

Water Right Number - 45-02406

Prefix Translation: WATER RIGHT

Old (D) Number - 22604

+ - - - - 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 ***

BEDKE

HERSCHEL

1 -

2 -

3 -

City- OAKLEY

State- ID Zip- 833460000

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

02/11/1952

17 SOUTHERN

D - DECREE

+ - - - - 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	1.870	480.00
-----------------	--	-------	-------	-------	--------

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

1.870

480.00

0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	23E	28	NW SW		40.0	01	IRRIGATION	(31) CASSIA
13S	23E	29	SE NE		40.0	01	IRRIGATION	(31) CASSIA
13S	23E	29	NE SE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 120.0

+ - - 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.

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: A45-02406
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: FEB 11, 1952

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	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	1.870		480.00

7. Total Quantity Appropriated is:
1.870 C.F.S. (and/or) 480.00 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	Lot	Use	Acres
13S	23E	28	NW	SW		IRR	40.0

Section Acres 40.0

29	SE	NE	IRR	40.0
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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	23E	29	NE SE		IRR	40.0
Section Acres						80.0
Total Acres						120.0

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

Water Right Number: 22604

Case Number:

Court :

Decree date: 3/27/1987

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A. KENNETH DUNN
Decree Plaintiff

KYLE ADAMS
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ 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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

✓ Carter
Southern AJ

TRANSFER OF WATER RIGHT

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

5 0 1 1 1

OCT 19 1994

Department of Water Resources
Southern Region Office

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

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

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

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 2nd day of

September, 1994.

J. Glen Saylor
Chief, Water Alloc. Bureau

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MEMORANDUM

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

FROM: PAM SKAGGS/^{CS}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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AUG 26 1934
Transfer No. 4384

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Anderson Farms, Inc. Phone 678-4433
Post Office address Rt. 2 Box 243, Burley, ID 83318

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other Two
2. Describe the reason for the proposed changes One small well is being abandoned in favor of a better well. This new well should also hold up better than the upper well as the season progresses. Water supply should be more stable.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-------------------|-----------------------|-------------------|--|
| <u>45-02406</u> | <u>2-11-1952</u> | <u>1.87 cfs</u> | <u>Irrig.</u> | <u>4-1</u> to <u>10-31</u> |
| <u>45-02661</u> | <u>7-11-1961</u> | <u>0.82 cfs</u> | <u>"</u> | <u>3-15</u> to <u>11-15</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| 2. Total amount of water being transferred <u>2.69</u> cubic feet per second and/or <u>720</u> acre-feet per annum. | | | | |
| 3. Source of water <u>Groundwater</u> tributary to <u> </u> | | | | |
| 4. Point(s) of Diversion: <u> </u> | | | | |

[illegible]

5. Lands irrigated or place of use: No Change

[illegible]

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Total acres 180

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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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

Total acres 120

9. Describe any other water rights used for the same purpose as described above

45-02661, 0586, 0589, 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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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	13S	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									30	9	30						69

9. Describe any other water rights used for the same purpose as described above

Total acres 6945-02406, 0586, 0587, 0588
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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:

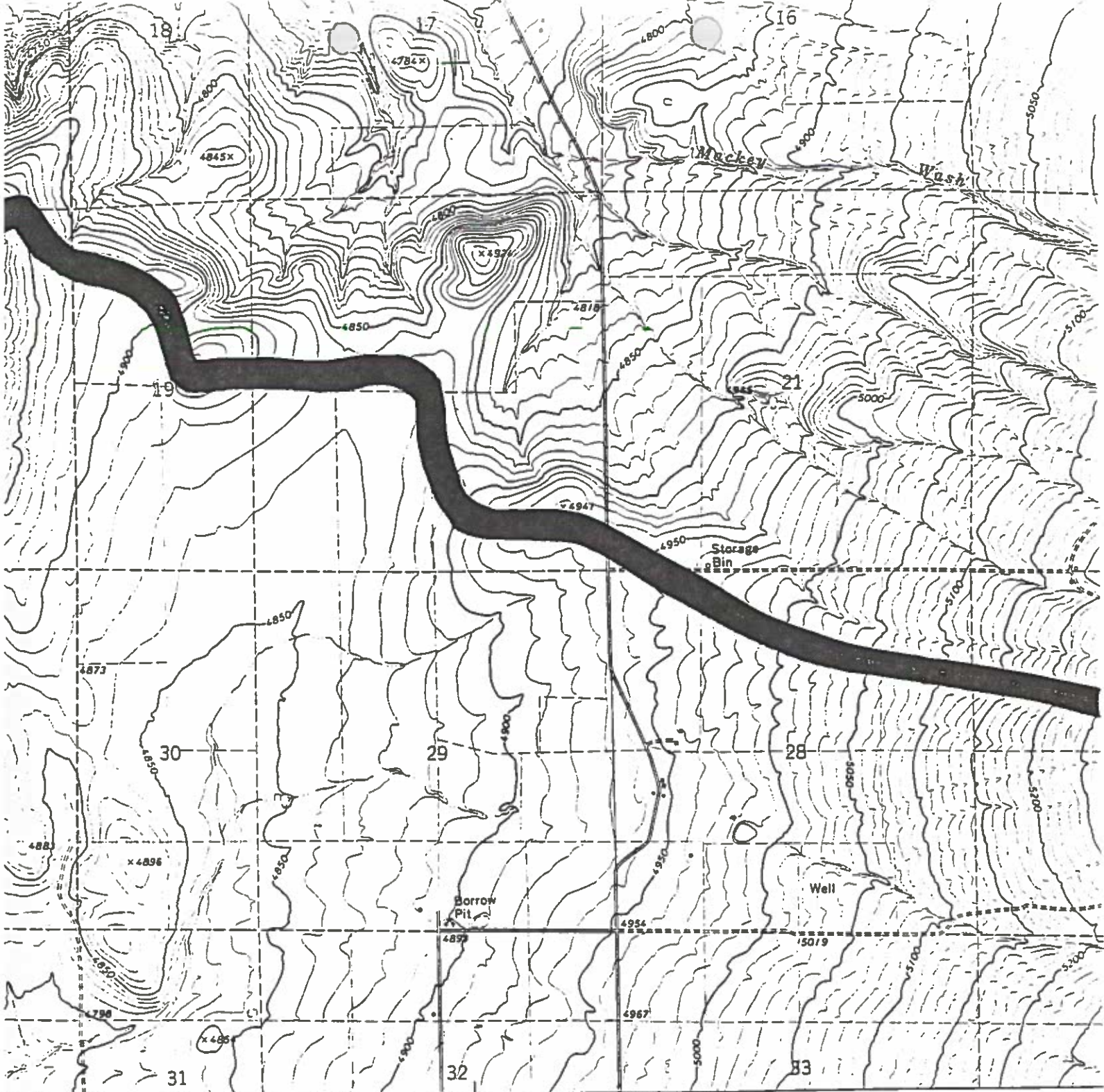
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	

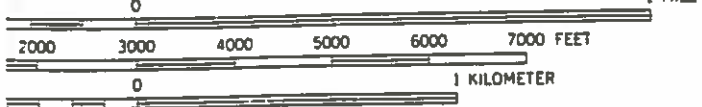
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 DEC 3 1996

Total acres _____



E 1 (BASIN) R 23 E 269 47'30" 270 BASIN 04 M 271 INTERIOR-GEOLOGICAL SURVEY WASHINGTON 272000m E

SCALE 1:24 000



TOUR INTERVAL 10 FEET
ELEVATION IS MEAN SEA LEVEL

ROAD CLASSIFICATION
Secondary highway, all weather, Light-duty road, improved surface
Unimproved road, fair or poor, weather

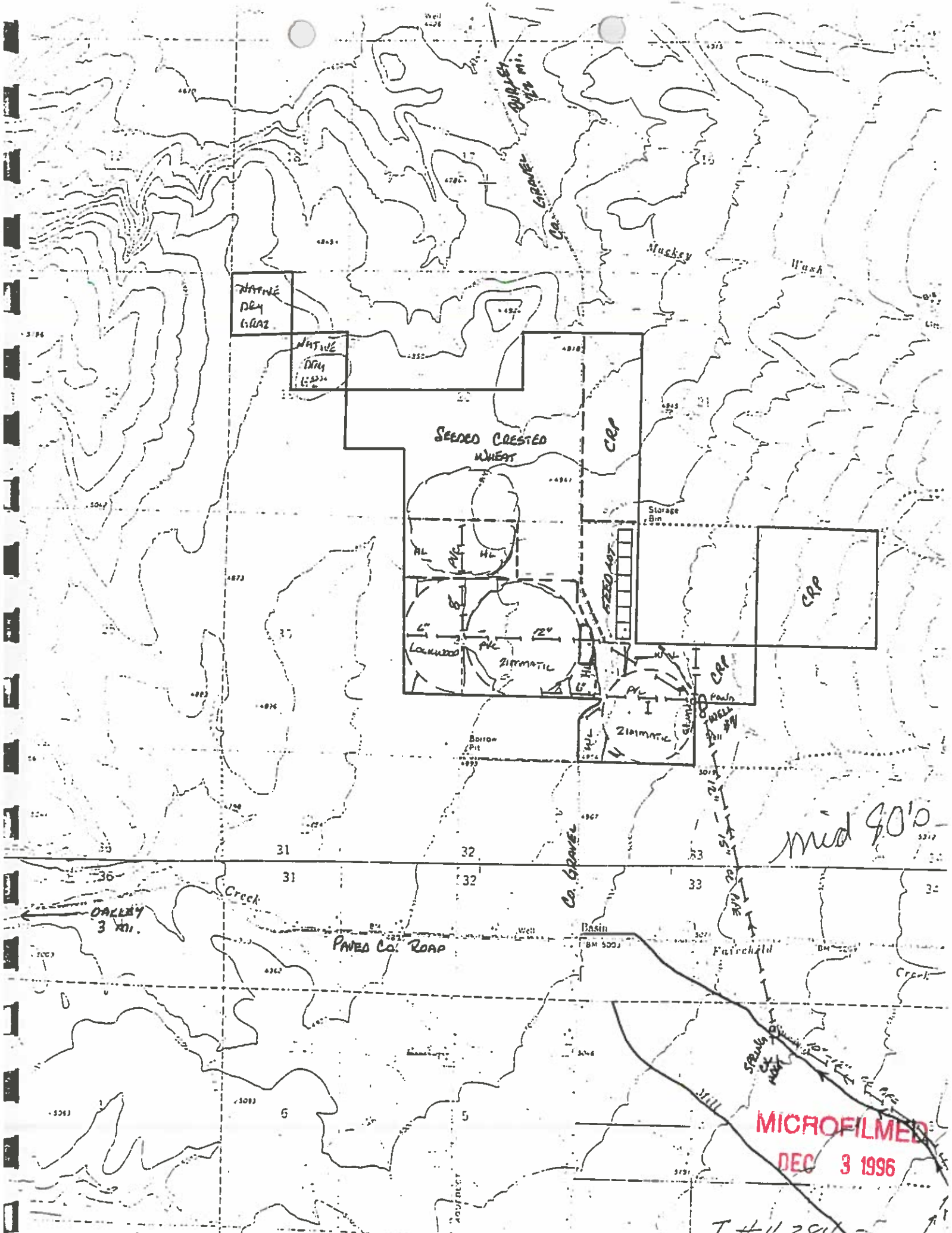
○ State Route



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MARION N4215

WITH NATIONAL MAP ACCURACY STANDARDS
GEOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

T#4384 AMS 3268 I



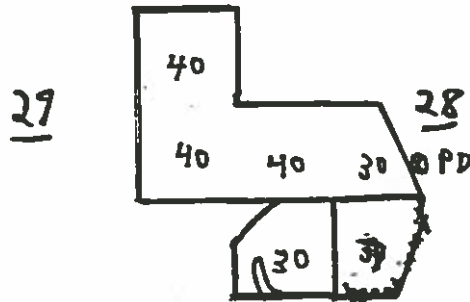
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DEC 3 1996

T # 4200

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.



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

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PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (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.

R. L. Anderson
(Signature of Applicant)

Subscribed and sworn to before me this 11th 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 AM

Copy of transfer sent to lien holder

RECEIVED

JUN 15 1994
Department of Water Resources
Southern District Office

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

RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
		NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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.

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T # 4384

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 sprinklers. 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 *JA*

() Response required

T # 4384

MICROFILMED
DEC 3 1996

Water Right Number - R45-02406

Prefix Translation: RESEARCH

Old (D) Number - 22604

+ - - - - 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

*** D - ORIGINAL OWNER ***
BEDKE

HERSCHEL

1 -

2 -

3 -

City- OAKLEY

State- ID Zip- 83346

Phone - 208-000-0000

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 - - - - +
02/11/1952 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 1.870 480.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.870 480.00 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
13S 23E 28 NW SW 40.0 01 IRRIGATION (31) CASSIA
13S 23E 29 SE NE 40.0 01 IRRIGATION (31) CASSIA
13S 23E 29 NE SE 40.0 01 IRRIGATION (31) CASSIA

Total Acres: 120.0

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

+ - - Non-Irrigation Use -

MICROFILMED
DEC 3 1996

Prefix Translation: RESEARCH

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

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.

+ - - - - - Comments - - - - -

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

+ - - - - - - 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	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S

MICROFILMED
DEC 3 1996

Water right number - R45-02406

Prefix Translation: RESEARCH

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

Name Connector

-

Presumption Flag

-

Notice of Error Flag

-

MICROFILMED
DEC 3 1995



ate 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,

Jeanie Robertson
Water Rights Agent

Encl:

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: A45-02406
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: FEB 11, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	23E	3	NW	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			1.870		
DOMESTIC					

7. Total Quantity Appropriated is:
1.870 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	NW	SW		IRR	40.0
Section Acres							40.0

A45-02406

Page 1

Date: 07/11/89

MICROFILMED

MAR 08 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	23E	29	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
Section Acres							80.0
Total Acres							120.0

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
Water Right Number: 22604
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
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
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. 45-02406

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: 45-02406
DATE RECEIVED:
RECEIPT NO:
RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: HERSCHEL BEDKE
ADDRESS: OAKLEY, ID

83346-0000

2. DATE OF PRIORITY: FEB 11, 1952

3. SOURCE: GROUNDWATER

TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
14S	23E	3	NW	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			1.870		
DOMESTIC					

7. TOTAL QUANTITY APPROPRIATED IS:
1.870 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	NW	SW		IRR	40.0
SECTION ACRES							40.0

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
13S	23E	29	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
SECTION ACRES							80.0
TOTAL ACRES							120.0

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: LICENSE
WATER RIGHT NUMBER: 22604

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT X WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

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 Pres. OF

H. & E. Inc. TITLE
ORGANIZATION, THAT I HAVE SIGNED THE FOREGOING
DOCUMENT IN THE SPACE BELOW AS President OF

H. & E. Inc. TITLE
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 10/3/94

DATE: 04/20/89

464

45-02406

PAGE

3

MICROFILMED

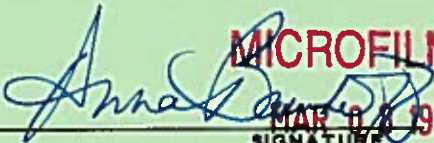
MAR 08 1993

FROM Anna Baumhoff

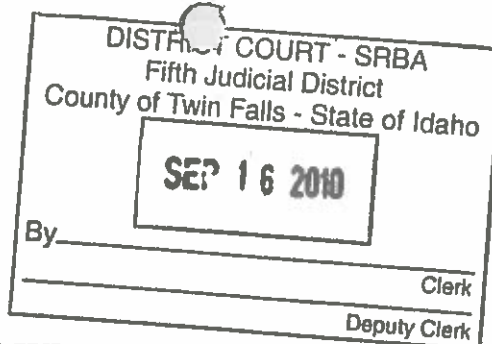
DATE 7/11/89

TO TO FILE A45-02406

SUBJECT Submitted claim has License listed as Basis of Claim. This right has been decreed. This was verified by A.B. in the Decree book. The claim was changed in the Adj. database.


MICROFILMED
MAR 11 1993
SIGNATURE

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

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

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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

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

☒ Change in Ownership

☐ Split of Water Right

☒ Point of Diversion

☒ Place of Use

☐ Period of Use

☐ Nature of Use

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

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

Dated: 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
		1.870 CFS
		492.00 AFY

PLACE OF USE:

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 USEPERIOD OF USEQUANTITY

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	NWSW	40.00	T13S R23E S21	SWSW	40.00

T13S R23E S28	NWNE	34.00	T13S R23E S28	SWNE	33.00
T13S R23E S28	NENW	33.00	T13S R23E S28	NWNW	11.00
T13S R23E S28	SWNW	5.50	T13S R23E S28	SENW	34.00
T13S R23E S28	NESW	38.00	T13S R23E S28	NWSW	29.00
T13S R23E S28	SWSW	35.00	T13S R23E S28	SESW	35.00
T13S R23E S28	NWSE	36.00	T13S R23E S29	NENE	4.40
T13S R23E S29	NWNE	35.00	T13S R23E S29	SWNE	39.00
T13S R23E S29	SENE	38.00	T13S R23E S29	NENW	34.00
T13S R23E S29	SENW	35.00	T13S R23E S29	NESW	35.00
T13S R23E S29	NESE	40.00	T13S R23E S29	NWSE	36.00

905.9 ACRES TOTAL

Rights 45-2405, 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:

<u>IRRIGATION in CASSIA County</u>		
T13S R23E S20	SENE	32.00
T13S R23E S20	NESE	32.00
T13S R23E S20	SWSE	32.00
T13S R23E S21	NWSW	40.00

T13S R23E S20	SESW	35.00
T13S R23E S20	NWSE	35.00
T13S R23E S21	SWNW	40.00
T13S R23E S21	SWSW	40.00

T13S R23E S28	NWNE	34.00	T13S R23E S28	SWNE	33.00
T13S R23E S28	NENW	33.00	T13S R23E S28	NWNW	11.00
T13S R23E S28	SWNW	5.50	T13S R23E S28	SENW	34.00
T13S R23E S28	NESW	38.00	T13S R23E S28	NWSW	29.00
T13S R23E S28	SWSW	35.00	T13S R23E S28	SESW	35.00
T13S R23E S28	NWSE	36.00	T13S R23E S29	NENE	4.40
T13S R23E S29	NWNE	35.00	T13S R23E S29	SWNE	39.00
T13S R23E S29	SENE	38.00	T13S R23E S29	NENW	34.00
T13S R23E S29	SENW	35.00	T13S R23E S29	NESW	35.00
T13S R23E S29	NESE	40.00	T13S R23E S29	NWSE	36.00

905.9 ACRES TOTAL

Rights 45-2405, 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

September 16, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

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

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

ANALYSIS

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

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

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

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

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

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

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

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

ORDER

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

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

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

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

Dated this 30th day of June, 2010.



ALLEN D. MERRITT
Hearing Officer

CERTIFICATE OF SERVICE

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

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

KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318

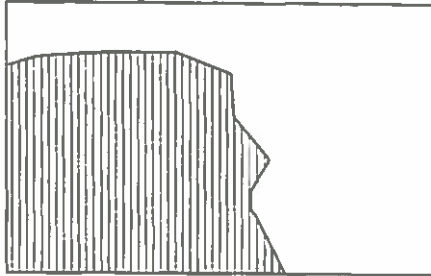
BRIAN HIGGS, WATERMASTER
WATER DISTRICT # 140
6330 W 33RD S
IDAHO FALLS ID 83402



Mary Baldwin
Administrative Assistant I

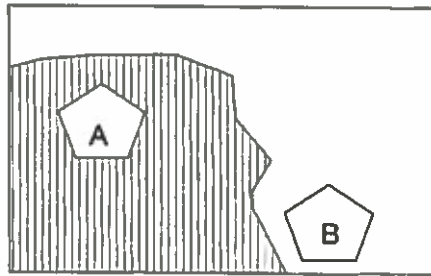
IRRIGATION PLAN

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



Phase I

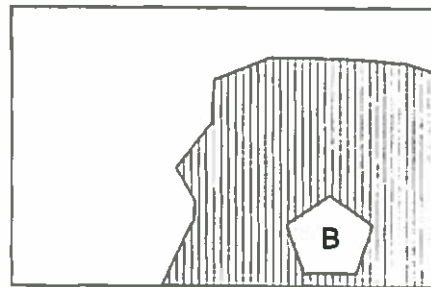
March 15 to August 31 of First Year
Irrigation of crops.



Phase II

September 1 to November 15 of First Year

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



Phase III

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

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

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

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

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

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

PETITION FOR RECONSIDERATION

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

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66132

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

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-2406	AJC/License	02/11/1952	1.87 cfs	480 af	120.0	339.0	GROUND WATER
45-2661	AJC/License	07/11/1961	0.82 cfs	276 af	69.0	339.0	GROUND WATER
45-2405	AJC/License	02/11/1952	1.87 cfs	492 af	123.0	238.0	GROUND WATER
45-12928	AJC/Beneficial Use	06/30/1985	0.9 cfs	N/A	115.0	238.0	GROUND WATER
45-12930	AJC/Beneficial Use	06/30/1985	1 cfs	0 af	118.0	339.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2406	NO	NO	YES	YES	NO	NO
45-2661	NO	NO	YES	YES	NO	NO
45-2405	NO	NO	YES	YES	NO	NO
45-12928	NO	NO	YES	YES	NO	NO
45-12930	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-2406	45-2406	1.87 cfs	480 af	120.0	905.9		N/A	N/A	N/A	N/A
45-2661	45-2661	0.82 cfs	276 af	69.0	905.9		N/A	N/A	N/A	N/A
45-2405	45-2405	1.87 cfs	492 af	123.0	905.9		N/A	N/A	N/A	N/A
45-12928	45-12928	0.9 cfs	N/A	115.0	905.9		N/A	N/A	N/A	N/A
45-12930	45-12930	1 cfs	N/A	109.2	905.9		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.56 cfs	1212 af	527.2	905.9		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66132

Detailed Water Right Description(s) attached

Dated this 30th day of November, 2009


FOR Chief, Water Allocation Bureau



WATER RIGHT NO. 45-2405
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-2405 is now described as follows.

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

Priority Date: February 11, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	1.87 CFS	492.0 AF
			1.87 CFS	492.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21						40.0			40.0	40.0							120.0
13S 23E 28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 123.0 acres within the place of use described above in a single irrigation season.
2. 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 and the irrigation of 238 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
4. 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, and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-2405
As Modified by Transfer No. 66132

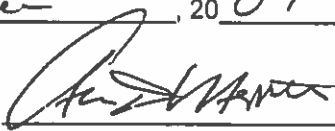
CONDITIONS OF APPROVAL

5. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights. ** all slw rights*
6. 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. *X*
7. 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. *X*
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
9. 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.
10. 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.
11. 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.
12. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
13. Right 45-12928 is an expansion of Right 45-2405 pursuant to Sec. 42-1416B, Idaho Code.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

WATER RIGHT NO. 45-2405
As Modified by Transfer No. 66132

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

Dated this 30th day of November, 2009



for Chief, Water Allocation Bureau



WATER RIGHT NO. 45-2406
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-2406 is now described as follows.

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

Priority Date: February 11, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.87 CFS	480.0 AF
			1.87 CFS	480.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0				40.0	40.0					120.0
13S 23E 28			34.0	33.0	33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0			36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 120.0 acres within the place of use described above in a single irrigation season.
2. Rights 45-2406 and 45-2661 when combined shall not exceed the irrigation of 180 acres.
3. 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 and the irrigation of 289.2 acres.
4. 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.

WATER RIGHT NO. 45-2406
As Modified by Transfer No. 66132

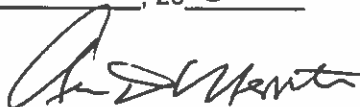
CONDITIONS OF APPROVAL

5. 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, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. 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.
8. 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.
9. 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.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water 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.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
14. Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, Idaho Code.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

WATER RIGHT NO. 45-2406
As Modified by Transfer No. 66132

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

Dated this 30th day of November, 2009



for _____
Chief, Water Allocation Bureau



WATER RIGHT NO. 45-2661
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-2661 is now described as follows.

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

Priority Date: July 11, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.82 CFS	276.0 AF
			0.82 CFS	276.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0			40.0	40.0						120.0
13S 23E 28			34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0				35.0	35.0				40.0	36.0		296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 69.0 acres within the place of use described above in a single irrigation season.
2. Rights 45-2406 and 45-2661 when combined shall not exceed the irrigation of 180 acres.
3. 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 and the irrigation of 289.2 acres.
4. 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.

WATER RIGHT NO. 45-2661
As Modified by Transfer No. 66132

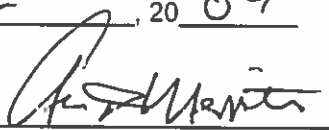
CONDITIONS OF APPROVAL

5. 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, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. 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.
8. 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.
9. 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.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water 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.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
14. Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, Idaho Code.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

WATER RIGHT NO. 45-2661
As Modified by Transfer No. 66132

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

Dated this 30th day of November, 2009



FOR Chief, Water Allocation Bureau



WATER RIGHT NO. 45-12930
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-12930 is now described as follows.

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

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0				40.0	40.0					120.0
13S 23E 28			34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0				35.0	35.0				40.0	36.0		296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 109.2 acres within the place of use described above in a single irrigation season.
2. 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 and the irrigation of 289.2 acres.
3. 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.
4. 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, and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-12930
As Modified by Transfer No. 66132

CONDITIONS OF APPROVAL

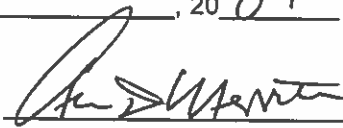
5. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
6. 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.
7. 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.
8. 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.
9. 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.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water 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.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
14. Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, Idaho Code.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

WATER RIGHT NO. 45-12930
As Modified by Transfer No. 66132

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

Dated this 30th day of November, 2009

FJR



Chief, Water Allocation Bureau



WATER RIGHT NO. 45-12928
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-12928 is now described as follows.

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

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	11/15	0.90 CFS
			0.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21						40.0			40.0	40.0							120.0
13S 23E 28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 115.0 acres within the place of use described above in a single irrigation season.
2. 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 and the irrigation of 238 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
4. 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, and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-12928
As Modified by Transfer No. 66132

CONDITIONS OF APPROVAL

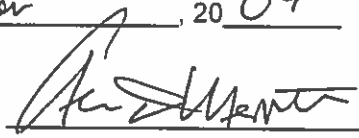
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 66132, the 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.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
9. 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.
10. 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.
11. 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.
12. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
13. Right 45-12928 is an expansion of Right 45-2405 pursuant to Sec. 42-1416B, Idaho Code.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

WATER RIGHT NO. 45-12928
As Modified by Transfer No. 66132

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

Dated this 30th day of November, 2009

FDR



Chief, Water Allocation Bureau



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

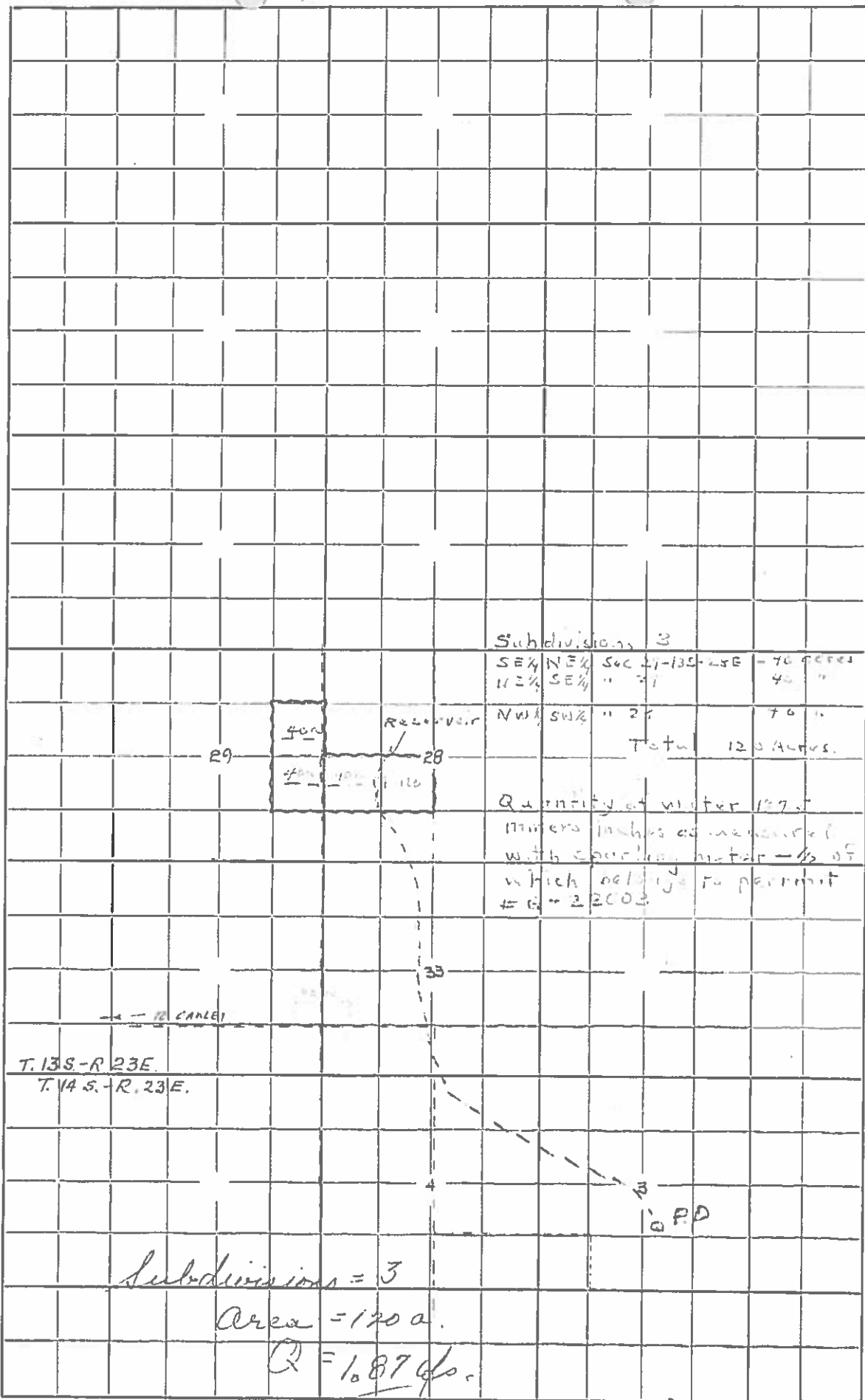
PERMIT NO. G-22604

REPORT ON PROOF OF Completion of Works & Beneficial Use

Herschel Bedke, Route #1, Oakley, Idaho

Yfs. *WCP*
L. Bedke *E. Bedke*
1961 *1962*

*187 @ 1/2
max*



Subdivisions 3

SE 1/4 NE 1/4 Sec 27-13S-23E - 70 Acres
 NE 1/4 SE 1/4 " 21 40 "

NW 1/4 SW 1/4 " 21 70 "

Total 120 Acres.

Quantity of water 127.5

thousand inches as measured
 with sounding meter - 1/2 of
 which belongs to permit
 # 6 - 22003

T. 13S-R. 23E

T. 14S-R. 23E.

Subdivisions = 3

Area = 120 a.

Q = 1.87 cfs.

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

G-22604

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-22604This proof is for... Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant... Harschel Bedke2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the NE 1/4 of Section 3T. 14 S. R. 23 E. S. 3 County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same Drilled well 200'
deep - Pump: Peerless #154855, 8" discharge, Pumping lift 125'
(average for season 150') - Meter SE-RW-9506-5 - P 75-4400-13 Amps
RPM 1770 - Meter G.E. 30 674543 - Demand 30 x 20
Heavy concrete pump base

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

60 acres in NW 1/4 of Sec. 28, 40 acres in NE 1/4 of Sec. 29, 20 acres in SE 1/4
of Sec. 29, all in Twp. 13 S., Rge. 23 E., S. 3

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

In Proof owner says 1/2 of water is to go to
G-22603

This examination was made on the 3 day of July, 1957(Signed) James Mann

Examiner.

G-22604

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

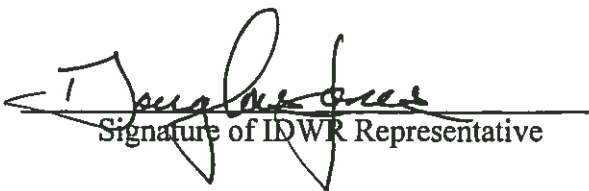
☒ point of diversion ☒ place of use

☐ 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

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

SYSTEM 3	<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

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

SYSTEM 3	<u>45-2406</u>	<u>p/u = 120 ACRES</u>
SYSTEM 4	<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
<u>variable fees due</u>	<u>\$119.00</u>
TOTAL FEES DUE	\$398.00

01/16/2003

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

RIGHT NUMBER: 45-2406

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.870 CFS
480.000 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: 02/11/1952

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	1.870 CFS 480.00 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. 45-2661 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 120 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



0 1320 2640 3960 Feet



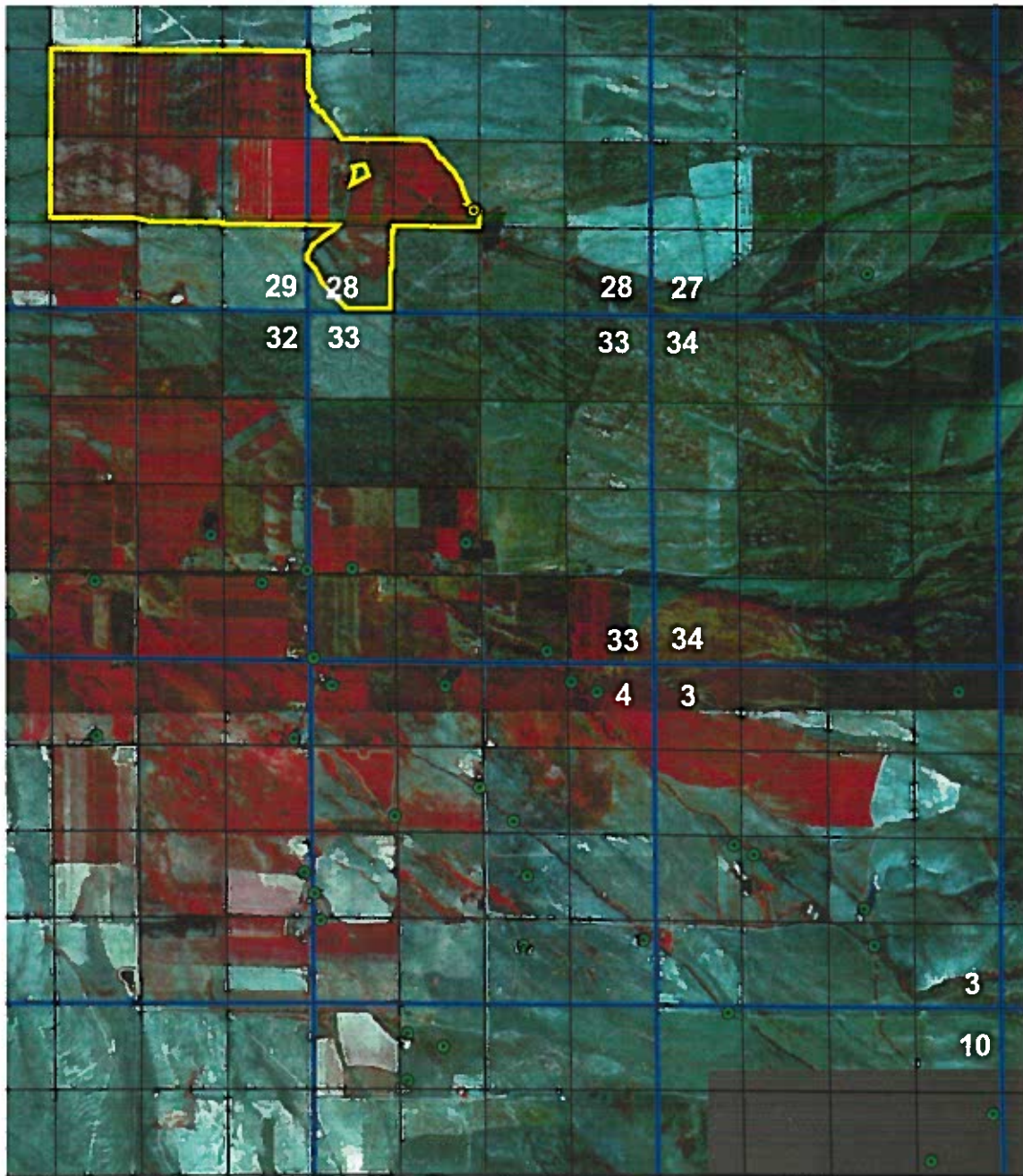
RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 17, 2003
TWP 13S, RNG 23E, SEC. 28 & 29



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

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

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



0 1320 2640 3960 Feet



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



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

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

VERIFIED BY 8/1/16/03
01/16/2003

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-2406 V1

WATER RIGHT NUMBER: 45-2406 V1

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

Priority Date: 02/11/1952

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.870 CFS	480.00 AF
	<u>Total Diversion:</u>	1.870 CFS	480.00 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-2406 V1

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

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 45-2661 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 120 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 2406 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 45-2406 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:
 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 11:13:47 AM	jroberts			Active
POD	1/16/2003 11:15:07 AM	jroberts			Active
POU	1/16/2003 11:24:22 AM	jroberts			Active
Use	1/16/2003 11:25:41 AM	jroberts			Active
Season	1/16/2003 11:27:26 AM	jroberts			Active
Quantity	1/16/2003 11:29:30 AM	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 11:20:12 AM	jroberts	Edited point location
POU	1/16/2003 11:24:55 AM	jroberts	Edited shape boundary
POU	1/16/2003 11:25:18 AM	jroberts	Edited PLS
Use	1/16/2003 11:25:41 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-2406 V1

Priority Date	1/16/2003 11:13:47 AM	jroberts	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/16/2003 11:15:07 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	1/16/2003 11:20:22 AM	jroberts	Edited PLS
POU	1/16/2003 11:24:22 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (No) 8. Can the claim be verified as an accomplished transfer? (Yes) 9. Does the claim include an enlargement in the POU? (Yes) 10. Was an enlargement claim filed? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 9 - Description for Question 13 - True
Season	1/16/2003 11:27:26 AM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (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? (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? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-2406 V1

Quantity	1/16/2003 11:29:30 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Determined by transfer (120 ac X 4 AF/ac = 480 AFA)
Summary	1/16/2003 11:49:53 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2406

WATER RIGHT NUMBER: 45-2406

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANDERSON FARMS INC 961 S 50 W BURLEY, ID 83318 (208)678-4314
Original Owner	HERSCHEL BEDKE OAKLEY, ID 83346

Priority Date: 02/11/1952

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	1.870 CFS	480.00 AF
	<u>Total Diversion:</u>	1.870 CFS	480.00 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											40.0						40.0
13S	23E	29			40.0										40.0				80.0

Total Acres: 120

Conditions of Approval:

- 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.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
- R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
- 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2406

5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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



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