

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 45-12929
Date Received: 11/1/00
Receipt No: 5023508
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANDERSON FARMS Phone: (208)677-2818

2040 OVERLAND AVE
BURLEY ID USA 83318

2. Date of Priority: 03/28/1987

3. Source: MILL CREEK , SPRING CREEK , BEDKE SPRING Trib. to: , MILL CREEK , SINKS

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
13S	23E	27	NE	SE	SW		CASSIA
14S	23E	4	NW	NE	NE	1	CASSIA
14S	23E	10	SW	SE	NE		CASSIA

5. Description of diverting works:

WATER FROM MILL CREEK AND SPRING CREEK ARE FLUMED TO THE PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13S	23E	28	SW	NW		IRRIGATION	0.1
			NW	SW		IRRIGATION	27
			NE	SW		IRRIGATION	27
			SW	SW		IRRIGATION	12

				Section Acres	66.1	
13S	23E	29	NE	NE	IRRIGATION	0.5
			SE	NE	IRRIGATION	38
			NE	SE	IRRIGATION	39
			SW	NW	IRRIGATION	0.2
			SE	NW	IRRIGATION	39
			SW	NE	IRRIGATION	39
			NW	SW	IRRIGATION	0.6
			NE	SW	IRRIGATION	37
			NW	SE	IRRIGATION	39
				Section Acres	232.3	
				Total Acres	298.4	

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:

14. Remarks:

THIS RIGHT IS AN ENLARGEMENT OF 45-586, 45-587, 45-588, AND 45-534 BASED UPON IDAHO CODE 42-1426.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Anderson Farms, Inc. that I have signed the foregoing Organization document in the space below as President of _____ Title

Anderson Farms, Inc. and that the statements contained in the Organization foregoing documents are true and correct.

[Signature]
Signature of Authorized Agent
Pres. of Anderson Farms, Inc.
Title and Organization
11-27-00
Date

State of Idaho
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th
of Nov 2000

Kelly T. Christensen
Notary Public

Residing at Twin Falls
My commission Expires 3-11-04

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	)	Subcase No: 45-577A, 45-577B,
	)	45-578A, 45-578B, 45-579A, 45-579B,
Case No. 39576	)	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):

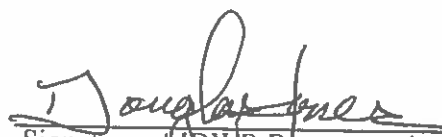
☒ Change in Ownership	☐ Split of Water Right
☒ Point of Diversion	☒ Place of Use
☐ Period of Use	☐ Nature of Use

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

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

Dated: _____

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

09/08/2010

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

RIGHT NUMBER: 45-12929

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

HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE: BEDKE SPRING
MILL CREEK
SPRING CREEK

TRIBUTARY: SINKS
TRIBUTARY:
TRIBUTARY: MILL CREEK

QUANTITY: 1.000 CFS

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.

PRIORITY DATE: 03/28/1987

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.

POINT OF
DIVERSION:

T13S R23E S27 NESESW Within CASSIA County
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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

1.000 CFS

PLACE OF USE:

Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

This right is limited to the irrigation of 123 acres within the place of use described above in a single irrigation season.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM ☒ Beneficial Use

Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 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:

PURPOSE OF USE		PERIOD OF USE		QUANTITY	
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	SENW	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

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	)	Water Rights: 45-534, 45-577A,
	)	45-577B, 45-578A, 45-578B, 45-579A,
Case No. 39576	)	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

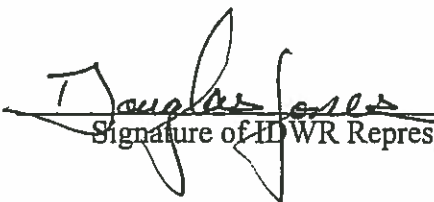
☒ point of diversion ☒ place of use

☐ 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



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

April 20, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12929 V1

WATER RIGHT NUMBER: 45-12929 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANDERSON FARMS 2040 OVERLAND AVE BURLEY, ID 83318 (208)677-2818

Priority Date: 03/28/1987

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BEDKE SPRING	SINKS
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	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	0.00 AF

Location of Point(s) of Diversion

SPRING CREEK	L1 (NW1/4NE1/4NE1/4)	Sec. 4, Twp 14S, Rge 23E, B.M.
CASSIA County		
MILL CREEK	SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.
CASSIA County		
BEDKE SPRING	SW1/4SE1/4	Sec. 27, Twp 13S, 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	28							4.0		30.0	40.0	30.0						104.0
13S	23E	29			40.0	40.0			39.0	37.0					40.0	39.0			235.0

Total Acres: 339

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12929 V1

1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4 CFS. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, & 45-12929.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 298 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, 45-2406, 45-2661, 45-12929, & 45-12930.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 45-534, 45-586, 45-587, & 45-588 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 123 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. jroberts 1/16/2003 Basis of Recommendation

Comment: Recommendation is per Transfer #4384, approved 9/2/94, but the 180 acres approved in the transfer are now recommended in a ppu of 339 acres, along with overlapping surface water rights and enlargement and expansion claims, which were filed later. These expansion and enlargement claims are for a total ppu of 298 acres so all rights will be limited to 298 ac within the 339 ac ppu. There are now two other pending transfers which recognize this 298 ac ppu for the groundwater, surface water, enlargement and expansion claims which will reduce the total ppu when approved.

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:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-12929

WATER RIGHT NUMBER: 45-12929

Owner Type Name and Address
 Current Owner ANDERSON FARMS
 2040 OVERLAND AVE
 BURLEY, ID 83318
 (208)677-2818

Priority Date: 03/28/1987
 Basis: Beneficial Use
 Status: Active

Source Tributary
 BEDKE SPRING SINKS
 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	04/01 to 11/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	0.00 AF

Location of Point(s) of Diversion

SPRING CREEK	L1 (NW1/4NE1/4NE1/4)	Sec. 4, Twp 14S, Rge 23E, B.M.
CASSIA County		
MILL CREEK	SW1/4SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.
CASSIA County		
BEDKE SPRING	NE1/4SE1/4SW1/4	Sec. 27, Twp 13S, 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	28							.1		27.0	27.0	12.0						66.1
13S	23E	29	.5		39.0	38.0		.2	39.0	37.0	.6				39.0	39.0			232.3

Total Acres: 298.4

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-12929

1. THIS RIGHT IS AN ENLARGEMENT OF 45-586, 45-587, 45-588, AND 45-534 BASED UPON IDAHO CODE 42-1426. FEES PENDING AS OF 11-1-2000 KKC

FEES PAID 11-27-2000 RECEIPT NO S023508

Comments:

Dates and Other Information:

Claim Received Date: 11/1/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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	<u>45-577A, 45-578A, 45-579A, 45-580A AND 45-600</u>	p/u = 10 ACRES
SYSTEM 2	<u>45-577B, 45-578B, 45-579B, AND 45-580B</u>	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	<u>45-2405</u>	p/u = 123 ACRES
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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	<u>45-586, 45-587, AND 45-588</u>	p/u = 175 ACRES
SYSTEM 2	<u>45-534</u>	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	<u>45-2406</u>	p/u = 120 ACRES
SYSTEM 4	<u>45-2661</u>	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	\$119.00
TOTAL FEES DUE	\$398.00



Idaho Statutes

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 14

ADJUDICATION OF WATER RIGHTS

42-1426. ENLARGEMENTS -- WAIVER OF MANDATORY PERMIT REQUIREMENTS. (1)

Legislative findings regarding enlargements

(a) The legislature finds that prior to the commencement of the Snake River basin adjudication and subsequent to the mandatory permit system provided in sections 42-201 and 42-229, Idaho Code, persons entitled to the use of water or owning any land to which water has been made appurtenant by decree, license or constitutional appropriation have, through water conservation and other means, enlarged the use of said water without increasing the rate of diversion and without complying with the mandatory permit system adopted by the legislature. Enlargements have been done with the knowledge of other water users, and water has been distributed based upon the right as enlarged. Junior water users made appropriations based upon a water system that reflected these enlarged uses. Thus, the legislature further finds and declares that it is in the public interest to waive the mandatory permit requirements for these enlargements in use prior to the commencement of a general adjudication, so long as such enlargements in use did not increase the rate of diversion of the original water right or exceed the rate of diversion for irrigation provided in section 42-202, Idaho Code, after the enlargement of use, and the enlargement of use did not reduce the quantity of water available to other water rights existing on the date of the enlargement in use.

(b) The legislature further finds that it is in the public interest to waive certain statutory provisions for the appropriation of water that has been diverted and applied to beneficial use to insure the economic and agricultural base in the state of Idaho as it existed on the date of the commencement of the Snake River basin adjudication and to maintain historic water use patterns existing on that date.

(2) The mandatory permit requirements of sections 42-201 and/or 42-229, Idaho Code, are waived, and a new water right may be decreed for the enlarged use of the original water right based upon the diversion and application to beneficial use, with a priority date as of the date of completion of the enlargement of use for any enlargement occurring on or before November 19, 1987; provided however, that the rate of diversion of the original water right and the separate water right for the enlarged use, combined, shall not exceed the rate of diversion authorized for the original water right; and further provided, that the enlargement in use did not injure water rights existing on the date of the enlargement of use. An enlargement may be decreed if conditions directly related to the injury can be imposed on the original water right and the new water right that mitigate any injury to a water right existing on the date of enactment of this act. If injury to a water right later in time cannot be mitigated, then the new right for the enlarged use shall be advanced to a date one (1) day later than the priority date for the junior water right injured by the enlargement. It is further provided that any such enlargement of use allowed in a general adjudication shall not constitute an abandonment or forfeiture of the original water right to the extent of current use.

(3) The director shall publish a notice of enlargement of water right for all water rights recommended under this section. The notice shall contain a summary of the notice of claim and shall be published in the same manner as notices for applications to appropriate water in section 42-203A, Idaho Code. Any person who has filed an application for a water right prior to the enactment of this act or who has been issued a permit for a water right prior to enactment of this act but who has not filed a claim in an adjudication shall have thirty (30) days from the date of last publication of the notice of

enlargement of a water right under this section to file a petition with the department of water resources to assert any claimed injury from the enlargement. No appeal of the determination of the department shall be allowed. If the applicant or permittee is dissatisfied with the determination of the department on any claim of injury, the sole remedy is to intervene in the general adjudication and assert their claim of injury in an objection to the water right.

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RIGHT NUMBER: 45-12929

NAME AND ADDRESS: ANDERSON FARMS
2040 OVERLAND AVE
BURLEY ID 83318

SOURCE: BEDKE SPRING
MILL CREEK
SPRING CREEK

TRIBUTARY: SINKS
TRIBUTARY:
TRIBUTARY: MILL CREEK

QUANTITY: 1.000 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4 CFS. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587,
45-588, & 45-12929.

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 RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

T13S R23E S27 SWSE Within CASSIA County
T14S R23E S4 NWNENE Lot 1 Within CASSIA County
T14S R23E S10 SENE Within CASSIA County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
IRRIGATION	03/15	11/15	1.000 CFS

IRRIGATION Within CASSIA County					
T13S R23E S28	SWNW	4.0	T13S R23E S28	NESW	30.0
T13S R23E S28	NWSW	40.0	T13S R23E S28	SWSW	30.0
T13S R23E S29	SWNE	40.0	T13S R23E S29	SENE	40.0
T13S R23E S29	SENW	39.0	T13S R23E S29	NESW	37.0
T13S R23E S29	NESE	40.0	T13S R23E S29	NWSE	39.0

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 298 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, 45-2406, 45-2661, 45-12929, & 45-12930.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 123 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

02/03/2004

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

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 45-534, 45-586, 45-587, & 45-588 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

45-534, 45-586, 45-587, 45-588, & 45-12929



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 17, 2003
TWP 13S, RNG 23E, SEC. 28 & 29



- 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 45-12929 V1

WATER RIGHT NUMBER: 45-12929 V1

Owner Type Name and Address
 Current Owner ANDERSON FARMS
 2040 OVERLAND AVE
 BURLEY, ID 83318
 (208)677-2818

Priority Date: 03/28/1987
 Basis: Beneficial Use
 Status: Active

Source Tributary
 BEDKE SPRING SINKS
 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	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	0.00 AF

Location of Point(s) of Diversion

SPRING CREEK CASSIA County	L1 (NW1/4NE1/4NE1/4)	Sec. 4, Twp 14S, Rge 23E, B.M.
MILL CREEK CASSIA County	SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.
BEDKE SPRING CASSIA County	SW1/4SE1/4	Sec. 27, Twp 13S, Rge 23E, B.M.

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	28							4.0		30.0	40.0	30.0						104.0
13S	23E	29			40.0	40.0				39.0	37.0				40.0	39.0			235.0

Total Acres: 339

Conditions of Approval:

1. C11 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 RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12929 V1

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. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4 CFS. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, & 45-12929.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 298 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, 45-2406, 45-2661, 45-12929, & 45-12930.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 45-534, 45-586, 45-587, & 45-588 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 123 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. jroberts 1/16/2003 Basis of Recommendation

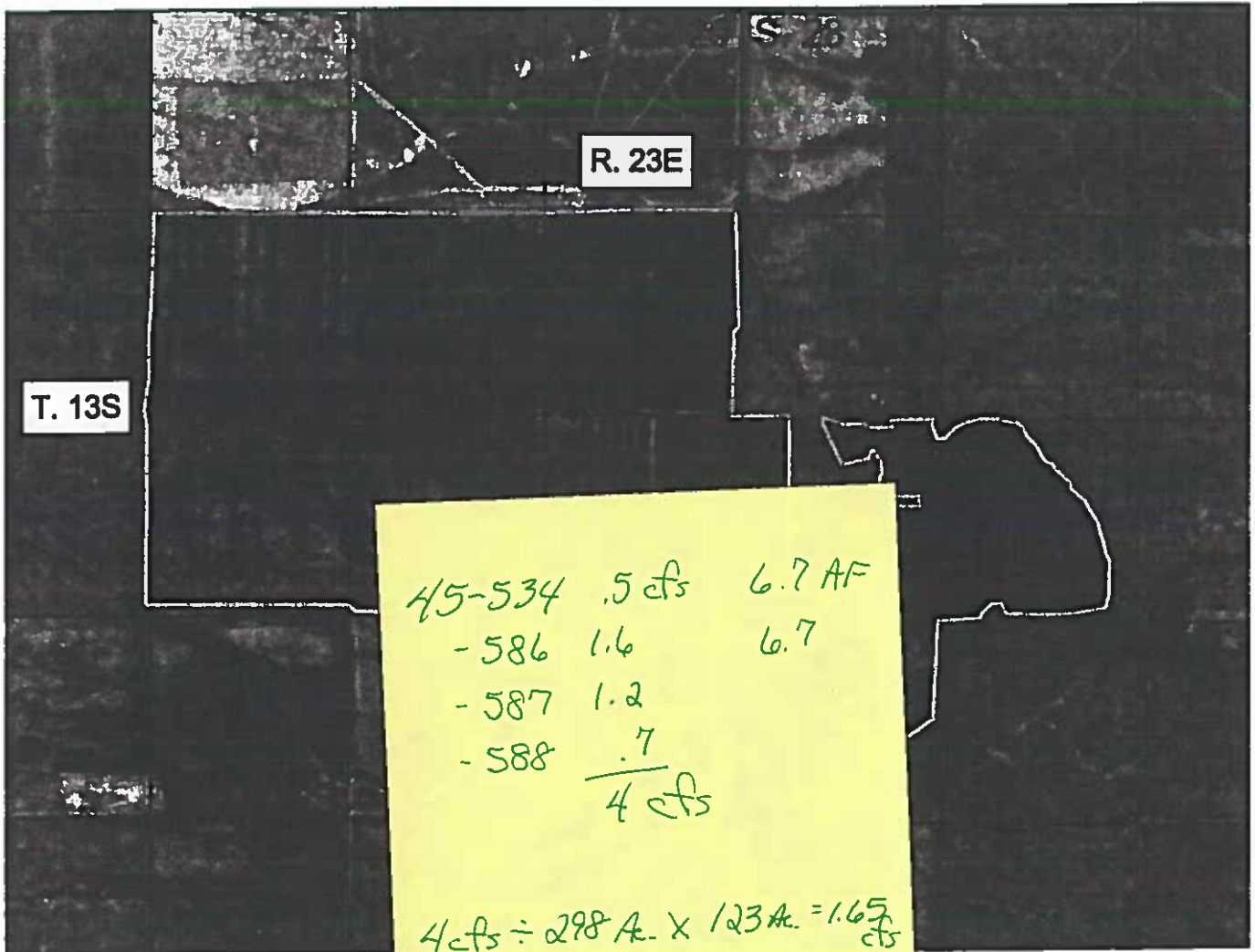
Comment: Recommendation is per Transfer #4384, approved 9/2/94, but the 180 acres approved in the transfer are now recommended in a ppu of 339 acres, along with overlapping surface water rights and enlargement and expansion claims, which were filed later. These expansion and enlargement claims are for a total ppu of 298 acres so all rights will be limited to 298 ac within the 339 ac ppu. There are now two other pending transfers which recognize this 298 ac ppu for the groundwater, surface water, enlargement and expansion claims which will reduce the total ppu when approved. Added Condition C11.

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:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

ANDERSON FARMS P/U IN 1987

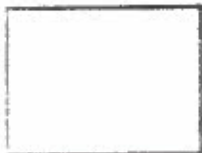


Irrigated Land

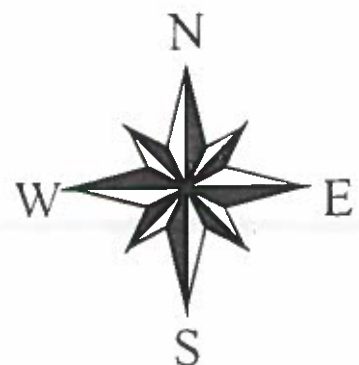


Prepared By J E Stanton
 6-22-00

ANDERSON FARMS P/U IN 1987



Irrigated Land



Prepared By J E Stanton
6-22-00