

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: **A37-07745C**
Date Received: 9/28/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: KATE DUININCK 208-788-1124
Address: PO BOX 2126
HAILEY ID 83333
AND/OR
Name: STEVE DUININCK 208-788-1124
Address: PO BOX 2126
HAILEY ID 83333

2. Date of Priority: OCT 25, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	2	NE	NE			BLAINE

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.930		175.00

7. Total Quantity Appropriated is:
0.930 C.F.S. (and/or) 175.00 A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	2	NE	NE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	2	SE NE		IRR	25.0
Section Acres						50.0
Total Acres						50.0

11. Place of use in counties: BLAINE

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

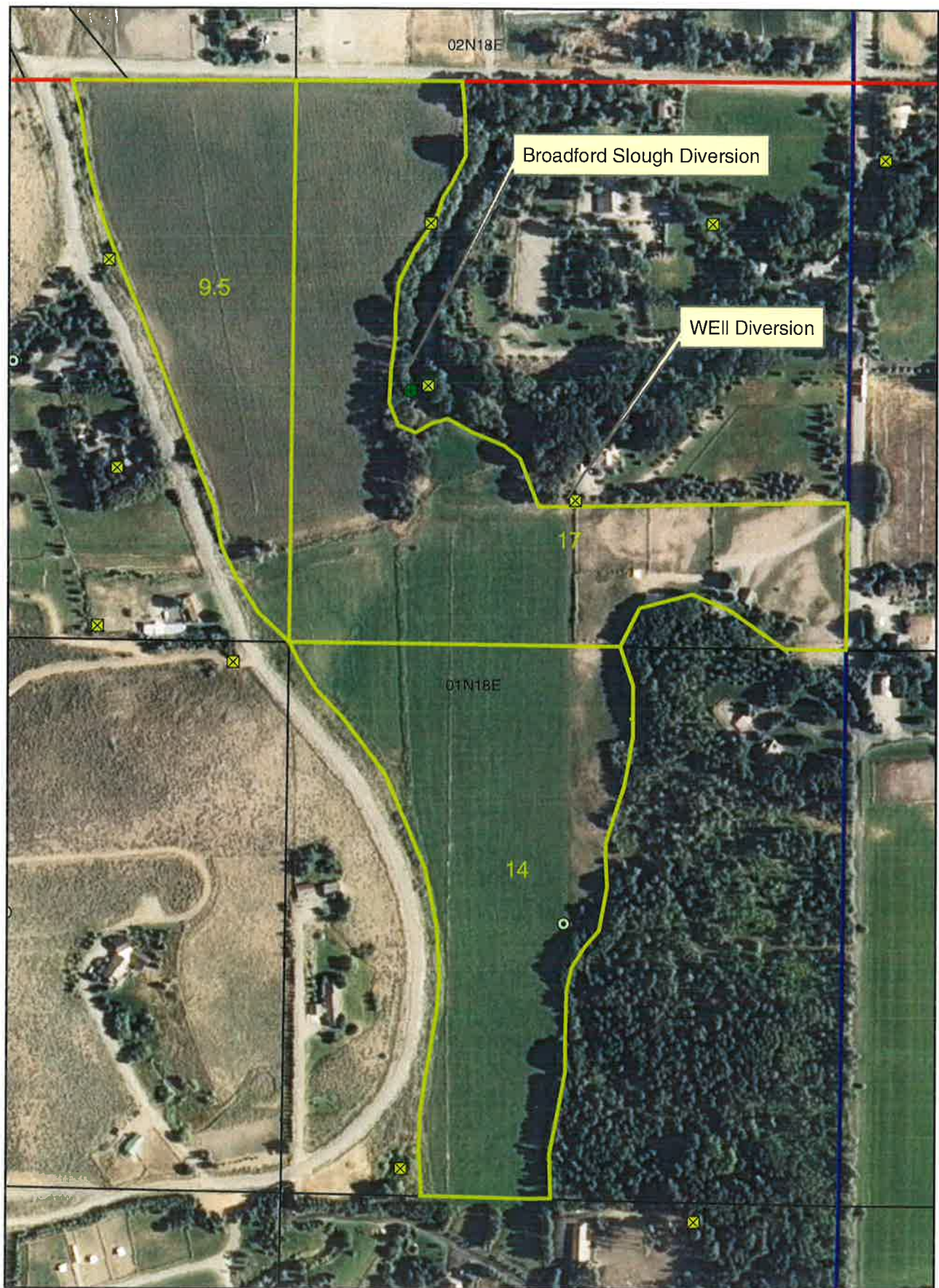
13. Other Water Rights Used:

14. Remarks:

CLAIM SPLIT FROM A37-07745 11/16/95 PURSUANT TO APPROVED TRANSFER 4707:

1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
2. A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL ANNUALLY REPORT THE AMOUNT OF WATER DIVERTED TO THE DEPARTMENT.
4. THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS AFTER RESUMPTION OF USE OF THE WATER RIGHT FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.
5. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
6. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED ON OR BEFORE OCTOBER 1, 1999.
7. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
8. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OR OF THE ELEMENTS OF THIS WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
9. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED UNDER THIS RIGHT.
10. THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT THE APPROVAL OF THE DEPARTMENT.

15. Basis of Claim: LICENSE



Window Rock West
DJ 1/26/2011

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

RIGHT NUMBER: 37-7745C

NAME AND ADDRESS:

ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: Source: Tributary;
GROUND WATER

QUANTITY: 0.930 CFS
175.000 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the place of use for this right.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

PRIORITY DATE: 10/25/1978

POINT OF DIVERSION:

~~T01N R18E S2 Lot 1 NENE~~
~~Within BLAINE County~~

T01N R18E S2 Lot 1 SENENE
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 11/01	0.930 CFS 175.00 AFY

PLACE OF USE:

IRRIGATION within BLAINE County
T01N R18E S02 Lot 1 NENE 25.0
T01N R18E S02 SENE 25.0
50 ACRES TOTAL

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

~~Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.~~

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

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

This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

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

Failure of the right holder to comply with the conditions of this transfer #4707 is cause for the Director to rescind approval of the transfer.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

~~The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.~~

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-1227A V1

WATER RIGHT NUMBER: 37-1227A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CAL-PACIFICO OF CALIFORNIA RT 1 BOX 40 BELLEVUE, ID 83313 (208)788-2953
Current Owner	ECCLES WINDOW ROCK RANCH LLC PO BOX 3028 SALT LAKE CITY, UT 84110 (801) 246-5329
Attorney	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TOWNSEND GULCH	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

TOWNSEND GULCH	SW1/4SE1/4NE1/4	Sec. 2, Twp 01N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	2	4.6	.2		11.0													15.8
			L 1	L 2															

Total Acres: 15.8

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-1227A V1

4. E55 Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.
5. The place of use is the Cal Pacifico Ranch Subdivision.

Remarks:Comments:

1. awarntje 1/6/2007 Transfer

Comment: Originally decreed to Thomas Werry in Werry v. Newman & Teuscher, dated 10-02-1924. Used in combination with rights described in paragraph 13, above, to irrigate the same lands. the place of use is claimed pursuant to Idaho Code 42-1416(1) to the extent it differs from the decree.
Original right split by Transfer No. 3802

2. jstanton 1/19/2007 Revisions

Comment: I was given the other surface-water claims on this property, and have determined the pou based on a combination of 1987 and 2004 ArcView photos. This is a little less than what was originally recommended, so I am changing the pou to agree with my recommendations per Doug Jones. The pod was recommended to a generic qqq point, so I am changing this to the location of the pond where the ditch starts. The true pod is further upstream in the qqq to the south, but the entire stream now flows into the pond (except for what is used by upstream diverters). Revised recommendations will be sent to the claimant.

3. cfritsch 2/7/2007 Updated Conditions

Comment: Updated Conditions

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		30.8

Combined Water Rights: 37-20936 , 37-20938 , 37-20940 , 37-20944 ,
37-1227A , 37-2468A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/6/2007 1:49:01 PM	awarntje			Active
Contacts	1/6/2007 1:49:08 PM	awarntje			Active
Priority Date	1/6/2007 2:04:03 PM	awarntje			Active

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

RIGHT NUMBER: 37-20940

NAME AND ADDRESS:

ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: Source:

BIG WOOD RIVER

Tributary:

MALAD RIVER

QUANTITY: 1.100 CFS

0.000 AFY

PRIORITY DATE: 08/15/1902

POINT OF DIVERSION:

~~T01N R18E S2 Lot 1 NWNENE~~
~~Within BLAINE County~~

T01N R18E S2 Lot 1 SWNENE
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.100 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

~~T01N R18E S02 NENE 11.0~~

T01N R18E S02 Lot 1 NENE 17.0

~~T01N R18E S02 NWNE 8.8~~

T01N R18E S02 Lot 2 NWNE 9.5

T01N R18E S02 SENE 14.0

~~T01N R18E S02 SENE 11.0~~

40.5 ACRES TOTAL

~~30.8 ACRES TOTAL~~

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season

~~Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.~~

~~Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season~~

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is known locally as the Broadford Slough.

This right is a portion of former rights 37-688D and 37-688E.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.

The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.

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

RIGHT NUMBER: 37-20938

NAME AND ADDRESS:

ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE:

Source:

BIG WOOD RIVER

Tributary:

MALAD RIVER

QUANTITY:

0.630 CFS

0.000 AFY

PRIORITY DATE:

06/01/1886

POINT OF DIVERSION:

~~T01N R18E S2 Lot 1 NWNENE~~
~~Within BLAINE County~~

T01N R18E S2 Lot 1 SWNENE
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.630 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

~~T01N R18E S02 NENE 11.0~~

T01N R18E S02 Lot 1 NENE 17.0

~~T01N R18E S02 NWNE 8.8~~

T01N R18E S02 Lot 2 NWNE 9.5

T01N R18E S02 SENE 14.0

~~T01N R18E S02 SENE 11.0~~

40.5 ACRES TOTAL

~~30.8 ACRES TOTAL~~

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

~~Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.~~

~~Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season~~

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Source is known locally as the Broadford Slough.

The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.

This right is a split from former right 37-686B.

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

RIGHT NUMBER: 37-20936

NAME AND ADDRESS:

ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE:

Source:

BIG WOOD RIVER

Tributary:

MALAD RIVER

QUANTITY:

0.600 CFS

0.000 AFY

PRIORITY DATE:

06/01/1885

POINT OF DIVERSION:

T01N R18E S2 Lot 1 SWNE
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.600 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

~~T01N R18E S02 NENE 11.0~~

T01N R18E S02 Lot 1 NENE 17.0

~~T01N R18E S02 NWNE 8.8~~

T01N R18E S02 Lot 2 NWNE 9.5

T01N R18E S02 SENE 14.0

~~T01N R18E S02 SENE 11.0~~

40.5 ACRES TOTAL

~~30.8 ACRES TOTAL~~

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

~~Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.~~

~~Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season~~

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is known locally as the Broadford Slough.

The point of diversion is located in Lot 3 of the Forest Williams Subdivision, and is known as the #42-P2 pump.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

This right is a split from former right 37-315B.

The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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

RIGHT NUMBER: 37-20944

NAME AND ADDRESS:

ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE:

Source:

BIG WOOD RIVER

Tributary:

MALAD RIVER

QUANTITY:

0.250 CFS

0.000 AFY

PRIORITY DATE:

06/10/1880

POINT OF DIVERSION:

~~T01N R18E S2 Lot 1 NWNENE~~
~~Within BLAINE County~~

T01N R18E S2 Lot 1 SWNENE
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 11/01

0.250 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

T01N R18E S02 Lot 1 NENE 17.0

~~T01N R18E S02 Lot 1 NENE 11.0~~

T01N R18E S02 Lot 2 NWNE 9.5

~~T01N R18E S02 Lot 2 NWNE 8.8~~

T01N R18E S02 SENE 14.0

~~T01N R18E S02 SENE 11.0~~

40.5 ACRES TOTAL

~~30.8 ACRES TOTAL~~

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

~~Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.~~

~~Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.~~

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-713C.

The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Source is known locally as the Broadford Slough.

The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.

08/18/2010

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

RIGHT NUMBER: 37-7745C

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.930 CFS
175.000 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the place of use for this right.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

PRIORITY DATE: 10/25/1978

POINT OF DIVERSION:

T01N R18E S2 SENENE Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.930 CFS 175.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02 Lot 1 NENE	25.00	T01N R18E S02	SENE	25.00
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50 ACRES TOTAL

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.

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

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

This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

Failure of the right holder to comply with the conditions of this transfer #4707 is cause for the Director to rescind approval of the transfer.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

App 880045

10 379389

Office Use Only

Well ID No. _____

Inspected by _____

Twp _____ Rge _____ Sec _____

_____ 1/4 _____ 1/4 _____ 1/4

Lat: : : Long: : :

1. WELL TAG NO. D 30085
 DRILLING PERMIT NO. 808595
 Water Right or Injection Well No. _____

2. OWNER:

Name WINDOW ROCK RANCH % OF BRIAN BROCK
Address 125 LOWER BROADFORD RD.
City BELVEAU IDAHO State _____ Zip 83313

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 1 North ☒ or South ☐
Rge. 18 East ☒ or West ☐
Sec. 2 1/4 1/4NE 1/4 NE
Gov't Lot _____
County BLAINE

Lat: : : Long: : :
Address of Well Site LOWER BROADFORD RD.

City BELVEAU
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply

(Replacement etc.)

☐ New Well ☒ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____

Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____
Packer ☐ Y ☐ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method mills
Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Linear
24	50	3/8	4per	10"	steel	☒	☐
60	106	3/8	4per	10"	steel	☒	☐
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

10.5 ft. below ground Artesian pressure _____ lb.
Depth flow encountered: _____ ft. Describe access port or control devices:

12. WELL TESTS:

☐ Pump ☒ Baller ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
TTE	just	bailed well	clean

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Depth first Water Encounter

[illegible]

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name COUCH WELL DRILLING INC Firm No. 161

Principal Driller Sherman Conch Date 9-26-2003
and _____

Driller or Operator II Scott Coughlin Date 9-26-03

Operator I _____ Date _____

Principal Driller and Rig Operator *Required*.
Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES

ADDRESS SERVICE
REQUESTED

FIRST CLASS



02 1A \$ 00.87⁰
0004310839 NOV 22 2006
MAILED FROM ZIP CODE 83702

RECEIVED

NOV 27 2006

DEPARTMENT OF
WATER RESOURCES

WARDING
EXPIRED

37-7745C

STEVEN P DUININCK

KATHLEEN P DUININCK
26 TOWNSEND GUILD
BELLEVUE ID 83703

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7745C V1

WATER RIGHT NUMBER: 37-7745C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STEVEN P DUININCK
Original Owner	KATE R DUININCK
Attorney	CHARLES E BROCKWAY
Current Owner	ECCLES WINDOW ROCK RANCH LLC

Priority Date: 10/25/1978

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.930 CFS	175.00 AF
	<u>Total Diversion:</u>	0.930 CFS	175.00 AF

Location of Point(s) of Diversion

GROUND WATER	L1 (NE1/4NE1/4)	Sec. 2,	Twp 01N,	Rge 18E, B.M.
BLAINE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	2	25.0			25.0													50.0
			L 1																

Total Acres: 50

Conditions of Approval:

1. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
4. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
5. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

see
comments -
+ say
1/24/07

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7745C V1

6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the place of use for this right.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

Comments:

1. kwalker 1/24/2007 NOE

Comment: NOE submitted in regard to location of point of diversion and place of use. I called Jason Helm at Brockways and he referred me to Jim Stanton. I called Jim and he knew the location of the well for this right which we have updated. The place of use is based upon a transfer that was approved in October of 1995. The transfer moved 50 acres to the E1/2NE1/4, Sec. 2 - original layout had entire 80 acres included so the place of use is correct. It is for 50 acres within the 80 acre piece shown on layout. No change to the place of use is recommended. If right holder disagrees they can file objection with court and show us exactly where the 50 acres are located. Updated PLS for place of use so government lot would show up on legals.

Water Supply Bank:



Idaho Department of Water Resources

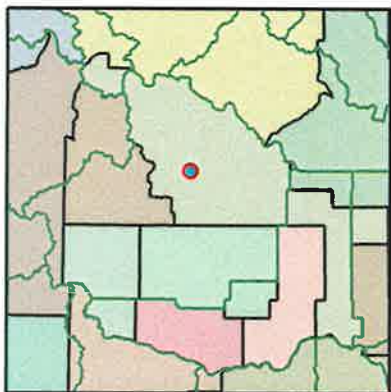
SRBA Recommendation:

37-7745C

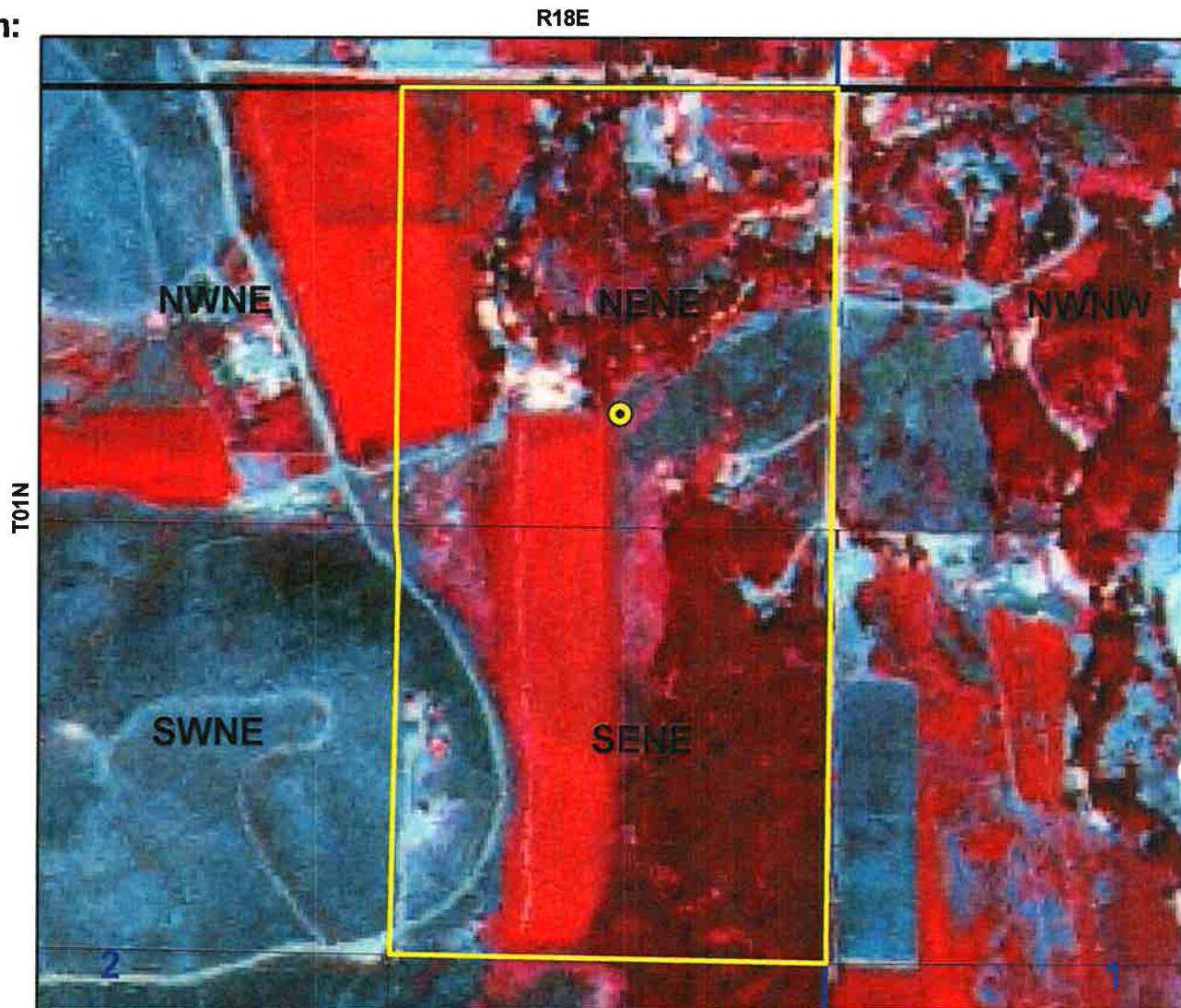
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles



Prepared by K. Walker
On Wednesday, January 24, 2007
1987/88 Aerial Photography

updated p/d location-

12/22/2006

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: 01/05/2007

Water right number: 37-7745C

ECCLES WINDOW ROCK RANCH LLC

PO BOX 3028

SALT LAKE CITY UT 84110

Telephone Number: (801) 246-5329

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

POINT OF DIVERSION, PLACE OF USE

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

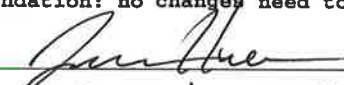
SEE ATTACHED AERIAL

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

INCORRECT LOCATION

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1/5/07

SIGNATURE: 

Please print your name:

JASON HELMS (BROCKWAY ENGINEERING)
ON BEHALF OF ECCLES' WINDOW ROCK RANCH

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
JAN 16 2007

adjusted pld-
see comments
re: P/U. KW
1/24/07

01/24/2007

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

RIGHT NUMBER: 37-7745C

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: GROUND WATER

TRIBUTARY:

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

QUANTITY: 0.930 CFS
175.000 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the place of use for this right.

PRIORITY DATE: 10/25/1978

POINT OF DIVERSION:

T01N R18E S2 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.930 CFS 175.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02	NENE 25.00	T01N R18E S02	SENE 25.00
50 ACRES TOTAL			

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

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

09/12/2006

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

RIGHT NUMBER: 37-7745C

NAME AND ADDRESS: STEVEN P DUININCK
PO BOX 2126
HAILEY ID 83333

KATE R DUININCK
PO BOX 2126
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

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

QUANTITY: 0.930 CFS
175.000 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the place of use for this right.

PRIORITY DATE: 10/25/1978

POINT OF DIVERSION:

T01N R18E S2 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.930 CFS 175.00 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R18E S02	NENE	25.00	T01N R18E S02	SENE	25.00
---------------	------	-------	---------------	------	-------

50 ACRES TOTAL

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

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

09/12/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

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



Idaho Department of Water Resources

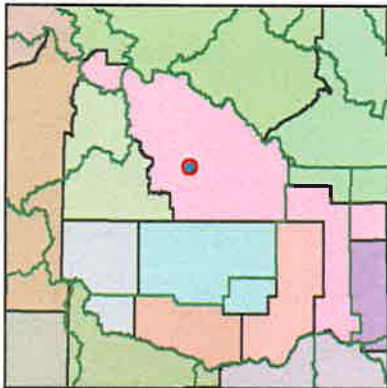
SRBA Recommendation:

37-7745C

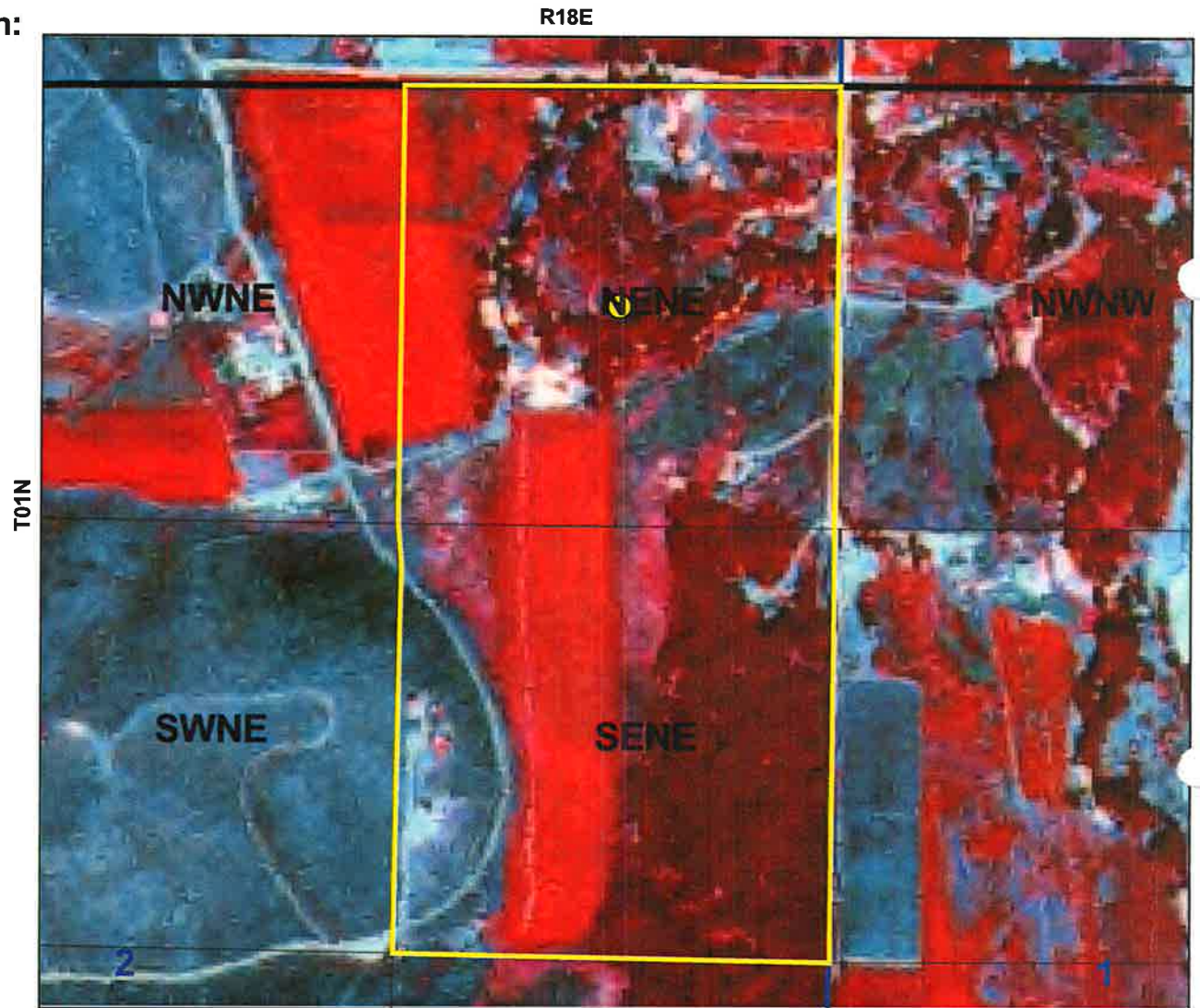
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles



Prepared by E. NORQUES
On Tuesday, September 12, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

December 5, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

STEVE AND KATE DUININCK
PO BOX 2126
HAILEY ID 83333

RE: Amendment of SRBA Claim A37-07745B and A37-07745C

Dear Claimant:

Pursuant to the approval of Transfer No. 4707, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

MICROFILME
NOV 27 1996

S-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C

RECEIVED

OCT 31 1995

Department of Water Resources
Southern Region

This is to certify that: STEVE DUININCK
KATE DUININCK
PO BOX 2126
HAILEY ID 83333

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-07745B : IRRIGATION	04/01 to 11/01	0.74 CFS	140.0 AF
Right No. 37-07745C : IRRIGATION	04/01 to 11/01	0.93 CFS	175.0 AF
	TOTAL:	1.67 CFS	315.0 AF

Priority: 10/25/1978

SOURCE

GROUNDWATER

Right No. 37-07745B :

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 35, Township 02N, Range 18E
BLAINE County

Right No. 37-07745B :

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>
02N	18E	35	SESE	40		40
Total number of acres irrigated:						40

Right No. 37-07745C :

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 2, Township 01N, Range 18E
BLAINE County

Right No. 37-07745C :

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>
01N	18E	2	NENE	25	SENE	50
Total number of acres irrigated:						50

MICROFILME
NOV 27 1996

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The Director maintains jurisdiction of this transfer up to five (5) years after resumption of use of the water right for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The change authorized by this transfer shall be accomplished on or before October 1, 1999.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. Approval of this transfer does not preclude the opportunity for review of the validity or of the elements of this water right in the ongoing Snake River Basin Adjudication.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
10. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

Dated this 26th day of October, 1995.

A. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED
NOV 27 1998

S-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

TRANSFER OF WATER RIGHT

OCT 25 1995

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C
Department of Water Resources
Southern RegionThis is to certify that: STEVE DUININCK
KATE DUININCK
PO BOX 2126
HAILEY ID 83333

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-07745B : IRRIGATION	04/15 to 10/15	0.74 CFS	140.0 AF
Right No. 37-07745C : IRRIGATION	04/15 to 10/15	0.93 CFS	175.0 AF
TOTAL:		1.67 CFS	315.0 AF

Priority: 10/25/1978

SOURCE

GROUNDWATER

Right No. 37-07745B :

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 35, Township 02N, Range 18E
BLAINE County

Right No. 37-07745B :

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 18E 35	SESE 40			40

Total number of acres irrigated:

40

Right No. 37-07745C :

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 2, Township 01N, Range 18E
BLAINE County

Right No. 37-07745C :

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 18E 2	NENE 25	SENE 25		50

Total number of acres irrigated:

50

MICROFILME

AUG 27 1994

TRANSFER NO. 4707
WATER RIGHT NO(S). 37-07745B/37-07745C

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
10. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

Dated this 19th day of October, 1995.


Chief, Water Alloc. Bureau

MICROFILMED
NOV 27 1996

Date Sent to S.O.

OCT 06 1995

FROM: Allen Merritt *Adm*

DATE: October 6, 1995

TO: Transfer Files: #4702, #4707 & #4708

SUBJECT: Review and Recommendation

All of the above transfers involve the splitting up of license 37-07745. Part 2,C was not completed for any of the transfer applications since in combination all of the land covered under the original license is being dried up or removed from production. Expansion does not appear to be an issue. Forfeiture does not appear to be an issue. Moving the groundwater further up the valley may be an issue but the groundwater does appear to be connected on a regional scale.

The original license was for 5.53 cfs, 900 afa, and 300 acres.

The transfers propose:

Part A	#4702	3.68 cfs, 600 afa, and 200 acres
Part B	#4707	0.74 cfs, 120 afa, and 40 acres
Part C	#4707	0.93 cfs, 150 afa, and 50 acres
Part D	#4708	<u>0.18 cfs, 30 afa, and 10 acres</u>
Total		5.53 cfs, 900 afa, and 300 acres

RECOMMENDATION

I recommend that all the transfers be approved subject to the the following conditions:

- The season of use be limited to the standard 4/15 to 10/15
- Any new well drilled requires drilling permit
- All wells must have a measuring device with totalizing meter.
- Annual use of each well is subject to be reported.
- Subject to SRBA review.

MICROFILMED
NOV 27 1996

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4707APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Steve & Kate Duininck Phone 208-788-1124
Post Office address Box 2126 Hailey, ID 83333

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant is purchasing a portion of license
No. 37-07745 and desires to transfer such portion to a new POU

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-07745B</u>	<u>10/25/1978</u>	<u>* ~~1.67~~ 0.74</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>37-07745C</u>	<u>"</u>	<u>0.93</u>	<u>"</u>	<u>"</u> to <u>"</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.67 cubic feet per second and/or 270 acre-feet per annum.3. Source of water Groundwater tributary to _____4. Point(s) of Diversion: * Per telecon w/applicant 7-24-95 gd

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	35	2N	18E	Blaine	Well - Part B
	SW	NE	NE	2	1N	18E	Blaine	Well - Part C

5. 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	
B)	2N	18E	35															40		40
C)	1N	18E	2	25			25								25					50

MICROFILMED
NOV 27 1996Total acres 90

PART 1

6. General Information:

- a. Description of diversion system An existing groundwater well will be equipped with a pump, or in the alternative, a new groundwater well will be drilled and equipped with a pump. There will be a separate water system on each side of the county road.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:
The current POU will be permanently dried up and no longer irrigated with this right.
- d. Remarks:
This transfer, in conjunction with two other companion transfers, proposes a transfer of the total amount of water available under this right. See companion transfers.

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 _____

MICROFILME
NOV 27 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-07745 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 10/25/1978

5. Water is used for the following purpose:

amount 5.53 for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.53 cubic feet per second and/or 900 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	1	2S	17E	Blaine	

8. 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	
1S	17E	35											34	30					64
2S	17E	2			23		Lt3 26	Lt4 34	22	38	35	37			21				236

Total acres 300

9. Describe any other water rights used for the same purpose as described above None

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 1.67 for Irrigation purposes from 4/1 to 11/1
 (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
							Blaine	

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 90

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

See companion transfers

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

2. Point(s) of Diversion:

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

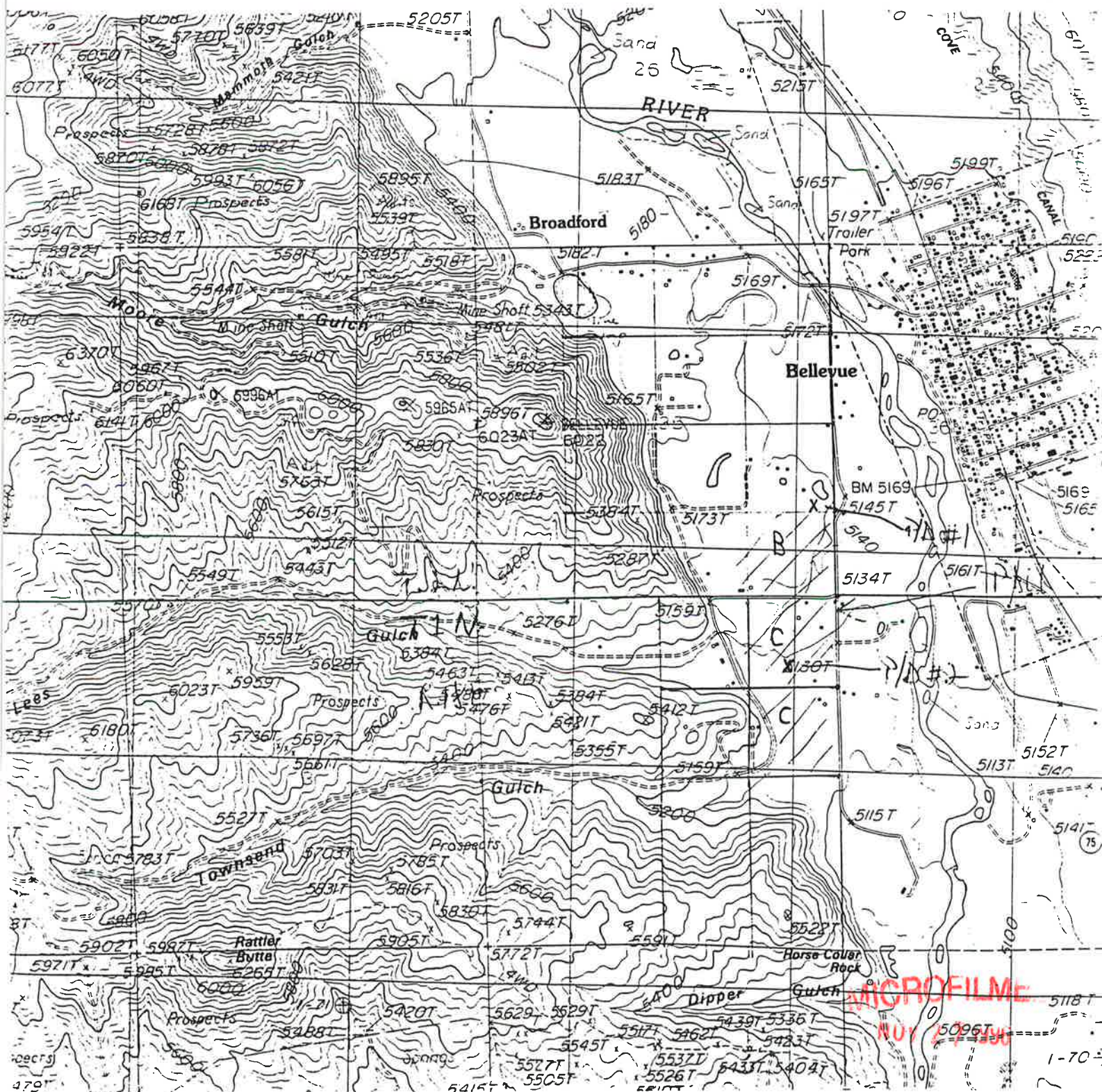
3. Lands irrigated or place of use:

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

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NOV 27 1998

Total acres _____

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.



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

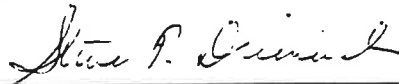
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

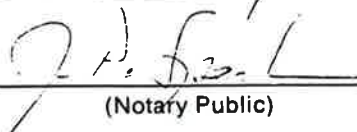
3. Describe effects on other water uses resulting from the proposed change:

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

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



(Signature of Applicant)

Subscribed and sworn to before me this 17th day of July, 19 95

(Notary Public)

My commission expires 11/9/97**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 4 attachmentsReceived by J. F. Clinton Date 7-18-95

Protest filed by _____

Prelim. check by _____ Fee \$100.00 5018303Receipted by gs Date 7-18-95Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 9/13 & 9/20/95

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED MICROFILME

JUL 19 1995 NOV 27 1995

MEMORANDUM

TO: Duininck Transfer File (37-07745)
FROM: Corey Skinner CS
DATE: August 9, 1995
SUBJECT: Field Verification of Right #37-07745

This morning Gary D. Slette called and inquired about the progress being made on the Baker, Delisser, & Duininck transfer of water right 37-07745. I told him that I had the initial office reviews done and that I planned on stopping by tomorrow on my trip through the Big Wood River Valley for a field verification of water right 37-07745. Mr. Slette stated that Jim Stanton had conducted a field verification last year, 1994, when an Application for Extension of Time to Avoid Forfeiture was filed. Mr. Slette dropped by and gave me a copy of the application and Jim's memorandum concerning the field verification of the water right. I asked Jim about his visit and we concluded that it was not necessary for me to conduct a field verification visit when he had conducted one last year. With Jim's field verification, I conclude that water right 37-07745 is valid. A copy of Jim's memorandum concerning his 1994 field verification is also included.

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NOV 27 1995

INTER-DEPARTMENT MEMO

SUBJECT: Field Review

TO: Croft Ext. of Time to Avoid Forf.

DATE: _____

FROM: Jim Stanton

I have reviewed the license files on 37-7395 & 7745. File data clearly shows that the wells licensed in the SW¹/₄ NW¹/₄ Sec. 1 are two different diversions. The 7395 well is south of the West Magic Road, while the 7745 well is north of the road. The south well was measured at 7.58 cfs. Although these are 2 different wells, the license 37-7745 was conditioned so as not to exceed 7.58 cfs for both rights combined from the P/D in the SW¹/₄ NW¹/₄ Sec. 1; this appears to be a gross error on our part. I will verify this by a site visit.

On 8-2-94 I visited this site. Photos were taken of the north well, the diesel motor, Layne & Bowler pump, Randolph 250 hp right-angle drive, & mainline. I also observed the south well but did not take photos. Some land south of the airstrip is being irrigated, but land north of it is not. Aerial photo shows land being farmed in 1988; this is an old dry farm, so date of last irrigation was not known by Hailey ASCS.

() For your information

signature

() Response required

INTER-DEPARTMENT MEMO

SUBJECT: _____

TO: _____

DATE: _____

FROM: _____

I spoke to Ed Sandv, a relative of the applicant, who told me that this property was last irrigated in 1990 (the year Mr. Croft died). He said that the land was irrigated from the well every year up to that date. Due to problems with settling the estate and a lack of interest in the property, no farming has occurred since then.

I also spoke to Alton Heiser of H & A Land & Cattle in Shoshone, the last farmers of the property. Mr. Heiser confirmed that the well was last used in 1990, and that it has no connection to the well south of the West Magic Road. He also said that the well was used continuously to irrigate this property for a long time. ASCS photo shows 299 acres in farm. Extension appears to be valid under Idaho Code; recommend approval.

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NOV 27 1996

(X) For your information

signature