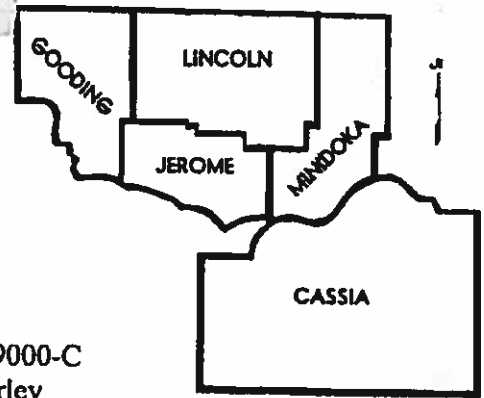


Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #39000-C
OFFICE: Burley

September 2, 2004

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

SEP 03 2004

Department of Water Resources
Southern Region

Dear Clerk:

Enclosed with this letter please find an original executed Notice of Change In Water Right Ownership on property located in Cassia County with a copy of the recorded Warranty Deed and aerial photos attached.

Would you please make the necessary changes in the records to indicate the new owners as E. Eugene Matthews and Heidi F. Matthews for future water assessments and notices. Please send a receipted copy to this office.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,
Land Title and Escrow, Inc.

Nancy Garrett
Reconveyance Department

/nrg
enc.

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

RECEIVED
SEP 03 2004

Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>45-00586</u>	_____	___	<u>45-00578B</u>	_____	___
<u>45-00534</u>	_____	___	<u>45-00579A</u>	_____	___
<u>45-00587</u>	_____	___	<u>45-00579B</u>	_____	___
<u>45-00588</u>	_____	___	<u>45-00580A</u>	_____	___
<u>45-02406</u>	_____	___	<u>45-00580B</u>	_____	___
<u>45-02661</u>	_____	___	<u>45-00600</u>	_____	___
<u>45-00577A</u>	_____	___	<u>45-02405</u>	_____	___
<u>45-00577B</u>	_____	___	_____	_____	___
<u>45-00578A</u>	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Anderson Farms, Inc.
271 West Hwy. 30
Burley, ID 83318

4. New Owner/Claimant(s) E. Eugene Matthews and Heidi F. Matthews
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 1249 South Hwy. 27

City, State and ZIP Code Oakley, ID 83346

New Telephone Number (208) 862-3261

Date you acquired the property July 16, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

Eugene Matthews
E. Eugene Matthews

Heidi F. Matthews
Heidi F. Matthews

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

For Office Use Only

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

296917

WARRANTY DEED

#39000-C

For Value Received

Anderson Farms, Inc., an Idaho corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

E. Eugene Matthews and Heidi F. Matthews, husband and wife
Address: 1249 Highway 27
Oakley, Idaho 83346

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

2009 JUL 16 PM 2 44

FEE 1200 DEPUTY

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER

296917

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$
- Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT the following described tract:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a 1/2 inch rebar which shall be the Point of Beginning;

Thence South 88°40'47" East for 490.61 feet to a 1/2 inch rebar on centerline of a county road;

Thence South 54°52'09" West along said county road centerline for 599.47 feet to a 1/2 inch rebar on section line;

Thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tract of land:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8" rebar; Thence North 0°02'00" West along section line for 1316.56 feet to a 1/2" rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence South 88°40'07" East for 313.96 feet to a 1/2" rebar which shall be the Point of Beginning;

Thence North 00°37'13" East for a distance of 1348.96 feet to a 1/2" rebar;

Thence South 89°27'28" East for a distance of 183.99 feet to a 1/2" rebar on the approximate centerline of a county road;

Thence South 21°47'38" East along the approximate centerline of said county road

for a distance of 324.41 feet to a ½" rebar;
Thence South 11°13'53" East along the approximate centerline of said county road
for a distance of 217.58 feet to a ½" rebar;
Thence South 01°32'50" East along the approximate centerline of said county road
for a distance of 123.16 feet to a ½" rebar;
Thence South 13°07'24" West along the approximate centerline of said county
road for a distance of 614.48 feet to a ½" rebar;
Thence South 22°54'21" West along the approximate centerline of said county
road for a distance of 124.91 feet to a ½" rebar;
Thence North 88°40'07" West for a distance of 176.65 feet to the Point of
Beginning.

Section 29: NE¼, N½SE¼, E½NW¼ and the NE¼SW¼

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho, Department of Water Resources Water Rights.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2004 and subsequent years.

Power Line Easement from Herschel Bedke and Ethel Bedke, his wife, to Idaho Power Company, a corporation, dated May 24, 1961, recorded July 5, 1961, as Instrument No. 2378 on Film No. 7, records of Cassia County, Idaho.

Water Pipeline Easement from Carl Gorringer and Mildred Gorringer, husband and wife, and Ralph Gorringer and Lorraine Gorringer, husband and wife, to H & E Inc., an Idaho Corporation, dated July 27, 1968 and recorded July 31, 1968 as Instrument No. 42136 on Film No. 57, records of Cassia County, Idaho.

Power Line Easement from H & E. Inc., to Idaho Power Company, a corporation, dated October 19, 1977, recorded January 20, 1978, as Instrument No. 104348 on Film No. 114, records of Cassia County, Idaho.

Effect, if any, of State of Idaho Lease No. OG-0357, notice of which given by Assignment of Mineral, Oil and Gas, and/or Geothermal Resource Lease(s) from Steven W. Davis and Karen M. Davis, spouse, to Bridger Energy Associates, dated November 24, 1981 and recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho.

Terms and Conditions contained in Easement for Well, Ditch and/or Pipeline between Howard McIntosh, contracting as and with his sole and separate property, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153543, on Film No. 158, records of Cassia County, Idaho.

Terms and Conditions contained in Joint Use, Operation and Maintenance Agreement between Tommy C. Gorringer, a married man, contracting with his sole and separate property, and Carl Gorringer & Sons, a partnership, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho.

Terms and Conditions contained in Easement between Oakley Highway District, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho.

Terms and Conditions contained in Easement for Pipeline between LeRoy Fairchild, a single man, and Ruth Fairchild, a widow, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho.

Power Line Easement from Robert L. Bedke, dba H & E Inc. to Idaho Power Company, a corporation, its licensees, successors and assigns, recorded October 20, 1994, as Instrument No. 233514 on Film No. 260, records of Cassia County, Idaho.

Underground Power Line Easement from R. Trent Anderson - Anderson Farms, Inc. to Idaho Power Company, a corporation, recorded March 27, 1995, as Instrument No. 235819 on Film No. 264, records of Cassia County, Idaho.

Easement Agreement by and between Trace Bedke, First Party and Trent Anderson, Second Party, dated November 24, 1997 and recorded November 24, 1997 as Instrument No. 252271 on Film No. 293, records of Cassia County, Idaho.

Stock Water Use Agreement by and between Anderson Farms, Inc., an Idaho Corporation and Pucker Brush Ranch LLC, an Idaho Limited Liability Company and Craig Hawker and Renae Hawker, husband and wife, dated March 2, 1999 and recorded March 2, 1999 as Instrument No. 261211, records of Cassia County, Idaho.

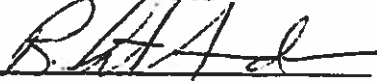
Power Line Easement executed by Tom Gorringer, Grantors to Idaho Power Company, a corporation, its successors and assigns, Grantee, dated December 19, 1999 and recorded July 28, 2000 as Instrument No. 270358, records of Cassia County, Idaho.

Power Line Easement from Craig S. Hawker and Renae B. Hawker, Grantors to Idaho Power Company, a corporation, its licensees, successors and assigns, Grantee, dated December 14, 1999 and recorded July 28, 2000 as Instrument No. 270359, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors, heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 13th day of July, 2004

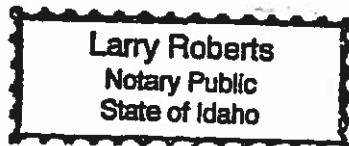
ANDERSON FARMS

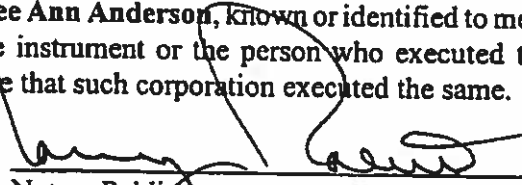
By: 
R. Trent Anderson, President


Dee Ann Anderson, Secretary

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 16th day of July, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared R. Trent Anderson and Dee Ann Anderson, known or identified to me to be the President and Secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

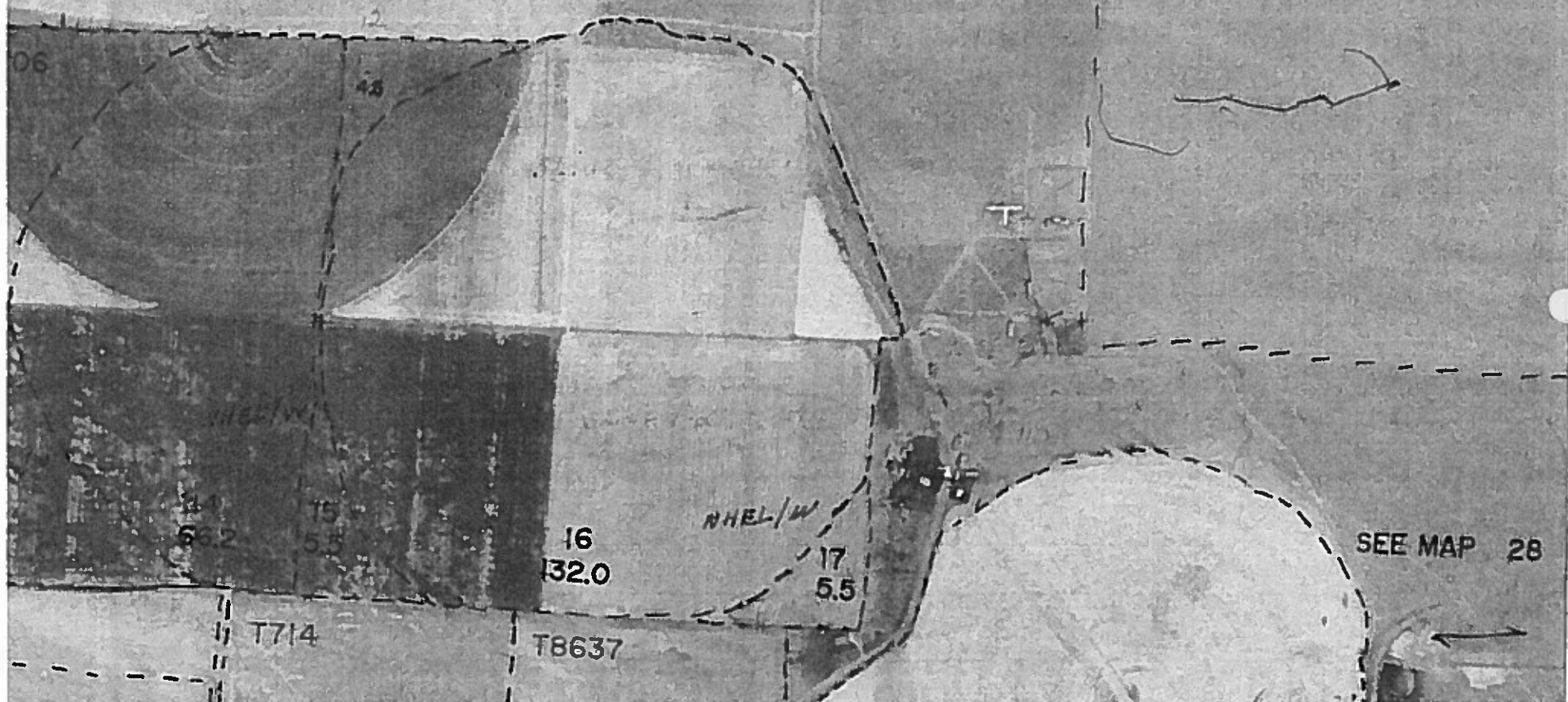




Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-09

20 21
+
29 28

SEE MAP P26



R 23

NAT 4500

777



18 17
+
19 20

17
20

1
800.0
NC

T706

3
91.9

4
32.3

5
64.5

8.0

2
17



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

- ☐ Water Right Number(s): 45-577A, 577B, 578A, 578B, 579A, 579B, 580A,
580B, 600, 534, 586, 587, 588, 12927, 12929,
2406, 2405, 2661, 12928, 12930
- ☐ Old Mailing Address: Anderson Farms
961 S 50 W or 2040 Overland Ave
Burley, ID 83318
- ☐ New Mailing Address: Anderson Farms
271 W Hwy 30
Burley, ID 83318
- ☐ New Telephone Number: (208) 677 - 2818 Karl (business phone)
- ☐ Signature of Claimant(s): x R. H. Ad

Date:

x 5/21/04

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

RECEIVED
MAY 24 2004

Department of Water Resources
Southern Region

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00577A
Date Received: 5/26/1989
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ANDERSON FARMS INC
Address: 961 S 50 W
BURLEY ID

208-678-4314

83318

2. Date of Priority: DEC 31, 1879

3. Source: SPRING CREEK
MILL CREEK

Trib. to: MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	23E	3	SW	SE			CASSIA
		10	SE	NE			CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	4			1	IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-00577B, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

8/24/98 TF; OWNERSHIP CHANGED WYATT TO ANDERSON FARMS PER 1409(6)
AND TITLE INS POLICY REC'D 8/20/98.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

KYLE ADAMS

vs

Decree Defendant

Form 42-246/42-1409(5) February 3, 1997

RECEIVED

AUG 20 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. ~~Water Right No(s):~~ A45-00577A, A45-00577B, A45-00578A, A45-00578B } Grant
A45-00579A, A45-00579B, A45-00580A, A45-00580B } Wyatt
A45-00600, A45-02405
 Adjudication Claim No(s): A45-00586, A45-00587, A45-00588, A45-00534 } H&E, Inc.
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. FLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant GRANT WYATT Rt 2 Box 2174 Burley, ID 83318
H&E, INC. 1872 So 50 East Oakley, ID. 83346
4. New Owner/Claimant(s) ANDERSON FARMS, INC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address Rt 2 Box 2431 961 So. 50 West
 City, State and ZIP Code Burley, ID 83318 678-4314
 New Telephone Number (208) 678-4314 431-4433
5. Date you acquired the property April 1992 for H&E, Inc AND 5/96 for Grant Wyatt Parcel
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 spaces below. If necessary, attach additional pages.
 Number of acres you irrigate N/A Number and type of stock N/A
 Diversion rate in CFS N/A Number of homes NONE Other uses NONE
 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 or Claimant(s) ANDERSON FARMS, INC
B. L. Anderson
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

Anderson Farms, Inc

R. Trent Anderson – President

Dee Anderson – Secretary

The two persons listed above constitute the entire list of officers and directors of Anderson Farms, Inc.

R. Trent Anderson has the authority to sign for any corporation business.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

ALTA LOAN POLICY

SCHEDULE A

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
27028	554-956698	May 30, 1996 at 11:28 A.M.	\$1,000,000.00	\$2,750.00

1. Name of Insured:

FIRST TRUST NATIONAL ASSOCIATION, AS CUSTODIAN/TRUSTEE

2. The estate or interest in the land which is encumbered by the insured MORTGAGE is:

FEE SIMPLE: PARCELS 1, 2, 3, 8 & 9
EASEMENT PARCEL: PARCELS 4, 5, 6 & 7

3. Title to the estate or interest in the land is vested in:

ANDERSON FARMS, INC., an Idaho Corporation

4. The insured MORTGAGE and assignments thereof, if any, are described as follows:

A Mortgage to secure payment of a note for ~~\$1,000,000.00~~, and any other amounts as therein provided, together with interest and any other obligations secured thereby:

Recorded: May 29, 1996 as Instrument No. 243050 on Film No. 277, records of Cassia County, Idaho.

Dated: May 2, 1996

Mortgagor: Anderson Farms, Inc., an Idaho corporation

Mortgagee: North Cascades National Bank, a national banking association, and its successors and assigns

ASSIGNED TO: First Trust National Association, as Custodian Trustee by an Assignment of Mortgage from North Cascades National Bank, dated May 9, 1996 and recorded May 29, 1996 as Instrument No. 243051 on Film No. 277, records of Cassia County, Idaho.

5. The land referred to in this Policy is described as set forth in the insured MORTGAGE, is situated in the County of CASSIA, State of Idaho, and is identified as follows:

SEE SCHEDULE A, PAGES 2, 3, 4 & 5

LAND TITLE AND ESCROW, INC.

Countersigned: _____

Authorized Officer or Agent

This Policy is valid only if Schedule B is attached.

CONTINUATION

SCHEDULE A

Policy Number: 554-956698

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$
- Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT the following described parcel:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a 1/2 inch rebar which shall be the Point of Beginning;
Thence South 88°40'47" East for 490.61 feet to a 1/2 inch rebar on centerline of a county road;
Thence South 54°52'09" West along said county road centerline for 599.47 feet to a 1/2 inch rebar on section line;
Thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8" rebar; Thence North 0°02'00" West along section line for 1316.56 feet to a 1/2" rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence South 88°40'07" East for 313.96 feet to a 1/2" rebar which shall be the Point of Beginning;
Thence North 00°37'13" East for a distance of 1348.96 feet to a 1/2" rebar;
Thence South 89°27'28" East for a distance of 183.99 feet to a 1/2" rebar on the approximate centerline of a county road;
Thence South 21°47'38" East along the approximate centerline of said county road for a distance of 324.41 feet to a 1/2" rebar;
Thence South 11°13'53" East along the approximate centerline of said county road for a distance of 217.58 feet to a 1/2" rebar;
Thence South 01°32'50" East along the approximate centerline of said county road for a distance of 123.16 feet to a 1/2" rebar;

-Continued-

CONTINUATION

SCHEDULE A

Policy Number: 554-956698

Thence South 13°07'24" West along the approximate centerline of said county road for a distance of 614.48 feet to a ½" rebar;
Thence South 22°54'21" West along the approximate centerline of said county road for a distance of 124.91 feet to a ½" rebar;
Thence North 88°40'07" West for a distance of 176.65 feet to the Point of Beginning.

Section 29: NE¼, N½SE¼, E½NW¼ and the NE¼SW¼

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: SE¼SW¼

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: W½NW¼

Section 28: E½NE¼

PARCEL NO. 4:

Easement for the benefit of Parcel No. 1 for Well, Ditch, and/or Pipeline as created by Instrument between Howard McIntosh and Alta McIntosh, husband and wife, and H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153543 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: A parcel of land formed with a radius of 20 feet with the center thereof being the well owned by H & E and together with a strip of land 30 feet in width from said well North to the North boundary line of the SW¼SE¼ of said Section 28, and extending South to the South boundary line of said Section 28.

-Continued-

CONTINUATION

SCHEDULE A

Policy Number: 554-956698

PARCEL NO. 5:

An Easement for the benefit of Parcel No. 1 for the purpose of conveying water from a well located in Section 3, Township 14 South, Range 23 East of the Boise Meridian, as created by Instrument entitled Joint Use, Operation and Maintenance Agreement, between Tommy C. Gorringer, Carl Gorringer & Sons, a partnership and H & E, Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 4: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 6:

An easement and right of way for the benefit of Parcel No. 1 to construct, reconstruct, operate, remove, repair and maintain an underground irrigation pipeline, as created by Instrument entitled Easement from Oakley Highway District, to H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho, in, over, across and through the following described property:

(a) A thirty (30) foot strip of ground extending East and West across the public road that exists or that may exist between the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian, and the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 28, Township 13 South, Range 23 East, Boise Meridian.

(b) A Thirty (30) foot strip of ground extending North and South across the public road that exists or may exist in the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 13 South, Range 23 East, Boise Meridian.

-Continued-

CONTINUATION
SCHEDULE A

Policy Number: 554-956698

PARCEL NO. 7:

Easement for the benefit of Parcel No. 1 for the purpose of installing, maintaining, repairing and/or replacing a pipeline for the purpose of conveying water, as created by Instrument entitled Easement for Pipeline, between LeRoy Fairchild, a single man, Ruth Fairchild, a widow, and H & E Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 8:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 4: Lot 1

PARCEL NO. 9:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$

ALTA LOAN POLICY

SCHEDULE B

EXCEPTIONS FROM COVERAGE

Policy Number: 554-956698

This Policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL (STANDARD) EXCEPTIONS:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
5. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
6. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

SPECIAL EXCEPTIONS

8. Taxes for 1996 and subsequent years, a lien, but not yet due or payable.

CONTINUATION

SCHEDULE B

Policy Number: 554-956698

9. Power Line Easement from Edward V. Gorringer and Marian Gorringer, husband and wife, to Idaho Power Company, an Idaho corporation, dated June 25, 1952 and recorded February 5, 1954 as Instrument No. 181259 in Book 15 of Miscellaneous, Page 85, records of Cassia County, Idaho, over and across the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 14 South, Range 23 East of the Boise Meridian.
10. Power Line Easement from Herschel Bedke and Ethel Bedke, his wife, to Idaho Power Company, a corporation, dated May 24, 1961, recorded July 5, 1961, as Instrument No. 2378 on Film No. 7, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.
11. Water Pipeline Easement from Carl Gorringer and Mildred Gorringer, husband and wife, and Ralph Gorringer and Lorraine Gorringer, husband and wife, to H & E Inc., an Idaho Corporation, dated July 27, 1968 and recorded July 31, 1968 as Instrument No. 42136 on Film No. 57, records of Cassia County, Idaho, over and across the S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 14 South Range 23 East of the Boise Meridian, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 14 South, Range 23 East of the Boise Meridian.
12. Power Line Easement from Mac Martin, Ray Anderson and Margene Anderson, his wife, to Idaho Power Company, a corporation, dated February 7, 1974 recorded April 25, 1974 as Instrument No. 76319 on Film No. 88, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the North 50 feet of the SW $\frac{1}{4}$ of Section 8, Township 12 South, Range 23, East Boise Meridian.
13. Power Line Easement from H & E. Inc., to Idaho Power Company, a corporation, dated October 19, 1977, recorded January 20, 1978, as Instrument No. 104348 on Film No. 114, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.
14. Effect, if any, of State of Idaho Lease No. OG-0357, notice of which given by Assignment of Mineral, Oil and Gas, and/or Geothermal Resource Lease(s) from Steven W. Davis and Karen M. Davis, spouse, to Bridger Energy Associates, dated November 24, 1981 and recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho. (Affects the NE $\frac{1}{4}$ & E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, Township 13 South, Range 23 E.B.M.)

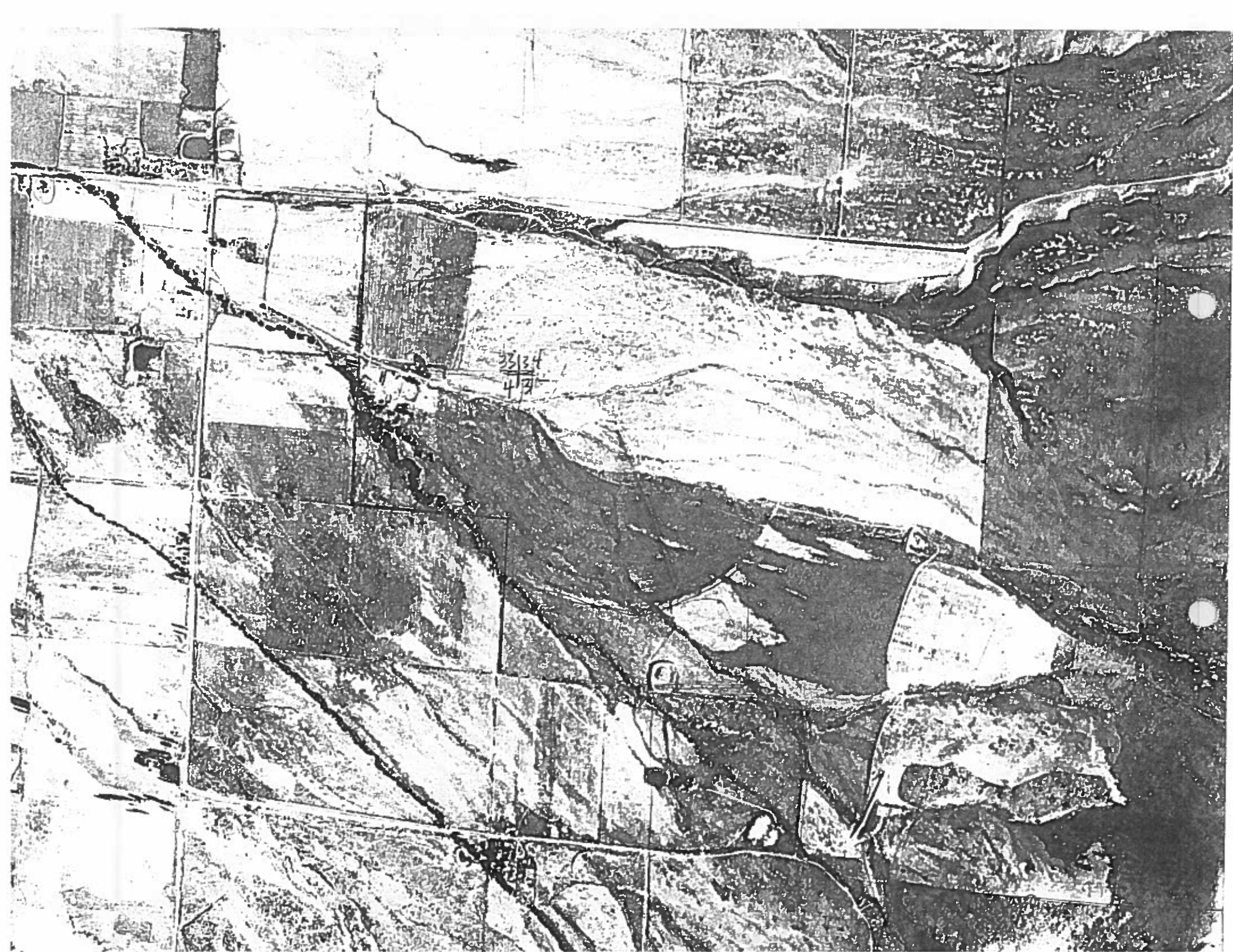
CONTINUATION

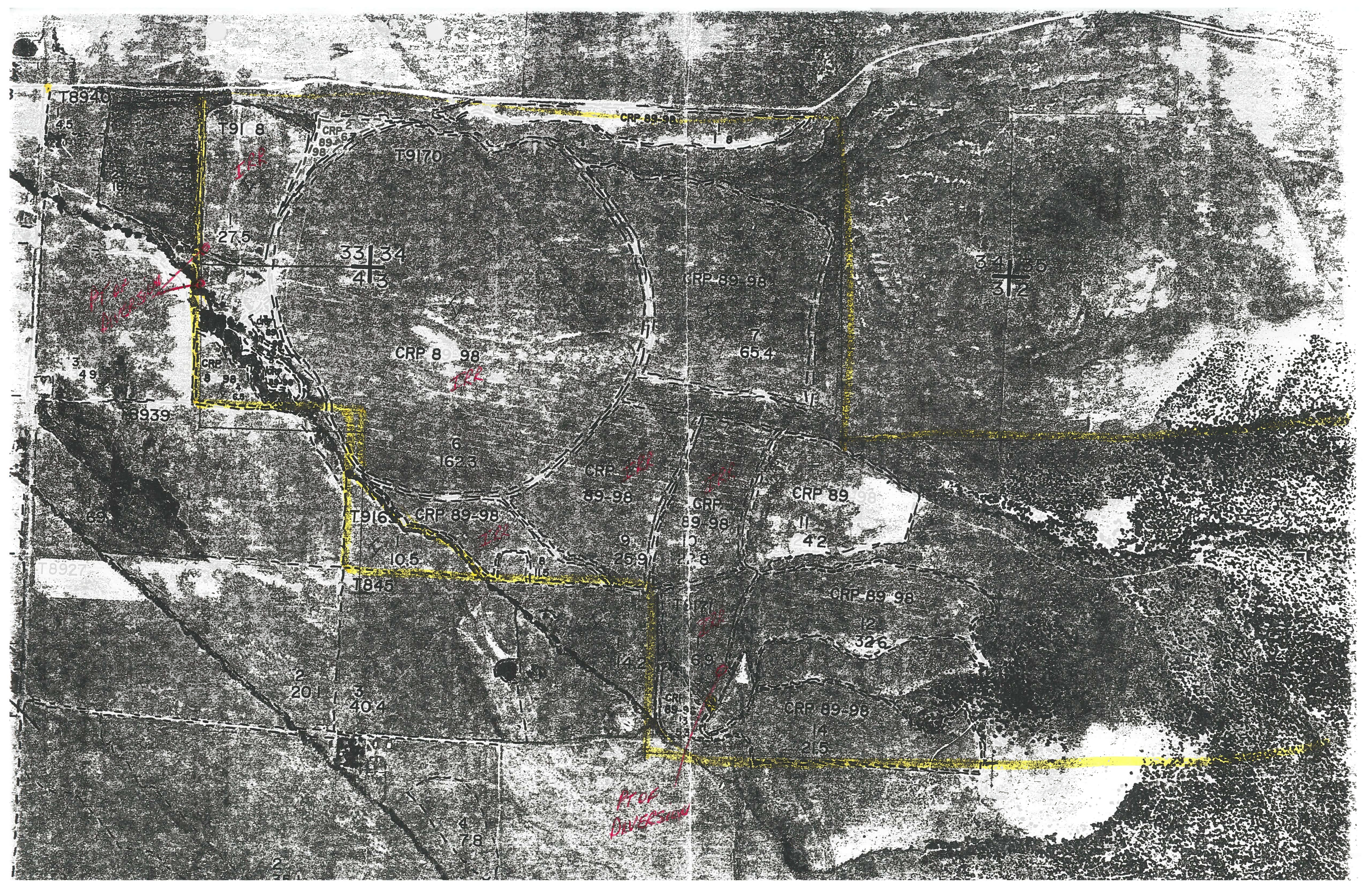
SCHEDULE B

Policy Number: 554-956698

15. Terms and Conditions contained in Easement for Well, Ditch and/or Pipeline between Howard McIntosh, contracting as and with his sole and separate property, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153543, on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1)
16. Terms and Conditions contained in Joint Use, Operation and Maintenance Agreement between Tommy C. Gorringer, a married man, contracting with his sole and separate property, and Carl Gorringer & Sons, a partnership, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1 & SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 Township 13, Range 23 E.B.M.)
17. Terms and Conditions contained in Easement between Oakley Highway District, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1)
18. Terms and Conditions contained in Easement for Pipeline between LeRoy Fairchild, a single man, and Ruth Fairchild, a widow, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho. (Parcels No. 1 & 2)
19. Power Line Easement from Robert L. Bedke, dba H & E Inc. to Idaho Power Company, a corporation, its licensees, successors and assigns, recorded October 20, 1994, as Instrument No. 233514 on Film No. 260, records of Cassia County, Idaho, over and across NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.
20. Underground Power Line Easement from R. Trent Anderson - Anderson Farms, Inc. to Idaho Power Company, a corporation, recorded March 27, 1995, as Instrument No. 235819 on Film No. 264, records of Cassia County, Idaho, over and across NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.

END OF SCHEDULE B





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: A45-00577A
Date Received: 5/26/1989
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ANDERSON FARMS INC 208-678-4314
Address: 961 S 50 W
BURLEY ID 83318

2. Date of Priority: DEC 31, 1879

3. Source: SPRING CREEK Trib. to: MILL CREEK
MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	23E	3		SW	SE		CASSIA
		10		SE	NE		CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	4			1	IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-00577B, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

8/24/98 TF; OWNERSHIP CHANGED WYATT TO ANDERSON FARMS PER 1409(6)
AND TITLE INS POLICY REC'D 8/20/98.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

KYLE ADAMS

vs Decree Defendant



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

August 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GUY E ARNELL
ALPHA REALTY & EXCHANGE
218 W 13TH
BURLEY ID 83318

RE: SRBA Claim(s) A45-00577A, A45-00577B, A45-00578A,
A45-00578B, A45-00579A, A45-00579B, A45-00580A,
A45-00580B, A45-00600, A45-02405, A45-00586,
A45-00587, A45-00588, A45-00534

Dear Mr Arnell:

Pursuant to the change in ownership request you submitted to the Department, we have changed the record of current ownership to Anderson Farms Inc. on all the above listed claims except A45-00586. I will hold this one until the ownership of the parcel in Township 13S, Range 23E, Section 29, NSW is resolved.

Enclosed you will find copies of the computer record of the remainder of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.



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

copy

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 3, 1998

Don Pickett
Pickett Ranch & Sheep Co.
568 W 1650 S
Oakley, ID
83346

RE: SRBA Claims A45-00577A-00580A, Grant Wyatt

Dear Don;

It has come to my attention that you now own the land covered by these claims. If this is the case, the claims should be put in your name. Printouts of the claims and underlying decreed rights are enclosed, as is a Change Of Ownership form. If you have questions, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 1998

Tina Pos
J.W. Dunford & Associates
745 Fairway Drive
Pocatello, ID 83201

Dear Ms. Pos:

I have researched the department's records relating to the land located in parts of Sections 33 and 34 (T13S, R23E) and parts of Sections 2, 3, and 4 (T14S, R23E) that you recently inquired about. I was able to find some water right records and some Snake River Basin Adjudication Claim records that appear to be appurtenant to parts of the property that you inquired about. Please find enclosed the following proof reports for your reference:

Water Right Records

45-00577A	45-00577B
45-00578A	45-00578B
45-00579A	45-00579B
45-00580A	45-00580B
45-00600	45-02405

SNAKE RIVER BASIN ADJUDICATION CLAIM RECORDS

A45-00577A	A45-00577B
A45-00578A	A45-00578B
A45-00579A	A45-00579B
A45-00580A	A45-00580B
A45-00600	A45-02405

A search through our records revealed that we have no well log records for the lands that you inquired about. If you have any questions, feel free to contact our office at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

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: A45-00577A
Date Received: 5/26/1989
Receipt No: X999999
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT WYATT 208-678-2856
Address: RT 2 BOX 2174
BURLEY, ID 83318

2. Date of Priority: DEC 31, 1879

3. Source: SPRING CREEK Trib. to: MILL CREEK
MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	23E	3	SW	SE			CASSIA
		10	SE	NE			CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	4			1	IRR	10.0
						Section Acres	10.0

A45-00577A

Page 1

Date: 05/26/89

MICROFILMED

MAR 07 1993

10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-00577B, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

vs

KYLE ADAMS

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *D. Mont Hyatt* Date: *5-26-89*

for Boulder Creek Ranch Date: _____

State of Idaho)
County of *TF*) SS.

Subscribed and sworn (or affirmed) before me this *26* day

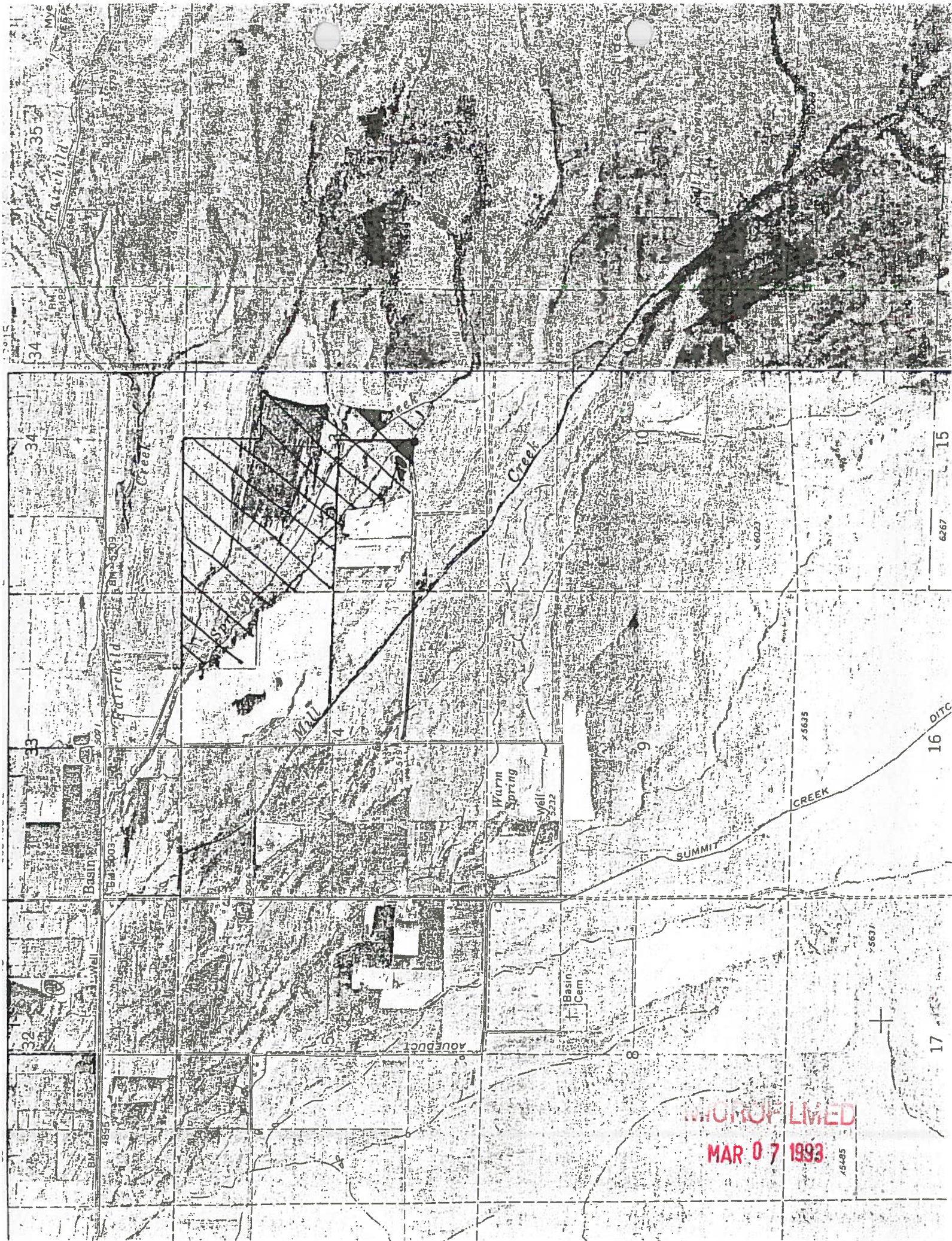
of *May* 19 *89*

Lois White
Notary Public

Seal

Residing at *TF*

My Commission Expires *5/94*



COPY

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 16 2010	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA

Case No. 39576

Subcase No. 45-577A, 45-577B,
45-578A, 45-578B, 45-579A, 45-579B,
45-580A, 45-580B, 45-586, 45-587,
45-588, 45-600, 45-12927, 45-12929

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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

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

☒ Change in Ownership

☒ Point of Diversion

☐ Period of Use

☐ Split of Water Right

☒ Place of Use

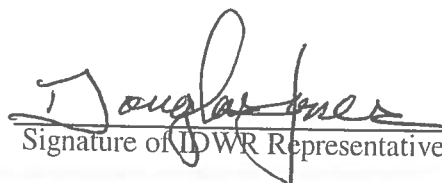
☐ Nature of Use

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

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

Dated: _____

9/14/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-16, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

E. Eugene Matthews
Heidi Matthews
1249 S Hwy 27
Oakley ID 83346

Anderson Farms
271 W Hwy 30
Burley ID 83318



Signature of person or attorney mailing the form

09/01/2010

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

RIGHT NUMBER: 45-577A

NAME AND ADDRESS: E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY:
TRIBUTARY: MILL CREEK

QUANTITY: 0.050 CFS

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs.

PRIORITY DATE: 12/31/1879

POINT OF
DIVERSION:

T14S R23E S3 NESWSE Within CASSIA County
T14S R23E S4 NWNENE Lot 1 Within CASSIA County
T14S R23E S10 SWSENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.050 CFS

PLACE OF USE:

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed the irrigation of 160 acres.

Rights 45-577A, 45-578A, 45-579A, 45-580A and 45-600 when combined shall not exceed the irrigation of 10 acres.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed the irrigation of 238 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.

09/15/2010

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

The following are the same for all water rights included in this notice and are in addition to the water right elements and conditions shown on the previous page.

RIGHT NUMBER:

NAME AND ADDRESS: E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE:

TRIBUTARY:

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY:

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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs.

PRIORITY DATE:

POINT OF
DIVERSION:

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
PLACE OF USE:	<u>IRRIGATION in CASSIA County</u>		
	T13S R23E S20 SENE 32.00	T13S R23E S20 SESW	35.00
	T13S R23E S20 NESE 32.00	T13S R23E S20 NWSE	35.00
	T13S R23E S20 SWSE 32.00	T13S R23E S21 SWNW	40.00
	T13S R23E S21 NWSW 40.00	T13S R23E S21 SWSW	40.00
	T13S R23E S28 NWNE 34.00	T13S R23E S28 SWNE	33.00
	T13S R23E S28 NENW 33.00	T13S R23E S28 NWNW	11.00
	T13S R23E S28 SWNW 5.50	T13S R23E S28 SENW	34.00
	T13S R23E S28 NESW 38.00	T13S R23E S28 NWSW	29.00
	T13S R23E S28 SWSW 35.00	T13S R23E S28 SESW	35.00
	T13S R23E S28 NWSE 36.00	T13S R23E S29 NENE	4.40

T13S R23E S29	NWNE	35.00	T13S R23E S29	SWNE	39.00
T13S R23E S29	SENE	38.00	T13S R23E S29	NENW	34.00
T13S R23E S29	SENE	35.00	T13S R23E S29	NESW	35.00
T13S R23E S29	NESE	40.00	T13S R23E S29	NWSE	36.00

905.9 ACRES TOTAL

Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.

Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed the irrigation of 527.2 acres.

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

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.

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.

During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.

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

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.

The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows:

1. The use of water is subject to the attached IRRIGATION PLAN.
 - 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting.
 - 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15).
 - 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file.

1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season.

1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not provide water to irrigate crops for harvest in the same fall. Application of water to B acres in the fall shall not exceed two applications or sets of water.

1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season.

1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133.

1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season. shall be amended to the form of: This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan.

2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: BASIS OF CLAIM -



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 16, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

E EUGENE MATTHEWS
HEIDI MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

RE: SRBA Claim(s) 45-534, 45-577A, 45-577B, 45-578A, 45-578B,
45-579A, 45-579B, 45-580A, 45-580B, 45-586,
45-587, 45-588, 45-600, 45-12927, 45-12929,
45-2405, 45-2406, 45-2661, 45-12928,
45-12930

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Anderson Farms, 271 W Hwy 27, Burley ID 83318
Robert & Carol Bedke, 1872 S 50 E, Oakley ID 83346

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS	)	
FOR TRANSFER NOS. 66132 AND 66133	)	PRELIMINARY ORDER
IN THE NAME OF HEIDI AND EUGENE	)	AMENDING TRANSFER
MATTHEWS	)	APPROVALS
_____	)	

HISTORY

Applications for Transfer Nos. 66132 and 66133 ("transfers") were filed by Anderson Farms in 2001 with the Idaho Department of Water Resources ("Department"). Prior to 2001, Anderson Farms claimed the water rights associated with the transfers in the Snake River Basin Adjudication ("SRBA"). These rights were recommended to the SRBA court in the Director's Report for Basin 45 in 2004. Currently all recommendations involved in these transfers are pending before the SRBA court without objection.

In 2004 Anderson Farms deeded the subject lands to Heidi and Eugene Matthews ("Matthews or Applicants"). The Matthews continue to pursue final approval of the transfers. On December 2, 2009, the Department issued preliminary orders approving Transfer Nos. 66132 and 66133 ("orders").

On December 16, 2009, the Department received petitions for reconsideration ("petitions") of the orders and a request for a hearing in these matters from Matthews. The petitions sought similar modifications to the orders. The Applicants complained that:

1. The orders failed to mention necessary provisions of the water rights as found by the Court in that Decree entered in the District Court of the Fifth Judicial District of the State of Idaho, in and for Cassia County, Civil Case No. 11125, that authorize the Applicants to divert high water flows. Historically, the Applicants have diverted and applied these high flow rights to a beneficial use, allowing the Applicants to grow crops on all 905.9 acres recognized by the Department. The Applicants requested that a provision be inserted in the orders recognizing Applicants' right to divert these high flows.
2. The orders authorized the Applicants to use the water rights on 527.2 acres per year out of a total of 905.9 acres listed as the place of use for the water right. The precise location of the 527.2 acres irrigated can vary from year to year. Applicants requested clarification that so long as the annual volumes described in the transfers are not exceeded, Applicants

can fall irrigate on that portion of the 905.9 acres not irrigated in one crop year in order to prepare that acreage for planting the following crop year.

On January 5, 2010, the Department denied the petitions for reconsideration regarding the high flows issues raised by the Applicants but granted the hearing request regarding fall pre-irrigation. The Department limited the scope of the hearing to issues related to allowing fall pre-irrigation of lands in excess of the acreage limits established under the water rights.

Prior to scheduling the hearing, the hearing officer requested a staff memorandum be prepared addressing the excess irrigation issue. On February 4, 2010, Cindy Yenter, Water Rights Supervisor with the Department and then watermaster of Water District 140, submitted a staff memorandum to the hearing officer. The memorandum was shared with the Applicants at the time the notice of hearing was mailed.

On March 25, 2010, the Department conducted a hearing with limited scope as described above. At the hearing testimony was taken from Eugene Matthews (applicant), Cindy Yenter (Department employee and past watermaster of Water District 140) and Brian Higgs (newly elected watermaster of Water District 140).

No exhibits were offered for consideration at the hearing. The hearing officer took official notice of the files for Transfer No. 66132 and Transfer No. 66133 including the February 4, 2010 staff memorandum, holdings in past decisions and orders of the Department as the holdings and orders may apply to these matters, the Department's water right records including the SRBA records for the subject water rights, and other records of the Department including water master records, water measurement records or well logs.

FINDINGS OF FACT

1. Transfer No. 66132 involves ground water right nos. 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930. The transfer modifies the place of use creating a permissible place of use ("PPU") of 905.9 acres within which 527.2 acres may be irrigated in any one season. Recommendations 45-12928 and 45-12930 are expansion rights pursuant to Idaho Code § 42-1416B.

2. Transfer No. 66133 involves surface water rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-586, 45-587, 45-588, 45-12929 and 45-534, diverted within the Basin Creek area. The transfer modifies the place of use of all recommendations, except 45-534, creating a PPU of 905.9 acres within which 527.2 acres may be irrigated in any one season. Water right 45-534 is split with the portion retained by the Applicants (45-14216) being placed in the PPU. The portion of water right 45-534 retained by Robert and Carol Bedke (45-14217) is described

on the Bedke property. Recommendations 45-12927 and 45-12929 are enlargement rights pursuant to Idaho Code § 42-1426.

3. The authorized PPU for Matthews' property on both transfers is the same 905.9 acres and the total authorized number of acres to be irrigated in any one season is 527.2 acres when the transfers are combined. The transfers do not modify the claimed season of use for any of the water rights.

4. The applicant and prior owners have irrigated as much as 905.9 acres in a single season but not prior to 1987.

5. Common agricultural practice by the applicant and other farmers in the area includes fall irrigation of land (after September 1) for preparation of planting of crops to be grown the following year.

6. At the hearing the Applicants proposed to irrigate only 527.2 acres for early season crop production. Once crops are harvested (prior to September 1) some portion of the 527.2 acres will not be irrigated for the remainder of the irrigation season. As a result of the non-irrigation of a portion of the 527.2 acres, the Applicants propose to fall irrigate an equivalent number of acres for preparation of lands intended to be irrigated in the following year under the 527.2 acre limit of the water right. The Applicants argue this proposal would not enlarge the water rights. The Applicants also argue that monitoring of their proposal by the watermaster is not burdensome to the watermaster.

7. The Applicant's proposal without strict regulation by the watermaster and the Department will likely result in enlargement of the water rights given the history of enlarged use.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 states, in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates, and the new use is a beneficial use, which in the case of a

municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right. The director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area.

2. The applicant bears the burden of proof for all of the factors listed in Idaho Code § 42-222. The preliminary orders issued December 2, 2009, were based on the applicant meeting these burdens of proof. Any amendment of the orders must be based on the same standard of proof.

ANALYSIS

Fall irrigation of acres in excess of the 527.2 acres previously irrigated.

The Applicants and the prior owner of the subject property have irrigated up to 905.9 acres in a single season after 1987. The SRBA review finds that 527.2 acres are the legal limit of use to be associated with these lands as recommended to the SRBA court. In light of past practice the unconditioned irrigation of more than 527.2 acres in the same irrigation season or calendar year represents a great potential for enlargement in use.

In certain situations involving PPUs, the set of water rights in the PPU have an acre limit that is less than the total acres of the authorized PPU. The Department's December 2, 2009 orders provided authorization for this type of PPU. PPUs of this nature have been created to allow flexibility for the water user to rotate use of water year to year within a PPU without having to file a transfer each year. PPU's have been authorized with conditions to ensure that the authorized number of acres is not exceeded within any irrigation season and the acres irrigated are within the bounds of the PPU. As a practice, the time period for consideration of use has been viewed as the irrigation season within a calendar year.

To the hearing officer's knowledge the fall season irrigation plan the Applicants propose has not been previously considered by the Department.

In analyzing the Applicants' proposal, the hearing officer views the proposal as a shift of the beginning and end of the annual time accounting for the number of acres irrigated.¹ For example, the start of the year's accounting of acres would be September 1 and end August 31 of the following year. As long as during this year long time frame only 527.2 acres are irrigated (crop growing and soil preparation of no more than 527.2 acres)

¹ This analysis does not propose an actual shift or change to the normal irrigation season or a change to the annual volume of use limitation.

this should be no different than irrigation of 527.2 acres during a calendar year or during an irrigation season and there would be no enlargement as long as the rates and annual volumes of the water rights are not exceeded during the normal irrigation season and the number of acres are not exceeded during the September 1 to August 31 acre accounting period.

To assure that the water rights will not be enlarged will require monitoring of use beyond current levels of monitoring provided by IDWR and the watermaster. Additionally, any approval should be such that if the conditions of approval are not explicitly met, then the approval may be rescinded or revoked.

ORDER

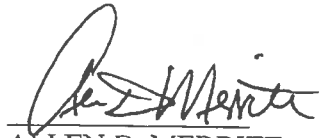
IT IS HEREBY ORDERED that applications for transfer No. 66132 and transfer No. 66133 **Approvals are Amended** subject to those conditions originally established in the orders dated December 2, 2009 and the additional conditions as listed below:

1. The use of water is subject to the attached "IRRIGATION PLAN".
 - 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as "A" acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as "B" acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting.
 - 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the "A" acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the "B" acres (the acres to be irrigated in the fall between September 1 and November 15).
 - 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the "A" acres, and the "B" acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file.
 - 1.4 The total number of "B" acres shall not exceed the number of "A" acres in any irrigation season.
 - 1.5 Application of water to "B" acres in the fall is limited to water

necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to "B" acres shall not provide water to irrigate crops for harvest in the same fall. Application of water to "B" acres in the fall shall not exceed two applications or sets of water.

- 1.6 The "B" acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season.
 - 1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133.
 - 1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: *"This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season."* shall be amended to the form of: *"This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan."*
2. Failure to adhere to the conditions of use and timelines set forth on the "IRRIGATION PLAN" shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.

Dated this 30th day of June, 2010.



ALLEN D. MERRITT
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 30th of June, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order Amending Transfer Approvals to the persons listed below:

E. EUGENE MATTHEWS &
HEIDI F. MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318

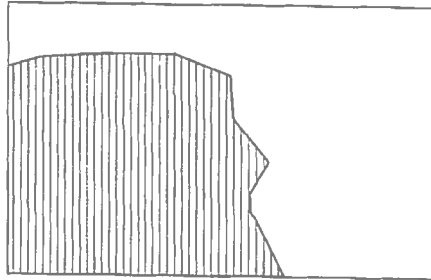
BRIAN HIGGS, WATERMASTER
WATER DISTRICT # 140
6330 W 33RD S
IDAHO FALLS ID 83402



Mary Baldwin
Administrative Assistant I

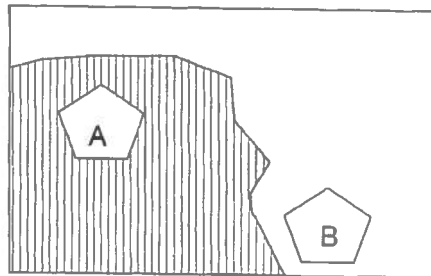
IRRIGATION PLAN

The following sketches visually illustrate the concept being approved. The rectangle represents the established permissible place of use of 905.9 acres. The vertically hatched area represents the allowed 527.2 cropped acres that may be irrigated within any one year.



Phase I

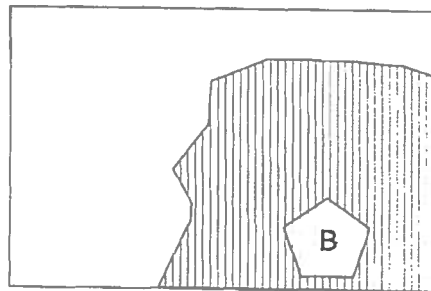
March 15 to August 31 of First Year
Irrigation of crops.



Phase II

September 1 to November 15 of First Year

"A" acres not irrigated for remainder of year.
"B" acres prepared¹ during fall for irrigation in Second year equal in size to "A" or smaller.



Phase III

March 15 to August 31 of Second Year
Irrigation of crops.

Phase II process would be repeated in the fall of the second year identifying potentially different "A" and "B" acres as long as the "B" acres are included in the irrigated acres the following year.

To start the process the applicant on or before August 31, 2010 must identify the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010 and the "A" and "B" acres. Beginning in 2011 and for each successive year, the applicant shall report prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. On or before August 31, 2011 and similarly for each successive year the applicant must identify the "A" and "B" acres.

¹ Application of water to "B" acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to "B" acres in the fall shall not provide water to irrigate crops for harvest in the same fall. Application of water to "B" acres in the fall shall not exceed two applications or sets of water.

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service.

Note: the petition must be received by the Department within this fourteen (14) day period. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, request for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66133**

This is to certify that: HEIDI F MATTHEWS And
E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346
(208) 431-3260

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. A summary of the changes is also listed below. 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>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-577A	AJC/Decreed	12/31/1879	0.05 cfs	N/A	10.0	238.0	MILL CREEK, SPRING CREEK
45-577B	AJC/Decreed	12/31/1879	0.75 cfs	5.4 af	150.0	238.0	MILL CREEK, SPRING CREEK
45-578A	AJC/Decreed	03/01/1881	0.08 cfs	N/A	10.0	238.0	MILL CREEK, SPRING CREEK
45-578B	AJC/Decreed	03/01/1881	1.12 cfs	N/A	150.0	238.0	MILL CREEK, SPRING CREEK
45-579A	AJC/Decreed	05/01/1884	0.03 cfs	N/A	10.0	238.0	MILL CREEK, SPRING CREEK
45-579B	AJC/Decreed	05/01/1884	0.47 cfs	N/A	150.0	238.0	MILL CREEK, SPRING CREEK
45-580A	AJC/Decreed	05/01/1885	0.02 cfs	N/A	10.0	238.0	MILL CREEK, SPRING CREEK
45-580B	AJC/Decreed	05/01/1885	0.38 cfs	N/A	150.0	238.0	MILL CREEK, SPRING CREEK
45-600	AJC/Decreed	04/01/1894	0.2 cfs	5.4 af	10.0	238.0	SPRING
45-12927	AJC/Beneficial Use	03/28/1987	1 cfs	N/A	78.0	238.0	MILL CREEK, SPRING CREEK
45-586	AJC/Decreed	12/31/1879	1.6 cfs	6.7 af	175.0	339.0	MILL CREEK, SPRING CREEK
45-587	AJC/Decreed	03/01/1881	1.2 cfs	N/A	175.0	339.0	MILL CREEK, SPRING CREEK
45-588	AJC/Decreed	03/01/1883	0.7 cfs	N/A	175.0	339.0	MILL CREEK, SPRING CREEK
45-12929	AJC/Beneficial Use	03/28/1987	1 cfs	0 af	123.0	339.0	BEDKE SPRING, MILL CREEK, SPRING CREEK
45-534	AJC/Decreed	08/12/1880	0.5 cfs	6.7 af	40	339.0	BEDKE SPRING

SUPPORT DATA

IN FILE # 45-534

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT**

TRANSFER NO. 66133

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>
45-577A	NO	NO	YES	NO	NO	NO
45-577B	NO	NO	YES	NO	NO	NO
45-578A	NO	NO	YES	NO	NO	NO
45-578B	NO	NO	YES	NO	NO	NO
45-579A	NO	NO	YES	NO	NO	NO
45-579B	NO	NO	YES	NO	NO	NO
45-580A	NO	NO	YES	NO	NO	NO
45-580B	NO	NO	YES	NO	NO	NO
45-600	NO	NO	YES	NO	NO	NO
45-12927	NO	NO	YES	NO	NO	NO
45-586	NO	NO	YES	NO	NO	NO
45-587	NO	NO	YES	NO	NO	NO
45-588	NO	NO	YES	NO	NO	NO
45-12929	NO	NO	YES	NO	NO	NO
45-534	YES	NO	YES	NO	NO	NO

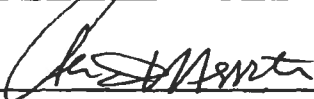
Summary of Water Rights After the Approved Change

<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>
45-577A	45-577A	0.05 cfs	N/A	10.0	905.9		N/A	N/A	N/A	N/A
45-577B	45-577B	0.75 cfs	N/A	150.0	905.9		N/A	N/A	N/A	N/A
45-578A	45-578A	0.08 cfs	N/A	10.0	905.9		N/A	N/A	N/A	N/A
45-578B	45-578B	1.12 cfs	N/A	150.0	905.9		N/A	N/A	N/A	N/A
45-579A	45-579A	0.03 cfs	N/A	10.0	905.9		N/A	N/A	N/A	N/A
45-579B	45-579B	0.47 cfs	N/A	150.0	905.9		N/A	N/A	N/A	N/A
45-580A	45-580A	0.02 cfs	N/A	10.0	905.9		N/A	N/A	N/A	N/A
45-580B	45-580B	0.38 cfs	N/A	150.0	905.9		N/A	N/A	N/A	N/A
45-600	45-600	0.2 cfs	N/A	10.0	905.9		N/A	N/A	N/A	N/A
45-12927	45-12927	1 cfs	N/A	76.9	905.9		N/A	N/A	N/A	N/A
45-586	45-586	1.6 cfs	N/A	249.0	905.9		N/A	N/A	N/A	N/A
45-587	45-587	1.2 cfs	N/A	175.0	905.9		N/A	N/A	N/A	N/A
45-588	45-588	0.7 cfs	N/A	175.0	905.9		N/A	N/A	N/A	N/A
45-12929	45-12929	1 cfs	N/A	71.0	905.9		N/A	N/A	N/A	N/A
45-534	45-14216	0.33 cfs	N/A	31.2	905.9	45-14217	0.17 cfs	N/A	N/A	8.8
COMBINED										
TOTALS		6.93 cfs	N/A	527.2	905.9		0.17	N/A	N/A	8.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66133

Detailed Water Right Description(s) attached

Dated this 30th day of November, 2009


For Chief, Water Allocation Bureau

WATER RIGHT NO. 45-580A
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-580A is now described as follows.

Right Holder: HEIDI F MATTHEWS And
E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

Priority Date: May 01, 1885

Source: SPRING CREEK
MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.02 CFS
			0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3 Twp 14S Rge 23E CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0		40.0	40.0							120.0
13S 23E 28			34.0	33.0	33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577A, 45-578A, 45-579A, 45-580A and 45-600 when combined shall not exceed the irrigation of 10 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

WATER RIGHT NO. 45-580A
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

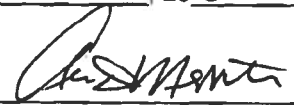
WATER RIGHT NO. 45-580A
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-577A
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-577A is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: December 31, 1879

Source: SPRING CREEK **Tributary:** MILL CREEK
 MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.05 CFS
			0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3 Twp 14S Rge 23E CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0		40.0	40.0							120.0
13S 23E 28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577A, 45-578A, 45-579A, 45-580A and 45-600 when combined shall not exceed the irrigation of 10 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

**WATER RIGHT NO. 45-577A
As Modified by Transfer No. 66133**

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

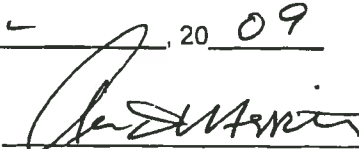
WATER RIGHT NO. 45-577A
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009


For Chief, Water Allocation Bureau

WATER RIGHT NO. 45-577B
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-577B is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: December 31, 1879

Source: SPRING CREEK
 MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.75 CFS
			0.75 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3 Twp 14S Rge 23E CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0		40.0	40.0							120.0
13S 23E 28			34.0	33.0	33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577B, 45-578B, 45-579B and 45-580B when combined shall not exceed a diversion rate of 2.72 cfs and the irrigation of 150 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

WATER RIGHT NO. 45-577B
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

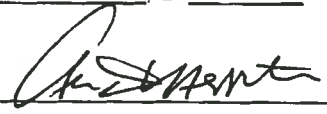
WATER RIGHT NO. 45-577B
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009



For Chief, Water Allocation Bureau

WATER RIGHT NO. 45-578A
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-578A is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: March 01, 1881

Source: SPRING CREEK
 MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.08 CFS
			0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3	Twp 14S	Rge 23E	CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4	Twp 14S	Rge 23E	CASSIA County
MILL CREEK	SWSENE	Sec. 10	Twp 14S	Rge 23E	CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21						40.0			40.0	40.0							120.0
13S 23E 28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577A, 45-578A, 45-579A, 45-580A and 45-600 when combined shall not exceed the irrigation of 10 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

WATER RIGHT NO. 45-578A
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

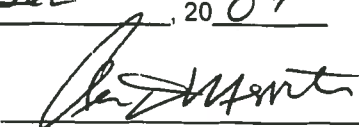
WATER RIGHT NO. 45-578A
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009


FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-578B
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-578B is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: March 01, 1881

Source: SPRING CREEK
 MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	1.12 CFS
			1.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3 Twp 14S Rge 23E CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0		40.0	40.0							120.0
13S 23E 28			34.0	33.0	33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577B, 45-578B, 45-579B and 45-580B when combined shall not exceed a diversion rate of 2.72 cfs and the irrigation of 150 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

WATER RIGHT NO. 45-578B
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 45-578B
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009


FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-579A
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-579A is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: May 01, 1884

Source: SPRING CREEK
 MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to 11/15	0.03 CFS
		0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3 Twp 14S Rge 23E CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0			40.0	40.0						120.0
13S 23E 28			34.0	33.0	33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577A, 45-578A, 45-579A, 45-580A and 45-600 when combined shall not exceed the irrigation of 10 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

WATER RIGHT NO. 45-579A
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

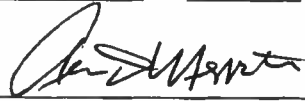
WATER RIGHT NO. 45-579A
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009


FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-579B
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-579B is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: May 01, 1884

Source: SPRING CREEK
 MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.47 CFS
			0.47 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3	Twp 14S	Rge 23E	CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4	Twp 14S	Rge 23E	CASSIA County
MILL CREEK	SWSENE	Sec. 10	Twp 14S	Rge 23E	CASSIA 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	
13S	23E	20				32.0								35.0	32.0	35.0	32.0		166.0
13S	23E	21						40.0			40.0	40.0							120.0
13S	23E	28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S	23E	29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577B, 45-578B, 45-579B and 45-580B when combined shall not exceed a diversion rate of 2.72 cfs and the irrigation of 150 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

WATER RIGHT NO. 45-579B
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 45-579B
As Modified by Transfer No. 66133

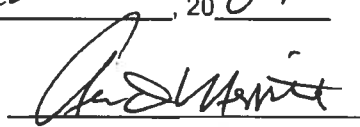
CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009

FOR



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-580B
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-580B is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: May 01, 1885

Source: SPRING CREEK
 MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.38 CFS
			0.38 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3 Twp 14S Rge 23E CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0				40.0	40.0					120.0
13S 23E 28			34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577B, 45-578B, 45-579B and 45-580B when combined shall not exceed a diversion rate of 2.72 cfs and the irrigation of 150 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.

WATER RIGHT NO. 45-580B
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

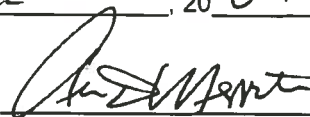
WATER RIGHT NO. 45-580B
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009


F. J. L. Chief, Water Allocation Bureau

WATER RIGHT NO. 45-586
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-586 is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: December 31, 1879

Source: SPRING CREEK
 MILL CREEK

Tributary: MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER STORAGE	01/01 to	12/31	0.12 CFS	11.0 AF
STOCKWATER	01/01 to	12/31	0.12 CFS	6.7 AF
IRRIGATION	03/15 to	11/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK NESWSE Sec. 3 Twp 14S Rge 23E CASSIA County

SPRING CREEK L1 (NWNENE) Sec. 4 Twp 14S Rge 23E CASSIA County

MILL CREEK SWSENE Sec. 10 Twp 14S Rge 23E CASSIA County

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 28														X	X		

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 28														X	X		

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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21						40.0				40.0	40.0						120.0
13S 23E 28			34.0	33.0	33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0			36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

WATER RIGHT NO. 45-586
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

1. Rights 45-586, 45-587, and 45-588 when combined shall not exceed the irrigation of 166.2 acres.
2. Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs and the irrigation of 289.2 acres.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs and the irrigation of 527.2 acres.
4. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

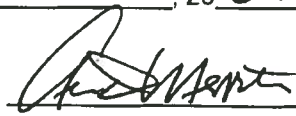
WATER RIGHT NO. 45-586
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 30th day of November, 2009



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-587
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 45-587
As Modified by Transfer No. 66133

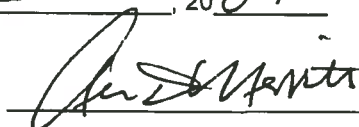
CONDITIONS OF APPROVAL

12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 30th day of November, 2009

FOR



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-588
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-588 is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: March 01, 1883

Source: SPRING CREEK **Tributary:** MILL CREEK
 MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to 11/15	0.70 CFS
		0.70 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3	Twp 14S	Rge 23E	CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4	Twp 14S	Rge 23E	CASSIA County
MILL CREEK	SWSENE	Sec. 10	Twp 14S	Rge 23E	CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0			40.0	40.0						120.0
13S 23E 28			34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0				35.0	35.0				40.0	36.0		296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-586, 45-587, and 45-588 when combined shall not exceed the irrigation of 166.2 acres.
2. Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs and the irrigation of 289.2 acres.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-588
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 45-588
As Modified by Transfer No. 66133

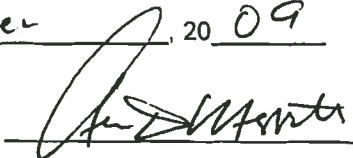
CONDITIONS OF APPROVAL

12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 30th day of November, 20 09

FDR



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-600
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-600 is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: April 01, 1894

Source: SPRING

Tributary: SPRING CREEK

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to 11/15	0.20 CFS
		0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING L1 (NWNENE) Sec. 4 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0			40.0	40.0						120.0
13S 23E 28			34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. Rights 45-577A, 45-578A, 45-579A, 45-580A and 45-600 when combined shall not exceed the irrigation of 10 acres.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 160 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.
4. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
5. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-600
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 45-600
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009



F9 R Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12927
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-12927 is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: March 28, 1987

Source: SPRING CREEK **Tributary:** MILL CREEK
 MILL CREEK
 SPRING

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	11/01	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	NESWSE	Sec. 3 Twp 14S Rge 23E CASSIA County
SPRING	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S Rge 23E CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21						40.0			40.0	40.0							120.0
13S 23E 28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 78 acres within the place of use described above in a single irrigation season.
2. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs and the irrigation of 238 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.

WATER RIGHT NO. 45-12927
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs, and the irrigation of 527.2 acres.
5. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
6. Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water right decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
11. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

WATER RIGHT NO. 45-12927

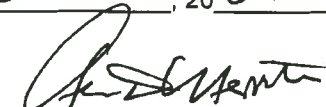
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 30th day of November, 2009



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12929
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-12929 is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: March 28, 1987

Source: BEDKE SPRING
 SPRING CREEK
 MILL CREEK

Tributary: SINKS
 MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BEDKE SPRING	NESESW	Sec. 27 Twp 13S	Rge 23E	CASSIA County
SPRING CREEK	NESWSE	Sec. 3 Twp 14S	Rge 23E	CASSIA County
SPRING CREEK	L1 (NWNENE)	Sec. 4 Twp 14S	Rge 23E	CASSIA County
MILL CREEK	SWSENE	Sec. 10 Twp 14S	Rge 23E	CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0		40.0	40.0							120.0
13S 23E 28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 123 acres within the place of use described above in a single irrigation season.
2. Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs and the irrigation of 289.2 acres.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-12929
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

4. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water right decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
10. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
11. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

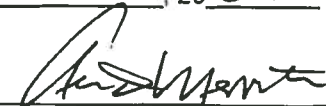
WATER RIGHT NO. 45-12929
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

12. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 30th day of November, 2009

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 45-14216
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-14216 is now described as follows.

Right Holder: E EUGENE MATTHEWS And
 HEIDI F MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: August 12, 1880

Source: BEDKE SPRING

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to	12/31	0.04 CFS	1.6 AF
IRRIGATION	03/15 to	11/15	0.33 CFS	
STOCKWATER	01/01 to	12/31	0.10 CFS	5.6 AF
			0.33 CFS	5.6 AF*

*Excluding Irrigation

LOCATION OF POINT(S) OF DIVERSION:

BEDKE SPRING SWSE Sec. 27 Twp 13S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0			40.0	40.0						120.0
13S 23E 28			34.0	33.0	33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 31.2 acres within the place of use described above in a single irrigation season.
2. Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs and the irrigation of 289.2 acres.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs and the irrigation of 527.2 acres.
4. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.

WATER RIGHT NO. 45-14216
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

5. Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

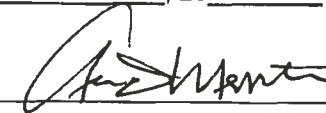
WATER RIGHT NO. 45-14216
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

15. 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 30th day of November, 2009



for Chief, Water Allocation Bureau

WATER RIGHT NO. 45-14217
As Modified by Transfer No. 66133

In accordance with the approval of Transfer No. 66133, Water Right No. 45-14217 is now described as follows.

Right Holder: ROBERT L BEDKE And
 CAROL L BEDKE
 1872 S 50 E
 OAKLEY ID 83346

Priority Date: August 12, 1880

Source: BEDKE SPRING

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to	12/31	0.02 CFS	0.8 AF
IRRIGATION	03/15 to	11/15	0.17 CFS	
STOCKWATER	01/01 to	12/31	0.02 CFS	1.1 AF
			0.17 CFS	1.1 AF*

*Excluding Irrigation

LOCATION OF POINT(S) OF DIVERSION:

BEDKE SPRING SWSE Sec. 27 Twp 13S Rge 23E CASSIA County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S 23E 28										X							

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S 23E 28											8.8						8.8

Total Acres: 8.84

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S 23E 28										X							

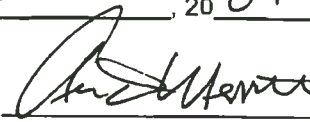
WATER RIGHT NO. 45-14217
As Modified by Transfer No. 66133

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.8 acres within the place of use described above in a single irrigation season.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 30th day of November, 2009



F. R. Chief, Water Allocation Bureau

COPY

2005 APR 20 AM 11:1
DISTRICT COURT-SRB,
TWIN FALLS CO., IDAH
FILED

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

In Re SRBA)

Case No. 39576)

**Water Rights: 45-534, 45-577A,
45-577B, 45-578A, 45-578B, 45-579A,
45-579B, 45-580A, 45-580B, 45-586,
45-587, 45-588, 45-600, 45-12927,
45-12929
NOTICE OF ADMINISTRATIVE
PROCEEDING**

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

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

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right
- ☒ I.C. § 42-222 transfer 66133

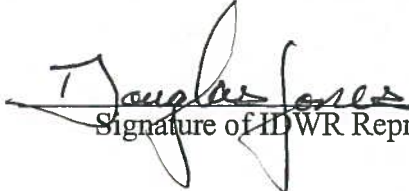
☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: April 7, 2006.

Dated

4/19/05


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/20, 2005, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Eugene Matthews
Heidi Matthews
1249 S Hwy 27
Oakley ID 83346

Anderson Farms Inc
271 W Hwy 30
Burley ID 83318



Signature of person or attorney mailing the form

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 10-27-2000

File: 45-577a 586 et al anderson farms

Prepared by Kelly K Christensen

SOUTH FARM SYSTEM

SURFACE WATER RIGHTS

SYSTEM 1 45-577A, 45-578A, 45-579A, 45-580A AND 45-600 p/u = 10 ACRES
SYSTEM 2 45-577B, 45-578B, 45-579B, AND 45-580B p/u = 150 ACRES

The surface water rights are part of the Basin Creek Decree that was issued on 3-27-1987. Listed as Civil case No 11125.

The 10 acres in system 1 do not overlap with the 150 acres within system 2. There is a difference in sources for the two systems. The enlargement right 45-12927 is for 78.2 acres within the PP/U.

GROUND WATER RIGHTS

SYSTEM 3 45-2405 p/u = 123 ACRES

The 123 acres under system 3 overlap with the acres under system 1. The expansion claim 45-12928 is for 115.2 acres within the PP/U. When the two rights are combined, they are limited to 1.87 cfs and 492 afa.

This area is within the Oakley-Kenyon critical groundwater area that was closed on January 19, 1962 and modified in 1967. Any new acres irrigated from the ground water source are subject to review under Idaho Code § 42-1426B.

The total recommended place of use regardless of source is 160 acres based upon the decree information and licensing information. The 1987 aerial photography shows an irrigated place of use of ≈ 237 acres. Although the acres may have been developed prior to 1987 they cannot be recommended as a beneficial use right or with a priority date earlier than 3-28-1987. *date of decree*
The 78.2 'new' acres are considered an enlargement of the surface water rights with that priority date based upon Idaho Code § 42-1426.

NORTH FARM SYSTEM

SURFACE WATER RIGHTS

SYSTEM 1 45-586, 45-587, AND 45-588 p/u = 175 ACRES
SYSTEM 2 45-534 p/u = 40 ACRES

The surface water rights are part of the Basin Creek Decree that was issued on 3-27-1987. Listed as Civil case No 11125.

The two systems are overlapping and I recognize a total of 175 decreed irrigated acres. The expansion claim 45-12929 is recognized for 123.4 acres within the PP/U.

GROUND WATER RIGHTS

SYSTEM 3 45-2406 p/u = 120 ACRES
SYSTEM 4 45-2661 p/u = 69 ACRES

This area is within the Oakley-Kenyon critical groundwater area that was closed on January 19, 1962 and modified in 1967.

Licensing remarks limit the two rights to 180 acres and a total diversion volume of 720 afa. These same limits become the combined limits for the three rights based upon 42-1416B. The enlargement claim 45-12930 is recognized for 118.4 acres within the PP/U.

The surface water rights in system 1 share the same point of diversions and same place of use. System 2 is from a different source but is for ground also covered under system 1. The combined place of use for system 1 and system 2 is 175 acres.

The overlap between the surface and ground water rights appears to be complete. Thus when the two systems are combined they are also limited to a total of 175 acres.

Using ArcView, Jim Stanton found $\approx$ 298 acres. As with the north farm system, the decree establishes 3-28-1987 as the earliest acceptable priority date for an enlargement of surface water rights under § 42-1426. Therefore the additional 123 acres would be an enlargement right.

The ground water rights irrigate a combined total of 180 acres. If the entire place of use is irrigated with ground water then 118 acres would be considered under Idaho Code § 42-1416B as a late claim.

FEES DUE FOR THE EXPANSION AND ENLARGEMENT CLAIMS

SOUTH FARM

	Fees due
45-12927 enlargement of surface water rights	\$50.00
45-12928 expansion of ground water rights	\$50.00
variable fees due	\$79.00

NORTH FARM

45-12929 enlargement of surface water rights	\$50.00
45-12930 expansion of ground water rights	\$50.00
variable fees due	<u>\$119.00</u>
TOTAL FEES DUE	\$398.00



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

April 20, 2005

EUGENE MATTHEWS
HEIDI MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

RE: SRBA Claim(s) 45-534, 45-577A, 45-577B, 45-578A,
45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586,
45-587, 45-588, 45-600, 45-12927, 45-12929
45-2405, 45-2406, 45-2661, 45-12928, 45-12930

Dear Claimant:

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

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

cc: Anderson Farms Inc

VERIFIED BY X 1/14/03
01/14/2003

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

RIGHT NUMBER: 45-577A
NAME AND ADDRESS: ANDERSON FARMS INC
961 S 50 W
BURLEY ID 83318
SOURCE: MILL CREEK
SPRING CREEK
TRIBUTARY: MILL CREEK
QUANTITY: 0.050 CFS
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.1 CFS. COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, & 45-12927.
PRIORITY DATE: 12/31/1879
POINT OF DIVERSION:
T14S R23E S3 SWSE Within CASSIA County
T14S R23E S10 SENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.050 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R23E S33	SESE	33.0	T13S R23E S34	SWSW	32.0
T13S R23E S34	SESW	19.0	T14S R23E S03 Lot 2	NWNE	2.0
T14S R23E S03	SWNE	18.0	T14S R23E S03 Lot 3	NENW	33.0
T14S R23E S03 Lot 4	NWNW	39.0	T14S R23E S03	SWNW	16.0
T14S R23E S03	SENE	29.0	T14S R23E S04 Lot 1	NENE	16.0
T14S R23E S04	SENE	1.0			

238 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 10 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-577A, 45-578A, 45-579A, 45-580A, & 45-600.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 238 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, & 45-12928.

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

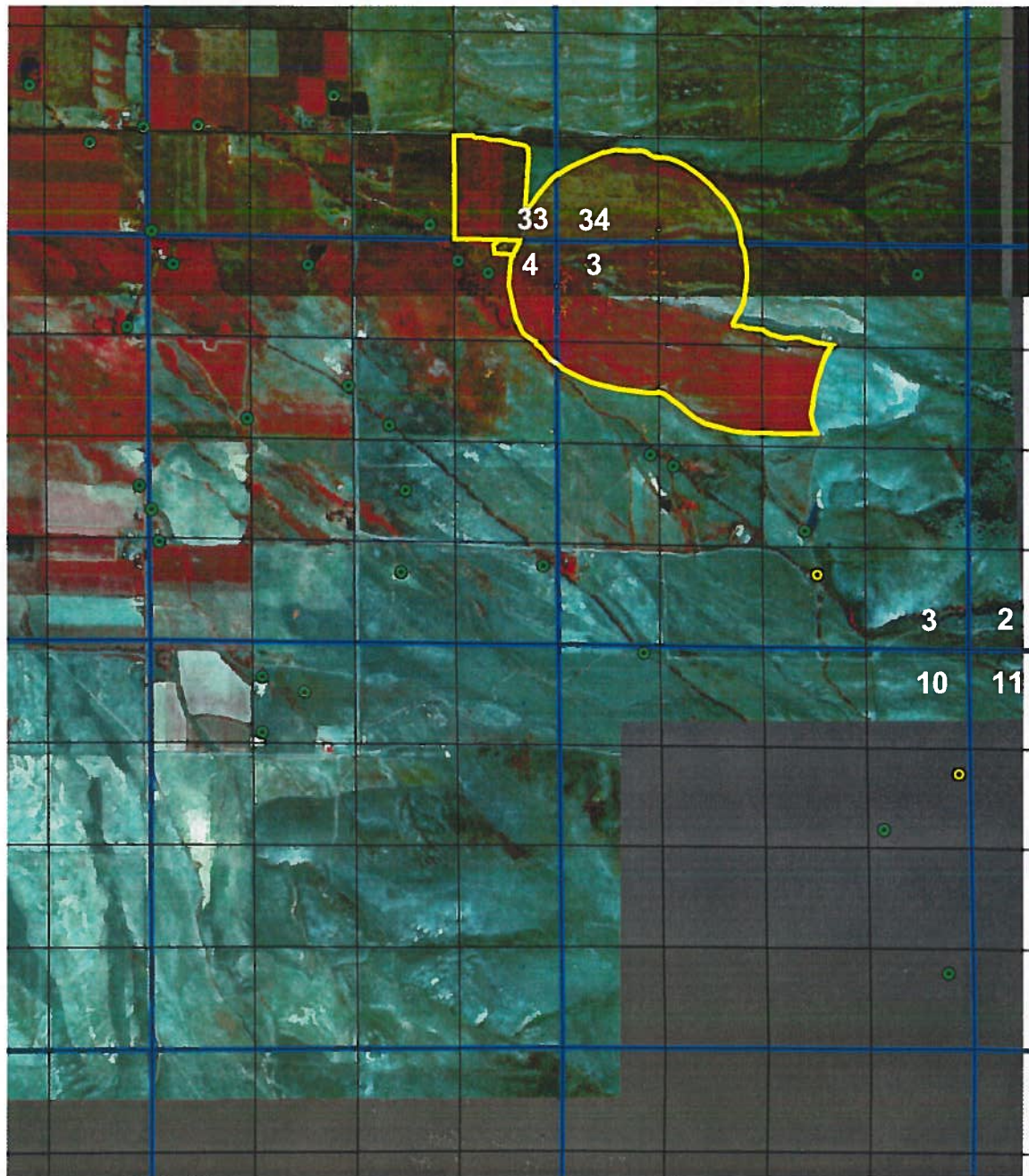
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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

RIGHT NO. 45-12927 IS AN ENLARGEMENT OF THE FOLLOWING RIGHTS PURSUANT TO SECTION 42-1426, IDAHO CODE: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, & 45-600.

45-577A, 45-578A, & 45-579A



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 15, 2003
TWP 13S, RNG 23E, SEC. 33 & 34
TWP 14S, RNG 23E, SEC. 3 & 4



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577A V1

WATER RIGHT NUMBER: 45-577A V1

<u>Owner Type</u>	<u>Name and Address</u>
Security Interest	KEYBANK NATIONAL 702 W IDAHO ST BOISE, ID 83702 (208)334-7943
Current Owner	ANDERSON FARMS INC 961 S 50 W BURLEY, ID 83318 (208)678-4314
Original Owner	GRANT M WYATT 327 S 400 W BURLEY, ID 83318 (208)678-2856

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	
SPRING CREEK	MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

MILL CREEK	SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.
CASSIA County		
SPRING CREEK	SW1/4SE1/4	Sec. 3, Twp 14S, Rge 23E, B.M.
CASSIA 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	
13S	23E	33																	33.0
13S	23E	34											32.0	19.0					51.0
14S	23E	3		2.0	18.0		33.0	39.0	16.0	29.0									137.0
14S	23E	4	16.0			1.0													17.0
			L 1				L 3	L 4											

Total Acres: 238

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-577A V1

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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 10 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-577A, 45-578A, 45-579A, 45-580A, & 45-600.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.1 CFS. COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, & 45-12927.
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 238 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, & 45-12928.
4. Explanatory RIGHT NO. 45-12927 IS AN ENLARGEMENT OF THE FOLLOWING RIGHTS PURSUANT TO SECTION 42-1426, IDAHO CODE: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, & 45-600.

Comments:

1. jroberts 1/14/2003 Basis of Recommendation

Comment: Recommendation is for a 238 ac ppu, within which this right is limited to 10 ac when combined with several others, because there was an enlargement claim filed for a total of 238 ac and a pending transfer using this pou.

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: 45A
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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/14/2003 9:24:22 AM	jroberts			Active
POD	1/14/2003 9:24:46 AM	jroberts			Active
Source	1/14/2003 9:27:23 AM	jroberts			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577A V1

POU	1/14/2003 9:30:30 AM	jroberts	Active
Use	1/14/2003 9:31:48 AM	jroberts	Active
Season	1/14/2003 9:32:58 AM	jroberts	Active
Quantity	1/14/2003 9:33:44 AM	jroberts	Active
Summary	01/14/2003	jroberts	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	1/14/2003 9:24:23 AM	jroberts	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/14/2003 9:24:47 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	1/14/2003 9:25:53 AM	jroberts	Edited point location
POD	1/14/2003 9:26:07 AM	jroberts	Edited PLS
POD	1/14/2003 9:26:44 AM	jroberts	Edited point location
POD	1/14/2003 9:26:52 AM	jroberts	Edited PLS
Source	1/14/2003 9:27:24 AM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	1/14/2003 9:31:00 AM	jroberts	Edited shape boundary
POU	1/14/2003 9:31:20 AM	jroberts	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577A V1

POU	1/14/2003 9:30:31 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Claim has an enlargement claim filed for a total pou of 238 acres, so this right will be recommended in a ppu of 238 ac and limited to 10 ac in combination with other decrees which were for 10 ac. Description for Question 13 - per GIS of 1987 aerial photo.
Use	1/14/2003 9:31:49 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	1/14/2003 9:32:59 AM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/14/2003 9:33:46 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577A V1

Summary	1/14/2003 10:14:13 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-577A

WATER RIGHT NUMBER: 45-577A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MILDRED S GORRINGE
	OAKLEY, ID 83346
Current Owner	CARL GORRINGE
	OAKLEY, ID 83346

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	
SPRING CREEK	MILL CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	11/15	0.050 CFS	
	<u>Total Diversion:</u>		0.050 CFS	

Location of Point(s) of Diversion

MILL CREEK	SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.
CASSIA County		
SPRING CREEK	SW1/4SE1/4	Sec. 3, Twp 14S, Rge 23E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	23E	4																	

Total Acres: 10

Conditions of Approval:Remarks:

- General SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

Comments:

Log for claim A45-00577A

Spatial Dynamics LRR

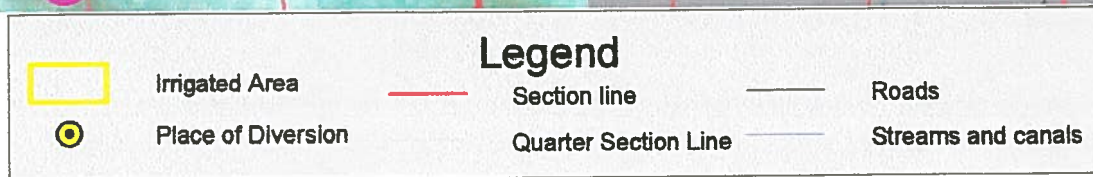
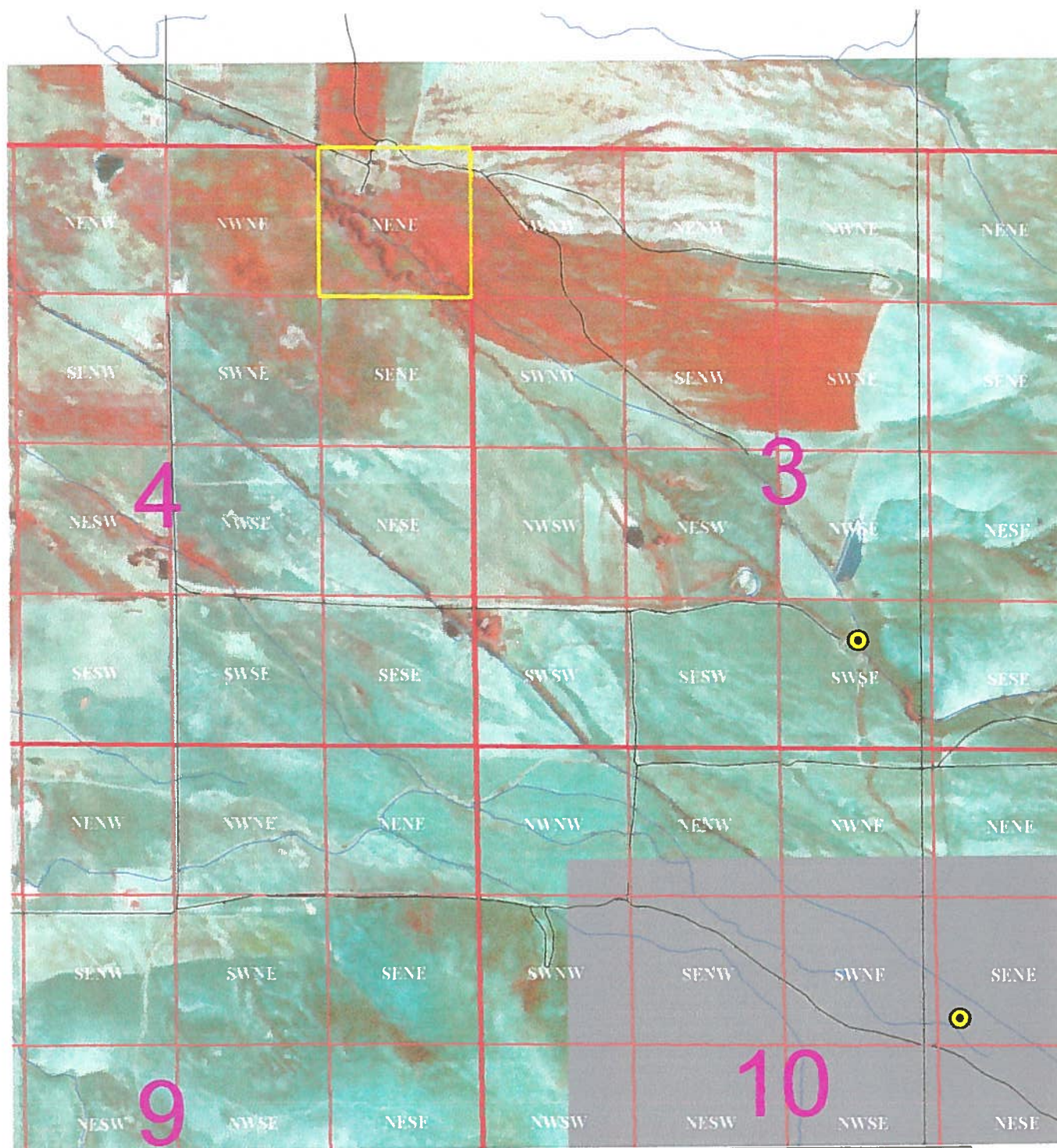
2/15/00

T	R	SEC	QQ	Aeres Claimed	Aeres Found	COMMENT
14	23	4	NENE	10	39	Indiscernible
Totals:				10	39	

Water Right Claim Number A45-00577A

02/15/2000

Townships , 14S23E

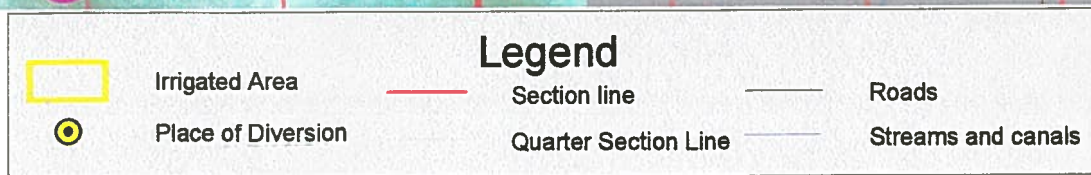
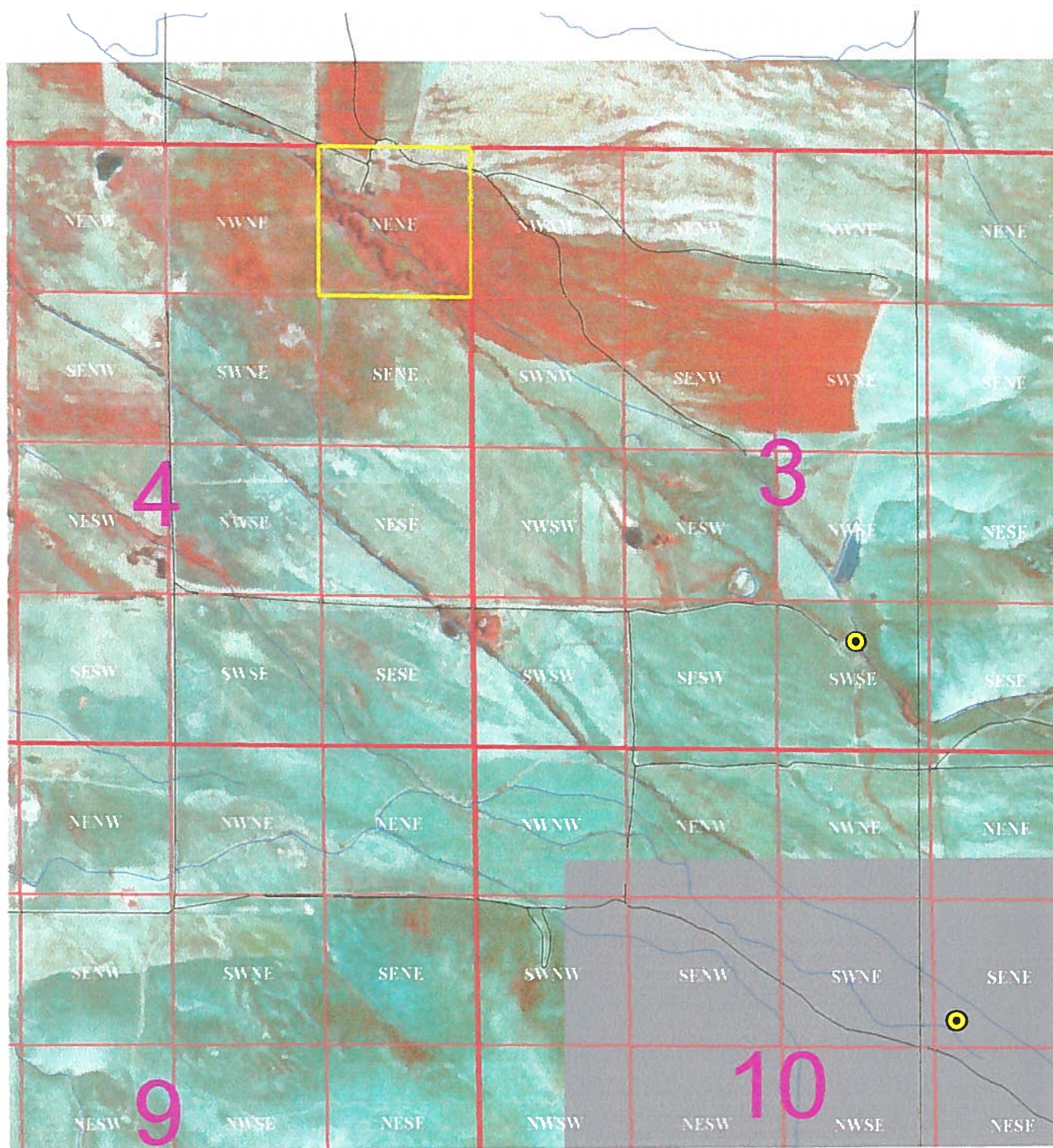


600 0 600 1200 Feet

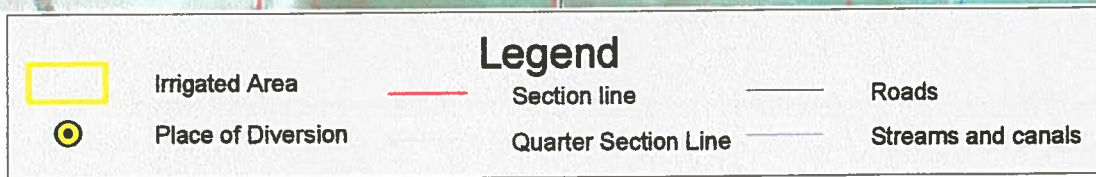
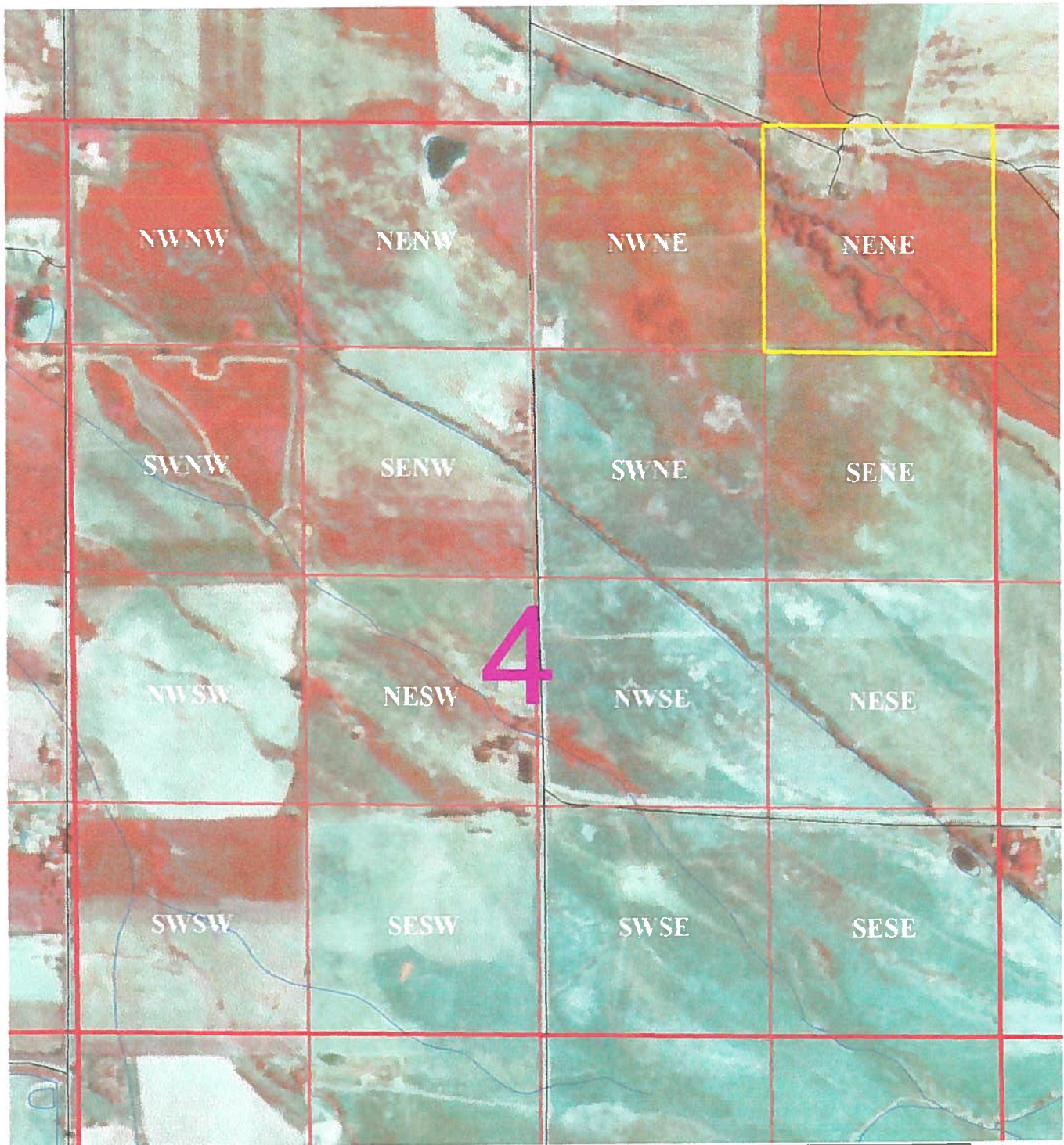
Water Right Claim Number A45-00577A

02/15/2000

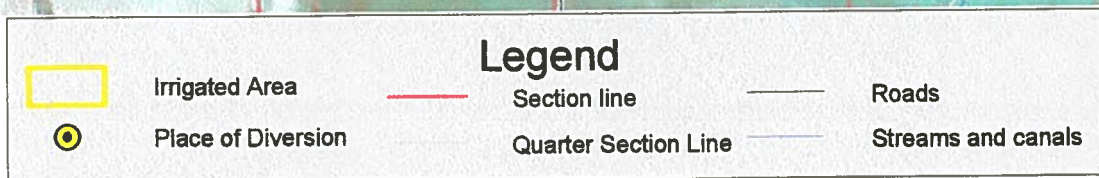
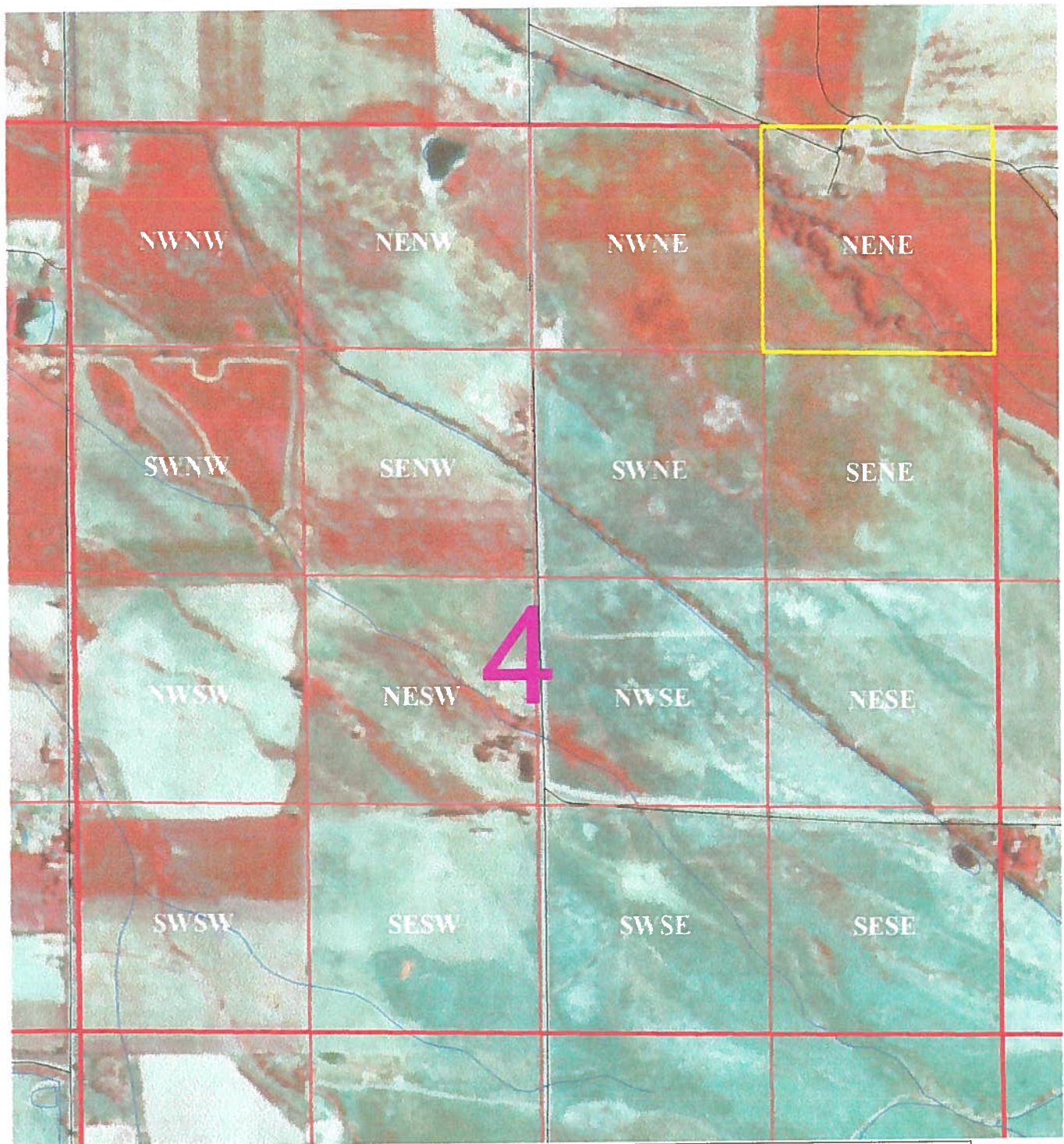
Townships , 14S23E



Townships , 14S23E



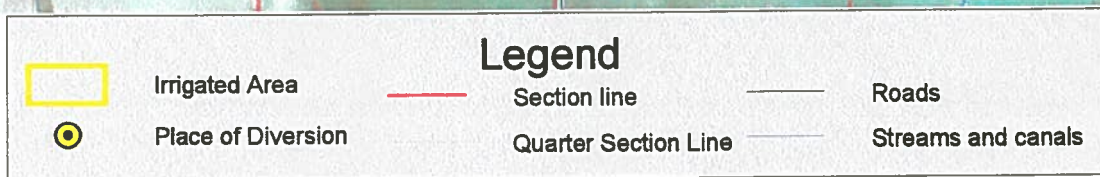
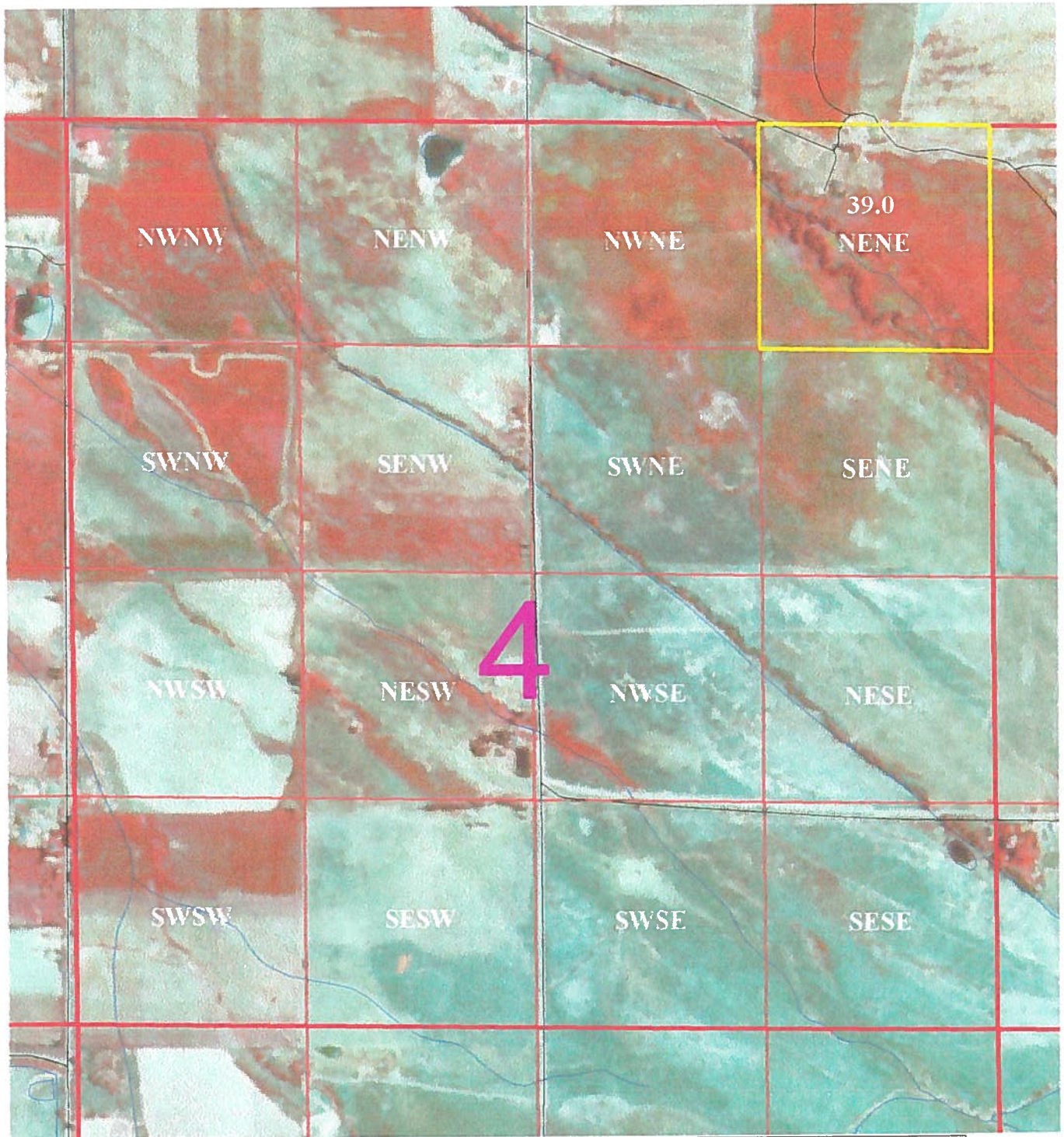
Townships , 14S23E



Water Right Claim Number A45-00577A

02/15/2000

Townships , 14S23E



AJ5809NP
No. A45-00577A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/19/00
PAGE: 36

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANDERSON FARMS INC 961 S 50 W BURLEY ID 83318 (208) 678-4314	12/31/1879	IRRIGATION	03-15 11-15	0.050 CFS	
TOTAL DIVERSION:					0.050 CFS	

Water Source: SPRING CREEK
MILL CREEK

Tributary to: MILL CREEK

Stage: DECREED

Point(s) of Diversion:	T14S R23E S03	SWSE	CASSIA County
	S10	SENE	CASSIA County

Lots Without 1/4 1/4 Description: IRRIGATION
14S 23E 4 01-10

SUM
10.0

POU County: CASSIA

Other Rights: A45-00577B, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A45-00540	A45-00541	A45-00542	A45-00564A	A45-00564B	A45-00565	A45-00566A	A45-00566B	A45-00567A	A45-00567B
A45-00568	A45-00569	A45-00574	A45-00576	A45-00577B	A45-00578A	A45-00578B	A45-00579A	A45-00579B	A45-00580A
A45-00580B	A45-00581B	A45-00581C	A45-00582B	A45-00582C	A45-00584	A45-00585	A45-00586	A45-00587	A45-00588
R45-00581B	R45-00581C	R45-00582B	R45-00582C						

Remarks: GEN SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

8/24/98 TF; OWNERSHIP CHANGED WYATT TO ANDERSON FARMS PER 1409(6)
AND TITLE INS POLICY REC'D 8/20/98.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 45A Field Inspection Flag:
Presumption Flag:

Audit: 05/26/89 WHITE 03/30/95 POST-STD 08/24/98 TFAWCETT

WR5809NP
No. 45-00577A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/19/00
PAGE: 24

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL GORRINGE	12/31/1879	IRRIGATION	03/15 11/15	0.050 CFS	
C	MILDRED S. GORRINGE					
	OAKLEY ID 83346			TOTAL DIVERSION:	0.050 CFS	

Water Source: SPRING CREEK
MILL CREEK

Tributary to: MILL CREEK

Stage: DECREED

Point(s) of Diversion:	T14S R23E S03	SWSE	CASSIA County
	S10	SENE	CASSIA County

Lots Without 1/4 1/4 Description: IRRIGATION
14S 23E 4 01-10

10.0

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

45-00540	45-00541	45-00542	45-00564	45-00565	45-00566	45-00567	45-00568	45-00569	45-00574
45-00576	45-00577B	45-00578A	45-00578B	45-00579A	45-00579B	45-00580A	45-00580B	45-00581	45-00582
45-00584	45-00585	45-00586	45-00587	45-00588	45-00685	T45-00581A	T45-00582A	T45-00685A	

Remarks: GEN SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

Dates:	App. Received:	Priority Date:	12/31/1879
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 45A Field Exam Fee:

Audit: 03/28/88 05/28/88 CONVERT