

WR5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

10/27/00 10:57:4  
Page 1

Water Right Number - 45-02661

Prefix Translation: WATER RIGHT

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
ANDERSON FARMS INC

1 - RT 2 BOX 2431  
2 -  
3 -  
City- BURLEY State- ID Zip- 83318  
Phone - 208-678-4433

\*\*\* O - ORIGINAL OWNER \*\*\*  
H & E INC

1 -  
2 -  
3 -  
City- OAKLEY State- ID Zip- 83346  
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - -  
07/11/1961 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - -  
GROUNDWATER

| + - - - - Point of Diversion - - - - - |     |     |       |     |      |             |                |                |               |
|----------------------------------------|-----|-----|-------|-----|------|-------------|----------------|----------------|---------------|
| TwN                                    | Rng | Sec | Tract | Lot | Rflg | County      | Diversion Name | Diversion Rate | Diversion No. |
| 13S                                    | 23E | 28  | NE SW |     |      | (31) CASSIA |                |                |               |

| + - - - - Water Use - - - - - |             |             |           |                |                  |
|-------------------------------|-------------|-------------|-----------|----------------|------------------|
| Code                          | Description | Period From | Period To | Diversion Rate | Diversion Volume |
| 01 - IRRIGATION               |             | 04/01       | 10/31     | 0.820          | 276.00           |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage -  
0.820 276.00 0.0

| + - - - - Place of Use - - - - - |     |     |       |     |       |      |             |             |  |
|----------------------------------|-----|-----|-------|-----|-------|------|-------------|-------------|--|
| TwN                              | Rng | Sec | Tract | Lot | Acres | Code | Description | County      |  |
| 13S                              | 23E | 28  | NE SW |     | 30.0  | 01   | IRRIGATION  | (31) CASSIA |  |
| 13S                              | 23E | 28  | NW SW |     | 9.0   | 01   | IRRIGATION  | (31) CASSIA |  |
| 13S                              | 23E | 28  | SW SW |     | 30.0  | 01   | IRRIGATION  | (31) CASSIA |  |

Total Acres: 69.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -

GEN Right Nos. 45-02406 and 45-02661 are limited to a combined total  
of 180 irrigated acres and a combined total diversion volume of  
720.0 af in a single irrigation season.



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 7, 1998

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

Dear Ms. Pos:

I have enclosed information from our records regarding the land located in parts of Sections 19, 20, 21, 27, 28, and 29 (Township 13 South, Range 23 East) that you inquired about. Please find enclosed the following information:

Proof Reports of Water Right Records

|          |          |
|----------|----------|
| 45-00534 | 45-00586 |
| 45-00587 | 45-00588 |
| 45-02406 | 45-02661 |

Proof Reports of Snake River Basin Adjudication Claims

|           |           |
|-----------|-----------|
| A45-00534 | A45-00586 |
| A45-00587 | A45-00588 |
| A45-02406 | A45-02661 |

You also requested well log information for the property you inquired about. A thorough search through our records revealed only one well log (copy enclosed) for a well located in the SWSE  $\frac{1}{4}$  of Section 20 (T13S, R23E). It should be noted, that an examination of our records indicate that there are no water rights or claims listing a point of diversion at this particular location.

If you have any questions, or need further assistance, 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: A45-02661  
Date Received: 6/12/1989  
Receipt No: X999999  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ANDERSON FARMS INC 208-678-4433  
Address: RT 2 BOX 2431  
BURLEY ID 83318

2. Date of Priority: JUL 11, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 13S      | 23E   | 28      | SE     | NE     | SW     |     | CASSIA |

5. Description of diverting works:  
WELL, PUMP, MAINLINE TO SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.820 |      | 276.00 |

7. Total Quantity Appropriated is:  
0.820 C.F.S. (and/or) 276.00 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 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 13S      | 23E   | 28      | NE     | SW     |     | IRR | 30.0  |
|          |       |         | NW     | SW     |     | IRR | 9.0   |
|          |       |         | SW     | SW     |     | IRR | 30.0  |

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10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 69.0  |
|          |       |         |            |     | Total Acres   | 69.0  |

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:

14. Remarks:

PURSUANT TO APPROVED TRANSFER NO. 4384:

1. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATER MASTER OF STATE WATER DISTRICT NO. 45A.
2. A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE FOR THE LANDS ABOVE.
4. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
8. RIGHT NOS. 45-02406 AND 45-02661 ARE LIMITED TO A COMBINED TOTAL OF 180 ACRES AND A COMBINED TOTAL DIVERSION VOLUME OF 720.0 AF IN A SINGLE IRRIGATION SEASON.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN  
Decree Plaintiff

KYLE ADAMS  
vs Decree Defendant

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4384  
WATER RIGHT NO(S). 45-02406/45-02661

This is to certify that: **ANDERSON FARMS INC**  
**RT 2 BOX 2431**  
**BURLEY ID 83318**

SEP 13 1994

Department of Water Resource

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 45-02406 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 1.87 CFS              | 480.0 AF             |
| Priority: 02/11/1952  |                      |                       |                      |
| Right No. 45-02661 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 0.82 CFS              | 276.0 AF             |
| Priority: 07/11/1961  |                      |                       |                      |
|                       | <b>TOTAL:</b>        | <b>2.69 CFS</b>       | <b>* 720.0 AF</b>    |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 28, Township 13S, Range 23E  
CASSIA County

Right No. 45-02406 :

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 13S                              | 23E        | 28         | NWSW 40      |              |              | 40           |
|                                  |            | 29         | SENE 40      | NESE 40      |              | 80           |
| Total number of acres irrigated: |            |            |              |              |              | * 120        |

Right No. 45-02661 :

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 13S                              | 23E        | 28         | NESW 30      | NWSW 9       | SWSW 30      | 69           |
| Total number of acres irrigated: |            |            |              |              |              | * 69         |

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 45A.

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TRANSFER NO. 4384  
WATER RIGHT NO(S). 45-02406/45-02661

CONDITIONS/REMARKS:

2. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- \* 8. Right Nos. 45-02406 and 45-02661 are limited to a combined total of 180 irrigated acres and a combined total diversion volume of 720.0 af in a single irrigation season.

Dated this 2<sup>nd</sup> day of September, 1994.

  
Chief, Water Alloc. Bureau

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**MEMORANDUM**

**TO:** FILE NOS. 45-02406 & 45-02661

**FROM:** PAM SKAGGS/<sup>CS</sup>STATE OFFICE

**SUBJECT:** TRANSFER NO. 4384

**DATE:** August 30, 1994

=====

Transfer No. 4384 was filed to change the point of diversion under rights 45-02406 and 45-02661 from two separate wells to another existing well.

The transfer proposes to divert both rights from a single well, pump directly to a mainline, commingle with surface rights and apply through pressurized sprinklers to a large place of use. The place of use of these two rights overlap in a single QQ, limiting the total irrigated acres under these combined rights to 180 acres and 720.0 af combined diversion volume in an single irrigation season. This limiting condition is applied to avoid the appearance of expansion under this transfer.

These groundwater rights were decreed in 1987 with watermaster control (Water District 45-A) and measuring device conditions. Other recommended conditions include irrigation overlap, groundwater/surface water supplemental use and standard transfer conditions.

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75-02406, 75-02661, 1966X, 75-02661, 1966X

**PART 1**

**6. General Information:**

a. Description of diversion system Well (existing old hole), pump to be installed,  
mainline to sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes N/A No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

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**DEC 3 1996**

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

**PART 2***(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 45-02406 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:**☐ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_**3. Source of water** Groundwater tributary to \_\_\_\_\_**4. Date or priority** 2-11-1952**5. Water is used for the following purpose:**

amount 1.87 cfs for Irrig. purposes from 4-1 to 10-31  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for Dom. purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

**6. Total amount of water under right** 1.87 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.**7. Point(s) of Diversion:**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NW  | SE  | 3    | 14S  | 23E  | Cassia |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

**8. Lands irrigated or place of use:**

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals. |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |         |
| 13S  | 23E  | 28   |        |        |        |        |        |        |        |        | 40     |        |        |        |        |        |        |        | 40      |
|      |      | 29   |        |        |        |        | 40     |        |        |        |        |        |        |        | 40     |        |        |        | 80      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |

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Total acres 120

9. Describe any other water rights used for the same purpose as described above 45-02661, 0586, 0587, 05

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

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Total acres \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4384

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 45-02661 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_3. Source of water Groundwater tributary to \_\_\_\_\_4. Date or priority 7-11-1961

## 5. Water is used for the following purpose:

amount 0.82 cfs for Irrig. purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.82 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SW  | SE  | 28   | 135  | 23E  | Cassia |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 135  | 23E  | 28   |        |        |        |        |        |        |        |        | 30     | 9      | 30     |        |        |        |        |        | 69     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres 699. Describe any other water rights used for the same purpose as described above 45-02406, 0586, 0587, 0588

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

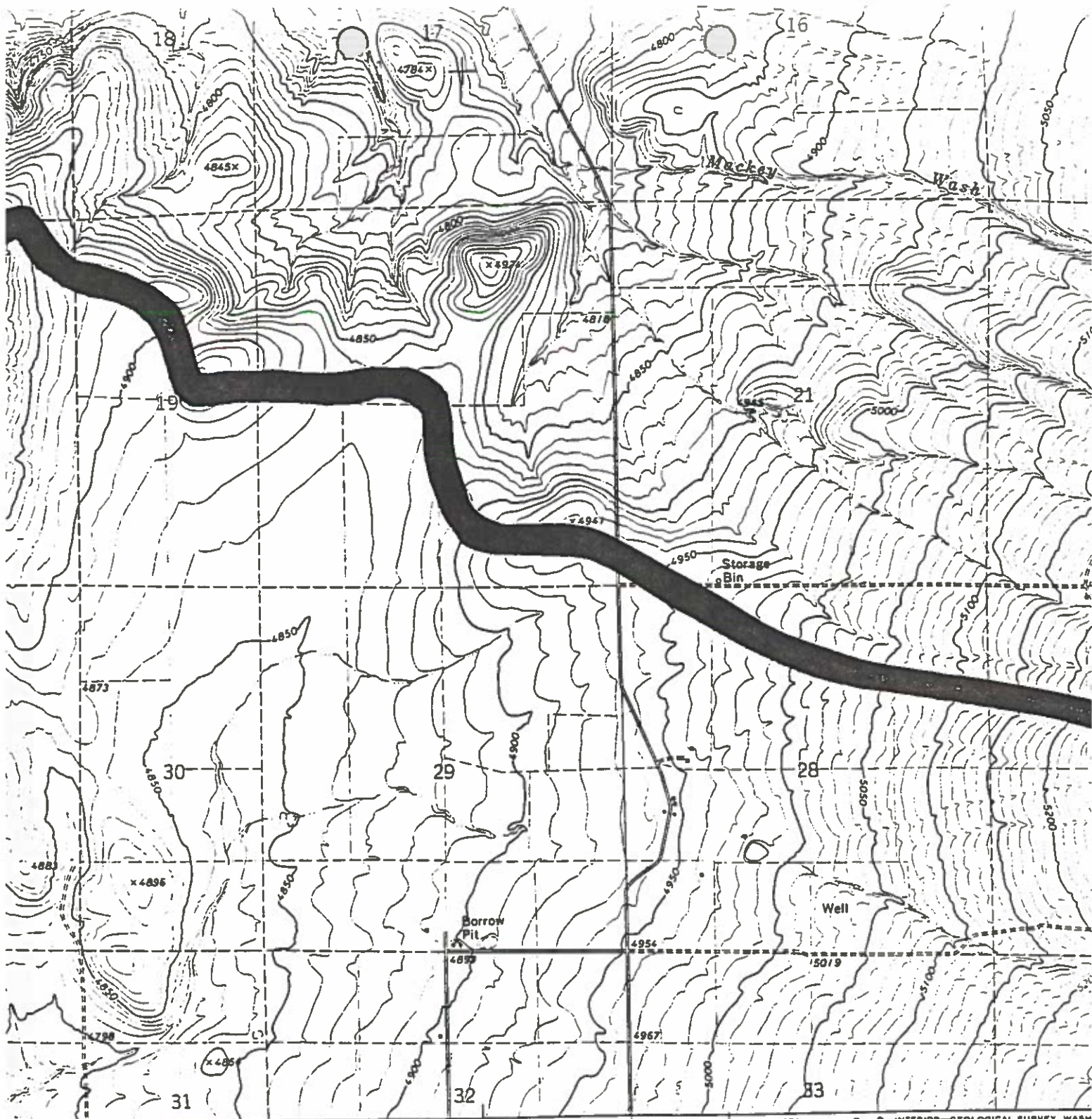
| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

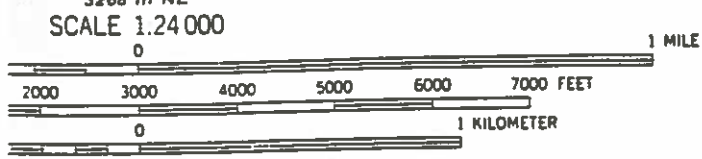
| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

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DEC 3 1996

Total acres \_\_\_\_\_



E (BASIN) R 23 E 269 47'30" 270 BASIN 0.4 MI 271 27200m E



contour interval 10 FEET  
 datum is mean sea level

**ROAD CLASSIFICATION**

Secondary highway, all weather, Light-duty improved hard surface

Unimproved road, fair weather

State Route



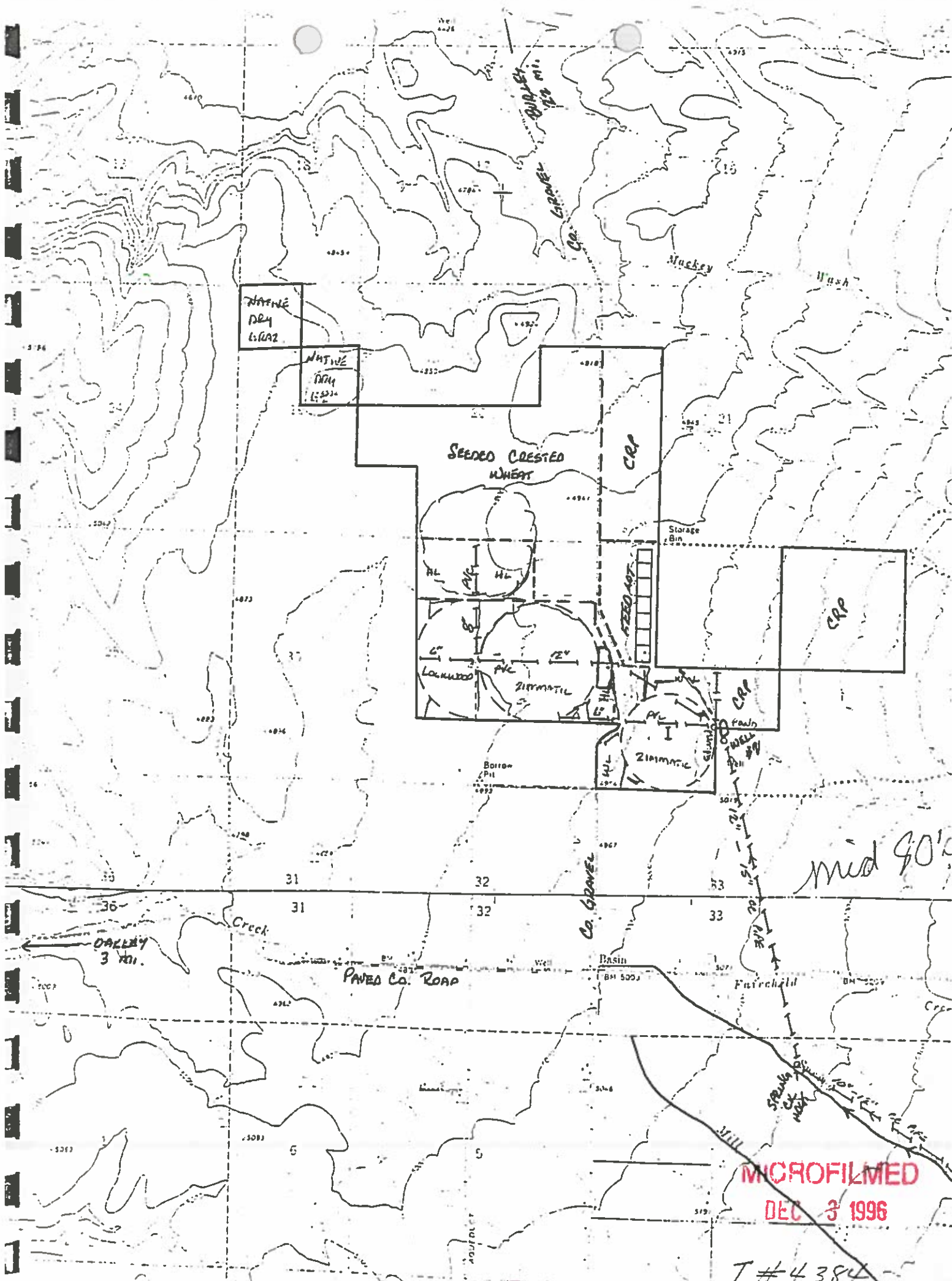
**MICROFILMED** MAR 1996

**DEC 3 1996**

T#4384

AMS 32

WITH NATIONAL MAP ACCURACY STANDARDS  
VEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242  
GRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



NATIVE  
DEW  
6.16.92

NATIVE  
DEW  
6.16.92

SEEDS COESTED  
WHEAT

CRP

Storage  
Bin

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

CRP

mid 90's

OAKLEY  
3 mi.

PAVED CO. ROAD

Basin

Fairchild

SPRING  
CREEK  
WELL

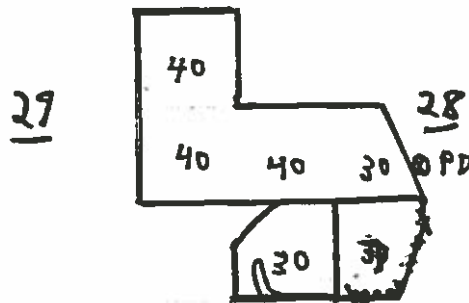
MICROFILMED  
DEC 3 1996

T #4384

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MICROFILMED  
DEC 3 1996

SCALE: 2 inches equal 1 mile. Draw plan in ink.

## PART 3

## B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]  
(Signature of Applicant)

Subscribed and sworn to before me this 11<sup>th</sup> day of March, 19 94.

Mary A. Baldwin  
(Notary Public)

My commission expires 10/16/1998

## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 6 attachments

Received by J.F. Stanton Date 3-11-94 Protest filed by None

Prelim. check by MTS Fee \$50.00 5016631

Receipted by JS Date 3-14-94

Published in So. Del. Press Copies of protest forwarded by N/A

Pub. dates 7/25 + 8/1/94 Hearing held by N/A Date \_\_\_\_\_

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. f by AD

Copy of transfer sent to lien holder \_\_\_\_\_

RECEIVED  
MICROFILMED  
DEC 3 1996

JUN 15 1994  
Department of Water Resources  
Southern Region Office

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| RANGE                                 | SEC. | NE% |     |     |     | NW% |     |     |     | SW% |     |     |     | SE% |     |     |     | TOTALS |
|---------------------------------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|                                       |      | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% |        |
| 5 23E                                 | 20   |     |     |     |     |     |     |     |     |     |     |     | 33  |     |     | 33  |     | 66     |
|                                       | 28   |     |     |     |     |     |     |     | 29  | 32  | 35  | 37  |     |     |     |     |     | 133    |
|                                       | 29   |     | 33  | 33  | 40  | 33  |     |     | 33  | 33  |     |     |     | 40  | 33  |     |     | 278    |
|                                       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 477    |
| 15 23E                                | 28   |     |     |     |     |     |     |     |     | 30  | 40  | 30  |     |     |     |     |     | 100    |
|                                       | 29   |     |     |     | 40  |     |     |     |     |     |     |     |     | 40  |     |     |     | 80     |
|                                       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 180    |
| 35 23E                                | 28   |     |     |     |     |     |     | 4   |     | 30  | 37  | 30  |     |     |     |     |     | 101    |
|                                       | 29   |     |     |     | 20  |     |     |     |     |     |     |     |     | 39  | 15  |     |     | 74     |
| Total number of acres to be irrigated |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 477    |

Analysis: Licenses + decrees cover 199 acres.

System presently irrigates 477 acres. = 140% increase

Licensed 2.69 cfs from groundwater.

Decreed 3.5 cfs from Basin Cr. drainage.

0.65"/ac. for 477 ac. available at maximum flow.

MICROFILMED

DEC 3 1996

T #438

INTER-DEPARTMENT MEMO

TO: Anderson Farms Transfer App.

SUBJECT: Field Inspection

FROM: Jim Stanton

DATE: 6-15-94

In April I visited this property. Armed with aerial photos, I determined what was actually irrigated: my findings are covered in a separate sheet. While the applicant has a right to irrigate 199 acres, he actually irrigates 477 acres. Since his desire is to only change the P/D, the transfer is only made out to accomplish this.

I looked at both old wells, which run into a pond on the east side of the farm. The surface rights also run into the pond, so all rights are co-mingled for pressurizing into sprinkler. The new well (actually an old existing hole) will be pumped directly into the mainline instead of going into the pond. Rights will still co-mingle in the mainline.

The transfer should be conditioned to limit groundwater pumping to 4 AFA for the licensed acreage of 180 acres (720 AFA). I'm not sure that there is that much groundwater available here, as pumping levels decline as the season progresses. Applicant hopes the new well will  
(X) For your information hold up longer into the \_\_\_\_\_  
season. signature

( ) Response required

T # 438

MICROFILMED

DEC 3 1996

Water Right Number - R45-02661

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
ANDERSON FARMS INC

1 - RT 2 BOX 2431  
2 -  
3 -  
City- BURLEY State- ID Zip- 83318  
Phone - 208-678-4433

\*\*\* O - ORIGINAL OWNER \*\*\*  
H & E INC

1 - C/O ROBERT BEDKE  
2 - RT. 1  
3 -  
City- OAKLEY State- ID Zip- 83346  
Phone - 208-862-3475

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
07/11/1961 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
GROUNDWATER

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot Rflg County  
13S 23E 28 SE NE SW (31) CASSIA

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 10/31 0.820 276.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.820 276.00 0.0

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County  
13S 23E 28 NE SW 30.0 01 IRRIGATION (31) CASSIA  
13S 23E 28 NW SW 9.0 01 IRRIGATION (31) CASSIA  
13S 23E 28 SW SW 30.0 01 IRRIGATION (31) CASSIA

Total Acres: 69.0

+ - - Diversion Means - WELL, PUMP, MAINLINE TO SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

DEC 3 1996  
MICROFILMED

Water right number - R45-02661

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

PURSUANT TO APPROVED TRANSFER NO. 4384:

1. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATER MASTER OF STATE WATER DISTRICT NO. 45A.
2. A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE FOR THE LANDS ABOVE.
4. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
8. RIGHT NOS. 45-02406 AND 45-02661 ARE LIMITED TO A COMBINED TOTAL OF 180 ACRES AND A COMBINED TOTAL DIVERSION VOLUME OF 720.0 AF IN A SINGLE IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +  
A. KENNETH DUNN      KYLE ADAMS      03/27/1987

+ - - - - - Comments - - - - - +  
Date: 11/22/1994 User Id: JROBERTS Subject: OWNERSHIP CHANGE/AMENDED/TRANSFER  
This claim was amended and the ownership changed from H & E Inc to Anderson Farms Inc pursuant to approved Transfer No. 4384. jr

+ - - Audit Fields - - +  
11/22/94 JROBERTS

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 06/12/1989 | Last Amended Date     | - 11/22/1994 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - X999999    | Water District          | - 45A   |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
DEC 3 1996



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

November 22, 1994

ANDERSON FARMS INC  
RT 2 BOX 2431  
BURLEY ID 83318

RE: Amendment of SRBA Claim #A45-02406, A45-02661

Dear Claimant:

Pursuant to the approval of Transfer No. 4384, the above referenced Notices of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please look the modified records over carefully to be sure they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

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

Jeanie Robertson  
Water Rights Agent

Encl:

MICROFILMED

DEC 3 1996

6/9/94

## COMMUNICATION DOCUMENTATION

Claim No. A45-07005,  
A45-02419B & A45-02745

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland *See*

November 21, 1994 12:19pm

NAME:  
JOHN R. SEYMOUR      CAME IN

RE:  
QUESTIONS ON ACRES

HE CAME IN AND GOT SOME PRINT OUTS FROM TARA THEN SHE REFERRED HIM TO ME. THEY HAVE CONVERTED FROM GRAVITY IRRIG. TO A PIVOT SYSTEM AND CAN NOW IRRIGATE LANDS AROUND A CANAL THAT RUNS THROUGH THE NORTH END OF THE SECTION 03. HE WANTED TO KNOW IF THEY HAVE A WATER RIGHT OR NEED TO GET ONE. I OFFERED THREE OPTIONS: 1) GET A NEW PERMIT, WHICH WILL FALL UNDER THE MORATORIUM UNTIL AT LEAST 1997, 2) TRANSFER ON A PURCHASED WATER RIGHT TO COVER THE ACRES, OR, 3) WAIT TO SEE IF THE EXAPNDED USE OF THE LICENSES CAN BE ALLOWED VIA THE LAWS UNDER THE SRBA.

I MENTIONED THE LEGISLATIVE ATTEMPTS TO ALLOW USES LIKE THIS IN THE SRBA AND THE OBJECTIONS IT HAS ENCOUNTERED. HE DECIDED TO WAIT LONGER AND SEE WHAT THE SRBA EFFECTS WOULD BE, FOR NOW.

MICROFILMED

DEC 3 1996

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: A45-02661  
Date Received: 6/12/1989  
Receipt No: X999999  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: H. & E. INC. 208-862-3475  
Address: C/O ROBERT BEDKE  
RT. 1  
OAKLEY, ID 83346
2. Date of Priority: JUL 11, 1961
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 13S      | 23E   | 28      | SW     | SE     |     |     | CASSIA |
5. Description of diverting works:
6. Water is used for the following purposes:
- | Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.820  |      |        |
7. Total Quantity Appropriated is:  
0.820 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 |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 13S      | 23E   | 28      | NE     | SW  |     | IRR           | 30.0  |
|          |       |         | NW     | SW  |     | IRR           | 9.0   |
|          |       |         | SW     | SW  |     | IRR           | 30.0  |
|          |       |         |        |     |     | Section Acres | 69.0  |

A45-02661

Page 1

Date: 07/11/89

MICROFILMED  
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DEC 3 1996

10. Place of Use: Continued

Total Acres 69.0

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:

14. Remarks:

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 Organizations:

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

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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. No. 45-02661

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

Please type or print clearly:

Name of Claimant(s)

H & E. INC.

% Robert Bedke

Mailing Address  
(include Zip Code)

Rt. 1

Oakley, ID. 83346

Phone Number (208) 862-3475

MICROFILMED  
MAR 08 1993

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: 45-02661  
DATE RECEIVED:  
RECEIPT NO:  
RECEIVED BY: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. NAME: H. & E., INC.  
ADDRESS: OAKLEY, ID

83346

2. DATE OF PRIORITY: JUL 11, 1961

3. SOURCE: GROUNDWATER

TRIB. TO:

4. POINT OF DIVERSION:

| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 OF | 1/4 | LOT | COUNTY |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 13S      | 23E   | 28      | SW     | SE     |     |     | CASSIA |

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

| PURPOSE    | FROM  | TO    | C.F.S. | (OR) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.820  |      |        |

7. TOTAL QUANTITY APPROPRIATED IS:  
0.820 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 13S      | 23E   | 28      | NE     | SW  |     | IRR | 30.0  |
|          |       |         | NW     | SW  |     | IRR | 9.0   |
|          |       |         | SW     | SW  |     | IRR | 30.0  |

SECTION ACRES 69.0

10. PLACE OF USE: CONTINUED

TOTAL ACRES 69.0

11. PLACE OF USE IN COUNTIES: CASSIA, CASSIA

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREED

CASE NUMBER:

COURT :

DECREE DATE: 3/27/1987

A. KENNETH DUNN  
DECREE PLAINTIFF

KYLE ADAMS  
VS DECREE DEFENDANT

MICROFILMED  
MAR 08 1993

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVE BASIN ADJUDICATION." (B.) I/WE DO \_\_\_\_ DO NOT X WISH TO RECEIVE AND PA 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): \_\_\_\_\_ DATE: \_\_\_\_\_  
\_\_\_\_\_  
DATE: \_\_\_\_\_

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM President OF  
\_\_\_\_\_  
H & E. INC. ORGANIZATION, THAT I HAVE SIGNED THE FOREGOING  
DOCUMENT IN THE SPACE BELOW AS President OF  
\_\_\_\_\_  
H & E. INC. ORGANIZATION AND THAT THE STATEMENTS CONTAINED IN THE  
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

Robert Bedke  
SIGNATURE OF AUTHORIZED AGENT  
Pres. H & E. INC  
TITLE AND ORGANIZATION  
June 7, 1989  
DATE

STATE OF IDAHO )  
COUNTY OF CASSIA ) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 7th DAY  
OF June 19 89

Barbara Bedke  
NOTARY PUBLIC

SEAL

RESIDING AT Burley, Id

MY COMMISSION EXPIRES 10/8/94  
DATE: 04/20/89

45-02661

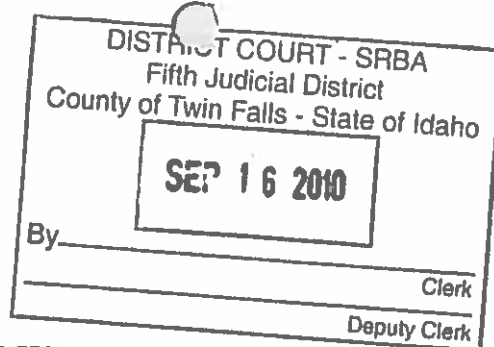
PAGE

3

471

MICROFILMED  
MAR 08 1993

COPY



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

In Re SRBA

Case No. 39576

Subcase No: 45-2405, 45-2406,  
45-2661, 45-12928, 45-12930

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):

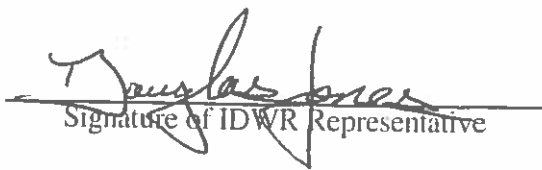
☒ Change in Ownership  
☒ Point of Diversion  
☐ Period of Use

☐ 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

09/09/2010

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

RIGHT NUMBER: 45-2405  
NAME AND ADDRESS: HEIDI F MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346  
E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

SOURCE:

TRIBUTARY:

QUANTITY: 1.870 CFS  
492.00 AFY

Rights 45-2405 and 45-12928 when combined shall not exceed a total diversion rate of 1.87 cfs, a total annual maximum diversion volume of 492.0 af at the field headgate.

PRIORITY DATE: 02/11/1952

POINT OF  
DIVERSION:

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE:

1.870 CFS  
492.00 AFY

This right is limited to the irrigation of 123.0 acres within the place of use described above in a single irrigation season.

Rights 45-2405 and 45-12928 when combined shall not exceed the irrigation of 238 acres.

Rights 45-2405, 45-12928, 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 238.0 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right 45-12928 is an expansion of Right 45-2405 pursuant to Sec. 42-1416B, 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: HEIDI F MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

SOURCE:

GROUND WATER

TRIBUTARY:

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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.

QUANTITY:

Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate.

PRIORITY DATE:

POINT OF  
DIVERSION:

T13S R23E S28 SENESW Within CASSIA County  
T14S R23E S3 SWNWSE Within CASSIA County

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

PLACE OF USE:

IRRIGATION in CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| 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 | SENE | 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 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres.

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.

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

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.

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. 140.

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.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

09/09/2010

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

RIGHT NUMBER: 45-2406  
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:

QUANTITY: 1.870 CFS  
480.00 AFY

Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed a total diversion rate of 2.69 cfs and a total annual maximum diversion volume of 720.0 af at the field headgate.

PRIORITY DATE: 02/11/1952

POINT OF  
DIVERSION:

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE:

1.870 CFS  
480.00 AFY

Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed the irrigation of 289.2 acres.

Rights 45-2406 and 45-2661 when combined shall not exceed the irrigation of 180 acres.

Rights 45-2406, 45-2661, 45-12930, 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, 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: HEIDI F MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

SOURCE:

GROUND WATER

TRIBUTARY:

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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.

QUANTITY:

Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate.

PRIORITY DATE:

POINT OF  
DIVERSION:

T13S R23E S28 SENESW Within CASSIA County

T14S R23E S3 SWNWSE Within CASSIA County

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

PLACE OF USE:

IRRIGATION in CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| 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 | SENE | 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 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres.

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.

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

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.

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. 140.

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.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

09/09/2010

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

RIGHT NUMBER: 45-2661  
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:

QUANTITY: 0.820 CFS  
276.00 AFY

Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed a total diversion rate of 2.69 cfs and a total annual maximum diversion volume of 720.0 af at the field headgate.

PRIORITY DATE: 07/11/1961

POINT OF  
DIVERSION:

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE:

0.820 CFS  
276.00 AFY

Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed the irrigation of 289.2 acres.

This right is limited to the irrigation of 69.0 acres within the place of use described above in a single irrigation season.

Rights 45-2406, 45-2661, 45-12930, 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

Rights 45-2406 and 45-2661 when combined shall not exceed the irrigation of 180 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, 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: HEIDI F MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

SOURCE:

GROUND WATER

TRIBUTARY:

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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.

QUANTITY:

Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate.

PRIORITY DATE:

POINT OF  
DIVERSION:

T13S R23E S28 SENESW Within CASSIA County  
T14S R23E S3 SWNWSE Within CASSIA County

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

PLACE OF USE:

IRRIGATION in CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| 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 | SENE | 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 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres.

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.

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

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.

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. 140.

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.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

09/09/2010

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

RIGHT NUMBER: 45-12928  
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:

QUANTITY: 0.900 CFS

Rights 45-2405 and 45-12928 when combined shall not exceed a total diversion rate of 1.87 cfs and a total annual maximum diversion volume of 492.0 af at the field headgate.

PRIORITY DATE: 06/30/1985

POINT OF  
DIVERSION:

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

0.900 CFS

PLACE OF USE:

This right is limited to the irrigation of 115.0 acres within the place of use described above in a single irrigation season.

Rights 45-2405 and 45-12928 when combined shall not exceed the irrigation of 238 acres.

Rights 45-2405, 45-12928, 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 238.0 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right 45-12928 is an expansion of Right 45-2405 pursuant to Sec. 42-1416B, 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: HEIDI F MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

SOURCE:

GROUND WATER

TRIBUTARY:

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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.

QUANTITY:

Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate.

PRIORITY DATE:

POINT OF  
DIVERSION:

T13S R23E S28 SENESW Within CASSIA County  
T14S R23E S3 SWNWSE Within CASSIA County

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

PLACE OF USE:

IRRIGATION in CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| 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 | NNSW | 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 | ENE  | 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 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres.

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.

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

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.

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. 140.

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.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

09/09/2010

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

RIGHT NUMBER: 45-12930  
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:

QUANTITY: 1.000 CFS

Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed a total diversion rate of 2.69 cfs and a total annual maximum diversion volume of 720.0 af at the field headgate.

PRIORITY DATE: 06/30/1985

POINT OF  
DIVERSION:

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE:

1.000 CFS

Rights 45-2406, 45-2661, 45-12930, 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed the irrigation of 289.2 acres.

This right is limited to the irrigation of 109.2 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

The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, 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: HEIDI F MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

SOURCE:

GROUND WATER

TRIBUTARY:

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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.

QUANTITY:

Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate.

PRIORITY DATE:

POINT OF  
DIVERSION:

T13S R23E S28 SENESW Within CASSIA County  
T14S R23E S3 SWNWSE Within CASSIA County

Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

PLACE OF USE:

IRRIGATION in CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| 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 | SESW | 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 | SESW | 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 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres.

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.

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

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.

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. 140.

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.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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.

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](http://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 11:18

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

In Re SRBA )

Case No. 39576 )

Water Rights: 45-2405, 45-2046,  
45-2661, 45-12928, 45-12930

**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 66132

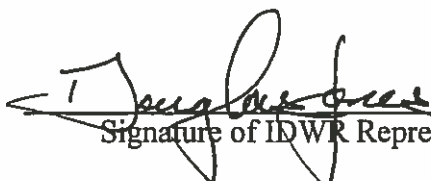
☒ point of diversion ☒ place of use

☐ 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 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**

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

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**

|                 |                |                        |
|-----------------|----------------|------------------------|
| <b>SYSTEM 3</b> | <u>45-2405</u> | <u>p/u = 123 ACRES</u> |
|-----------------|----------------|------------------------|

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**

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

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**

|                 |                |                        |
|-----------------|----------------|------------------------|
| <b>SYSTEM 3</b> | <u>45-2406</u> | <u>p/u = 120 ACRES</u> |
| <b>SYSTEM 4</b> | <u>45-2661</u> | <u>p/u = 69 ACRES</u>  |

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> |
| <b>TOTAL FEES DUE</b>                        | <b>\$398.00</b> |

VERIFIED BY

01/16/2003

1/16/03

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

RIGHT NUMBER: 45-2661

NAME AND ADDRESS: ANDERSON FARMS INC  
961 S 50 W  
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.820 CFS  
276.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.69 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 720 AF. COMBINED RIGHT NOS.: 45-2406, 45-2661, & 45-12930.

PRIORITY DATE: 07/11/1961

POINT OF DIVERSION:

T13S R23E S28 SENESW Within CASSIA County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                |
|----------------|---------------|-------------------------|
| IRRIGATION     | 03/15 11/15   | 0.820 CFS<br>276.00 AFY |

PLACE OF USE: 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 |

339 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-2406 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180 ACRES IN A SINGLE IRRIGATION SEASON.

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 69 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 NO. 45-12930 IS AN EXPANSION OF RIGHT NOS. 45-2406 AND 45-2661 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

45-2406, 45-2661, & 45-12930



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 45-2661 V1

WATER RIGHT NUMBER: 45-2661 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                    |
|-------------------|----------------------------------------------------------------------------|
| Original Owner    | H & E INC<br>C/O ROBERT BEDKE<br>RT 1<br>OAKLEY, ID 83346<br>(208)862-3475 |
| Security Interest | KEYBANK NATIONAL<br>702 W IDAHO ST<br>BOISE, ID 83702<br>(208)334-7943     |
| Current Owner     | ANDERSON FARMS INC<br>961 S 50 W<br>BURLEY, ID 83318<br>(208)678-4314      |

Priority Date: 07/11/1961

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15          | 0.820 CFS             | 276.00 AF            |
|                       | <u>Total Diversion:</u> | 0.820 CFS             | 276.00 AF            |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| GROUND WATER  | SE1/4NE1/4SW1/4 | Sec. 28, 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.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 45-2661 V1

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 45-2406 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180 ACRES IN A SINGLE IRRIGATION SEASON.
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. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.69 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 720 AF. COMBINED RIGHT NOS.: 45-2406, 45-2661, & 45-12930.
4. Explanatory RIGHT NO. 45-12930 IS AN EXPANSION OF RIGHT NOS. 45-2406 AND 45-2661 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 69 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. JROBERTS 11/22/1994 OWNERSHIP CHANGE/AMENDED/TRANSFER

Comment: This claim was amended and the ownership changed from H & E Inc to Anderson Farms Inc pursuant to approved Transfer No. 4384. Jr

2. 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.

3. jroberts 1/16/2003 Copied from Remarks

Comment: WATER RIGHT NO. 45 2661 V1

GEN PURSUANT TO APPROVED TRANSFER NO. 4384: 1. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATER MASTER OF STATE WATER DISTRICT NO. 45A.

2. A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE FOR THE LANDS ABOVE.

4. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.

5. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

6. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

7. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

8. RIGHT NOS. 45-02406 AND 45-02661 ARE LIMITED TO A COMBINED TOTAL OF 180 ACRES AND A COMBINED TOTAL DIVERSION VOLUME OF 720.0 AF IN A SINGLE IRRIGATION SEASON.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Adjudication Recommendation Report 45-2661 V1**

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: NONE RECEIVED  
 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  | 1/16/2003 1:03:22 PM      | jroberts        |                           |                 | Active        |
| POD            | 1/16/2003 1:03:40 PM      | jroberts        |                           |                 | Active        |
| Source         | 1/16/2003 1:04:26 PM      | jroberts        |                           |                 | Active        |
| POU            | 1/16/2003 1:09:23 PM      | jroberts        |                           |                 | Active        |
| Use            | 1/16/2003 1:12:29 PM      | jroberts        |                           |                 | Active        |
| Season         | 1/16/2003 1:13:55 PM      | jroberts        |                           |                 | Active        |
| Quantity       | 1/16/2003 1:16:30 PM      | jroberts        |                           |                 | Active        |
| Summary        |                           |                 | 01/16/2003                | jroberts        | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD            | 1/16/2003 1:03:59 PM   | jroberts        | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POU            | 1/16/2003 1:09:22 PM   | jroberts        | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(No) 6. Can the claimed POU be verified using the water right file?<br>(Yes) 7. Is there evidence that there has been a change in the POU?<br>(No) 8. Can the claim be verified as an accomplished transfer?<br>(Yes) 9. Does the claim include an enlargement in the POU?<br>(Yes) 10. Was an enlargement claim filed?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(Yes) 14. Is a POU remark and/or condition required?<br>Description for Question 9 -<br>Description for Question 13 - True |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 45-2661 V1

|          |                      |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|----------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU      | 1/16/2003 1:11:28 PM | jroberts | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Use      | 1/16/2003 1:12:28 PM | jroberts | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(Yes) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                         |
| Season   | 1/16/2003 1:13:54 PM | jroberts | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Period of Use?</p> <p>(Yes) 5. Can the claimed Period of Use be verified using the water right file?</p> <p>(Yes) 14. Is irrigation claimed as a Purpose of Use?</p> <p>(Yes) 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?</p> <p>(Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> |
| Quantity | 1/16/2003 1:16:29 PM | jroberts | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(Yes) 8. Does the parent right have an annual diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 10 - Determined by transfer (69 ac X 4 AF/ac = 276 AFA)</p>                                                                                                                               |
| Summary  | 1/16/2003 1:19:50 PM | jroberts | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Is an additional remark and/or condition required?</p> <p>(Yes) 6. Would you like to view the recommended right?</p> <p>(No) 7. Is this a split or combined right?</p> <p>(No) 8. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 9. Would you like to set the verification date?</p>                                                                   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 45-2661 V1

|               |                      |          |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------|----------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 1/16/2003 1:03:21 PM | jroberts | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required? |
| POD           | 1/16/2003 1:03:39 PM | jroberts | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                       |
| POD           | 1/16/2003 1:03:51 PM | jroberts | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                            |
| Source        | 1/16/2003 1:04:25 PM | jroberts | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                     |
| POU           | 1/16/2003 1:11:51 PM | jroberts | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                       |

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2661

WATER RIGHT NUMBER: 45-2661

| <u>Owner Type</u> | <u>Name and Address</u>                                                    |
|-------------------|----------------------------------------------------------------------------|
| Current Owner     | ANDERSON FARMS INC<br>961 S 50 W<br>BURLEY, ID 83318<br>(208)678-4314      |
| Original Owner    | H & E INC<br>C/O ROBERT BEDKE<br>RT 1<br>OAKLEY, ID 83346<br>(208)862-3475 |

Priority Date: 07/11/1961

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 10/31           | 0.820 CFS             | 276.00 AF            |
|                       | <u>Total Diversion:</u> | 0.820 CFS             | 276.00 AF            |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | NE1/4SW1/4 | Sec. 28, 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  |    |    |    |    |    |    |    |    | 30.0 | 9.0 | 30.0 |    |    |    |    |    | 69.0   |

Total Acres: 69

Conditions of Approval:

1. 803 The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
4. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

## IDAHO DEPARTMENT OF WATER RESOURCES

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6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General Right Nos. 45-02406 and 45-02661 are limited to a combined total of 180 irrigated acres and a combined total diversion volume of 720.0 af in a single irrigation season.

Comments:

1. BALDWIN 7/11/1994 TRANSFER NO. 4384

Comment: T# 4384 filed on 3/11/94 proposes to change point of diversion. Two (2) wells are being abandoned in favor of a better well which is an old existing hole. Rights in this transfer are 45-02406 & 45-02661.

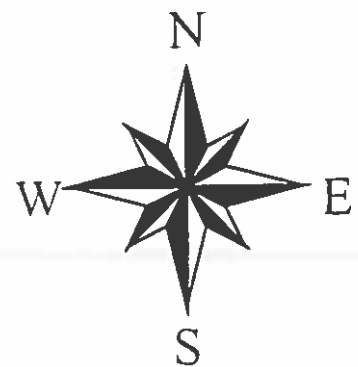
Dates and Other Information:

Licensed Date:  
Decreed Date: 3/27/1987  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 45A  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

## ANDERSON FARMS P/U IN 1987



Irrigated Land



Prepared By J E Stanton  
6-22-00