

10/06/2000

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

SEP 20 2000
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 61-10196

NAME AND ADDRESS: VICTOR HOFER
ALBERT HOFER JR
590 SAMARRA DR
MOUNTAIN HOME, ID 83647

SOURCE: GROUND WATER

QUANTITY: 3.05 CFS
256 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-10197 IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 3.05 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 256 AF

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION: T04S R06E S12 SWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.03 CFS 1.4 AFY
IRRIGATION	4-01 10-31	3.02 CFS 254.6 AFY

PLACE OF USE:

<u>IRRIGATION Within ELMORE County</u>			
T04S R06E S12	NENE	40	T04S R06E S12 NWNE 40
T04S R06E S12	SWNE	38	T04S R06E S12 SENE 37
T04S R06E S12	NENW	40	T04S R06E S12 NWNW 40
T04S R06E S12	SWNW	40	T04S R06E S12 SENW 40
<u>STOCKWATER Within ELMORE County</u>			
T04S R06E S12	NENE		T04S R06E S12 NWNE
T04S R06E S12	SWNE		T04S R06E S12 SENE
T04S R06E S12	NENW		T04S R06E S12 NWNW
T04S R06E S12	SWNW		T04S R06E S12 SENW

315 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 61-10197 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 306.7 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NOS. 61-10197 & 61-10198 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A SINGLE IRRIGATION SEASON

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.

STOCKWATER, 100 RANGE CATTLE RIGHT NO. 61-10197 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE

R04S R06E
S12

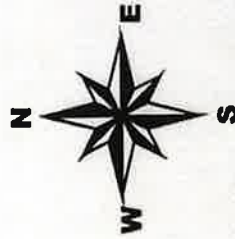
Owner : Hofer
61-10196 &
61-10197

 **Place of use**

 **POD**

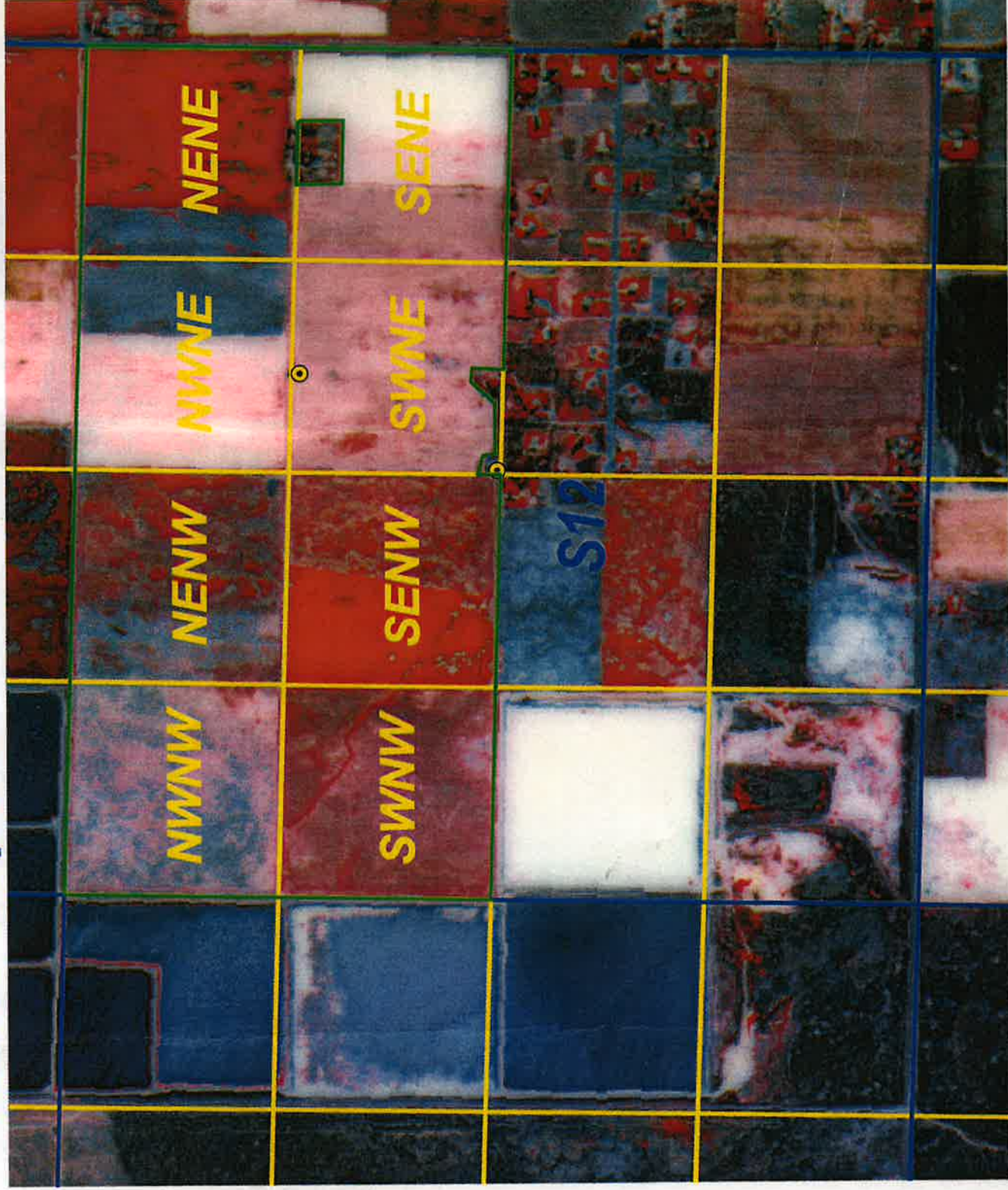
 **SECTION LINES**

 **1/4 1/4**



1987 NAPP

Idaho Department of Water Resources



1 Miles

0.75

0.5

0.25

0

SRBA

DIRECTORS REPORT 61-10196

[Return to SRBA Home Page](#)

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-10196

Name and Address: VICTORIA HOFER
710 S 10TH E
MOUNTAIN HOME, ID 83647

Source: GROUNDWATER

Quantity: 3.05 CFS
256.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-10197 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.05 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 256 AF.

Priority Date: 04-01-1940

Diversion Point: T04S R06E S12 SWNE Within Elmore County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	3.02 CFS
			254.60 AFY
	Stockwater	01-01 TO 12-31	.03 CFS
			1.40 AFY

Place of Use:	Irrigation	Within Elmore County
	T04S R06E S12	
	NENE 40	NWNE 40
	SWNE 38	SENE 37
	NENW 40	NWNW 40
	SWNW 40	SENE 40
	315 Acres Total	

Stockwater	Within Elmore County
T04S R06E S12	
NENE	NWNE
SWNE	SENE
NENW	NWNW
SWNW	SENE

USE OF THIS RIGHT WITH RIGHT NO. 61-10197 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 306.7 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 61-10197 & 61-10198 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A
SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150.9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 100 RANGE CATTLE
RIGHT NO. 61-10197 IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

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

IN THE MATTER OF TRANSFER NO.)
4552 IN THE NAME OF VICTORIA)
HOFER)
_____)

PRELIMINARY ORDER

WHEREAS, on February 14, 1996, the Department of Water Resources ("Department") issued a Final Order approving Application for Transfer No. 4552 filed in the name of Victoria Hofer with certain conditions of approval; and

WHEREAS, Condition of Approval No. 10 required the right holder to complete changes authorized by the transfer within two (2) years of the date of issuance of the Final Order; and

WHEREAS, on December 29, 1997, the Department issued an order extending the time to February 14, 2001, to complete the changes; and

WHEREAS, on September 11, 2000, Victor A. Hofer, the authorized representative of the right holder, visited the Department seeking an additional extension of time in which to complete the changes authorized by the transfer; and

WHEREAS, the right holder's representative explained that water has been diverted from the original points of diversion subsequent to approval of the transfer thus preventing allegations of forfeiture through non-use even though the new deeper well authorized by the transfer has not yet been constructed; and

WHEREAS, the right holder's representative has shown good cause why the new well has not yet been constructed and that an extension of time should be granted;

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the time for completion of changes authorized by the Transfer No. 4552 is extended to **February 14, 2002**.

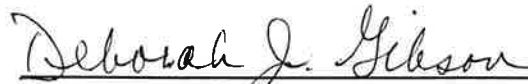
Dated this 13th day of September, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

VICTOR HOFER
590 SAMARRA DR
MOUNTAIN HOME ID 83647



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Partially
Issued
10/26/2000

RECEIVED

NOV 22 2000

Department of Water Resources

RECEIVED

DEC 21 2000

WATER RESOURCES
WESTERN REGION

200 NOV 20 AM 10:29
DISTRICT CLERK 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. 61-10196 & 61-10197

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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: October 6, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 6, 2000, 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:
Victoria Hofer
710 S 10th E
Mountain Home ID 83647
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Victor Hofer
Albert Hofer Jr
590 Samarra Dr
Mountain Home ID 83647
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
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 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

Address <http://www.srba.state.id.us/ST5113.HTM> Go  Links

61-10178	1-30-1998	SORENSEN, THOMAS A	PD ISSUED
61-10179	1-30-1998	ANDERSON, CLIFFORD	PD ISSUED
61-10180	1-30-1998	WELLS, ROBERT A	PD ISSUED
61-10181	1-30-1998	KITE, REX C	PD ISSUED
61-10182	10-26-2000	SAGEBRUSH SHUFFLERS	PD ISSUED
61-10183	1-30-1998	JOHNSON, FERRIL	PD UNDELIVERED
61-10184	10-26-2000	AMALGAMATED SUGAR COMPANY, THE	PD ISSUED
61-10185	1-30-1998	DAY, PATRICK D	PD ISSUED
61-10186	1-30-1998	TERRELL, CHERYL	PD UNDELIVERED
61-10187	1-30-1998	BRADLEY, KEITH R	PD ISSUED
61-10189	1-30-1998	WATSON, ANN M	PD ISSUED
61-10190	1-30-1998	FORTNER, JOE	PD UNDELIVERED
61-10192	1-30-1998	ASCUENA, GEORGE	PD ISSUED
61-10193	1-30-1998	WILSON, JOHN H	PD ISSUED
61-10194	1-30-1998	BATRUDEL, MARY	PD ISSUED
61-10195	1-30-1998	HOFER, VICTORIA	PD ISSUED
61-10196	10-26-2000	HOFER, VICTORIA	PD ISSUED
61-10197	10-26-2000	HOFER, VICTORIA	PD ISSUED
61-10198	2-25-2000	HOFER, VICTORIA	PD ISSUED
61-10199	1-30-1998	EASTMAN, DEWEY ROY	PD ISSUED
61-10200	1-30-1998	SNOW, ROSEMARY D	PD UNDELIVERED
61-10201	1-30-1998	OWEN, DAVID E	PD ISSUED
61-10202	1-30-1998	BLAKE, RON C	PD ISSUED
61-10203	1-30-1998	THOMAS, DAVID C	PD ISSUED
61-10204	1-30-1998	AIKEN, OWEN	PD ISSUED
61-10205	1-30-1998	ANDREWS, TERESA V	PD ISSUED
61-10206	1-30-1998	LANGUIRAND, PAUL R	PD ISSUED
61-10207	1-30-1998	MC ANULTY, DONALD S	PD ISSUED
61-10208	10-26-2000	HILLMAN, LAURA	PD ISSUED
61-10209	1-30-1998	HILLMAN, LAURA	PD ISSUED
61-10210	1-30-1998	MOYERS, THOMAS L	PD ISSUED
61-10211	1-30-1998	CLARK, DOYLE D	PD ISSUED
61-10212	1-30-1998	NICHELSON, GEORGE J	PD ISSUED
61-10213	1-30-1998	SMITH, ERNEST	PD ISSUED
61-10214	1-30-1998	BLACK, JAY G	PD ISSUED
61-10215	1-30-1998	PARISH, TERRY	PD ISSUED
61-10216	1-30-1998	MEREDITH, JOHN W	PD ISSUED
61-10217	10-26-2000	BECKER, LEONARD E	PD ISSUED
61-10218	1-30-1998	GINGERICH, VERLIN	PD ISSUED



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 6, 2000

VICTOR HOFER
ALBERT HOFER JR
590 SAMARRA DR
MOUNTAIN HOME ID 83647

RE: Water Right No. 61-10196 & 61-10197

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

cc: Perce Hall



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 27, 2000

VICTOR HOFER
ALBERT HOFER JR
590 SAMARRA DR
MOUNTAIN HOME ID 83647

RE: Notice of Change of Water Right Ownership Claim No. 61-10196 & 61-10197

Dear Property Owners:

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (enclosed), however, we are unable to complete this ownership change due to the fact there is discrepancy in the legal descriptions. According to the deed submitted, one of the legal descriptions listed is for property located in the South ½ of Section 12. The above referenced claims are for property located in the North ½ of Section 12.

If you could submit a copy of the Deed(s) for this property transfer, showing the property descriptions associated with these claims, then we could complete the ownership change. Enclosed are profile reports of these rights, and a detailed map for your review.

In addition, water right numbers 61-10195 and 61-10198 are being processed at our State Office because the files are at that office, as they have been decreed by the SRBA Court.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Please feel free to contact Ron Howerton at this office if you have any questions concerning this letter.

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

DIVERSION
VOLUME

254.60 AFA
1.40 AFA

256.00 AFA

Stage: BENEFICIAL USE

ELMORE County

2

TOTAL ACRES

1

• • • • •

POU1 USE OF THIS RIGHT WITH RIGHT NO. 61-10197 IS LIMITED TO THE

AJ5809NP
No. 61-10196

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/27/00
PAGE: 2

Remarks:

IRRIGATION OF A COMBINED TOTAL OF 306.7 ACRES IN A SINGLE
IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 61-10197 & 61-10198 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A
SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150.9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP STOCKWATER, 100 RANGE CATTLE
RIGHT NO. 61-10197 IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: 10/12/1994 Verified Date: Objection Filed Date:
Misc: Water District Number: 61A Field Inspection Flag:
Presumption Flag:

November 20, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-10196

VICTORIA HOFER
710 S 10TH E
MOUNTAIN HOME ID 83647

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-10-98 SIGNATURE: Victoria Hofer
Please print your name: VICTORIA HOFER

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

AJ0749NP
No. R61-10196

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/20/98
PAGE: 2

=====

Dates: Exam Made Date: 10/12/1994 Verified Date: Objection Filed Date:

Misc: Water District Number: 61A Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/18/1998 User-ID: RHOMERTO Subject: TRANSFER NOTES:
THIS RECOMMENDATION IS BASED ON THE APPROVAL AND COMPLETION OF
THE TERMS AND CONDITIONS OF TRANSFER NO. 4552.

Audit: 11/20/98 SBOCK

PETITION FOR ANNEXATION OF LAND
INTO THE MOUNTAIN HOME IRRIGATION DISTRICT
(Please type or print. Use additional pages if necessary.)

The below-named applicant(s) petition the Board of Directors of the Mountain Home Irrigation District that the below-described lands be annexed into the Mountain Home Irrigation District.

Petitioner(s) name(s) and address(es):

Victoria Horton
710 S 10 E
Mtn Home Forks 83647

Legal Description of land to be annexed into Mt. Home Irrigation District:

Township 4 South Range 6 East
Boise Meridian Elmore County
20440 Section 12 N W 4 160 Acres

Proposed Method of delivery of Mountain Home Irrigation District Water to the above-described lands. Unless noted below, delivery shall be by ditches or pipes from Petitioner's existing point of diversion over Petitioner's property to the land to be annexed. (Any costs incurred by Petitioner in delivering water to land to be annexed by this Petition shall be borne by the Petitioner)

Same Point of Diversion

The below-signed hereby swear and affirm under oath that they own a one-half (1/2) or greater interest in the above-described land, that all information in this Petition is true to the best of Petitioner's knowledge, and that enclosed is the required fee of \$ _____.

Victoria Horton

RECEIVED

AUG 21 1998
WATER RESOURCES
WESTERN REGION

CERTIFIED COPY OF THE RESOLUTION AND ORDER OF THE BOARD
OF DIRECTORS OF THE MOUNTAIN HOME IRRIGATION DISTRICT

At a regular meeting of the Board of Directors of the Mountain Home Irrigation District held on July 7, 1998 and convened at 7:00 P.M. on that day the following resolution was adopted.

WHEREAS, petition in writing was filed with the Board of Directors of the Mountain Home Irrigation District, by Victoria Hofer, the owner of land hereinafter described, has filed, verified petition with the Directors of Mountain Home Irrigation District for the annexation of such land to such District, and,

WHEREAS, notice of the hearing of such petition was given and published as required by law, and,

WHEREAS, such petition came on regularly for hearing before the Board at the monthly meeting thereof on the 7th day of July, 1998, at the hour of seven O'Clock P.M. and no objection whatever having been made to the granting of such petition, and,

WHEREAS, it appears to the Board of Directors of such District to annex to and include into the District such lands;

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY ORDERED, That such petition be, and same is hereby ordered, and the lands owned by such petitioner in the manner set forth herein-above, situate in Elmore County, Idaho and more particularly described as follows, to-wit;

NW1/4, Section 12, T4S, R6E, Boise Meridian, Elmore County, Idaho. 160 acres

such lands are hereby, annexed to and included with the Mountain Home Irrigation District.

303137

ELMORE COUNTY, IDAHO ss
Request of

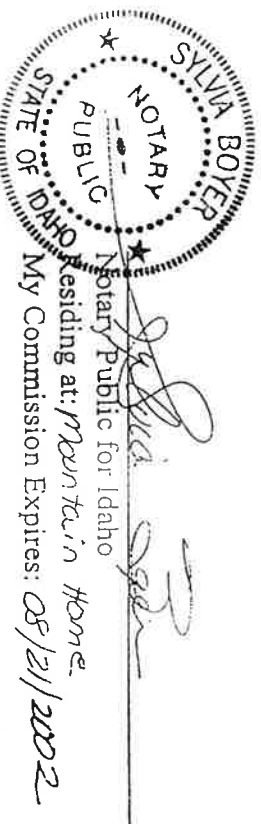
Mountain Home Irrigation District
Time 2:57 PM
Date July 16, 1998
Book Page
DOLORES ROBISON
Recorder

By [Signature] Deputy
Fee 812.00

STATE OF IDAHO)
: ss.
County of Elmore)

On this 17th day of December, 1999, before me, the undersigned, a Notary Public in and for the said State, personally appeared Victoria Hager, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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



STATE OF IDAHO)
: ss.
County of _____)

On this _____ day of _____, 199__, before me, the undersigned, a Notary Public in and for the said State, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same

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

Notary Public for Idaho
Residing at:
My Commission Expires:

STATE OF IDAHO)
) S S
COUNTY OF ELMORE)

I, Carlene S Bralthwaite, the duly appointed qualified and acting Secretary of the Mountain Home Irrigation District do hereby certify that the within and foregoing is a true and correct copy of resolution passed by the Board of Directors of the Mountain Home Irrigation District at it's regular meeting of July 7, 1998, at 7 O'Clock P.M., and that such resolution is of record in the minutes of such meeting and the minute book is a part of the official records of my office and is in my care and custody.

In witness whereof, I have set my hand this 16th day of July, 1998.


Carlene S Bralthwaite
Secretary, Mountain Home
Irrigation District

Subscribed and sworn before me this 16th day of July, 1998.


Notary Public for Idaho
Residing At: Mtn. Home Idaho
My Commission Expires: 4-29-2000



ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

61-10196

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	Y	Rdh 10/12/94	6	N	N		
PT. OF DIV.			45				
SOURCE			5				
PL. OF USE			5				
DIV. AMOUNT CFS/AF			5				
CONSUMPTIVE USE			NA				
NATURE OF USE			5				
PERIOD OF USE			5				
BASIS OF CLAIM			5				
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

VERIFICATION CODES
TOPO MAP/ORTHO/PHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

RECOMMENDATION BASED UPON APPROVED TRANSFER 4552

COMMENTS:

NOTES FOR CWR REPORT IS 5 HOUR AS 15. CLAIMANT

HAS NOT DRILLED NEW WELL AS OF 11/18/98

(CONS with Victoria Hoffer)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 4552)
)
OF WATER RIGHTS 61-10196 & 61-10197)
)
NAME OF VICTORIA HOFER)
)
_____)

ORDER GRANTING
EXTENSION OF TIME TO
COMPLETE TRANSFER

On February 14, 1996 the Department approved the above referenced Application for Transfer with a condition that:

The change authorized by this transfer shall be accomplished within two (2) years of the date of this order.

The right holder has notified the Department that the transfer has not yet been accomplished.

The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 4552 is granted an extension to February 14, 2001 in which to accomplish the transfer.

Dated this 29TH day of December, 1997.



L. GLEN SAXTON
Chief, Water Allocation Bureau

Memorandum

To: files 61-10196 & 61-10197

CC:

From: Ron Howerton

Date: 11/19/98

Re: Conversation with Victoria Hofer

Transfer to replace 2 trench wells with new drilled well:

1. I asked Victoria if she wanted to keep the transfer or rescind it since she had not drilled the well?
2. She said she still wants the transfer.
3. I said I would recommend the rights for her based upon the transfer 4552.

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A61-10196

LAST: HOFER FIRST: VICTORIA
ADDRESS: 710 SOUTH 10TH EAST
CITY: MOUNTAIN HOME STATE: ID ZIP: 83647
PHONE NUMBER: 208-587-4624

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD EXAMINER
Y Pdh

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM IS USED TO SUPPLEMENT 61-00010, AND 61-00051A AND WATER FROM MTN. HOME IRRIGATION DIST.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: VICTORIA HOFER

PHONE NUMBER: () 587-4624

DATE OF FIELD EXAM: 10/12/94 APPOINTMENT MADE: Y() N()

TIME: 9: A(X) P()

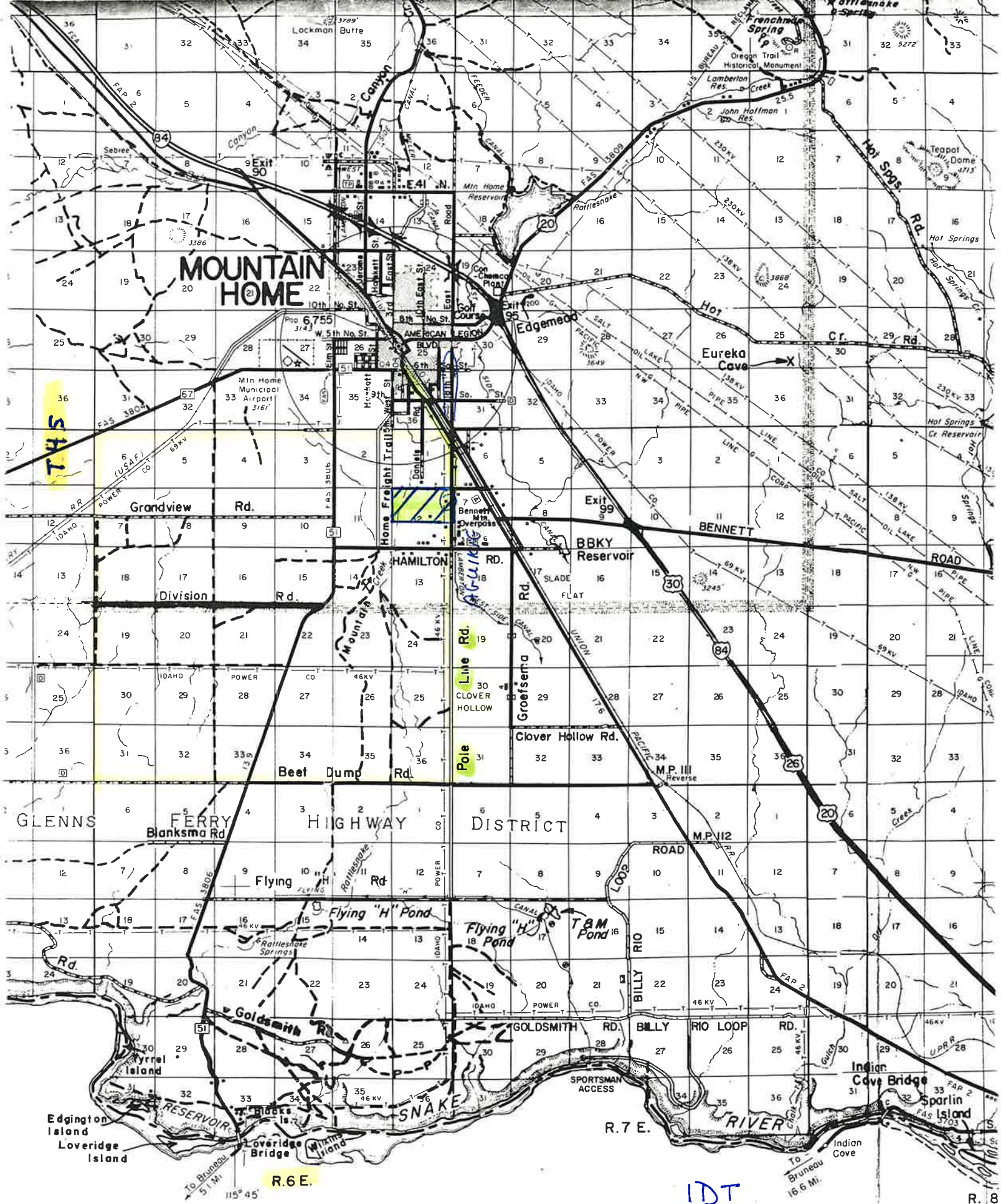
ACCOMPANIED BY: VICTORIA HOFER

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: owner

DIRECTIONS TO PROPERTY / NOTES:

- Also, Bob Korb - Leaser was present and showed me the system.
- See strip map for location of property.



IDT
STRIP MAP

E E C O U N T Y

N 48E Jack Spring Cr. 17N 12E Olson Ranch 20N 31E Summit - 6622' 32N 47E
V 53E Jerry Glanderich Oregon Trail Sunco 36N 16E

A. AJ CLAIM: # A61-10196 PRIORITY DATE: 04-01-1930 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE EXAMINER
Y REN

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

NOTES: SEE AFFIDAVIT DATED 10 OCT 94

- Now Based upon TRANSFER -

RECOMMENDED PRIORITY DATE:

4/1/1930 - 4/-1940 -

REVIEWED BY

REN

DATE

11/5/98

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

A61-10196)
A61-101-97)

State of Idaho)
County of Elmore)

Fred L. Hines

being first duly sworn,

deposes and says: My personal knowledge that
the use of irrigation ^{and stock water} of the wells claimed
in A61-10196 and A61-10197 has been
used since the date of priority of April 1,
1930. My folks were friends of the
Victor Aguirre family. I was about the
same age as the three Aguirre boys and
Vicky was just a little girl then. I remember
going to the Aguirre Ranch with my dad to help
him with the grain binder at harvest time
The irrigation wells were in operation then and
along with the Mt. Home irrigation water they
were able to raise bumper crops.

Fred L. Hines
(Signature)

Subscribed and sworn to before me this
day 10 of Sept, 1994.

SEAL

Ron Howerton
(Notary Public)

Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994

RIGHT	TMP.	RGE.	SEC.		LOT	CNTY
A61-10196	04S	06E	12	NE	NE	NE
				NE	NE	ELMORE

A PREFIX	R PREFIX	
NONE	NONE	NONE

B. MR POINT OF DIVERSION AND SOURCE:

SOURCE: NO SOURCE FOR RECORD TRIB: NO TRIBUTARY FOR RECORD

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

1245

(TRENCIT WELLS)

[illegible]

SOURCE: G-round water

TRIB: _____

REVIEWED BY: RLH

DATE: 11/5/98

SYSTEM DESCRIPTION:

SEE ATTACHED SYSTEM NOTES - UPDATED 11/5/98

VICTORIA HOFER RIGHTS

SYSTEM NOTES:

Agent: Ron Howerton

Field Exam: 10/12/94

UPDATE: November 5, 1998

The system consists of 2 wells, with gravity flows, with concrete and dirt ditches. Booster pumps combine these sources of well water and wastewater into the mainline for a sprinkler system or into gravity flow ditches. Mountain Home Irrigation district water is delivered at the NENENE corner of S12, T4S, R6E. The groundwater from well # 1 is also combined the Mountain Home District Water at this point also. Wastewater and well # 2 can also be combined at this point via mainline and sprinkler lines. Which makes this a PPOU for the groundwater.

The irrigation District Water is to be only used in the NE 1/4 of section 12. Mountain Home irrigation district has now annexed the NW 1/4 of section 12 into the district's service area. See attached certified copy of the resolution and order dated July 16, 1998.

The sprinkler system is used with gravity flows in the NE 1/4 of section 12.

Wastewater is caught in a catch basin located in the SWSWNE and re-lifted via a 6" pipeline to a concrete box located by well # 2. The wastewater water is commingled with well # 2's water and re-lifted by 2 booster pumps in to gravity flow ditches or the mainline and sprinkler system. Water can flow West or East of this concrete box into two 16" diameter perforated pipes are laid horizontally to pick-up wastewater or well water by two 20 HP Berkley pumps for sprinklers or returned to the NENENE corner of section 12 to be used on the NE 1/4 and NW 1/4 of section 12.

Well # 1 Details:

6" discharge into concrete ditch
20' deep well
9' lift measured 1/18/95
3 HP GE motor with Parma water lift
IPCO box 0225

Well # 2 Details:

6" discharge into concrete box
20' deep well
10' lift measured 1/18/95
7-1/2 HP GE motor with Parma water lifter.
IPCO box 0230
IPCO box 0231 for relift pumps.

A. ROOT WATER RIGHT NUMBERS: A61-10196

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	06E	12	NE	NE		HOFER, VICTORIA	A61-10196 /	- /	35.0		40
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00264	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00266	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10417	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10419	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02188	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00263	/40.0	- /			
			NE	NE		HOFER, VICTORIA	A61-10197 /40.0	- /			
			NE	NE		HOFER, VICTORIA	A61-10198 /40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-19893	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10421	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02214	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-20139	/40.0	- /			
			NE	NE		HOFER, VICTORIA	A61-00051A /40.0	- /			
			NE	NE		ANDERSON, EST. OF FRED	61-00010 /	- /			
04S	06E	12	NE	NE		HOFER, VICTORIA	A61-10196 /40.0	- /	35.0		
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00264	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00266	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10417	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10419	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02188	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00263	/40.0	- /			
			NE	NE		HOFER, VICTORIA	A61-10197 /40.0	- /			
			NE	NE		HOFER, VICTORIA	A61-10198 /40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-19893	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10421	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02214	/40.0	- /			
			NE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-20139	/40.0	- /			
			NE	NE		HOFER, VICTORIA	A61-00051A /40.0	- /			
			NE	NE		ANDERSON, EST. OF FRED	61-00010 /	- /			
04S	06E	12	NW	NE		HOFER, VICTORIA	A61-10196 /40.0	- /	37.0		40
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00264	/40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10417	/40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10419	/40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02188	/40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00263	/40.0	- /			
			NW	NE		HOFER, VICTORIA	A61-10197 /	- /			
			NW	NE		HOFER, VICTORIA	A61-10198 /40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-19893	/40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-20139	/40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00266	/40.0	- /			
			NW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10421	/40.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	06E	12	NW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02214	/40.0	-	/		38
			NW	NE		HOFER, VICTORIA	A61-00051A /40.0	-	/		
			NW	NE		ANDERSON, EST. OF FRED	61-00010 /	-	/		
			SW	NE		HOFER, VICTORIA	A61-10196 /40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00264	/40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10417	/40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10419	/40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02188	/40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02214	/40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00263	/40.0	-	/		
			SW	NE		HOFER, VICTORIA	A61-10197 /40.0	-	/		
			SW	NE		HOFER, VICTORIA	A61-10198 /40.0	-	/		
04S	06E	12	SW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-19893	/40.0	-	/		37
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA63-20139	/40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00266	/40.0	-	/		
			SW	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10421	/40.0	-	/		
			SW	NE		HOFER, VICTORIA	A61-00051A /40.0	-	/		
			SE	NE		HOFER, VICTORIA	A61-10196 /35.0	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00264	/35.4	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10417	/35.4	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10419	/35.4	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02188	/35.4	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-02214	/35.4	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00263	/35.4	-	/		
04S	06E	12	SE	NE		HOFER, VICTORIA	A61-10195 /	-	/		36.0
			SE	NE		HOFER, VICTORIA	A61-10197 /35.0	-	/		
			SE	NE		HOFER, VICTORIA	A61-10198 /35.0	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-19893	/35.4	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA63-20139	/35.4	-	/		
			SE	NE		HOFER, VICTORIA	R61-10195 /	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-00266	/35.4	-	/		
			SE	NE		MOUNTAIN HOME IRRIGATION DISTRA61-10421	/35.4	-	/		
			SE	NE		HOFER, VICTORIA	A61-00051A /35.0	-	/		
			SE	NE		HUGHES, WILLIAM	A61-10805 /	-	/		
			NE	NE				-	/		
04S	06E	12	NE	NW		HOFER, VICTORIA	A61-10196 /40.0	-	/		40
			NE	NW		HOFER, VICTORIA	A61-10197 /40.0	-	/		
			NE	NW		HOFER, VICTORIA	A61-10198 /40.0	-	/		
			NE	NW		HOFER, VICTORIA	A61-00051A /40.0	-	/		
			NE	NW		DANIELS, WILEY	61-00051 /	-	/		
			NE	NW		FARLEY, F. G.	61-00258 /	-	/		
			NW	NW				-	/		
			NW	NW		HOFER, VICTORIA	A61-10196 /40.0	-	/		
			NW	NW		HOFER, VICTORIA	A61-10197 /40.0	-	/		
			NW	NW		HOFER, VICTORIA	A61-10198 /40.0	-	/		
			NW	NW		HOFER, VICTORIA	A61-00051A /40.0	-	/		
			NW	NW				-	/		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	06E	12	SW	NW		HOFFER, VICTORIA	A61-10196 /40.0	-	/		35.0
			SW	NW		HOFFER, VICTORIA	A61-10197 /40.0	-	/		
			SW	NW		HOFFER, VICTORIA	A61-10198 /40.0	-	/		
			SW	NW		HOFFER, VICTORIA	A61-00051A /40.0	-	/		
04S	06E	12	SE	NW		HOFFER, VICTORIA	A61-10196 /40.0	-	/		38.0
			SE	NW		HOFFER, VICTORIA	A61-10197 /40.0	-	/		
			SE	NW		HOFFER, VICTORIA	A61-10198 /40.0	-	/		
			SE	NW		HOFFER, VICTORIA	A61-00051A /40.0	-	/		
			SE	NW		DANIELS, WILEY	61-00051 /		/		
			SE	NW		FARLEY, F. G.	61-00258 /		/		

TOTAL ACRES A61-10196 315.00 329.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)

315

C. FIELD EXAM REQUIRED? DUE TO POU DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER POU COUNTY: ELMORE

PRESUMPTION FLAG:

NOTES:

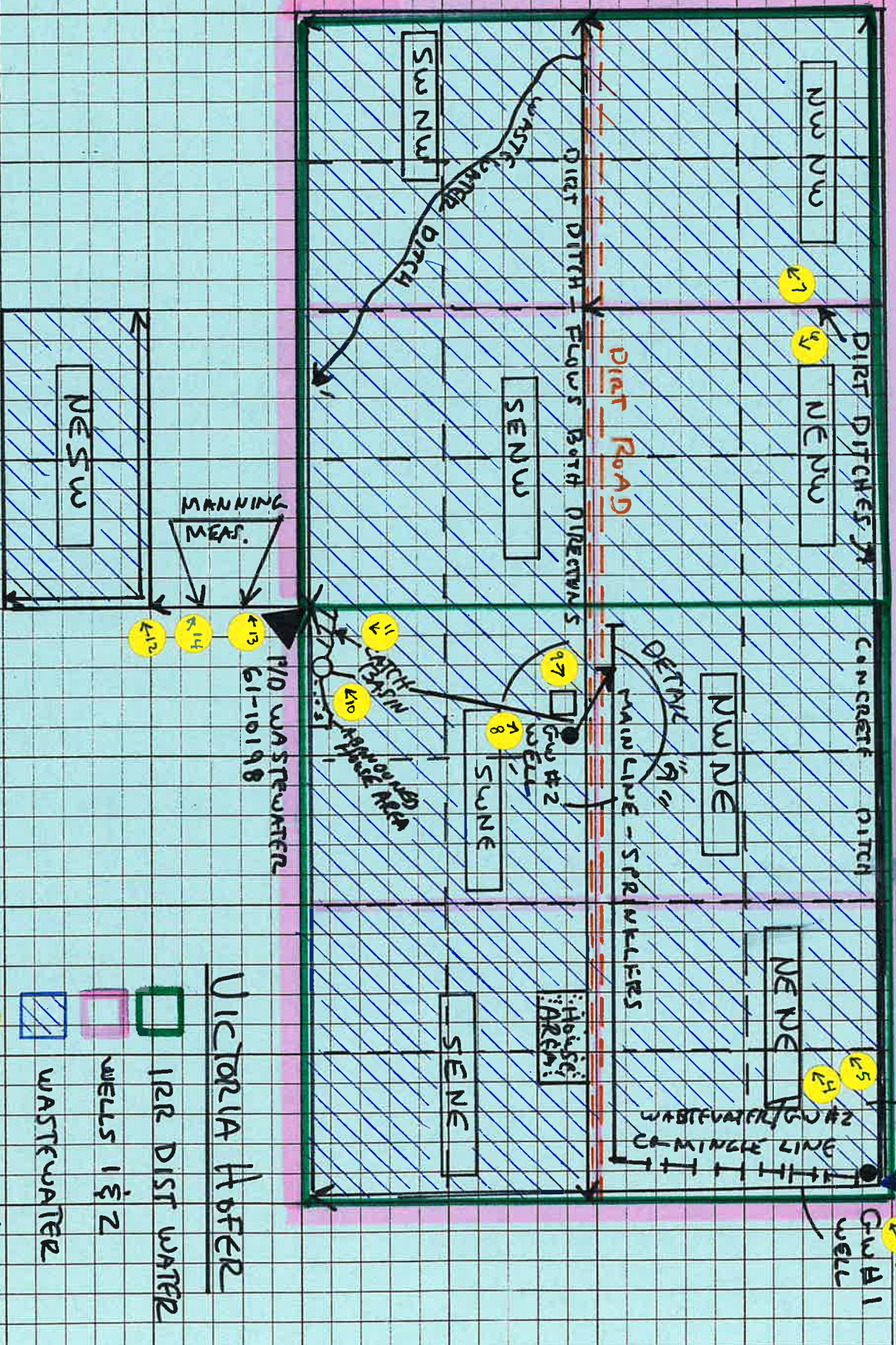
PERMISSIBLE PLACE OF USE WITH 61-10197 & 61-10198
20 ADDITIONAL ACRES UNDER WASTE-WATER CLAIM 61-10198.*

RECOMMENDATIONS:

TOTAL ACRES: 315

REVIEWED BY: Rbh DATE: 11/5/98

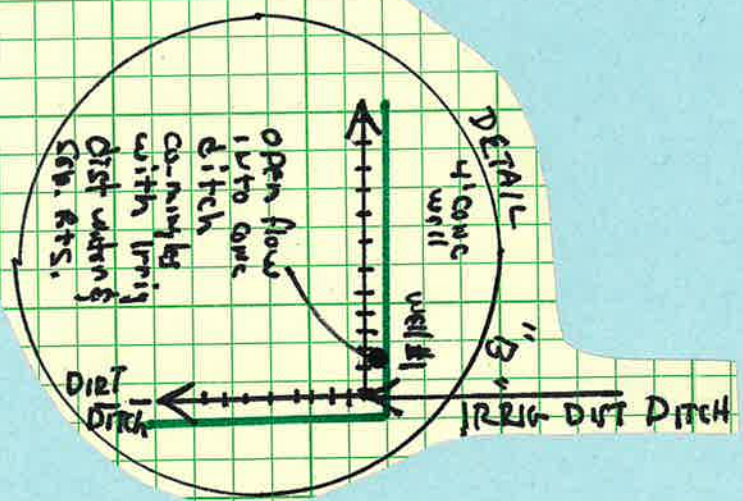
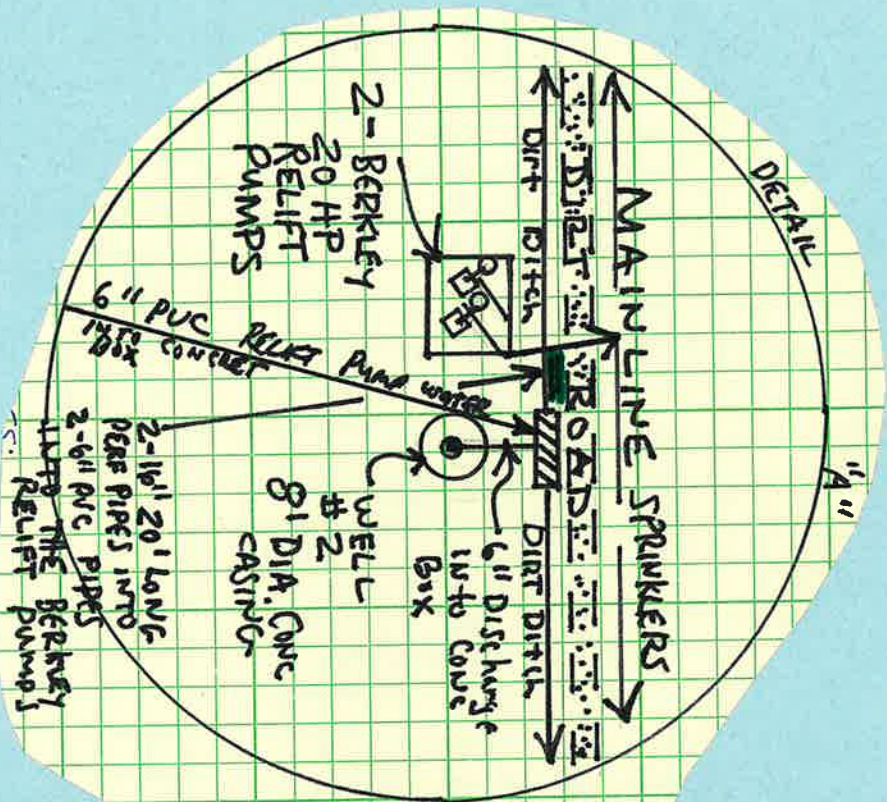
T4S, R6E, S12
 Fx 10/12/94



SYSTEM DIAGRAM
 PAGE 1 OF 2

VICTORIA HOFER

- IRR DIST WATER
- WELLS 1 & 2
- WASTEWATER
- Photo Locations



1987 ASCS
HOFER

CLAIM 61-10196 INIT RDL
T. R. S. Q/O
P/D 45 66 12
SCALE 1 inch = 1000 feet
PHOTO ID. ASCS DATE 1987

4 S.

T 281
202

NW NW

40

NE NW

40

NW NE

40

NE NE

40

1/4 NE
38.4

SW NW

40

SE NW

40

3/4 NE
21.1

SW NE

36

SE NE

37

6/4 NE
31.3

1/4 NE
31.9

8/4 NE
8.74

1/4 NE
202
HOFER

20

T 288
205

T 286
401
1/4 NE
20.2

2/4 NE
14.8

2/4 NE
14.3 NW

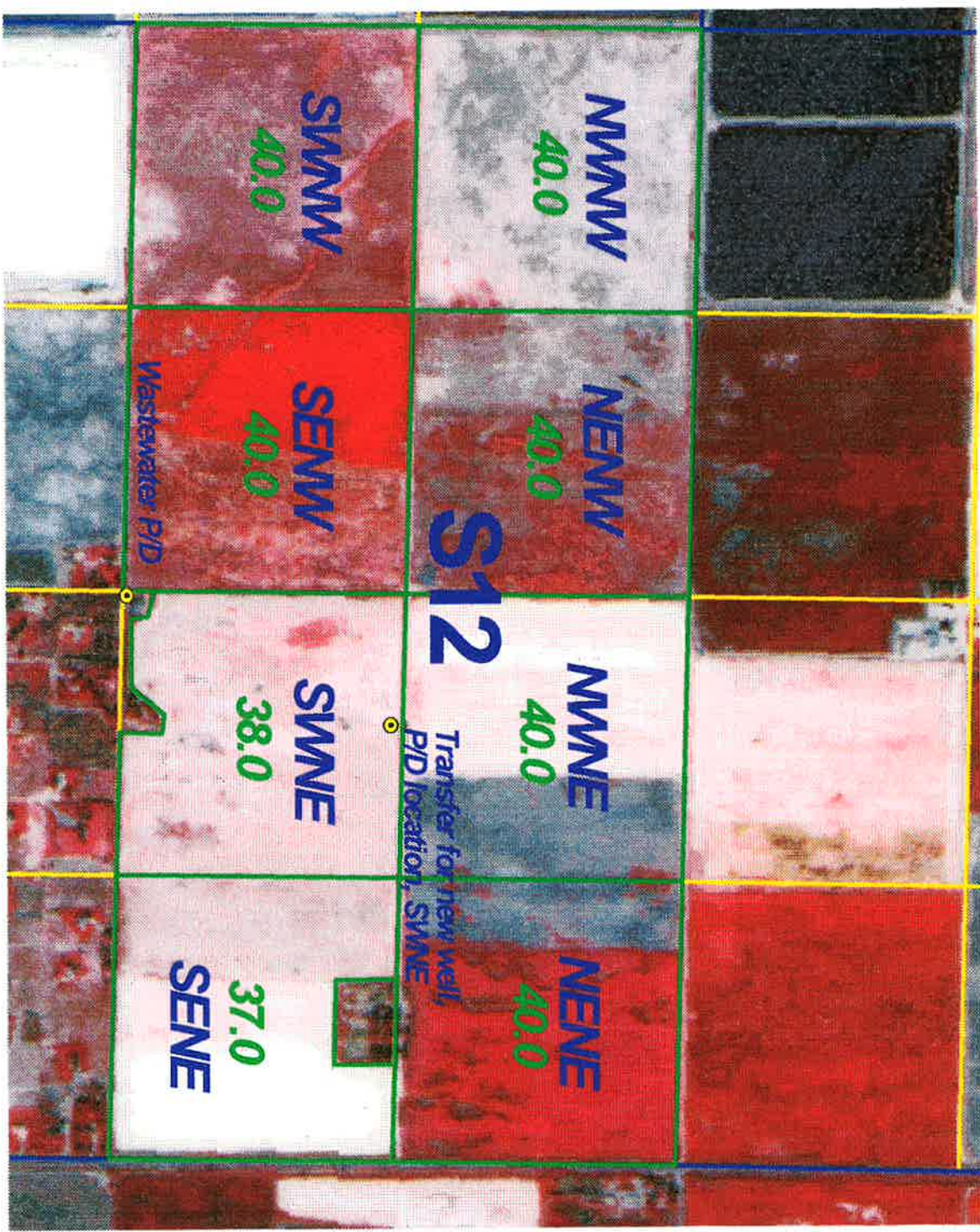
3/4 NE
15.1

15.0

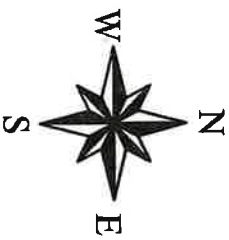
IDWR T04S, R06E

Claim(s) : 61-10196 &
61-10197
Owner(s) : Hofer,
Victoria
Date: 18 Nov 98
Prepared by:
Ron Howerton
Total Acres: 315

- POU
- POD
- SECTION LINES
- 1/4 1/4



1987 NAPP



IDWR T04S, R06E

Claim(s) : 61-10196 &
61-10197

Owner(s) : Hofer,
Victoria

Date: 18 Nov 98

Prepared by:

Ron Howerton

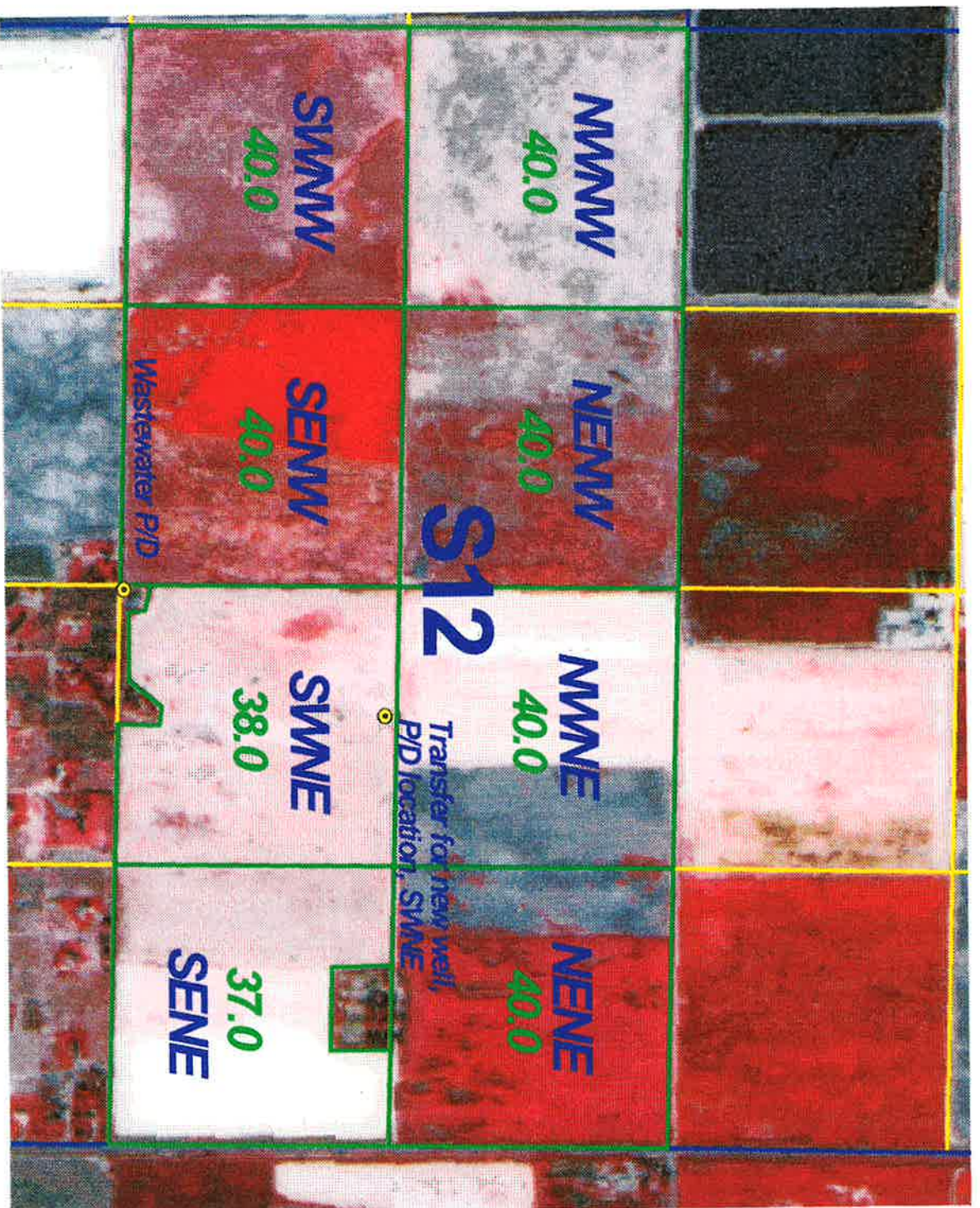
Total Acres: 315

 POU

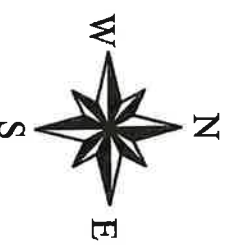
 POD

 SECTION LINES

 1/4 1/4



1987 NAPP



A. AJ CLAIMED USES:

PURPOSES
A61-10196 IRRIGATION
A61-10196 STOCKWATER

MONTH/DAY
FROM 03-15 TO 11-15
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
-400 CFS
.030 CFS
-400 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE EXAMINER
Y
Y
Y

EST

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Y() N()

Explain in notes, below.

NOTES:

3/15 - 11/15 DEPT STANDARDS

Now PER TRANSFER - 4/1 - 10/31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

Y() N() *N/A*

*** 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 notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y *Yes* FIELD EXAMINER

B.

MEASUREMENT METHOD *Pump Curve Data*, SEE ATTACHED CALCULATIONS. *5 Pages*

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

OTHER RIGHTS LISTED IN CLAIM: A61-10197; ~~-00040~~; ~~-00051A~~; -10198

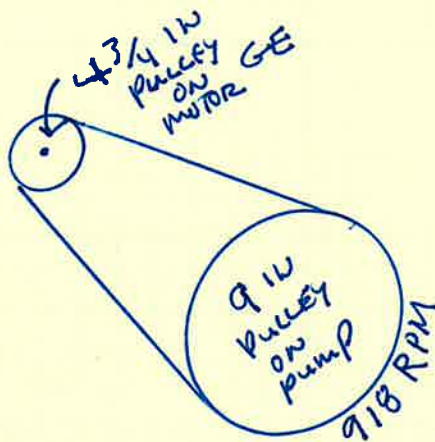
LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A61-10196	GROUNDWATER	HOFFER, VICTORIA	0.400	0.001		
A61-00051A	RATTLESNAKE RESERVOIR	HOFFER, VICTORIA	1.000	0.003		
	LONG TOM RESERVOIR					
	LITTLE CAMAS RESERVOIR					
A61-00263	CANYON CREEK	MOUNTAIN HOME IRRIGATION DIST	6.000	0.001	2880.00	0.64
A61-00264	CANYON CREEK	MOUNTAIN HOME IRRIGATION DIST	3.200		1536.00	0.34
A61-00266	CANYON CREEK	MOUNTAIN HOME IRRIGATION DIST	2.400		1152.00	0.25
A61-10197	GROUNDWATER	HOFFER, VICTORIA	0.800	0.002		
A61-10198	WASTE WATER	HOFFER, VICTORIA	1.000	0.002		
A61-10417	CANYON CREEK	MOUNTAIN HOME IRRIGATION DIST	2.200		924.00	0.20
A61-10419	CANYON CREEK	MOUNTAIN HOME IRRIGATION DIST	18.100	0.004	8688.00	1.95
A61-10421	CANYON CREEK	MOUNTAIN HOME IRRIGATION DIST	400.000	0.089	7695.49	1.72
	RATTLESNAKE CREEK					
A63-02188	CAT CREEK	MOUNTAIN HOME IRRIGATION DIST	2.840		1192.80	0.26
A63-00214	CASTLE ROCK CREEK	MOUNTAIN HOME IRRIGATION DIST	1.800		756.00	0.16
A63-19893	LITTLE CAMAS CREEK	MOUNTAIN HOME IRRIGATION DIST	19.000	0.004	9120.00	2.04
A63-20139	LITTLE CAMAS CREEK	MOUNTAIN HOME IRRIGATION DIST			24000.00	5.39

WELL #1

AGENT: R. HOWFRTON
w/BOB KORB-LEASER
1-18-95 0930

640 GPM = 1.43 CFS



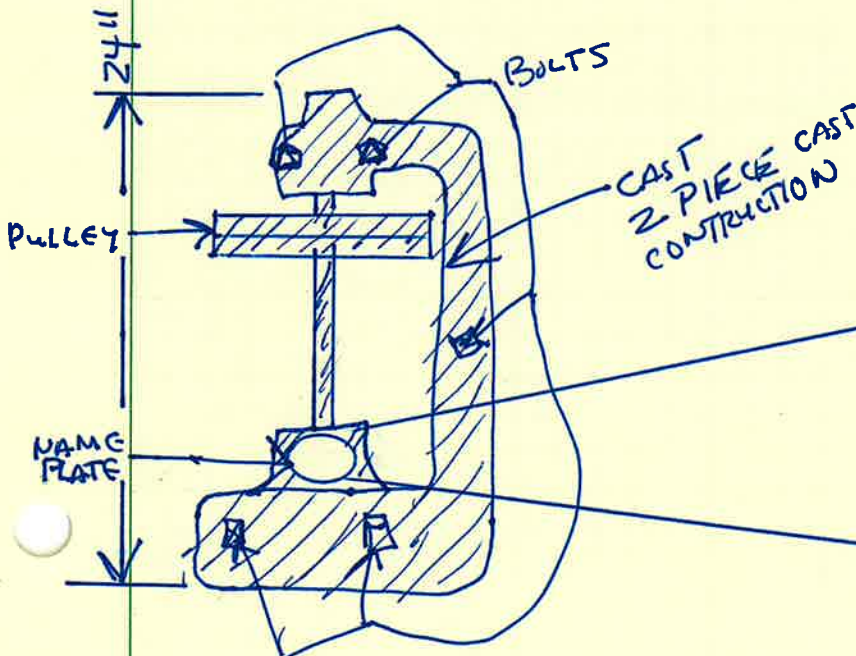
$$\frac{(4.75)(1740)}{9} = \underline{918 \text{ RPM}}$$

WELL DATA:

- MOTOR: GE (CAN'T READ MODEL OR SER #)
- HP: 3.0
- RPM: 1740
- MEASURED LIFT: 9'
- OUTPUT: 6"
- IMPELLER: BOB SAYS ITS A 12"

- 4' DIA OPEN WELL
- APPROX 20' DEEP
SAYS BOB
- IPCO BOX 0225

(NEW MODEL) #13

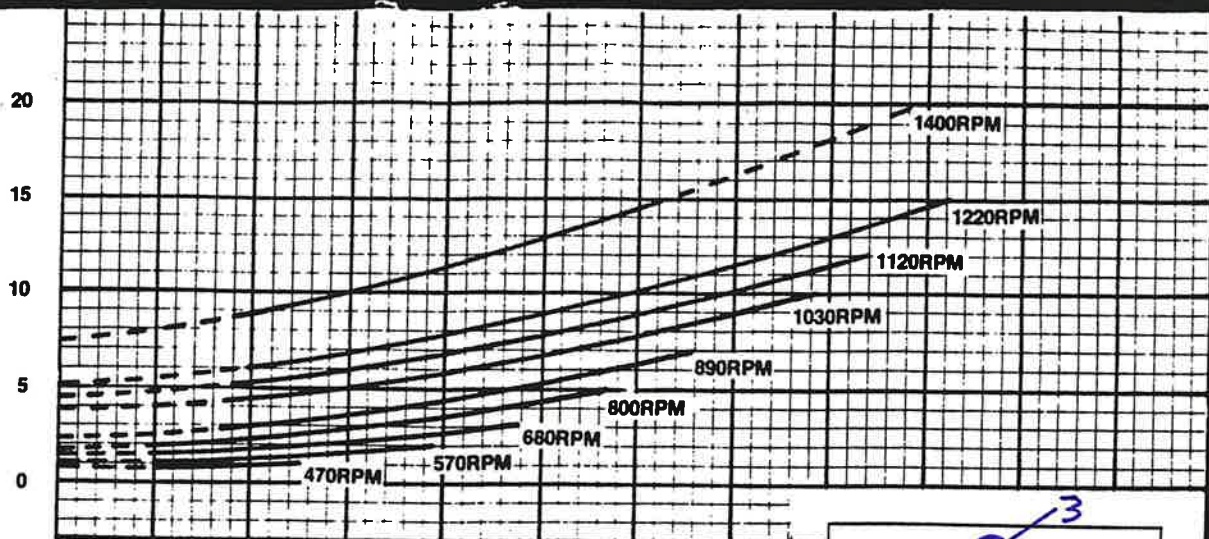


PARMA WATER LIFTER CO.
PARMA IDAHO USA
USING GARDOYLE GREASE
SOVEREX NO.1

A SOCONY-VACUUM PRODUCT
PWL CO. 3.46
↑
MODEL #

WELL # 1 - HOFER = 640 GPM = 1.43 CFS

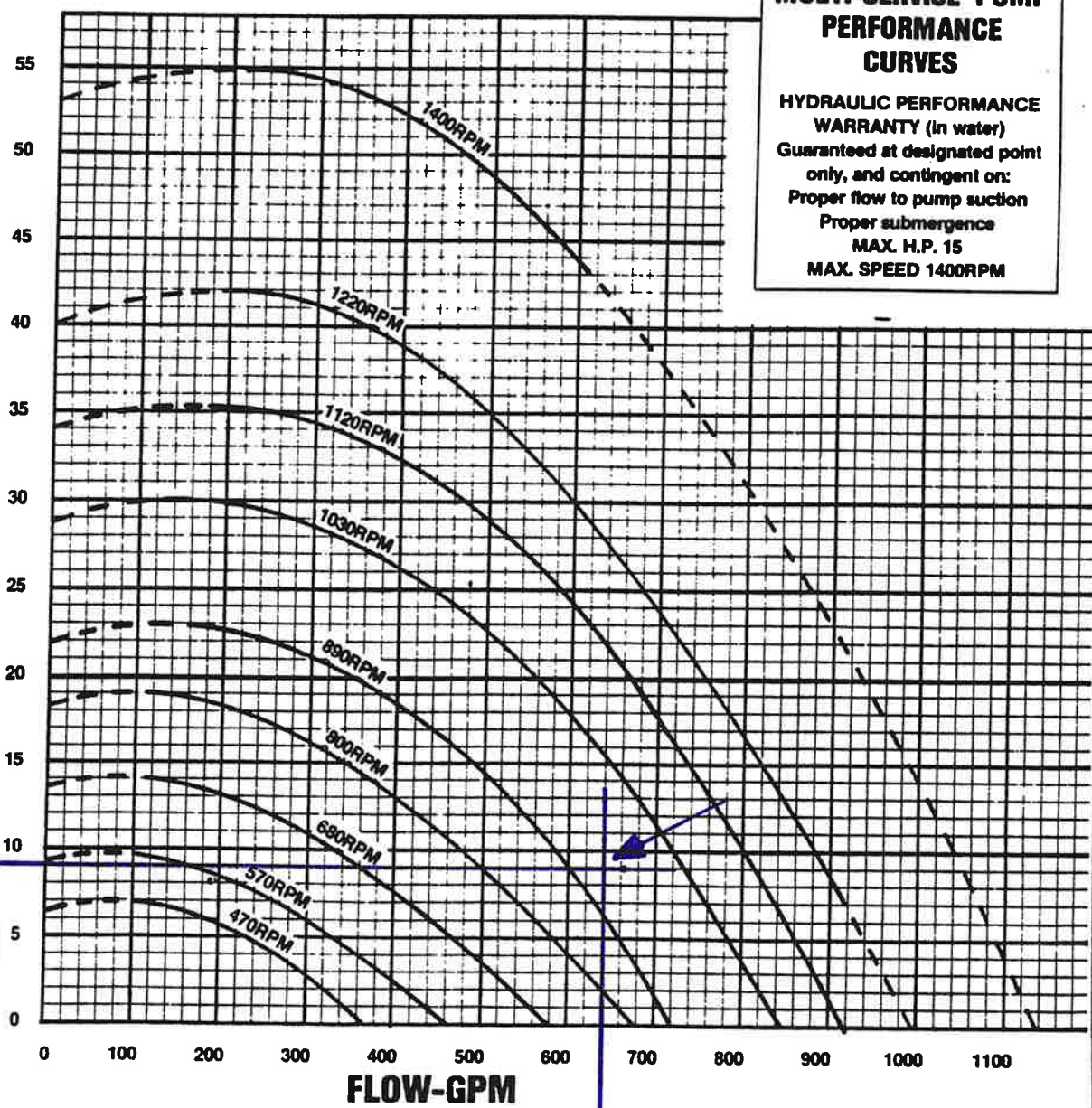
HORSEPOWER



**MODEL 13 PARMA
MULTI-SERVICE PUMP
PERFORMANCE
CURVES**

HYDRAULIC PERFORMANCE
WARRANTY (in water)
Guaranteed at designated point
only, and contingent on:
Proper flow to pump suction
Proper submergence
MAX. H.P. 15
MAX. SPEED 1400RPM

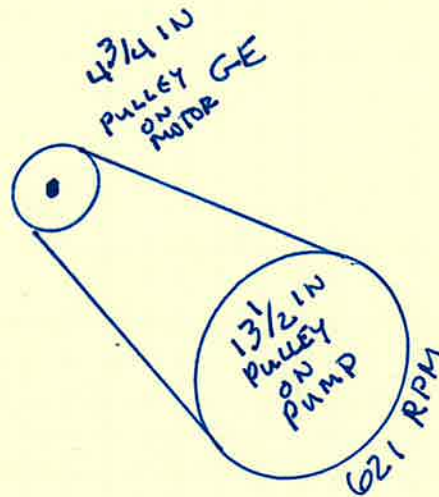
TOTAL HEAD FEET



9 Ft
HEAD @
918 RPM
→

640 GPM

— Pump is not to operate continuously in this area.

$$1350 \text{ GPM} = 3.01 \text{ CFS}$$


$$\frac{(4.75)(1765)}{13.5} = 621 \text{ RPM}$$

WELL
DATA:

- MOTOR: GE. MODEL 5K284C31
- HP: 7.5
- RPM: 1765
- MEASURED LIFT: 10'
- OUTPUT: 6" (Found-out old output was 10") pipe was laying by well
- IMPELLER: Bob says it a 16"-18"
- 8' DIA OPEN WELL
- APPROX 20' DEEP
- IPCO Box 0231
- PUMP: PARMA WATER LIFTER
- MODEL 4S (15) ^{NEW} MODEL #

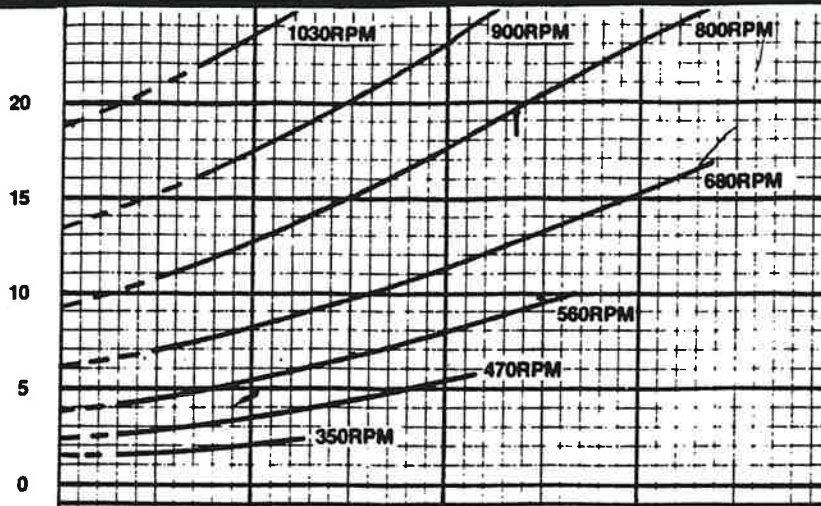
TOTALS: (Pump ^{FROM} CURVE DATA)

WELL #1	640 GPM	@	1.43 CFS
WELL #2	1350 GPM	@	3.01 CFS
TOTALS:	1990 GPM	=	4.44 CFS

CLAIMS AG1-10196 & AG1-10197

WELL #2 - Hofer = 1350 GPM = 3.01 cfs

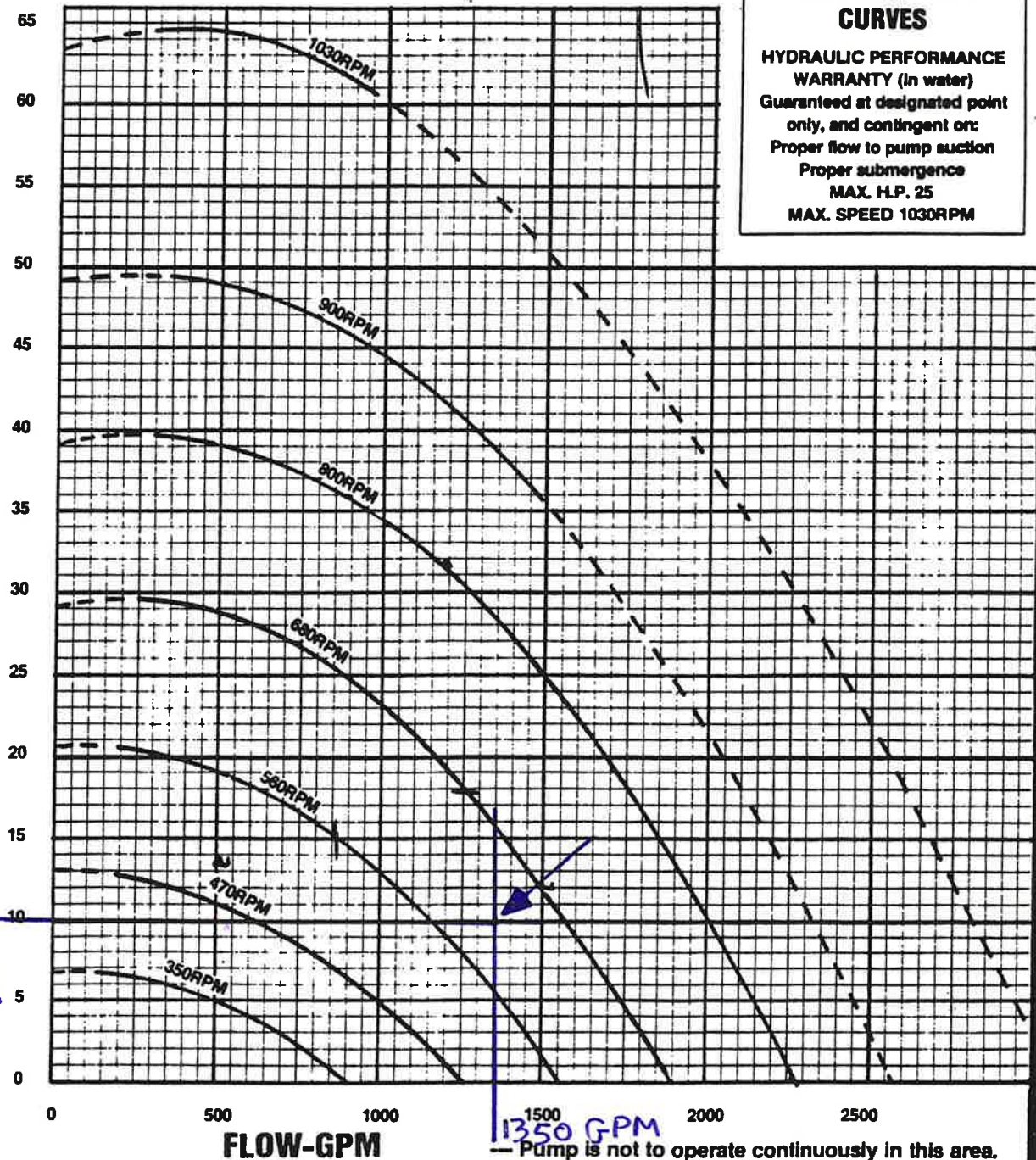
HORSEPOWER



**MODEL 15 PARMA
MULTI-SERVICE PUMP
PERFORMANCE
CURVES**

HYDRAULIC PERFORMANCE
WARRANTY (In water)
Guaranteed at designated point
only, and contingent on:
Proper flow to pump suction
Proper submergence
MAX. H.P. 25
MAX. SPEED 1030RPM

TOTAL HEAD FEET



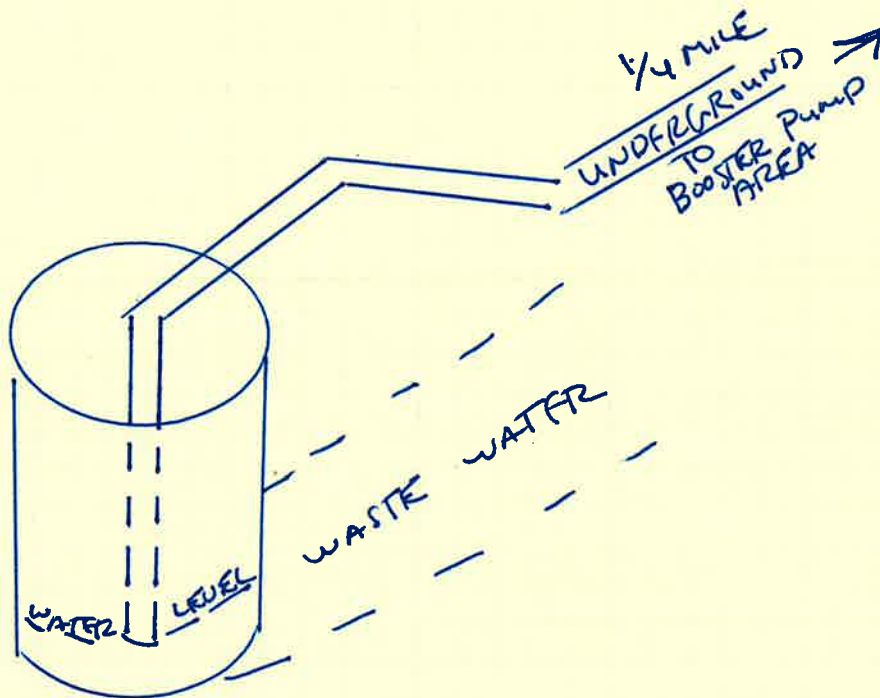
10 ft HEAD @
621 RPM

1350 GPM

— Pump is not to operate continuously in this area.

RELIFT Pump

AGENT: R. HOWERTON
w/BOB KORB-LEASER
OCT 12, 1994



RE-LIFT DATA

- MOTOR 15 HP CENTURY
- SC-284W-FCA
- 6" OUT PUT INTO 6" PVC (OPEN FLOW) 1/4 MILE AWAY
- IPCO Box 0232
- 13' LIFT

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A61-10196	STOCKWATER	HOFER, VICTORIA	FROM 01-01 TO 12-31	.030 CFS	
A61-10197	STOCKWATER	HOFER, VICTORIA	FROM 01-01 TO 12-31	.030 CFS	
A61-10195	DOMESTIC	HOFER, VICTORIA	FROM 01-01 TO 12-31	.040 CFS	
A61-10195	STOCKWATER	HOFER, VICTORIA	FROM 01-01 TO 12-31	.030 CFS	
R61-10195	DOMESTIC	HOFER, VICTORIA	FROM 01-01 TO 12-31	.040 CFS	
R61-10195	STOCKWATER	HOFER, VICTORIA	FROM 01-01 TO 12-31	.030 CFS	
A61-10805	DOMESTIC	HUGHES, WILLIAM	FROM 01-01 TO 12-31	.040 CFS	

D.

1a. IRRIGATION RATE
ACRES 315 x 0.02 CFS/ACRE = 6.3 CFS (1.43 measured)
(Taken from p/u review)

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

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

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

Actual Amounts

COMBINED

VOL CALC.

$$(1.9835)(4.44)(\text{Days in Season } 246) = 2166 \text{ AFA}$$

$$\frac{319}{-74}$$

$$* 245 + 1 (\text{include start day}) = 246$$

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AFA
ACRES 315 x DIVERSION VOL. AFA FOR AREA 4 =
TOTAL DIVERSION VOLUME 1266 AFA

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y() N(X)

Stock .03 CFS
100 RANGE CATTLE

COMBINED REMARKS:

TOTAL ACRES = 315

* TOTAL VOL = 1266 (summer)

TOTAL CFS = 4.44 (no-remark record)

LESS THAN

AVINCH / ACRE

(with wastewater 61-10198)
(waste water 1.25) + (4.44 CFS sum) =

5.69 CFS = 284.5 inch / Acres
LESS THAN REC. TOTAL OF 315 ACRES

* Prior to transfer

* SEE TRANSFER
AKA PR FILES

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

CODE - WOS - Mountain Home 122 Dist

REMARK - EXP - F&B 61-10197 (same PD's)

QNT - EOS combined Div VOL with 61-10197 = 1260 AFA

POU1 - E11 combined Acres = 315 with 61-10197

RECOMMENDATIONS: QNT - EOS combined Diversion with 61-10196 = 1340

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
122	3/15	11/15	1.43	/	/
STK	01/01	12/31	0.03	/	/
			1.43	/	/

TOTAL FOR THIS RIGHT

REVIEWED BY: RDH DATE: 11/5/98

POU1 - E11 combined Acres with 61-10198 = 335

See
CUR
for
new
CODES
in
conditions

prior
to
TRANSFER

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FOREFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED
()
()
()
()
NEEDS REVIEW
()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-10196

DATABASE

EXAMINER

TOTAL DIVERSION RATE OF WR SPLITS

CFS

SPLITS:

OLD RIGHT CLAIM NUMBERS

DIVERSION RATE

CURRENT "R" CLAIM NUM.

"R" DIV. RATE

WR RIGHT NUMBERS

DIVERSION RATE

A61-10196

0.400

TOTAL CFS

0.400

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

FIELD EXAMINER

100

SPLITS

NOTES:

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE:

11/5/98

NAME OF FIELD EXAMINER:

Ron Howerton

Sr Water Agent

① WELL #1 P/D A61-10196



② SAME AS ABOVE



SEE IRR. SYSTEM DIAGRAM FOR MAP LOCATION OF PHOTO'S.

Photo's By
RDH
OCT 12 1994

③ 12R16, DIST. DITCH #AG1-00010, 51A CLAIMS, CO-MINGLE WITH WELL.



④ POOL LOOKING SOUTH FROM WELL #1.



Photo's By
RDH

OCT 12 1994

⑤ PDL LOOKING SW FROM WELL #1.



⑥ PDL LOOKING SOUTH FROM NON-EXISTANT RATTLESNAKE CR.



Photo's By
RDH

OCT 12 1984

⑦ POLL LOOKING WEST FROM NON-EXISTANT RATTLESNAKE CR.



⑧ WELL #2 P/b AGI-10197



Photo's By

RDH

OCT 12 1984

⑨ RELIFT PUMPS - 2 - 20HP BERKLEY'S - NR WELL #2.



⑩ RELIFT WASTEWATER TO BE USED AT ABOVE LOCATION.



Photo's By

RDH

OCT 12 1994

⑪ WASTEWATER P/D FOR CLAIM A61-10198.



⑫ POUL FOR A61-10198 Looking Sw.



Photo's By
RDH

OCT 18 1994

⑬ UPPER α -SECTION FOR A61-10198.



⑭ LOWER α -SECTION FOR A61-10198.



Photo's By
RDH

OCT 12 1994

PAGE:
LIST OF MAPS USED AND ATTACHMENTS

CLAIM NUMBER: 61-10196

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

() ORTHOPHOTOQUAD

DATE OF PHOTO

IDMR ID NO.

Y() N()

() TOPOGRAPHIC

DATE FIELD CHECKED

IDMR ID NO.

Y() N()

(X) NAAPP

DATE OF PHOTO

IDMR ID NO.

Y(X) N()

(X) ASCS AERIAL PHOTO

DATE OF PHOTO

IDMR ID NO.

Y(X) N()

() ASCS COLOR SLIDE

DATE OF PHOTO

IDMR ID NO.

Y() N()

() BLM OR USFS AERIAL PHOTO

DATE OF PHOTO

IDMR ID NO.

Y() N()

() TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

IDMR ID NO.

Y() N()

() SCS SOIL SURVEY MAP

DATE ISSUED

IDMR ID NO.

Y() N()

() SUBDIVISION PLAT MAP

DATE OF MAP

IDMR ID NO.

Y() N()

(X) OTHER STRIP MAP

DATE

IDMR ID NO.

Y(X) N()

() OTHER

DATE

IDMR ID NO.

Y() N()

() OTHER

DATE

IDMR ID NO.

Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NOTES

() LICENSING FIELD EXAM

DATE OF FIELD EXAM

IDMR ID NO.

Y() N()

() WATER RIGHT LICENSE

DATE LICENSE SIGNED

IDMR ID NO.

Y() N()

(X) IDMR APPROVED TRANSFER

DATE TRANSFER APPROVED

IDMR ID NO.

Y() N()

(X) SYSTEM DESCRIPTION

DATE DRAWN

IDMR ID NO.

Y() N()

() PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

IDMR ID NO.

Y() N()

() SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

IDMR ID NO.

Y() N()

() HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

IDMR ID NO.

Y() N()

() CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

IDMR ID NO.

Y() N()

(X) FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

IDMR ID NO.

Y() N()

(X) OTHER AFFIDAVIT

DATE 10 OCT 94

IDMR ID NO.

Y() N()

(X) OTHER ANNEX ORDER

DATE 7/16/95

IDMR ID NO.

Y() N()

SEE CORRESPONDENCE FILE 42 (TRANSFER NOT WANTED NOW) #4552
2-pages drawing, 1-page written description

1/18/95 5 Pump Curve Calc

1 1 Priority Info

4 ADDS routing to Page of use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:06:04
07/07/94

PAGE: 13
QUICKLOOK INFORMATION

28
CLAIM NUMBER: A61-10196

MR 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	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:29:01
07/07/94
29

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A61-10196

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VICTORIA HOER 710 SOUTH 10TH EAST MOUNTAIN HOME ID 83647 (208) 587-4624	04/01/1930	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	0.40 CFS 0.03 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.40 CFS	945.00 AFA

Water Source: GROUNDWATER
Tributary to: ELMORE County

Point(s) of Diversion: T04S R06E S12 NENE

Place of use Legal Description for: IRRIGATION											
NE			NW			SW			SE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
04S	06E	12	:	40	40	35	:	40	40	40	:
										TOTAL ACRES	315.0

Place of use Legal Description for: STOCKWATER											
NE			NW			SW			SE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
04S	06E	12	:	40	40	35	:	40	40	40	:
										TOTAL ACRES	315.0

POU County: ELMORE

Non-Irrigation Uses: S/ 100 HEAD BEEF CATTLE

Other Rights: A61-10197; -00010, -00051A, -10198

Remarks: THIS CLAIM IS USED TO SUPPLEMENT 61-00010, AND 61-00051A AND WATER FROM MTN. HOME IRRIGATION DIST.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 61A Field Inspection Flag: Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 14, 1998

Victoria Hofer
710 S 10th E
Mountain Home ID 83647

RECEIVED

MAY 14 1998

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Transfer of Water Right Nos. A61-10196 and A61-10197 and
Installation of a measuring device

In June of 1997 we sent you correspondence relating to transfer no. 4552 of the above stated claim numbers. We have not received any correspondence from you in return stating that the transfer has been completed. You were given two years to complete this transfer. This two year period expired in February, 1998. Please notify this department within 10 (ten) days the status of the transfer in question and what, if any, development has been completed.

Failure to respond to this inquiry may result in proceedings to rescind approval of the transfer. If you have any questions regarding this matter, please call me directly at (208)327-7864. Thank you in advance for a timely reply.

Sincerely,

Tim Luke

cc: Ron Howerton, Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JUN 19 1997

WATER RESOURCES
WESTERN REGION

June 18, 1997

Victoria Hofer
710 S 10th E
Mountain Home ID 83647

Re: Water Right Transfer 4552 and Conditions of Approval Regarding Water Measurement

Dear Ms. Hofer:

In February of 1996, IDWR approved the above referenced water right transfer for claim nos. A61-10196 & A61-10197. This transfer allowed a change in point of diversion from two shallow trench wells to one deep well. A condition of approval of this transfer required you to install and maintain a measuring device on the well. The device should be capable of measuring both instantaneous rate of diversion and total volume. You are also required to annually report withdrawal volumes, rates of diversion and water levels from the well.

The purpose of this letter is to inquire if the new well has been drilled and if water is being diverted from this well. If so, then a measuring device should be installed and you should be recording your diversions. We ask that you notify this office within 30 days regarding the status of the approved transfer and completion of the new well. Failure to respond to this inquiry may result in proceedings to rescind approval of the transfer.

If you have questions regarding this matter please call me directly at 327-7864. Thank you for your continued cooperation.

Sincerely,

Tim Luke

cc: Ron Howerton, Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

February 20, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the Matter of Application for Transfer No. 4552 of Snake River Basin Adjudication Claim Nos. A61-10196 and A61-10197 on the name of Victoria Hofer

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

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

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

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton". The signature is written in dark ink and is positioned above the typed name and title.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

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

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4552 OF SNAKE RIVER)
BASIN ADJUDICATION CLAIM NOS.)
A61-10196 AND A61-10197 IN THE)
NAME OF VICTORIA HOFER)

FINAL ORDER

On December 19, 1995, the hearing officer for the Idaho Department of Water Resources (department) issued a Recommended Order in connection with the above captioned matter. Protestants filed a Petition for Reconsideration which the department partially approved on January 5, 1996, resulting in changes to Conditions of Approval Nos. 5 and 7. Based upon his understanding of the law and the facts in this matter, the Director makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. On February 6, 1995, Victoria Hofer (applicant) filed Application for Transfer No. 4552 (application) involving Snake River Basin Adjudication (SRBA) Claim Nos. A61-10196 and A61-10197 with the department. The applicant proposes to drill an irrigation well into the deeper regional aquifer in the SW1/4NE1/4 Section 12, T4S, R6E, B.M. to replace two (2) shallow irrigation wells commonly referred to as "trench wells". The trench wells are about 20 feet deep and the claimed priority of use is April 1, 1930. The applicant proposes to drill the replacement well to a depth of about 600 feet. (Note: All specific land descriptions in this Recommended Order are located within T4S, R6E, B.M.).

2. The department subsequently advertised the application which was protested by Charles J. Olson, Splendid Acres Water & Sewer Association c/o Rick Clendenning and Ron Leydet.

3. On November 28, 1995, the department conducted a hearing in the matter in Mountain Home, Idaho. The applicant was present and was represented by Philip R. Miller, attorney at law. Protestants Charles J. Olson, Rick Clendenning for Splendid Acres Water & Sewer Association and Ron Leydet were present and represented themselves.

4. Issues raised by the Protestants include the following:

- a. The proposed changes will injure other water rights.

- b. The proposed changes will constitute an enlargement in use of the original right.

5. Exhibits offered and accepted as a part of the record include the following:

- a. Applicant's Exhibit A - Application for Transfer No. 4552.
- b. Applicant's Exhibit B - Lease and Ownership documents.
- c. Applicant's Exhibit C - Corporation Warranty Deed from the City of Mountain Home to John Victor Aguirre dated February 12, 1979.
- d. Applicant's Exhibit D - IDWR Adjudication Claim Profile Reports.
- e. Applicant's Exhibit E - Letter dated February 1, 1995 to Victoria Hofer from Steve Lester.
- f. Applicant's Exhibit F - Letter dated April 12, 1995 from John J. Barrutia.
- g. Applicant's Exhibit G - Statement of Fred Hines dated May 12, 1995.
- h. Applicant's Exhibit H - Statement of Rex C. Kite dated April 25, 1995.
- i. Applicant's Exhibit I - Idaho Power Company Power Line Easement dated January 22, 1940.
- j. Applicant's Exhibit J - Photograph of irrigated land.
- k. Applicant's Exhibit K - Well Flow Evaluation Project.
- l. Applicant's Exhibit L - Photographs of discharge from trench wells.
- m. Applicant's Exhibit M - Miscellaneous Power Records for the applicant's wells - 1981 thru 1995.
- n. Applicant's Exhibit N - Letter dated May 30, 1995, to Victoria Hofer from Sherl L. Chapman.
- o. Applicant's Exhibit O - Statement of Robert Korb Regarding the Development of Wells on the Victor Aguirre Farm.

- p. Applicant's Exhibit P - Agreement for Sale of Real Property.
- q. Applicant's Exhibit Q - Lease between City of Mountain Home and Mrs. Maria Aguirre and John Aguirre, dated January 24, 1966.
- r. Protestant's Exhibit 1 - Tax Assessment Notice dated June 1994 for N1/2 Section 12, T4S, R6E, B.M.
- s. Protestant's Exhibit 2 - Illustrations depicting land transactions in connection with the NE1/4 Section 12.
- t. Protestant's Exhibit 3 - Pump Test Summary.
- u. Protestant's Exhibit 4 - Well Driller's Report for David Olson.
- v. Protestant's Exhibit 5 - Parma Water Lifter Information.
- w. Protestant's Exhibit 6 - Well Driller's Report - Charles Olson.
- x. Protestant's Exhibit 7 - Basis of Protest - Forrest Freer.
- y. Protestant's Exhibit 8 - Idaho Power Records of Forrest Freer - (Summary of power used at trench wells from 1967 to 1994).
- z. Protestant's Exhibit 9 - Idaho Power Company billings for Forrest Freer's trench wells.
- aa. Protestant's Exhibit 10 - Certificate of Owners signed by Donn L. Dahl and Robert C. Nack.
- bb. Protestant's Exhibit 11 and 12 - Warranty Deed.
- cc. Protestant's Exhibit 13 and 14 - Warranty Deed.
- dd. Protestant's Exhibit 15 - Deed of County Property.
- ee. Protestant's Exhibit 16 - Idaho Power Company Records for the applicant's wells.

6. Notices of Claims to a Water Right filed by the applicant in the SRBA claim the following:

Ident no.: A61-10196
Source: Groundwater
Priority: April 1, 1930
Rate of div: 1.43 cubic feet per second (cfs)

Use: Irrigation - 315 acres Stockwater - 100 head
beef cattle
Pt of div: NE1/4NE1/4 and SW1/4NE1/4 Sec. 12
Place of use: N1/2 Sec. 12

Ident no.: A61-10197
Source: Groundwater
Priority: April 1, 1930
Rate of div: 3.01 cfs
Use: Irrigation - 315 acres
Stockwater - 100 head beef cattle
Pt of div: NE1/4NE1/4 and SW1/4NE1/4 Sec. 12
Place of use: N1/2 Sec. 12

7. The northeast 160 acres of the applicant's property (NE1/4 Section 12) was acquired by the applicant's father, Victor Aguirre (Aguirre), in 1939. In 1940, Aguirre constructed and diverted water from two (2) trench wells, one being located in the NE1/4NE1/4 Section 12 and the other located in the SW1/4NE1/4 Section 12. Mountain Home Irrigation District delivers water to this 160 acre tract at 3 acre feet (AF) per acre when the water is available.

8. Beginning in 1966, John Aguirre (son of Victor Aguirre) leased 160 acres in the NW1/4 Section 12 from the City of Mountain Home (city) and in June 1969, entered into an agreement with the city to purchase the tract. On February 12, 1979, the city issued a warranty deed to John Aguirre for the tract.

9. At the hearing held on November 28, 1995, the applicant stipulated that the priority of use of water diverted from the trench wells for irrigation of the land in the NE1/4 Section 12 should be 1940, rather than 1930 as previously claimed. The applicant also stipulated that the priority of use of water from the trench wells on the land in the NW1/4 Section 12 was not 1930 as previously claimed and stated that the priority could be no earlier than 1966. The applicant has not filed amended SRBA claims but plans to do so.

10. Trench wells are commonly used in the Mountain Home area and consist of excavations to a depth of approximately 20 feet creating a trench to expose water. The trenches vary in length up to 1/2 mile and provide water from the "perched aquifer" which lies under the Mountain Home area including the applicant's property. The wells store some ground water. Once this stored water is pumped out, usually within a few hours, the water levels in the trenches decrease with a subsequent decrease in the diversion rate which can be pumped from the trench wells.

11. Bob Korb (Korb), the renter of the applicant's property from 1980 to 1994 commingled water diverted from the trench wells with water delivered by the Mountain Home Irrigation District and used the combined water for irrigation of the applicant's land.

12. Korb estimates that in 1980, when he first rented the applicant's land, about 120 acres of the NW1/4 of Section 12 had been previously irrigated by predecessors. He rebuilt the pumps which diverted water from the trench wells but did not change them. He also subsequently improved the land by leveling and filling depressions and draws so that he could irrigate additional land in the NW1/4 Section 12.

13. During the summer of 1995, the rates of flow diverted from the applicant's trench wells by a Parma Water Lifter pump with a 3.0 horsepower (HP) motor and a Parma Water Lifter pump with a 7.5 HP motor were measured to be a total of approximately 4.34 cfs. The static water level in the trench well located in the NE1/4NE1/4 Section 12 was 52 inches which drew down to 96 inches. The static water level in the trench well located in the SW1/4NE1/4 Section 12 was 98 inches which drew down to 120 inches. The pumping was conducted over a 20 to 30 minute period.

14. The owner of three (3) trench wells near the applicants property testified that it takes several hours of pumping to remove stored water from the wells and to obtain a sustainable rate of diversion. The sustainable rate is much less than the initial rate of flow which can be pumped from the wells.

15. The amount of power used to pump water from the applicant's trench wells is as follows:

<u>YEAR</u>	<u>KWH</u>
1981	5,350
1982	-----
1983	2,106
1984	859
1985	7,794
1986	6,050
1987	-----
1988	1,878
1989	6,159
1990	-----
1991	-----
1992	-----
1993	-----
1994	1,283

Note: The designation of "-----" above indicates that the KWH hour information is not available and does not mean that pumping did not occur in a particular year for which KWH are not shown.

16. Using the assumptions described below, the annual volumes of water pumped for the applicant's wells are estimated to be as follows:

ASSUMPTIONS:

- a) Consider the Idaho Power Company power consumption records as representative of the applicant's past water use from the trench wells, (See Protestant's Exhibit 16).
- b) Assume a pump-motor efficiency of 40% for the 3.0 HP and 7.5 HP Parma Water Lifter pump-motor systems of the applicant, (See Protestant's Exhibit No. 5).
- c) Assume a fixed pumping head (lift) of 10 feet.
- d) Based on actual Idaho Power Co. records, assume a 4.0 KW maximum demand for the 7.5 HP motor and a 3.0 KW maximum demand for the 3.0 HP motor. (See Protestant's Exhibit 16).
- e) Calculate volume using the following equations,

$$Q = \text{HP}(8.8)e/H, \quad V = 2Qt, \quad t = \text{KWH}/(\text{KW} \times 24)$$

where Q = discharge in cfs
 HP = horsepower
 e = efficiency
 H = head in feet
 V = volume in Acre feet (AF)
 t = time in days
 KWH = kilowatt hours
 KW = kilowatts

VOLUME CALCULATIONS:

Based on the assumptions described above and upon information provided at the hearing, the department has calculated the total volumes shown below:

Year	Energy Use (KWH)		Time(Days)		Volume (AF)		Total Vol AF
	3HP	7.5HP	3HP	7.5HP	3HP	7.5HP	
1981	1970	3380	27.4	35.2	61.9	116.2	178.1
1983	1876	230	26.1	2.4	59.0	7.9	66.9
1984	859	0	11.9	0	27.0	0	27.0
1985	3934	3860	54.6	40.2	123.7	132.8	256.5
1986	2165	3885	30.1	40.5	68.1	133.6	201.7
1988	0	1878	0	19.6	0	64.6	64.6
1989	3417	2742	47.5	28.6	107.4	94.3	201.7
1994	1055	228	14.7	2.4	33.2	7.8	41.0

17. Protestant Splendid Acres Water & Sewer Association diverts water from two deep wells drilled into the regional aquifer to total depths of 500 feet and 550 feet. One of the wells is within 1/4 mile of the applicant's proposed well. The association is concerned that the new well might cause injury to its use of water. Some of the association members also have shallow wells.

18. Recharge of water to the shallow perched aquifer which underlies much of the Mountain Home area is from Rattlesnake Creek, Canyon Creek, leakage from the Mountain Home Reservoir and application of irrigation water in the general area. The regional water table occurs at a much greater depth (approximately 300 to 400 feet) in the basalts beneath Mountain Home. The general direction of ground water flow in the area is to the south and southwest.

19. The perched aquifer exists due to widespread clay interbeds between basalt flows underlying the Mountain Home area. Some water in the perched aquifer recharges the deeper perched aquifer due to downward movement from the perched system.

20. A number of shallow wells in the Mountain Home area have been deepened during the past decade primarily due to effects of the drought. In general, water available from the perched aquifer is more limited in extent and is less reliable during the irrigation season than water in the deeper regional aquifer.

21. The proposed change of diversion from the perched aquifer to the deeper regional aquifer will improve water availability for other existing users of the shallow perched aquifer.

CONCLUSIONS OF LAW

1. Section 42-202, Idaho Code, provides in pertinent part as follows:

In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of the land proposed to be irrigated, with the total acreage to be reclaimed as near as may be; provided, that no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second of the normal flow for each fifty (50) acres of land to be so irrigated unless it can be shown to the satisfaction of the department of water resources that a greater amount is necessary.

2. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

3. Section 42-229, Idaho Code, provides in pertinent part as follows:

The right to the use of ground water of this state may be acquired only by appropriation. Such appropriation may be perfected by means of the application permit and license procedure as provided in this act; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act {March 23, 1963} it may be perfected under such method of appropriation. (Bracketed material added).

4. Section 42-1426, Idaho Code, provides in pertinent part as follows:

Enlargements have been done with the knowledge of other water users, and water has been distributed based upon the right as enlarged. Junior water users made appropriations based upon a water system that reflected these enlarged uses. Thus the legislature further finds and declares that it is in the public interest to waive the mandatory permit requirements for these enlargements in use prior to the commencement of a general adjudication, so long as such enlargements in use did not increase the rate of diversion of the original water right or exceed the rate of diversion for irrigation provided in section 42-202, Idaho Code, after the enlargement of use, and the enlargement of use did not reduce the quantity of water to other water rights existing on the date of the enlargement in use.

5. Water diverted from the trench wells by the applicant and the applicant's predecessors provides a supplemental source of water which only when combined with water delivered by the Mountain Home Irrigation District provided sufficient water for the irrigation of the applicant's property.

6. The rate of flow measured from the applicant's wells during the summer of 1995 was conducted when the trench wells contained stored water, and hence, the measured discharge rate of 4.34 cfs is not a sustainable rate of flow available from the wells on a continuous basis.

7. The perched aquifer and regional aquifer are interconnected, but the degree of interconnection at a specific location in the Mountain Home area is not known. This is the case since the downward movement of water is directly affected by the location and nature of the clay interbeds encountered above the regional aquifer. The widely differing water levels in wells in close proximity to each other also indicate differences in location of clay interbeds and the degree of downward water movement.

8. The applicant's right to use the trench wells for supplemental irrigation of the applicant's property should be determined in terms of the largest volume of water the applicant or her predecessors have diverted from the wells. The largest volume of water, according to the records available, was 256 AF of water which was diverted from the wells in 1985.

9. The proposed transfer will not injure other water rights if the change is properly conditioned and limited as shown below.

10. The proposed change will not constitute an enlargement in use of the original right if the applicant does not divert more water than the maximum volume which has been diverted from the trench wells for supplemental irrigation use, as conditioned below.

11. The proposed transfer does not conflict with the local public interest.

12. The application is consistent with the conservation of water resources within Idaho.

13. The department should approve the application with certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 4552 involving SRBA Claim Nos. A61-10196 and A61-10197 is **APPROVED** subject to the following conditions and limitations:

1. For land in the NE1/4 Section 12, the following shall apply:

- a) The priority of use shall not be earlier than April 1, 1940.
- b) The amount of irrigated land shall not exceed 150.9 acres. (See application form).
- c) The maximum rate of diversion for irrigation purposes when combined with all other water rights for irrigation of the same land shall not exceed a total of 150.9 acres at 0.02 cfs/acre = 3.02 cfs. The maximum authorized rate of diversion for stockwater shall not exceed 0.03 cfs, for a combined irrigation and stockwater rate of 3.05 cfs.
- d) The maximum annual volume of water which may be diverted under this transfer approval for irrigation and stockwater purposes shall not exceed 256 AF. Of this volume, 1.4 AF is for stockwater.

- e) The authorized season of use for irrigation is April 1 to October 31 each year and for stockwater is year-round.

2. For land in the NW1/4 Section 12, the following shall apply unless the SRBA court determines that the applicant has not established a right, or has established a right different than herein described, to use water pursuant to Section 42-1426, Idaho Code.

- a) The priority of use shall not be earlier than April 1, 1966.
- b) The amount of irrigated acreage in the NW1/4 Section 12 shall not exceed 155.8 acres. (See application form).
- c) The rate of diversion when combined with the rate of diversion to the NE1/4 Section 12 shall not exceed 3.05 cfs.
- d) The maximum annual volume of water which may be diverted under this approval when combined with the volume authorized for diversion to the NE1/4 Section 12 shall not exceed a total of 256 AF.
- e) The season of use for irrigation purposes is April 1 to October 31 each year.
- f) The NW1/4 Section 12 is an authorized place of use for stockwater, however, a rate and volume for stockwater in excess of that described in Condition of Approval No. 1. above is not authorized.

3. Upon completion of the drilling of the newly proposed well, the right holder is no longer authorized to divert water from the two (2) original trench wells.

4. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

5. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on the well to measure both the instantaneous rate of diversion and total annual volume of water diverted from the well. The right holder shall obtain prior approval from the department relative to the type of device and shall annually report to the department the maximum rate of diversion, the depth to water prior to commencement of pumping each season, the depth to water during the pumping period and the annual volume diverted.

6. This approval authorizes stockwater for a total of 100 range cattle.

7. The right holder and any successor-in-interest shall maintain ownership and control of all shares of water provided by the Mountain Home Irrigation District for irrigation of the NE1/4 Section 12, T4S, R6E, B.M.

8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights can not be delivered to the right holder.

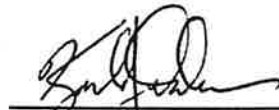
9. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land nor more than 4.0 AF per acre per year.

10. The change authorized by this approval shall be accomplished within two (2) years of the date of this order.

11. Failure of the right holder or any successor-in-interest to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.

12. Approval of this transfer does not confirm the water right(s) claimed and does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

DATED this 14th day of February, 1996.



KARL J. DREHER, Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of February, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Victoria Hofer
710 S 10th E
Mountain Home, ID 83647

Splendid Acres Water & Sewer
205½ Sunrise Dr.
Mountain Home, ID 83647

Charles Olsen
Rt. 1 Box 777 E
Mountain Home, ID 83647

Ron Leydet
P.O. Box 521
Mountain Home, ID 83647

Philip Miller Esq.
THOMPSON ASHCROFT BURNHAM
P.O. Box 506
Mountain Home, ID 83647



JULIE L. YARBROUGH
Senior Secretary

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Victoria Hofer Phone 587-9643
Post Office address 710 S. 10th E. Mtn Home ID 83647

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Proposes to Abandon 2 shallow wells (about 20' deep) & replace with a single deep well (about 600' deep) due to continued declining output of existing shallow diversions.

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|-----------------|-------------------------|-------------------|----------------------------|
| <u>A61-10196</u> | <u>4/1/1930</u> | <u>1.43</u> <u>1.43</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| | | <u>.033</u> | <u>Stockwater</u> | <u>1/1</u> to <u>12/31</u> |
| <u>A61-10197</u> | <u>4/1/1930</u> | <u>3.01</u> <u>3.01</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| | | <u>.033</u> | <u>Stockwater</u> | <u>1/1</u> to <u>12/31</u> |
- Total amount of water being transferred 4.44 cubic feet per second and/or _____ acre-feet per annum.
- Source of water groundwater tributary to _____

* 4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>-</u>	<u>-</u>	<u>SW</u>	<u>NE</u>	<u>12</u>	<u>45</u>	<u>6E</u>	<u>E/more</u>	<u>Deep well shown as #3 on map (pg. 7 of appl)</u>

* 5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>45</u>	<u>6E</u>	<u>12</u>	<u>38.4</u>	<u>38.4</u>	<u>38.4</u>	<u>35.7</u>	<u>39.2</u>	<u>38.4</u>	<u>29.3</u>	<u>38.9</u>									<u>306.7</u>

* NOTE SAME P/O & P/L for both claims for irrigation; Stockwater p/L per claim noted above.

Total acres 306.7

PART 1**6. General Information:**

a. Description of diversion system Replace 2 shallow wells with having permea water after
5 6" discharge pipes with deep well, pump(s) & mainline.

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

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

no change in irrigated acres.
NOTE - both claims listed 315 acres but 10/12/94 SRBA
exam confirmed 306.7 acres as shown on pg. 1 of
Application. Stockwater plus also will not change.

d. Remarks:

Drilling Permit Appl. is pending at Western Region.
Applicant must also submit 2 well abandonment applications in
this process (This done - these apps with drilling ap.)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

PART 3**B. CHANGES IN NATURE OF USE** - N/A

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

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

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

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

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

Victoria Hagen

(Signature of Applicant)

Subscribed and sworn to before me this

6

day of

FEB., 19 95Ron Howerton

Residing at Boise, Idaho

My Commission Expires December 8, 2000

My commission expires _____

Ron Howerton

(Notary Public)

FOR DEPARTMENT USE ONLYTransfer contains 8 pages and 3 attachmentsReceived by RH Date Feb. 6, 1995

Protest filed by _____

Prelim. check by _____ Fee \$100Receipted by RH Date Feb 6, 1995Published in 2018571 14:13

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

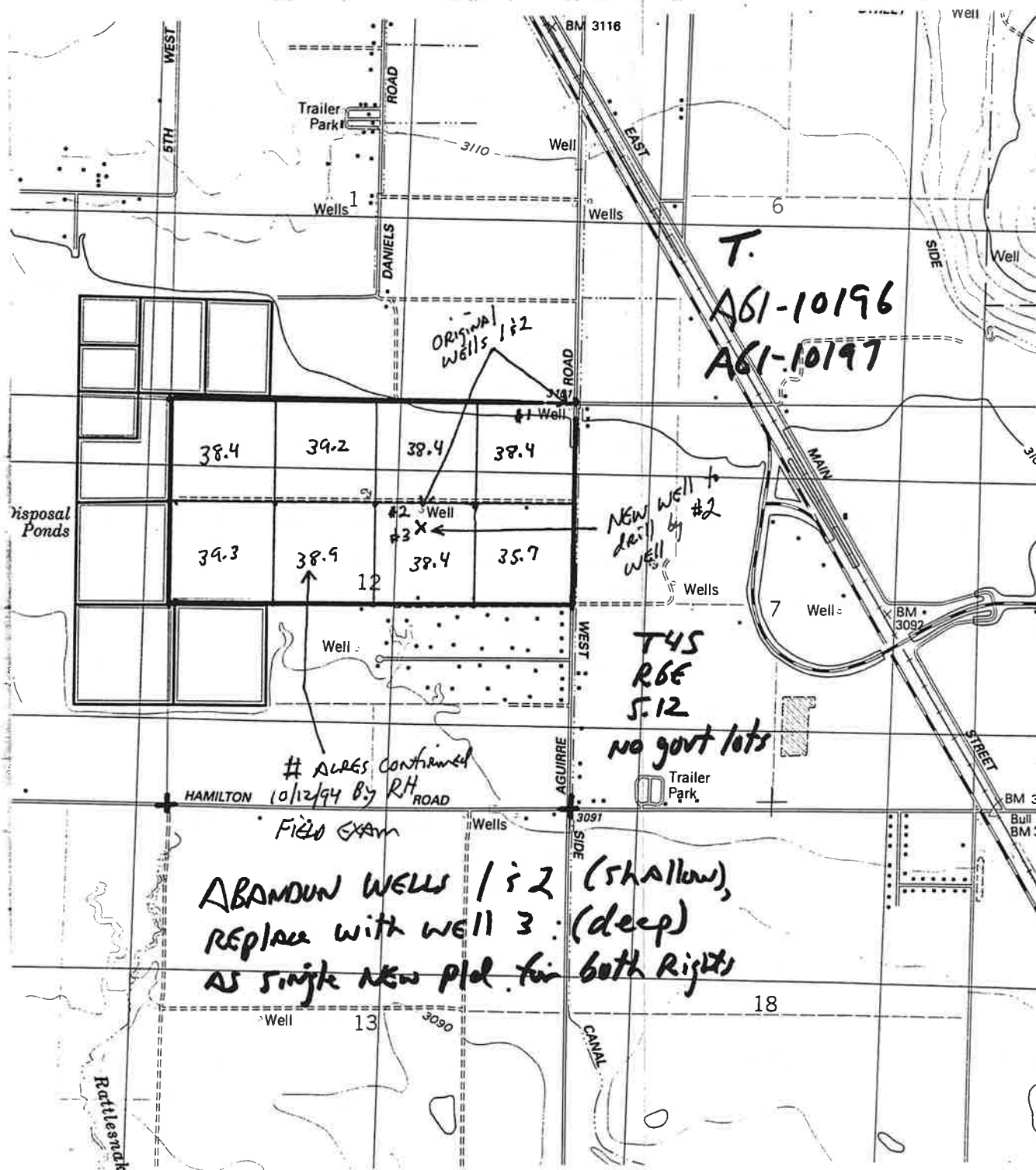
_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

Page 5 of 8

DIVERSION
VOLUME

3.01 CFS
0.03 CFS

3.01 CFS

Stage: BENEFICIAL USE

ELMORE County

SE

TOTAL ACRES

SE

Other Water Rights with Same Point(s) of Diversion and Source:

A61-00010	A61-00051	A61-00051A	A61-00263	A61-00264	A61-00266	A61-10196	A61-10198	A61-10417	A61-10419
A61-10421	A63-02188	A63-02214	A63-19893	A63-20139					

Field Inspection Flag:
Presumption Flag:

Amended

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Cy4APPLICANT HOFER

1. Right number 61-10196/10197
2. Type of right: ☐ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☒ Change of point of diversion ☐ Add diversion point(s) ☐ Change of place of use
☐ Change nature of use ☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use ☒ SRBA claim

b. ☒ Description of original point of diversion.c. ☒ Description of original place of use.Sent to Sue ☒

5. Amount of land &/or water transferred:

a. ☒ All of right.b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).c. ☒ Check description of point(s) of diversion.d. ☒ Check description of place of use.e. ☒ Check map (shows p.d. and p.u. after transfer).f. ☒ Check for correct signature, notarization, and fee.N/A g. ☒ Check proof of ownership of right &/or land from which water is transferred.h. ☒ Check for expansion in use of right. Comments Possible greater availability of flows from deeper aquifer - No expansion in acresi. ☐ Check for existing water rights from same source, on land water is being transferred to.Right number(s) No overlaps except with waterwater/MH Irrigationj. ☒ SRBA claim. Comments SRBA Exam conducted 10/12/94. Transfer filed based on exam results for 4 acres.k. ☐ Is use within Water District?☐ Yes☒ No groundwater

If yes, what district? _____

Comment letter sent ☐ Yes ☐ Nol. ☐ Legal notice electronically transmitted to DWR03::Vault?

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve2. ☐ Deny

3. Conditions* _____

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4552
CLAIM NO(S). A61-10196/A61-10197

This is to certify that: VICTORIA HOFER
710 S 10TH E
MOUNTAIN HOME ID 83647

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Claim No. A61-10196 :			
IRRIGATION	04/01 to 10/31	3.02 CFS	254.6 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.4 AF
Priority: 04/01/1940*			
TOTAL:		3.05 CFS	256.0 AF
Claim No. A61-10197 :			
IRRIGATION	04/01 to 10/31	3.02 CFS	254.6 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.4 AF
Priority: 04/01/1966*			
TOTAL:		3.05 CFS	256.0 AF
COMBINED TOTAL:		3.05 CFS	256.0 AF

*Until and unless determined otherwise by the Snake River Basin Adjudication Court.

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 12, Township 04S, Range 06E
ELMORE County

Claim No. A61-10196 :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	06E	12	NENE 38.4	NWNE 38.4	SWNE 38.4	150.9
			SENE 35.7			150.9
Total number of acres irrigated:						150.9

PLACE OF USE: STOCKWATER, same as IRRIGATION use

TRANSFER NO. 4552
CLAIM NO(S). A61-10196/A61-10197

Claim No. A61-10197 :

PLACE OF USE: IRRIGATION

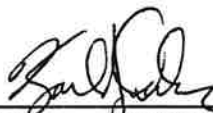
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	06E	12	NENW 39.2	NWNW 38.4	SWNW 39.3	155.8
			SEnw 38.9			155.8
Total number of acres irrigated:						155.8

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Claim Nos. A61-10196 and A61-10197 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4552.

Dated this 14th day of February, 1996.



KARL J. DREHER, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

RECEIVED

JAN 08 1996

**WATER RESOURCES
WESTERN REGION**

January 5, 1996

RE: In the Matter of Application for Transfer No. 4552
of Snake River Basin Adjudication Claims Nos. A61-
10196 and A61-10197 in the name of Victoria Hofer

Dear Interested Parties:

I have enclosed a copy of the **ORDER PARTIALLY
APPROVING PETITION FOR RECONSIDERATION** submitted by the
protestants on December 29, 1995.

If you have any questions regarding the enclosed
order, please feel free to contact me at (208)327-7900.

Sincerely,

**JULIE L. YARBROUGH
Senior Secretary**

Enclosure

cc: IDWR - Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4552 OF SNAKE RIVER)
BASIN ADJUDICATION CLAIMS NOS.)
A61-10196 AND A61-10197 IN THE)
NAME OF VICTORIA HOFER)
_____)

**ORDER PARTIALLY
APPROVING PETITION FOR
RECONSIDERATION**

On December 19, 1995, the Idaho Department of Water Resources (department) issued a Recommended Order in connection with Application for Transfer No. 4552 of Snake River Basin Adjudication Claim Nos. A61-10196 and A61-10197 in the name of Victoria Hofer (applicant).

On December 29, 1995, protestants Ron Leydet, Charles Olson and Splendid Acres Water & Sewer Association filed a Petition for Reconsideration (petition) with the hearing officer.

The hearing officer responds to the matters raised in the petition as follows:

1.a. - Finding of Fact No. 7. - Applicant's Exhibit B shows that deeds conveying land in the NE1/4 Section 12, T4S, R6E, B.M. were issued to Victor Aguirre in 1945. The testimony at the hearing, however, was that Aguirre constructed two (2) trench wells and used them as a source of water for irrigation of the land under his control in 1940. Since Aguirre was irrigating the land prior to the time deeds to the land were issued, a change to the finding is not appropriate.

1.b. - Finding of Fact No. 12. - Protestant's Exhibit 1 represents Elmore County's tax assessment of the Aguirre land. The estimate of irrigated land in the NW1/4 Section 12 by the tenant on the land for fourteen (14) years is more persuasive as to the amount of land irrigated than the county's assessment notice. A change to the finding is not appropriate.

1.c. - Finding of Fact No. 15. - The extent of beneficial use of water diverted as a supplemental supply should be based on the amount of water used in the past. An entitlement determined by averaging water diversions during several years will not allow the applicant enough supplemental water for a critically dry year up to the maximum amount of supplemental water which has been diverted in the past. The authorized season of use is whenever the water can be beneficially used during the irrigation season. A change to the finding is not appropriate.

1.d. - Finding of Fact No. 16. - Neither the applicant nor the protestants provided detailed information relative to pumping head or that ten (10) feet is not a representative head. The head used in the computations is the average between zero (0) head and twenty (20) feet of head. No information has been provided to justify a change to the finding.

1.e. - Condition of Approval 1.c. - There is no practical means or reason to specify when the applicant should divert and use water under the approved water right provided the use is in compliance with the water right. A change to the condition is not appropriate.

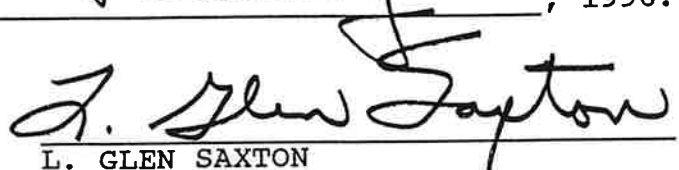
1.f. - Condition of Approval 3. - The condition requires that the applicant is no longer authorized to divert water from the two (2) trench wells upon the drilling of the newly proposed well. In order to use the original trench wells or to construct new trench wells for use, the applicant would need to apply for a transfer seeking to establish the trench wells as authorized points of diversion. The choice to fill in the trench wells or leave them as they are should be up to the owner of the land and the trench wells. A change to the condition is not appropriate.

1.g. - Condition of Approval 5. - The department will change this condition of approval in the Final Order to also require the applicant to provide a depth to water measurement prior to the commencement of pumping of the well each season and a depth to water measurement during the pumping period. Such reported data is public information and is available for review in department records.

1.h. - Condition of Approval 7. - There was conflicting testimony relative to the number of shares provided to the applicant by the Mountain Home Irrigation District (District). The department will change the condition of approval, however, in the Final Order to require the applicant to maintain ownership and control of "all" shares of water provided by the District for use on the NE1/4 Section 12, T4S, R6E, B.M.

2. The requested testing is denied, since the protestants did not provide a suitable reason why testing beyond that already conducted by the applicant is justified.

Dated this 5th day of January, 1996.


L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of January, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
ORDER PARTIALLY APPROVING PETITION FOR RECONSIDERATION to the
following:

Victoria Hofer
710 S 10th E
Mountain Home, ID 83647

Splendid Acres Water & Sewer
205½ Sunrise Dr.
Mountain Home, ID 83647

Charles Olsen
Rt. 1 Box 777 E
Mountain Home, ID 83647

Ron Leydet
P.O. Box 521
Mountain Home, ID 83647

Philip Miller Esq.
THOMPSON ASHCROFT BURNHAM
P.O. Box 506
Mountain Home, ID 83647


JULIE L. YARBROUGH
Senior Secretary



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

DEC 20 1995

WATER RESOURCES
WESTERN REGION

December 19, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Application for Transfer No. 4552 of the Snake River Basin Adjudication Claim Nos. A61-10196 and A61-10197 in the name of Victoria Hofer

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4552 OF SNAKE RIVER)
BASIN ADJUDICATION CLAIM NOS.)
A61-10196 AND A61-10197 IN THE)
NAME OF VICTORIA HOFER)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On February 6, 1995, Victoria Hofer (applicant) filed Application for Transfer No. 4552 (application) involving Snake River Basin Adjudication (SRBA) Claim Nos. A61-10196 and A61-10197 with the department. The applicant proposes to drill an irrigation well into the deeper regional aquifer in the SW1/4NE1/4 Section 12, T4S, R6E, B.M. to replace two (2) shallow irrigation wells commonly referred to as "trench wells". The trench wells are about 20 feet deep and the claimed priority of use is April 1, 1930. The applicant proposes to drill the replacement well to a depth of about 600 feet. (Note: All specific land descriptions in this Recommended Order are located within T4S, R6E, B.M.).

2. The department subsequently advertised the application which was protested by Charles J. Olson, Splendid Acres Water & Sewer Association c/o Rick Clendenning and Ron Leydet.

3. On November 28, 1995, the department conducted a hearing in the matter in Mountain Home, Idaho. The applicant was present and was represented by Philip R. Miller, attorney at law. Protestants Charles J. Olson, Rick Clendenning for Splendid Acres Water & Sewer Association and Ron Leydet were present and represented themselves.

4. Issues raised by the Protestants include the following:

- a. The proposed changes will injure other water rights.
- b. The proposed changes will constitute an enlargement in use of the original right.

5. Exhibits offered and accepted as a part of the record include the following:

- a. Applicant's Exhibit A - Application for Transfer No. 4552.
- b. Applicant's Exhibit B - Lease and Ownership documents.
- c. Applicant's Exhibit C - Corporation Warranty Deed from the City of Mountain Home to John Victor Aguirre dated February 12, 1979.
- d. Applicant's Exhibit D - IDWR Adjudication Claim Profile Reports.
- e. Applicant's Exhibit E - Letter dated February 1, 1995 to Victoria Hofer from Steve Lester.
- f. Applicant's Exhibit F - Letter dated April 12, 1995 from John J. Barrutia.
- g. Applicant's Exhibit G - Statement of Fred Hines dated May 12, 1995.
- h. Applicant's Exhibit H - Statement of Rex C. Kite dated April 25, 1995.
- i. Applicant's Exhibit I - Idaho Power Company Power Line Easement dated January 22, 1940.
- j. Applicant's Exhibit J. - Photograph of irrigated land.
- k. Applicant's Exhibit K - Well Flow Evaluation Project.
- l. Applicant's Exhibit L - Photographs of discharge from trench wells.
- m. Applicant's Exhibit M - Miscellaneous Power Records for the applicant's wells - 1981 thru 1995.
- n. Applicant's Exhibit N - Letter dated May 30, 1995 to Victoria Hofer from Sherl L. Chapman.
- o. Applicant's Exhibit O - Statement of Robert Korb Regarding the Development of Wells on the Victor Aguirre Farm.
- p. Applicant's Exhibit P - Agreement for Sale of Real Property.
- q. Applicant's Exhibit Q - Lease between City of Mountain Home and Mrs. Maria Aguirre and John Aguirre, dated January 24, 1966.
- r. Protestant's Exhibit 1 - Tax Assessment Notice dated June 1994 for N1/2 Section 12, T4S, R6E, B.M.
- s. Protestant's Exhibit 2 - Illustrations depicting land transactions in connection with the NE1/4 Section 12.

- t. Protestant's Exhibit 3 - Pump Test Summary.
- u. Protestant's Exhibit 4 - Well Driller's Report for David Olson.
- v. Protestant's Exhibit 5 - Parma Water Lifter Information.
- w. Protestant's Exhibit 6 - Well Driller's Report - Charles Olson.
- x. Protestant's Exhibit 7 - Basis of Protest - Forrest Freer.
- y. Protestant's Exhibit 8 - Idaho Power Records of Forrest Freer - (Summary of power used at trench wells from 1967 to 1994.
- z. Protestant's Exhibit 9 - Idaho Power Company billings for Forrest Freer's trench wells.
- aa. Protestant's Exhibit 10 - Certificate of Owners signed by Donn L. Dahl and Robert C. Nack.
- bb. Protestant's Exhibit 11 and 12 - Warranty Deed.
- cc. Protestant's Exhibit 13 and 14 - Warranty Deed.
- dd. Protestant's Exhibit 15 - Deed of County Property.
- ee. Protestant's Exhibit 16 - Idaho Power Company Records for the applicant's wells.

6. Notices of Claims to a Water Right filed by the applicant in the SRBA claim the following:

Ident no.: A61-10196
Source: Groundwater
Priority: April 1, 1930
Rate of div: 1.43 cubic feet per second (cfs)
Use: Irrigation - 315 acres
Stockwater - 100 head beef cattle
Pt of div: NE1/4NE1/4 and SW1/4NE1/4 Sec. 12
Place of use: N1/2 Sec. 12

Ident no.: A61-10197
Source: Groundwater
Priority: April 1, 1930
Rate of div: 3.01 cfs
Use: Irrigation - 315 acres
Stockwater - 100 head beef cattle
Pt of div: NE1/4NE1/4 and SW1/4NE1/4 Sec. 12
Place of use: N1/2 Sec. 12

7. The northeast 160 acres of the applicant's property (NE1/4 Section 12) was acquired by the applicant's father, Victor

Aguirre (Aguirre), in 1939. In 1940, Aguirre constructed and diverted water from two (2) trench wells, one being located in the NE1/4NE1/4 Section 12 and the other located in the SW1/4NE1/4 Section 12. Mountain Home Irrigation District delivers water to this 160 acre tract at 3 acre feet (AF) per acre when the water is available.

8. Beginning in 1966, John Aguirre (son of Victor Aguirre) leased 160 acres in the NW1/4 Section 12 from the City of Mountain Home (city) and in June 1969, entered into an agreement with the city to purchase the tract. On February 12, 1979, the city issued a warranty deed to John Aguirre for the tract.

9. At the hearing held on November 28, 1995, the applicant stipulated that the priority of use of water diverted from the trench wells for irrigation of the land in the NE1/4 Section 12 should be 1940, rather than 1930 as previously claimed. The applicant also stipulated that the priority of use of water from the trench wells on the land in the NW1/4 Section 12 was not 1930 as previously claimed and stated that the priority could be no earlier than 1966. The applicant has not filed amended SRBA claims but plans to do so.

10. Trench wells are commonly used in the Mountain Home area and consist of excavations to a depth of approximately 20 feet creating a trench to expose water. The trenches vary in length up to 1/2 mile and provide water from the "perched aquifer" which lies under the Mountain Home area including the applicant's property. The wells store some ground water. Once this stored water is pumped out, usually within a few hours, the water levels in the trenches decrease with a subsequent decrease in the diversion rate which can be pumped from the trench wells.

11. Bob Korb (Korb), the renter of the applicant's property from 1980 to 1994 commingled water diverted from the trench wells with water delivered by the Mountain Home Irrigation District and used the combined water for irrigation of the applicant's land.

12. Korb estimates that in 1980, when he first rented the applicant's land, about 120 acres of the NW1/4 of Section 12 had been previously irrigated by predecessors. He rebuilt the pumps which diverted water from the trench wells but did not change them. He also subsequently improved the land by leveling and filling depressions and draws so that he could irrigate additional land in the NW1/4 Section 12.

13. During the summer of 1995, the rates of flow diverted from the applicant's trench wells by a Parma Water Lifter pump with a 3.0 horsepower (HP) motor and a Parma Water Lifter pump with a 7.5 HP motor were measured to be a total of approximately 4.34 cfs. The static water level in the trench well located in the NE1/4NE1/4 Section 12 was 52 inches which drew down to 96 inches. The static water level in the trench well located in the SW1/4NE1/4 Section 12 was 98 inches which drew down to 120 inches. The pumping was conducted over a 20 to 30 minute period.

14. The owner of three (3) trench wells near the applicant's property testified that it takes several hours of pumping to remove stored water from the wells and to obtain a sustainable rate of diversion. The sustainable rate is much less than the initial rate of flow which can be pumped from the wells.

15. The amount of power used to pump water from the applicant's trench wells is as follows:

YEAR	KWH
1981	5,350
1982	-----
1983	2,106
1984	859
1985	7,794
1986	6,050
1987	-----
1988	1,878
1989	6,159
1990	-----
1991	-----
1992	-----
1993	-----
1994	1,283

Note: The designation of "-----" above indicates that the KWH hour information is not available and does not mean that pumping did not occur in a particular year for which KWH are not shown.

16. Using the assumptions described below, the annual volumes of water pumped for the applicant's wells are estimated to be as follows:

ASSUMPTIONS:

a) Consider the Idaho Power Company power consumption records as representative of the applicant's past water use from the trench wells, (See Protestant's Exhibit 16).

b) Assume a pump-motor efficiency of 40% for the 3.0 HP and 7.5 HP Parma Water Lifter pump-motor systems of the applicant, (See Protestant's Exhibit No. 5).

c) Assume a fixed pumping head (lift) of 10 feet.

d) Based on actual Idaho Power Co. records, assume a 4.0 KW maximum demand for the 7.5 HP motor and a 3.0 KW maximum demand for the 3.0 HP motor. (See Protestant's Exhibit 16).

e) Calculate volume using the following equations,

$$Q = \text{HP}(8.8)e/H, \quad V = 2Qt, \quad t = \text{KWH}/(\text{KW} \times 24)$$

where Q = discharge in cfs
 HP = horsepower
 e = efficiency
 H = head in feet
 V = volume in Acre feet (AF)
 t = time in days
 KWH = kilowatt hours
 KW = kilowatts

VOLUME CALCULATIONS:

Based on the assumptions described above and upon information provided at the hearing, the department has calculated the total volumes shown below:

<u>Year</u>	<u>Energy Use (KWH)</u>		<u>Time (Days)</u>		<u>Volume (AF)</u>		<u>Total Vol</u> <u>AF</u>
	3HP	7.5HP	3HP	7.5HP	3HP	7.5HP	
1981	1970	3380	27.4	35.2	61.9	116.2	178.1
1983	1876	230	26.1	2.4	59.0	7.9	66.9
1984	859	0	11.9	0	27.0	0	27.0
1985	3934	3860	54.6	40.2	123.7	132.8	256.5
1986	2165	3885	30.1	40.5	68.1	133.6	201.7
1988	0	1878	0	19.6	0	64.6	64.6
1989	3417	2742	47.5	28.6	107.4	94.3	201.7
1994	1055	228	14.7	2.4	33.2	7.8	41.0

17. Protestant Splendid Acres Water & Sewer Association diverts water from two deep wells drilled into the regional aquifer to total depths of 550 feet and 500 feet. One of the wells is within 1/4 mile of the applicant's proposed well. The association is concerned that the new well might cause injury to its use of water. Some of the association members also have shallow wells.

18. Recharge of water to the shallow perched aquifer which underlies much of the Mountain Home area is from Rattlesnake Creek, Canyon Creek, leakage from the Mountain Home reservoir and application of irrigation water in the general area. The regional water table occurs at a much greater depth (approximately 300 to 400 feet) in the basalts beneath Mountain Home. The general direction of ground water flow in the area is to the south and southwest.

19. The perched aquifer exists due to widespread clay interbeds between basalt flows underlying the Mountain Home area. Some water in the perched aquifer recharges the deeper perched aquifer due to downward movement from the perched system.

20. A number of shallow wells in the Mountain Home area have been deepened during the past decade primarily due to effects of the drought. In general, water available from the perched aquifer is more limited in extent and is less reliable during the irrigation season than water in the deeper regional aquifer.

21. The proposed change of diversion from the perched aquifer

to the deeper regional aquifer will improve water availability for other existing users of the shallow perched aquifer.

CONCLUSIONS OF LAW

1. Section 42-202, Idaho Code, provides in pertinent part as follows:

In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of the land proposed to be irrigated, with the total acreage to be reclaimed as near as may be; provided, that no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second of the normal flow for each fifty (50) acres of land to be so irrigated unless it can be shown to the satisfaction of the department of water resources that a greater amount is necessary.

2. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

3. Section 42-229, Idaho Code, provides in pertinent part as follows:

The right to the use of ground water of this state may be acquired only by appropriation. Such appropriation may be perfected by means of the application permit and license procedure as provided in this act; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act {March 23, 1963} it may be perfected under such method of appropriation. (Bracketed material added).

4. Section 42-1426, Idaho Code, provides in pertinent part as follows:

Enlargements have been done with the knowledge of other water users, and water has been distributed based upon the right as enlarged. Junior water users made appropriations based upon a water system that reflected these enlarged uses. Thus the legislature further finds and declares that it is in the public interest to waive the mandatory permit requirements for these enlargements in use prior to the commencement of a general adjudication, so long as such enlargements in use did not increase the rate of diversion of the original water right or exceed the rate of diversion for irrigation provided in

section 42-202, Idaho Code, after the enlargement of use, and the enlargement of use did not reduce the quantity of water to other water rights existing on the date of the enlargement in use.

5. Water diverted from the trench wells by the applicant and the applicant's predecessors provides a supplemental source of water which only when combined with water delivered by the Mountain Home Irrigation District provided sufficient water for the irrigation of the applicant's property.

6. The rate of flow measured from the applicant's wells during the summer of 1995 was conducted when the trench wells contained stored water, and hence, the measured discharge rate of 4.34 cfs is not a sustainable rate of flow available from the wells on a continuous basis.

7. The perched aquifer and regional aquifer are interconnected, but the degree of interconnection at a specific location in the Mountain Home area is not known. This is the case since the downward movement of water is directly affected by the location and nature of the clay interbeds encountered above the regional aquifer. The widely differing water levels in wells in close proximity to each other also indicate differences in location of clay interbeds and the degree of downward water movement.

8. The applicant's right to use the trench wells for supplemental irrigation of the applicant's property should be determined in terms of the largest volume of water the applicant or her predecessors have diverted from the wells. The largest volume of water, according to the records available, was 256 AF of water which was diverted from the wells in 1985.

9. The proposed transfer will not injure other water rights if the change is properly conditioned and limited as shown below.

10. The proposed change will not constitute an enlargement in use of the original right if the applicant does not divert more water than the maximum volume which has been diverted from the trench wells for supplemental irrigation use, as conditioned below.

11. The proposed transfer does not conflict with the local public interest.

12. The application is consistent with the conservation of water resources within Idaho.

13. The department should approve the application with certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 4552 involving SRBA Claim Nos. A61-10196 and A61-10197 is **APPROVED** subject to the following conditions and limitations:

1. For land in the NE1/4 Section 12, the following shall apply:

- a) The priority of use shall not be earlier than April 1, 1940.
- b) The amount of irrigated land shall not exceed 150.9 acres. (See application form).
- c) The maximum rate of diversion for irrigation purposes when combined with all other water rights for irrigation of the same land shall not exceed a total of 150.9 acres at 0.02 cfs/acre = 3.02 cfs. The maximum authorized rate of diversion for stockwater shall not exceed 0.03 cfs, for a combined irrigation and stockwater rate of 3.05 cfs.
- d) The maximum annual volume of water which may be diverted under this transfer approval for irrigation and stockwater purposes shall not exceed 256 AF. Of this volume, 1.4 AF is for stockwater.
- e) The authorized season of use for irrigation is April 1 to October 31 each year and for stockwater is year-round.

2. For land in the NW1/4 Section 12, the following shall apply unless the SRBA court determines that the applicant has not established a right, or has established a right different than herein described, to use water pursuant to Section 42-1426, Idaho Code.

- a) The priority of use shall not be earlier than April 1, 1966.
- b) The amount of irrigated acreage in the NW1/4 Section 12 shall not exceed 155.8 acres. (See application form).
- c) The rate of diversion when combined with the rate of diversion to the NW1/4 Section 12 shall not exceed 3.05 cfs.
- d) The maximum annual volume of water which may be diverted under this approval when combined with the volume authorized for diversion to the NE1/4 Section 12 shall not exceed a total of 256 AF.
- e) The season of use for irrigation purposes is April 1 to October 31 each year.
- f) The NW1/4 Section 12 is an authorized place of use for stockwater, however, a rate and volume for stockwater in excess of that described in Condition of Approval No. 1. above is not authorized.

3. Upon completion of the drilling of the newly proposed well, the right holder is no longer authorized to divert water from the two (2) original trench wells.

4. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

5. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on the well to measure both the instantaneous rate of diversion and total annual volume of water diverted from the well. The right holder shall obtain prior approval from the department relative to the type of device and shall annually report the maximum rate of diversion and annual volume diverted to the department.

6. This approval authorizes stockwater for a total of 100 range cattle.

7. The right holder and any successor-in-interest shall maintain ownership and control of the 160 shares of water provided by the Mountain Home Irrigation District for irrigation of the NE1/4 Section 12, T4S, R6E, B.M.

8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.

9. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land nor more than 4.0 AF per acre per year.

10. The change authorized by this approval shall be accomplished within two (2) years of the date of this order.

11. Failure of the right holder or any successor-in-interest to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.

12. Approval of this transfer does not confirm the water right(s) claimed and does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

Dated this 19th day of December 1995.


L. GLEN SAXTON
Hearing officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19th day of December, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
RECOMMENDED ORDER to the following:

Victoria Hofer
710 S 10th E
Mountain Home, ID 83647

Splendid Acres Water & Sewer
205½ Sunrise Dr.
Mountain Home, ID 83647

Charles Olsen
Rt. 1 Box 777 E
Mountain Home, ID 83647

Ron Leydet
P.O. Box 521
Mountain Home, ID 83647

Philip Miller Esq.
THOMPSON ASHCROFT BURNHAM
P.O. Box 506
Mountain Home, ID 83647


JULIE L. YARBROUGH
Senior Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 1, 1995

Victoria Hofer
710 S. 10th E.
Mtn. Home, ID 83647

Re: Proposed Well Drilling Activity

Dear Victoria:

This office recently received your Application for Well Drilling Permit regarding a proposed irrigation well for your water rights claimed in the Snake River Basin Adjudication as nos. A61-10196 and A61-10197. As you know, an adjudication agent from this office conducted a field exam regarding these two claims on October 12, 1994.

He found two shallow wells that have produced 4.44 cfs for irrigation and stock uses in the north one-half of Section 12. Well #1 was shown in the NENE while well #2 was identified in the SWNE, both within Section 12. According to the information provided to the field examiner, you propose to replace the two shallow wells with one deep well. The deep well will be located near well #2 in SWNE, Section 12.

In order to approve the drilling permit application to allow well drilling to begin, you first need to change the two rights to authorize irrigation from a deep aquifer to replace use from the shallow aquifer. Public notice of the plan is needed due to ground water supply problems in the Mtn. Home area.

Two types of applications must be completed in this process. These are enclosed for your review and outlined below.

1. Application for Transfer of Water Right - Please refer to the enclosed application. This form is used to change the water rights from shallow pumping to deep pumping. Page 1 shows the result after the change. Pages 3 and 5 list the rights as currently recorded. A map of the plan is on page 7. Note that the bottom of page 1 lists 306.7 acres instead of the 315 acres claimed on pages 3 and 5. The field examiner can only recommend the 306.7 acres actually found to be irrigated by the two existing wells.

Basically, page 1 of the application shows the rights as they will be recommended by this office in the adjudication process. In your response to this letter, be sure to note any concerns that you might have regarding the information on page 1. This is a chance to correct any errors found.

Victoria Hofer
February 1, 1995
Page 2

If the transfer application looks accurate to you, a notarized signature is needed on page 8. The filing fee is \$100, part of which pays for the legal notice to be published by this office in the Mtn. Home newspaper.

- ✓ *
2. Application for Abandonment of a Well - It appears that the two old and shallow wells will be abandoned. Such work needs to meet well abandonment standards defined by Idaho law. Please complete items 6 through 9 on the two enclosed applications for abandonment. These can be returned with the transfer filing. No fee is needed for well abandonment applications.

Also enclosed are copies of the adjudication claims as recently amended by you. These are for your records. I looked for well logs for the old wells but did not find any -- they are probably too old for such records to exist.

When the completed applications are returned to me, the transfer filing will be advertised and the well abandonment applications will be handled with the drilling permit application already on file at this office. Once the transfer can be approved, the drilling permit can be issued and drilling can begin.

Your prompt response will speed the process along. Please call me at 334-2190 if I can help you with any of this material.

Sincerely,

Steve Lester
Steve Lester
Water Rights Supervisor

Enclosure

- * it want to keep use these wells,
- Original transfer as needed (living in state) for p/d
- See if RBW needs following of open (?) pit-type shallow wells.

↑
Instead
See 2/6/95
notes on
"Remarks" R. from
d'base T. 4552

MEMORANDUM

TO: STEVE
FROM: RON

DATE: 1-20-95

REF: Info to appropriation agent: To help process the well drilling permit for replacement of two existing wells:

Claims: A61-10196 & A61-10197 for Victoria Hofer, phone # (208) 587-9643 (SEE PROOFS FOR ADDRESS)

1. Attached is well data with system diagram & photo's.
2. Rob has the drilling application.
3. This is in the Mountain Home GMA thus special possible care should be taken on approval of this permit.

(See Dave T) He indicated that a transfer may need to be filed upon this to notify the public somehow rather than just approve it.

4. The replacement well is to be drilled next to well # 2, located in the SWNE, T4S, R6E, S12. This may not be correctly identified on the drilling application.
5. These are beneficial use claims, attached is a affidavit for both claims with proof of use and date of priority.

6. RECOMMENDATIONS:

TOTAL FLOW FOUND= 1990 GPM AT 4.44 CFS to be allowed to pump on new well.

Abandon old wells.

Attachments:

~~Proof Reports of claims~~

System diagram

Affidavit

Map showing location in MTN Home GWMA

Photo copies

Field notes & calculation of pump & well data

Copies of pump curves used

Attachment A

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NOS. A61-10196 and A61-10197
TRANSFER NO. 4552

Notice is hereby given that Victoria Hofer of Mountain Home, Idaho has applied to the Department of Water Resources to change the Point of Diversion and Source from a shallow aquifer to a deep aquifer under the following water right(s) pursuant to section 42-222 of Idaho Code.

WATER RIGHT AS CLAIMED IN THE SNAKE RIVER BASIN ADJUDICATION:

Right No.	A61-10196	A61-10197
Basis	Beneficial Use	Beneficial Use
Date of Priority	4/1/1930	4/1/1930
Source	Ground Water	Ground Water
Amount	1.43 cfs	3.01 cfs
Use	Irrigation and Stockwater	
Point of Div	NENE and SWNE Section 12, T04S R06E, Elmore County	
Place of Use	306.7 acres in N $\frac{1}{2}$ Section 12, T04S R06E (as determined from field inspection)	

THE FOLLOWING PORTION OF THE ABOVE RIGHT(S) TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 4552:

Point of Div/ Source	A new point of diversion in the form of a single deep well (600 ft) is to be drilled within SWNE Section 12, T04S R06E. Existing shallow wells (20 ft deep) to be abandoned.
-------------------------	--

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before March 6, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published in the Mountain Home News on February 15 and 22, 1995.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

VICTORIA HOFER
710 SOUTH 10TH EAST
MOUNTAIN HOME ID 83647

January 12, 1995

REF: AMENDED CLAIMS: A61-10196, A61-10197 TO SHOW BOTH POINTS
OF DIVERSION ON EACH CLAIM:

Dear Victoria,

1. During our telephone discussion earlier this month, we discussed that it would be an advantage to show both irrigation wells on each claim. Some of the benefits are:
 - a. It will be beneficial for figuring the total flow, and in recommending the entire irrigated place of use.
 - b. It may also be beneficial in filing the application permit to drill a replacement well for both of these wells.
2. You will need to sign each of the claims in front of a Notary and then the Notary will put their signature and seal on it.
3. Please return the amended claims signed and sealed by January 27, 1995.
4. If you have any questions about this letter, please do not hesitate to call.

Sincerely,


Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

CONVERSATION MEMORANDUM



Claim No' (s) A661-10196 A661-10197 _____

Subject: Advised claims / well permit

Agent: Ron Howerton

Date: 1-15-95

- 1) called me AT my Home on Sunday. She needed more info on why she was generating claim & amounts she could get from the new well if drilled.
- 2) Told her that her New well could only legally have the amounts that both wells together could produce.
- 3) She could get that info from Bob KORB (LEASER)

1-17-95

- 1) called VICTORIA, MADE APPOINTMENT TO RE-LOOK AT THE WELLS AGAIN USING Pump CURVES sent to me VIA FAX from RIVERSIDE INC. in Parma. SET-UP APPOINTMENT FOR 09:30 AM 18 JAN 95. She said Bob KORB would meet me at RANCHO HS.
- 2) POSSIBLY NEED TO AMEND THE CLAIMS BECAUSE SHE UNDER-CLAIMED THE AMOUNT OF CFS.
- 3) USING THERORETICAL HP EQUATION AND Pump CURVES TO JUSTIFY FLOW FOR LARGER THAN CLAIMED AMOUNTS.

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER AGI-00010, 51A, 10196, 10197 & 10198.
NAME OF CONTACT VICTORIA HOFER (VICKIE) & LEASER BOB KORB 587-9643
PHONE NO. 208-587-4624 ADJ. AGENT RON HOWERTON
DATE SET FOR EXAM 0900-OCTOBER 12th 1994
LOCATION BOISE TO GEAR JAMMER TURN SOUTH FOLLOW UNTIL
18th STREET, TURN SOUTH AGAIN. CROSS OVER R.R.
TRACKS ONTO AGWIKIE, GO APPROX 1-MILE HER
HOME IS BIG WHITE HS ON RHS OF ROAD. HAS
A DRIVEWAY BACK TO IT, WITH TREES SURROUNDING
Home.

Diverting at full rates? _____

Type of measuring devices? _____

Places to make measurements? _____

Type of system? (pipeline, ditches) _____

How many laterals are used? _____

Length and size of mainline? _____

Size of Motor used for each P/D? _____

Estimate of depth to water? _____

Pressure at well? _____

Pressure at sprinkler head? _____

COMMENTS VICKIE WILL HAVE THE MAN WHO LEASES THE
PROPERTY OUT & POSSIBLY SOMEONE TO SIGN AFFIDAVITS.
WATER IS CO-MINGLED WITH IRRIG. ^{Mtn Home} DIST. WATER.

6/9/94

RECEIVED

JUL 15 1994

WATER RESOURCES
WESTERN REGION

COMMUNICATION DOCUMENTATION

Claim No. A61-10195 to 10198

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

IDWR Employee/Agent R. McElarthy Date 7-1-94

Contact Person(s) Victoria Hofer

Nature of Contact office visit

Substance of Communication Ms. Hofer wishes to deepen her existing irrigation wells due to declining water levels. Her existing water use is represented by beneficial use claims in the SRBA only.

I explained the unsubstantiated nature of a BU claim, the need for evidence of priority and the field exam process.

Ms. Hofer plans to submit evidence of priority and may file a well drilling permit application in the future.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Date: July 1, 1994

CECIL D. ANDRUS
GOVERNOR

Victoria Hofer
710 S 10TH E
Mountain Home, Id 83647

R. KEITH HIGGINSON
DIRECTOR

RE: Field Exam Scheduling Letter for the following Adjudication Claims:

A61-00010, A61-00051A, A61-10196, A61-10197 & A61-10198.

Dear Victoria,

The Adjudication Staff of the Department of Water Resources will be conducting Snake River Basin Adjudication Claim Examinations for Elmore County from July through November 1994.

Information on your claim that may need to be verified includes, source(s) of water, uses and amounts, legal descriptions of point(s) of diversion, place of use and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication.

Although it is not mandatory that you accompany me, should questions arise during the exam, it would be most helpful for yourself or a knowledgeable representative to be available during the field exam. This will help in the accuracy of collecting specific information about your water right and speed up our findings.

I would appreciate your call **ASAP** to set-up a field exam date. I may also be calling to help speed up the scheduling due to the short field season this year.

If you have other questions prior to scheduling a date or about the field examination, feel free to call me on that too. **Please call today to set-up your exam!**

Sincerely,


Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

January 28, 1993

Re: Claim No(s). AL-10196

CECIL D. ANDRUS
GOVERNOR

AL-10197

R. KEITH HIGGINSON
DIRECTOR

AL-10198

VICTORIA HOFER
710 SOUTH 10TH EAST
MT HOME ID 83647

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area should be conducted this summer by Department personnel. Prior to conducting the field exams, we will contact you to discuss details and schedule a time convenient for you.

Please submit the required evidence supporting the priority date(s) by March 15, 1993, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the toll-free number listed on the back page of the pamphlet or the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

10/06/2000

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

RIGHT NUMBER: 61-10196

NAME AND ADDRESS: VICTOR HOFER
ALBERT HOFER JR
590 SAMARRA DR
MOUNTAIN HOME, ID 83647

SOURCE: GROUND WATER

QUANTITY: 3.05 CFS
256 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-10197 IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 3.05 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 256 AF

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION: T04S R06E S12 SWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.03 CFS
		1.4 AFY
IRRIGATION	4-01 10-31	3.02 CFS
		254.6 AFY

PLACE OF USE:

IRRIGATION Within ELMORE County

T04S R06E S12	NENE	40	T04S R06E S12	NWNE	40
T04S R06E S12	SWNE	38	T04S R06E S12	SENE	37
T04S R06E S12	NENW	40	T04S R06E S12	NWNW	40
T04S R06E S12	SWNW	40	T04S R06E S12	SENW	40

STOCKWATER Within ELMORE County

T04S R06E S12	NENE	T04S R06E S12	NWNE
T04S R06E S12	SWNE	T04S R06E S12	SENE
T04S R06E S12	NENW	T04S R06E S12	NWNW
T04S R06E S12	SWNW	T04S R06E S12	SENW

315 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 61-10197 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 306.7 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NOS. 61-10197 & 61-10198 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A SINGLE IRRIGATION SEASON

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.

STOCKWATER, 100 RANGE CATTLE RIGHT NO. 61-10197 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE

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

In Re SRBA

Case No. 39576

SUBCASE NO. 61-10196 & 61-10197

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

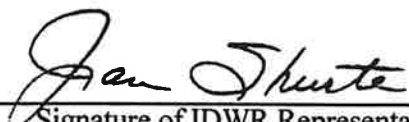
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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: October 6, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 6, 2000, 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:
Victoria Hofer
710 S 10th E
Mountain Home ID 83647
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Victor Hofer
Albert Hofer Jr
590 Samarra Dr
Mountain Home ID 83647
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
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 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED

OCT 04 2000

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPRECEIVED
RECEIVED
SEP 26 2000
SEP 26 2000
Department of Water Resources
Department of Water ResourcesPlease 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
<u>A61-10196</u>					
<u>A61-10197</u>					
<u>A61-10198</u>	<u>P.D. 2-25-00</u>				
<u>A61-10195</u>	<u>P.D. 1-30-98</u>				

RECEIVED
SEP 26 2000WATER RESOURCES
WESTERN 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)

VICTORIA HOFER710 S 10 E MTN HOME IDAHO 83647

4. New Owner/Claimant(s)

VICTOR HOFER, ALBERT HOFER JR.Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

590 SAMARIA DR

City, State and ZIP Code

MTN HOME IDAHO 83647

New Telephone Number

(208) 587-8071

5. Date you acquired the property

9-2-00

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SEP 26 2000

Department of Water Resources

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) _____
(include title if applicable)

Albert Hofen

ALBERT HOFEN JR.

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 <u>J. Barron</u>	Date <u>9-26-00</u>	Fee <u>100.00</u>
Receipted by <u>J. Barron</u>	Date <u>9-26-00</u>	Receipt No. <u>C050569</u>
Processed by _____	AJ Date _____	WR _____ Date _____

HALL, FRIEDLY & WARD

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
340 EAST 2ND NORTH
MOUNTAIN HOME, IDAHO 83647

RECEIVED

OCT 04 2000

WATER RESOURCES
WESTERN REGION

TELEPHONE
(208) 587-4412

FACSIMILE
(208) 587-3144

E-MAIL
hfw@micron.net

PERCE HALL
JAY R. FRIEDLY
ROBERT W. WARD
CLAY M. SHOCKLEY

October 3, 2000

State of Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-58082

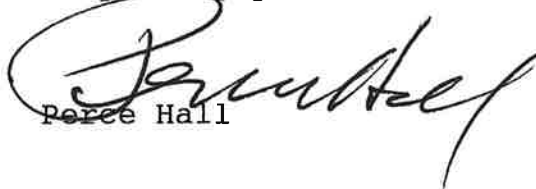
RE: Notice of change of water right
Ownership Claims #61-10196 and #61-10197

Gentlemen:

Mr. Hofer has turned over to me your letter of September 27, 2000.

A copy of quit claim deed which was submitted to you was not correct. I am enclosing a photocopy of the original recorded quit claim deed. Tract #11 contains the description you are looking for.

Very truly yours,


Perce Hall

PH/cl
Enclosure

RECEIVED

SEP 26 2000

Department of Water Resources

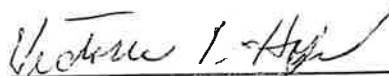
QUITCLAIM DEED

THIS INDENTURE, made this 17th day of March, 1999, between VICTORIA V. HOFER, also known as Victoria Hofer, a widow, hereinafter designated as the first party, and Victoria V. Hofer and Victor Albert Hofer, as trustees of the Victoria Hofer Family Trust, created pursuant to said Trust Agreement dated the 12th day of February, 1999, and whose address is 710 South 10th East, Mountain Home, Idaho, 83647, hereinafter designated as the second parties:

WITNESSETH: That the said first party, for the purposes of transferring to the Victoria Hofer Family Trust the real property hereinafter described, does hereby convey, release, remise and forever quitclaim to the second parties the real property located in the County of Elmore, State of Idaho, and more particularly described upon the schedule attached hereto designated as "Schedule A" and by this reference made a part hereof.

TO HAVE AND TO HOLD said property in connection with the operation, management and distribution of the trust under the trust agreement referred to above.

IN WITNESS WHEREOF, the said Victoria V. Hofer has hereunto set her hand this 17th day of March, 1999.


Victoria V. Hofer

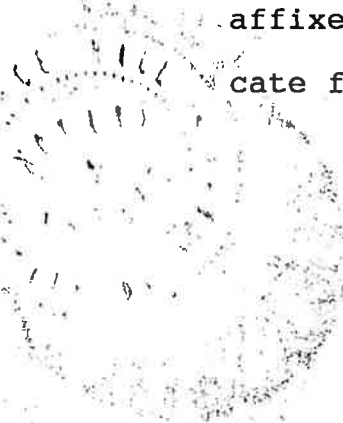
STATE OF IDAHO,

COUNTY OF ELMORE,

)
) ss.
)

On this 17th day of March, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared Victoria V. Hofer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she 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.


[Signature]
Notary Public for Idaho,
Residing at Mountain Home, ID
My Commission Expires: 6-12-99

314546

ELMORE COUNTY, IDAHO ss
Request of

Hans Friedly
Time 4:44 P M
Date April 7, 1999

GAIL L. BEST, Recorder

By Barbara Stule Deputy

Fee \$15.00

ELMORE COUNTY, IDAHO ss
Request of
Hall, Friedly & Ward
Time 4:39 P M
Date September 11, 2000
GAIL L. BEST, Recorder

324235

QUITCLAIM DEED

By [Signature]
Fee \$15.00 Deputy

THIS INDENTURE, made this 8 day of September, 2000,
between VICTOR ALBERT HOFER, as Successor Trustee of the
Victoria Hofer Family Trust, hereinafter designated as the
first party, and VICTOR ALBERT HOFER, whose address is 590
Samarra Drive, Mountain Home, Idaho, 83647, and ALBERT JOHN
HOFER, whose address is 1155 South 5th West, Mountain Home,
Idaho, 83647, hereinafter designated as the second parties:

WITNESSETH:

WHEREAS, on the 12th day of February, 1999, Victoria V.
Hofer, as Grantor, executed a Trust Agreement with Victoria
V. Hofer and Victor Albert Hofer, as Trustees of the
Victoria Hofer Family Trust, and,

WHEREAS, said Trust Agreement named Victor Albert Hofer
as Successor Trustee to act as such in the event of the
death of Victoria V. Hofer, and,

WHEREAS, Victoria V. Hofer died upon the 1st day of
September, 2000, NOW THEREFORE,

Pursuant to the provisions of said Trust Agreement,
Victor Albert Hofer, as Successor Trustee of the Victoria
Hofer Family Trust, does hereby convey, release, remise and
forever quitclaim to the second parties the real property
located in the County of Elmore, State of Idaho, and more
particularly described upon "Exhibit A" attached hereto and
by this reference made a part of this Deed.

COPY

TO HAVE AND TO HOLD the said property unto the said second parties, in equal shares of one-half each.

IN WITNESS WHEREOF, the said Victor Albert Hofer, as Successor Trustee of the Victoria Hofer Family Trust, has here unto set his hand the day and year in this Deed first above written.

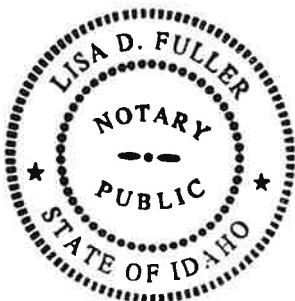


Victor Albert Hofer,
as Successor Trustee of the
Victoria Hofer Family Trust

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 8 day of September, 2000, before me, the undersigned, a Notary Public in and for said state, personally appeared Victor Albert Hofer, known to me to be the person whose name is subscribed to the foregoing instrument as Successor Trustee, and acknowledged to me that he executed the same as such Trustee.

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





Notary Public for Idaho,
Residing at Mountain Home, ID
My Commission Expires: 01-20-04

"EXHIBIT A"

Real Property owned by the Victoria Hofer Family Trust, and located in the County of Elmore, State of Idaho, and described as follows:

TRACT NO. 1. The Northeast Quarter of the Southwest Quarter, less Tax No. 1, in Section 11, Township 4 South, Range 4 East, Boise Meridian, said Tax No. 1 being bounded and described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter of Section 11, Township 4 South, Range 4 East, Boise Meridian; running thence East 208.8 feet to a point; running thence North 208.8 feet to a point; running thence West 208.8 feet to a point; running thence South 208.8 feet to a point; which is the real point of beginning.

TRACT NO. 2. Lots 1 and 2 of Section 3, Township 4 South, Range 6 East, Boise Meridian.

TRACT NO. 3. The North half of the Southwest Quarter of Section 3, Township 4 South, Range 6 East, Boise Meridian.

TRACT NO. 4. The Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 9, Township 4 South, Range 6 East, Boise Meridian.

TRACT NO. 5. The Northeast Quarter of the Southeast Quarter, less Tax No. 8, in Section 10, Township 4 South, Range 6 East, Boise Meridian, said Tax No. 8 being bounded and described as follows:

A parcel of land being a 30 foot wide strip of ground lying adjacent to and parallel with the North line of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 10, Township 4 South, Range 6 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the brass cap marking the Quarter corner common to Sections 10 and 11, Township 4 South, Range 6 East, Boise Meridian, Elmore County, Idaho, and running thence South $0^{\circ} 15' 03''$ West 659.26 feet along the line common to Sections 10 and 11 to the Northeast corner of said Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 10; thence North $89^{\circ} 21' 46''$ West 25 feet to the real point of beginning; running thence from the real point of beginning South $0^{\circ} 15' 03''$ West 30 feet; thence North $89^{\circ} 21' 46''$ West 639.28 feet to the West line

of said Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 10; thence North $0^{\circ} 12' 07''$ East 30 feet to the Northwest corner of said Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 10; thence South $89^{\circ} 21' 6''$ East 639.30 feet to the real point of beginning.

TRACT NO. 6. The North half of Tax No. 1 of Section 12, Township 4 South, Range 6 East, Boise Meridian, said Tax No. 1 being bounded and described as follows:

That portion of land at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 12, Township 4 South, Range 6 East, Boise Meridian; running thence South 25 feet; thence West 2,640 feet; thence North 25 feet to the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 12, Township 4 South, Range 6 East, Boise Meridian; thence running East 2,640 feet to the point of beginning.

TRACT NO. 7. The South half of the Northeast Quarter of the Southwest Quarter of Section 12, Township 4 South, Range 5 East, Boise Meridian.

TRACT NO. 8. The North half of the North half of the Northeast Quarter of Section 18, Township 4 South, Range 6 East, Boise Meridian.

TRACT NO. 9. Lot 46, less Tax No. 50, in Section 36, Township 3 South, Range 6 East, Boise Meridian, which Tax No. 50 being bounded and described as follows:

A tract of land commencing at the Northwest corner of the Northeast Quarter of Section 36, Township 3 South, Range 6 East, Boise Meridian, thence running South 40 feet; thence East 421.9 feet to the point of beginning; thence continuing from the point of beginning running South 140 feet; thence East 240 feet; thence North 140 feet; thence West 240 feet to the point of beginning, containing .76 acres more or less.

TRACT NO. 10. Tax No. 159 in Section 36, Township 3 South, Range 6 East, Boise Meridian, which said Tax No. is bounded and described as follows:

Beginning at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 36, Township 3 South, Range 6 East, Boise Meridian, and running thence South $0^{\circ} 5' 15''$ East 662.96 feet along the Westerly boundary of the said Northwest Quarter of the Northeast Quarter of said Section 36, which is also the center line of 10th East Street, to a P.K. nail marking the Southwest corner of the

said Northwest Quarter of the Northeast Quarter of Section 36; running thence North 89° 52' 58" East 40 feet to the Southwest corner of said Lot 46 of the plat of the North half of Section 36 to a point being the real point of beginning; thence continuing North from the real point of beginning 89° 52' 58" East 160 feet along the South boundary line of Lot 46 of the plat of North half of said Section 36 to an iron pin; thence North 0° 5' 15" West 130 feet to a point; thence South 89° 52' 58" West 160 feet to a point on the West boundary of Lot 46; thence South 0° 5' 15" East 130 feet along West boundary of Lot 46 to the real point of beginning.

TRACT NO. 11. The N $\frac{1}{2}$, the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Tax No. 1, in Section 12, Township 4 South, Range 6 East, Boise Meridian;

ALL TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, together with all water rights and ditch rights appurtenant to said property.

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: **A61-10196**
Date Received: 12/ 7/1989
Receipt No: W006898
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VICTORIA HOFER 208-587-9643
Address: 710 S 10TH E
MOUNTAIN HOME ID 83647

2. Date of Priority: APR 1, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	06E	12		SW	NE		ELMORE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.020		254.60
STOCKWATER	01/01	12/31	0.030		1.40

7. Total Quantity Appropriated is:
3.050 C.F.S. (and/or) 256.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 100 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	06E	12	NE	NE		IRR	38.4
			NW	NE		IRR	38.4
			SW	NE		IRR	38.4

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	06E	12	SE	NE		IRR	35.7
Section Acres							150.9
Total Acres							150.9

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A61-10197; -00010, -00051A, -10198

14. Remarks:

For the land in the NE, S12, T04S, R06E the following will apply:

- The priority of use shall not be earlier than April 1, 1940.
- The amount of irrigated land shall not exceed 150.9 acres.
- The maximum rate of diversion for irrigation purposes when combined with all other water rights for irrigation of the same land shall not exceed a total of 150.9 acres at 0.02 cfs/acre = 3.02 cfs. The maximum authorized rate of diversion for stockwater shall not exceed 0.03 cfs, for a combined irrigation and stockwater rate of 3.05 cfs.
- The maximum annual volume of water which may be diverted under this transfer approval for irrigation and stockwater purposes shall not exceed 256.0 af. Of this volume, 1.4 af is for stockwater.
- The authorized season of use for irrigation is April 1 to October 31 each year and for stockwater is year-round.

Upon completion of the drilling of the newly proposed well, the right holder is no longer authorized to divert water from the two (2) original trench wells.

Prior to diversion and use of water under this approval, the right holder shall install and maintain a measuring device on the well to measure both the instantaneous rate of diversion and total annual volume of water diverted from the well. The right holder shall obtain prior approval from the department relative to the type of device and shall annually report to the department the maximum rate of diversion, the depth to water prior to commencement of pumping each season, the depth to water during the pumping period and the annual volume diverted.

This approval authorizes stockwater for a total of 100 range cattle.

The right holder and any successor-in-interest shall maintain ownership and control of all shares of water provided by the Mountain Home Irrigation District for irrigation of the NE, S12, T04S, R06E, B.M.

14. Remarks: Continued

The change authorized by this approval shall be accomplished within two (2) years of the date of the Final Order. Failure of the right holder or any successor-in-interest to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer. Claim Nos. A61-10196 and A61-10197 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4552.

CLAIM AMENDED PER TRANSFER NO. 4552 APPROVED 02/14/1996.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 4552 IN FILE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4552
CLAIM NO(S). A61-10196/A61-10197

This is to certify that: VICTORIA HOFER
710 S 10TH E
MOUNTAIN HOME ID 83647

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Claim No. A61-10196 :			
IRRIGATION	04/01 to 10/31	3.02 CFS	254.6 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.4 AF
Priority: 04/01/1940*			
TOTAL:		3.05 CFS	256.0 AF
Claim No. A61-10197 :			
IRRIGATION	04/01 to 10/31	3.02 CFS	254.6 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.4 AF
Priority: 04/01/1966*			
TOTAL:		3.05 CFS	256.0 AF
COMBINED TOTAL:		3.05 CFS	256.0 AF

*Until and unless determined otherwise by the Snake River Basin Adjudication Court.

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 12, Township 04S, Range 06E
ELMORE County

Claim No. A61-10196 :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	06E	12	NENE 38.4	NWNE 38.4	SWNE 38.4	
			SENE 35.7			150.9
Total number of acres irrigated:						150.9

PLACE OF USE: STOCKWATER, same as IRRIGATION use

TRANSFER NO. 4552
CLAIM NO(S). A61-10196/A61-10197

Claim No. A61-10197 :

PLACE OF USE: IRRIGATION

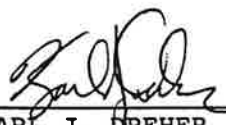
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	06E	12	NENW 39.2	NWNW 38.4	SWNW 39.3	155.8
			SEnw 38.9			155.8
Total number of acres irrigated:						155.8

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Claim Nos. A61-10196 and A61-10197 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4552.

Dated this 14th day of February, 1996.


KARL J. DREHER, Director

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: A61-10196
Date Received: 12/ 7/1989
Receipt No: W006898
Received By: Rch

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VICTORIA HOFER 208-587-4624
Address: 710 SOUTH 10TH EAST
MOUNTAIN HOME ID 83647

2. Date of Priority: APR 1, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	06E	12	NE	NE	NE		ELMORE
			SW		NE		ELMORE

5. Description of diverting works:
2 WELLS, 3HP & 7.5HP MOTORS, BOTH 20' DEEP, GRAVITY & FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.430		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 945.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 100 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	06E	12	NE	NE		STOCK	
			NE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	06E	12	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	35.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 315.0

Total Acres 315.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A61-10197; -00010, -00051A, -10198

14. Remarks:
THIS CLAIM IS USED TO SUPPLEMENT 61-00010, AND 61-00051A AND
WATER FROM MTN. HOME IRRIGATION DIST.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Victoria Harper* Date: Jan 12, 96

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of JAN 19 96

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 2000

RECEIVED

JAN 23 1995

WATER RESOURCES
WESTERN REGION

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: A61-10196
Date Received: 12/ 7/1989
Receipt No: W006898
Received By: RLH

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VICTORIA HOFER
Address: 710 SOUTH 10TH EAST
MOUNTAIN HOME ID

208-587-4624

83647

2. Date of Priority: APR 1, 1930

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	06E	12	NE	NE	NE		ELMORE
			SW		NE		ELMORE

5. Description of diverting works:

2 WELLS, 3HP & 7.5HP MOTORS, BOTH 20' DEEP, GRAVITY & FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. ^{1,43 CFS} (or)	A.F.A.
IRRIGATION	03/15	11/15	0.400	
STOCKWATER	01/01	12/31	0.030	

7. Total Quantity Appropriated is:

^{1,43 CFS}
~~0.400~~ C.F.S. (and/or)
^{V.H.}

A.F.A.

8. Total consumptive use is

945.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/ 100 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	06E	12	NE	NE		STOCK	
			NE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	06E	12	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	35.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0

Section Acres 315.0

Total Acres 315.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

A61-10197; -00010, -00051A, -10198

14. Remarks:

THIS CLAIM IS USED TO SUPPLEMENT 61-00010, AND 61-00051A AND
WATER FROM MTN. HOME IRRIGATION DIST.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Victoria Haper Date: 1-18-95

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of JAN 19 95

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires Expires December 8, 2000

5000

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: A61-10196

Date Received: 12-7-89

Receipt No: 0006898

Received By: _____

RECEIVED

DEC 07 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VICTORIA HOFER 208-587-4624
Address: 710 SOUTH 10TH EAST
MOUNTAIN HOME, ID 83647

2. Date of Priority: APR 01, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	06E	12	NE	NE	NE		ELMORE

5. Description of diverting works:
WELL 20' DEEP, 6" CASING, 3HP PUMP- OPEN DITCH FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 945.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 100 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	06E	12	NE	NE		STOCK	
			NE	NE		IRR	40.0

A61-10196

Page 1

Date: 11/03/89

MICROFILMED

NOV 12 1989

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	06E	12	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	35.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 315.0

Total Acres 315.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

A61-10197; -00010, -00051A, -10198

14. Remarks:

THIS CLAIM IS USED TO SUPPLEMENT 61-00010, AND 61-00051A AND
WATER FROM MTN. HOME IRRIGATION DIST.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

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): X Victoria Hager Date: Nov 3, 1989

Date: _____

State of Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of November 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994