



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

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JUL 14 2004

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 13, 2004

JOHN FAULKNER PRESIDENT
FAULKNER LAND & LIVESTOCK CO. INC.
1989 S 1875 E
GOODING ID 83330

Re: Temporary Change Application No. TC-37-35

Dear Mr. Faulkner:

Your Temporary Change Application as referenced above has been **GRANTED**.

Please be advised that the enclosed ORDER AUTHORIZING TEMPORARY CHANGE contains special conditions of approval.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Allen D. Merritt, P.E.
Southern Region Manager

Enclosure(s)

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-35 IN THE NAME)
OF FAULKNER LAND & LIVESTOCK CO INC)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Gooding County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 9, 2004 Faulkner Land & Livestock Co Inc ("applicant") submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no. 37-8487D is authorized only at the point of diversion and places of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well.
3. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full

water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

4. Right no. 37-8487D is limited to the irrigation of a total of 112 acres during the remainder of the irrigation season on those lands identified on the application. Use of Right no. 37-8487D is limited to 115.7 acre feet for the duration of the irrigation season.
5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
8. To prevent injury to other water rights the watermaster of Water District 130 is authorized to administer the temporary change approval. This approval does not authorize use of water under right 37-8487D on other lands of the applicant for irrigation. When this right and shares in the American Falls Reservoir District No. 2 are combined no more than 0.02 cfs per acre may be diverted at any one time at the field headgate.
9. This temporary change approval expires on October 31, 2004 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 13th day of July, 2004.



Allen Merritt
Southern Region Manager

TC-37-35

Form 42-222A
12/99

Ident. No. _____

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JUL 09 2004

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Faulkner Land & Livestock Co. Inc. Phone 934-4956Post Office Address 1989 S 1875 E, Gooding, ID 83330

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof We own farms at Bliss & Gooding that are mainly irrigated with canal water. Canal deliveries to the Gooding farm will be shut off for the season in late August. We want to move the supplemental gw right from Bliss to Gooding so that row crops on the Gooding farm can be finished up. The right has not been used this year.

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>37-8487D</u>	<u>1-25-1989</u>	<u>0.86 cfs</u> <u>115.7 AFA</u>	<u>Irrig.</u>	<u>4-1</u> to <u>10-31</u>
				to
				to
				to

2. Total amount of water being transferred 0.86 cubic feet per second and/or 115.7 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	NW	18	6S	15E	Gooding	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	15E	7					32	39	27	13		1							112
								41	42			43							

Total Acres 112

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right We own both farms
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will not be irrigated after the canal water is shut of, presumably ground October 1
- d. Has the water right sought to be transferred been used this year? No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Well would not be used
- f. Describe other water rights used for the same purpose.
Bliss - About 120 shares NSCC. Gooding - 3470 shares AFR #2
- g. Remarks: 240

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Paul Kue Land & Livestock
by John P. Paul Kue Pres.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 7-9-04 Fee \$50.

Receipted [Signature] # 5026895 Recommend: ☒ approve _____ deny _____

Watermaster recommendation 7/13/04

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

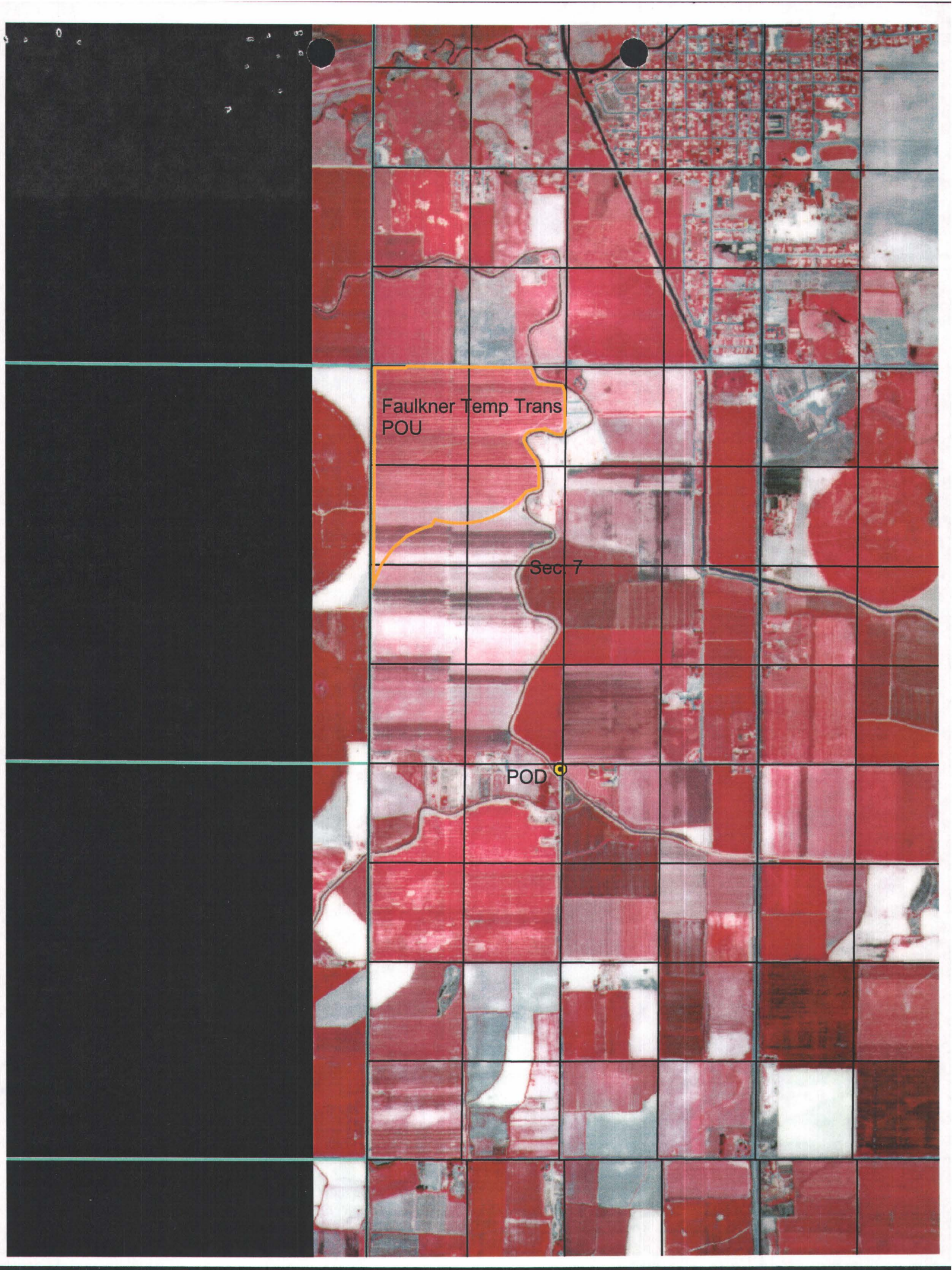
This is to certify that I have examined Temporary Change Application No. TC-37-35

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

See Attached Order dated 7/13/2004

Witness my hand this 13th day of July, 2004

Allen Merritt
For the Director



Faulkner Temp Trans
POU

Sec. 7

POD

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8487D

WATER RIGHT NUMBER: 37-8487D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FAULKNER LAND & LIVESTOCK CO INC 1989 S 1875 E GOODING, ID 83330 (208)934-4956
Lienholder	THE MUTUAL LIFE INSURANCE CO OF NEW YORK ATTN BONNIE TERRELL ASST VP 4412 74TH ST #F100 LUBBOCK, TX 79424 (806)792-1073

Priority Date: 01/25/1989

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 10/31	0.860 CFS	115.70 AF
	<u>Total Diversion:</u>	0.860 CFS	115.70 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 27, Twp 05S, Rge 12E, B.M.
GOODING 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	
05S	12E	27											3.8	9.2			18.4		31.4
05S	12E	33	13.6																13.6
05S	12E	34					17.7	36.5	12.8										67.0

Total Acres: 112

Conditions of Approval:

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
- 065 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 groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8487D

3. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. 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.
11. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. the use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:Comments:

1. JJOHNSON 12/26/1995 TRANSFER NO. 4614

Comment: Transfer No. 4614 was filed to change the nature & season of use, and add a point of diversion under a portion of Right No. 37-08487, splitting the right into parts A and B.

2. AMERRITT 11/5/1999 TRANSFER NO. 5590

Comment: This transfer splits right per sales agreement with Jacob Bosma and then moves the place of use.

3. MBALDWIN 12/16/1999 PROTEST

Comment: A protest was filed on 12/6/99.

4. MBALDWIN 7/25/2000 WITHDRAWN PROTEST

Comment: A Settlement Agreement resolving the protest was received on 7/18 /00 at Southern Region.

5. pskaggs 5/2/2001 11:48:44 AM Transferred Right

Comment: This is now an approved transfer, transfer number = 67010

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8487D

Dates and Other Information:

Licensed Date: 5/12/1994

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

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MAY 22 2003

Before the Idaho Water Resource Board

Department of Water Resources

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Sawtooth Sheep Company
2. Address: 1989 S 1875 E, Gooding, ID 83330
3. Source of water: Ground Water
4. Volume of water rented: 115.7 AF Max rate: 0.86 cfs
5. Diversion period: Irrigation season - 200³
6. Use of water: Irrigation
7. a) Renter's point of diversion:

SE1/4SW1/4 Section 31, T6S, R15E, B.M., Gooding County.

Pump Lift: 180' Pump HP 200

b) Renter's place of use:

Legal description: 112 ac. in parts of Section 31, T6S, R15E, B.M. and in part of Section 5, T7S, R15E, B.M.

8. The right from which water will be rented is 37-08487D.

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. Prior to diversion of water under this agreement, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director. At the end of the irrigation season, the renter shall report the information to the Department.
3. Renter is not authorized to divert more than 115.7 AF of ground water

under this agreement.

4. Use of water under this agreement does not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor does it prejudice any future lease agreement that may be made of the subject water right after this lease agreement expires.
5. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. The rate of diversion when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this 13th day of ~~June~~ May, 2002³.

Sawtooth Sheep Co

Renter

by John Paulsen

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 23rd day of May, 2002³.

Karl J. Dreher

for KARL J. DREHER, Director
Department of Water Resources

JUN 28 2002

Department of Water Resources

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Sawtooth Sheep Company
2. Address: 1989 S 1875 E, Gooding, ID 83330
3. Source of water: Ground Water
4. Volume of water rented: 115.7 AF Max rate: 0.86 cfs
5. Diversion period: Irrigation season - 2002
6. Use of water: Irrigation
7. a) Renter's point of diversion:

SE1/4SW1/4 Section 31, T6S, R15E, B.M., Gooding County.

Pump Lift: 180' Pump HP 200

- b) Renter's place of use:

Legal description: 112 ac. in parts of Section 31, T6S, R15E, B.M. and in part of Section 5, T7S, R15E, B.M.

8. The right from which water will be rented is 37-08487D.

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. Prior to diversion of water under this agreement, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director. At the end of the irrigation season, the renter shall report the information to the Department.
3. Renter is not authorized to divert more than 115.7 AF of ground water

under this agreement.

4. Use of water under this agreement does not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor does it prejudice any future lease agreement that may be made of the subject water right after this lease agreement expires.
5. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. The rate of diversion when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this 13th day of JUNE, 2002.

Sawtooth Sheep Co
Renter
by John Haulkin

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 1st day of July, 2002.

Karl J. Dreher
KARL J. DREHER, Director
for Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67010

This is to certify that: FAULKNER LAND & LIVESTOCK CO
1989 S 1875 E
GOODING ID 83330

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
37-8487A	WR/License	01/25/1989	1.34 cfs	566.1 af	174.0	174.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

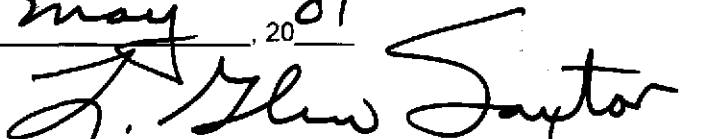
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-8487A	YES	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-8487A	37-8487D	0.86 cfs	115.7 af	112.0	112.0	37-8487C	0.48 cfs	64 af	62.0	62.0
TOTALS		0.86 cfs	115.7 af	112.0	112.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of May, 2001


Chief, Water Allocation Bureau

MICROFILMED
MAY 09 2001

WATER RIGHT NO. 37-8487D
As Modified by Transfer No. 67010

In accordance with the approval of Transfer No. 67010, Water Right No. 37-8487D is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO
 1989 S 1875 E
 GOODING ID 83330

Priority Date: 01/25/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.86 CFS	115.7 AF
			0.86 CFS	115.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 27 Twp 05S Rge 12E GOODING 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	
05S 12E 27											3.8	9.2			18.4		31.4
05S 12E 33	13.6																13.6
05S 12E 34					17.7	36.5	12.8										67.0

Total Acres: 112

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 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 groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

MICROFILMED

MAY 3 5 2001

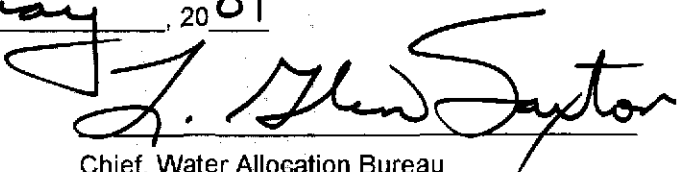
WATER RIGHT NO. 37-8487D
As Modified by Transfer No. 67010

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. the use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
8. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
9. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

Dated this 2nd day of May, 2001


Chief, Water Allocation Bureau

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MAY 06 2001

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RECEIVED

OCT 25 1999

Department of Water Resources
Southern Region

Tran No. 5590

TG7010

Page 1 of 8
RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 10 2000 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant FAULKNER LAND AND LIVESTOCK COMPANY Phone 208-934-4093
 Post Office address 1989 SOUTH 1875 EAST GOODING ID 83330

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 SPLITTING RIGHT
 2. Describe the reason for the proposed changes SPLIT RIGHT WITH BOSMA PER SALE AGREEMENT

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

1. Right Number 37-08487A Priority 01/25/1989 Amount 0.86 CFS Nature of Use IRRIGATION Period of Use 04/01 to 10/31
 2. Total amount of water being transferred 0.86 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water GROUNDWATER tributary to _____
 4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	27	05S	12E	GOODING	

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	
05S	12E	27											04	11			17		32
		33	11																11
		34					18	38	13										69

MICROFILMED

MAY 3 2001

Total acres

112

T5590 / T67010

PART 1

6. General Information:

- a. Description of diversion system PUMP AND PIPELINE FROM SUMP TO LAND IRRIGATED
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:
CERTAIN GROUND NOT COVERED WITH NSCC SHARES WILL BE DRIED UP. LANDOWNER CAN MOVE NSCC SHARES TO FORMER POU
- d. Remarks:
TRANSFER TO MOVE FAULKNER'S SHARE OF WATER TO HIS OWN LANDS

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 _____.

MICROFILMED

MAY 09 2006

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-08487A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.34 CFS	566.1 AF

SOURCE

GROUNDWATER

Priority: 01/25/1989

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 27, Township 05S, Range 12E
GOODING CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE	: NENW				NWNW	SWNW	SENW	: NESW				NWSW	SWSW	SESW	: NESE				NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
05S	12E	22	:									:									:									:	6.0	
05S	12E	27	:									:	11	35	24	31	:	37				:					06	08			:	168.0
																												TOTAL ACRES	174.0			

CONDITIONS/REMARKS:

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

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

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MAY 30 2001

Page 4 of 8

TRANS NO. 5590

Water Right No. 37-08487A

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

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 _____

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MAY 23 2001

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. 37-08487A issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5614 4614 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 01/25/1989

5. Water is used for the following purpose:

amount 1.34/566.10 for IRRIGATION purposes from 04/01 to 10/31
(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 1.34 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	27	05S	12E	GOODING	

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	
05S	12E	22											01	05					6.0
		27					11	35	24	31	37		16		06	08			168.0

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MAY 01 2001

Total acres 174.0

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

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 0.86 CFS for IRRIGATION purposes from 04/01 to 10/31
 (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
		NW	SE	27	05S	12E	GOODING	

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	
05S	12E	22															01	05	6.0
		27							08	31	37			16		06	08		106.0

Total acres 112.0**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.48 CFS for IRRIGATION purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

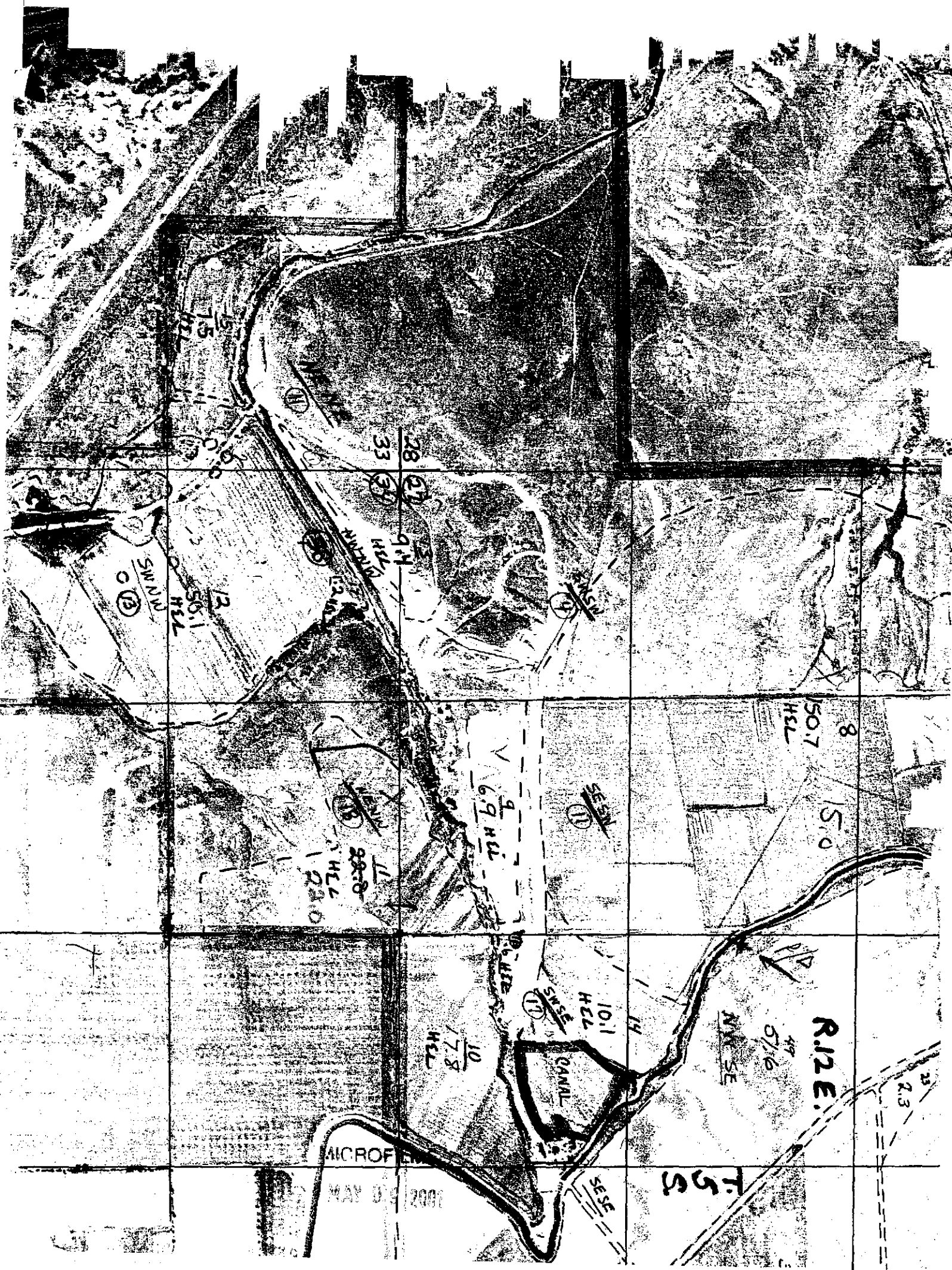
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	27	05S	12E	GOODING	

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	
05S	12E	27					11	35	16										62
							MICROFILMED												
							MAY 10 2021												

Total acres 62



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.**

SEE ATTACHED MAP

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MAY 09 2001

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

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.

Subscribed and sworn to before me this

John P. Faulkner
(Signature of Applicant)
21st day of October, 19 99

VICKIE L. JAMES
NOTARY PUBLIC
STATE OF IDAHO

Vickie L. James
(Notary Public)

My commission expires

11/8/2004**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 2 attachments

Received by

J.P. Storton

Date

10-25-99

Protest filed by

Lee H/pen (withheld)

Prelim. check by

Fee

\$100.5022634

Receipted by

Date

10-25-99

Published in

Gooding Co. Leader

Pub. dates

11/24 + 12/1/99

Watermaster recommendation requested on

N/A

Copies of protest forwarded by

Hearing held by

Date

Recommended for

☒

approval

☐

denial

by AO

Copy of transfer sent to lien holder

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MAY 5 2001

Ports B&C



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 15, 2003

JACOB BOSMA
1748 E 400 S
JEROME ID 83338

BLISS ACRES LLC
C/O JACOB BOSMA
318 SPRING COVE RD
BLISS ID 83314

RE: Transfer No.: 70250 - Water Rights 37-12787A, 37-8487B, 37-8487C
Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

N/S

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval. If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department.

Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

MICROFILMED

JUN 28 2003

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section

Enclosure(s)

cc: Joseph F. James,
Arkoosh Law Offices

MICROFILMED
JUL 28 2003

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

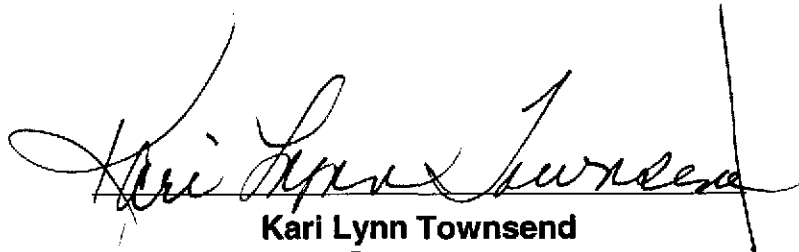
RE: TRANSFER NO. 70250

WATER RIGHTS 37-12787A, 37-8487B, 37-8487C

**JOSEPH F JAMES
ARKOOSH LAW OFFICES
PO BOX 32
GOODING ID 83330**

**BLISS ACRES LLC
C/O JACOB BOSMA
318 SPRING COVE RD
BLISS ID 83314**

**JACOB BOSMA
1748 E 400 S
JEROME ID 83338**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUL 28 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department 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 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

JUL 28 2003

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 Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Transfer Review Sheet

Applicant Bliss Acres LLC/Tqcb6 Bosma Transfer # 70250

Rights Involved with Transfer:

WR# 37-84878 37-8487C 37-12787A _____

AJ# _____

Right ID Correct? Y or N Y or N Y or N Y or N Y or N Y or N

Split? Y or N Y or N Y or N Y or N Y or N Y or N

Unchanged # _____

Changed # _____

Area of Concern: ESPA

Comment Letters:

	Date Requested	Date Received
Watermaster: District _____	_____	_____
Fish & Game _____	_____	_____
Canal Company _____	_____	_____
Stream Channel _____	_____	_____
City _____	_____	_____
DEQ _____	_____	_____
County _____	_____	_____
Department of Ag _____	_____	_____
Other _____	_____	_____

SDE:

[illegible]

Database updates for approval complete 5-15-03.

2

Conditions:**GROUNDWATER:**

DRILLING PERMIT - 046
 DP upgrade req'd Y N (contact GW)

WMD - North/East/West
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 067

~~WMD~~
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

SURFACE WATER:

WD - R05
 ≤ 0.20 cfs/others - R02, 01P or No MD
 > 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
 STANDARD VOLUME _____ af/ac
 CONSUMPTIVE USE VOLUME _____ af/ac

SUPPLEMENTAL

- 065-104 (where irrigation is the only use)

SUPPLEMENTAL

- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)
- 115 (meas. Device for non-irrig uses or new irrig systems)
- 131 (existing irrig systems)

USES:

STORAGE - 18C-R02-01P-18B-NA
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
 Volume only - R58/R59/R60/R61
 STOCKWATER - R37 (all BLM/USFS)
 MINING- 054-106
 FISH PROP - 029 (70's basins only)-007-122-106
 HEAT/COOL - R07 (injection well)
 FIRE PROT. - 077
 DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
 MUNICIPAL
 Restricted area - 022-075 RAFN - 007-109-X64
 Irr., GW supp to SW - 102
 DOMESTIC
 Surface water - WB5 (Big Wood or Boise above Star Bridge)
 - 27A (Payette River)
 > 1 in restricted area - 070-071-075 (no parks/common areas, etc)
 Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
 T08 - comply or rescind
 T17 - > 1 pd, measure all (use w/ WB4)
 T18 - Special T17 & R43 combined - multiple pds in WD
 Protested - 020-X19
 Water Quality - 106-R07

X27 - Number of acres/season in ppu
 X35 - Combined totals of multiple rts
 083 - replaces C11 (enlargement rights)

X49 - measure p/d's (source chg'd to orig trib)
 X51 - 2+ yrs to develop
 X53 - Use ltd to orig. source availability
 X54 - forfeited ac/rate (used rarely)
 X55 - (transfer shrinks total water to less ac)
 004 - no right-of-way
 X58 - pending claim (statutory or AJ b/u claim)
 X61 - extended irr season
 X62 - replaces N11 and N13
 X63 - replaces C12
 WB4 - + p/ds, cfs & afa (used with T17)
 WD8 - land application of waste water
 01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
 T19 - replaces C18 (if at Directors Report or Partial Decree stage)
 T20 - use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS:

Initial Allocation Review by J. C. Stanton
 SRBA Review Completed by
 Regional Manager Review by

Date 4-1-03
 Date
 Date 5/2/03

Comments:

CH

FILE PROGRESS SUMMARY

APPLICANT:

WATER RIGHT NO.

27-084874
etc

INIT.	DATE	COMMENT
ala	7/1/02	Staffed to Jim Stanton
J	1-10-03	To Mary for adv.
MB	1/21/03	Adv. sch GCL 1/30 & 2/6/03; 2/18/03 (cancelled 1/23/03 per ADM)
		Scanned file onto AS012
MB	1/22/03	Ltr. to App.
J	4-1-03	To Mary for adv.
MB	4/2/03	Re. adv. GCL 4/10 & 4/17/03; 4/28/03
MB	4/22/03	Pub. off. rec.
MB	4/29/03	To ADM for signoff
MB	5/2/03	To MB & forward to S-D.

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

RECEIVED

APR 22 2003

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 10th day of April, 2003, and the date of the last publication was on the 17th day of April, 2003.

On this 17th day of April, in the year of 2003, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

8134 / 45439
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 8.0¢/Pica

488.81 Lines straight at 34.22 7.0¢/Pica

488.81 Subsequent lines at 29.33 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 666.05

COPY OF NOTICE

(Paste Here)

Water Rights - Bosma
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Gooding County: BLISS ACRES LLC, C/O JACOB BOSMA, 318 SPRING COVE RD; BLISS ID 83314 filed Application No. 70250 on 7/1/02 for a combined diversion of 0.74 cfs from ground water. This application proposes to change the point of diversion from one well just NE of the Bosma dairy and one well 3/8 mile SE of the dairy to two wells just NE of the dairy. The application also describes the land irrigated by the wells, and clarifies that commercial use includes water for 8 homes, 7 lawns, and a potato cellar in addition to in-barn use at the dairy. All the described uses on the three water rights presently exist on this property which is located about 2 miles North and 4 miles West/Northwest from the center of Bliss. For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before April 28, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 4/10 - 4/17

G45439

MICROFILMED
JUL 26 2003

MEMORANDUM

DATE: April 3, 2003
TO: File, T# 70250
FROM: Mary A. Baldwin, Southern Region
SUBJECT: Advertising of Application

Background info:

The application was originally scheduled for publication in the Gooding County Leader on 1/30 & 2/6/03 but was cancelled via a telephone call to the newspaper on 1/23/03 per instructions from Allen D. Merritt, Regional Manager.

An additional review of the application on 1/23/03 revealed that the business entity was not licensed to do business in the State of Idaho. As a result, it was determined that processing of the application would be halted until that problem was solved. The applicant was informed of this status by letter dated 1/28/03.

On 3/19/03 a search of the Idaho Secretary of State website revealed a valid business status for the business entity.

Advertising of the application was requested on 4/1/03 and re-scheduled for 4/10 & 4/17/03 in the Gooding County Leader. A letter was sent to the applicant outlining this information.

On 4/3/03 I received a telephone call from the applicant's representative, Jacob Bosma, informing me that he had read the legal notice in the newspaper sometime in February. I checked the file and no Affidavit of Publication was found. A subsequent telephone call was made to Karen at Magic Valley Publishing who perused those back issues of the Gooding County Leader and verified the absence of prior publication.

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 2, 2003

JACOB BOSMA
BLISS ACRES LLC
318 SPRING COVE RD
BLISS ID 83314

RE: Application for **Transfer No. 70250**

Dear Applicant(s):

Once again our Department has scheduled advertising the application in the **Gooding County Leader** on **4/10 & 4/17/03**. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. **(April 28, 2003)**

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant regarding the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure. Please refer to the transfer number in all correspondence regarding the above referenced application.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUL 24 2003

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Gooding County:

BLISS ACRES LLC, C/O JACOB BOSMA, 318 SPRING COVE RD; BLISS ID 83314 filed Application No. 70250 on 7/1/02 for a combined diversion of 0.74 cfs from ground water. This application proposes to change the point of diversion from one well just NE of the Bosma dairy and one well 3/8 mile SE of the dairy to two wells just NE of the dairy. The application also describes the land irrigated by the wells, and clarifies that commercial use includes water for 8 homes, 7 lawns, and a potato cellar in addition to in-barn use at the dairy. All the described uses on the three water rights presently exist on this property which is located about 2 miles North and 4 miles West/Northwest from the center of Bliss.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before April 28, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 4/10 & 4/17/03.

MICROFILMED
2003 5 14 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

April 2, 2003

ATTN: Norma
MAGIC VALLEY PUBLISHING
Gooding County Leader
PO BOX 468
JEROME ID 83338

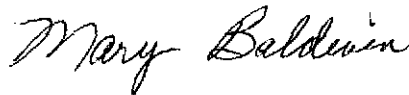
Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

APR 11 2003



Idaho Secretary of State Search Results

Search Result Summary

[[New Search](#)]

Search Results 1 through 2

(BLISS ACRES, L.L.C. ... BLISS ACRES, L.L.C.)

BLISS ACRES, L.L.C.

Organizational ID / Filing number: W7388
4300 BEAM RD
ZILLAH, WA 98952

Filed 23 Nov 1998
LIMITED LIABILITY COMPANY
ADMIN CANCELLED

BLISS ACRES, L.L.C.

Organizational ID / Filing number: W23228
HENRY BOSMA 4300 BEAM RD
ZILLAH, WA 98952

Filed 17 Mar 2003
LIMITED LIABILITY COMPANY
EXISTING

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

MICROFILMED
APR 28 2003



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for BLISS ACRES, L.L.C.](#)]

BLISS ACRES, L.L.C.

HENRY BOSMA 4300 BEAM RD
ZILLAH, WA 98952

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 17 Mar 2003

State of Origin: WASHINGTON

Date of 17 Mar 2003

Origination/Authorization:

Current Registered Agent: JACOB BOSMA
318 SPRING COVE RD
BLISS, ID 83314

File Number: W23228

Date of Last Annual Report: N/A

Amendments:

**Amendment 0 filed 17 Mar REG. OF FOREIGN
2003**

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

MICROFILMED

JUL 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 28, 2003

Jacob Bosma
318 Spring Cove Rd
Bliss, ID 83314

RE: App for Transfer 70250

Dear Mr. Bosma;

Some additional questions have come up regarding your proposed transfer. A check of the Idaho Secretary of State's records show that Bliss Acres LLC is not registered to do business in Idaho, and it is now our policy to only approve water transfers for legal Idaho businesses. Please provide a copy of your business registration or other documentation showing that you can do business here, as required By Sec. 53-504 of the Idaho Code.

There is also a question of ownership of the land involved in the proposed transfer. If I have read the deeds correctly, the land north and east of Spring Cove Rd. was sold by Mr. DeGroot to Bliss Acres LLC. The land south and west of Spring Cove Rd. was sold by Faulkner Land & Livestock to you. However, records at the Gooding County assessor's office show that all but about 7 acres around your home is owned by Bliss Acres LLC. Please provide a copy of the deed from you to Bliss Acres for the portion of the old Faulkner land that the LLC now owns.

There is a question as to how the applicant should be listed on this transfer. While Bliss Acres LLC c/o you at the above address, and you individually at the above address, are now listed, we are thinking that Bliss Acres should be shown with its Washington address. You could be listed as a representative, and all mail on this matter would continue to come to you. If this is acceptable, I will make these changes to your application.

What is your correct mailing address? While our records show 318 Spring Cove Rd. as your address, the telephone book and the county assessor show 307 E Spring Cove Rd.

Finally, Water Right 37-12787A shows Joseph James of Arkoosh Law Offices as your attorney. Should he continue to be listed on this right, or should we remove his name from our records? He was not listed on the proposed transfer, so we are trying to clean up our database while you have a pending action before the Department.

Please submit the required information by February 28 so that processing of your application can continue. If you need more time, it can be granted for sufficient cause.

MICROFILMED

JUL 23 2003

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Joseph F. James, Attorney

MICROFILMED

JUN 23 2003

Baldwin, Mary

From: Baldwin, Mary
Sent: Wednesday, January 22, 2003 3:52 PM
To: Yenter, Cindy (Hodges)
Cc: Baldwin, Mary
Subject: NEW transfer apps

FYI and/or comment:

Jacob Bosma (Bliss Acres) has filed Transfer No. 70250 on some Basin 37 rights to change point of diversion NE of the existing dairy.

James Whittaker has filed Transfer No. 70065 on some Basin 37 rights basically to legalize an existing permissible place of use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 22, 2003

JACOB F. BOSMA
318 SPRING COVE RD
BLISS ID 83314

RE: Application for Transfer No. 70250

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the Gooding County Leader on 1/30 & 2/6/03. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (February 18, 2003)

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant regarding the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary Baldwin

Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUL 23 2003

WATER RIGHT NO. 37 8487B

- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
- 115 Prior to the diversion and use of water under Transfer approval 70250, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
- R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- T20 Approval of this transfer does not confirm the validity of this water right.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
- WD8 The commercial use authorized by this approval includes water for 8 homes, 7 lawns, a potato cellar, and a dairy barn.
- WB4 The total instantaneous diversion of water from all points of diversion under Rights 37-8487B, 37-8487C and 37-12787A shall not exceed 0.74 cfs, nor total combined annual volume of 169.0 af.
- GEN Approval of Transfer No. 70250 is subject to the following condition contained in an agreement dated 10-12-95 between Jacob F. Bosma and Lorna Bard whereby the domestic well, which is the subject of an 04-30-87 agreement with the Travelers Insurance Company, will not be used for dairy purposes except for a reasonable time in the event of an emergency caused by the failure of the primary water system. However, in no event can diversions under Right No. 37-08487B leave Lorna Bard or her successors without water.
- Approval of Transfer No. 70250 is subject to the following condition contained in an agreement dated 10-20-95 between Jacob F. Bosma (Applicant) and Daniel Butler representing Spring Cove Ranch, Inc. and Archie Walker (Protestants): "...The Applicant shall continuously comply with the practices specified in the Plan and Agreement entered into by the Protestants and Applicant, and in the event a party to that Agreement shall hereafter in a contested case establish that it is more probable than not that the Applicant has materially failed to comply with the Agreement, this transfer and approval shall be revoked."
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 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.

WATER RIGHT NO. 37 8487C

- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
- 115 Prior to the diversion and use of water under Transfer approval 70250, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- 065 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 groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
- R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. the use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- X27 This right is limited to the irrigation of 62 acres within the place of use described above in a single irrigation season.
- WB4 The total instantaneous diversion of water from all points of diversion under Rights 37-8487B, 37-8487C and 37-12787A shall not exceed 0.74 cfs, nor total combined annual volume of 169.0 af.
- R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T20 Approval of this transfer does not confirm the validity of this water right.
- 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.

WATER RIGHT NO. 37 12787A

- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. &DISTRICT.
- 115 Prior to the diversion and use of water under Transfer approval 70250, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- WB5 Domestic use is for 1 home and up to 1/2 acre of lawn, garden, landscape, or other types of irrigation.
- WB4 The total instantaneous diversion of water from all points of diversion under Rights 37-8487B, 37-8487C and 37-12787A shall not exceed 0.74 cfs, nor total combined annual volume of 169.0 af.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 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.

SRBA

PARTIAL DECREE 37-12787A

Issued on 12-11-2002.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	BLISS ACRES LLC 4300 BEAM RD ZILLAH, WA 98953																	
SOURCE:	GROUND WATER																	
QUANTITY:	0.08 CFS 28.20 AFY																	
PRIORITY DATE:	04/01/1948																	
POINT OF DIVERSION:	T05S R12E S27	SENENW	Within Gooding County															
PURPOSE AND PERIOD OF USE:	<table border="0" style="width: 100%;"> <tr> <td style="width: 40%;">PURPOSE OF USE</td> <td style="width: 30%;">PERIOD OF USE</td> <td style="width: 30%;">QUANTITY</td> </tr> <tr> <td>Stockwater</td> <td>01-01 TO 12-31</td> <td>0.08 CFS 27.00 AFY</td> </tr> <tr> <td>Domestic</td> <td>01-01 TO 12-31</td> <td>0.04 CFS 1.20 AFY</td> </tr> </table>			PURPOSE OF USE	PERIOD OF USE	QUANTITY	Stockwater	01-01 TO 12-31	0.08 CFS 27.00 AFY	Domestic	01-01 TO 12-31	0.04 CFS 1.20 AFY						
PURPOSE OF USE	PERIOD OF USE	QUANTITY																
Stockwater	01-01 TO 12-31	0.08 CFS 27.00 AFY																
Domestic	01-01 TO 12-31	0.04 CFS 1.20 AFY																
PLACE OF USE:	<table border="0" style="width: 100%;"> <tr> <td style="width: 40%;">Stockwater</td> <td style="width: 30%;"></td> <td style="width: 30%;">Within Gooding County</td> </tr> <tr> <td>T05S R12E S27</td> <td>NWNE</td> <td>SWNE</td> </tr> <tr> <td></td> <td>NENW</td> <td>SENE</td> </tr> <tr> <td>Domestic</td> <td></td> <td>Within Gooding County</td> </tr> <tr> <td>T05S R12E S27</td> <td>NENW</td> <td></td> </tr> </table>			Stockwater		Within Gooding County	T05S R12E S27	NWNE	SWNE		NENW	SENE	Domestic		Within Gooding County	T05S R12E S27	NENW	
Stockwater		Within Gooding County																
T05S R12E S27	NWNE	SWNE																
	NENW	SENE																
Domestic		Within Gooding County																
T05S R12E S27	NENW																	

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

Stanton, Jim

From: Grindle, Dave
Sent: Monday, January 13, 2003 10:49 AM
To: Skaggs, Pam
Cc: Stanton, Jim
Subject: RE: 70250 App. Fix.

Done

-----Original Message-----

From: Skaggs, Pam
Sent: Monday, January 13, 2003 7:37 AM
To: Grindle, Dave
Cc: Stanton, Jim
Subject: 70250 App. Fix.

Hi Dave,

A little fix is needed for Transfer 70250.

<< File: 70250 App. Fix.ppt >>

Thanks,

Pam.

Stanton, Jim

From: Skaggs, Pam
Sent: Thursday, January 09, 2003 3:03 PM
To: Shaff, Don
Cc: Stanton, Jim
Subject: 37-12787A Partial Decree / Transfer 70250

Don,

This right has a partial decree & needs to be moved to WRs. If it gets hung-up halfway, send it back to me please. I will then send it on to Dave. If it moves over completely, please forward to Dave for application fixes.

Thanks,

Pam

-----Original Message-----

From: Stanton, Jim
Sent: Thursday, January 09, 2003 2:16 PM
To: Skaggs, Pam
Cc: Stanton, Jim
Subject: Decreed Right Not Posted To WR Database

Pam - Right 37-12787A was decreed on 12-11-02, but has not been posted yet. It is part of T 70250, so this needs to be done before I can proceed. Also, Dave needs to change the source to xrFromWaterRightList-Decreed table, with the correct right ID (I see that you have been using the ID number for the decree that was established for the



Presentation1.ppt

recommendation). A Power Point slide of the present Search screen is attached.

Stanton, Jim

From: Stanton, Jim
Sent: Tuesday, December 24, 2002 4:59 PM
To: Skaggs, Pam
Cc: Stanton, Jim
Subject: App for Transfer 70250, Bliss Acres LLC/Bosma

Pam - Please take a look at this transfer before our next meeting on January 2. I have some conditions of approval for all 3 rights, which of course will have to be modified as we discuss the issue of measuring devices in Water District 130. Please also look at a the Comment Report. Let me know your preliminary thoughts on this app - are there any changes that I should make prior to the meeting to help move this to advertising? Allen has decided that we would not be printing the approval document until after the protest period, as this will make it easier to make changes to the approval conditions (we will create the document in Workflow, but just won't print it out).



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2003

Bliss Acres LLC
C/o Jacob Bosma
318 Spring Cove Rd
Bliss, ID 83314

RE: App for Transfer 70250

Dear Mr. Bosma;

I have reviewed your application, and will shortly be turning it over to our secretary for advertising. We need additional information on your water system, however. Please submit a detailed drawing showing all wells, pumps (including horsepower ratings), pipelines (including pipe diameters), existing and proposed measuring devices, and other system components used to deliver water to the various uses. This information was not required when you filed your original application, but we recently received new instructions from our Boise office that requires this data. Please submit the requested data by February 10, 2003, so that processing of your application can continue. If this is not enough time, we can grant additional time for sufficient cause.

Regards,

James E. Stanton
Sr. Water Resource Agent

Memorandum

RECEIVED

JUL 15 2002

Department of Water Resources
Southern Region

To: Glen Saxton

From: Tim Luke *TJL*

Date: July 11, 2002

Re: Review of File 37-08487D, Sawtooth Sheep Co., Water Supply Bank Rental

I reviewed the above referenced file with respect to the reported power consumption data and estimated annual volume limitation. The annual volume estimates are explained in a memo by Allen Merritt dated 8/2/2000. A copy of this memo is in the above referenced water right file. Allen attached some annual power use data to this memo and provided estimates of use by dividing total Kwh use by the power consumption coefficient (PCC) measured in 1999. Some observations concerning Allen's memo and the power consumption data:

- It appears from review of past power consumption records that there was one power meter that serviced Faulkner's well and a canal pump. Specifically, I believe that one meter serviced two pumps prior to 1999. There is also reason to believe that the well may not have been used for several years prior to 1999 and that much of the power use from 1995 thru 1998 was attributed primarily to the canal pump. Records from 1995 thru 1998 indicate just one meter location with fairly consistent monthly KW use data although I observed that a few months appeared to have higher than normal KW. This occasional high KW might indicate turn-on of a supplemental well.
- The water right license field examination completed in 1992 shows that the Faulkner well discharged either to an adjacent canal or to a sump and re-lift pump across the canal. The examiner noted that the well pump was 100 HP and the re-lift pump was 75 HP. This is consistent with the HP listed in the 1995 power consumption reports that IDWR received from Idaho Power (the first year IDWR began receiving such reports). The power account records from 1996 thru 1998 list just one motor and pump with 75 HP. This information indicates that the well pump may have been removed after 1995.
- A field inventory of the Faulkner well on 6/11/1997 by Burke Scholer of IDWR shows that there was no pump installed in the well at the time of the visit (documented in water measurement file on record at IDWR Southern Region office).
- A field visit by Allen Merritt and Corbin Knowles on 7/10/02 confirms that there is one well at the site and one canal pump at the site. Each pump has a separate power meter

and pole, although the two pumps share the same power transformers. Allen noted that the well connects to a mainline that crosses the canal and bypasses the canal pump and runs further south. The canal pump has a 75 HP motor. The well pump is submersible so the nameplate horsepower could not be obtained. The Idaho Power annual power consumption reports however list a 50 HP motor for the well pump beginning in 1999. It is my opinion that the well pump probably has a 75 HP motor based on the measured KW from 1999.

- Power records and a West Measurement District PCC measurement in 1999 indicates that a new or second meter was added near the well pump in 1999. Based on the Idaho Power meter and pole numbers and the PCC exam, I believe the new meter and pole in 1999 goes with the Faulkner well and that the well pump was probably installed in 1999. The 1999-estimated water use from the well is 75.2 acre-feet based on the 1999 measured PCC and the 1999 power consumption associated with the well pump meter.
- Allen's memo of 8/2/2000 indicates no power use and hence no water use at the site in 1998 but Allen overlooked that the power account that year was in the name of Jake Bosma. There is actual significant power use at the site for 1998. The motor HP listed for the site in 1998 is 75 HP only, suggesting that use may have been limited to the canal pump only. The 75 HP motor is also the only motor listed at the site for 1996 and 1997.
- The estimated volumes provided in Allen's memo for years 1995 thru 1998 are suspect if all or most of the power consumption at the site is associated with the canal pump. Perhaps all of the estimated 115 AF was from the canal pump.
- Water right file 37-08487C, owned by Jake Bosma, authorizes irrigation of 62 acres and 64 AF from the same Faulkner well under 37-08487D. The power use account for the well was under the name of Faulkner Land and Livestock in 1999. We have assumed that all of the 75.2 AF was diverted for 37-08487D but there is a question that some of the water diverted was actually used for Bosma's right 37-08487C. Bosma is currently in the process of filing a transfer of right 37-08487C. The transfer proposes combining right 37-8487B (dairy) with 37-8487C (irrigation) and associate these rights with two existing wells that currently serve Bosma that are located north of the Faulkner well.
- The best and perhaps only historical estimate of use from the Faulkner well under right 37-08487D is the 75.2 AF in 1999 based on the 1999 PCC measurement. It is very possible that IDWR was generous in providing 115 AF under Transfer 67010. It is my opinion that an argument can be made that the right and transfer should have been limited to only 75.2 AF.

Recommendation:

The right holder's attorney submitted power use information for only 1999 thru 2001. There was clearly no use in 2000 and 2001 as per the submitted records. The power use data submitted for

July 11, 2002

1999 is exactly the same power use data that Allen used in computing the 1999 estimated volume of 75.2 AF. The right holder therefore has not submitted any new information to prove that the volume should be more than 75.2 AF. Obviously, there is no data to support that the volume should be higher than the 115.7 AF authorized under the right. The evidence before us today indicates that use under the right should perhaps be limited to no more than 75.2 AF.

The power use data prior to 1999 is not sufficient to determine annual use estimates from the Faulkner well. The right holder should submit additional information in order for the Department to further evaluate historical use from the well.



State of Idaho

T70250

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 11, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Gary D. Slette
ROBERTSON, HEPWORTH, SLETTE et. al.
303 Shoshone St. North
P.O. Box 1906
Twin Falls, ID 83303-1906

RECEIVED

JUL 15 2002

Department of Water Resources
Southern Region

RE: WATER RIGHT NO. 37-08487D - FAULKNER LAND & LIVESTOCK

Dear Mr. Slette:

I have asked Tim Luke of this office to review the power consumption information you provided in your letter dated July 3, 2002, to estimate the volume of water pumped in the past at the Faulkner well for the above referenced water right. As it turns out, Allen Merritt used identical power information as that you provided in calculating the volume of 115.7 AF shown in his memo dated August 2, 2000. I believe you have a copy of Allen's memo.

Tim's independent review of the power use and volume pumped is less than that calculated by Allen, being about 75.2 AF, based on the 1999 measured PCC and the 1999 power consumption associated with the well pump meter. Enclosed for your information and review is a copy of Tim's memo dated July 11, 2002. Based on Tim's memo, there does not appear to be justification to change the previously estimated volume of 115.7 AF to a larger annual volume for water right no. 37-08487D.

If you have questions, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Allen Merritt - IDWR
Tim Luke - IDWR

Also place copy
in Miss Alver
trustee Jim
has Done!
Ann 7/15/02

Miss Alver's
transfer

37-08487D

Merritt, Allen

From: Luke, Tim
Sent: Thursday, July 11, 2002 10:09 AM
To: Saxton, Glen
Cc: Merritt, Allen
Subject: RE: Revised Sawtooth Sheep Memo

Glen,

I revised my memo to reflect the true intent of the proposed Bosma transfer for 37-08487C as described by Allen. I'll re-print the memo, initial it and carry it down to your office again. It is my understanding that you do not intend to rescind the Faulkner Transfer and/or reduce the volume to 75.2 AF.

Tim

-----Original Message-----

From: Merritt, Allen
Sent: Thursday, July 11, 2002 9:52 AM
To: Luke, Tim; Saxton, Glen
Cc: Knowles, Corbin
Subject: RE: Revised Sawtooth Sheep Memo

The second to the last bullet is not totally correct in describing the pending transfer. The transfer is not intended to convert the irrigation right under 37-8487C to dairy use; the intent is to combine right 37-8487B (dairy) with 37-8487C (irrigation) and associate these rights with the existing two wells that currently serve Bosma that are located north of the Faulkner irrigation well that is subject of this memo.

My assumptions during processing of T5590 were that the power record for pole 2252 were for the well only which was based on review of the West Measurement data and that in 1996 179.7af was pumped (Being the high value for 5 years) and that since both Bosma and Faulkner were associated with that pump they split the volume proportionally based on acres they had on their water right.

Faulkner 115.7 af based on 112/174 share.....if you follow this logic then Bosma would have 64 af.

Now with the new evidence can we rescind T5590 and if we do limit the use to 75.2 then shouldn't that be split between Bosma and Faulkner?

-----Original Message-----

From: Luke, Tim
Sent: Thursday, July 11, 2002 9:14 AM
To: Saxton, Glen
Cc: Merritt, Allen; Knowles, Corbin
Subject: Revised Sawtooth Sheep Memo

Glen,

Attached is the revised Sawtooth Sheep memo. I took care of the two edit concerns that you pointed out. Also, I added another bullet item or two reflecting my review of the field license exam. Glen, I will run a hard copy of this memo down to you.

Tim

<< File: gs_Fualkner2.doc >>

T70250

83 inches

0.4

216 2ckr

40 - Bosh

108 2ckr

43 - Fuller

112 2ckr

4618

2pplic
0.18
24 2ckr

1.34

566.1

174 2ckr

9"
2pprovec
78

42 dried

.32 cfr
or 16"

76.8 2fz

.86 cfr
43"

112

0.48

24"

201.72f

62 2ckr

Send ck for
\$250

MICROFILMED

JUL 28 2003

SCANNED

JAN 21 2003

West Well - Main dairy well

T70250

Flowmeter Data

(ALL DISTRICTS)

BOSMA, JACOB F

GPS Site ID Tag

D0008244

Legal Description

05S 12E 27 ~~NWSE~~ SE NE NW

fsubFlowAF

Year	Totalizer Start	Totalizer End	Volume Units	Acre-Feet	Adjusted Acre-Feet	Max Flowrate (CFS)	Adjusted Max Flowrate	Qualifier
1999				103.4	106.5			FE
Calib. Factor 1.03 Calib. Date 10/1/1999 Vol Mult: 10								
Preferred: ☐ Validated: ☐ Changed 3/1/2000 dbo Comments:								
2001	667600	3174400	GAL	76.93	77.7			FE
Calib. Factor 1.01 Calib. Date 11/5/2002 Vol Mult: 10								
Preferred: ☐ Validated: ☐ Changed 12/17/2002 cknowles Comments: Have two end of the years and feel there is 3 roll overs in the year. CRK 12-17-02								

New Data

Site Visit

POD

SCANNED

JAN 21 2003

MICROFILMED

JUL 28 2003

East Well - Dairy Well

T70250

Flowmeter Data

(ALL DISTRICTS)

BOSMA, JACOB F

GPS Site ID Tag

A0006791

Legal Description

05S 12E 27 SENENW

fsubFlowAF

Year	Totalizer Start	Totalizer End	Volume Units	Acre-Feet	Adjusted Acre-Feet	Max Flowrate (CFS)	Adjusted Max Flowrate	Qualifier
1998				12.2	0	0	0	FE
Calib. Factor 1.04 Calib. Date 5/22/1999 Vol Mult: NOT READING HIS METER ARNIE 5/25/99								
Preferred: Validated: Changed dbo Comments:								
1999				29.2	30.37	0.23	0.24	PM
Calib. Factor 1.04 Calib. Date 5/22/1999 Vol Mult: 10 year esitmate (gpm 3-1-00)								
Preferred: Validated: Changed 3/1/2000 dbo Comments:								
2000				55.85	58.08			FE
Calib. Factor 1.04 Calib. Date 5/22/1999 Vol Mult: 10 In his report he wrote down on Dec. 22, 171199 so maybe this next year we can atleast make an educated guess.								
Preferred: Validated: Changed 12/6/2001 cknowles Comments:								
2001	171199	2205004	GAL	62.42	64.92			
Calib. Factor 1.04 Calib. Date 5/22/1999 Vol Mult: 10 IDWR audit on 12/28/01 showed 205004 X 10. Gave it a 2 roll over factor.								
Preferred: Validated: Changed 1/25/2002 cknowles Comments:								

New Data

Site Visit

POD

MICROFILMED

JUL 28 2003

SCANNED

JAN 21 2003

Questions On Boerna Transfer

1. Opp says 9 homes but map shows 10 - which is right? 10 & potato cellar
2. How many homes will have lawns watered from the well? $7 \frac{1}{4}$ / lawn 10.8 AF
4
3. Note - east well drilled 1996, west well in 1999 to replace old Faulkner well.
4. Find out how much water all the houses need to determine annual volume needs for all 9 or 10. How many people total? about $40 \times 100 \text{ gpd} \times 365 = 4.5 \text{ AFA}$
 $\frac{5.4 \text{ lawn}}{9.9 \text{ AFA}}$
5. What about land being dried up under transfer - still irrigated w/canal shares?
some outside of corral, etc
6. Is there a lien or mortgage on land in L. 22? yes
7. If water is needed for homes, what land do you want to dry up?
8. How many canal shares? full shares How reliable is delivery? not available at
over 200 shares times. well only runs when needed
9. Is canal area shown correctly on layout? no - fixed
10. 37-12787A has 4 homes but standard rate for 1 home in NE/NW. Drawing shows
3 homes here. ?? always had 3
11. How will canal water be used on new property? yes
handlines on pasture, hay under pivot

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5 homes were added since 1994, when Boerna bought property, 5 were already there

Notes On 37-12878A

1. Claimed 5 homes but affidavit in file says only 1 home in 1948. Part B was split off with later priority for home along county road (southernmost home in system). Accompanying flow volume for 1 home was correct for A portion.
2. Leaves 8 homes & 7 lawns plus spread cellar unaccounted for in WD 130
3. Mention homes & lawns under commercial use in conditions of approval per Jeff 12-18-02.

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JUL 28 2003

TRANSFER REVIEW SHEET

Trans # 70250

Date Reviewed 1-9-03

Right No(s). * 37-8487B 8487C 12782A
 Split? Y N Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes Yes

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
 Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with S.O.)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U _____ Lien Holder Release N/A

GROUNDWATER:

DRILLING PERMIT

All wells

DP upgrade req'd Y N (contact GW)

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL

- 065-104 (where irrigation is the only use)

SUPPLEMENTAL

- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)

- 115 (meas. Device)

USES:

STORAGE

- 18C-R02-01P-18B-NA

IRR ≤ 5 ac

- R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac

- R62/R63/R64/R65 (0.02 cfs/ac)

Volume only

- R58/R59/R60/R61

STOCKWATER

- R37 (all BLM/USFS)

MINING

- 054-106

FISH PROP

- 029 (70's basins only)-007-122-106

HEAT/COOL

- R07 (injection well)

FIRE PROT.

- 077

DAIRY

- 082 (zoning if a concern)-106-WD8 ?

SURFACE WATER:

WD

- R05 (WD# _____) WM comments rec'd _____

≤ 0.20 cfs/others

- R02, 01P or No MD

> 0.20 cfs

- R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres

- No MD

> 0.24 cfs/5 acres

- 01M or 01Q

STANDARD SEASON

_____ to _____ (use X61 if extended season)

STANDARD VOLUME 4.0 af/ac

CONSUMPTIVE USE VOLUME 3.0 af/ac

USES:

POWER

- 17H-17K (+uses)-025-106

MUNICIPAL

Restricted area

- 022-075 RAFN - 007-109-X64

Irr., GW supp to SW

- 102

DOMESTIC

Surface water

- WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

>1 in restricted area

- 070-071-075 (no parks/common areas, etc)

Irr use listed separate

- WB5

MISC CONDITIONS/REMARKS:

→ T07 - 1 yr to develop

→ T08 - comply or rescind

T17 - >1 pd, measure all (use w/ WB4)

→ T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

→ X27 - Number of acres/season in ppu

→ X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N11 and N13

X63 - replaces C12

WB4 - + p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)

→ T19 - replaces C18 (if at Recommendation or Partial Decree stage)

→ T20 - use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated _____ Approval form printed _____ Shape files created _____

Special Mailing Instructions (cc's, etc) _____

Final database update after approval _____ *Comment to WR No(s). _____

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Buss Acres, LLC Bozoma

TRANSFER NO. 70250

1. Right number(s)

37-08487B - 37-08487C 37-12787A

2. Type of right

☒ Decree ☒ License ☐ Statutory Claim
☒ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: _____

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

a. ☒

All of right

b. ☐

Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)

c. ☒

Description of point(s) of diversion

d. ☒

Description of place of use

e. ☒

Map showing P/D & P/U after transfer

f. ☒

Correct notarized signature and \$100 fee

g. ☒

Proof of ownership of right &/or land from which water is transferred

h. ☒

Expansion in use of right - Comments: _____

Transfer creates PPA larger than annual acreage allowance.

i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): None

j. N/A SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. ✓ Comment letters ✓ Yes No
If yes ✓ Water District # 130
 Lienholder, others, see #2
below for name and address

INITIAL ALLOCATION REVIEW BY J. E. Hartman DATE 1-10-03
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 1/23/03

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? Yes No

4. Affidavit of publication received? Yes No

5. Protests received? Yes No; Acknowledgement sent? Yes

6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. Approve

2. Deny due to _____

3. Conditions (special conditions in Water Districts) _____

 Also see attached memo for recommendation dated: _____

4. By _____ Date _____



Idaho Secretary of State Search Results

Search Result Summary

[[New Search](#)]

Search Results 1 through 1

(BLISS ACRES, L.L.C. ... BLISS ACRES, L.L.C.)

BLISS ACRES, L.L.C.

Organizational ID / Filing number: W7388
4300 BEAM RD
ZILLAH, WA 98952

Filed 23 Nov 1998
LIMITED LIABILITY COMPANY
ADMIN CANCELLED

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

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JUL 28 2003

Superseded

Page 1 of 11STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70250

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

JUL 01 2002

PART 1

Department of Water Resources

Name of applicant Southern Region Jacob Bosma and/or Bliss Acres, LLC Phone 208-352-4322
Post Office address c/o Jacob Bosma; 318 Spring Cove Rd; Bliss, ID 83314

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 Consolidate rights and describe current location of use and points of diversion, and cover new homes

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

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use JUN 27 2002
(See Attachment No. 1) _____
_____ Department of Water Resources
_____ Southern Region
_____ to _____
_____ to _____
_____ to _____
2. Total amount of water being transferred 0.93 cubic feet per second and/or 282.7 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	27	05S	12E	Gooding	Two Existing Wells (D0008244 & A0006791)

5. Lands irrigated or place of use: C=Commercial S=Stockwater D=Domestic

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	
05S	12E	22											0.6	4.4					5.0
													C	C					
05S	12E	27	1.0	2.5			34.4	9.7											57.6
				C	C		C	C	C	C									
				S	S		S	S	S	S									
					D		D	D		D									

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JUL 28 2003

AMENDED/REPLACED 12-23-02

Total acres 62.6 Irrigated

PART 1

6. General Information:

a. Description of diversion system Two existing wells (D0008244 & A0006791) delivering
to dairy, pivot and handline sprinkler systems, stock troughs, and nine houses.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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:
Will be dried up

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

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

MICROFILMED
 JUL 28 2003

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-12787A 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: (See Attachment No. 2)

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 04/01/1948

5. Water is used for the following purpose:

amount .16 cfs for Domestic purposes from 01/01 to 12/31
(cfs/ac-ft) amount .09 cfs for Stockwater purposes from 01/01 to 12/31
(cfs/ac-ft) amount .02 cfs for Commercial purposes from 09/01 to 06/30
(cfs/ac-ft)

6. Total amount of water under right .27 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NW	27	05S	12E	Gooding	

8. Lands irrigated or place of use: S=Stockwater C=Commercial D=Domestic

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	
05S	12E	27		S	S		S			S									
				C															
							D			D									

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JUL 28 2003

Total acres _____

9. Describe any other water rights used for the same purpose as described above 37-08487B, included in
this application.

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	

MICROFILMED
JUL 28 2001

Total acres _____

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. 37-08487B issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4614 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: (See Attachment No. 3)

☐ Tax Notice ☐ Warranty Deed ☒ Other Sales Agreement

3. Source of water Groundwater tributary to _____

4. Date of priority 01/25/1989

5. Water is used for the following purpose:

amount 13 cfs for Stockwater purposes from 01/01 to 12/31
(cfs/ac-ft)
amount .05 cfs for Comercial purposes from 01/01 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .18 cubic feet per second and/or 76.80 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NW	27	5S	12E	Gooding	
		NW	SE	27	5S	12E	Gooding	"Old Faulkner Irrigation Well"

8. Lands irrigated or place of use: S=Stockwater C=Commercial

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	
5S	12E	27							S	S									
										C									

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JUL 28 2003

Total acres _____

9. Describe any other water rights used for the same purpose as described above 37-12787A, included in
this application _____

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	

MICROFILM

JUL 28 2003

Total acres _____

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. 37-08487C issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4614 and 5590 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: (See Attachment No. 3')

☐ Tax Notice

☐ Warranty Deed

☒ Other Sales Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 01/25/1989

5. Water is used for the following purpose:

amount .48 cfs for Irrigation purposes from 4/1 to 10/31
(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 .48 cubic feet per second and/or 201.7 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	27	5S	12E	Gooding	"Old Faulkner Irrigation Well"

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	12E	27					11	35	16										62

MICRO

Total acres 62 Irrigated

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

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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JUL 23 2003

Total acres _____

PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	None			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:
N/A

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

*Just Born Pet Food Manufacturing Plant News -
N/A Just Born*

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]
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of June, 192002

[Signature]
(Notary Public)

My commission expires 6/30/06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by MB Date 7/1/02 Protest filed by _____

Prelim. check by _____ Fee 250⁰⁰ 50.25035

Receipted by MB Date 7/2/02

Published in _____ 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 _____

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JUL 28 2003

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1.B.1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
37-12787A	04/01/1948	.16 cfs	Domestic	01/01	to	12/31
		.09 cfs	Stockwater	01/01	to	12/31
		.02 cfs	Commercial	09/01	to	06/30
	TOTAL:	.27 cfs			to	
					to	
37-08487B	01/25/1989	.13 cfs	Stockwater	01/01	to	12/31
		.05 cfs	Commercial	01/01	to	12/31
	TOTAL:	.18 cfs			to	
					to	
37-08487C	01/25/1989	.48 cfs	Irrigation	04/01	to	10/31
	TOTAL	.48 cfs			to	

Attachment No. 1

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JUL 20 2003

Memorandum

To: Glen Saxton

From: Tim Luke

Date: July 11, 2002

Re: Review of File 37-08487D, Sawtooth Sheep Co., Water Supply Bank Rental

I reviewed the above referenced file with respect to the reported power consumption data and estimated annual volume limitation. The annual volume estimates are explained in a memo by Allen Merritt dated 8/2/2000. A copy of this memo is in the above referenced water right file. Allen attached some annual power use data to this memo and provided estimates of use by dividing total Kwh use by the power consumption coefficient (PCC) measured in 1999. Some observations concerning Allen's memo and the power consumption data:

- It appears from review of past power consumption records that there was one power meter that serviced Faulkner's well and a canal pump. Specifically, I believe that one meter serviced two pumps prior to 1999. There is also reason to believe that the well may not have been used for several years prior to 1999 and that much of the power use from 1995 thru 1998 was attributed primarily to the canal pump. Records from 1995 thru 1998 indicate just one meter location with fairly consistent monthly KW use data although I observed that a few months appeared to have higher than normal KW. This occasional high KW might indicate turn-on of a supplemental well.
- The water right license field examination completed in 1992 shows that the Faulkner well discharged either to an adjacent canal or to a sump and re-lift pump across the canal. The examiner noted that the well pump was 100 HP and the re-lift pump was 75 HP. This is consistent with the HP listed in the 1995 power consumption reports that IDWR received from Idaho Power (the first year IDWR began receiving such reports). The power account records from 1996 thru 1998 list just one motor and pump with 75 HP. This information indicates that the well pump may have been removed after 1995.
- A field inventory of the Faulkner well on 6/11/1997 by Burke Scholer of IDWR shows that there was no pump installed in the well at the time of the visit (documented in water measurement file on record at IDWR Southern Region office).
- A field visit by Allen Merritt and Corbin Knowles on 7/10/02 confirms that there is one well at the site and one canal pump at the site. Each pump has a separate power meter

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JUL 23 2003

July 11, 2002

and pole, although the two pumps share the same power transformers. Allen noted that the well connects to a mainline that crosses the canal and bypasses the canal pump and runs further south. The canal pump has a 75 HP motor. The well pump is submersible so the nameplate horsepower could not be obtained. The Idaho Power annual power consumption reports however list a 50 HP motor for the well pump beginning in 1999. It is my opinion that the well pump probably has a 75 HP motor based on the measured KW from 1999.

- Power records and a West Measurement District PCC measurement in 1999 indicates that a new or second meter was added near the well pump in 1999. Based on the Idaho Power meter and pole numbers and the PCC exam, I believe the new meter and pole in 1999 goes with the Faulkner well and that the well pump was probably installed in 1999. The 1999-estimated water use from the well is 75.2 acre-feet based on the 1999 measured PCC and the 1999 power consumption associated with the well pump meter.
- Allen's memo of 8/2/2000 indicates no power use and hence no water use at the site in 1998 but Allen overlooked that the power account that year was in the name of Jake Bosma. There is actual significant power use at the site for 1998. The motor HP listed for the site in 1998 is 75 HP only, suggesting that use may have been limited to the canal pump only. The 75 HP motor is also the only motor listed at the site for 1996 and 1997.
- The estimated volumes provided in Allen's memo for years 1995 thru 1998 are suspect if all or most of the power consumption at the site is associated with the canal pump. Perhaps all of the estimated 115 AF was from the canal pump.
- Water right file 37-08487C, owned by Jake Bosma, authorizes irrigation of 62 acres and 64 AF from the same Faulkner well under 37-08487D. The power use account for the well was under the name of Faulkner Land and Livestock in 1999. We have assumed that all of the 75.2 AF was diverted for 37-08487D but there is a question that some of the water diverted was actually used for Bosma's right 37-08487C. Bosma is currently in the process of filing a transfer in use of right 37-08487C from irrigation to dairy.
- The best and perhaps only historical estimate of use from the Faulkner well under right 37-08487D is the 75.2 AF in 1999 based on the 1999 PCC measurement. It is very possible that IDWR was generous in providing 115 AF under Transfer 67010. It is my opinion that an argument can be made that the right and transfer should have been limited to only 75.2 AF.

Recommendation:

The right holder's attorney submitted power use information for only 1999 thru 2001. There was clearly no use in 2000 and 2001 as per the submitted records. The power use data submitted for 1999 is exactly the same power use data that Allen used in computing the 1999 estimated volume of 75.2 AF. The right holder therefore has not submitted any new information to prove that the

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JUL 26 2003

July 11, 2002

volume should be more than 75.2 AF. Obviously, there is no data to support that the volume should be higher than the 115.7 AF authorized under the right. The evidence before us today indicates that use under the right should perhaps be limited to no more than 75.2 AF.

The power use data prior to 1999 is not sufficient to determine annual use estimates from the Faulkner well. The right holder should submit additional information in order for the Department to further evaluate historical use from the well.

Part D

Idaho Department of Water Resources Receipt

Receipt ID C069442

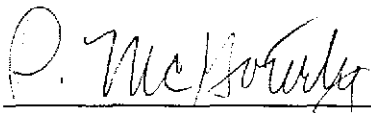
Payment Amount \$7,548.20 Date Received 6/6/2003 12:41:49 PM Region State Status
Payment Type Check Check Number 3790067913

Payer FAULKNER LAND & LIVESTOCK CO INC

Comment SAWTOOTH SHEEP COMPANY 115.7 AF \$1,272.70
FAULKNER LAND & LIVESTOCK 570.5 AF 6,275.50

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$5,705.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$570.50	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
\$1,157.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$115.70	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205


Signature Line (Dept. Representative)

Receipt Details for ID C069209

Status	Adjustment Type	Version
		2

B# 271
Rec 219
Check bounced
replaced w/ C069442

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/22/2003 10:48:32 AM	5/22/2003 2:11:32 PM	STATE	\$7,548.20	Check
Payer		FAULKNER LAND & LIVESTOCK CO INC		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
114933			
Card Expiration Date	Credit Card Transaction #		

Comment SAWTOOTH SHEEP COMPANY 115.7 AF \$1,272.70
FAULKNER LAND & LIVESTOCK 570.5 AF \$6,275.50

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$5,705.00	WATER BANK-OWNER SHARE	55109	0229	21		1205
\$570.50	WATER BANK-DEPARTMENT SHARE	55109	0229	21		1205
\$1,157.00	WATER BANK-OWNER SHARE	55109	0229	21		1205
\$115.70	WATER BANK-DEPARTMENT SHARE	55109	0229	21		1205

Refund(s):

Amount	Payee	Date	Document Number
\$5,705.00	FAULKNER LAND & LIVESTOCK CO INC	5/23/2003 11:39:08 AM	REF 2949
\$1,157.00	FAULKNER LAND & LIVESTOCK CO INC	5/30/2003 11:38:01 AM	REF 2995

7,548.20
114933 ck#
Faulkner Land &
Livestock
5/22/03

37-8487 D

1989 5 1875 E

Department of Water Resources

RECEIVED
JUN - 3 2003

Resent 5/23/03
letter w/new
address on
6/3/03 dz

PAGE TWO 03300

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton *LS*
RE: WATER SUPPLY BANK RENTAL FEE – 37-8487D
Date: May 23, 2003

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of the above referenced water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared in the amount of \$1,157 and sent to the owner of the water right at the following address:

Faulkner Land & Livestock Co.
1969 South 1875 East
Gooding, ID 83330

Attach: 2
c: 37-8487D

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JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2003

FAULKNER LAND & LIVESTOCK
C/O JOHN FAULKNER
1969 SOUTH 1875 EAST
GOODING, ID 83330

**RE: RENTAL OF WATER RIGHT NO. 37-8487D FROM THE WATER SUPPLY
BANK**

Dear Mr. Faulkner:

The department has requested the issuance of a state warrant in the amount of \$1,157 as payment to you for the rental of 115.7 acre feet of the above referenced water right from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

The return for the rental is based on \$10 per acre-foot of water rented. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

c: Allen Merritt
Fiscal - Debbie Allen
37-8487D

MICROFILMED

JUL 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2003

SAWTOOTH SHEEP CO.
C/O JOHN FAULKNER
1969 SOUTH 1875 EAST
GOODING, ID 83330

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - 37-08487D

Dear Mr. Faulkner:

Please find enclosed a receipt in the amount of \$1,272.70 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 115.7 acre feet of ground water for irrigation use during 2003. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

Encl: 2

c: Allen Merritt
37-8487D

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JUL 20 2003

Idaho Department of Water Resources Receipt

Receipt ID C069209

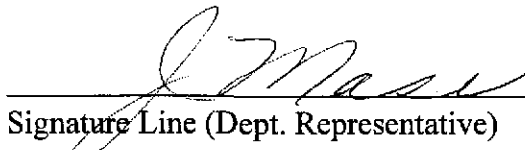
Payment Amount \$7,548.20 Date Received 5/22/2003 10:48:32 AM Region State Status
 Payment Type Check Check Number 114933

Payer FAULKNER LAND & LIVESTOCK CO INC

Comment SAWTOOTH SHEEP COMPANY 115.7 AF \$1,272.70
FAULKNER LAND & LIVESTOCK 570.5 AF \$6,275.50

Fee Detail

Amount	Description	Fund	FD	PCA	SO
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\$1,157.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$115.70	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205


 Signature Line (Dept. Representative)

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JUL 28 2003

Shenker #70250 - WR 37-8487B/C, 37-12787A

RECEIVED

MAY 23 2003

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900



JACOB BOSMA
1748 E 400 S
JEROME ID 83338

Return
WRONG
ADDRESS



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 11, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Gary D. Slette
ROBERTSON, HEPWORTH, SLETTE et. al.
303 Shoshone St. North
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: WATER RIGHT NO. 37-08487D - FAULKNER LAND & LIVESTOCK

Dear Mr. Slette:

I have asked Tim Luke of this office to review the power consumption information you provided in your letter dated July 3, 2002, to estimate the volume of water pumped in the past at the Faulkner well for the above referenced water right. As it turns out, Allen Merritt used identical power information as that you provided in calculating the volume of 115.7 AF shown in his memo dated August 2, 2000. I believe you have a copy of Allen's memo.

Tim's independent review of the power use and volume pumped is less than that calculated by Allen, being about 75.2 AF, based on the 1999 measured PCC and the 1999 power consumption associated with the well pump meter. Enclosed for your information and review is a copy of Tim's memo dated July 11, 2002. Based on Tim's memo, there does not appear to be justification to change the previously estimated volume of 115.7 AF to a larger annual volume for water right no. 37-08487D.

If you have questions, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Allen Merritt - IDWR
Tim Luke - IDWR

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JUL 28 2003

Memorandum

To: Glen Saxton

From: Tim Luke *TJL*

Date: July 11, 2002

Re: Review of File 37-08487D, Sawtooth Sheep Co., Water Supply Bank Rental

I reviewed the above referenced file with respect to the reported power consumption data and estimated annual volume limitation. The annual volume estimates are explained in a memo by Allen Merritt dated 8/2/2000. A copy of this memo is in the above referenced water right file. Allen attached some annual power use data to this memo and provided estimates of use by dividing total Kwh use by the power consumption coefficient (PCC) measured in 1999. Some observations concerning Allen's memo and the power consumption data:

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- The water right license field examination completed in 1992 shows that the Faulkner well discharged either to an adjacent canal or to a sump and re-lift pump across the canal. The examiner noted that the well pump was 100 HP and the re-lift pump was 75 HP. This is consistent with the HP listed in the 1995 power consumption reports that IDWR received from Idaho Power (the first year IDWR began receiving such reports). The power account records from 1996 thru 1998 list just one motor and pump with 75 HP. This information indicates that the well pump may have been removed after 1995.
- A field inventory of the Faulkner well on 6/11/1997 by Burke Scholer of IDWR shows that there was no pump installed in the well at the time of the visit (documented in water measurement file on record at IDWR Southern Region office).
- A field visit by Allen Merritt and Corbin Knowles on 7/10/02 confirms that there is one well at the site and one canal pump at the site. Each pump has a separate power meter

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1997 2 3 2003

and pole, although the two pumps share the same power transformers. Allen noted that the well connects to a mainline that crosses the canal and bypasses the canal pump and runs further south. The canal pump has a 75 HP motor. The well pump is submersible so the nameplate horsepower could not be obtained. The Idaho Power annual power consumption reports however list a 50 HP motor for the well pump beginning in 1999. It is my opinion that the well pump probably has a 75 HP motor based on the measured KW from 1999.

- Power records and a West Measurement District PCC measurement in 1999 indicates that a new or second meter was added near the well pump in 1999. Based on the Idaho Power meter and pole numbers and the PCC exam, I believe the new meter and pole in 1999 goes with the Faulkner well and that the well pump was probably installed in 1999. The 1999-estimated water use from the well is 75.2 acre-feet based on the 1999 measured PCC and the 1999 power consumption associated with the well pump meter.
- Allen's memo of 8/2/2000 indicates no power use and hence no water use at the site in 1998 but Allen overlooked that the power account that year was in the name of Jake Bosma. There is actual significant power use at the site for 1998. The motor HP listed for the site in 1998 is 75 HP only, suggesting that use may have been limited to the canal pump only. The 75 HP motor is also the only motor listed at the site for 1996 and 1997.
- The estimated volumes provided in Allen's memo for years 1995 thru 1998 are suspect if all or most of the power consumption at the site is associated with the canal pump. Perhaps all of the estimated 115 AF was from the canal pump.
- Water right file 37-08487C, owned by Jake Bosma, authorizes irrigation of 62 acres and 64 AF from the same Faulkner well under 37-08487D. The power use account for the well was under the name of Faulkner Land and Livestock in 1999. We have assumed that all of the 75.2 AF was diverted for 37-08487D but there is a question that some of the water diverted was actually used for Bosma's right 37-08487C. Bosma is currently in the process of filing a transfer of right 37-08487C. The transfer proposes combining right 37-8487B (dairy) with 37-8487C (irrigation) and associate these rights with two existing wells that currently serve Bosma that are located north of the Faulkner well.
- The best and perhaps only historical estimate of use from the Faulkner well under right 37-08487D is the 75.2 AF in 1999 based on the 1999 PCC measurement. It is very possible that IDWR was generous in providing 115 AF under Transfer 67010. It is my opinion that an argument can be made that the right and transfer should have been limited to only 75.2 AF.

Recommendation:

The right holder's attorney submitted power use information for only 1999 thru 2001. There was clearly no use in 2000 and 2001 as per the submitted records. The power use data submitted for

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JUL 28 2003

July 11, 2002

1999 is exactly the same power use data that Allen used in computing the 1999 estimated volume of 75.2 AF. The right holder therefore has not submitted any new information to prove that the volume should be more than 75.2 AF. Obviously, there is no data to support that the volume should be higher than the 115.7 AF authorized under the right. The evidence before us today indicates that use under the right should perhaps be limited to no more than 75.2 AF.

The power use data prior to 1999 is not sufficient to determine annual use estimates from the Faulkner well. The right holder should submit additional information in order for the Department to further evaluate historical use from the well.

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JUL 28 2003

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

I. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER



303 Shoshone Street North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

GARY D. SLETTE
gslette@idlawyer.com

July 3, 2002

RECEIVED

JUL - 3 2002

VIA FACSIMILE 327-7866

Department of Water Resources

State of Idaho
Department of Water Resources
Attn: Glen Saxton
1301 N. Orchard - P.O. Box 83720
Boise, Idaho 83720-0098

Re: **Water Right No. 37-08487D - Faulkner Land & Livestock**

Dear Glen:

As you recall, there was a limitation of 115.7 acre feet per year placed upon this right as a result of the Department's review of power records. At your suggestion, my client researched Idaho Power Company records regarding the usage of this right between June and October of 1999, and found power records which he believes will substantiate a larger volume. I am including a copy of that information for your review and consideration. It is my belief that the usage in 1999 would merit additional flow volumes being authorized for this right. Once you have had an opportunity to consider this information, please contact me at your convenience.

Yours truly,

*Transcribed and sent in
absence in order to avoid delay.*

GARY D. SLETTE

GDS:rlm
Encls.

cc: **Faulkner Land & Livestock**
rlw/gds/letter/DWR Section3

MICROFILMED

JUL 2 8 2002

FAULKNER LAND&LVSTCK
351 E 1660 S,2532/BLISS,ID
Meter # 2303807

Read Date	Days	kW	KWh	Amount \$
4/23/02	29	0	0	2.5
3/25/02	32	0	0	2.5
2/21/02	30	0	0	2.5
1/22/02	33	0	0	2.5
12/20/01	30	0	0	2.5
11/20/01	32	0	0	2.5
10/19/01	31	0	0	2.5
9/18/01	32	0	0	10.07
8/17/01	31	0	0	10.07
7/17/01	33	0	0	10.07
6/14/01	30	0	0	10.07
5/15/01	32	0	0	2.5
4/13/01	30	0	0	2.5
3/14/01	30	0	0	2.5
2/12/01	33	0	0	2.5
1/10/01	30	0	0	2.5
12/11/00	33	0	0	2.5
11/8/00	28	0	0	2.5
10/11/00	29	0	0	2.5
9/12/00	32	0	0	10.07
8/11/00	29	0	0	10.07
7/13/00	30	0	0	10.07
6/13/00	32	0	0	10.07
5/12/00	29	0	0	2.5
4/13/00	30	0	0	2.5
3/14/00	29	0	0	2.5
2/14/00	32	0	0	2.5
1/13/00	29	0	0	2.5
12/15/99	29	0	0	2.5
11/16/99	32	0	0	2.5
10/15/99	29	50	13318	455.63
9/16/99	30	68	14191	626.35
8/17/99	32	68	371	263.26
7/16/99	30	57	11031	503.95
6/16/99	30	57	8248	430.83
5/17/99	32	0	0	2.5
4/15/99	30	0	0	2.5
3/18/99	32	0	0	2.5
2/12/99	29	0	0	2.5
1/14/99	30	0	0	2.5
12/15/98	25	0	0	2.5

MICROFILMED

JUL 26 2003 TOTAL PAGE.02 **

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton *WZJ*
RE: WATER SUPPLY BANK RENTAL FEE - 37-08487D
Date: July 1, 2002

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of a water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared in the amount of \$1,157 and sent to the owner of the water right at the following address:

Faulkner Land & Livestock Co.
c/o John Faulkner
1989 S. 1875 E.
Gooding, ID 83330

Attach: 2

c: ✓ 37-08487D

MICROFILMED

JUL 2 8 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2002

Gary D. Slette
ROBERTSON, HEPWORTH, SLETTE, et al
303 Shoshone Street North
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK

Dear Mr. Slette:

Please find enclosed a receipt in the amount of \$1,272.70 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 115.7 Acre Feet of ground water by Sawtooth Sheep Company for irrigation use during 2002. Upon receipt of this fully executed agreement, your client is authorized to divert water in compliance with the conditions of water use described in the agreement.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 2

c: Allen Merritt - IDWR
✓ 37-08487D

MICROFILMED

JUL 2 6 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2002

Faulkner Land & Livestock Co.
c/o John Faulkner
1989 S. 1875 E.
Gooding, ID 83330

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - 37-08487D

Dear Mr. Faulkner:

The department has requested the issuance of a state warrant in the amount of \$1,157 as payment for the rental of 115.7 acre feet of the above referenced water right from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

The return to you for the rental is based on \$10.00 per acre foot of water rented. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Gary Slette
Allen Merritt - IDWR
37-08487D
Fiscal - Debbie Allen

MICROFILMED

JUL 20 2003

Idaho Department of Water Resources Receipt

Receipt ID C063011

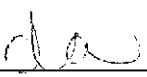
Payment Amount Date Received Region Status
 Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$1,157.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$115.70	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205


 Signature Line (Dept. Representative)

MICROFILMED

JUL 28 2002

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

303 Shoshone Street North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED

JUN 28 2002

Department of Water Resources

GARY D. SLETTE
gslette@idalawyer.com

June 26, 2002

State of Idaho
Department of Water Resources
Attn: Glen Saxton
1301 N. Orchard - P.O. Box 83720
Boise, Idaho 83720-0098

Re: **Water Supply Bank/Sawtooth Sheep Company**

Dear Glen:

Consistent with your letter dated June 7, 2002, I am enclosing herewith an executed Water Supply Bank Rental Agreement, and a check from my client in the amount of \$1,272.70. Please provide to me a fully executed copy when available. Thank you.

If you have any questions or comments, please contact me.

Yours truly,



GARY D. SLETTE

GDS:rlm

Encls.

cc: **Faulkner Land & Livestock**
rlw/gds/Vetter/IDWR Saxton 2

MICROFILMED

JUL 29 2002

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER, P.L.L.C.
ATTORNEYS AT LAW**

**303 SHOSHONE STREET NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
PHONE (208) 734-0700
FAX (208) 736-0041**

FACSIMILE TRANSMISSION

DATE: June 7, 2002

FAX TO: John Faulkner 934-5570
Glen Saxton 208-327-7866

FROM: Gary Slette

RE: Faulkner Land & Livestock water rights

NUMBER OF PAGES INCLUDING THIS ONE: 3

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 734-0700.

INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL AT (208) 734-0700, AND RETURN THIS FACSIMILE TO US BY MAIL AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

ADDITIONAL MESSAGE:

MICROFILMED

JUN 24 2002

John A. Rosholt
John K. Simpson
Amy D. Chestnut
BARKER RSHOLT & SIMPSON LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034
ISB #1037, 4242, 5904

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
To RENT WATER FROM the WATER)
SUPPLY BANK in the name of)
FAULKNER LAND & LIVESTOCK CO.,)
Water Right No. 37-08487D)
_____)

NOTICE OF WITHDRAWAL

CLEAR SPRINGS FOODS, INC., by and through its attorneys of record, Barker Rosholt & Simpson, LLP, hereby withdraw its protest filed in regards to the above-referenced Application to lease water from the water supply bank. This protest is being withdrawn, without prejudice, upon the basis that the Department has concluded that although the water right is a supplemental right, leasing of the right does not result in enlargement of use. Leasing of the right will also be limited to the historical use, which the Department has determined to be 115.7 acre-feet of water per year. Additionally, this

NOTICE OF WITHDRAWAL - 1

MICROFILMED

JUN 24 2002

protest is being withdrawn upon representation by the Department that rental of this water right will be for a one-year period.

DATED this 4th day of June, 2002.

BARKER ROSHOLT & SIMPSON, LLP

By: 
Amy D. Chestnut

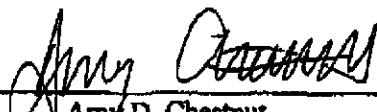
CERTIFICATE OF MAILING

I hereby certify that on this 4th day of June, 2002, I served a copy of the foregoing NOTICE OF WITHDRAWAL, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Gary D. Slette
Robertson, Hepworth, Slette, Worst & Stover, PLLC
303 Shoshone Street North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Allen Merritt
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

Original sent to:
L. Glen Saxton
Chief, Water Allocation Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098


Amy D. Chestnut

NOTICE OF WITHDRAWAL - 2

MICROFILMED
JUN 24 2002

** TOTAL PAGE.03 **
** TOTAL PAGE.03 **



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 7, 2002

Gary D. Slette
ROBERTSON, HEPWORTH, SLETTE, et al
303 Shoshone Street North
P.O. Box 1906
Twin Falls, ID 83303-1906

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK -
SAWTOOTH SHEEP COMPANY**

Dear Mr. Slette:

Enclosed is a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

The rental fee is **\$1,272.70** and was calculated as \$11.00 per acre foot times 115.7 acre feet. A check made payable to the Idaho Department of Water Resources should accompany the signed and returned rental agreement.

Please return the signed agreement and fee to my attention so I can complete the processing. If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading 'L. Glen Saxton'. The signature is fluid and cursive, with the first name 'L.' being small and the last name 'Saxton' being larger and more prominent.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Faulkner Land & Livestock Co.
Allen Merritt - IDWR
37-08487D

John A. Rosholt
John K. Simpson
Amy D. Chestnut
BARKER ROSHOLT & SIMPSON LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034
ISB #1037, 4242, 5904

REC'D
JAN - 8 2012
OFFICE OF THE ATTORNEY GENERAL

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

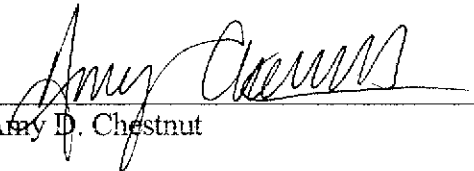
IN THE MATTER OF APPLICATION)
To RENT WATER FROM the WATER)
SUPPLY BANK in the name of)
FAULKNER LAND & LIVESTOCK CO.,) **NOTICE OF WITHDRAWAL**
Water Right No. 37-08487D)
_____)

CLEAR SPRINGS FOODS, INC., by and through its attorneys of record, Barker Rosholt & Simpson, LLP, hereby withdraw its protest filed in regards to the above-referenced Application to lease water from the water supply bank. This protest is being withdrawn, without prejudice, upon the basis that the Department has concluded that although the water right is a supplemental right, leasing of the right does not result in enlargement of use. Leasing of the right will also be limited to the historical use, which the Department has determined to be 115.7 acre-feet of water per year. Additionally, this

protest is being withdrawn upon representation by the Department that rental of this water right will be for a one-year period.

DATED this 4th day of June, 2002.

BARKER ROSHOLT & SIMPSON, LLP

By: 
Amy D. Chestnut

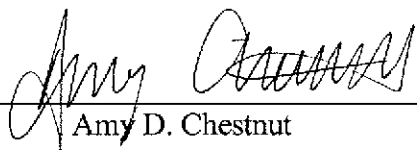
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I hereby certify that on this 4th day of June, 2002, I served a copy of the foregoing NOTICE OF WITHDRAWAL, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Gary D. Slette
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303 Shoshone Street North
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Allen Merritt
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

Original sent to:
L. Glen Saxton
Chief, Water Allocation Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098


Amy D. Chestnut



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 29, 2002

John Rosholt
BARKER, ROSHOLT & SIMPSON
233 Second Street N, Suite D
Twin Falls, ID 83301

**RE: FAULKNER LAND AND LIVESTOCK APPLICATION TO RENT WATER FROM
THE WATER SUPPLY BANK - 37-08487D**

Dear Mr. Rosholt:

Gary Slette called me today in connection with the above referenced matter and asked that I send you a brief letter describing the Department's review of Water Right No. 37-08487D in the name of Faulkner Land & Livestock Co. ("Faulkner"). Attached is a copy of a memo dated April 25, 2002 that discusses water right 37-08487 and subsequent changes to it resulting in several parts including part D. Based on information available to the Department about actual past use of the right, part D provides for the diversion of a maximum of 115.7 acre feet per year for the irrigation of 112 acres.

Even though the original water right was developed as a supplemental water right, the Department does not believe enlargement in use will occur if the volume of water diverted each year for irrigation purposes does not exceed 115.7 acre feet of water under part D. Faulkner will need to provide for the measurement of the amount of water diverted. I have advised Gary Slette that I can issue a Water Supply Bank Rental Agreement for the diversion of 115.7 acre feet per year if Clear Springs Foods, Inc. withdraws its protest against the proposed water supply bank rental by Faulkner.

I have also advised Gary Slette that the applicant may seek and provide appropriate information to the Department in an effort to show that, in fact, past use of part D has been more than 115.7 acre feet.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Allen Merritt
Gary Slette

MEMORANDUM

To: File 37-8487

From: Cynthia Bridge Clark *CB*

Re: Review of Water Right 37-8487

Date: April 25, 2002

I have been asked to review water right file 37-8487 and its parts to determine whether the right was issued as a primary right or a supplemental right in conjunction with the use of surface water from the North Side Canal Company ("NSCC"). My review shows the following:

Ident. No. **37-8487** License
Owner: Faulkner Land & Livestock Co.
Basis: License issued May 12, 1994
Priority: January 25, 1989
Use: Irrigation
POU: 216 acres
Div. Rate: 1.66 cubic feet per second ("cfs")
Div. Vol: 704.6 acre feet ("af")
Note: Canal shares are noted on the application and on license review information.
 Memo to File dated 7/18/91 from Tim Luke states the application for permit was a supplemental ground water and trustwater filing.

Transfer **4614** approved on December 25, 1995 split 37-8487 into parts 37-8487A and 37-8487B as follows:

	<u>37-8487A (Remainder)</u>	<u>37-8487B (Transferred part)</u>
Owner:	Faulkner Land & Livestock Co.	Jacob Bosma, Bliss Acres LLC
Priority:	January 25, 1989	January 25, 1989
Use:	Irrigation	Stockwater, Commercial
POU:	174 acres	Not applicable
Div. Rate:	1.34 cfs	0.18 cfs
Div. Vol:	566.1 af	76.8 af
Note:	The transfer application also notes that NSCC shares are associated with water right 37-8487.	

Transfer **5590** (renumbered to **67010**) was approved on May 2, 2001 splitting 37-8487A into parts 37-8487C and 37-8487D as follows:

	<u>37-8487C (Remainder)</u>	<u>37-8487D (Transferred part)</u>
Owner:	Jacob Bosma	Faulkner Land & Livestock Co

Priority:	January 25, 1989	January 25, 1989
Use:	Irrigation	Irrigation
POU:	174 acres	112 acres
Div. Rate:	0.48 cfs	0.86 cfs
Div. Vol:	64.0 af	115.7 af
Note:	The transfer application notes: "Certain ground not covered with NSCC shares will be dried up. Landowner can move NSCC shares to former POU."	

Narrative of changes to water right no. 37-8487 shown above

Water right 37-8487 was licensed for supplemental irrigation of 216 acres with a diversion rate of 1.66 cfs, and a diversion volume of 704.6 af. Transfer no. 4614 split the right into parts A and B. Transfer no. 5590 then split Part A into parts C and D.

Transfer application no. 4614 originally specified a diversion rate of 0.18 cfs and a diversion volume of 76.8 af for stockwater and commercial use for a dairy. Diversion volume calculations documented in the water right file indicate that this was the required volume for operation of the proposed dairy. The rate was subsequently based on the volume and rate per acre ratios established by licensed right 37-8487.

The application was later amended under the authorization of the applicant's attorney, Mr. Tom Arkoosh. In a letter to Phillip J. Rassier at the Department, dated November 14, 1995, Mr. Arkoosh specified that a total of 42 acres "will no longer be irrigated with Water Right No. 37-8487. These changes reflect the removal of the so-called trust acreage from production in conjunction with the Bosma transfer." The application was amended to show 42 acres and a corresponding diversion rate of 0.32 cfs as the portion of the right being transferred from the original license, leaving the remainder (part A) with a diversion rate of 1.34 cfs, a diversion volume of 566.1 af, and a place of use of 174 acres. The amendment did not increase the amount of water to be used by the dairy. The transferred portion (part B) was approved, as shown on the application, for the quantities required for the dairy at a rate of 0.18 cfs, and a volume of 76.8 af.

When considering the subsequent application for transfer no. 5590 of water right 37-8487A, the Department reviewed West ESPA Water Measurement District records and power records to determine the actual amount of water diverted under the right. The Department determined that during the 1995 to 1999 period, the maximum amount of water diverted under the right was 179.7 af in 1996. The Department also concluded that the well was used in conjunction with NSCC shares of surface water on the property. (See Memo of Allen Merritt, dated August 2, 2000).

The diversion volumes for parts C and D were limited to a proportionate share of the 179.7 af being 64.0 af and 115.7 af respectively. Parts C and D were also conditioned as follows:

"The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground

water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder."

"If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on an other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to section 42-222, Idaho Code, or approval of the Department if a transfer is not required."

Conclusions

Water right 37-8487 was issued as a supplemental water right to the use of North Side Canal Company shares of surface water. It follows that the parts of the right are supplemental.

The maximum annual volume of water available for diversion under water right 37-8487D is 115.7 af.

Saxton, Glen

From: Luke, Tim
Sent: Thursday, April 18, 2002 9:30 AM
To: Saxton, Glen
Subject: Faulkner L&L Well

Glen,
I believe last week you actually asked that I provide you a memo regarding the Faulkner Land and Livestock well located in T6S, R15E, Sec 31, SESW.

Our measurement records show that this particular well is measured using a timeclock. I spoke with Jeff Martin this week and asked him about the diversion system at this well. He confirmed that the well open discharges to a pond and that water from the pond is then re-lifted or pressurized by one or two other pumps. The deep well and the pond relift pumps are all on the same power meter. The timeclock therefore was installed to monitor the operation hours for just the deep well. Jeff measured the discharge from the well at 2617 gpm. It appears based on our records that the measurement was made in 1997. Jeff has never submitted or reported timeclock data for this well in his annual reports. We did receive data for 1998 only because we had a specific request for information on this and some other wells from Clear Springs Foods in 2000. Jeff reported to us in November of 2000 that he only had reported timeclock data from Faulkner for 1998. Faulkner did not report data for 1997 or 1999. The actual number of reported hours for 1998 was 1543 hours, and volume was 744 AF.

Jeff told me the other day (4/16/02) that he does have some updated data for this well, but he did not specify for what years. He said he planned to send an update to me. Jeff also confirmed that we should be estimating use at this well with a timeclock and not using the PCC/energy use records because of the multiple pumps-single meter problem. The PCC does not provide an accurate estimate of annual use. Jeff did however estimate use for several years using PCC and Kwh data for several years since he had no other reported data from the timeclock.

Tim

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8487D

WATER RIGHT NUMBER: 37-8487D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FAULKNER LAND & LIVESTOCK CO 1989 S 1875 E GOODING, ID 83330 (208)934-4093
Lienholder	THE MUTUAL LIFE INS CO OF NEW YORK ONE MID RIVERS MALL DR SUITE 120 SAINT PETERS, MO 63376

Priority Date: 01/25/1989

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 10/31	0.860 CFS	115.70 AF
	<u>Total Diversion:</u>	0.860 CFS	115.70 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 27, Twp 05S, Rge 12E, B.M.
GOODING 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	
05S	12E	27											3.8	9.2			18.4		31.4
05S	12E	33	13.6																13.6
05S	12E	34					17.7	36.5	12.8										67.0

Total Acres: 112

Conditions of Approval:

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
- 065 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 groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8487D

3. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. 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:

1. General The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. the use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Comments:

1. JJOHNSON 12/26/1995 TRANSFER NO. 4614
Comment: Transfer No. 4614 was filed to change the nature & season of use, and add a point of diversion under a portion of Right No. 37-08487, splitting the right into parts A and B.
2. AMERRITT 11/5/1999 TRANSFER NO. 5590
Comment: This transfer splits right per sales agreement with Jacob Bosma and then moves the place of use.
3. MBALDWIN 12/16/1999 PROTEST
Comment: A protest was filed on 12/6/99.
4. MBALDWIN 7/25/2000 WITHDRAWN PROTEST
Comment: A Settlement Agreement resolving the protest was received on 7/18 /00 at Southern Region.
5. pskaggs 5/2/2001 11:48:44 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 67010

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8487D

Dates and Other Information:

Licensed Date: 5/12/1994
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,**

P.L.L.C.

ATTORNEYS AT LAW

J. EVAN ROBERTSON
JEFFREY I. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

303 Shoshone Street North
P.O. BOX 1906
TWIN FALLS, IDAHO 83309-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@jdhlawyer.com

April 3, 2002

VIA FACSIMILE 327-7866

State of Idaho
Department of Water Resources
Attn: Glen Saxton
1301 N. Orchard - P.O. Box 83720
Boise, Idaho 83720-0098

Re: **IDWR Permit No. 37-08487D - Faulkner Land & Livestock**

Dear Glen:

Although I know you received a copy of the March 28, 2002 letter from John Rosholt with regard to the above-referenced matter, I am enclosing a copy of the same for your convenience. After you have had an opportunity to review this letter, can you provide us with a statement confirming that such water right is a primary right available for lease? Please advise me if you have any questions or comments regarding this request. Thank you.

Yours truly,

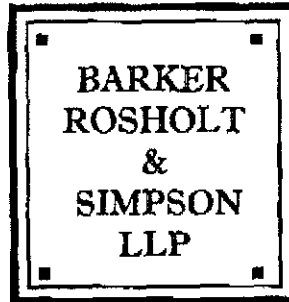
GARY D. SLETTE

GDS:rlm

Encls.

cc: Faulkner Land & Livestock
rlw/gds/letter/IDWR Saxton

John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson



1221 West Idaho Street, Suite 600
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

233 Second Street North, Suite D
Twin Falls, ID 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile

March 28, 2002

Gary D. Slette
Robertson, Hepworth, Slette, Worst & Stover, PLLC
303 Shoshone Street North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Re: Faulkner Land & Livestock, Water right No. 37-08487D

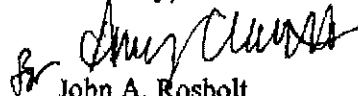
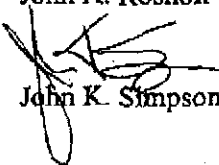
Dear Gary:

In response to your letter of March 22, 2002 pertaining to Water Right No. 37-8487, we acknowledge that the originally licensed water right is not deemed a supplemental water right. However, Water Right No. 37-08487 has subsequently been split into parts C and D that, as you admit, are supplemental. Faulkner Land & Livestock seeks to lease Water Right No. 37-8487D that is conditioned as a supplemental water right.

Nonetheless, Clear Springs Foods, Inc would consider conditionally withdrawing its protest to the water bank application upon determination by the Department of Water Resources that Water Right No. 37-08487D is not a supplemental right and is a primary right available for lease from the water bank. Please provide us a statement or indication by the Department that such water right is a primary right available for lease.

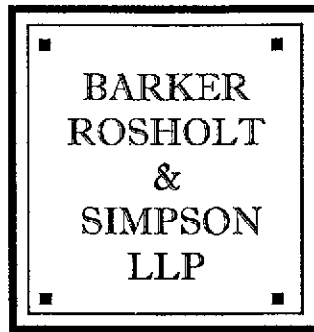
Clear Springs Foods seeks to amicably resolve this protest.

Sincerely,


John A. Rosholt

John K. Simpson

cc: Randy MacMillan
Glen Saxton, IDWR

*John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson*



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233 Second Street North, Suite D
Twin Falls, ID 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile

March 28, 2002

Gary D. Slette
Robertson, Hepworth, Slette, Worst & Stover, PLLC
303 Shoshone Street North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Re: Faulkner Land & Livestock, Water right No. 37-08487D

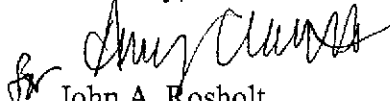
Dear Gary:

In response to your letter of March 22, 2002 pertaining to Water Right No. 37-8487, we acknowledge that the originally licensed water right is not deemed a supplemental water right. However, Water Right No. 37-08487 has subsequently been split into parts C and D that, as you admit, are supplemental. Faulkner Land & Livestock seeks to lease Water Right No. 37-8487D that is conditioned as a supplemental water right.

Nonetheless, Clear Springs Foods, Inc would consider conditionally withdrawing its protest to the water bank application upon determination by the Department of Water Resources that Water Right No. 37-08487D is not a supplemental right and is a primary right available for lease from the water bank. Please provide us a statement or indication by the Department that such water right is a primary right available for lease.

Clear Springs Foods seeks to amicably resolve this protest.

Sincerely,


John A. Rosholt

John K. Simpson

cc: Randy MacMillan
Glen Saxton, IDWR

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

303 Shoshone Street North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idlawyer.com

March 22, 2002

VIA FACSIMILE 735-2444

John A. Rosholt
Attorney at Law

RE: Faulkner Land & Livestock - Water Right No. 37-08487

Dear John:

Enclosed herewith please find a copy of Water Right License No. 37-8487 as it was originally issued. As you will note, there is no indication on the original License that it was issued as a supplemental water right. The water right has been used by Faulkner Land & Livestock as a primary right, not unlike the use which is contemplated in the proposed Water Bank Lease. I acknowledge the conditions of approval with regard to both the "C" and "D" portions of this right, but the critical issue relates to the terms of the original License. Simply because the IDWR imposed that condition at the time of the transfer, and subsequent to the issuance of the License, does not necessarily imply that there were appurtenant surface water rights available to be used in conjunction with this ground water right. John Faulkner has asked that you and your client reconsider the protest filed by Clear Springs Food, Inc. Given the timing of the intended use, it is imperative that some form of resolution be sought as early as possible. In the event we cannot agree on the terms of a withdrawal of a protest, I would request that Glen Saxton take whatever steps are necessary in order to have this matter set for hearing.

Yours truly,


GARY D. SLETTE

GDS:rlm

Encls.

cc: Faulkner Land & Livestock (via facsimile)
L. Glen Saxton, P.E. (via facsimile 208-327-7866)

rlw/gds/slette/ARosholt

3/15 - Deep well on hill

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08487

Priority: January 25, 1989

Maximum Diversion Rate:

1.66 CFS

Maximum Diversion Volume:

704.6 AF

This is to certify, that FAULKNER LAND & LIVESTOCK CO

1989 S 1875 E

GOODING ID 83330

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 25, 1989; and has submitted Proof of Beneficial Use on January 15, 1992. An examination indicates that the works have a diversion capacity of 1.660 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.66 CFS	704.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE, Sec. 27, Township 05S, Range 12E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 12E 22	SWSW 1	SESW 5		6
27	NENW 11	NWNW 35	SWNW 24	
	SESW 31	NESW 37	NWSW 35	
	SWSW 7	SESW 16	NWSE 6	
	SWSE 8			210

Total number of acres irrigated: 216

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

PAGE 2

State of Idaho
Department of Water Resources

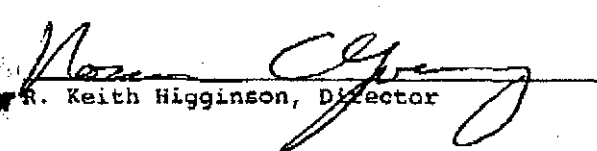
WATER RIGHT LICENSE

WATER RIGHT NO. 37-08487

CONDITIONS/REMARKS:

7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of MAY, 1994.

Acting for  R. Keith Higginson, Director

Saxton, Glen

From: Saxton, Glen
Sent: Tuesday, February 26, 2002 11:55 AM
To: Merritt, Allen
Cc: Gibson, Deborah
Subject: RE: Sawtooth Sheep

Allen,

Thanks for checking. Subsequent to my phone call to you, Debbie located the protest improperly attached by me (probably) to a different contested matter file here. So now she will send you a copy of the protest as my note attached to the missing protest asked Debbie to do last week.

I have also sorted out the transfer vs. the rental from the bank matter.

Transfer 69586 filed in the name of Faulkner Land and Livestock Co. involves water right nos. 37-8005C and 37-8005D and proposes the irrigation of 257 acres in Sections 8 and 9, T6S, R14E. Pam just has not got to the review of this transfer application yet.

The application to rent water from the bank was filed in the name of Sawtooth Sheep Co. proposing to change the place of use of 0.86 cfs of water right 37-08487D to 112 acres in Section 31, T6S, R15E, B.M. and to use it there for 5 years. This application was timely protested by Clear Springs Foods on February 11, 2002. I have not yet acknowledged receipt of the protest or advised Sawtooth of the protest. The issues to be considered are the same as for a protested application for transfer. Since I don't have the usual letters for this notification purpose, could your office send the usual letters and offer to conduct a conference in the matter. In this manner at least Sawtooth will have notice of the protest and not be surprised later this spring. I'm not sure when a hearing could be held, but it probably could not be earlier than mid-May if I am the hearing officer.

If you have questions or want to discuss this further, please feel free to call me. Thanks, lgs

-----Original Message-----

From: Merritt, Allen
Sent: Tuesday, February 26, 2002 11:28 AM
To: Saxton, Glen
Subject: Sawtooth Sheep

I checked the WR file, the WB file for the right, the stack of papers to be filed, and with Mary; we do not have a copy of the protest. Mary indicated the protests per the advertisement were to be sent to Boise. She indicated we did not receive any protests here in this office.

**HP OfficeJet G Series G95
Personal Printer/Fax/Copier/Scanner**

**Fax-History Report for
IDWR
327-7866
Feb 26 2002 1:18pm**

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Feb 26	1:15pm	Sent	912087363037---16227	2:52	9	OK

Result:

OK - black and white fax
Okay color - color fax

MICROFILMED

JUN 24 2002



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 2/26/02

TO: Allen Newitt
+ Mary Baldwin

FROM: Debbie Gibson

DOCUMENT DESCRIPTION: notice of Protest & App. to
sell or Lease a Water Right to the Water
Supply Bank -

COVER SHEET + 8 PAGES

CONTACT: Debbie IF YOU DO NOT RECEIVE ALL THE PAGES.
208)327-7910

THANK YOU!

MICROFILMED
JUN 24 2002

RECEIVED

FEB 11 2002

Department of Water Resources

John A. Rosholt
John K. Simpson
Amy D. Chestnut
BARKER ROSHOLT & SIMPSON LLP
1221 W. Idaho, Suite 600
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034
ISB #1037, 4242, 5904

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATION TO LEASE TO AND)
RENT WATER RIGHT NO. 36-8487D from)
the water supply bank in the Name of)
SAWTOOTH SHEEP COMPANY)
_____)

NOTICE OF PROTEST

CLEAR SPRINGS FOODS, INC. ("Clear Springs Foods"), by and through its attorneys, Barker Rosholt & Simpson, LLP file its *Notice of Protest* to the approval of the above-referenced application to lease water right number ³⁷36-8487D to the water supply bank and then, subsequently, to rent it back in the name of Sawtooth Sheep Company. The basis for Clear Springs Foods' protest is as follows:

1. The proposed application to lease water to the water supply bank violates the criteria of IDAPA 37.02.03, Water Supply Bank Rules, Rule 25.06. More specifically, it is not in the local public interest to lease this water in that

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JUN 24 2002

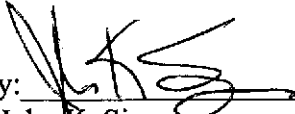
water right no. 36-8487D is a supplemental or secondary water supply to a surface water right. Leasing of this water right to the water supply bank permits the applicant to circumvent the conditions placed upon use of that water right.

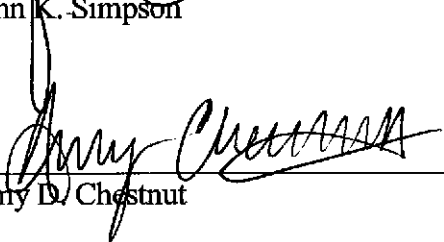
2. Nonetheless, the rental of this water right by the original owner is contrary to the purposes of the water supply bank as well as the factors for evaluation of a proposed rental, I.C. §42-1763 and Water Supply Bank Rules, IDAPA 37.02.03, Rule 30.01.
3. The proposed rental of the water right will result in injury to other water right holders in that the above-referenced water right will become a primary water right rather than a supplemental water right as it is currently used. The supply to other water right holders would be reduced since the applicant will not be reducing water use as indicated in its proposal.
4. The proposed rental also will result in an enlargement in use beyond that authorized under the water right since it is conditioned to be a supplemental water right. By permitting the rental, the water right will be changed to a primary water right and enlarge the use of that water right beyond its secondary purpose to supplement the surface water supply.
5. Additionally, the proposal is not in the local public interest as it is a circumvention of the transfer process in that the applicant is merely trying to change the place of use and point of diversion without abiding to I.C. §42-222.

6. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 11th day of February, 2002.

BARKER ROSHOLT & SIMPSON, LLP

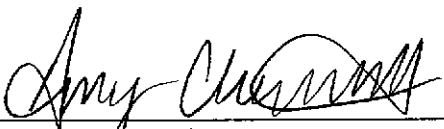
By: 
John K. Simpson

By: 
Amy D. Chestnut

CERTIFICATE OF MAILING

I hereby certify that on this 11th day of February, 2002, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Faulkner Land & Livestock Co.
Sawtooth Sheep Co.
1989 S 1875 E
Gooding, ID 83330


Amy D. Chestnut

NOTICE OF PROTEST
MICROFILMED
JUN 24 2002

Idaho Department of Water Resources Receipt

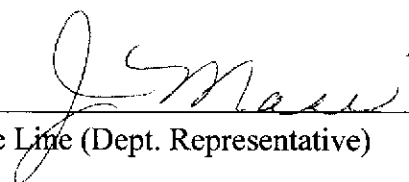
Receipt ID C059905

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount Description Fund FD PCA SO
\$25.00 PROTESTS 0229 21 56103 1155



Signature Line (Dept. Representative)

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JUN 24 2002

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

RECEIVED
JAN 29 2002

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17th day of January, 2002, and the date of the last publication was on the 24th day of January, 2002.

On this 24th day of January, in the year of 2002, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SPRING GEEGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 8.0¢/Pica
- 433.13 Lines straight at 30.32 7.0¢/Pica
- 433.13 Subsequent lines at 25.99 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 58.81

COPY OF NOTICE

(Paste Here)

37-8487D

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF PROPOSED RENTAL OF WATER RIGHT NO. 37-8487D

Notice is hereby given pursuant to Section 42-222, Idaho Code, and IDAPA Rule 37.02.03030 (Water Supply Bank Rule 30) that Sawtooth Sheep Company has submitted an application to the Idaho Department of Water Resources to rent Water Right No. 37-8487D from the Water Supply Bank for a 5-year period.

The application proposes to divert 0.86 cubic feet per second of ground water for the irrigation of 112 acres located in part of Section 31, T6S, R15E, B.M. and in part of Section 5, T7S, R15E, B.M. in Gooding County. The point of diversion is an existing well located in SE1/4SW1/4 Section 31, T6S, R15E, B.M., in Gooding County.

The right is presently appurtenant to 112 acres within parts of Sections 27, 33 and 34, T5S, R12E, B.M. The priority of the right is January 25, 1989.

Any protest against the proposed rental must be filed with the Idaho Department of Water Resources, 1301 N. Orchard St, Boise, ID 83706 on or before February 11, 2002 and must be accompanied by the statutory protest fee.

KARL J. DREHER, Director
Department of Water Resources

PUB: 1/17 - 1/24 G38360

№ 7691

35360

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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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: Jan. 31, 2002

TO: Crystal Vincent
(208) 735-2444

FROM: Deborah Gibson

DOCUMENT DESCRIPTION: Application to lease water
to the Water Supply Bank and Application
to Rent water from the Water Supply Bank.

COVER SHEET + 9 PAGES

CONTACT: Deborah IF YOU DO NOT RECEIVE ALL THE PAGES.
(208) 327-7910

THANK YOU!

MICROFILMED

JUN 24 2002

Saxton, Glen

From: Saxton, Glen
Sent: Tuesday, January 08, 2002 11:39 AM
To: Merritt, Allen; Baldwin, Mary
Cc: Stanton, Jim
Subject: ADVERTISEMENT OF SAWTOOTH SHEEP CO. APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Allen,

Attached is a notice of a proposed rental from the water supply bank that I would like to have published in late January or in February, whichever is convenient. The advertisement probably should be for once a week for 2 consecutive weeks, similar to most of our other publications.

I really think that an application for transfer is the more appropriate document to file when a 5-year rental is proposed, but we probably need to deal with the rental application first. Please discuss with me if you have questions.
lgs



NOTICE 6.doc

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JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

December 21, 2001

Faulkner Land & Livestock
c/o John Faulkner
1989 S 1875 E
Gooding, ID 83330

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: APPLICATION TO LEASE WATER RIGHT NO. 37-08487D TO THE WATER SUPPLY BANK

Dear Mr. Faulkner:

The department has reviewed the above referenced application that you submitted to the Water Supply Bank ("bank") operated by the Idaho Water Resource Board ("Board") together with an Application to Rent Water From the Water Supply Bank submitted in the name of Sawtooth Sheep Company ("Sawtooth") that seeks to rent the water for 5 years.

Please consider that the water right offered for lease (0.86 cfs) is accepted into the bank. Several items to keep in mind in connection with the lease of the right to the bank are as follows:

1. There is no rental payment to the owner if the right or part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not confirm its validity.

The department plans to provide legal notice of the proposed rental by Sawtooth as provided in IDAPA Rule 37.02.03030.02 (Water Supply Bank Rule 30.02) before the Department takes action on the application to rent water from the bank.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Norman C. Young
Jim Stanton
37-08487D

MICROFILMED

JAN 24 2002

bcc: Mary - Southern 1/31/02 dg

Water Supply Bank No. _____

Water Right No. 37-8487D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Faulkner Land & Livestock Co. Phone 934-4956

Post office address 1989 S 1875 E, Gooding, ID 83330

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 37-8487D Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

2. Source of water Ground Water tributary to _____

3. Date of priority 1-25-1987

4. Water is used for the following purposes:

amount 0.86 cfs for Irrig. purposes from 4-1 to 10-31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 0.86 cubic feet per second
&/or
b. 115.7 acre feet per annum

6. Location of point of diversion is NW ¼ of SE ¼ of Section 27

Township 5S Range 12E, B.M. in Gooding County

Additional points of diversion, if any _____

MICROFILMED

JUN 24 2002

See Southern.

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55	13E	27											3.8	1.2			16.4		31.4
		33	13.6																13.6
		34					17.7	36.5	13.8										67

Total number of acres to be irrigated 113

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County

Additional points _____

3. Place of use:

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

Total number of acres to be irrigated _____

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JUN 24 2002 2

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Right was developed by applicant & still owned by him.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

Well has been regularly used on the listed property; some canal water was used, but well is main supply. Water right was recently put into the Water Bank for use on land west of Gooding for remainder of 2001 irrigation season.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

Water is available whenever it is needed.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

Land will be watered with NSCC shares.

5. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

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JUN 24 2002

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

[illegible]

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

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109 2 2892

9. Remarks I plan to immediately lease this right from the Water Bank
under the name of Sawtooth Sheep Co. for use on land south of Gooding.
that was covered by a portion of 37-8005. There is a pending transfer
to move 8005 back to its original land west of Gooding, and this right
will replace 8005 on the land south of Gooding. Overall, the same land
will continue to be irrigated - but under different rights,

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

✓ For lease for period from 2002 to 2006 (5 years)
(year) (year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

standard rate established by IDWR

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

✓ Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

12-18-01
(Date)

John T. Faulken Pres.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by ~~12-2-01~~ Date 12-20-01 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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JUN 24 2002

BEFORE THE IDAHO WATER RESOURCE BOARD

RENT
APPLICATION TO ~~LEASE~~ WATER
FROM THE WATER SUPPLY BANK

Name of applicant Sawtooth Sheep Co. Phone 934-4956

Post office address 1989 S 1875 E, Gooding, ID 83330

A. DESCRIPTION OF WATER RIGHT TO BE LEASED

1. Source of water supply Ground Water
which is a tributary to _____

2. Water right No. 37-8487D County Gooding

3. Maximum rate of flow 0.86 cfs; maximum volume 115.7 afa.

B. DESCRIPTION OF USE PROPOSED BY APPLICANT

1. Source of water supply Ground Water which is a tributary of _____

2. Location of point of diversion is SE 1/4 of SW 1/4 of Section 31
Township 6S Range 15E B.M. Gooding County, additional points of
diversion if any: _____

3. Water will be used for the following purposes:

Amount 0.86 for Irrig. purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

4. Total quantity to be leased:

a. 0.86 cubic feet per second and/or b. 115.7 acre-feet per annum.

5. Proposed diverting works:

Pump horsepower 300 hp lift 180'

headgate _____ canal name if appropriate: _____

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JUN 24 2002

6. Description of uses:

a. If water is not for irrigation:

(1) Give the place of use of water 1/4 of 1/4 of Section
 Township Range B.M.

(2) Amount of power to be generated: horsepower
 under feet of head.

(3) List of number of each kind of livestock to be watered

(4) Name of municipality to be served , or number
 of families to be supplied with domestic water .

(5) If water is to be used for other purposes describe:

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

TWP	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
65	15E	31													12	9	32	37	90
75	15E	5	12	10															22

Total number of acres to be irrigated 112

c. Describe any other water rights used for the same purposes as described

above Water is co-mingled with NSCC shares

7. a. Who owns property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use _____
c. If the property is owned by a person other than the applicant, describe
the arrangement enabling the applicant to make this filing _____

8. Remarks _____

John T. Faulkner mgr.
Applicant

Received by JS Date 12-18-01 Time 2:40 pm Publication prepared by _____ Date _____

Published in _____ Publication dates _____

Publication approved _____ Date _____ Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for approval denial by _____

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JUN 24 2002

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Lease of Water from the Water Bank, and said application is hereby_____.

1. Approval of said applicaiton for lease of water is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Subject to watermaster control.
- c. The use of leased water by the lessee shall be supplemental to other water rights held by lessee for beneficial use on his lands.
- d. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- e. Diversion of water under this lease must cease if injury to other water rights is determined by the Director.

ACCEPTANCE OF CONDITIONED LEASE
Approval by Lessee

I hereby accept and agree to abide by the conditions of approval to lease _____ of water right No. _____ from the Water
(amount)
Supply Bank between _____ and _____.

I further agree to remit \$ _____ to the Idaho Water Resource Board for full payment for the lease of _____ of water right No. _____
(amount)
for the period _____ to _____.
(date)

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

RECEIVED

OCT 10 2001

Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 9, 2001

Faulkner Land & Livestock Co. Inc.

1875 E 1989 S

Gooding, ID 83330

RE: WATER SUPPLY BANK RENTAL AGREEMENT - RIGHT 37-08487D

Gentlemen:

Enclosed for your records, please find a copy of a fully executed Water Supply Bank Rental Agreement in the connection with the rental of 51 AF of ground water to be diverted and used during the 2001 irrigation season.

Sincerely,

Allen Merritt, PE

Southern Region Manager

MICROFILMED

JUN 24 2002

07-17-01

Before the Idaho Water Resource Board

RECEIVED

OCT 09 2001

Department of Water Resources
Southern Region

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Faulkner Land & Livestock Co. Inc.
2. Address: 1875 E 1989 S, Gooding, ID 83330
3. Source of water: Ground water
4. Volume of water rented: 51 AF, Max rate: 0.86 cfs.
5. Diversion period from October 5, 2001 to October 31, 2001.
6. Use of water: Irrigation.
7. a) Renter's point of diversion:

Legal description: SENESEW S08, T06S, R14E, B.M.

- b) Renter's place of use:

Legal description: 112 acres within the S1/2NE1/4 and N1/2SE1/4 S08, T06S, R14E beneath a pivot at that location.

Total number of acres to be irrigated: 112 acres

8. The right from which water will be rented is 37-08487D

The undersigned renter agrees to pay \$ 51.00 to the Board for processing of the rental agreement for rental of the above described water. (Normally water is rented at \$3.25/ AF which is paid by the renter to the Board with \$2.25/ AF paid back to the Lessor by the Board; since the renter and the lessor are the same a \$1.00/ AF processing fee is required.)

The undersigned renter agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions

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JUN 24 2002

of Section 42-1766, Idaho Code.

2. Prior to diversion of water under this agreement, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director. (A totalizing meter shall be installed on the subject pivot to measure only the flow going to the pivot. Prior to diversion of water the totalizer reading on the installed measuring device shall be logged. At the end of the season the totalizer shall be logged and the results submitted to the department. OR An alternative method must be proposed by the renter and accepted by the department.)
3. Use of water under this agreement does not prejudice a pending permanent transfer application which has been filed to modify other rights for irrigation of the subject lands nor does it prejudice any future lease agreement that may be made of this subject right after this lease agreement ends.
4. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.

Dated this 5th day of October, 2001.

Faulkner Land & Livestock
Renter by John T. Faulkner
Pres.

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and IDAPA 37.02.03030 (Water Supply Bank Rule 30) for the rental and use of water under the terms and conditions herein provided, and none other, I

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JUN 24 2002

hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board
this 14 day of October, 2001.



FOR

KARL J. DREHER, Director
Department of Water Resources

11/24/2001

11/24/2001

MEMO

TO: FISCAL SECTION
FROM: JIM STANTON

DATE: 10-8-01

RE: App for Temporary Change #TC-37-16, Faulkner Land & Livestock

This application was filed on 9-24-01; Receipt S024324 was issued to cover the \$50 filing fee. Application was reviewed, and applicant John Faulkner was told that it would be denied. He was given the option of withdrawing the application prior to formal action being taken by IDWR, and he returned to my office late last week to give verbal withdrawal. ~~The filing fee should therefore be refunded. His address is 1875 E 1989 S, Gooding, ID, 83330. Thanks.~~

The filing fee should be applied toward payment of the WRB Lease.

S024324	→	\$50 ⁰⁰
S024341	→	\$10 ⁰⁰
Total		\$60 ⁰⁰

Agreement Processing	-	51 ⁰⁰	←
Refund to Faulkner	→	\$9 ⁰⁰	

ADW
10/9/01

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JUN 24 2002

This should go to the Water Resource Board

FAULKNER LAND & LIVESTOCK COMPANY

1989 South 1875 East
Gooding, Idaho 83330



Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, Idaho 83301-3380

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JUN 26 2002

RECEIVED

OCT 09 2001

Department of Water Resources
Southern Region



TRANSMITTAL COVER SHEET

TO: Mitch

TOTAL PAGES SENT: 6
(including cover sheet)

DOCUMENT DESCRIPTION: _____

FROM: _____

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Allen Merritt

COMMENTS: _____

Rental Agreement

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JUN 24 2002

TRANSMISSION VERIFICATION REPORT

TIME : 10/05/2001 16:55
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

10/05 16:54
99345570
00:01:25
06
OK
STANDARD
ECM

JUN 2 2002
MICROFILMED

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

10/05 16:41
99345570
00:01:25
06
OK
STANDARD
ECM

TIME : 10/05/2001 16:42
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

October 5, 2001

RECEIVED**OCT 09 2001**Department of Water Resources
Southern RegionFaulkner Land & Livestock Co. Inc.
1875 E 1989 S
Gooding, ID 83330**RE: APPLICATION TO LEASE LICENSE NO. 37-08487D TO THE WATER
SUPPLY BANK****RE: APPLICATION TO RENT LICENSE NO. 37-08487D FROM THE WATER
SUPPLY BANK**

Gentlemen:

The department has reviewed the above referenced application which you submitted to the department on October 1, 2001 to place water license 37-08487D in the Idaho Resource Board ("Board") Water Supply Bank ("bank"). The review shows that License No. 37-08487D has an authorized place of use of 112 acres located in Sections 27, 33 and 34 T05S, R12E, B.M. as defined by approved transfer No. 67010.

Please consider that the water right offered for lease has been accepted into the bank and will be retained in the bank through October 1, 2002. Several items to keep in mind in connection with the lease are as follows:

-While in the bank, the water rights may not be used by the owner at the recorded place of use described above even if the rights are not rented from the bank.

-A right leased to the bank will remain in the bank until it is released by the Water Resource Board or until October 1, 2002 whichever is earlier.

-While the water right is in the bank, forfeiture provisions are stayed. The five (5) year period of non-use for forfeiture of a water right shall begin to accrue upon removal of the right from the bank if a period of non-use did not occur prior to the effective date of lease and will continue to accrue if a period of non-use occurred prior to the right being leased to the bank.

The department has reviewed your application to rent this same water for use in Section 8, T06S, R14E, B.M. The enclosed "Rental Agreement" has been drafted for your review and approval. Please note that the agreement is for the remaining portion of the 2001 irrigation season only. Please also note the specific conditions of the agreement.

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JUN 24 2002

Please sign and return the agreement with payment if it is acceptable. If it is not acceptable or you have questions please contact this office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

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JUN 24 2002

07-17-01

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

OCT 09 2001

Department of Water Resources
Southern Region

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Faulkner Land & Livestock Co. Inc.
2. Address: 1875 E 1989 S, Gooding, ID 83330
3. Source of water: Ground water
4. Volume of water rented: 51 AF, Max rate: 0.86 cfs.
5. Diversion period from October 5, 2001 to October 31, 2001.
6. Use of water: Irrigation.
7. a) Renter's point of diversion:

Legal description: SENE SW S08, T06S, R14E, B.M.

- b) Renter's place of use:

Legal description: 112 acres within the S1/2NE1/4 and N1/2SE1/4 S08, T06S, R14E beneath a pivot at that location.

Total number of acres to be irrigated: 112 acres

8. The right from which water will be rented is 37-08487D

The undersigned renter agrees to pay \$ 51.00 to the Board for processing of the rental agreement for rental of the above described water. (Normally water is rented at \$3.25/ AF which is paid by the renter to the Board with \$2.25/ AF paid back to the Lessor by the Board; since the renter and the lessor are the same a \$1.00/ AF processing fee is required.)

The undersigned renter agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions

MICROFILMED
10/24/2002

of Section 42-1766, Idaho Code.

2. Prior to diversion of water under this agreement, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director. (A totalizing meter shall be installed on the subject pivot to measure only the flow going to the pivot. Prior to diversion of water the totalizer reading on the installed measuring device shall be logged. At the end of the season the totalizer shall be logged and the results submitted to the department. OR An alternative method must be proposed by the renter and accepted by the department.)
3. Use of water under this agreement does not prejudice a pending permanent transfer application which has been filed to modify other rights for irrigation of the subject lands nor does it prejudice any future lease agreement that may be made of this subject right after this lease agreement ends.
4. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.

Dated this 5th day of October, 2001.

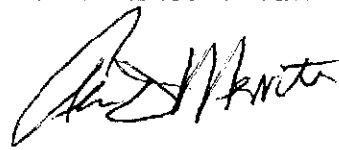
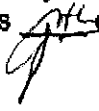
Faulkner Land & Livestock
Renter by John T. Faulkner
Pres.

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and IDAPA 37.02.03030 (Water Supply Bank Rule 30) for the rental and use of water under the terms and conditions herein provided, and none other, I

MICROFILMED

JUN 24 2002

hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board
this 15 day of October, 2001.



FOR

KARL J. DREHER, Director
Department of Water Resources

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JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 5, 2001

Faulkner Land & Livestock Co. Inc.
1875 E 1989 S
Gooding, ID 83330

**RE: APPLICATION TO LEASE LICENSE NO. 37-08487D TO THE WATER
SUPPLY BANK**

**RE: APPLICATION TO RENT LICENSE NO. 37-08487D FROM THE WATER
SUPPLY BANK**

Gentlemen:

The department has reviewed the above referenced application which you submitted to the department on October 1, 2001 to place water license 37-08487D in the Idaho Resource Board ("Board") Water Supply Bank ("bank"). The review shows that License No. 37-08487D has an authorized place of use of 112 acres located in Sections 27, 33 and 34 T05S, R12E, B.M. as defined by approved transfer No. 67010.

Please consider that the water right offered for lease has been accepted into the bank and will be retained in the bank through October 1, 2002. Several Items to keep in mind in connection with the lease are as follows:

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The department has reviewed your application to rent this same water for use in Section 8, T06S, R14E, B.M. The enclosed "Rental Agreement" has been drafted for your review and approval. Please note that the agreement is for the remaining portion of the 2001 irrigation season only. Please also note the specific conditions of the agreement.

MICROFILMED

JUN 24 2002

Please sign and return the agreement with payment if it is acceptable. If it is not acceptable or you have questions please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt", written over the printed name.

Allen Merritt, PE
Southern Region Manager

MICROFILMED

SEP 2 4 2002

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Faulkner Land & Livestock Co. Inc.
2. Address: 1875 E 1989 S, Gooding, ID 83330
3. Source of water: Ground water
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5. Diversion period from October 5, 2001 to October 31, 2001.
6. Use of water: Irrigation.
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- b) Renter's place of use:

Legal description: 112 acres within the S1/2NE1/4 and N1/2SE1/4 S08, T06S, R14E beneath a pivot at that location.

Total number of acres to be irrigated: 112 acres

8. The right from which water will be rented is 37-08487D

The undersigned renter agrees to pay \$ 51.00 to the Board for processing of the rental agreement for rental of the above described water. (Normally water is rented at \$3.25/ AF which is paid by the renter to the Board with \$2.25/ AF paid back to the Lessor by the Board; since the renter and the lessor are the same a \$1.00/ AF processing fee is required.)

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1. The use of water under this agreement shall be subject to the provisions

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JUN 24 2001

of Section 42-1766, Idaho Code.

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5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.

Dated this _____ day of October, 2001.

Renter

See Fixed
Signed
Copy

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and IDAPA 37.02.03030 (Water Supply Bank Rule 30) for the rental and use of water under the terms and conditions herein provided, and none other, I

MICROFILMED

JUN 24 2002

hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board
this ____ day of October, 2001.

KARL J. DREHER, Director
Department of Water Resources

MICROFILMED
JUN 24 2002

MEMO

FROM: Allen Merritt

DATE: October 3, 2001

TO: Norm Young

SUBJECT: Faulkner Land and Livestock Water Bank Lease Agreement Application

I understand or assume you have copies of the application and Jim's 10/1/01 memo regarding the application. In our phone conversation you requested that I visit with Jim and review the requests and provide comment.

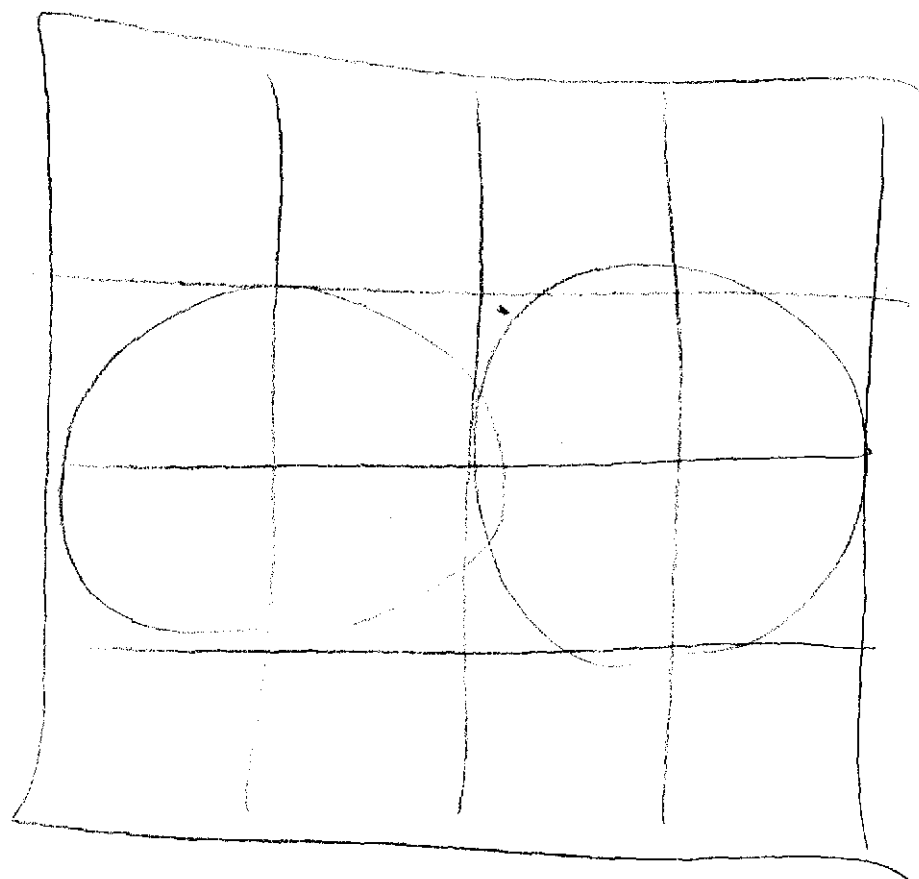
I understand from Jim that Faulkner, while filing the Water Bank Lease application with Jim, verbally requested that the Temporary Change application numbered TC-37-16 be withdrawn and a refund of money made. Jim is working on the refund. I will mark the application withdrawn.

In reviewing the lease request it may be important to review and understand the development of the system where the proposed leased water is to be moved. The system was initially developed with one well and two pivots licensed under 37-08005. The license was for the primary irrigation of 264 acres (132 acres each pivot) with 4.03 cfs or 0.015 cfs/acre. I have no information to believe the well, pump or sprinkler system has been modified since licensing. It is noted that the field exam notes control valves going to each pivot but no measuring device to measure water going to each pivot. The record shows that license 37-08005 was first modified by T4062 where 111 acres was dried up in the east pivot and moved to other lands covered under another system. "A" part stayed with "B" part being moved. The reason was that the east pivot was put into CRP and water was needed at the other place. T4305 later moved another 31 acres. "A" part was split into "C" representing remaining portion at west pivot and "D" portion representing the portion moved to another system. That particular transfer was protested and during resolution Faulkner indicated that NSCC shares had been obtained but he wanted to proceed with transfer anyway. Later on a portion of the "D" portion was included in the Wybenga Transfer which has been denied but seems to be prime for appeal.

It is also important to review and understand the development of the system where the leased water is being removed. The system was initially developed under license 37-08487. The license was for supplemental irrigation of 216 acres with 1.66 cfs. The right was split by agreement between Faulkner and Bosma. A portion of the Bosma portion was modified by T4614 where Bosma converted irrigation of 42 acres to dairy use. The remaining "A" portion continued to cover irrigation by Bosma and Faulkner. In an effort to clarify ownership and straighten things around Faulkner filed T5590 to split off his ownership from part "A" and reshape the place of use. In this process the "D" portion was created representing Faulkner's portion being 0.86 cfs on 112 acres. In this process the historical use of the water was analyzed and Faulkner's portion was limited to 115.7 afa. This takes into account the supplemental nature of the right. *Note that Bosma's portion "C" was involved in T5591 in an effort to straighten things out but it was protested so he withdrew the application. His portion is still somewhat messed up.* The portion "D" is subject of the water bank lease application.

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JUN 24 2002



I have talked with Jim about his concerns and it basically can be boiled down to two issues:

- The proposed right being transferred is supplemental in nature and condition #5 of T5590 may have a bearing on approval.

- The existing system is not easily limited to provide for use of 0.86 cfs on just the east pivot.

I think that Jim raises some important issues...addressing the second issue first...can the east pivot be reasonably limited to 0.86 cfs and 112 acres? It seems suspicious since what is requested is 0.008 cfs/acre and the system may produce 0.015 cfs per acre. Since we sometimes allow for variance due to system design it would seem appropriate to limit use to a 30 day period (remainder of irrigation season) and a volume of 0.008 cfs x 30 days or 51 acre feet. Another consideration or tact might be to limit to 1.25 times the consumptive use for grass for the remainder of the season. My estimation is that the numbers are fairly close depending on what assumptions you make. If we require a measuring device be installed on the east pivot and limited use to no more than 51 acre feet for the remainder of the season then this may resolve this potential issue.

The first issue Jim raises may not be an issue. We should confirm Faulkner's statement that the well and lands were not irrigated this season. We also should determine if indeed the NSCC shares have been moved off the land. I am somewhat confused about the reason for the condition since the last transfer significantly limited the volume taking into account the supplemental nature of the right; the total use should not exceed 115.7 afa is significantly less than a primary right volume for 112 acres. I do not know why condition #5 is needed. In any event we are reviewing and approving so what is the issue?

Call if you have questions about my comments.

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JUN 24 2002

MEMO

TO: NORM YOUNG
FROM: JIM STANTON

DATE: 10-1-01

RE: Apps. To Lease Water To & From Water Supply Bank, Faulkner Land & Livestock

Applicant chose 37-8487D to move to the pivot. This well sits alongside an NSCC canal, and could either dump into the canal or into a sump to serve a large pivot; the well was licensed for 216 acres due to being co-mingled with surface water, as it could not irrigate this much land on its own. The right has been split with Jake Bosma (you probably remember that mess), leaving Faulkner with 112 acres (mostly just south of the original p/u). The large pivot has been removed, and surface water has not been used here since before the latest transfer was approved last May. I spoke to Jeff Peppersack about Condition of Approval #5, and he said that this could be a problem.

Mr. Faulkner said that this lease arrangement would not do him any good if it is not by Friday, as the grass seed that he has planted under the pivot in Sec. 8 needs time to germinate and establish itself before the season ends. Per John's request, I am faxing the apps to you for consideration. I made him absolutely no promises or even speculation as to what might happen.

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JUN 24 2002

12/99

Before the Idaho Water Resource Board

RECEIVED

OCT 01 2001

Department of Water Resources
Southern Region

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant Frykner Land & Livestock Co. Inc. Phone 234-4956
Address 1875 E 1989 S
City Gooding, ID State ID Zip Code 83330

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Ground Water
which is tributary to _____.
2. Maximum volume of water sought 115.7 AF.
3. Maximum rate of diversion 0.86 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use Irrigation
2. Location of point of diversion NE 1/4 SW 1/4, Section 8,
Township 6S, Range 14E, B.M. Gooding County.
3. Season of use: From 10-1 to 10-31.
4. Description of diverting works:
Pump HP 125 Lift 1000 Pump type turbine.
Canal name, if appropriate _____.
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.
S 1/2 NE 1/4 N 1/2 SE Sec. 8 T. 6S 14E (132 acres - right appurtenant
to 112 acres).

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b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

None

7. Who owns the property at the point of diversion?

Applicant

8. Who owns the property at the place of use?

Applicant

9. Are you seeking a rental for more than one (1) year? No

If so, how many years? _____

10. Remarks: I am putting 37-8487D into the bank in order to immediately lease it out to run pivot on other land. I need approval by 10-5-01 in order for this to be worthwhile.

10 Oct. 01

Date

John T. Faulkner Pres.
Signature of Applicant

FOR DEPARTMENT USE ONLY

\$10. received 9/5024341

Received by JF Stanton Date 10-1-01 Time 3:11 pm

Published in N/A Pub. dates _____

Protests filed by N/A JUN 24 2002

Hearing held by N/A

Action recommended Approve

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JUN 24 2002

Water Supply Bank No. _____

RECEIVED

Water Right No. 37-8487D

OCT 01 2001

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO ~~SELL OR LEASE~~ A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Faulkner Land & Livestock Co. Inc. Phone 934-4956

Post office address 1875 E 1989 S, Gooding, ID 83330

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated _____ in _____ county of _____
(Name of court)

b. License No. 37-8487D Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

2. Source of water Ground Water tributary to _____

3. Date of priority 1-25-1989

4. Water is used for the following purposes:

amount 0.86 cfs for Irrig. purposes from 4-1 to 10-31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 0.86 cubic feet per second

&/or
b. 704.61157 acre feet per annum

6. Location of point of diversion is NW ¼ of SE ¼ of Section 27

Township SS Range 12E, B.M. in Gooding County

Additional points of diversion, if any _____

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JUN 24 2002

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55	12E	22 ⁷											38	5			184		314
													72						
		27					11	35	24	31	37	35	7	16		6	8		210
		33	13.6																13.6
		34					17.7	36.5	12.8										67

Total number of acres to be irrigated 216 1/2

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Place of use:

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

Total number of acres to be irrigated _____

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C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Right was licensed to applicant, & is still owned by same

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

Well was not used this year, but 69 acres were irrigated the 3 years before that. Pump was broken 5 years ago, & not used that season.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

Well produces the licensed flow rate with a 440' lift.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

None now. Had surface rights there when license was issued (canal water & waste water), but these are used elsewhere now.

5. If the water right is a permit, describe the work accomplished toward developing the right.

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

N/A

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SEP 24 2002

T#5590

3.8

4.4

1.3

2.2

32.2

6.4

0.8

12.8

9. Remarks I want to immediately lease this water right from the water supply bank to provide water for a pivot in order to water pasture grass for the rest of the 2001 season. Pivot was in CAP but is now out. Other rights are being permanently transferred to this pivot for next year & beyond.

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

 For sale

 ✓ For lease for period from 10-1-01 to 10-1-02
(year) (year)

 As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

\$10.

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

 ✓ Acceptable Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

1 Oct. 01
(Date)

John J. Faulkner Pres.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 10-1-01 Preliminary check by

Watermaster recommendation requested on Received

Recommended for X approval denial by

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JUN 24 2002

WATER RIGHT NO. 37-8487D
As Modified by Transfer No. 67010

In accordance with the approval of Transfer No. 67010, Water Right No. 37-8487D is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO
 1989 S 1875 E
 GOODING ID 83330

Priority Date: 01/25/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.86 CFS	115.7 AF
			0.86 CFS	115.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 27 Twp 05S Rge 12E GOODING 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	
05S 12E 27											3.8	9.2			18.4		31.4
05S 12E 33	13.6																13.6
05S 12E 34					17.7	36.5	12.8										67.0

Total Acres: 112

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 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 groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

RECORDED
 JUN 24 2002

RECEIVED
MAY 24 2001
Department of Water Resources

Mail present to:
309 E. Spring Cove Rd
Bliss Id 83314
w/Change of address form.
Keri Lynn
5.24.01

Phone 208-352-4322

IDAHO DEPARTMENT OF WATER RESOURCES
1201 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

~~DAVID BOGGS~~
~~1201 N. ORCHARD ST.~~
~~BOISE, ID 83720~~
~~(208) 327-7900~~

No longer
living @
this address!

Return

WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAULKNER LAND & LIVESTOCK CO
1989 S 1875 E
GOODING ID 83330

&

JACOB BOSMA
1748 E 400 S
JEROME ID 83338

RE: Transfer No.: 67010 - Water Rights 37-8487A/C/D - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camille S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

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MAY 09 2001

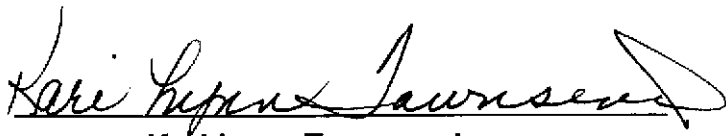
CERTIFICATE OF MAILING

I hereby certify that on May 4, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 67010 - WATER RIGHTS 37-8487A/C/D

**FAULKNER LAND & LIVESTOCK CO
1989 S 1875 E
GOODING ID 83330**

**JACOB BOSMA
1748 E 400 S
JEROME ID 83338**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 08 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department 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 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
MAY 09 2001

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 Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

TRANSFER REVIEW SHEET

(12-00)

Transfer # 5598/67010Date Reviewed 4-19-01 CSSPLIT ☒ POD ☐ ADD POD ☐ POU ☒ PERIOD ☐ or NATURE ☐ of USE

ALL OF RIGHT(S) (W=Water Right C=SRBA Claim R=SRBA Recommendation)

/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

PART OF RIGHTS(S)

(Unchanged)

(Changed)

W/37-8487A	to	W/ 37-8487C	W/37-8487D
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
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/	to	/	/

Standard Season 3-15 to 11-15Standard Volume 4.0 / 3.0

- (1) ☒ Priority (2) ☒ Use (3) Season (W61) (4) ☒ Rate (5) ☒ Volume
 .007 cfs/acre 1.0 af/acre
 (6) ☒ Source (7) ☒ P/D (8) P/U (9) Proof/Owner (10) ☒ Map
 Lienholder ☒ No per Sale/Agreement
 (11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion
 ESRPA Trust

(3) Allow extended season to standard

(8) Change P/U - Split Rt - Adjust per ADM GIS

(9) Goulding Co. Assessors office confirmed Faulkner's ownership in Sec 33+34. } Clarify Ownership
 Crystal at Rashelt Robertson will provide additional info. (requested 4-20-01) per Region Review.

(5) Limit to historic use - 179.7 aka maximum supplemental use.

Protest agreement with Lee Halper

Transfer Remarks & Conditions 020, 0167, R64, 045, 104, T07, T08W61Curry R56/57/55 form LicenseSupplemental GW use NSLL .007 cfs/acre + 1.0 af/acre (Historical Use Vol. from*letterpower records)* Database/Processing Notes Copy of approval to R Bliss Acres LLC, 4300 Beum Rd, Zillah Wa
with Change of Ownership form. Gary Slette/Rashelt Robertson 98953WRs for Update Comments NA

Bosma
DBA Bliss Acres LLC
4300 Beam Rd
Zillah WA 98953

Patty Bauscher

Gooding County Assessor
Gooding County Courthouse
624 Main Street
Gooding, Idaho 83330

RECEIVED

APR 30 2001

Department of Water Resources

GOODING COUNTY

Hwy. Dist. 2 City

Sec. 27 Twp. 5 Rng. 12

Sch. Dist. 234 Cem. Dist. Hagerman

25

Tx. Code 8 Fire Dist. B

055 12 E 27



4. Reservation. Seller reserves unto itself an easement forty (40) feet in width over, under and across the Real Property in Section 27, T. 5 S., R. 12 E.B.M. for purposes of installing, constructing, and maintaining an underground pipeline. The well site for which this easement is retained is legally described in Exhibit "B" attached hereto and by this reference incorporated herein. The specific legal description of the easement as is indicated at the bottom of Exhibit "B" shall be contained in the warranty deed executed by Seller.

5. Pond Lining. If necessary for Buyer's use of the Real Property, Seller agrees to pay one-half (1/2) of the cost of imported soil for lining of a pond located on the Real Property, as well as one-half (1/2) of the cost of the transport such imported soil to the site. Seller will provide installation services of the imported soil on the basis of an agreed upon hourly fee of one hundred dollars (\$100.00) per machine hour.

6. Possession. The Buyer shall be entitled to possession of the Real Property on closing.

7. Risk of Loss. The risk of loss or damage to the property herein sold shall remain with the Seller until the sale has been closed.

8. Title. Seller warrants that it has good title to the Real Property, and that the same will be conveyed at the time of closing to the Buyer free and clear of all liens and encumbrances, with the exception of taxes, assessments and reservations and easements which are of record or are apparent. At closing, title shall be conveyed to the Buyer by a standard Idaho Corporation Warranty Deed executed by the Seller.

9. Title Insurance. Upon execution hereof, the parties shall obtain a commitment for title insurance from First American Title Company, Gooding, Idaho. The commitment shall be reviewed and, if acceptable to Buyer, shall be approved and accepted by Buyer. If any defect in title exists that is unacceptable to Buyer, Buyer shall notify Seller within ten (10) days of its receipt, and such defect shall be cured by Seller. If Seller is unable to cure such defect, this Agreement shall be null and void. At closing, the parties shall obtain a standard form of owner's title insurance policy issued by First American Title Company insuring the Buyer in the amount of Five Hundred Ten Thousand Dollars. Such policy shall show clear and marketable title in the Buyer subject only to taxes, assessments, and reservations and easements which are of record or are apparent. All costs incurred for said title insurance policy shall be borne by the Seller.

10. Real Estate Commissions. It is understood and agreed by and between the parties that the real estate sale transaction herein contemplated does not involve a real estate agent or realtor on the part of Seller or Buyer.

11. Binding Effect. The provisions of this contract shall be binding upon and inure to the benefit of the heirs, successors, personal representatives, and assigns of the parties hereto.

4. Reservation. Seller reserves unto itself an easement forty (40) feet in width over, under and across the Real Property in Section 27, T. 5 S., R. 12 E.B.M. for purposes of installing, constructing, and maintaining an underground pipeline. The well site for which this easement is retained is legally described in Exhibit "B" attached hereto and by this reference incorporated herein. The specific legal description of the easement as is indicated at the bottom of Exhibit "B" shall be contained in the warranty deed executed by Seller.

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6. Possession. The Buyer shall be entitled to possession of the Real Property on closing.

7. Risk of Loss. The risk of loss or damage to the property herein sold shall remain with the Seller until the sale has been closed.

8. Title. Seller warrants that it has good title to the Real Property, and that the same will be conveyed at the time of closing to the Buyer free and clear of all liens and encumbrances, with the exception of taxes, assessments and reservations and easements which are of record or are apparent. At closing, title shall be conveyed to the Buyer by a standard Idaho Corporation Warranty Deed executed by the Seller.

9. Title Insurance. Upon execution hereof, the parties shall obtain a commitment for title insurance from First American Title Company, Gooding, Idaho. The commitment shall be reviewed and, if acceptable to Buyer, shall be approved and accepted by Buyer. If any defect in title exists that is unacceptable to Buyer, Buyer shall notify Seller within ten (10) days of its receipt, and such defect shall be cured by Seller. If Seller is unable to cure such defect, this Agreement shall be null and void. At closing, the parties shall obtain a standard form of owner's title insurance policy issued by First American Title Company insuring the Buyer in the amount of Five Hundred Ten Thousand Dollars. Such policy shall show clear and marketable title in the Buyer subject only to taxes, assessments, and reservations and easements which are of record or are apparent. All costs incurred for said title insurance policy shall be borne by the Seller.

10. Real Estate Commissions. It is understood and agreed by and between the parties that the real estate sale transaction herein contemplated does not involve a real estate agent or realtor on the part of Seller or Buyer.

11. Binding Effect. The provisions of this contract shall be binding upon and inure to the benefit of the heirs, successors, personal representatives, and assigns of the parties hereto.

REAL ESTATE PURCHASE AND SALE AGREEMENT - 2

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MAY 09 2001

12. Attorney's Fees. If a suit or action is instituted to enforce any of the terms of this agreement, the prevailing party shall be entitled to recover all costs and attorney's fees from the non-prevailing party.

13. Preparation of Agreement. This Agreement has been prepared by Rosholt, Robertson & Tucker for the Seller. Buyer has been advised to seek independent legal counsel to review this Agreement.

14. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original for all purposes, but all of which together shall constitute one and the same Agreement. Facsimile signatures on copies shall have the same force and effect as an original copy and an original signature.

15. Notices. All notices required or permitted to be given to the parties hereunder shall be sent to the following addresses:

If to Buyer Jacob Bosma
 1748 East 400 South
 Jerome, Idaho 83338

If to Seller Faulkner Land & Livestock, Inc.
 Route 2
 Gooding, Idaho 83330

16. Final Agreement. This Agreement is the final and complete agreement of the parties pertaining to the sale and purchase of this Real Property, and supersedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Real Property is concerned.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

"SELLER"

FAULKNER LAND & LIVESTOCK, INC.

By John P. Faulkner
Its Pres.

"BUYER"

Jacob Bosma
Jacob Bosma

REAL ESTATE PURCHASE AND SALE AGREEMENT - 4

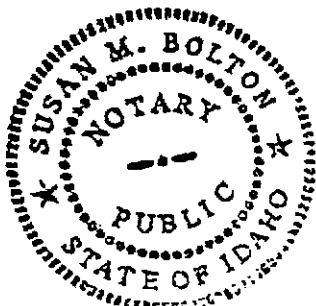
MICROFILMED
MAY 10 2007

STATE OF IDAHO)

County of Gooding)ss.

On this 5th day of April, 1994, before me, a Notary Public, in and for said County and State, personally appeared John L. Faulkner, known or identified to me to be the PRESIDENT of Faulkner Land & Livestock, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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



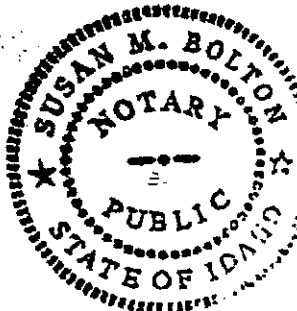
Susan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, ID
My commission expires: 10-16-98

STATE OF IDAHO)

County of Gooding)ss.

On the 5th day of April, 1994, before me, a Notary Public, in and for said County and State, personally appeared Jacob Bosma, known or identified to me to be the individual whose name is subscribed to the within 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 in this certificate first above written.



ASD Susan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, ID
My commission expires: 10-16-98

04199402.GDS

REAL ESTATE PURCHASE AND SALE AGREEMENT - 5

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COPY

Township 5 South, Range 12 East of the Boise Meridian, Gooding County, State of Idaho.

Section 22: Part of the SW1/4SW1/4, described as follows:

BEGINNING at the Southwest corner of Section 22 of Township 5 South, Range 12 East of the Boise Meridian, said corner marked by a U.S. General Land Office pipe with brass cap; Thence South 89° 56' 35" East along Section line for 932.76 feet to a 1/2" rebar which shall be the POINT OF BEGINNING;

Thence on a non-tangent curve to the right for 475.74 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter, said curve having a central angle of 33° 25' 14" with a radius of 815.60 feet with a long chord bearing of North 56° 21' 43" East for 469.02 feet;

Thence South 0° 07' 00" West along the East line of the Southwest Quarter of the Southwest Quarter for 260.20 feet to a point at the Southeast corner of the Southwest Quarter of the Southwest Quarter;

Thence North 89° 56' 35" West along Section line for 389.96 feet to the POINT OF BEGINNING.

AND part of the SE1/4SW1/4, described as follows:

BEGINNING at the South Quarter Section corner of Section 22 of Township 5 South, Range 12 East of the Boise Meridian, said corner marked by a U.S. General Land Office pipe with brass cap;

Thence North 89° 56' 35" West along the Section line for 455.72 feet to a 1/2" rebar, which shall be the POINT OF BEGINNING;

Thence on a non-tangent curve to the left for 959.29 feet to a point on the West side of the Southeast Quarter of the Southwest Quarter, said curve having a central angle of 67° 23' 24" with a radius of 815.60 feet and a long chord bearing of North 73° 13' 58" West for 904.94 feet;

Thence South 0° 07' 00" West along the West line of the Southeast Quarter of the Southwest Quarter for 260.20 feet to the Southwest corner of the Southeast Quarter of the Southwest Quarter;

Thence South 89° 56' 35" East along the South line of the Southeast Quarter of the Southwest Quarter for 867.00 feet to THE POINT OF BEGINNING.

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EXHIBIT A

COPY

Township 5 South, Range 12 East of the Boise Meridian, Gooding County, State of Idaho.

Section 27: A tract of land in the W1/2, N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4 and the SW1/4SE1/4, more particularly described as follows:

BEGINNING at a point that is 2065.47 feet West of the Southeast corner of Section 27;

Thence North 515.44 feet, to the POINT OF BEGINNING;

Thence in a Northeasterly direction to a point that is the most Southwesterly corner of the Northside Canal Company property as described in Record of Tax Numbers, Gooding County, Idaho for Tax 1, Section 27, Township 5 South, Range 12 East of the Boise Meridian, recorded June 3, 1935 as Instrument No. 61746, Official Records;

Thence North 1° 07' West, 435 feet;

Thence North 36° 30' East, 376 feet to the North line of the Southwest Quarter of the Southeast Quarter;

Thence South 89° 51' 57" West, 67.08 feet to a point in a canal;

Thence on the following courses and distances in the water way of a canal:

North 25° 39' 44" West for 25.48 feet;

North 64° 14' 57" West for 99.90 feet;

North 37° 10' 28" West for 233.51 feet;

North 86° 38' 31" West for 111.15 feet;

North 58° 47' 49" West for 102.60 feet;

North 69° 35' 26" West for 343.25 feet;

North 44° 26' 23" West for 256.30 feet;

North 23° 36' 44" West for 363.30 feet;

North 44° 00' 32" West for 239.72 feet;

North 23° 58' 39" West for 258.69 feet;

North 6° 01' 31" West for 215.52 feet;

North 20° 03' 51" East for 183.67 feet;

North 50° 15' 42" East for 14.12 feet;

Thence South 89° 26' 24" East for 13.09 feet to a 1/2" rebar;

Thence South 89° 26' 24" East for 984.88 feet to a P.K. Nail on the centerline of a county road;

Thence North 26° 09' 01" West along the centerline of said county road for 134.70 feet to a P.K. Nail;

Thence South 89° 48' 38" West (West recorded) for 192.55 feet;

Thence North 0° 15' 43" West (North recorded) along said fence for 300.00 feet;

Thence North 89° 49' 46" East (East recorded) for 193.00 feet along said fence to a point;

Thence North 30° 58' 31" West for 16.87 feet to a 1/2" rebar;

Thence North 7° 27' 02" West for 208.89 feet to a 1/2" rebar;

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COPY

WELL SITE

BEGINNING at the Southeast corner of Section 27, Township 5 South, Range 12 East of the Boise Meridian, said corner marked by a U.S. Government pipe with brass cap;
Thence North 60° 58' 47" West (North 60° 37' West recorded) for 1514.56 feet to a point on the West line of the Southeast Quarter of the Southeast Quarter;
Thence North 0° 08' 47" West along the West line of the Southeast Quarter of the Southeast Quarter for 577.00 feet to the Northeast corner of the Southwest Quarter of the Southeast Quarter;
Thence South 89° 51' 57" West along the North line of the Southwest Quarter of the Southeast Quarter for 384.92 feet to a point in the water way of a canal;
Thence along said water way on the following courses and distances:
North 25° 39' 44" West, 25.48 feet;
North 64° 14' 57" West, 99.90 feet;
North 37° 10' 28" West, 233.51 feet;
North 86° 38' 31" West, 111.15 feet;
North 58° 47' 49" West, 102.60 feet;
North 69° 35' 26" West, 343.25 feet;
North 44° 26' 23" West, 256.30 feet;
North 23° 36' 44" West, for 32.26 feet to the POINT OF BEGINNING;
Thence North 23° 36' 44" West, 40.00 feet to a point;
Thence North 66° 23' 16" East, 59.46 feet to a point;
Thence South 23° 36' 44" East, 40.00 feet to a point;
Thence South 66° 23' 16" West, 59.46 feet to the POINT OF BEGINNING.

Pipeline and Access Easement from the above described Well Site directly South on the center Section line to the South Quarter corner of said Section 27, Township 5 South, Range 12 East of the Boise Meridian, Gooding County, State of Idaho.

EXHIBIT MED

MAY 3 9 2001

Township 5 South, Range 12 East of the Boise Meridian, Gooding County, State of Idaho.

Section 23: SW1/4NW1/4

Section 22: SE1/4NE1/4, E1/2SE1/4, SW1/4SE1/4 EXCEPT the West 131.61 feet. Part of the SW1/4NE1/4 and Part of the NW1/4SE1/4, described as follows:

BEGINNING at the East Quarter Section corner of Section 22 of Township 5 South, Range 12 East of the Boise Meridian, said corner marked by a 5/8" rebar;

Thence North 89° 57' 43" West along the North line of the Northeast Quarter of the Southeast Quarter for 1312.95 feet to the Northeast corner of the Northwest Quarter of the Southeast Quarter which shall be the POINT OF BEGINNING;

Thence South 0° 11' 44" West along the East line of the Northwest Quarter of the Southeast Quarter for 1319.86 feet to the Southeast corner of the Northwest Quarter of the Southeast Quarter;

Thence North 89° 59' 36" West along the South line of the Northwest Quarter of the Southeast Quarter for 1008.97 feet to a 1/2" rebar;

Thence North 0° 09' 47" East for 1649.32 feet to a 1/2" rebar;

Thence South 89° 44' 18" East for 1009.90 feet to a 1/2" rebar on the East line of the Southwest Quarter of the Northeast Quarter;

Thence South 0° 11' 44" West along the East line of the Southwest Quarter of the Northeast Quarter for 324.96 feet to the POINT OF BEGINNING.

Township 5 South, Range 12 East of the Boise Meridian, Gooding County, State of Idaho.

Section 27: That part of the N1/2NE1/4, described as follows:

BEGINNING at the Northeast corner of said Section 27, said corner marked by a U.S. Government pipe with brass cap which shall be the POINT OF BEGINNING;

Thence South 0° 16' 06" East along said Section line for 475.52 feet to a 1/2" rebar;

Thence South 87° 10' 27" West for 1589.12 feet;

Thence North 175 feet;

Thence East parallel to the North Section line to a point on the 16th line between the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter;

Thence North along said 16th line to the Northeast corner of the Northwest Quarter of the Northeast Quarter;

Thence North 89° 58' 30" East along the North Section line to the Northeast Section corner being the POINT OF BEGINNING.

EXHIBIT B

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MAY 8 2001

North 87°10'27" East for 550 feet to a point; Thence North 175 feet; Thence East parallel to the North Section line to a point on the 16th line between the NW1/4NE1/4 and the NE1/4NE1/4.

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EXHIBIT C

COPY
Phase II

REAL ESTATE PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this 15th day of August, 1994, by and between Faulkner Land & Livestock, Inc. hereinafter referred to as Seller), and Jacob Bosma, a single man, or his assignee (hereinafter referred to as Buyer):

RECITALS:

(1) These parties have previously entered into a contract for the sale and purchase of certain property which is the subject of the contract set forth in the attached Exhibit A hereto. Said Agreement is for ease of reference hereby referred to in this Agreement as "Phase One."

(2) Seller owns property which is the subject of this Agreement and which is contiguous to the property in the Phase One contract. The parties hereto agree that because of the location of the property which is the subject of this agreement, that it is necessary for Buyer to purchase the property subject to this Agreement and for Seller to sell the property which is the subject of this agreement contemporaneously with closing of the contract on Phase One.

Buyer is in the process of building a dairy on Phase One and his financing is incomplete. Accordingly, Buyer cannot provide security for his performance under the terms of this contract except as set forth herein.

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Property. Seller hereby agrees to sell and convey by good and sufficient warranty deed, free and clear of all liens and encumbrances, and Buyer hereby agrees to purchase from Seller, that real property and personal property which is situated in Gooding County, and more particularly described in Exhibit B which is attached hereto and incorporated herein, together with 160 shares of the capital stock of North Side Canal Company and the irrigation equipment situated on the aforementioned property consisting of two pivots and miscellaneous hand lines.

2. Price and Payments. The agreed upon purchase price for the property transferred pursuant to this contract is _____ The purchase price shall be paid as follows:

(a) _____ on execution of this agreement.

(b) The deferred portion of _____ shall be evidenced by a Promissory Note which shall bear interest at the rate of 8% per annum from the date hereof. One payment of _____ shall be paid on January 1, 1995. Thereafter, interest only payments shall be paid yearly on the anniversary date of this contract and all principal and the accrued balance shall be paid in full on or before April 1, 1997.

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3. Exclusions from Contract. It is specifically agreed that the potato storage shed and sufficient real estate upon which it is situated, which is described in Exhibit C hereto, is excluded from this contract, together with an easement thereto. Seller shall have the right to sell said potato storage shed at any price so desired and all proceeds shall inure to the benefit of Seller. In the event Seller has been unable to sell said potato storage shed before April 1, 1997, then in that event Buyer agrees to purchase the shed and the real property upon which it is located for a price to be agreed upon by Buyer and Seller. If the parties shall be unable to agree on a price, then, in that event, each party shall pay a certified appraiser to establish a value of the potato storage shed and the real property upon which it is located, and the purchase price shall be the average of the two appraised values. Seller also retains an easement for the use of the scales located on the Real Property, and to pay one-half of the maintenance costs associated therewith.

4. Closing and Prorations. The sale herein contemplated shall be closed forthwith at the offices of First American Title, Gooding, Idaho. The following prorations shall be applicable:

(a) Buyer shall be entitled to all right, title, and interest in the third and fourth cutting of alfalfa on the property. Seller shall be entitled to all other crops for the 1994 crop year.

(b) Taxes shall be prorated as of closing, Buyer assuming all real estate and personal property taxes for 1994 after closing and Seller assuming all real estate and personal property taxes prior to closing.

(c) Seller shall pay all water assessments on the subject property for 1994, except, at closing, Buyer shall pay Seller the sum of \$2,000.00 for power and water assessment costs associated with the third and fourth cuttings of the 1994 alfalfa crop. Buyer shall pay all water assessments commencing in the year 1995 and thereafter.

(d) Seller shall provide standard title insurance on the property at its cost insuring the Buyer in the amount of _____ other closing costs shall be paid equally by the parties.

5. Possession. Buyer shall be entitled to possession of the real property on closing.

6. Risk of Loss. The risk of loss or damage to the property sold shall remain with Seller until the sale has been closed.

7. Real Estate Commissions. It is understood and agreed by and between the parties that the real estate transaction herein does not involve a real estate agent or realtor on the part of Seller or Buyer.

REAL ESTATE PURCHASE AND SALE AGREEMENT - 2

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MAY 09 2001

8. Deferred Payment Price and Mortgage. Buyer shall execute a promissory note secured by a first real estate mortgage in the amount of _____ aid note shall provide for payment as follows:

(a) Principal only payment on January 1, 1995, in the amount of _____

(b) Remaining balance of _____ shall bear interest at the rate of 8% per annum from August 15, 1994, with interest only payments on August 15, 1995, August 15, 1996, and April 1, 1997.

(c) All principal and interest shall be due and payable on April 1, 1997.

9. Lease. Seller agrees to lease from Buyer that acreage described in Exhibit B and which is the irrigated land under the pivot (consisting of approximately 90 acres). The terms of this lease are as follows:

(a) The lease shall be a cash basis lease.

(b) The amount of the lease payment for calendar year 1995, shall be the amount of Buyer's annual interest payment due August 15, 1995. Seller's annual lease payment for 1996, shall be the amount of Buyer's annual interest payment due August 15, 1996. Seller's annual lease payment for 1997, shall be the amount of Buyer's annual interest payment due April 1, 1997. There shall be no lease payment required for 1994.

(c) Buyer shall pay all taxes on the leased property for calendar years 1995, 1996, and 1997.

(d) All costs of operating the pivot and irrigation equipment shall be borne by Seller. Seller, as lessee, will pay all pivot repair and maintenance costs that are less than \$100.00. The costs for any item or items of repair or maintenance which are in excess of that amount shall be the sole responsibility of Buyer, as lessor. Said irrigation equipment shall be returned to Buyer at the termination of this lease in good condition, reasonable wear and tear excepted.

(e) Buyer shall have the right to terminate this lease upon payment of the deferred purchase price prior to April 1, 1997, and by payment to Seller of any costs incurred by Seller in preparing the land for farming or in raising crops on the leased premises.

10. Binding Effect. The provisions of this contract shall be binding upon and inure to the benefit of the heirs, successors, personal representatives, and assigns of the parties hereto.

11. Attorney's Fees. If a suit or action is instituted to enforce any of the terms of this agreement, the prevailing party shall be entitled to recover all costs and attorney's fees from the non-prevailing party.

12. Preparation of Agreement. This agreement has been prepared by Randy Stoker Law Office for the Buyer. Seller has been advised to seek independent legal counsel to review this agreement.

13. Counterparts. This agreement may be executed in one or more counterparts, each of which shall be deemed an original for all purposes, but all of which together shall constitute one and the same agreement. Facsimile signatures on copies shall have the same force and effect as an original copy and an original signature.

14. Notices. All notices required or permitted to be given to the parties hereunder shall be sent to the following addresses:

If to Buyer Jacob Bosma
1748 East 400 South
Jerome, Idaho 83338

If to Seller Faulkner Land & Livestock, Inc.
Route 2
Gooding, Idaho 83330

15. Final Agreement. This agreement is the final complete agreement of the parties pertaining to the sale and purchase of this real property and supersedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the real property is concerned.

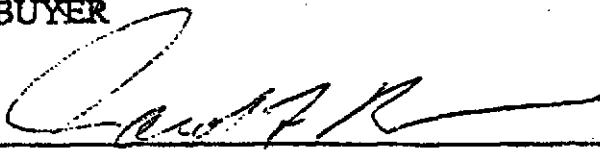
IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

SELLER

FAULKNER LAND & LIVESTOCK, INC.

By: 
Its: Pres.

BUYER


Jacob Bosma

REAL ESTATE PURCHASE AND SALE AGREEMENT - 4

MAY 3 9 2001

STATE OF IDAHO)

)ss.

County of Twin Falls)

On this 18th day of August, 1994, before me, a Notary Public, in and for said County and State, personally appeared John Faulkner, known or identified to me to be the President of Faulkner Land & Livestock, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Sherry L. Cull
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Id.
My commission expires: 3/19/98

STATE OF IDAHO)

)ss.

County of Twin Falls)

On the 18th day of August, 1994, before me, a Notary Public, in and for said County and State, personally appeared Jacob Bosma, known or identified to me to be the individual whose name is subscribed to the within 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 in this certificate first above written.

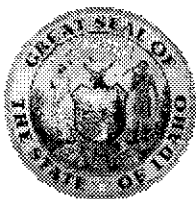
Sherry L. Cull
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Id.
My commission expires: 3/19/98

08179404.GDS

REAL ESTATE PURCHASE AND SALE AGREEMENT - 5

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MAY 09 2001

**Idaho Secretary of State
Business Entity Search**

FAULKNER LAND & LIVESTOCK COMPANY, A CORPORATION

1989 SOUTH 1875 EAST
GOODING, ID 83330

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, REINSTATED 11 Dec 1995

State of Origin: IDAHO

Date of 06 Aug 1958

Origination/Authorization:

Current Registered Agent: JOHN FAULKNER
1989 SOUTH 1875 EAST
GOODING, ID 83330

Filing Number: C-30155

Number of Authorized Stock 1
Shares:

Date of Last Annual Report: 03 Jul 2000

Related Documents: 06 Aug 1958 - INCORPORATION (FAULKNER LAND & LIVESTOCK COMPANY, A CORPORATION)
11 Feb 1975 - STOCK CHANGE
05 Jun 1975 - MERGER (MERGED WITH DIAMOND A LIVESTOCK COMPANY, INC.)
05 Jun 1975 - MERGER (MERGED WITH RALPH FAULKNER LAND, INC.)
26 Feb 1980 - UNKNOWN (OTHER (R/A))
07 Aug 1989 - 1989 ANNUAL REPORT
11 Jul 1990 - 1990 ANNUAL REPORT
07 Sep 1990 - 1987 ANNUAL REPORT
22 Jul 1991 - 1991 ANNUAL REPORT
12 Sep 1991 - 1988 ANNUAL REPORT
20 Oct 1992 - 1992 ANNUAL REPORT
12 Aug 1993 - 1993 ANNUAL REPORT
12 Jul 1994 - 1994 ANNUAL REPORT
11 Dec 1995 - REINSTATEMENT
14 Dec 1995 - 1995 ANNUAL REPORT (REINSTATEMENT)

12 Aug 1996 - 1996 ANNUAL REPORT
25 Sep 1997 - 1997 ANNUAL REPORT
17 Jul 1998 - 1998 ANNUAL REPORT
09 Aug 1999 - 1999 ANNUAL REPORT
03 Jul 2000 - 2000 ANNUAL REPORT

RECEIVED

SEP 9 2001

No. C 30155		Due no later than Aug 31, 2000 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Complete in this area. Do not staple FAULKNER LAND & LIVESTOCK COMPANY, JOHN FAULKNER 1888 SOUTH 1875 EAST GOODING, ID 83330		JOHN FAULKNER 1889 SOUTH 1875 EAST GOODING, ID 83330	
NO FILING FEE IF RECEIVED BY DUE DATE		GOODING, ID 83330		3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office held	Name	Street or P.O. Address	City	State	Zip
President	John Faulkner	1851 US Hwy 26	Gooding	ID	83330
Sec	Mike "	1889 N. S. 1875 E.	"	"	"
Treas	Jack "	808 8th Ave E.	"	"	"
Directors-					
Same as Above plus					
	Mark Faulkner	1871 S. 1875 E.	"	"	"
	Laura Jo "	1878 US Hwy 26	"	"	"
5. Organized Under the Laws of:		6.			
IDAHO C 30155		Signature: <i>John T Faulkner</i>		Date:	6/27/00
		Name (Print): John Faulkner		Title:	Pres.
Issued 08/01/2000		Do Not Tape or Staple		1015	

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MAY 09 2001

Idaho Dept. of Water Resources
Place of Use Comparison Report

Faulkner Land & Livestock Co																					
Transfer 5590/67010																					
Right 37-8487A																					
Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
T5S, R12E, Section 22																					
Right	37 8487A	FAULKNER LAND & LIVESTOCK CO.	GROUND WATER	05S12E22												1	5				6
TRight	37 8487C	FAULKNER LAND & LIVESTOCK CO.	GROUND WATER	05S12E22												1	5				6
Claim	1 212	N5CC	SNAKE RIVER	05S12E22		5		30	20	40	40				40	40	19.6		1	40	275.6
Right	1 16	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E22																	0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E22																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	05S12E22																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E22																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E22																	0
Right	1 5	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E22																	0
Claim	37 2362A	ARCHIE D WALKER, AMY WALKER,	SPRING	05S12E22												6					6
Right	37 2299	EFFIE M BUTLER,		05S12E22										30	20						50
Right	37 2362	EFFIE M BUTLER,		05S12E22										25	3						28
T5S, R12E, Section 27																					
Right	37 8487A	FAULKNER LAND & LIVESTOCK CO.	GROUND WATER	05S12E27					11	35	24	31	37			16		6	8		168
TRight	37 8487C	FAULKNER LAND & LIVESTOCK CO.	GROUND WATER	05S12E27					11	35	24	31	37			16		6	8		168
TRight	37 8487D	FAULKNER LAND & LIVESTOCK CO.	GROUND WATER	05S12E27												4	11		17		32
Claim	1 212	N5CC	SNAKE RIVER	05S12E27	40	21	40	40	40	40	40	40	37.2			31	40	40	35	40	524.2
Right	1 16	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E27																	0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E27																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	05S12E27																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E27																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E27																	0
Right	1 5	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E27																	0
T5S, R12E, Section 33																					
TRight	37 8487D	FAULKNER LAND & LIVESTOCK CO.	GROUND WATER	05S12E33					11												11
Claim	1 212	N5CC	SNAKE RIVER	05S12E33					25												25
Right	1 16	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E33																	0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E33																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	05S12E33																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E33																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E33																	0
Right	1 5	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E33																	0
T5S, R12E, Section 34																					
Claim	37 11054	KAREN ELLIOTT, JESS ELLIOTT,	GROUND WATER	05S12E34			3														3
TRight	37 8487D	FAULKNER LAND & LIVESTOCK CO.	GROUND WATER	05S12E34					18	38	13										69
Claim	1 212	N5CC	SNAKE RIVER	05S12E34	33.5	40	30	40	40	40	40	10	39				40	20			372.5
Right	1 16	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E34																	0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E34																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	05S12E34																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E34																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E34																	0
Right	1 5	NORTH SIDE CANAL CO.	SNAKE RIVER	05S12E34																	0

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	34	NENE	12	SENE	21.3					
	35	NWNE	6.3							
21E	4	NENW	36.3	NWNW	24	SWNW	40	SENW	40	
		NESW	26.5	NWSW	28.2	SWSW	14.4			
	5	SENE	40							
		NENW	41.2	NWNW	39.5	SWNW	38.1	SENW	40	
		NESW	40	NWSW	32.7	SWSW	40	SESW	40	
		NESE	40	NWSE	40	SWSE	40	SESE	40	
	6	NENE	41.4	NWNE	41.8	SWNE	40	SENE	40	
		NENW	42.2	NWNW	21.2	SWNW	41.4	SENW	40	
		NESW	40	NWSW	41.3	SWSW	41.2	SESW	40	
		NESE	33.3	NWSE	40	SWSE	40	SESE	40	
	7	NENE	28	NWNE	30	SWNE	29.6	SENE	40	
		NENW	25.4	NWNW	41.1	SWNW	41.1	SENW	37	
		NESW	30.9	NWSW	41.1	SWSW	41	SESW	40	
		NESE	36.6	NWSE	34.1	SWSE	40	SESE	37.6	
	8	NENW	40	NWNW	40	SWNW	40	SENW	40	
		NESE	40	NWSE	40	SWSE	40	SESE	40	
	16	NENE	15.5	NWNE	40	SWNE	24.7			
		NENW	24.2	SWNW	19.7	SENW	40			
		NESW	40	NWSW	40	SESW	24.9			
		NESE	12.1	NWSE	7.2	SWSE	5.7			
	17	NENE	40	NWNE	31.3	SWNE	40	SENE	39.8	
		SENW	13.7							
		NESW	40	NWSW	5					
		NESE	40	NWSE	40					
	18	SENE	16							
		NESW	30	SESW	37.9					
		NESE	20	NWSE	30	SWSE	16.2			
	19	NENE	35	NWNE	40	SENE	40			
		NENW	30	SENW	40					
		SWSW	12.6	SESW	10					
		NESE	40	NWSE	40	SESE	13.5			
	20	NENE	40	NWNE	16	SWNE	40	SENE	40	
		NENW	16	NWNW	16	SWNW	16	SENW	16	
		NESW	28.1	NWSW	17.4	SWSW	26	SESW	36.1	
		NESE	40	NWSE	40	SESE	35			
	21	NWNW	40	SWNW	40					
		NESW	40	NWSW	40	SWSW	35	SESW	40	
		NESE	25	NWSE	38.2	SWSE	40	SESE	25	
	30	NWNE	40							
		NENW	23.4	NWNW	24					
11S	20E	5	NENE	15	NWNE	15	SWNE	5	SENE	5
			NENW	20	NWNW	15	SENW	5		

Place of Use Legal Description: IRRIGATION FROM STORAGE same as IRRIGATION

Total Acres: 155791.7

Remarks:

1. General ALL THE WATER GOES ON A TOTAL OF 155,787 ACRES AS IDENTIFIED ON CLAIM SUFFIXES A01-00212Z0, Z1, Z2, Z3, Z4 & Z5.
 ***** THE STORAGE CLAIMED IS FOR WILSON LAKE WHICH IS THE RE-REGULATING RESERVOIR FOR THE 2ND AND 3RD SEGREGATIONS OF THE NORTH SIDE CANAL COMPANY (NSCC) SYSTEM. THE LAKE IS GENERALLY FILLED IN THE SPRING WITH THIS DECREED WATER IF FLOOD WATERS ARE NOT AVAILABLE. THE RESERVOIR IS EMPTIED EACH FALL AT THE END OF THE IRRIGATION SEASON AND IS THE LAST SNAKE RIVER WATER DELIVERED FOR IRRIGATION AND STOCK WATERING. WILSON LAKE IS LOCATED IN SECTIONS 28, 29, 30 AND 19 OF T09S, R20E AND SECTION 24 T09S, R19E WITH THE 35 FOOT CONCRETE DAM FORMING THE LAKE IS LOCATED IN SECTION 24 T09S, R19E WHICH FORMS THE LAKE ON THE NORTH SIDE MAIN CANAL.
 ***** OTHER WATER RIGHTS USED ARE A01-00210, -00213, -00215, -00220, -00016, -00005 AND A37-00507, -04240, -04241.
 STORAGE RIGHTS A01-10042B, -10045B, -10053A, -10043A, -02064C & -02064D.
 P/U WITHIN NORTH SIDE CANAL COMPANY SERVICE AREA.

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Faulkner L L Co

TRANSFER NO.

T67010
5590

1. Right number(s)

37-08487A

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing
Right:

☐ Source ☐ Priority ☐ Amount ☐ Purpose
☐ Period ☐ SRBA Claim
☐ Description of original point(s) of diversion
☐ Description of original place of use
☐ Overlapping rights on original place of use

Comments: _____

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☒ split All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: _____

T67010

T5590

- i. Existing rights from same source, on land water is being transferred to; right number(s):

- j. — SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain)

- k. — Comment letters _____ Yes _____ No _____
If yes _____ Water District # _____
_____ Lienholder, others, see #2 _____
_____ below for name and address _____

INITIAL ALLOCATION REVIEW BY
SRHA SUPERVISOR REVIEW BY
PUBLICATION REVIEW BY

DATE 11/11/98
DATE _____
DATE _____

1. Legal Notice electronically sent to DWR03::VAULT Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 12/8/99

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ☒ Yes ☐ No
4. Affidavit of publication received? ☒ Yes ☐ No
5. Protests received? ☒ Yes ☐ No; Acknowledgement sent? ☒ Yes
6. Copies made for Region file (see attached supplemental page)? ☒ Yes

RECOMMENDED ACTION

1. Approve
2. Deny due to _____
- _____
3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated:

4. By

Date _____

RECEIVED

AUG 10 2000

Department of Water Resources

MEMO

FROM: Allen Merritt 
TO: Transfer File No. 5590
In the name of: Faulkner Land & Livestock Company

DATE: August 2, 2000

Water Right(s): T37-08487D

SUBJECT: Review and Recommendation

This transfer proposes to split right 37-08487A to show the ownership between Faulkner and Bosma. Additionally, the Faulkner portion is being associated with a new PU. This new PU is on previously irrigated lands and it is my understanding they have been watered with NSCC shares.

The transfer was protested by Lee Halper. In essence Halper was acting on behalf of the Butler Family. Ultimately the protest was resolved in a private agreement between parties. (See enclosed agreement calling for several items the department should not be associated with in regards to enforcing.)

Review of West ESPA Measurement District records finds that the right has not been used in 1999. It was noted that a PCC was calibrated for the pump in 1999. Review of the Idaho Power records contradicts the 1999 report of use. Further review of the West ESPA 1999 report finds it was sent in on 6/4/99 so it is probably the report of 1998 use. Review of the last five years power records has lead me to believe the following:

1995	178.6 to 154.4 afa used	Use may be both Faulkner & Bosma
1996	179.7 to 176 afa used	Use may be both Faulkner & Bosma
1997	7.7 to 7.1 afa used	Faulkner use only
1998	No Use	
1999	75.2 afa	New meter & pump modified.

*Volumes calculated using PCC determined in 1999 and as alternate using hour used calculated from power records and the license rate of 1.34 cfs.

As can be seen the use from the well has been limited and in some ways supplemental to NSCC shares. This relationship should be continued so as not to make this the primary right for the entire proposed place of use which if done would expand the historic use.

A GIS map was created for the historical lands irrigated at the new PU. It is behind the application. I recommend that those acres identified and the distribution of acres in the various tracts be used in approving this application.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

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- Transfer subject to private agreement with protestant.
- Measuring device shall be maintained on point of diversion and use of water shall be annually reported to West ESPA Measurement District.
- Use is supplemental to NSCC shares. All NSCC shares shall be maintained on proposed PU or use limited to 115.7 afa. ($179.7 \times 112/174$; being Faulkner's share of 37-08487A)
- Acres approved per GIS map.

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T# 5590

1 5

35

11

24

31

37

6

16

8

MAY 09 2001

FAULKNER, LANA & LIVESTOCK T5590/67010

T #5590

MAY 9 2001

3.8

4

27

54

THIS IS YOUR 1999 WATER MEASUREMENT ANNUAL REPORT
For the WEST ESPA MEASUREMENT DISTRICT
Reporting for - NON-USE

ATTENTION: Year-end data must be submitted to West ESPA Measurement District c/o Idaho Department of Water Resources, 1341 Fillmore Street Suite 200, Twin Falls, ID 83301, on or before January 15, 2000.

NOTE: A separate reporting form must be submitted for each well.

Current Owner:	—	FAULKNER LAND & LIVESTOCK CO	—
Water Right No:	—	37-08487A	—
Legal Description:	T	05S 12E 27 NWSE	—
Site Tag No:	—	A0002805	POD# 401613
Diversion Name:	—	Bay Blw	—
Operator or Contact Person:	—		40029
Address:	—	1789 SOUTH 1875 EAST	—
City, State, Zip:	—	GOODING	ID 83330
Phone: Home - Fax:	—		—
Phone: Mobile - Other:	—		—

RECEIVED
JUN 04 1999
 Department of Water Resources
 Southern Region

Please Check for any Corrections and Note Changes Below ☐

SECTION I. Water Right Owner/Operator Corrected Information

Current Owner

Name _____ Phone _____
Last, First, MI
 Address _____ Fax _____
 City _____ State & Zip _____

Original Owner (if sold within last year)

Name _____ Phone _____
Last, First, MI
 Address _____ Fax _____
 City _____ State & Zip _____

Operator (if leased or operated by someone else)

Name _____ Phone _____
Last, First, MI
 Address _____ Fax _____
 City _____ State & Zip _____

Should be 1998

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SECTION II. Operation of Well

Was well operated in 1999? YES NO

If you answered NO above, please sign below and disregard rest of form.

SIGNED

DATE

6/2/99

If you answered YES above, please complete rest of form.

SECTION III. Flow Rate, Volume, and Pressure Information

Pump discharge pressure at normal operating conditions: _____ PSI (pounds per square inch)

Does this pump open discharge? Yes / No (circle one) Was the pump ever throttled? Yes / No

Measured flow rate _____ Units of measurement: gpm, cfs, or other _____

Flow rate measured by _____ Date of flow rate measurement _____

Date enter date of reading if different than below	Hours Pump Was Operated in 1999	Discharge Pressure
January 1		
January 31		
February 28		
March 31		
April 30		
May 31		
June 30		
July 31		
August 31		
September 30		
October 31		
November 30		
December 31		

Total Clock Hours _____ Total Acre-feet _____

* Equations: Acre Feet = GPM x Hours ÷ 5431 OR CFS x Hours

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water Measurement Program

POWER CONSUMPTION COEFFICIENT WORKSHEET

District _____ Inventory Date _____ Inventory Examiner _____ PCC ok? Yes / no

Date of test _____ Person performing test _____ Exam complete? Yes / no

Name:	<u>Faulker</u>
Water Right No:	_____
Legal Description:	T _____ R _____ Sec. _____ 1/4 _____ 1/4 _____ 1/4 _____
Site Tag No:	_____
Diversion Name:	<u>Bliss Pump</u>

Current OwnerName _____ Phone _____
Last, First, MI
Address _____ City _____ State _____ Zip _____**Operator** (if leased or operated by someone else)Name _____ Phone _____
Last, First, MI**SECTION I WELL SITE IDENTIFICATION**

Global Positioning System Data:

Data Collection Filename _____ Offset _____

IDWR Site Tag Identification No. _____

Site Tag location description: _____

PLS/USGS Locator _____

Diversion Name _____

For Department/District Use Only

Received by _____ Date _____
Reviewed by _____ Date _____
Data Entry by _____ Date _____

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MAY 03 1998

Well Pump and Motor Information

PUMP DATA		MOTOR DATA	
Manufacturer	<i>Submersible</i>	Manufacturer	
Serial Number		Serial Number	
Model Number		Rated Horsepower	
Type		Rated Amps	
Impeller Diameter		Rated Volts	
Rated Speed		Rated Speed	
Rated Discharge		Phase	
Rated Head		Service Factor	

Booster Pump and Motor Information

PUMP DATA		MOTOR DATA	
Manufacturer		Manufacturer	
Serial Number		Serial Number	
Model Number		Rated Horsepower	
Type		Rated Amps	
Impeller Diameter		Rated Volts	
Rated Speed		Rated Speed	
Rated Discharge		Phase	
Rated Head		Service Factor	

Power and Water Metering Information

KILOWATT-HOUR METER		WATER MEASUREMENT EQUIPMENT and PIPE INFORMATION	
Utility	<i>DP</i>	Std Meter Manufacturer	
Pole No.	<i>2532</i>	Std Meter Model No.	
Meter Manufacturer	<i>ABB</i>	Std Meter Type	Sonic Pyg Collins Hall Anub Dye/chem Other
Meter Serial No.	<i>02303 807</i>	Std. Meter Confidence	Excl Good Fair Poor 2% 5% 10% >10%
Disc Constant(Kh)	<i>21.6</i>	PSI gauge ID location = disch head?	District / Owner Yes / No
Rated Voltage	<i>480</i>	Pipe material	
Demand	<i>67.99</i>	Pipe Outside Diameter	
Multiplier (Mult)		Pipe Inside Diameter	
CTR (Current) PTR (Voltage)	<i>Direct</i>	Distance of straight pipe upstream	Upstream /Down

Determination of Power Consumption Coefficient

Kilowatts of Energy Consumed

$$KW = 3.6 \times Kh \times \text{Multiplier} \times \text{No. of revolutions}(N) \div \text{Time}(T) \text{ in seconds per } N$$

Cond.#1 $N = 10$ (No. of Disc Rev) Time (sec) = $(15.19) + (15.09) + (15.21)/3 = 15.16$ Ave

$$3.6 \times 21.6 (Kh) \times 1 (\text{Mult}) \times 10 (N) \div 15.16 (T) = 51.29 \text{ KW}$$

Cond.#2 $N =$ (No. of Disc Rev) Time (sec) = () + () + () / 3 = Ave

$$3.6 \times (Kh) \times (Mult) \times (N) \div (T) = \text{KW}$$

Cond.#3 $N =$ (No. of Disc Rev) Time (sec) = () + () + () / 3 = Ave

$$3.6 \times (Kh) \times (Mult) \times (N) \div (T) = \text{KW}$$

Measured Flow Rate and Discharge Pressure - Enter flow rate as determined by the "standard" water measurement meter in GPM, and discharge pressure measured in PSI. Attach documentation to support data such as notes, printout tapes etc.

GPM Cond. #1 444.4 #2 #3

PSI Cond. #1 Free Discharge #2 #3

$$\text{Power Consumption Coefficient (PCC)} = KW \times 5431 \div GPM$$

$$\text{PCC Cond. \#1} = 51.29 (KW) \times 5431 \div 444.4 (gpm) = 626.84 (kWh/ac.ft)$$

Percent of seasonal use Description

$$\text{PCC Cond. \#2} = (KW) \times 5431 \div (gpm) = (kWh/ac.ft)$$

Percent of seasonal use Description

$$\text{PCC Cond. \#3} = (KW) \times 5431 \div (gpm) = (kWh/ac.ft)$$

Percent of seasonal use Description

Is the system operator required to track and report changes in system operation? Yes / No
(see form PCC3)

System Type (all that apply): Pivot / linear / Wheel In / Hand In / Gated pipe / flood / Drip / Open dsch

Water Level Data

Does the well have access to measure water levels? Yes / No

Is this well part of USGS, IDWR, or another network of water level monitoring wells? Yes / No / Uncertain

Static Water Level ft Pumping Water Level ft (at condition #)

Date

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Further describe system operating conditions (if necessary) and how percentage of seasonal use was obtained:

Sketch of pumping plant layout or attach photograph of pumping plant and piping:

Comments: Well pipeline crosses canal & goes W. to a spot on the road on South side of the ~~canal~~ canal that goes to power plant. The discharge of pump is at another booster pump that pumps water from canal or from this pump. Booster pump directly across canal from pump is not connected to this pump. Put bucket on end of pipe to create back pressure & remove air from pipelines in order to get a good reading.

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature Arnold B. Webb
(person performing measurements)

Date 8/6/99

NO COPY FILMED
MAY 03 2001

99-08-20 15:44:00
+4.736E+2 gal/m
+TOTAL 0000000 gal
ABNORMAL

99-08-20 15:45:00
+4.983E+2 gal/m
+TOTAL 0000000 gal
ABNORMAL

99-08-20 15:46:00
+4.543E+2 gal/m
+TOTAL 0000000 gal
ABNORMAL

99-08-20 15:48:00
+4.479E+2 gal/m
+TOTAL 0000007 gal
ABNORMAL

99-08-20 15:49:00
+4.585E+2 gal/m
+TOTAL 0000444 gal
ABNORMAL

99-08-20 15:50:00
+4.516E+2 gal/m
+TOTAL 0000888 gal
ABNORMAL

99-08-20 15:51:00
+4.485E+2 gal/m
+TOTAL 0001335 gal
ABNORMAL

99-08-20 15:52:00
+4.613E+2 gal/m
+TOTAL 0001785 gal
ABNORMAL

99-08-20 15:53:00
+4.394E+2 gal/m
+TOTAL 0002232 gal
ABNORMAL

99-08-20 15:54:00
+4.503E+2 gal/m
+TOTAL 0002672 gal
ABNORMAL

99-08-20 15:55:00
+4.250E+2 gal/m
+TOTAL 0003115 gal
ABNORMAL

99-08-20 15:56:00
+4.253E+2 gal/m
+TOTAL 0003557 gal
ABNORMAL

99-08-20 15:57:00
+4.362E+2 gal/m
+TOTAL 0003996 gal
ABNORMAL

99-08-20 15:58:00
+4.582E+2 gal/m
+TOTAL 0004444 gal
ABNORMAL

I start

444.4 gpn

SITE SETUP	SITE NAME	FAULKNER-BLISS
	OUTER DIAMETER	6.6000in
	PIPE MATERIAL	CARBON STEEL
	WALL THICKNESS	0.2000in
	LINING MATERIAL	NO LINING
	LINING THICKNESS	0.0000in
	KIND OF FLUID	WATER
	SENSOR MOUNTING	V
	SENSOR TYPE	FLGIS
	TRANS. VOLTAGE	1TIME

99-08-20 15:44:00
+4.736E+2 gal/m
+TOTAL 0000000 gal
ABNORMAL

99-08-20 15:45:00
+4.983E+2 gal/m
+TOTAL 0000000 gal
ABNORMAL

99-08-20 15:46:00
+4.543E+2 gal/m
+TOTAL 0000000 gal
ABNORMAL

99-08-20 15:48:00
+4.479E+2 gal/m
+TOTAL 0000007 gal
ABNORMAL

99-08-20 15:49:00
+4.585E+2 gal/m
+TOTAL 0000444 gal
ABNORMAL

99-08-20 15:50:00
+4.516E+2 gal/m
+TOTAL 0000888 gal
ABNORMAL

99-08-20 15:51:00
+4.485E+2 gal/m
+TOTAL 0001335 gal
ABNORMAL

99-08-20 15:52:00
+4.613E+2 gal/m
+TOTAL 0001785 gal
ABNORMAL

99-08-20 15:53:00
+4.394E+2 gal/m
+TOTAL 0002232 gal
ABNORMAL

99-08-20 15:54:00
+4.503E+2 gal/m
+TOTAL 0002672 gal
ABNORMAL

99-08-20 15:55:00
+4.250E+2 gal/m
+TOTAL 0003115 gal
ABNORMAL

99-08-20 15:56:00
+4.253E+2 gal/m
+TOTAL 0003557 gal
ABNORMAL

99-08-20 15:57:00
+4.362E+2 gal/m
+TOTAL 0003996 gal
ABNORMAL

I start

444.4 gpn

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MAY 09 2001

Idaho Power 1999

NAME	ACCT NO.	STREET	POLE#	METER#	METER MFG	HORSE PW1	KWH APR99	KWH MAY99	KWH JUN99	KWH JUL99	KWH AUG99	KWH SEP99	KWH OCT99	TOT KWH
FAULKNER HAYHOOK	17550021642	1875 S	1672	92543714	G	40	0	10341	19008	20373	21922	17090	7053	95787
FAULKNER HAYHOOK RCH	17550130690	0400 E	2493	95313523	G	30	0	17965	14354	15288	14309	12994	11719	86629
FAULKNER HAYHOOK RCH	17550134170	0400 E	2537	95681512	G	30	0	0	15141	16881	17636	16349	15600	81607
FAULKNER LAND&LVSTCK	17550010157	1350 E	1292	01377767	A	125	0	0	40	49280	32920	10920	14240	107440
FAULKNER LAND&LVSTCK	17550062270	1600 S	2251	82828040	G	75	0	1743	12688	24371	33092	13685	0	85580
FAULKNER LAND&LVSTCK	17550062280	1950 S	2250	02157552	A	60	0	4971	11474	17492	20	12521	12114	58592
FAULKNER LAND&LVSTCK	17550063330	350 E	2268	02494903	A	30	0	4703	12678	11174	0	9419	6577	44551
FAULKNER LAND&LVSTCK	17550066460	0670 E	2041	89666850	G	150	0	50880	79440	150320	122080	72560	66160	546240
FAULKNER LAND&LVSTCK	17550133770	1860 S	2532	02303807	A	50	0	0	8248	11031	371	14191	13316	47157
FAULKNER LAND&LVSTCK	19550015298	1900 E	1000	58519011	S	20	0	447	7523	640	4973	10621	0	24204
FAULKNER LAND&LVSTCK	19550015448	1850 E	2171	50973961	G	200	0	8200	36160	49200	44360	21120	0	159040
FAULKNER LAND&LVSTCK	19550015621	1800 E	2173	01555978	A	75	2201	6296	17725	28289	1026	36011	34396	125944
FAULKNER LAND&LVSTCK	19550016071	1900 E	1005	92668259	G	50	0	2584	4483	16029	14968	13870	4058	55992
FAULKNER LAND&LVSTCK	19550025451	1850 E	1355	89603573	G	125	240	14520	21400	43400	43720	53520	37360	214160
FAULKNER LAND&LVSTCK	19550041725	1701 E	1371	02472321	A	15	0	3052	4838	10776	8086	9832	2403	38987
FAULKNER LAND&LVSTCK	19550047190	1825 E	2205	62019684	G	60	0	5814	9107	21246	26113	29994	19259	111533
FAULKNER LAND&LVSTCK	19550060200	1850 E	2231	55444431	G	25	0	2244	1539	8269	7526	6004	2964	28546
FAULKNER LAND&LVSTCK	19550062210	2100 S	2248	82828035	G	100	0	5248	18091	45696	27805	31365	37882	166087
FAULKNER LAND&LVSTCK	19550066360	1875 E	2036	55273946	G	25	0	2452	3066	9925	4185	8279	5382	33289
FAULKNER LAND&LVSTCK	19550067300	1855 E	2049	91492816	G	75	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	19550123810	2000 S	2383	92660339	G	40	0	2909	7068	9458	3299	8431	2328	33493
FAULKNER LAND&LVSTCK	19550124000	STATE HWY 46	2389	71837132	G	8.5	0	11	3027	2272	0	100	0	5210

Well #2

PCC 626.84 Kwh/2-ft.

75.23 2nd used in 1999

Reported No Use on report.

Idaho Power 1998

NAME	ACTNO	POLE_NO	MTRNO	KWH_MAY98	KWH_JUN98	KWH_JUL98	KWH_AUG98	KWH_SEP98	KWH_OCT98	TOT_KWH
FAULKNER HAYHOOK	17550021642	1672 ✓	92543714	0	0	18006	18472	16651	14437	67566
FAULKNER HAYHOOK RCH	17550128950		95681512	0	0	0	0	0	0	0
FAULKNER HAYHOOK RCH	17550130690	2493 ✓	95313523	11362	2246	15712	15504	14259	6650	65733
FAULKNER LAND&LVSTCK	17550010157	1282 ✓	01377767	40	5880	24760	61600	31880	5720	129880
FAULKNER LAND&LVSTCK	17550062260	2252 ✓	79190569	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	17550062270	2251 ✓	82828040	4509	0	23144	26430	33823	0	87911
FAULKNER LAND&LVSTCK	17550062280	2250 ✓	02157552	2498	1327	17059	34903	15189	30	72639
FAULKNER LAND&LVSTCK	17550063330	2268 ✓	76207165	5962	4679	10986	13315	9710	6014	50666
FAULKNER LAND&LVSTCK	17550066350	2035 ✓	90112539	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	17550066460	2041 ✓	89666850	33920	25760	125680	167760	94800	37440	492000
FAULKNER LAND&LVSTCK	19550015298	1000 ✓	58519011	3428	1921	4418	7207	3277	0	20251
FAULKNER LAND&LVSTCK	19550015448	2171 ✓	50973961	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	19550015621	2173 ✓	01555978	8132	5897	35154	38009	35249	8858	131299
FAULKNER LAND&LVSTCK	19550016071	1005 ✓	92668259	3984	7081	14475	13774	12702	961	52977
FAULKNER LAND&LVSTCK	19550025451	1355 ✓	89603573	23560	14640	46720	60040	59080	20360	224400
FAULKNER LAND&LVSTCK	19550041725	1371 ✓	64288682	2302	3295	5456	6915	5508	0	23476
FAULKNER LAND&LVSTCK	19550047190	2205 ✓	62019684	9897	7644	36495	2044	35511	0	91591
FAULKNER LAND&LVSTCK	19550060200	2231 ✓	55444431	1697	2673	6468	1	5697	414	16950
FAULKNER LAND&LVSTCK	19550062210	2248 ✓	82828035	43972	2418	25594	48354	30782	10440	161560
FAULKNER LAND&LVSTCK	19550066360	2036 ✓	55273946	0	2313	6404	4407	3098	3193	19415
FAULKNER LAND&LVSTCK	19550067300	2049 ✓	91492816	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	19550123810	2383 ✓	92660339	4455	1248	13831	16575	9174	1014	46298
FAULKNER LAND&LVSTCK	19550124000	2389 ✓	71837132	471	314	1431	2905	1354	261	6730

Apparent, No Use

MICROFILMED
MAY 09 2007

Idaho Power 1997

NAME	ACTNO	SHORTACTNO	POLE_NO	MTRNO	MTR_HP1_NO	MTR4	KWH_MAY97	KWH_JUN97	KWH_JUL97	KWH_AUG97	KWH_SEP97	KWH_OCT97	TOT_KWH	TOT_KW
FAULKNER LAND&LVSTCK	17550062260	1755006226	2252	79190569	75	0	4440	0	0	0	0	0	4440	64
BOSMA DAIRY*JAKE F	17550062261	1755006226	2252	79190569	75	0	4120	8680	0	0	0	0	12800	136

$$1.34 \times \frac{4440}{64.129} \times 1.9835 = 7.68 \text{ AF}$$

$$\frac{4440}{626.89} = 7.1 \text{ AF}$$

MICROFILMED
MAY 09 2001

Idaho Power 1996

NAME	ACCT NO.	APT#	METER#	HORSE PW1	KWH APR96	KWH MAY96	KWH JUN96	KWH JUL96	KWH AUG96	KWH SEP96	KWH OCT96	TOT KWH	TOT KW
FAULKNER LAND&LVSTCK	2550122830	2106	62074482G	50	0	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	17550010157	1292	01377767A	125	3040	9520	11840	37000	47080	15720	0	127040	717
FAULKNER LAND&LVSTCK	17550062280	~~2252~~	79190569W	75	0	6840	21440	19240	29760	20920	12120	110320	408
FAULKNER LAND&LVSTCK	17550062270	2251	82828040G	75	53	10	12050	32880	33617	5725	5773	90117	320
FAULKNER LAND&LVSTCK	17550062280	2250	82829993G	60	1672	5211	12278	17120	12	12899	4653	53845	293
FAULKNER LAND&LVSTCK	17550063330	2268	76207185G	30	0	1618	10961	10978	11795	13839	8985	58176	152
FAULKNER LAND&LVSTCK	17550066350	2035	90112539G	30	0	6048	9721	7535	3153	5249	2545	34251	127
FAULKNER LAND&LVSTCK	17550066460	2041	89666850G	150	2160	51680	49200	139920	182960	129360	65920	627120	2151
FAULKNER LAND&LVSTCK	19550015298	1000	58519011S	20	0	6263	6544	8786	8928	10585	3352	44458	125
FAULKNER LAND&LVSTCK	19550015448	2171	50973961G	200	0	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	19550015621	2173	01555978A	75	0	11256	10315	35159	22536	30190	22922	132378	384
FAULKNER LAND&LVSTCK	19550016071	1005	92668259G	50	894	4132	3615	10241	9897	10305	0	39084	182
FAULKNER LAND&LVSTCK	19550025451	1355	89603573G	125	0	25880	27240	43720	34280	53080	23320	207520	564
FAULKNER LAND&LVSTCK	19550041725	1371	64288682W	15	0	4677	6515	7730	0	8632	626	28180	92
FAULKNER LAND&LVSTCK	19550047190	2205	62019684G	60	0	0	6393	29110	21440	8140	2905	67988	303
FAULKNER LAND&LVSTCK	19550060200	2231	55444431G	25	549	1421	1491	6683	4833	4514	1472	20963	122
FAULKNER LAND&LVSTCK	19550062210	2248	82828035G	100	0	24707	20641	31762	44218	23567	38431	183326	568
FAULKNER LAND&LVSTCK	19550066360	2036	55273946G	25	502	2751	1954	7891	5419	5501	0	24018	99
FAULKNER LAND&LVSTCK	19550067300	2049	91492816G	75	0	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	19550123810	2383	92660339G	40	994	3573	3251	11251	0	18393	982	38452	213
FAULKNER LAND&LVSTCK	19550124000	2389	71837132G	7.5	145	762	622	2107	2213	1483	0	7332	45

$$\frac{110320}{626.84} = 175.99 \text{ AF}$$

No Base 2 Dring, separate billie,

$$1.34 \times \frac{110320}{68 \times 29} \times 1.9875 = 179.67 \text{ af}$$

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MAY 9 8 2007

Idaho Power 1995

NAME	ACCT NO.	APT#	METER#	HORSE PW1	MOTOR1	HORSE PW2	MOTOR2	HORSE PW3	KWH MAR95	KWH APR95	KWH MAY95	KWH JUN95	KWH JUL95	KWH AUG95	KWH SEP95	KWH OCT95	TOT KWH	TOT KW
FAULKNER LAND&LVSTCK	2550001014	2105	82705999G	75	1	0	0	0	0	0	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	2550122830	2108	62074482G	50	1	0	0	0	0	0	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	6550001161	2106	62074482G	50	1	0	0	0	0	0	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	17550010157	1292	01377767A	125	1	0	0	0	40	0	8120	26200	44920	0	25720	3440	110440	511
FAULKNER LAND&LVSTCK	17550062260	2251	79190589W	75	1	100	1	0	0	40	4840	10200	20560	35120	8120	17880	96760	428
FAULKNER LAND&LVSTCK	17550062270	2251	82828040G	75	1	0	0	0	0	0	16843	29106	26404	9790	30883	19340	132366	362
FAULKNER LAND&LVSTCK	17550062280	2250	82629993G	60	1	0	0	0	0	9	1404	3258	11544	23788	9321	0	50246	290
FAULKNER LAND&LVSTCK	17550063330	2268	76207165G	30	1	0	0	0	0	0	5963	4861	10851	10613	5827	11388	49503	153
FAULKNER LAND&LVSTCK	17550066350	2035	90112539G	30	1	0	0	0	0	0	1250	3115	9737	14043	8168	3244	39557	131
FAULKNER LAND&LVSTCK	17550066480	2041	89666850G	150	1	150	1	100	0	3200	32960	43840	112400	171840	120160	76720	561120	2005
FAULKNER LAND&LVSTCK	19550015298	1000	58519011S	20	1	0	0	0	0	0	2090	3685	8152	9220	4586	3927	31840	123
FAULKNER LAND&LVSTCK	19550015448	2171	50973961G	200	1	75	1	0	0	0	0	0	0	0	0	0	0	0
FAULKNER LAND&LVSTCK	19550015621	2173	82657568G	75	1	0	0	0	0	0	9958	25780	21091	0	31922	19969	108720	326
FAULKNER LAND&LVSTCK	19550018071	1005	82668259G	50	1	0	0	0	0	0	0	0	10102	12682	5763	1020	29567	127
FAULKNER LAND&LVSTCK	19550025451	1355	89603573G	125	1	75	1	0	0	0	20040	21920	40880	47820	28840	31280	190680	569
FAULKNER LAND&LVSTCK	19550041725	1371	64286882W	15	1	5	1	0	0	0	2321	2753	6807	8906	8397	2685	31769	114
FAULKNER LAND&LVSTCK	19550047190	2205	62019684G	60	1	0	0	0	0	0	12255	8427	23560	25667	15418	17256	102583	342
FAULKNER LAND&LVSTCK	19550060200	2231	55444431G	25	1	0	0	0	0	0	14	27	5675	6041	2483	882	14922	97
FAULKNER LAND&LVSTCK	19550062210	2248	82828035G	100	1	0	0	0	0	0	3108	33018	41699	61794	21793	32301	193711	569
FAULKNER LAND&LVSTCK	19550063960	2036	55273946G	25	1	0	0	0	0	0	0	0	5469	6433	2839	966	15707	64
FAULKNER LAND&LVSTCK	19550067300	2049	91492816G	75	1	0	0	0	0	0	0	0	23816	20158	8260	2026	54280	264
FAULKNER LAND&LVSTCK	19550123810	2383	92980339G	40	1	0	0	0	0	0	0	736	9693	15228	4067	1693	31417	149
FAULKNER LAND&LVSTCK	19550124000	2389	71837132G	7.5	1	0	0	0	0	0	0	4	2953	1916	1012	282	6167	34

$$\frac{96760}{626.82} = 154.36 \text{ zfc}$$

No Separate Billie, -G- Base, Dirty

$$134 \times \frac{96760}{61 \times 24} \times 1.9875 = 178.6$$

T5590

FILE NO. 100-44333-100
 : Faulstich & Co

37.08487a

~~MAJ 09 2011~~

Baldwin, Mary

From: Merritt, Allen
Sent: Monday, July 17, 2000 1:32 PM
To: Saxton, Glen; Baldwin, Mary
Subject: T5590 Hearing Cancelled

I just received a fax copy of a protest withdrawal from Slette (attorney for Faulkner). Lee Halper has signed it so it appears the hearing for 8/9 is off.

Mary, please cancel the room.

Done

mb
7/24/00

MICROFILMED

MAY 09 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 2000

GARY D SLETTE
ROSHOLT, ROBERTSON, & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

JOHN FAULKNER
FAULKNER LAND & LIVESTOCK
1989 S 1875 E
GOODING ID 83330

Re: Application for Transfer No. 5590 (37-08487 Pt)

Gentlemen:

This office acknowledges receipt of the Settlement Agreement regarding the above referenced application.

Since the issue of the protest has been resolved, the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with the parties unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

Cc:
LEE HALPER
331 S 230 W
JEROME ID 83330

MICROFILMED
MAY 09 2001

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
TIMOTHY J. STOVER
AMY D. CHESTNUT

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
JUL 18 2000
Department of Water Resources
Southern Region

July 17, 2000

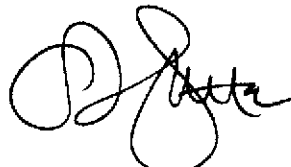
Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street - Ste. 200
Twin Falls, ID 83301

RE: Transfer No. 5590 - Faulkner Land & Livestock

Dear Allen:

Enclosed please find a Notice of Withdrawal of Protest that has been executed by Mr. Halper as the protestant, and Faulkner Land & Livestock, Inc. as the applicant. With this Withdrawal, I would request that the IDWR now complete the transfer process related to this application. If you have any questions or comments, please contact me.

Yours truly,



GARY D. SLETTE

GDS:rlw

Encls.

cc: Faulkner Land & Livestock
Richard A. Carlson, Esq.

!rlw\gds\letters\merritt

MICROFILMED

MAY 03 2001

Rosholt Robertson
Gary Slette



RECEIVED
JUL 18 2000
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
LICENSE NO. 37-08487)
and TRANSFER NO. 5590)
IN THE NAME OF)
FAULKNER LAND & LIVESTOCK CO.)
_____)

NOTICE OF WITHDRAWAL
OF PROTEST

The undersigned, LEE HALPER hereby withdraws his Notice of Protest with regard to License No. 37-08487 and Transfer No. 5590 which was filed with the Department on December 6, 1999. This Withdrawal is based upon the acceptance of Faulkner Land & Livestock, Inc. set forth hereinafter.

1. The water right transferred pursuant to this application will be subordinate to a domestic/stock water well that may be drilled by Daniel Butler or Arthur Butler within a radius of two (2) miles of the point of diversion from such transferred water right.
2. If and when such new well drilled by the Butlers becomes inadequate, either qualitatively or quantitatively, and deepening of the well is necessary, the then-owner of the water right being transferred pursuant to this transfer agrees to pay the Butlers the first One Thousand Dollars (\$1,000) for such deepening work.
3. The foregoing conditions shall be binding upon and enforceable against any transferee of the land to which the water right that is the subject of this transfer is appurtenant.

NOTICE OF WITHDRAWAL OF PROTEST - 1

MICROFILMED

MAY 09 2001

JUL 13 00 07:34p

(208) 934-5570

JUL 14 2000 5:03 PM FR TWIN FALLS 208 736 0041 TO 9345570

P.1
P.01/01

JUL 11 2000 5:20 PM FR RRT TWIN FALLS 208 736 0041 TO 3263686

P.04/04

- 1
- 2 4. The Protestant and/or the above-named Butlers reserve the right to request that the IDWR
- 3 examine its records concerning past transfers of the water right that is the subject of this
- 4 transfer application for purposes of carefully reviewing all components contained in the
- 5 pending application.
- 6
- 7 5. Facsimiles and counterparts of this document shall be regarded as an original document by
- 8 all parties for all purposes. The parties acknowledge that the Idaho Department of Water
- 9 Resources is entitled to rely on facsimile copies and counterparts hereof for all purposes.

10 DATED this 13th day of July, 2000.

11

12

13 
LEE HALPER, Protestant

14

15 ACCEPTANCE

16 Faulkner Land & Livestock, Inc., by and through the undersigned, accepts the terms of the

17 foregoing, and agrees to be bound thereby upon the IDWR's approval of the transfer application.

18 DATED this 14th day of July, 2000.

19 FAULKNER LAND & LIVESTOCK, INC.

20

21

22 BY: 
JOHN FAULKNER, President

23

24

25

26

NOTICE OF WITHDRAWAL OF PROTEST - 2

** TOTAL PAGE.04 **

MICROFILMED
MAY 09 2001

** TOTAL PAGE.01 **

RECEIVED

JUL - 3 2000

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5590)

NOTICE OF DEPOSITION

FAULKNER LAND & LIVESTOCK CO.,)
Applicant)

LEE HALPER,)
Protestant.)

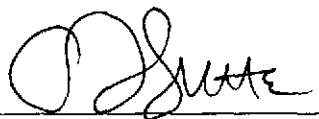
TO: PROTESTANT, LEE HALPER:

YOU WILL PLEASE TAKE NOTICE that the Applicant above-named will take the testimony upon oral examination of LEE HALPER, before a qualified Court Reporter, on the 20th day of July, 2000, at the hour of 10:00 o'clock a.m. at the law offices of Rosholt, Robertson & Tucker, 142 Third Avenue North, Twin Falls, Idaho, pursuant to § 9-420, Idaho Code, and Rule 30(a) of the Idaho Rules of Civil Procedure.

Oral examination will be taken for testimony to be submitted into evidence at the trial of this action.

DATED this 30th day of June, 2000.

ROSHOLT, ROBERTSON & TUCKER

By: 

Gary D. Slette

MICROFILMED

MAY 3 9 2001

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3
4 CERTIFICATE OF MAILING

5 I hereby certify that on this 30th day of June, 2000, I served a copy of the foregoing
6 instrument, by depositing same in the United States mail, postage prepaid, in an envelope,
7 addressed to the following:

8 Lee Halper
9 331 South 230 West
10 Jerome, ID 83338

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

11 Allen D. Merritt, P.E.
12 Regional Manager
13 IDWR
14 1341 Fillmore St. - Ste. 200
15 Twin Falls, ID 83301

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

16 
17
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19
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21
22
23
24
25
26

Gary D. Slette

MICROFILMED
MAY 09 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5590)

FAULKNER LAND & LIVESTOCK CO.,)
Applicant)

LEE HALPER,)
Protestant.)

**NOTICE OF SERVICE OF
FIRST SET OF
INTERROGATORIES,
REQUESTS FOR PRODUCTION,
& REQUESTS FOR ADMISSION
DIRECTED TO PROTESTANT**

TO: IDWR:

YOU WILL PLEASE TAKE NOTICE that the Applicant, Faulkner Land & Livestock, Inc., by and through its attorney of record, Gary D. Slette, served Applicant's First Set of Interrogatories, Requests for Production and Requests for Admission Directed to Protestant on the Protestant, on the 30th day of June, 2000, by hand depositing true and correct copies of the same in the United States mail, postage prepaid, in an envelope, addressed to Lee Halper.

The original of the Applicant's First Set of Interrogatories, Requests for Production & Requests for Admission Directed to Protestant shall be retained at the offices of ROSHOLT, ROBERTSON & TUCKER for a period of at least one (1) year after the final disposition of this action.

DATED this 30th day of June, 2000.

ROSHOLT, ROBERTSON & TUCKER

By 
Gary D. Slette

MICROFILMED
MAY 09 2001

1
2 CERTIFICATE OF MAILING

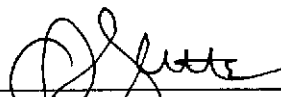
3 I hereby certify that on this 30th day of June, 2000, I served a copy of the foregoing
4 instrument, by depositing same in the United States mail, postage prepaid, in an envelope,
5 addressed to the following:

6 Lee Halper
7 331 South 230 West
8 Jerome, ID 83338

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

9 Allen D. Merritt, P.E.
10 Regional Manager
11 IDWR
12 1341 Fillmore St. - Ste. 200
13 Twin Falls, ID 83301

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

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MICROFILMED
MAY 09 2001

RECEIVED

JUL 03 2000

Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5590)

FAULKNER LAND & LIVESTOCK CO.,)
Applicant)

LEE HALPER,)
Protestant.)

NOTICE OF SERVICE OF
FIRST SET OF
INTERROGATORIES,
REQUESTS FOR PRODUCTION,
& REQUESTS FOR ADMISSION
DIRECTED TO PROTESTANT

TO: IDWR:

YOU WILL PLEASE TAKE NOTICE that the Applicant, Faulkner Land & Livestock, Inc., by and through its attorney of record, Gary D. Slette, served Applicant's First Set of Interrogatories, Requests for Production and Requests for Admission Directed to Protestant on the Protestant, on the 30th day of June, 2000, by hand depositing true and correct copies of the same in the United States mail, postage prepaid, in an envelope, addressed to Lee Halper.

The original of the Applicant's First Set of Interrogatories, Requests for Production & Requests for Admission Directed to Protestant shall be retained at the offices of ROSHOLT, ROBERTSON & TUCKER for a period of at least one (1) year after the final disposition of this action.

DATED this 30th day of June, 2000.

ROSHOLT, ROBERTSON & TUCKER

By 
Gary D. Slette

MICROFILMED

MAY 03 2001

1
2 CERTIFICATE OF MAILING

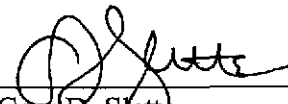
3 I hereby certify that on this 30th day of June, 2000, I served a copy of the foregoing
4 instrument, by depositing same in the United States mail, postage prepaid, in an envelope,
5 addressed to the following:

6 Lee Halper
7 331 South 230 West
8 Jerome, ID 83338

- ☐ Hand Deliver
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9 Allen D. Merritt, P.E.
10 Regional Manager
11 IDWR
12 1341 Fillmore St. - Ste. 200
13 Twin Falls, ID 83301

- ☐ Hand Deliver
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☐ Overnight Courier
☐ Facsimile Transmission

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15 Gary D. Slette

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MICROFILMED

RECEIVED

JUL 03 2000

Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5590)

NOTICE OF DEPOSITION

FAULKNER LAND & LIVESTOCK CO.,)
Applicant)

LEE HALPER,)
Protestant.)

TO: PROTESTANT, LEE HALPER:

YOU WILL PLEASE TAKE NOTICE that the Applicant above-named will take the testimony upon oral examination of LEE HALPER, before a qualified Court Reporter, on the 20th day of July, 2000, at the hour of 10:00 o'clock a.m. at the law offices of Rosholt, Robertson & Tucker, 142 Third Avenue North, Twin Falls, Idaho, pursuant to § 9-420, Idaho Code, and Rule 30(a) of the Idaho Rules of Civil Procedure.

Oral examination will be taken for testimony to be submitted into evidence at the trial of this action.

DATED this 30th day of June, 2000.

ROSHOLT, ROBERTSON & TUCKER

By: 

Gary D. Slette

MICROFILMED

MAY 09 2001

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4 CERTIFICATE OF MAILING

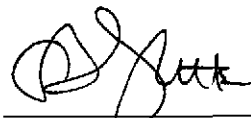
5 I hereby certify that on this 30th day of June, 2000, I served a copy of the foregoing
6 instrument, by depositing same in the United States mail, postage prepaid, in an envelope,
7 addressed to the following:

8 Lee Halper
9 331 South 230 West
Jerome, ID 83338

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

10 Allen D. Merritt, P.E.
11 Regional Manager
12 IDWR
13 1341 Fillmore St. - Ste. 200
Twin Falls, ID 83301

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

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16 Gary D. Slette

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26 MICROFILMED

MAY 09 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5590 IN THE)
NAME OF FAULKNER LAND AND)
LIVESTOCK COMPANY)

ORDER
AUTHORIZING DISCOVERY

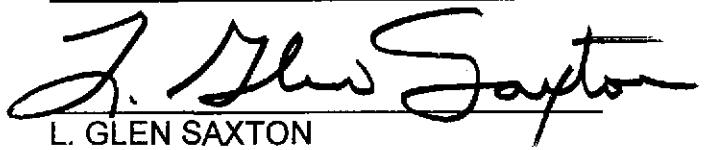
RECEIVED
JUN 29 2000
Department of Water Resources
Southern Region

On June 26, 2000, Faulkner Land & Livestock Company filed with the Idaho Department of Water Resources ("Department") a Motion to Allow Discovery in connection with the above captioned matter.

The Department hereby authorizes the parties to engage in discovery commencing with the date of this order. The parties shall complete discovery seven (7) days prior to the date of any scheduled hearing in this matter. Discovery shall be conducted pursuant to IDAPA Rules 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate.

In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

Dated this 27th day of June, 2000.


L. GLEN SAXTON
Hearing Officer

MICROFILMED

MAY 13 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 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:

Gary D. Slette
Rosholt Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303

Allen D. Merritt
Southern Region Manager
Idaho Dept. of Water Resources
1341 Fillmore St., Ste 200
Twin Falls, ID 83301

Lee Halper
331 South 230 West
Jerome, ID 83338


Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Baldwin, Mary

From: Saxton, Glen
Sent: Tuesday, June 27, 2000 2:08 PM
To: Merritt, Allen
Cc: Baldwin, Mary
Subject: T5590 - Faulkner

I don't seem to have a copy of the Faulkner application for transfer, protests or related information. Please have the info sent to me. Thanks, lgs

*Sent 6/27/00
mfb*

MICROFILMED

MAY 03 2001

RECEIVED

JUL 03 2000

Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5590)

FAULKNER LAND & LIVESTOCK CO.,)
Applicant)

LEE HALPER,)
Protestant.)

NOTICE OF SERVICE OF
FIRST SET OF
INTERROGATORIES,
REQUESTS FOR PRODUCTION,
& REQUESTS FOR ADMISSION
DIRECTED TO PROTESTANT

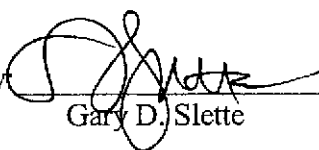
TO: IDWR:

YOU WILL PLEASE TAKE NOTICE that the Applicant, Faulkner Land & Livestock, Inc., by and through its attorney of record, Gary D. Slette, served Applicant's First Set of Interrogatories, Requests for Production and Requests for Admission Directed to Protestant on the Protestant, on the 30th day of June, 2000, by hand depositing true and correct copies of the same in the United States mail, postage prepaid, in an envelope, addressed to Lee Halper.

The original of the Applicant's First Set of Interrogatories, Requests for Production & Requests for Admission Directed to Protestant shall be retained at the offices of ROSHOLT, ROBERTSON & TUCKER for a period of at least one (1) year after the final disposition of this action.

DATED this 30th day of June, 2000.

ROSHOLT, ROBERTSON & TUCKER

By 
Gary D. Slette

MICROFILMED

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2 CERTIFICATE OF MAILING

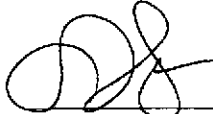
3 I hereby certify that on this 23 day of June, 2000, I served a copy of the foregoing
4 instrument, by depositing same in the United States mail, postage prepaid, in an envelope,
5 addressed to the following:

6 Lee Halper
7 331 South 230 West
8 Jerome, ID 83338

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

9 Allen D. Merritt, P.E.
10 Regional Manager
11 IDWR
12 1341 Fillmore St. - Ste. 200
13 Twin Falls, ID 83301

☐ Hand Deliver
☒ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission

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MICROFILMED
MAY 09 2001



STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

DIRK KEMPTHORNE
Governor

PATRICK A. TAKASUGI
Director

May 10, 2000

Norm Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho

RECEIVED

MAY 12 2000

Department of Water Resources

Dear Norm:

I am pleased to forward to you and your staff five copies of our preliminary report for the northwest Gooding County ground water quality monitoring project near Bliss, Idaho. I want to thank you and your staff for your coordination, support and technical input into the project and enclosed report.

This project will be ongoing through November, 2000. At the end of one year of sampling, ISDA with input from your agency and the Idaho Division of Environmental Quality (DEQ), will produce a final report related to the project.

Again, thank you for your assistance in this project. We look forward to working with you further as additional data comes in, and as we follow through with our data evaluation and reporting. For further assistance, I can be reached at 208-332-8597.

Sincerely,

Gary L. Bahr
Agricultural Bureau Chief

Pc: Mike Everett, ISDA
Dr. Hillman, ISDA
Marv Patten, ISDA
Dave Mabe, DEQ
Doug Howard, DEQ
ISDA Water Program Files

MICROFILMED

MAY 09 2001

5/9/00

T5590

1. Issue of injury to writer right,
2. Expulsion of historical user.
 - Resumption of use.
 - Forfeiture.
3. Public Interest

Aug ~~8-9~~ ⁸⁻⁹ Better for Glen

Aug 1 Evidence of willful 2nd
exhibits

HRG
Set for 9th Wed
August 9th
in
Goodies

1 Day only

9-5:00 pm

Linda

OK

MICROFILMED

MAY 09 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 5590

Faulkner Land & Livestock Co.,
Applicant

Lee Halper,

Protestant

NOTICE OF HEARING

SOURCE: Ground water

County: Gooding

On October 25, 1999 Faulkner Land and Livestock, Co., (applicant), filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. The Department has received a protest against the approval of said application from the above captioned protestant. The Pre-hearing Conference held on May 9, 2000 did not resolve the matter of protest,

THEREFORE, The Department has set the matter for hearing on **Wednesday-August 9, 2000 at 9:00 a.m.** in the Multi-Purpose Room, City Hall, 308 5th Avenue West, Gooding ID.

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be L. Glen Saxton.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

IT IS FURTHER NOTED, in accordance with IDAPA Rule of Procedure 37.01.01606, all parties have agreed to exchange witness lists and copies of documents that may be offered as exhibits to each party and to the presiding officer **on or before August 1, 2000.**

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved. **Only witnesses or exhibits properly disclosed will be considered at the hearing.**

Dated this 10th day of May, 2000.



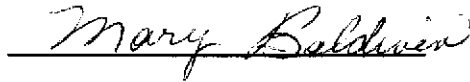
Allen D. Merritt, P.E.
Regional Manager

MICROFILMED

MAY 03 2001

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of May, 2000 a true and correct copy of the foregoing Notice of Hearing was forwarded with all required charges prepared, by Certified U.S. Mail, to the parties listed:



Secretary

JOHN FAULKNER
FAULKNER LAND & LIVESTOCK
1989 S 1875 E
GOODING ID 83330

LEE HALPER
331 S 230 W
JEROME ID 83338

GARY D SLETTE ESQ
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

MICROFILMED
MAY 09 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 10, 2000

ATTENTION: Linda
GOODING CITY HALL
308 5TH AVENUE WEST
GOODING ID 83330

Dear Linda:

The purpose of this letter is to confirm the reservation of the Multi-purpose Room for a meeting to be held by this office on Wednesday August 9, 2000 from 9:00 a.m.- 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Baldwin".

Mary Baldwin
Administrative Assistant

MICROFILMED
MAY 09 2001

SENDER: COMPLETE THIS SECTION

- Complete items 1 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: T # 5590

GARY D SLETTE ESQ
 ROSHOLT ROBERTSON & TUCKER
 PO BOX 1906
 TWIN FALLS ID 83303-1906

2. Article Number (Copy from service label)

1939

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Tena Thompson

B. Date of Delivery

5/12/00

C. Signature

Tena Thompson

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If so, enter delivery address below

☐ No

MICROFILMED
 MAY 09 2001
 RECEIVED
 MAY 15 2000

Department of Water Resources

3. Service Type

Southern Rock

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
EPCS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FULLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-8380 MICROFILMED

MAY 03 2001

**Thank you for using
Return Receipt Service.**

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

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RECEIVED

MAY 12 2000

Department of Water Resources
Southern Region

MAY 09 2001

Print your name, address and ZIP Code here

**IDAHO DEPARTMENT OF WATER RESOURCES
1341 FR.LMORE STREET, SUITE 200
TWIN FALLS, ID 83301-8380**

83301



NAME AND
ADDRESS
OF SENDER

Indicate type of mail

☐ Registered
☐ Insured
☐ COD
☐ Certified ☐ Express MailCheck appropriate block for
Registered Mail:☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Res
1	1938	Faulkner L & L AM-5/10/00 T# 5590	.33	25	40	98						
2	✓ 1939	Gary Slette, ESQ										
3	✓ 1940	③ Lee Halper										
4												
5												
6												
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12												
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15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international re- The maximum indemnity payable for nonnegotiable documents under Expre- ment reconstruction insurance is \$50,000 per piece subject to a limit of : occurrence. The maximum indemnity payable on Express Mail merchandise \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 \$400 for Insured Mail. Special handling charges apply only to Third- and parcels. Special delivery service also includes special handling service.							

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MAY 03 2001

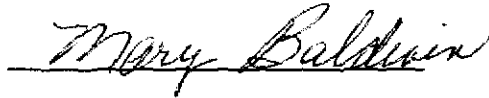
FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

★ U.S. GOVERNMENT PRINTING OFFICE: 198

MAY 0 2001

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of April, 2000 a true and correct copy of the foregoing > was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:



Secretary

JOHN FAULKNER
FAULKNER LAND & LIVESTOCK
1989 S 1875 E
GOODING ID 83330

GARY D SLETTE ESQ
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

LEE HALPER
331 S 230 W
JEROME ID 83338

MICROFILMED

MAY 10 2001

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?
2. Will the proposed transfer constitute an enlargement in the use of the original right?
3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILMED

MAY 03 2001

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
AMY CHESTNUT

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
APR 11 2000
Department of Water Resources
Southern Region

April 10, 2000

Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street - Ste. 200
Twin Falls, ID 83301

RE: Transfer No. 5590 - Faulkner Land & Livestock

Dear Allen:

This letter is to request a pre-hearing conference before the IDWR regarding the above-referenced transfer. That transfer pertains to IDWR Water Right No. 37-08487. Please advise me of suitable dates and times that such a conference may be held.

Should you have any questions or comments, please don't hesitate to contact me.

Yours truly,



GARY D. SLETTE

GDS:rlw
rlw\gds\letters\merritt

MICROFILMED

MAY 09 2000

12/21/99

TRANSMITTAL COVER SHEET

TO: Crystal
@ Rosholt
Fax 736-0041

TOTAL PAGES SENT: 2
(including cover sheet)

DOCUMENT DESCRIPTION:

Halper
Protest on T #5590

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: 50¢

Please remit to the above address.

SENDER:

MB

COMMENTS:

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MAY 09 2001

TRANSMISSION VERIFICATION REPORT

TIME : 12/21/1999 11:38
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME	12/21 11:38
FAX NO./NAME	97360041
DURATION	00:00:36
PAGE(S)	02
RESULT	OK
MODE	STANDARD
	ECM

MICROFILMED

MAY 09 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

December 17, 1999

**KARL J. DREHER
DIRECTOR**

JOHN FAULKNER
FAULKNER LAND & LIVESTOCK
1989 S 1875 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5590

Dear Mr. Faulkner:

Enclosed is a copy of a protest filed against the above referenced application. The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

MICROFILMED

MAY 03 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

December 17, 1999

**KARL J. DREHER
DIRECTOR**

LEE HALPER
331 S 230 W
JEROME ID 83338

RE: APPLICATION FOR TRANSFER NO. 5590-Faulkner Land & Livestock Co.

Dear Mr. Halper:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

MAY 23 2001

**IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

1. Matter being protested Transfer 5590
Faulkner Land + Livestock
holding id 83330
2. Protestant/Representative: Lee Halper 331 S 230 W
Jerome, ID. 83338 208-324-2240
3. Basis of protest: Protestant requires proof of IC 42-222 issues
and states that the transfer is not in the public interest.
Additionally, there are questions as to the legality of the historic
use, beneficial use and possibly forfeiture issues.
4. A withdrawal of this transfer or modification thereof and other
conditions placed upon this transfer could resolve this protest.

I hereby acknowledge that if I or my designated representative fails
to appear at any regularly scheduled conference or hearing in the
matter of which I have been notified at the address above, the
Department may issue a notice of proposed default against me in
this matter for failure to appear. I also verify that I have served a
copy of this protest upon the applicant.

Signed this 6th day of December, 1999.


Protestant

RECEIVED

DEC 06 1999

Department of Water Resources
Carthage, Idaho

FOR DEPARTMENT USE ONLY

Received by JS Date 12-6-99 Time 3:48pm

\$25.00 fee Receipted by JS # 5022702 Date 12-6-99

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MAY 08 2001

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

DEC 13 1999

Department of Water Resources
Southern Region

Norma Delbe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the

25th day of November, 1999

and that date of the last publication was on the 2nd day of

December, 1999

On this 2nd day of December

in the year of 1999, before me, a Notary Public, personally appeared

Norma Delbe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

SHELLEY STURGEON
Notary Public for Idaho
Notary Public Residing at
State of Idaho

My commission expires: 12/3/05

7275/28766

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

309.38 Lines tabular at 21.66 7¢/Pica

1064.25 Lines straight at 63.86 6¢/Pica

1323.63 Subsequent lines at 68.68 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 156.45

Transfer # 5590 - W. Bynga
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that three applications have been filed with the Department of Water Resources for changes to water rights as described below.

Transfer No. 5560 by Steve &/or Darla Wybenga, 662 Spring Cove Rd; BLISS ID 83314 has purchased a partial water right appurtenant to 13 acres which will be dried up. Right No. 37-08005D (0.41 cfs) is recorded with priority date of 03/20/1982 from groundwater within SESW, S31, T06S, R15E for irrigation of 31 acres within a 260 acre permissible place of use in Sections 5 & 6, T07S, R15E and Right No. 37-11191 is recorded with priority date of 01/01/1955 from groundwater & used within SWSE, S30, T05S, R13E for stockwater (0.06 cfs) and domestic (0.04 cfs); all Gooding County. The applicants propose to divert a combined total of 0.23 cfs from two existing wells & use within SWSE, S30, T05S, R13E for an existing dairy using the rights listed below. The remainder of Designated Right No. 37-08005E (0.24 cfs) will continue to irrigate 18 acres at the original site of the permissible place of use.

Right No.	Priority	Am't (cfs)	Use
37-08005D	03/20/1982	0.17	Stockwater
		0.17	Commercial
37-11191	01/01/1955	0.04	Domestic
		0.06	Stockwater

Transfer No. 5590 by Faulkner Land & Livestock Co., 1989 S 1875 E, GOODING ID 83330 requests to change the place of use for a portion (0.86 cfs) of Right No. 37-08487A (1.34 cfs) recorded with priority date of 01/25/1989 from groundwater within NWSE, S27, T05S, R12E for irrigation of 174 acres within Sections 22 & 27, T05S, R12E; Gooding County. The applicants propose to use 0.86 cfs (designated as 37-08487D) of this right to irrigate 112 acres within Sections 27, 33, & 34, T05S, R12E; Gooding County; the remainder of the right (0.48 cfs) (designated as 37-08487C) is involved in pending transfer described below.

Transfer No. 5591 filed by Jacob Bosma &/or Bliss Acres LLC, 318 Spring Cove Rd; BLISS ID 83314. Right No. 37-08487B (0.18 cfs) with a priority date of 01/25/1989 is diverted from groundwater within NENW & NWSE, S27, T05S, R12E for stockwater (0.13 cfs) and commercial (0.05 cfs) uses within S1/2NW, S27, T05S, R12E, Right No. 37-08487C (0.48 cfs) with a priority date of 01/25/1989 is diverted within NENW for irrigation of 62 acres within NW, S27, T05S, R12E, Right No. 37-12787A (0.27 cfs) with a recorded priority date of 04/01/1948 is diverted from groundwater within NENW for stockwater (0.09 cfs), commercial (0.02 cfs) and domestic (0.16 cfs) within N1/2, S27, T05S, R12E; Gooding County. Transfer No. 5591 proposes to divert a combined diversion of 0.93 cfs from two existing wells within NENW, S27, T05S, R12E for commercial, stockwater & domestic uses and irrigation of 45.6 acres within parts of Section 22 & 27, T05S, R12E; Gooding County using the following rights:

Right No.	Priority	Am't (cfs)	Use
37-08487B	01/25/1989	0.18 cfs	Stockwater
		0.18 cfs	Commercial
37-08487C	01/25/1989	0.35 cfs	Irrigation
		0.06 cfs	Domestic (5)
		0.07 cfs	Stockwater/Com.
37-12787A	04/01/1948	0.16 cfs	Domestic (4)
		0.09 cfs	Stockwater
		0.02 cfs	Commercial

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before December 13, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protest must also send a copy of the protest to the applicant.
/s/ Karl J. Dreher, Director
PUB: 11/25 - 12/2

G28766

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MAY 09 2001

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TR # 5580, 5590, & 5591

Page 1

MAY 09 2001

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Karl J. Dreher, Director

Published in the Gooding County Leader on 11/24 & 12/01/99.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

November 18, 1999

MAGIC VALLEY PUBLISHING
ATTN: **Gooding County Leader**
PO BOX 468
JEROME ID 83338

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

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MAY 09 2002

Fulkner T 5590

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POD	ID	17	A0002805
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T37-08487D

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MAY 09 2005

T# 5590

Split Tree for 37-08487

1.66 cfs

Irrig 216 acres

T4614

A

B

1.34 cfs, 566.1 afz
Irrig 174 acres

0.18 cfs, 76.8 afz
Deivy Stockwater
42 acres dried up

T5590

C

D

0.48 cfs, 201.2 afz
Irrig 62 acres

0.86 cfs, 364.4 afz
Irrig 112 acres

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MAY 9 9 2001

T # 5590

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: S022634

Date: 10/25/1999
Time: 13:55:02

Received From: ROSHOLT, ROBERTSON & TUCK

Type of Payment		Program Acct	Amount
APP. FOR TRANSFER - FAULKNER LAND	64106	229 21 1155	100.00
CHECK	28561		
Total			\$ 100.00

Region: SOUTHERN

Signature: J. E. Stanton

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MAY 09 2001