

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: **A36-02398**
Date Received: 7/13/1988
Receipt No: C001839
Received By: _____

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

1. Name: IDAHO AG INC 208-436-0292
Address: PO BOX 123
RUPERT ID 83350

2. Date of Priority: JUL 30, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	22E	13	NW	NE			LINCOLN
			SE	NE			LINCOLN

5. Description of diverting works:
TWO DEEP WELLS CONNECTED BY MAINLINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.710		

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

8. Total consumptive use is 414.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	22E	12	SW	SW		IRR	9.0
			SE	SW		IRR	30.0
			SW	SE		IRR	15.0

JAN 28 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	44.0
		13	NW	NE	IRR	25.0
			SW	NE	IRR	15.0
			NE	NW	IRR	34.0
			SW	NW	IRR	8.0
			SE	NW	IRR	12.0
					Section Acres	94.0
					Total Acres	138.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:
TRANS. 1825.
***OWNERSHIP CHANGE BASED UPON A WARRANTY DEED SUBMITTED TO
ESTABLISH OWNERSHIP FOR PERMIT 36-07883 WHICH COMPLETELY OVERLAPS
THIS CLAIM. KKC 6-26-92

15. Basis of Claim: LICENSE

Water Right Number: 28078

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: _____

MICROFILMED
JAN 28 1993

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 _____

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JAN 28 1993

RECEIVED

FEB 15 1991

Department of Water Resources
Southern Region Office

IDAHO AG
P.O. BOX 123
RUPERT, IDAHO

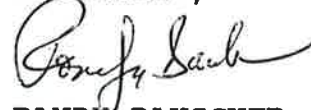
JIM STANTON
DEPARTMENT OF WATER RESOURCES
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83330

MR. STANTON:

ENCLOSED PLEASE FIND A COPY OF THE WARRANTY DEED FOR THE
WATER RIGHTS WE DISCUSSED OVER THE PHONE LAST WEEK.

IF YOU HAVE ANY QUESTIONS OR IF I CAN BE OF FURTHER
ASSISTANCE PLEASE CONTACT ME AT 436-0292.

SINCERELY,



RANDY BAUSCHER

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JAN 28 1993

154539

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the

Land Office

JAN 02 91

at 30 minutes 11:11 A.
recorded by Maudy Harris
for 228.00
By Hand

394934

FEE 15 1991

RECEIVED
COUNTY CLERK
SOUTHERN REGION

SPECIAL WARRANTY DEED AND BILL OF SALE

THIS INDENTURE, made this 7th day of December, 1990,
between THE TRAVELERS INSURANCE COMPANY, a Connecticut
corporation, the Grantor, and IDAHO AG., INC., an Idaho
corporation, whose address is Route 3, Box 88, Rupert, Idaho
83350, the Grantee,

W I T N E S S E T H:

That the said Grantor, for and in consideration of the
payment to it of TEN DOLLARS (\$10.00) AND OTHER VALUABLE
CONSIDERATION, by the said Grantee, the receipt and sufficiency
whereof are hereby acknowledged, has granted, bargained, and
sold, and by these presents does grant, bargain, sell, convey an
confirm unto the said Grantee, and to its successors and assigns
forever, the following described real estate situate in the
Counties of Lincoln and Minidoka, State of Idaho, to-wit:

TRIPLE J RANCHREAL PROPERTY

Township 7 South, Range 24 East, Boise Meridian,
Minidoka County, Idaho

Section 5: S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$
Section 8: N $\frac{1}{2}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9: NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$

PERSONAL PROPERTY

- 1 - 200 H.P. U.S. Electric Vertical Motor - SN# 83-08330-168
- 1 - 150 H.P. U.S. Electric Vertical Motor - SN# 1103098
- 1 - 250 H.P. General Electric Vertical Motor -
SN# CMJ 303113
- 1 - 300 H.P. General Electric Vertical Motor -

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JAN 28 1993

- SN# KKJ 1009127
- 1 - 75 H.P. Marathon Horizontal Electric Motor -
SN# AA-96222-31-8
 - 1 - 75 H.P. U.S. Electric Horizontal Motor -
SN# CA96600-1226-6
 - 1 - Wintroath Deep-Well Turbine Pump - SN# 7275
 - 1 - Jacuzzi Deep-Well Turbine Pump - SN# WTD-70
 - 2 - Layne & Bowler Deep-Well Turbine Pumps -
SN# 45-521 & SN# (missing)
 - 1 - Peerless Horizontal Booster Pump - SN# 73 LI 8057
 - 1 - Aurora Horizontal Booster Pump - SN# 74-1771

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used in conjunction with or pertaining to the above listed pumps and motors.

- Approximately 5,280 feet of 12" Buried Steel Mainline w/risers
- Approximately 2,640 feet of 10" Buried Steel Mainline w/risers
- Approximately 3,940 feet of 4½" Buried Steel Mainline w/risers
- Approximately 3,960 feet of 8" Portable Aluminum Mainline w/risers
- Approximately 5,280 feet of 6" Portable Aluminum Mainline w/risers
- Approximately 1,320 feet of 5" Portable Aluminum Mainline w/risers
- Approximately 3,960 feet of 4" Buried PVC Mainline w/risers

- 2 - 1/4 mile Gifford Hill Pivots - complete
- 2 - 1/4 mile Gifford Hill pivots - complete
- 5 - 1/4 mile A & M Side Roll Wheel Lines - complete
- 11 - 1/4 mile Western Side Roll Wheel Lines - complete
- 1 - 800 feet A & M Side Roll Wheel Line - complete
- Approximately 34,320 feet of 4" Portable Aluminum Solid Set

Together with all valves, reducers, sprinkler heads, end plugs, et al, used in conjunction with or pertaining to the above listed mainline, pivots, solid set and wheel lines.

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MINIDOKA #2

REAL PROPERTY

Township 7 South, Range 22 East, Boise Meridian,
Lincoln County, Idaho

Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 13: NW $\frac{1}{4}$; SE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$

Township 7 South, Range 23 East, Boise Meridian,
Lincoln County, Idaho

Section 7: Lot 4

Section 18: Lots 1, 2, 3, and 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$

PERSONAL PROPERTY

Thirty (30) 3" X 40' x 1/4 mile portable aluminum handlines.
21,120 ft. buried steel mainline, 6" - 14"

1 - 200 H.P. GE Electric Motor, Ser. No. PYJ320143

1 - 200 H.P. Layne & Bowler VTP, Ser. No. D07007

1 - 125 H.P. US Electric Motor, Ser. No. R-9454-00-048

1 - 125 H.P. Aurora Centrifugal Pump, Ser. No. 80-16240-2

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used in conjunction with or pertaining to the above listed pumps and motors. Including any additions, replacements or substitutions to the above listed equipment.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

AND, together with all and singular the rights, interests and privileges therein, fixtures thereon and appurtenances thereunto belonging or in anywise appertaining, whether now or hereafter acquired, which shall include, without limiting the generality of the foregoing, the following:

All of the rents, issues and profits, including but not limited to all rents, royalties, bonuses and benefits under any existing or future oil, gas or mineral or other leases; all easements and rights of way; all rights of homestead, and all contingent rights in and to said premises, together with all ASCS program

JAN 28 1993

benefits, including CRP payments;

All water, water rights, whether riparian, appropriative or otherwise and whether or not appurtenant, all ditch rights, and pipeline easements or irrigation system easements and any permits, licenses, certificates or shares of stock evidencing any such water or ditch rights;

All buildings and the plumbing, heating, cooling, humidifying, ventilating and lighting systems and equipment therein; all wells, dams, diversion works, ditches, flumes, siphons, pipelines, ponds, pumps, motors, valves, screens, and any facilities used in connection with the operation of any of the foregoing facilities or necessary for the proper and effective operation and use of any of the foregoing or for the proper irrigation or drainage of the portions of the described lands which are used for agricultural production;

EXCEPT FOR 50% of the minerals, such minerals to include but not be limited to oil, gas, casinghead gas, associated hydrocarbons, coal, lignite, sulphur, phosphate, lead, zinc, copper, iron ore and other metallic ores, sodium, salt, uranium, thorium, molybdenum, vanadium, geothermal energy, titanium and other fissionable materials, gold, silver (and other precious metals) bauxite, limestone and other stones, gypsum and other miners (sand, gravel and clay being the only exceptions) now owned or hereafter acquired by party of the first part in, on or under the real property, together with full rights of ingress and egress and use of the surface to the extent reasonably necessary for the purpose of exploring, drilling, mining (including, to the extent reasonable in the circumstances, open pit and strip mining), developing, producing, storing, removing, treating and transporting said materials, as described in the Quit Claim Deed, between The Travelers Insurance Company, a Connecticut corporation, party of the first part, and The Prospect Company, a Delaware corporation, party of the second part, dated September 26, 1988 and recorded October 3, 1988 as Instrument No. 152468, records of Lincoln County, Idaho.

Said described property is conveyed subject to (1) all taxes

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JAN 28 1993

and assessments for the year 1990 and subsequent years, (2) all reservations in patents or deeds in the chain of title, (3) all easements and rights of way visible on the property or appearing of record in the offices of the County Recorders of Lincoln or Minidoka Counties, Idaho, (4) all covenants and restrictions appearing of record in the offices of said Recorders, and (5) all items listed as exceptions in Commitment for Title Insurance No. 21477 MC issued by Land Title and Escrow, Inc., of Burley, Idaho, on June 13, 1990, as shown in the copy of Schedule B-Section 2 thereof which is attached hereto and made a part hereof.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances unto the Grantee and to its successors and assigns forever.

Grantor warrants to the Grantee, and its successors in title, that Grantor has not created or permitted to be created any lien, charge or encumbrance against said real estate which is not shown or referred to herein, and Grantor covenants that it will defend said premises to the extent of the warranties made herein against the lawful claims of all persons; PROVIDED

JAN 28 1993

HOWEVER, that such warranty shall not include mineral rights or interests, if any, conveyed by this Deed.

IN WITNESS WHEREOF, the said Grantor has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by its Board of Directors, all as of the day and year herein first above written.

THE TRAVELERS INSURANCE COMPANY
A Connecticut corporation

By

Robert F. Fennelly
Assistant Director

ATTEST:

Gregory F. Lynch
Gregory F. Lynch
Assistant Secretary

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JAN 28 1993

STATE OF CONNECTICUT)
) ss. Farmington
COUNTY OF HARTFORD)

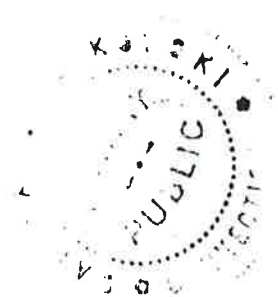
On this 7th day of December, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERTA F. FENNELLY and Gregory F. Lynch, known to me to be the ASSISTANT DIRECTOR and ASSISTANT SECRETARY, respectively, of THE TRAVELERS INSURANCE COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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



Sandra M. Hodkowski

Notary Public for the State of Connecticut
Residing at Bristol, Connecticut
My commission expires: 3/31/91



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JAN 28 1993

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION II

Order Number: 21477 MC

SPECIAL EXCEPTIONS:

1. Taxes for 1990 and subsequent years, a lien, but not yet due or payable.
2. Power Line Easement from Vernon C. Phillips and Mabel J. Phillips, husband and wife, to Idaho Power Company, a corporation, dated June 3, 1964 and recorded December 31, 1964 as Instrument No. 116373, records of Lincoln County, Idaho, affecting the SE~~X~~NE~~X~~ of Section 24 and the SE~~X~~NE~~X~~ of Section 13, Township 7 South, Range 22 East, Boise Meridian.
3. Reservation contained in United States Patent dated April 20, 1966 and recorded June 14, 1966 as Instrument No. 118526, Lincoln County records, affecting the S~~X~~SW~~X~~ and SW~~X~~SE~~X~~ of Section 12 and the W~~X~~NE~~X~~, NE~~X~~NW~~X~~ and S~~X~~NW~~X~~ of Section 13, Township 7 South, Range 22 East, Boise Meridian.
4. Reservation contained in United States Patent dated April 20, 1966, recorded June 14, 1966 as Instrument No. 118527, Lincoln County records, affecting the SE~~X~~NE~~X~~, S~~X~~SE~~X~~ and N~~X~~SE~~X~~ of Section 13, the NW~~X~~NE~~X~~ of Section 24, Township 7 South, Range 22 East, Boise Meridian, and Lots 3 and 4 of Section 18, Township 7 South, Range 23 East, Boise Meridian.
5. Power Line Easement from Triple "J" Ranch, Inc., to Idaho Power Company, a corporation, dated June 10, 1975, recorded November 21, 1975, as Instrument No. 254786, records of Minidoka County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the South 100 feet and West 100 feet of S~~X~~SE~~X~~ of Section 8, Township 7 South, Range 24 East, Boise Meridian.
6. Reservation for 50% of the minerals, such minerals to include but not be limited to oil, gas, casinghead gas, associated hydrocarbons, coal, lignite, sulphur, phosphate, lead, zinc, copper, iron ore and other metallic ores, sodium, salt, uranium, thorium, molybdenum, vanadium, geothermal energy, titanium and other fissionable materials, gold, silver (and other precious metals) bauxite, limestone and other stones, gypsum and other minerals (sand, gravel and clay being the only exceptions) now owned or hereafter acquired by party of the first part in, on or under the real property, together with full rights of ingress and egress and use of the surface to the extent reasonably necessary for the purpose of exploring, drilling, mining (including, to the extent reasonable in the circumstances, open pit and strip mining), developing, producing, storing, removing, treating and transporting said materials, contained in Quit Claim Deed, between

-CONTINUED-

SCHEDULE B - SECTION II This Commitment is not valid without
Schedule B- Section I

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JAN 28 1993

CONTINUATION

SCHEDULE B-II

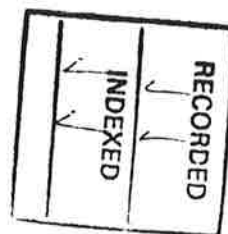
Order Number: 21477
L-16933

The Travelers Insurance Company, a Connecticut Corporation, party of the first part, and The Prospect Company, a Delaware Corporation, party of the second part dated September 26, 1988 and recorded October 3, 1988 as Instrument No. 152468, records of Lincoln County, Idaho.

7. Financing Statements, Seed and Farm Laborer's liens against crops which are filed in the office of the Secretary of State.

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JAN 28 1993



FILED

JAN 2 1 36 PM '91

Land Title-Burley

RECORDS AT REQUEST OF

3 9 4 9 3 4

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: A36-02398

Date Received: 7/07/1988

Receipt No: C001839 C7

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE TRAVELERS INSURANCE CO. 208-336-5900
Address: C/O DONALD S. REED, GEN. MGR.
960 BROADWAY AVE.
BOISE, ID 837063623

2. Date of Priority: JUL 30, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	22E	13	NW	NE	NE		LINCOLN
			SE	NE			LINCOLN

5. Description of diverting works:
TWO DEEP WELLS CONNECTED BY MAINLINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.710		

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

8. Total consumptive use is 414.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	22E	12	SW	SW		IRR	9.0

A36-02398

Page 1

Date: 07/08/88

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JAN 28 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	22E	12	SE	SW		IRR	30.0
			SW	SE		IRR	5.0
					Section Acres		44.0
		13	NW	NE		IRR	25.0
			SW	NE		IRR	15.0
			NE	NW		IRR	34.0
			SW	NW		IRR	8.0
			SE	NW		IRR	12.0
					Section Acres		94.0
					Total Acres		138.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:
TRANS. 1825.

15. Basis of Claim: LICENSE
Water Right Number: 28078

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: 1

For Organizations:

I do solemnly swear or affirm that I am General Manager of The Travelers Insurance Company, that I have signed the foregoing document in the space below as General Manager of The Travelers Insurance Company and that the statements contained in the foregoing document are true and correct.

Donald S. Reed
Signature of Authorized Agent
General Manager
The Travelers Insurance Company
Title and Organization

July 8, 1988

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of July 19 88

Carter Litchfield
Notary Public

Seal

Residing at Eagle, Id
My Commission Expires 3-21-94

2002 APR 11 AM 11:22
 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

Subcase No: 36-2398

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

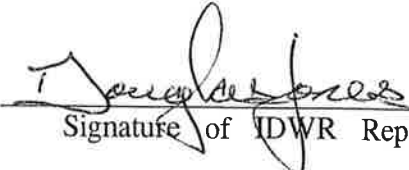
☐ Period of Use

☐ 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: 4/3/02


 Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/11, 2002, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Idaho Ag Inc
PO Box 123
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/02/2002

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

RIGHT NUMBER: 36-2398

NAME AND ADDRESS: IDAHO AG INC
PO BOX 123
RUPERT ID 83350

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.710 CFS
552.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-2403 AND 36-7883A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.64 CFS.

PRIORITY DATE: 07/30/1959

POINT OF
DIVERSION:

T07S R22E S13 SESENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.710 CFS 552.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY
AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED
OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER
BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE
TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION
USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R22E S12	SWSW	40.0	T07S R22E S12	SESW	33.0
T07S R22E S12	SWSE	34.0	T07S R22E S13	NENE	40.0
T07S R22E S13	NWNE	40.0	T07S R22E S13	SWNE	40.0
T07S R22E S13	SENE	37.0	T07S R22E S13	NENW	36.0
T07S R22E S13	NWNW	40.0	T07S R22E S13	SWNW	37.0
T07S R22E S13	SENW	37.0	T07S R22E S13	NESE	31.0
T07S R22E S13	NWSE	40.0	T07S R22E S13	SWSE	40.0
T07S R22E S13	SESE	38.0	T07S R23E S18 Lot 2	SWNE	38.0
T07S R23E S18 Lot 3	NWSE	36.0	T07S R23E S18 Lot 4	SWSE	41.0

678 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 138 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: BASIS OF CLAIM - License

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02403 & 36-07883.



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 11, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO AG INC
PO BOX 123
RUPERT ID 83350

RE: SRBA Claim(s) 36-2398

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

Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 66957

RECEIVED
NOV - 1 2001
Department of Water Resources
Southern Region

This is to certify that: IDAHO AG INC
PO BOX 123
RUPERT ID 83350
(208)436-0292

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
36-7883A	WR/License	01/15/1980	8.00 cfs	1544.0 af	386.0	386.0	GROUND WATER
<u>36-2398</u>	AJC/License	07/30/1959	2.71 cfs	552.0 af	138.0	138.0	GROUND WATER
36-2403	AJC/Decreed	10/12/1959	1.76 cfs	352.0 af	88.0	88.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-7883A	NO	NO	YES	NO	NO	NO
<u>36-2398</u>	NO	NO	YES	NO	NO	NO
36-2403	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-7883A	<u>36-7883A</u>	5.64 cfs	1544 af	386.0	678.0		N/A	N/A		N/A
<u>36-2398</u>	<u>36-2398</u>	2.71 cfs	552 af	138.0	678.0		N/A	N/A		N/A
36-2403	<u>36-2403</u>	1.76 cfs	352 af	88.0	678.0		N/A	N/A		N/A
TOTALS		5.64 cfs	2448 af	612	678		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of October, 2001

J. M. Sawyer
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7883A
As Modified by Transfer No. 66957

In accordance with the approval of Transfer No. 66957, Water Right No. 36-7883A is now described as follows.

Right Holder: IDAHO AG INC
 PO BOX 123
 RUPERT ID 83350

Priority Date: 01/15/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	5.64 CFS	1,544.0 AF
			5.64 CFS	1,544.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 13 Twp 07S Rge 22E LINCOLN 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	
07S 22E 12									40.0	33.0					34.0		107.0
07S 22E 13	40.0	40.0	40.0	37.0	36.0	40.0	37.0	37.0					31.0	40.0	40.0	38.0	456.0
07S 23E 18			38.0											36.0	41.0		115.0
			L 2											L 3	L 4		

Total Acres: 678

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36-7883A
As Modified by Transfer No. 66957

CONDITIONS OF APPROVAL

6. Rights 36-02398, 36-02403 and 36-07883A when combined shall not exceed a total diversion rate of 5.64 cfs.
7. 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.
8. This right is limited to the irrigation of 386 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/23/2001.

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 23rd day of October, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2398
As Modified by Transfer No. 66957

In accordance with the approval of Transfer No. 66957, Water Right No. 36-2398 is now described as follows.

Right Holder: IDAHO AG INC
 PO BOX 123
 RUPERT ID 83350

Priority Date: 07/30/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.71 CFS	552.0 AF
			2.71 CFS	552.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 13 Twp 07S Rge 22E LINCOLN 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	
07S 22E 12											40.0	33.0			34.0		107.0
07S 22E 13	40.0	40.0	40.0	37.0	36.0	40.0	37.0	37.0					31.0	40.0	40.0	38.0	456.0
07S 23E 18			38.0											36.0	41.0		115.0
			L 2											L 3	L 4		

Total Acres: 678

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

WATER RIGHT NO. 36-2398
As Modified by Transfer No. 66957

CONDITIONS OF APPROVAL

6. Rights 36-02398, 36-02403 and 36-07883A when combined shall not exceed a total diversion rate of 5.64 cfs.
7. 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.
8. This right is limited to the irrigation of 138 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 23rd day of October, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2403
As Modified by Transfer No. 66957

In accordance with the approval of Transfer No. 66957, Water Right No. 36-2403 is now described as follows.

Right Holder: IDAHO AG INC
 PO BOX 123
 RUPERT ID 83350

Priority Date: 10/12/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.76 CFS	352.0 AF
			1.76 CFS	352.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 13 Twp 07S Rge 22E LINCOLN 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	
07S 22E 12									40.0	33.0					34.0		107.0
07S 22E 13	40.0	40.0	40.0	37.0	36.0	40.0	37.0	37.0					31.0	40.0	40.0	38.0	456.0
07S 23E 18			38.0											36.0	41.0		115.0
			L 2											L 3	L 4		

Total Acres: 678

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

WATER RIGHT NO. 36-2403
As Modified by Transfer No. 66957

CONDITIONS OF APPROVAL

6. Rights 36-02398, 36-02403 and 36-07883A when combined shall not exceed a total diversion rate of 5.64 cfs.
7. 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.
8. This right is limited to the irrigation of 88 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 23rd day of October, 2001


Chief, Water Allocation Bureau

COPY

1999 NOV 19 PM 12: 42

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: 36-02398, 36-02403,
36-07883

**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

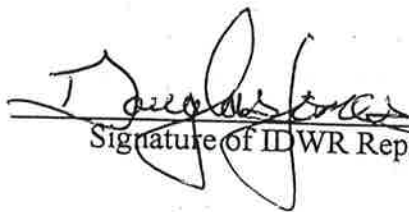
☒ I.C. § 42-222 transfer 5537

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than:
October 6, 2000.

Dated 11/5/99


Signature of IDWR Representative

INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

CERTIFICATE OF MAILING

I certify that on 11/19, 1999, 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. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Idaho Ag Inc
PO Box 123
Rupert ID 83350
3. One copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record:



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

November 17, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO AG INC
PO BOX 123
RUPERT ID 83350

RE: SRBA Claim(s) 36-02398, 36-02403, 36-07883

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.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

MAR 29 199

Department of Water Resources
Southern Region

Name of applicant Idaho Ag. Inc. Phone 436-0292
Post Office address PO Box 123, Rupert, ID 83350

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 Split right, create PPU
2. Describe the reason for the proposed changes Farm is being split by sale. Only 1 well will serve our property, 9 rights are being swapped on 2 tracts. Transfer will show how our water rights will be used after the sale.

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>36-02398</u>	<u>7-30-1959</u>	<u>2.71/552.0</u>	<u>Irr'g.</u>	<u>4-1</u> to <u>10-31</u>
<u>36-02403</u>	<u>10-12-1959</u>	<u>1.76/352.0</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>36-07883A</u>	<u>1-15-1980</u>	<u>5.46/1413.6</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 5.46 cubic feet per second and/or 2317.6 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use: Permissible Place of Use of 645.6 ac/yr

[illegible]

UPDATED

ATTRIBUTES OF B36-POU.SHP 125 6/16/97

ATTRIBUTES OF B36-POD.SHP 131 4/16/97

Water Right Number - 36-07883

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

MUTUAL LIFE INSURANCE CO OF NEW YORK

1 - ONE MID RIVERS DR #120

2 -

3 -

City- ST PETERS

State- MO Zip- 63376

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

BACON

BRUCE R

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/15/1980 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	22E	12	SE SE			(63) LINCOLN
		13	SE NE			(63) LINCOLN

+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION		04/01	10/31	9.490	1992.00	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
9.490	1992.00	9.490	0.0	

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	22E	12	SW SW		4.0	01	IRRIGATION	(63) LINCOLN
07S	22E	12	SE SW		3.0	01	IRRIGATION	(63) LINCOLN
07S	22E	12	SW SE		29.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	NW NE		15.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	SW NE		25.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	SE NE		32.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	NE NW		2.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	NW NW		40.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	SW NW		29.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	SE NW		25.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	NE SE		21.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	NW SE		4.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	SW SE		8.0	01	IRRIGATION	(63) LINCOLN
07S	22E	13	SE SE		33.0	01	IRRIGATION	(63) LINCOLN

Water right number - 36-07883

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
07S	23E	7	SW SE	4	37.0	01	IRRIGATION	(63)	LINCOLN
07S	23E	7	SE SE		1.0	01	IRRIGATION	(63)	LINCOLN
07S	23E	18	NE NE		34.0	01	IRRIGATION	(63)	LINCOLN
07S	23E	18	NW NE	1	41.0	01	IRRIGATION	(63)	LINCOLN
07S	23E	18	SW NE	2	38.0	01	IRRIGATION	(63)	LINCOLN
07S	23E	18	NW SE	3	36.0	01	IRRIGATION	(63)	LINCOLN
07S	23E	18	SW SE	4	41.0	01	IRRIGATION	(63)	LINCOLN

Total Acres: 498.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN Rights 36-02398, 36-02403, 36-07669 and 36-07883 when combined shall not exceed a total diversion rate of 9.49 cfs.
Rights 36-02398, 36-02403, 36-07669 are also diverted from the point(s) of diversion described above.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

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.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

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

Date: 02/10/1992 User Id: JOHNSON Subject: Field Exam Report Returned to Region
The land covered by this permit is currently under CRP. The examiner could not collect enough information to determine the extent of land irrigated under the permit.

+ - - Audit Fields - 02/19/88 05/28/88 CONVERT 09/22/90 RGTHE 05/30/91 MILLER 07/11/91 BALDWIN
11/18/91 BALDWIN 02/10/92 JOHNSON 03/18/96 MBALDWIN 07/24/97 SCURTIS 08/07/97 SCURTIS
08/11/97 SCURTIS 08/20/97 SCURTIS 02/06/98 CLEARFLD

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 01/01/1985	Field Exam Made - 03/18/1996	Field Exam Fee - R
Approved/Denied - 01/29/1980	Protested Date - 00/00/0000	Swan Falls - Y
Proof Made Date - 09/01/1982	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 03/18/1996	Verified Date - 00/00/0000	DLE/Carey Act - 1
Order Show Cause - 00/00/0000	Receipt Number -	Water District -

Water right number - 36-07883

Prefix Translation: WATER RIGHT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Licensed Date	- 09/22/1997	Appl Received	- 12/10/1979	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED

JAN 28 1993

NOTICE OF ERROR FORM

RECEIVED

AUG-24-1992

SEP 2 5 1992

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

SEP-24-1992

1. Water right number: 36-02398

RECEIVED

2. Name: Idaho Ag Inc.

SEP 2 5 1992

Address: P.O. Box 123
Rupert, ID 83350

Department of Water Resources

STANDARD MICROFILMED

JAN 2 8 1993

Weekday Telephone Number: (208) 436-0292

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

07-Oct-1992

Idaho Ag Inc
PO Box 123
Rupert ID 83350

RE: Proposed Recommendation for Water Right Nos: 36-02195B, 36-02196, 36-02398, 36-02403, & 36-07306

Dear Claimant:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claims listed above. Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons states below, the season of use that will be recommended in the Director's Report will remain as proposed.

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

If you still disagree with IDWR's recommendations you will have an opportuntiy to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,

Marci Sterling

Marci Sterling
Engineering Specialist (EIT)

MICROFILMED

JAN 28 1993

Water Right Number - R36-02398

Prefix Translation: RESEARCH

Old (D) Number - 28078

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

*** C - CURRENT OWNER ***
IDAHO AG INC1 - PO BOX 123
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-0292*** O - ORIGINAL OWNER ***
TRAVELERS INSURANCE CO

THE

1 - C/O DONALD S REED GEN MGR
2 - 960 BROADWAY AVE
3 -
City- BOISE State- ID Zip- 837063623
Phone - 208-336-5900+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/30/1959 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 22E 13 SE NE (63) LINCOLN+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 2.710 552.00
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.710 552.00 414.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 22E 12 SW SW 9.0 01 IRRIGATION (63) LINCOLN
07S 22E 12 SE SW 30.0 01 IRRIGATION (63) LINCOLN
07S 22E 12 SW SE 5.0 01 IRRIGATION (63) LINCOLN
07S 22E 13 NW NE 25.0 01 IRRIGATION (63) LINCOLN
07S 22E 13 SW NE 15.0 01 IRRIGATION (63) LINCOLN
07S 22E 13 NE NW 34.0 01 IRRIGATION (63) LINCOLN
07S 22E 13 SW NW 8.0 01 IRRIGATION (63) LINCOLN
07S 22E 13 SE NW 12.0 01 IRRIGATION (63) LINCOLN

Total Acres: 138.0

+ - - Diversion Means - DEEP WELL CONNECTED BY MAINLINE, SPRINKLERS

+ - - Non-Irrigation Use -

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JAN 28 1993

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	- 07/13/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C001839	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	- B

JAN 28 1993

R PROOF



CVR



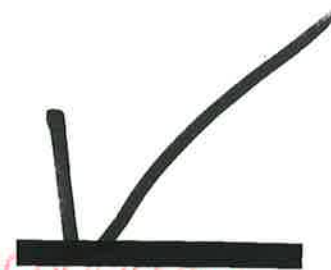
MAPS



PHOTOS



MISC



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JAN 28 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO AG INC PO BOX 123 RUPERT ID 83350 (208) 436-0292	07/30/1959	IRRIGATION	04-01 10-31	2.71 CFS	552.0 AFA
					TOTAL DIVERSION:	2.71 CFS
					CONSUMPTIVE USE:	552.0 AFA 414.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R22E S13

SENE

LINCOLN County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE												
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07S	22E	12	:															09	30							05		44.0
07S	22E	13	:			25	15			34		08	12															94.0
																								TOTAL ACRES		138.0		

POU County: LINCOLN

Other Rights: PERMIT 36-07883; NOT VERIFIED AT THIS TIME

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02403 & 36-07883.

Dates: Exam Made Date:

Verified Date: 06/26/1992

VERIFIED BY *KKC*
6-26-92

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

Comments: Date: 06/26/1992 User-ID: CHRISTENSubject: COPIED FROM REMARKS TRANS. 1825.

Date: 06/26/1992 User-ID: CHRISTENSubject: OWNERSHIP CHANGE
OWNERSHIP FOR THIS CLAIM WAS CHANGED BASED UPON A WARRANTY DEED
SUBMITTED TO SHOW OWNERSHIP OF PERMIT 36-07883 WHICH COMPLETELY
OVERLAPS THIS CLAIM. KKC

Date: 06/26/1992 User-ID: CHRISTENSubject: OVERLAP COMMENTS
THIS LICENSE AND 36-02403 OVERLAP WITH CLAIM 36-07883 (PERMIT
STATUS DURING REVIEW). THE OVERLAP HAS NOT BEEN ADDRESSED IN THE
RECOMMENDATION FOR THE LICENSED RIGHTS. THE OVERLAP WILL BE
ADDRESSED UNDER ALLOCATION LICENSING PROCEDURES WHEN THE PERMIT

UNRECORDED

JAN 28 1993

=====

Comments: Date: 06/26/1992 User-ID: CHRISTEN Subject: OVERLAP COMMENTS
LICENSES IS BASED UPON THE LICENSING FIELD EXAM CONDUCTED ON
5-22-91 BY JIM STANTON. PRELIMINARY EXAM INFORMATION HAS BEEN
INCLUDED IN THE FILE BUT NOT USED IN THE RECOMMENDATION.
KKC; 6-26-92.

Audit: 06/26/92 CHRISTEN

MICROFILMED

JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:16:29
07/01/91

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02398

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N				
POINT OF DIV	Y			Y	5	KKC 6-26-92		
SOURCE				N				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			Y	6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED

JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:16:29
07/01/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02398

LAST: ANDERSON
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: GEORGE DEE
STATE: ID ZIP: 00000

OWNER CODE: 0

LAST: FAIRBROTHER
ADDRESS: 375 N. OVERLAND
CITY: BURLEY
PHONE NUMBER: 208-000-0000

FIRST: G.R.
STATE: ID ZIP: 83318

OWNER CODE: 0

LAST: TRAVELERS INSURANCE CO.
ADDRESS: C/O DONALD S. REED, GEN. MGR.
960 BROADWAY AVE.
CITY: BOISE
PHONE NUMBER: 208-336-5900

FIRST: THE
STATE: ID ZIP: 837063623

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: TRANS. 1825.

MICROFILMED

JAN 28 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: __:__ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

UNRECORDED

JAN 28 1993

A. AJ CLAIM: # A36-02398 PRIORITY DATE: 07-30-1959 STAGE: L
B. WR RECORD: # 36-02398 PRIORITY DATE: 07-30-1959 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

*claimed priority date matches
licensed priority date
accept as claimed*

=====

RECOMMENDED PRIORITY DATE:
07-30-1959

REVIEWED BY

KKC

DATE

6-24-92

=====

MICROFILMED

JAN 28 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02398	07S	22E	13		SE	NE		LINCOLN
A36-02398	07S	22E	13		NW	NE		LINCOLN

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07883 NONE
A36-07976
A36-02403

WR RECORDS IN SAME 40 ACRE TRACT

36-02403
36-07883
36-07976

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02398	07S	22E	13		SE	NE		LINCOLN
36-02398	07S	22E	13		NW	NE		LINCOLN

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-02403
36-07883
36-07976

A36-07883 NONE
A36-07976
A36-02403

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
	Y	N		

REMARKS:

Based upon a licensing field exam by Jim Stanton on 5-22-91. the P/D in the NWNE of Sec 13 was determined to NOT EXIST. He found only one well in operation at exam time. Therefore I recommend only one well in SE/NE of Sec 13. This well also serves 36-2403 & 36-7883.

UNRECORDED

JAN 28 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>TS</u>	<u>22E</u>	<u>13</u>	<u>SE</u>	<u>SE</u>	<u>NE</u>	<u>—</u>	<u>—</u>

*only one
P/D found*

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: KKC

DATE: 6-24-92

MICROFILMED

JAN 28 1993

A. ROOT WATER RIGHT NUMBERS: A36-02398

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	22E	12	SW	SW		TRAVELERS INSURANCE CO. , THE	A36-02398 / 9.0	36-02398 / 9.0	32.0	13	9
			SW	SW		TRAVELERS INSURANCE CO. , THE	A36-07883 /31.0	36-07883 /31.0			
			SW	SW		FAIRBROTHER , G. R.		36-02403 / 9.0			
07S	22E	12	SE	SW		TRAVELERS INSURANCE CO. , THE	A36-02398 /30.0	36-02398 /30.0	42.0	40	30
			SE	SW		TRAVELERS INSURANCE CO. , THE	A36-07883 /10.0	36-07883 /10.0			
			SE	SW		FAIRBROTHER , G. R.		36-02403 /30.0			
07S	22E	13	SW	NW		TRAVELERS INSURANCE CO. , THE	A36-02398 / 8.0	36-02398 / 8.0	42.0	40	8
			SW	NW		TRAVELERS INSURANCE CO. , THE	A36-07883 /32.0	36-07883 /32.0			
			SW	NW		FAIRBROTHER , G. R.		36-02403 / 8.0			
07S	22E	13	SE	NW		TRAVELERS INSURANCE CO. , THE	A36-02398 /12.0	36-02398 /12.0	40.0	40	12
			SE	NW		TRAVELERS INSURANCE CO. , THE	A36-07883 /28.0	36-07883 /28.0			
			SE	NW		FAIRBROTHER , G. R.		36-02403 /12.0			
07S	22E	12	SW	SE		TRAVELERS INSURANCE CO. , THE	A36-02398 / 5.0	36-02398 / 5.0	42.0	40	5
			SW	SE		TRAVELERS INSURANCE CO. , THE	A36-07883 /35.0	36-07883 /35.0			
			SW	SE		FAIRBROTHER , G. R.		36-02403 / 5.0			
07S	22E	13	NW	NE		TRAVELERS INSURANCE CO. , THE	A36-02398 /25.0	36-02398 /25.0	40.0	40	25
			NW	NE		TRAVELERS INSURANCE CO. , THE	A36-07883 /15.0	36-07883 /15.0			
			NW	NE		FAIRBROTHER , G. R.		36-02403 /25.0			
07S	22E	13	SW	NE		TRAVELERS INSURANCE CO. , THE	A36-02398 /15.0	36-02398 /15.0	40.0	40	15
			SW	NE		TRAVELERS INSURANCE CO. , THE	A36-07883 /25.0	36-07883 /25.0			
			SW	NE		FAIRBROTHER , G. R.		36-02403 /15.0			
07S	22E	13	NE	NW		TRAVELERS INSURANCE CO. , THE	A36-02398 /34.0	36-02398 /34.0	40.0	40	34
			NE	NW		TRAVELERS INSURANCE CO. , THE	A36-07883 / 6.0	36-07883 / 6.0			
			NE	NW		FAIRBROTHER , G. R.		36-02403 /34.0			
TOTAL ACRES							A36-02398	138.00	138.00	318.00	138

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(X) N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

MICROFILMED

JAN 28 1993

PRESUMPTION FLAG:

REMARKS:

The P/U is recommended as claimed. See attached narrative dated 6-24-92 for additional info.

RECOMMENDATIONS:

TOTAL ACRES: 138

REVIEWED BY: KKC

DATE: 6-26-92

RECORDED

JAN 28 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02398 IRRIGATION	FROM 04-01 TO 10-31	2.710 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.710 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02398 IRRIGATION	FROM 04-01 TO 10-31	2.710 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.710 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

RECORDED
JAN 28 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.710 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.710 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

*see attached
narrative dated
6-24-92*

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02398	GROUNDWATER	TRAVELERS INSURANCE CO., THE	2.710	0.019		
A36-07883	GROUNDWATER	TRAVELERS INSURANCE CO., THE	11.480	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

*Per the licensing field exam in 1968, the system capacity was 5.17 CFS
A36-2398 licensed for 138 acres @ 2.71
A36-2403 " " 88 acres @ 1.76 (balance remaining from transfer acres)
Total 226 acres @ 4.47 CFS*

*system capacity (5.17) is greater than total licensed div rates therefore no limiting condition for diversion rate is necessary.
acres claimed under each right do NOT overlap therefore no P/U overlap comment is required.
P/D overlap is required (F 6)*

RECORDED

JAN 28 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 138 x 0.02 CFS/ACRE = 2.76 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 414.0 AF/A

ACRES 138 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 414 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 138 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 552 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

UNPROCESSED

JAN 28 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 10-31	DATABASE EXAMINER 2.710 <u>2.71</u>	DATABASE EXAMINER <u>552</u>	DATABASE EXAMINER 414.0 <u>414</u>
TOTAL FOR THIS RIGHT		2.710		414.0

REVIEWED BY: KKC

DATE: 6-26-92

PHOTOFILMED

JAN 28 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED ☒ ()
() ()
() ()

NEEDS
REVIEW ☐ ()
() ()
() ()

as changed

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02398

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.710

N/A.

EXAMINER _____

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02398	2.710	-		36-02398	2.710
TOTAL CFS		2.710				2.710

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Kelly K. Christensen
Sr. Water Rights Agent

DATE:

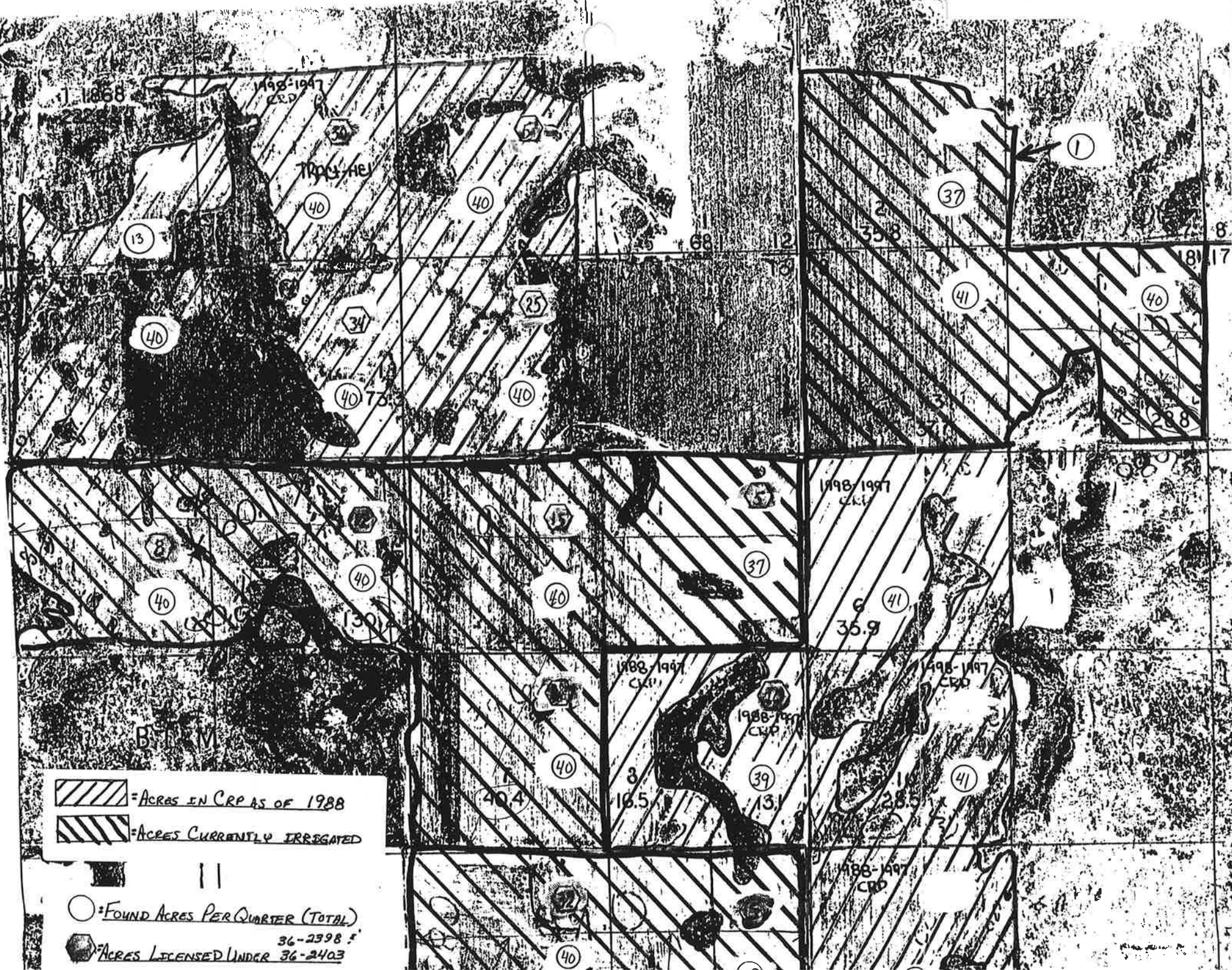
6-26-92

NAME OF FIELD EXAMINER:

TITLE:

UNRECORDED

JAN 28 1993



RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: 36-2398 36-2403

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
* FOUND	ACRES	75	22E	12											13	14			40			
TRANSFER	1825			12											9	30			5			44
RECOMMENDED	36 2398			12											9	30			5		44	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FOUND	ACRES	75	22E	13	~~40~~	40	~~40~~	37	40	40	40	40					39	40	40	39		
TRANSFER	1825			13		25	15	5	34		8	12					10	36	32	5		182
RECOMMENDED	36 2398			13		25	15		34		8	12									94	
RECOMMENDED	36 2403			13				5									10	36	32	5	88	

TRANSFER 1825 TOTAL ACRES 226

36-2398 138

36-2403 88

TOTAL 226 226

found acres include P/U covered by permit 36-7883 which has not been licensed. The recommendation for that permit will come from allocations. The found acres represent a portion of the system and may not be the final recommendation.

RECORDED

JAN 28 1993

6-24-92

SYSTEM: License ~~A36-2398~~ Permit A36-7883
A36-2403

Claim A36-7883 is in permit status. A licensing field exam was conducted on 5-22-91 but this right has not been licensed. Therefore I recommend this claim as permitted and I do NOT include this claim in the overlap review for the two licensed claims. Approval cond A Ø1.

The Current system is one well found in the SE/NE of sec 13. The licensed acres are still being irrigated along with additional acres covered by permit 36-7883. All licensed acres are determined to exist and are therefore to be recommended as claimed. Transfer 1825 was approved to combine the P/U covered by each license and to add a P/D in the NW/NE of Sec 13. The claim's separated the P/U with the same total number of acres as recognized on the transfer. I recommend the rights as claimed (EE: Acres only).

The transfer also included a second P/D to be located in NW NE of Sec 13. This P/D was not found during the 5-22-91 licensing exam. I recommend the original P/D only.

Overlap with Permit 36-7883 will not be addressed in this analysis. The combined right recommendation will be left to the allocations section & the licensing procedure.

MICROFILMED

JAN 28 1993

MEMORANDUM

RECEIVED

FEB 12 1992

Department of Water Resources
Snake River Adjudication

TO: FILE, KELLY CHRISTENSEN, JIM STANTON

FROM: JIM JOHNSON

RE: EVALUATION OF INFORMATION PROVIDED UNDER PERMIT 36-7883

DATE: February 5, 1992

=====

Two questions were asked in Kelly's memo of January 13, 1992, both pertaining to rates of flow from wells identified under said permit.

As I reviewed the matter it became apparent that too much information was missing concerning actual use of water under this permit and without more information the rate of flow questions become academic and have little substance or value.

Facts:

1. Part of the land identified in the permit has been under the CRP program since 1988.
2. Part of the land identified in the permit is currently irrigated.
3. Other licensed water rights may use same well and cover same land identified on the permit.
4. Well or wells in use was not measured nor were land served by the well or wells verified at the time of the examination.
5. Examiner stated that actual irrigated land cannot be determined while lands are under the CRP Program.

Conclusion:

1. There is not enough information to make accurate determination on development of land under this permit.

Action Recommended:

1. Make at site confirmation of lands being irrigated and collect information on the pumping plant and distribution system in use.
2. Quantify water used under existing licensed water rights if any. (for Snake River Adjudication)

MICROFILMED

JAN 28 1993

3. Defer further evaluation of water developed under this permit until lands go back into production.

MICROFILMED
JAN 28 1993

FROM: KELLY K CHRISTENSEN
TO: JIM JOHNSON

DATE: 13-Jan-1992

SUBJECT: LICENSING RECOMMENDATIONS FOR PERMIT 36-07883

The recommendations for licensing hinge upon several points that can be interpreted in different ways.

The first major question is how to handle a P/D that is no longer a part of the system. I recommended that its diversion rate be recognized but the well be excluded.

The second major question is how to determine the recommended diversion rate. While at Western, I used the memo that compares the 'old rate' and 'current rate'. The water allocations agents here do not use that method. As the approaches give different results we wish guidance as to the Departmental preference. Both methods of interpretation are included and no ultimate conclusion has been made.

I am sure that the Idaho Power measurements are for the wells in question but I have contacted Quentin Nesbit for conformation. At this date he hasn't replied.

There is a minor change in the P/U recommendation between Jim Stanton's original field examination and this recommendation. Jim and I agree upon this recommendation, therefore, the acre recommendation should be based upon this report rather than the original field examination.

As the adjudication recommendation should reflect the water rights recommendation, I am holding all related claims pending the outcome of your review.

Please let me know as soon as possible your final decision.

I have kept a copy of the related attachments and if you have questions as to my approach hopefully we could handle it over the phone.

This examination has helped coordinate between adjudications and water rights at this office and has also brought up the questions mentioned above. In resolving those questions we should be able to better work together to produce a concise report.

Thanks,

Kelly

MICROFILMED

JAN 28 1993

LICENSING RECOMMENDATION FOR 36-07883
Report date 13-Jan-1992

CLAIMS A36-02398
 A36-02403
 A36-07883

THE SYSTEM

The original system was two wells supplying water to the above claims and 36-07669. The property has gone through foreclosure and system splits between the time Proof of Beneficial Use was submitted for 36-07883 and the licensing field exam for that permit.

The foreclosure resulted in acres covered by 36-07669 and access to one P/D which is located in the SESE Sec 12 being removed from the original system. A portion of the current P/U was also placed into the CRP program prior to the licensing field exam.

The current system is one P/D supplying water to the portion of the P/U which is covered by the above rights and not in CRP. The system was developed with a second P/D which is no longer a part of the delivery system but the diversion rate from that P/D is recommended. As of this date, 36-07883 has not been licensed. The following information is to aid in the licensing recommendation.

SYSTEM TIME LINE

07-30-59 Priority date for 36-02398
10-12-59 Priority date for 36-02403
06-14-68 Field exam for both rights
02-26-74 Transfer 1825 filed to add a P/D in NWNE Sec 13 and to make the P/U for both rights the same.
12-10-79 Priority date for 36-07883. Permit includes the two original P/Ds and adds one P/D in Sec 12 and new acres
09-01-82 Proof of Beneficial Use submitted for 36-07883
05-31-83 Idaho Power measures wells in SENE Sec 13 & SESE Sec 12.
09-28-87 Quit claim deed filed for acres in E1/2 SE1/4 Sec 12 and NE1/4 NE1/4 Sec 13. Property released to Ralls (acres listed are licensed through 36-07669)
88 A portion of the P/U is placed into CRP (see map)
04-03-91 Idaho Ag signs a quit claim deed for the well in SE1/4 SE1/4 Sec 12. Well released to Ralls
05-22-91 Licensing Field Examination conducted by Jim Stanton for IDWR

ANALYSIS FOR LICENSING OF 36-07883

GENERAL OVERVIEW

The system was developed and Proof of Beneficial Use was submitted while the well in Section 12 was a part of the system. A portion of the irrigated acres was placed into the CRP program prior to the official removal of that well from the system. Therefore I recognize the diversion rate from that P/D for licensing purposes. Further, as

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that P/D has now been separated from the system I do not recommend the well in Sec 12 as a valid P/D. As a portion of the irrigated acres are in CRP, one P/D can be recognized while at the same time recognizing the combined diversion rate conditioned that the claimant redevelop the recommended diversion rate within five years after the CRP program expires.

Lava 'blowouts' within the P/U perimeter are included within the recommended P/U whereas the acres identified by ASCS reflect croplable acres only.

The claimed P/D located in the NWNE Sec 13 was not found during the licensing field examination. See section H. of that field report for Jim's notes.

CALCULATIONS USING TWO DIFFERENT FORMATS

+++++ FORMAT # 1 +++++

CALCULATIONS BASED UPON ADMINISTRATORS MEMORANDUM DATED 3-28-88 USING
THE CURRENT RATE, OLD RATE COMPARISON

LICENSING CONSIDERATIONS

1. The old rate (calculation A & B) is greater than the current rate, therefore exclude the licensed acres.
2. At the time of Idaho Power's measurement of the two wells, this system was apparently joined with the system covered by 36-07669, therefore the combined system acres are used in calculation B.
3. 36-07669 is licensed for 120 acres and 2.36 cfs.
4. The found acres are primarily based upon ASCS acres recommended for the CRP program and current practices. Acreage was taken from the 1987 ASCS flight.
5. Note: Section 18 is only 2 forties wide.
6. I recommend the 544 acres at 5.69 cfs. (based upon current acres)

A. OLD RATE

For acres covered by 36-02398 and 36-02403
 $4.47\text{cfs}/226\text{acres} = \underline{0.0198 \text{ cfs/acre}}$ (data from transfer 1825)

B. CURRENT RATE

1. Based upon a combined system P/U of the above rights and 36-07669);
2. Idaho Power measurements of the two P/Ds (two measurements per P/D made. Each rate shown is the ave of the two measurements).

P/D Sec 12 SESE;	<u>1728 gpm</u>	= 3.85 cfs	Acres under;	
	448.8 gpm			36-02398 &
P/D Sec 13 SENE;	<u>2449.5 gpm</u>	= <u>5.458 cfs</u>		36-02403 = 226
	448.8 gpm			36-07669 = 120
	total	= <u>9.308 cfs</u>		36-07883 = <u>544</u>
				total = <u>890 acres</u>

9.308cfs/890acres = 0.01046 cfs/acre

C. RECOMMENDED DIVERSION RATE FOR 36-07883

Found Acres = 770 (excludes acres under 36-07669)
Licensed Acres = 226
Balance for licensing = 544 * 0.01046 = 5.69 cfs

+++++

+++++ FORMAT # 2 +++++

**CALCULATIONS BASED UPON EXCESS CAPACITY FOR WELL IN SEC 12
LICENSING CONSIDERATIONS**

1. 1.49 cfs is available from the well in Sec 12 (calculation A).
2. The current system capacity from the well in Sec 13 is 5.46 cfs (calculation B).
3. Capacity available for licensing is 6.95 cfs for 544 acres.

A. P/D in Sec 12 SESE;
Measured rate = 3.85 cfs
Licensed for = 2.36 cfs
Available for licensing = 1.49 cfs

B. P/D in Sec 13 SENE;
Measured rate = 5.46 cfs
Balance from Sec 12 = 1.49 cfs
Recommended Rate = 6.95 cfs

+++++

Report prepared by;
Jim Stanton
Kelly K Christensen

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JAN 28 1993

WATER LICENSE

36-2398

Water License No. G-24075

Priority July 30, 1959

Amount 2.71 c.f.s.

THIS IS TO CERTIFY, that George Dee Anderson - Assignee - VERNON C. PHILLIPSof Paul, Idaho

made application for a permit to appropriate the public waters of

the State of Idaho, dated July 30, 1959that Permit G-24075

was issued pursuant

to said application, that the proposed works were completed on or about

Spring 1964with a storage or carrying capacity of 5.17 c.f.s.said works consisting of well,pump, motor, and earth and concrete ditchesand that on July 25, 1966proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 592acre feet per season, with a maximum rate of diversion of 2.71

cubic feet per second of the waters

of ground water

tributary of

for the purpose of Irrigationfrom April 1to October 31

and for

from

to

and for

from

to

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 13 T. 7 S R. 22 E B.M. and other additional points

Lincoln

in the County of

and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 592 acre feet per year.

Description and location of place of use

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>7 S</u>	<u>22 E</u>	<u>13</u>																	
		<u>13</u>			<u>25</u>	<u>15</u>		<u>34</u>		<u>8</u>	<u>12</u>			<u>9</u>	<u>30</u>			<u>5</u>	<u>44</u>
																			<u>94</u>

Total number of acres irrigated 138

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, on

4th day of August, 19 60

POOR ORIGINAL

State Reclamation Engineer

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49

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

36
2398

Permit No. G-28078

This proof is for... Completion of Works & Beneficial Use Water District No.

1. Name of applicant Vernon C. Phillips

2. Source of water supply: 2 wells

3. Location of point of diversion: Is in the SW1/4, SE1/4 of Section 13

T. 7 S. R. 22 E., B.M. County of Lincoln

4. Describe works as they exist, giving dimensions and capacities of same:

200 HP ELEC GF MOTOR #W1320143
2 @ B.V.T. #D07007 2300 gpm @ 290'
170 RPM 14" D 10' GATE VALVE, 8" STEEL
LINE 150' INTO EARTH & CONCRETE DITCHES

5. Water is used for: Irrigation

6. 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):

SW1/4, SW1/4, Sec. 12; NW1/4, NE1/4, SE1/4, Sec. 13, T. 7 S., R. 22 E., B.M.

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

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

Remarks:

Yes. Vernon C. Phillips contacted

SPARKING WATER 3 R in 58 sec Q=5.17

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IRRIGATION REQUIREMENT = 4.0 AC-FT / ACRE / SEASON

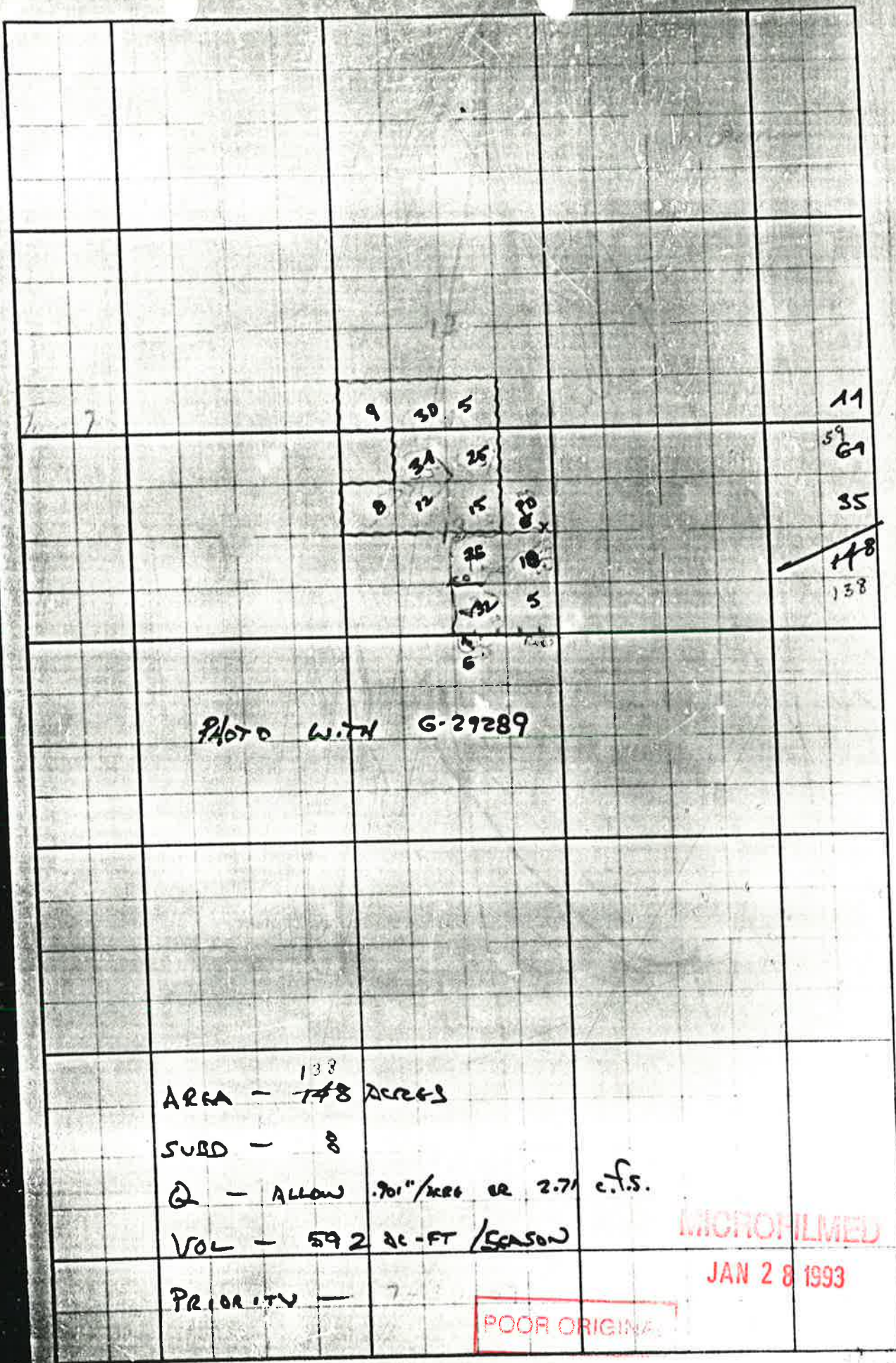
This examination was made on the day of

(Signed)

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Examiner

2807
96-2398



Scale: 2 inches equal 1 mile. Draw Map in Ink.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7669 Priority January 17, 1977 Amount 2.36 cfs

THIS IS TO CERTIFY, that ERNEST R. RALLS
of Paul, Idaho, has complied with the terms and conditions of Permit
No. 36-7669 issued pursuant to Application for Permit dated January 17, 1977
and has submitted proof to the Department of Water Resources on December 7, 1978
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 2.36 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 2.36 cfs and	480 acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
	(both dates inclusive)		

Subject, however, to the condition that no more than 2.36 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
480 acre feet per year, said waters to be diverted within the SE 1/4 Sec. 12, Twp. 7S,
Rgn. 22E, B.M., in the County of Lincoln

Description and location of place of use:

Twp	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Total
			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	
7S	22E	12													80
		13	40												40

Total number of acres irrigated: 120

NOTE: Modifications to or variance from this license must be made within the limits of Section 22-212 Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non use
The right to the use of the water hereby confirmed is restricted and appurtenant to the land
herein described, as provided by the laws of Idaho

Witness the seal and signature of the Director, affixed at Boise, Idaho, this
April 1, 1979

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Director

JAN 28 1993

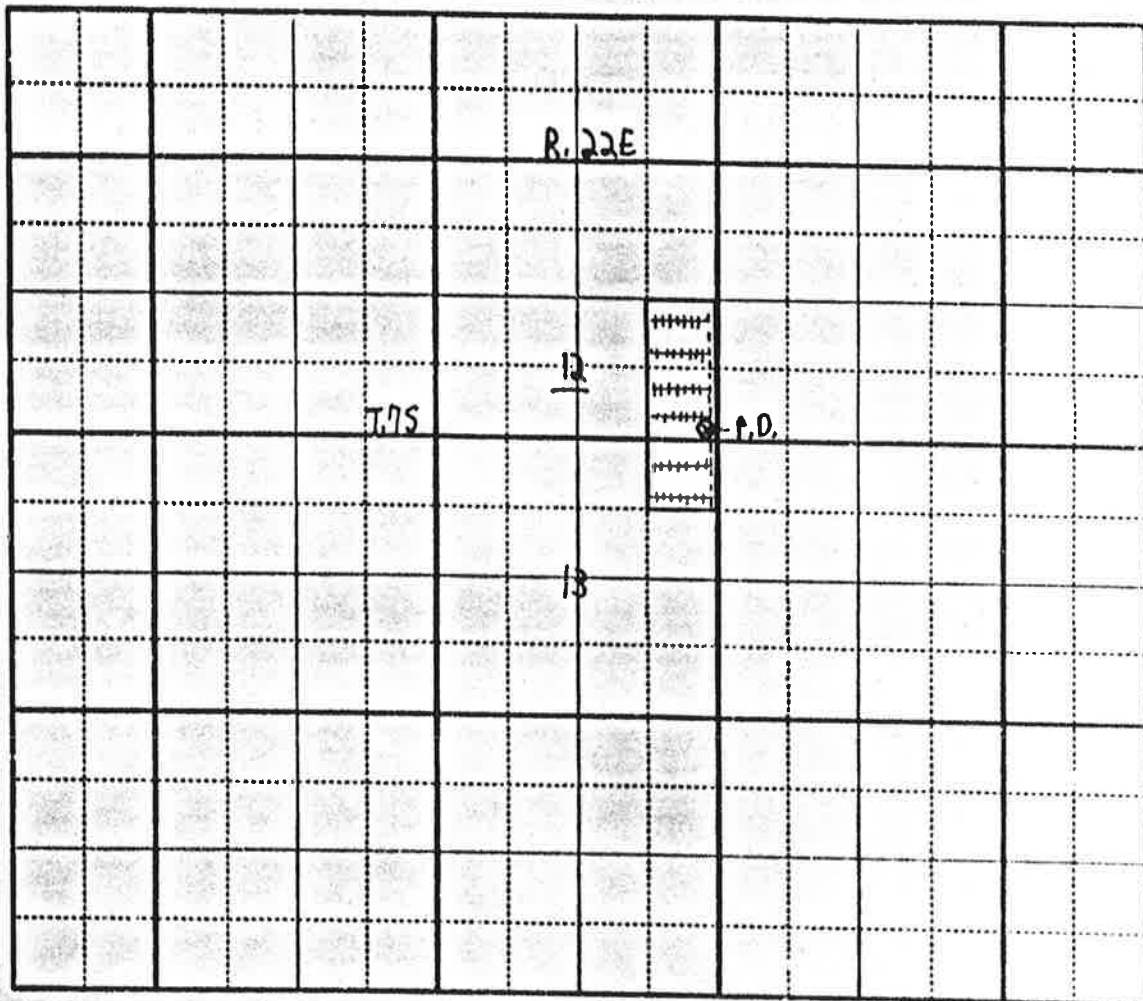


Diagram of System

*from licensing file
 from 8-29-78*

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