

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-16124 V1

WATER RIGHT NUMBER: 36-16124 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	VERNON C PHILLIPS 282 N 750 W PAUL, ID 83347
Original Owner	MARILYN L PHILLIPS 282 N 750 W PAUL, ID 83347
Current Owner	DANIEL L WILLIE 1017 S 1150 E EDEN, ID 83325 (208)825-4147

Priority Date: 05/26/1971

Basis:

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SW1/4	Sec. 24, Twp 08S, Rge 21E, B.M.
JEROME County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 24, Twp 08S, Rge 21E, B.M.
JEROME 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	
08S	21E	24			26.0										4.2				30.2

Total Acres: 30.2

Conditions of Approval:

1. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-16124 V1

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

Remarks:

1. Explanatory RIGHTS 36-16111, 36-16112, 36-16113, 36-16114, 36-16115, 36-16116, 36-16123, AND 36-16124 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 2.1 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND WHEN COMBINED WITH RIGHTS 36-16114, 36-16116 AND 36-16113 IS LIMITED TO 30.2 ACRES.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-16113 AND 36-16114 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Quantity RIGHTS 36-16113, 36-16114, 36-16116 AND 36-16124 ARE LIMITED TO COMBINED DIVERSION RATE OF 0.37 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 120.8 AF.
5. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-14807.

Comments:

1. amerritt 1/24/2003 split

Comment: This right is split from 36-14807 due to an ownership change to Dan Willie for mitigation of transfer 69053.

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-2400		✓			
36-7139		✓			
36-7920		✓			
36-14807		✓			

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 Southern Region

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Callan & Marilou Phillips
Del Koltz Idaho Water Co.
Dan Willie

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1017 So. 1150 East

City, State and ZIP Code

Eden, Id 83325

New Telephone Number

208 825-4147

5. Date you acquired the property

Feb. 1979

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

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

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

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

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

For Office Use Only
 Received by AM Date 1/17/03 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

See attachment

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SPLIT OF THE PHILLIPS FARM				Willie Ownership Split to Mitigate T69053									
ORIGINAL PU				Kohtz sales Agreement		Dan Willie		Phillips Remaining		Kohtz Left			
	cfs	acres limit		cfs	acre limit	NEW WR #	cfs	acre limit	NEW WR #	cfs	acre limit	cfs	acre limit
36-2400	3.52	176		1.88	94.0		0.20	9.8		3.32	166.2	1.68	84.2
36-7139	5.28	264		2.82	141.1		0.29	14.7		4.99	249.3	2.53	126.3
36-7920	1.3	65		0.69	34.7		0.07	3.6		1.23	61.4	0.62	31.1
36-14807	0.45	37		0.24	19.8		0.03	2.1		0.42	34.9	0.22	17.7
Total	6.66	542		3.56	289.6		0.37	30.2		6.29	511.8	3.19	259.4
T8S, R21E, S24													
	SWNE	26		26			26			0			
	NESW	40		40						40		40	
	SESW	40								40			
	NESE	40		7.2			4.2			35.8		3	
	NWSE	40								40			
	SWSE	40								40			
	SESE	40		9.4						40		9.4	
T8S, R21E, S25													
	NENE	40		40						40		40	
	NWNE	40								40			
	SWNE	31		31						31		31	
	SENE	20		20						20		20	
	NENW	40		40						40		40	
	SENW	14		14						14		14	
T8S, R22E, S30													
	NWNW	40		40						40		40	
	SWNW	35		22						35		22	
	NWSW	16								16			
Totals		542		289.6			30.2			511.8		259.4	

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IDAHO WATER COMPANY

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this Dec 31, 2002

by and between Idaho Water De(Kohtz
(hereinafter "Seller") and Dan Willie hereinafter "Buyer")

The seller, Del Kohtz discloses that he is a licensed real estate agent acting herein as principal for his own account and not representing or acting as an agent for the buyer.

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyer does hereby agree to buy from the Sellers 68.5 acre feet/anum consumptive of Idaho Water Right # 36-2400, 36-7139
36-7920, 36-14807 and the water appurtenant thereto, for \$ _____ per acre foot consumptive.

2. The total purchase price shall be \$ 341 The entire purchase price shall be paid on the closing date described in paragraph 5 below, less 15% finders fee and down payment paid at signing. Payment of \$ 0 paid at signing.

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department of Water Resources. If the application is not approved, this Agreement shall become null and void

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5. The Buyers shall be given possession and use of the water right and the water ap-

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5. The Buyers shall be given possession and use of the water right and the water appurtenant thereto, upon closing.

6. In the event that the Buyers are unable to close this transaction for any reason, the Buyers agree they will execute any documents necessary to transfer the water right back to the Sellers. Non-payment of this contract and buyers refusal to transfer the water back to seller shall give the seller a first lien on buyers property to which the water is transferred for the amount of the water purchase.

7. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Each party agrees to pay one-half of any costs incurred in executing this document. These costs shall not be more than \$150.00 each.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

10. Buyer understands that if Kohtz is not at fault for the failure of his transfer due to protests or other factors beyond his control, Kohtz shall charge an hourly fee of \$50.00 for the preparation and presentation of the application for transfer. This includes travel time and attendance of hearings on buyers behalf. These monies will come out of the finders fee charged at signing. If transfer is accomplished no hourly fee will be charged. If Kohtz fails to accomplish the desired transfer with this or other water rights the upfront money will be refunded. Buyer understands that attorney and consultant fees authorized by buyer in the case of protests and hearings on their water transfer are to be paid by the Buyer.

11. Del Koltz has my permission to make needed changes to the Water transfer application that is the result of this contract to facilitate the process of transferring the water. The changes made will not materially change the amount of money buyer has to pay or the amount of water buyer receives.

12. Koltz (Idaho Water Company) has no control over the amount of mitigation or writedown IDWR will require of Buyers particular transfer therefore the amount Buyer pays for is based on the amount of water transferred out of the original Water Right.

OTHER PROVISIONS

IN WITNESS WHEREOF the parties have caused their names to be subscribed on the dates set forth above.

SELLERS


Idaho Water Co.

BUYERS


General Manager

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 3

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OPTION AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

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THIS AGREEMENT made this 10th day of December 2002, by and between Del Kohtz of 1135 Valley Rd. Eden, Idaho 83325, hereinafter collectively referred to as "Buyer", and Vernon C. and Marilyn L. Phillips of 750 W 300 N Paul, Idaho 83347 hereinafter referred to as "Seller".

WITNESSETH:

That in consideration of the Stipulations herein contained and the payments to be made as hereinafter specified, the Seller hereby agrees to sell to the Purchaser, and the Purchaser hereby agrees to purchase from the Seller, the following described real property, hereinafter the "real property" and certain listed "personal property" situated in the Counties of Jerome and Minidoka, State of Idaho. The buyer desires to buy the property in separate tracts in order as agreed upon by both parties. Each tract will be closed separately as they are payed for. This contract will be the standard contract for each tract, together with the water rights appurtenant to each parcel. The remainder lands shall remain the property of the seller until another closing and so forth until the entire 289.6 ^{DK P.C.P.} acres are sold. If some of the lands are found by IDWR to have no water rights those lands will be sold at \$50.00 per acre.

REAL PROPERTY LEGAL DESCRIPTION :IRRIGATED LANDS

T 8S R21E Sec. 24: SW1/4 NE1/4 -26 acres, NE1/4SE1/4 ^{72 M.C.P.} -8.4, SE1/4SE1/4 ^{94 V.C.P.} -8.4, NE1/4SW1/4 - 40.0 acres _{M.L.P.}

T 8S R21E Sec. 25: NE1/4NE1/4 -40 acres, SE1/4NE1/4 -20 acres, SW1/4NE1/4, - 31 acres
SE1/4NW1/4 -14 acres, NE1/4NW1/4 -40 acres,

T 8S R22E Sec. 30: NW1/4NW1/4 -40 acres, SW1/4NW1/4 -22 acres

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And perpetual non-exclusive easment for ingress and egress to the above described parcels, included.

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PERSONAL PROPERTY

TOGETHER WITH Idaho Department of Water Resources license 36-2400 and 36-7139 and 36-7920 and 36-14807 for irrigation of 289.6 ^{DK} acres, _{M.L.P.}

OPTION AGREEMENT FOR PURCHASE AND SALE-- 1

1 -Deep Well _____ h.p. Turbine Pump With Motor and Panel Model # _____

1 - Deep Well _____ h. p. Turbine Pump with Motor and panel Model # _____

1 - _____ hp _____ booster pump SN # _____

1- _____ hp _____ booster pump SN # _____

_____ quarter mile handlines

1- _____ Pivot Irrigation System: Seller wishes to purchase this system back
for \$ _____ when this contract is finished.

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PURCHASE PRICE: The price per acre shall be \$ _____ lands with water rights. This designation to be determined by IDWR. The full purchase price for the property is \$ _____?

The portion of the purchase price per acre shall be paid in full at the time of closing of each parcel except where other arrangements have been made with the "seller" as to carrying the contract with the new buyer. The same arrangement shall be in affect for the sale of the water rights as they are sold, except all of the water contracts will be cash at closing.

1. **OPTION:** Seller understands that buyer is transferring the water appurtenant to sellers property to another property. The buyer must submit an application for transfer to the Idaho Department of Water Resources and be approved by the IDWR before the sale of the property can be accomplished. If the buyer so chooses he may pay for each parcel before the water transfer is complete. This process being a time consuming process is the reason for the need of the option. The closing on each property will take place within thirty days after the approval of the transfer by the Idaho Department of Water Resources. Buyer shall have 365 days from the date of the signing of this contract to complete and close the attached transfers. If IDWR has not completed all of these transfers at the end of the option period and the buyer wishes to extend the contract, buyer may pay interest to the Seller at the rate the Mortgage Holder charges on the unpaid balance until the transfers are complete.

2. **TITLE:** A good and marketable title free and clear of liens and title insurance will be provided by the seller at closing. Lienholder may hold a lien on all the Real Property until their lien is paid off, But must sign off on the water rights so they may be transferred. The seller will arrange for purchasing of the title insurance. Buyer shall arrange the closings so the seller will pay the least closing costs. Buyer and seller will share the closing costs on the contract. When the tracts or tract are closed, those tracts or tracts shall become the sole property of the Buyer, but the Seller shall retain a lien on all the Real and Personal property except the water rights until the full purchase price for the property is paid.

OPTION AGREEMENT FOR PURCHASE AND SALE--2

Buyer understands seller is trading DK acres worth of his water rights with A&B Irrigation District to square up the lands so they may be efficiently separated. No transfers from this small portion of lands will be initiated until this process is complete. Legals for lands involved: V.S.P. DK

3. **TAXES:** Purchaser shall pay all property taxes assessed against the real property and improvements thereon, commencing from the date of closing. Seller shall pay all assessments of the groundwater district for the year 2002.

4. **WATER RIGHTS:** The parties hereby acknowledge that there are valid water rights for the purpose of irrigation which are appurtenant to the real property. Allocation of the purchase price among the classes of assets shall not be construed as granting Buyer the right to purchase one class of property or portion of the property without purchasing all of the property.

5. **ZONING:** Jerome County Zones Ag. Land A1 agriculture.

6. **LIENHOLDERS:** The lienholders are to receive their per acre share of the proceeds of the sales in order of the priority of their liens. The monies will be paid to the lien holders as each property sells. Seller will sign quit claim deeds as each property is sold.

7. **POSSESSION OF THE REAL PROPERTY:** Delivered to Purchaser at the time of closing as each transfer is approved by the Idaho Department of Water Resources.

8. **ATTORNEY'S FEES:** In the event any action is filed to enforce or recover under any provision of this Contract, the prevailing party in such suit shall be entitled to reasonable attorney's fees, in addition to ordinary costs of suit.

9. **BINDING EFFECT OF CONTRACT:** Subject to the restrictions on assignments herein set forth, this Contract and the terms, conditions and provisions hereof shall inure to and be binding upon the respective heirs, personal representatives, and assigns of the parties.

10. **COSTS AND ENTIRE AGREEMENT:** Costs incurred in the transfer process shall be the responsibility of the Buyer. The parties will share equally in the cost of preparation of the documents and the cost of closing. This contract constitutes the entire agreement of the parties on the subject matter dealt with.

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11. **TAX AND LEGAL CONSEQUENCES:** It is understood and agreed that each party hereto has relied upon his own legal and/or tax consultant or representative and not upon any representations of the other party as to the legal and or tax consequences of this agreement.

12. **SURVEY:** Seller will pay for the survey of the parcel to be retained. *if needed*
No water right will be retained for this parcel. *V.G.P. DK m & p*

13. **REMEDIES:** If Purchaser fails or refuses to comply with the conditions assumed by them, or to perform all their obligations hereunder, Seller may, at their option:

- (a) Rescind and terminate this contract, whereupon all rights and obligations hereunder shall cease.

OTHER PROVISIONS: _____

IN WITNESS WHEREOF the parties have executed this instrument, in duplicate, on the day and year first above written.

PURCHASER

[Signature]
Delbert Kohtz

SELLER

[Signature]
Vernon L. Phillips

[Signature]
Marilyn L. Phillips

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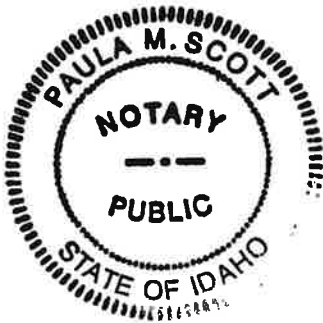
Department of Water Resources
Southern Region

STATE OF IDAHO

County of Minidoka) SS.

On this 11th day of ^{Dec 2002} ~~May~~, 2000, before me the undersigned Notary Public in and for said state, personally appeared Delbert Kohtz known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that executed the same.

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



Notary Public for Minidoka Co.

Residing at Blayburn, Idaho

Paula M Scott
Comm # 37183
Ex 11/20/07

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DEC 23 2002

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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.**

24

SW NE

20

NESW

40

NESE

7.2

SESE

4.4

NE NW

40

NE NE

40

NW NW

40

SE NW

14

SW NE

31

SE NE

20

SW NW

22

25

30

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~~SWAF~~

NE:SW

40

NESE

7.2

SESE

4.4

NE NW

90

NE NE

40

NEW NEW

40

5 ENU

14

SW NE

31

SENE

20

50 NW

22

25

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Sec 30

Callen Phillips

T85 A21E & 22E
Sec 24, 25, 30

Sec 24, 25, 30

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-16124

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 31 2005

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

DANIEL L WILLIE
1017 S 1150 E
EDEN, ID 83325

SOURCE:

GROUNDWATER

QUANTITY:

0.03 CFS

RIGHTS 36-16113, 36-16114, 36-16116 AND 36-16124 ARE LIMITED TO
COMBINED DIVERSION RATE OF 0.37 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 120.8 AF.

PRIORITY DATE:

05/26/1971

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE
SUPERIOR RIGHT.

POINT OF DIVERSION:

T08S R21E S24

NESESW Within Jerome County
NENESE

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-15 TO 11-15

QUANTITY
0.03 CFS

PLACE OF USE:

Irrigation

T08S R21E S24
30.2 Acres Total

SWNE 26.0

Within Jerome County
NESE 4.2

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.1 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND
WHEN COMBINED WITH RIGHTS 36-16114 36-16116 AND 36-16113 IS
LIMITED TO 30.2 ACRES.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-16113
AND 36-16114 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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. I.C. SECTION 42-1412(6).

*Moved to WR
11/26/06*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69053

This is to certify that: DANIEL L WILLIE
 1017 S 1150 E
 EDEN ID 83325
 (208)825-4147

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>
36-15719	WR/Decreed	12/03/1966	1.42 cfs	N/A	71.5	230.3	GROUND WATER
36-15721	WR/Decreed	10/18/1968	1.84 cfs	N/A	125.8	230.3	GROUND WATER
36-15723	WR/Decreed	02/18/1971	0.78 cfs	N/A		230.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

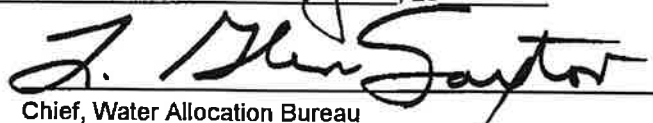
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-15719	YES	YES	YES	NO	YES	YES
36-15721	YES	YES	YES	NO	YES	YES
36-15723	YES	YES	YES	NO	YES	YES

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>
36-15719	36-15639	0.05 cfs	7.4 af	N/A	N/A	36-15638	1.37 cfs	N/A	68.8	221.5
36-15721	36-15637	0.07 cfs	12.9 af	N/A	N/A	36-15636	1.77 cfs	N/A	121.0	221.5
36-15723	36-15641	0.03 cfs	3.4 af	N/A	N/A	36-15640	0.75 cfs	N/A	N/A	221.5
COMBINED										
TOTALS		0.10 cfs	23.7 af	N/A	N/A		2.52 cfs	N/A	N/A	221.5

Detailed Water Right Description(s) attached

Dated this 10th day of February, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15640
As Modified by Transfer No. 69053

In accordance with the approval of Transfer No. 69053, Water Right No. 36-15640 is now described as follows.

Right Holder: JOHN C LARSEN
 VIVIAN K LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: February 18, 1971

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	0.75 CFS	
			0.75 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

GROUND WATER NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA 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	
08S	22E	19			26.9	15.6					20.0			11.7	29.3	.3	22.5		126.3
08S	22E	30	21.2		34.0		40.0												95.2

Total Acres: 221.5

CONDITIONS OF APPROVAL

1. Rights 36-15636, 36-15638, and 36-15640 when combined shall not exceed a total diversion rate of 2.52 cfs, a total annual maximum diversion volume of 886 af at the field headgate, and the irrigation of 221.5 acres.
2. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
3. 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 the originating approval/SRBA partial decree date.
4. Rights 36-15636 36-15638, 36-15640, 36-16104, 36-16106 and 36-16108 are all diverted through the point(s) of diversion described above.

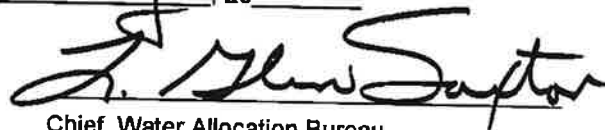
WATER RIGHT NO. 36-15640
As Modified by Transfer No. 69053

CONDITIONS OF APPROVAL

5. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. 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.

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 10th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15641
As Modified by Transfer No. 69053

In accordance with the approval of Transfer No. 69053, Water Right No. 36-15641 is now described as follows.

Right Holder: DANIEL L WILLIE
 1017 S 1150 E
 EDEN ID 83325

Priority Date: February 18, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	0.03 CFS	3.4 AF
			0.03 CFS	3.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 12 Twp 10S Rge 18E JEROME County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 18E 12					X												

CONDITIONS OF APPROVAL

1. Rights 36-7045, 36-8766, 36-8767, 36-15637, 36-15639, and 36-15641 are all diverted through the point(s) of diversion described above.
2. Rights 36-15637, 36-15639 and 36-15641 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 23.7 af.
3. Prior to the diversion and use of water under Transfer approval 69053, the right holder shall install and maintain acceptable measuring devices(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. 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. 130.
5. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 36-15641
As Modified by Transfer No. 69053

CONDITIONS OF APPROVAL

6. The water right holder shall maintain control of the necessary portion of Rights 36-16113, 36-16114, 36-16116 and 36-16124 for mitigation purposes under Transfer 69053. The mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer. Water shall not be diverted under this right if the necessary portion of the mitigation rights are sold, transferred, leased or used on any place of use.

Years 1 through 2 the diversion and use of water under the rights are limited to 0.00 cfs, 0.0 afa and 0.0 acres (30.2 acres left unirrigated).

Years 3 through 6 the diversion and use of water under the rights are limited to 0.11 cfs, 36.0 afa and 9.0 acres (21.2 acres left unirrigated).

Years 7 through 12 the diversion and use of water under the rights are limited to 0.26 cfs, 86.4 afa and 21.6 acres (8.6 acres left unirrigated).

Years 13 and beyond the diversion and use of water under the rights are limited to 0.27 cfs, 89.6 afa and 22.4 acres (7.8 acres left unirrigated).

7. Commercial use is for a truck stop, gas station, convenience store and restaurant.
8. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Use of water under this right may be affected by an agreement between the protestant and the right holder.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

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 18th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15639
As Modified by Transfer No. 69053

In accordance with the approval of Transfer No. 69053, Water Right No. 36-15639 is now described as follows.

Right Holder: DANIEL L WILLIE
 1017 S 1150 E
 EDEN ID 83325

Priority Date: December 03, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to 12/31	0.05 CFS	7.4 AF
		0.05 CFS	7.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 12 Twp 10S Rge 18E JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	18E	12					X												

CONDITIONS OF APPROVAL

1. Rights 36-15637 and 36-15639 when combined shall not exceed a total diversion rate of 0.07 cfs.
2. Rights 36-7045, 36-8766, 36-8767, 36-15637, 36-15639, and 36-15641 are all diverted through the point(s) of diversion described above.
3. Rights 36-15637, 36-15639 and 36-15641 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 23.7 af.
4. Prior to the diversion and use of water under Transfer approval 69053, the right holder shall install and maintain acceptable measuring devices(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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. 130.
6. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 36-15639
As Modified by Transfer No. 69053

CONDITIONS OF APPROVAL

7. The water right holder shall maintain control of the necessary portion of Rights 36-16113, 36-16114, 36-16116 and 36-16124 for mitigation purposes under Transfer 69053. The mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer. Water shall not be diverted under this right if the necessary portion of the mitigation rights are sold, transferred, leased or used on any place of use.

Years 1 through 2 the diversion and use of water under the rights are limited to 0.00 cfs, 0.0 afa and 0.0 acres (30.2 acres left unirrigated).

Years 3 through 6 the diversion and use of water under the rights are limited to 0.11 cfs, 36.0 afa and 9.0 acres (21.2 acres left unirrigated).

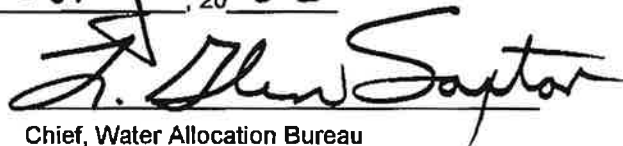
Years 7 through 12 the diversion and use of water under the rights are limited to 0.26 cfs, 86.4 afa and 21.6 acres (8.6 acres left unirrigated).

Years 13 and beyond the diversion and use of water under the rights are limited to 0.27 cfs, 89.6 afa and 22.4 acres (7.8 acres left unirrigated).

8. Commercial use is for a truck stop, gas station, convenience store and restaurant.
9. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Use of water under this right may be affected by an agreement between the protestant and the right holder.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

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 10th day of February, 20 03


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15636
As Modified by Transfer No. 69053

In accordance with the approval of Transfer No. 69053, Water Right No. 36-15636 is now described as follows.

Right Holder: JOHN C LARSEN
 VIVIAN K LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: October 18, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	1.77 CFS	
			1.77 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

GROUND WATER NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA 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	
08S	22E	19			26.9	15.6					20.0			11.7	29.3	.3	22.5		126.3
08S	22E	30			21.2	34.0			40.0										95.2

Total Acres: 221.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.
2. Rights 36-15636 and 36-15638 when combined shall not exceed 1.77 cfs.
3. Rights 36-15636 36-15638 and 36-15640 when combined shall not exceed a total diversion rate of 2.52 cfs, a total annual maximum diversion volume of 886 af at the field headgate, and the irrigation of 221.5 acres.
4. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

WATER RIGHT NO. 36-15636

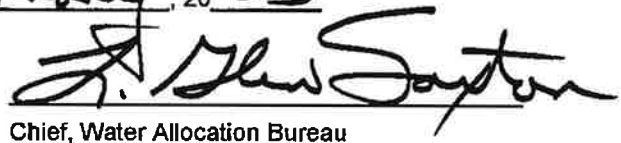
As Modified by Transfer No. 69053

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to 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 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 the originating approval/SRBA partial decree date.
6. Rights 36-15636, 36-15638, 36-15640, 36-16104, 36-16106, and 36-16108 are all diverted through the point(s) of diversion described above.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. 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.

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 10th day of February, 2003


Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-15637
As Modified by Transfer No. 69053**

In accordance with the approval of Transfer No. 69053, Water Right No. 36-15637 is now described as follows.

Right Holder: DANIEL L WILLIE
1017 S 1150 E
EDEN ID 83325

Priority Date: October 18, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to 12/31	0.07 CFS	12.9 AF
		0.07 CFS	12.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 12 Twp 10S Rge 18E JEROME County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 18E 12					X												

CONDITIONS OF APPROVAL

1. Rights 36-15637 and 36-15639 when combined shall not exceed a total diversion rate of 0.07 cfs.
2. Rights 36-7045, 36-8766, 36-8767, 36-15637, 36-15639, and 36-15641 are all diverted through the point(s) of diversion described above.
3. Rights 36-15637, 36-15639 and 36-15641 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 23.7 af.
4. Prior to the diversion and use of water under Transfer approval 69053, the right holder shall install and maintain acceptable measuring devices(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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. 130.
6. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 36-15637
As Modified by Transfer No. 69053

CONDITIONS OF APPROVAL

7. The water right holder shall maintain control of the necessary portion of Rights 36-16113, 36-16114, 36-16116 and 36-16124 for mitigation purposes under Transfer 69053. The mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer. Water shall not be diverted under this right if the necessary portion of the mitigation rights are sold, transferred, leased or used on any place of use.

Years 1 through 2 the diversion and use of water under the rights are limited to 0.00 cfs, 0.0 afa and 0.0 acres (30.2 acres left unirrigated).

Years 3 through 6 the diversion and use of water under the rights are limited to 0.11 cfs, 36.0 afa and 9.0 acres (21.2 acres left unirrigated).

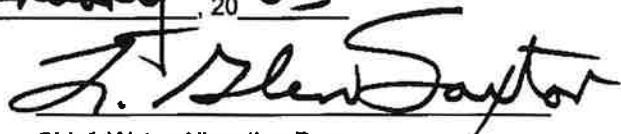
Years 7 through 12 the diversion and use of water under the rights are limited to 0.26 cfs, 86.4 afa and 21.6 acres (8.6 acres left unirrigated).

Years 13 and beyond the diversion and use of water under the rights are limited to 0.27 cfs, 89.6 afa and 22.4 acres (7.8 acres left unirrigated).

8. Commercial use is for a truck stop, gas station, convenience store and restaurant.
9. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Use of water under this right may be affected by an agreement between the protestant and the right holder.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

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 10th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15638
As Modified by Transfer No. 69053

In accordance with the approval of Transfer No. 69053, Water Right No. 36-15638 is now described as follows.

Right Holder: JOHN C LARSEN
 VIVIAN K LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: December 03, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	1.37 CFS	
			1.37 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

GROUND WATER NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA 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	
08S	22E	19			26.9	15.6					20.0			11.7	29.3	.3	22.5		126.3
08S	22E	30		21.2	34.0		40.0												95.2

Total Acres: 221.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 68.8 acres within the place of use described above in a single irrigation season.
2. Rights 36-15636 and 36-15638 when combined shall not exceed 1.77 cfs.
3. Rights 36-15636, 36-15638, and 36-15640 when combined shall not exceed a total diversion rate of 2.52 cfs, a total annual maximum diversion volume of 886 af at the field headgate, and the irrigation of 221.5 acres.
4. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

WATER RIGHT NO. 36-15638

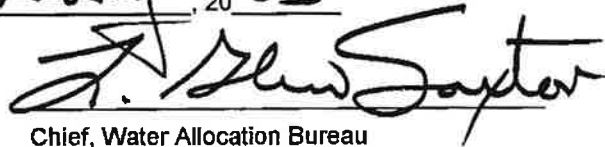
As Modified by Transfer No. 69053

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to 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 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 the originating approval/SRBA partial decree date.
6. Rights 36-15636, 36-15638, 36-15640, 36-16104, 36-16106, and 36-16108 are all diverted through the point(s) of diversion described above.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. 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.

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 10th day of February, 2003


Chief, Water Allocation Bureau