

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4124
WATER RIGHT NO. 32-00058

RECEIVED

OCT 21 1997

Department of Water Resources
Eastern Region

This is to certify that: **D & D ENTERPRISES INC**
C/O PETERSEN MOSS & OLSEN
485 E ST
IDAHO FALLS ID 83402

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.00 CFS	234.5 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
BIRCH CREEK	SINKS		

Priority: 04/01/1910

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 3, Township 08N, Range 30E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	1	NESW 27	SWSE 40		67
Total number of acres irrigated:						67

CONDITIONS/REMARKS:

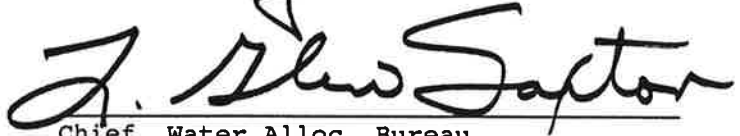
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

TRANSFER NO. 4124
WATER RIGHT NO. 32-00058

CONDITIONS/REMARKS:

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Right No. 32-00059 and associated SRBA Claim A32-00059A are unchanged by this transfer approval.

Dated this 1st day of February, 1995.


Chief, Water Alloc. Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

4124
RECEIVED
AUG 09 1995

Department of Water Resources
Eastern District Office

IN THE MATTER OF TRANSFER NO.)
4124 OF WATER RIGHT NOS. 32-00058)
AND 32-00059 IN THE NAME OF D & D)
ENTERPRISES)

**ORDER FOR
PREHEARING STATEMENTS**

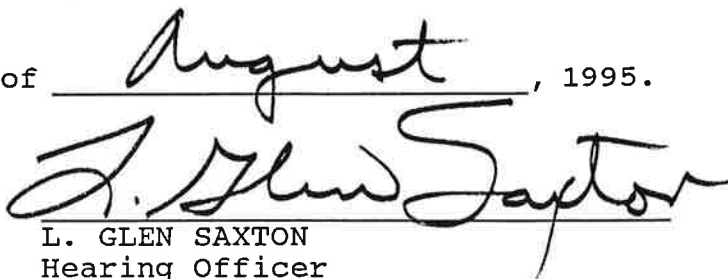
In order to prepare and schedule the above captioned contested matter for hearing before the department of Water Resources,

IT IS HEREBY ORDERED, pursuant to Rule of Procedure IDAPA 37.01.01510 (Rule 510) that you file with the Hearing Officer a Prehearing Statement responding to the following items:

1. The issues to be resolved, and the statutes, rules, and legal precedent involved;
2. A brief statement of the facts and reasons supporting your position on each matter in dispute;
3. A list of proposed witnesses together with a request for any requested subpoenas to be issued as authorized in IDAPA Rule 37.01.01525 (Rule of Procedure 525).
4. Whether you wish to pursue discovery as authorized in IDAPA Rule 37.01.01521 (Rule of Procedure 521) and, if so, the estimated length of time required;
5. Requested location of hearing;
6. Estimated length of hearing;
7. The date by which you will be ready to have a hearing in this matter; and
8. Other related matters.

IT IS FURTHER ORDERED that you must file the Prehearing Statement with the hearing officer within fourteen (14) days of receipt of this order. Failure to comply with this order is cause for the director to dismiss the request for hearing with prejudice.

Dated this 4th day of August, 1995.


L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4th day of August, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER FOR PREHEARING STATEMENTS to the following:

George C. Peterson
PETERSON MOSS ET AL
485 E St.
Idaho Falls, ID 83402


JULIE L. YARBROUGH
Senior Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 23, 1995

George C. Peterson
Peterson, Moss et al.
485 "E" Street
Idaho Falls, ID 83402

**RE: TRANSFER NO. 4124 OF WATER RIGHT NOS. 32-00058 AND 32-00059
IN THE NAME OF D & D ENTERPRISES**

Dear Mr. Peterson:

On March 22, 1995, I acknowledged your request for hearing in connection with the department's partial approval on February 1, 1995 of Transfer No. 4124.

Please advise me of tentative dates for which you are available to attend a hearing in Idaho Falls during August 1995.

If you have questions or would like to discuss hearing dates with me over the phone, my direct phone number is (208) 327-7955.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
Harold Jones

RECEIVED

JUN 27 1995

Department of Water Resources
Eastern District Office

JAN 22 1992

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4124

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

D & D ENTERPRISES, INC.

Name of applicant C/O PETERSEN, MOSS & OLSEN Phone 523-4650Post Office address 485 E STREET, IDAHO FALLS, ID. 83402

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes APPLICANT IS SELLING PLACE OF USE UNDER ORIGINAL RIGHT, BUT IS RETAINING OWNERSHIP OF THE WATER. THIS TRANSFER IS FILED TO MOVE THE 2 RIGHTS TO OTHER LANDS OWNED BY THE APPLICANT. THE OLD PLACE OF USE WILL NO LONGER BE WATERED.

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

- | 1. Right Number | Priority | Amount
(cfs/ae-ft) | Nature
of Use | Period of Use |
|----------------------------|--------------------------------|------------------------|------------------------------|---|
| <u>32-00058</u> | <u>APRIL 1, 1910</u> | <u>1.00</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| <u>32-00059</u> | <u>MAY 10, 1884</u> | <u>0.88</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 1.88 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water BIRCH CREEK tributary to SINKS
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NW	3	8N	30E	CLARK	SORENSEN ENGR. HYDRO POWER PROJECT

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	32E	1									40			40			40		120

Total acres 120

PART 1

6. General Information:

a. Description of diversion system HEADWORKS OF SORFUSEN ENGINEERING HYDRO POWER PROJECT. WATER IS DIVERTED OUT OF BIRCH CREEK, TRAVELS THROUGH POWER PLANT AND THEN IS DELIVERED TO THE PLACE OF USE VIA RENO DITCH.

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

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

IT WILL NO LONGER BE IRRIGATED

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 _____

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. 32-00058 Decreed to AGNES B. RENO
in case of J.R. RICHARDS, ET. AL. vs. AGNES B. RENO, ET. AL.
dated 9-6-1922 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water BIRCH CREEK tributary to SINKS

4. Date or priority APRIL 1, 1910

5. Water is used for the following purpose:

amount 1.00 for IRRIGATION purposes from _____ to _____
(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 _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: NOT LISTED

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

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	
8N	31E	14			X	X													

Total acres NOT LISTED

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

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. 32-00059 Decreed to AGNES B. RENO
in case of J.R. RICHARDS, ET AL. vs. AGNES B. RENO, ET AL.
dated 9-6-1922 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water BIRCH CREEK tributary to SINKS

4. Date or priority MAY 10, 1884

5. Water is used for the following purpose:

amount 6.40 for IRRIGATION purposes from _____ to _____
(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 6.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: NOT LISTED

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

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	
8N	31E	13	X	X	X	X	X	X	X	X									

Total acres NOT GIVEN

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

PART 2

Transfer No. _____

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.)

- amount 0.88 for IRRIGATION 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	
8N	31E	13						X	X		X	X							

Total acres _____

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

- amount 5.52 for IRRIGATION 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	
8N	32E	13	X	X	X	X	X			X									

Total acres _____

PART 3

CHANGES IN NATURE OF USE

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

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

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

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

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

Jim De Mordant
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of January, 19 92.

Jennifer S. Hawkins
(Notary Public)
Residing at: Shelley

My commission expires 6-27-94

EO 1-19-92

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 50.00

Received by JO/EO 16858 Date 1-22-92

Published in Post-Register Copies of protest forwarded by _____

Pub. dates 4-8-15-92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____