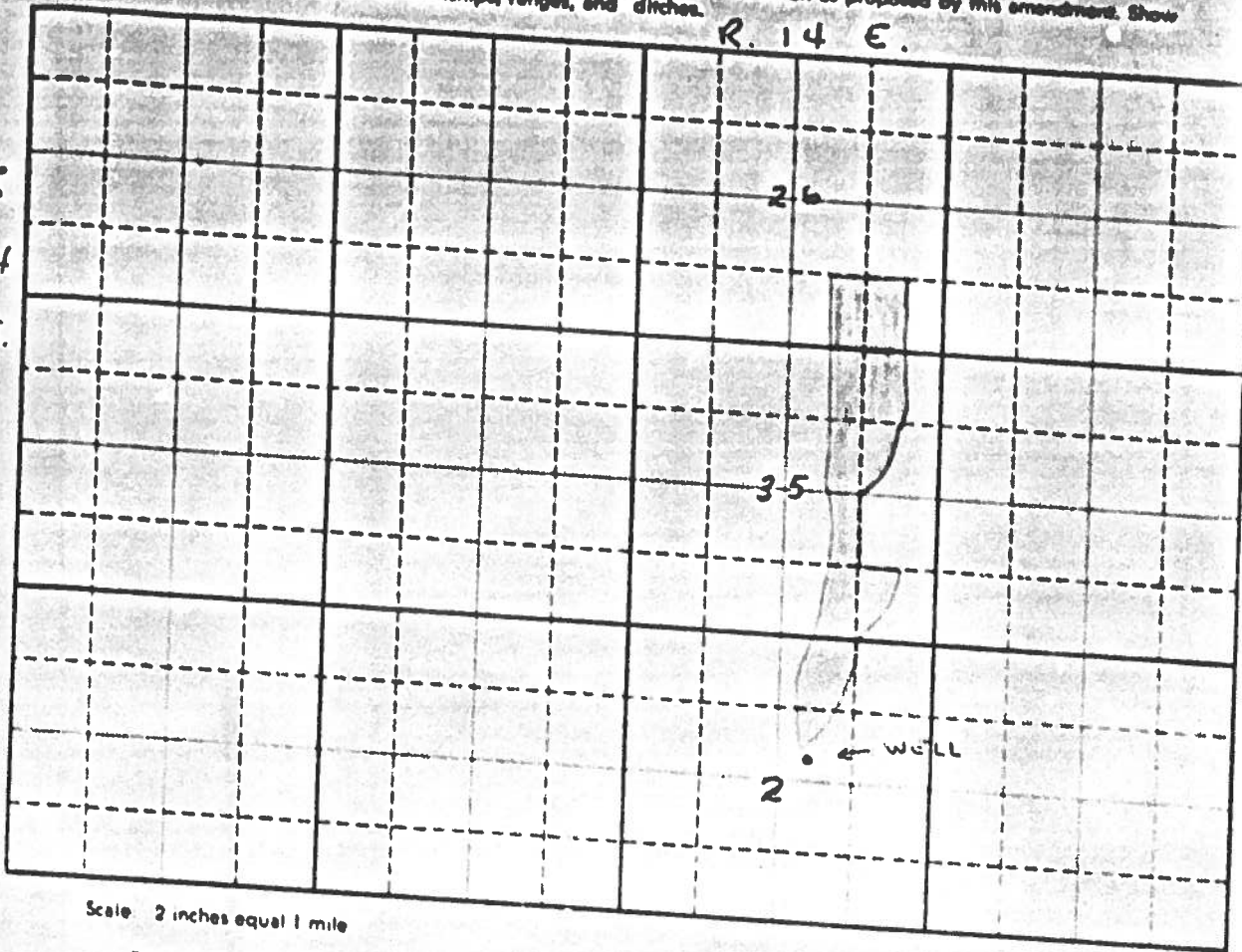
47-2394
32110

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

R. 14 E.

T
14
S.

T
5
S



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk

Signed at Filer, Idaho, this 24th day of June, 19 70

Elna Bailey
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, C. STEPHEN ALLRED, Deputy Director, State Reclamation Engineer of the State of Idaho, Dept. of Water Administration

hereby approve the above application for amendment for Permit No. G-32110/47-2394.

Witness my hand this 15th day of July, 19 70
C. Stephen Allred
State Reclamation Engineer

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Mrs. Edna Bailey, Route #2, Filer, Idaho
has received an approved permit no. G-32110
issued by the Idaho State Reclamation Department authorizing the
diversion ~~of~~ of 3.0 cubic feet per second ~~adve/kbkt/pst/dutulu~~
of water from a ground water source
subject to all prior rights. The priority to be established under this permit is
October 22, 1964 and the permit was approved October 23, 1964.
Water is to be diverted by well, pump, motor and ditches
from a point within the SWANEX, Sec. 2, T. 15 S, R. 14 E, B.M.,
Twin Falls County
to be used for irrigation purposes
in the NWANEX, SWANEX, SEANEX, SEX, Sec. 35, T. 14 S, R. 14 E, B.M.,
NANEX, SWANEX, Sec. 2, T. 15 S, R. 14 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the
Department on or before October 23, 1971. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

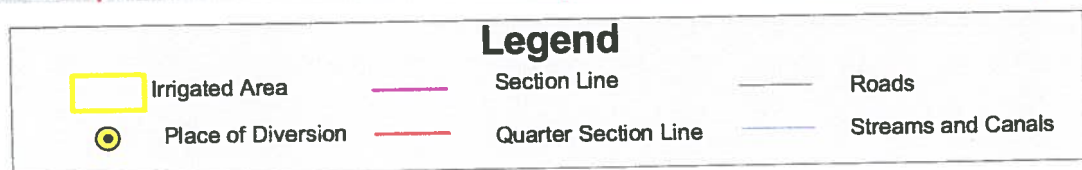
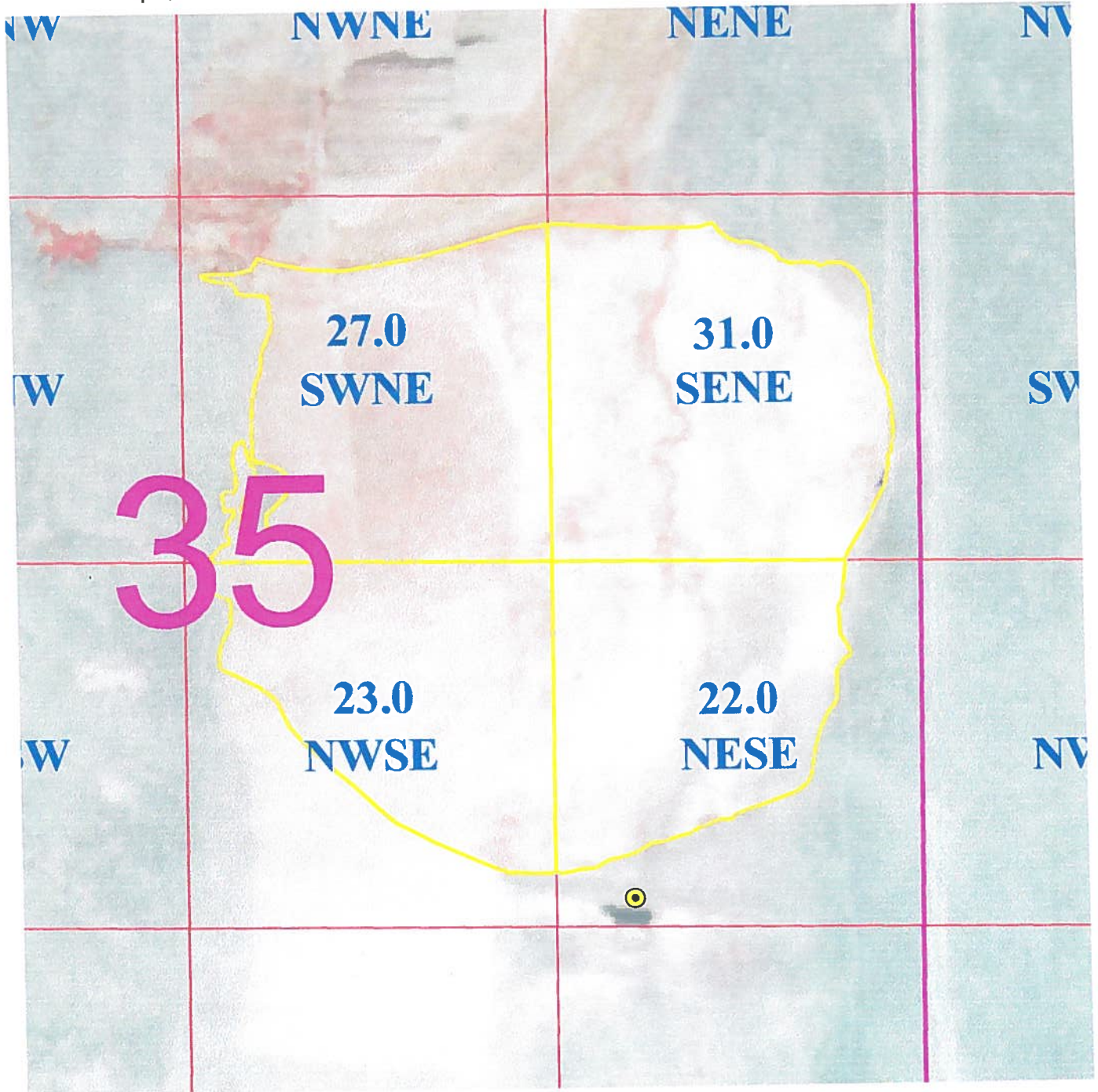
R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times News, Twin Falls, Idaho on
_____ and _____.

32110

Water Right Claim Number 47-02394
Township , 14S14E

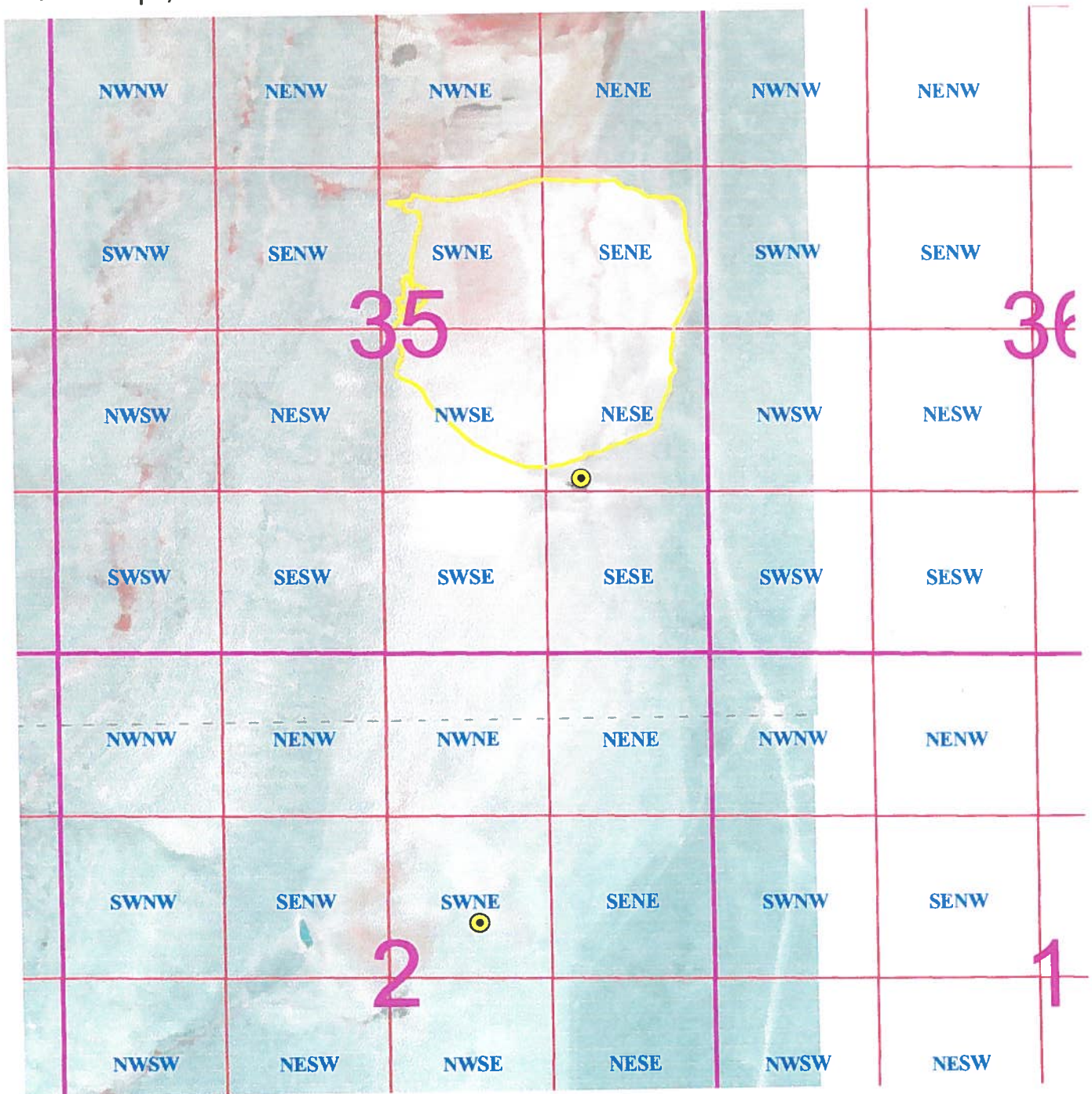
03/19/2001



SPATIAL
DYNAMICS

Water Right Claim Number 47-02394
 Township , 14S14E

03/19/2001



Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals

800 0 800 1600 Feet

SPATIAL DYNAMICS



OWNER NAME & ADDRESS
C C E BRACKETT CATTLE CO
PO BOX 111
ROGERSON ID 83302
(208) 857-2218

PRIORITY DATE WATER USE
10/22/1964 IRRIGATION

USE PERIOD FROM TO
04-01 11-01

DIVERSION RATE
1.500 CFS

DIVERSION VOLUME
200.00 AFA

TOTAL DIVERSION:
CONSUMPTIVE USE: 1.500 CFS

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T15S R14E S02 SESNE
Point(s) of Re-diversion: T14S R14E S35 SWNESE TWIN FALLS County
TWIN FALLS County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	NE NE NE NE NE NE	SE NE NE NE NE NE	NE NE NE NE NE NE	SE NE NE NE NE NE	
14S 14E 35	25	25	25	25	100.0
TOTAL ACRES	25	25	25	25	100.0

POU County: TWIN FALLS

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A47-14096

Dates: Exam Made Date: 02/26/1985 Verified Date: 02/26/1985
Misc: Water District Number: Field Inspection Flag: C
Presumption Flag: C
Audit: 01/06/89 MERRITT 03/30/95 POST-STD