

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 36-7157A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTHFIELD PROPERTIES LLC 3308 S 1600 E WENDELL, ID 83355 (208) 536-5414
Present Owner	A N AMBROSE PO BOX 247 WENDELL, ID 83355 (208)536-5332
Previous Owner	SOUTHFIELD DAIRY 3308 S 1600 E WENDELL, ID 83355 (208) 536-5414
Security Interest	METROPOLITAN LIFE INSURANCE CO 10801 MASTIN BLVD STE 930 OVERLAND PARK, KS 66210

Priority Date: 2/16/1971

Basis: Decreed

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>Volume</u>
IRRIGATION	04/01	11/01	3.300 CFS	1,000.0 AF
	<u>Total Diversion</u>		3.300 CFS	1,000.0 AF

Source and Point(s) of Diversion

GROUND WATER	SWSESW	Sec. 4, Twp 08S, Rge 14E, GOODING County
GROUND WATER	NWSWNW	Sec. 4, Twp 08S, Rge 14E, GOODING County

Place Of Use

IRRIGATION within GOODING County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	4						38.0	40.0		40.0	40.0	40.0	40.0					238.0
								L4											
08S	14E	5	38.0	38.0	10.0	32.0													118.0
			L1	L2															
08S	14E	9					40.0	40.0											80.0

Right Acre Limit: 250.0

POU Total Acres: 436.0

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Conditions of Approval:

1. X27 This right is limited to the irrigation of 250 acres within the place of use described above in a single irrigation season.
2. WB4 The total instantaneous diversion of water from all points of diversion under Rights 36-2907, 36-7157A and 36-8760 shall not exceed 4.82 cfs, nor total combined annual volume of 1304 af, for the irrigation of 326 acres.
3. 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.
4. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 12, 2001.
5. 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.
6. R43 The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. 131 Prior to the diversion and use of water under Transfer approval 70489, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. 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.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. 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.
12. 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.

Dates and Other Information

Decreed Date: 12/12/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 130
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

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Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.820	1,304.0	326.0
36-7157A ,36-8760 ,36-2907		

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A



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

October 3, 1999

Ambrose Farms
PO Box 399
Fairfield, ID 83327

AN Ambrose
PO Box 247
Wendell, ID 83355

Re: Water Rights 36-07157A & 36-08760

Point Of Diversion: T08S R14E Sec 4 SWSWSW, Cliffhanger Well

RECEIVED

OCT 07 1999

Department of Water Resources
Southern Region

Dear Gentlemen:

I sent a letter to you dated September 20, 1999 regarding potential irrigation of land not covered by valid water rights. The diversion of water to these lands was associated with the Cliffhanger well at the above referenced location. That letter asked you to identify any water rights that the department may have overlooked. Your attorney, Jo Beeman, contacted me on October 1 and advised me that we had indeed overlooked an additional water right diverted from this well. The right that we overlooked was 36-08760. This right was associated with a rather complex transfer that was approved after we initiated our measurement program and after we measured the Cliffhanger well in the field. A third right, 36-2907, was also associated with this transfer. This latter right was provided as mitigation for approval of the transfer and thus can not be diverted.

Based on Ms. Beeman's call and my subsequent research of the rights, it appears that the land irrigated by the Cliffhanger well is fully covered by the above rights. Specifically, rights 36-07157A, 36-08760 and 36-2907 authorize irrigation of 326 acres and an annual diversion volume of 1304 acre-feet. The estimated annual volumes between 1995 and 1998 are well below the authorized volume of 1304 acre-feet. The total authorized diversion rate under the rights is limited to 4.82 cfs. The measured diversion rate of 5.4 cfs, which was last made by DWR in 1995, exceeds your total authorized water rights rate of diversion. The department is not currently pursuing enforcement action regarding excessive ground water rates of diversions but this is an issue that you may wish to follow as the department pursues adoption of water management rules over the next year.

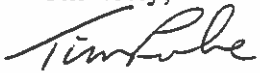
No further action or response is necessary concerning the department's correspondence of September 20, 1999.

Please note that the above rights are still listed in our records as being owned by AN Ambrose with an address in Wendell, Idaho. If the current ownership or address is different from that listed in our records, a change of ownership form should be filed with the department.

36-07157A-98

Thank you for your prompt response to our inquiry as well as your continued cooperation. If you have further questions regarding this matter, please contact me directly at 327-7864.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke

Cc: Jo Beeman

Jeff Martin, North Snake Ground Water Dist.
IDWR Southern Region

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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

September 20, 1999

Ambrose Farms
PO Box 399
Fairfield, ID 83327

AN Ambrose
PO Box 247
Wendell, ID 83355

Ambrose Farms
PO Box 399460
Wendell, ID 83355

Re: Potential Use of Water on Land without A Valid Water Right

Water Rights: 36-07157A

Point Of Diversion: T08S R14E Sec 4 SWSWSW, Cliffhanger Well

RECEIVED

SEP 21 1999

Department of Water Resources
Southern Region

Dear Gentlemen:

Various records of the department show several different addresses for AN Ambrose and Ambrose Farms. The above referenced water right, which has been partially decreed in the Snake River Basin Adjudication (SRBA) lists the owner as AN Ambrose with an address at Box 247, Wendell, Id. Our latest water measurement program records list the owner or contact as Ambrose Farms in Fairfield, ID. Some of the hard copy correspondence in our water measurement files that date back several years list a second address in Wendell. It is very important that names and addresses for the water rights remain updated. You may want to complete a change of ownership form with the department in order to update all of the correct addresses and names for your water rights. Your response to this letter should include a verification of the current name and address for any water rights referenced by this letter.

Staff from the Idaho Department of Water Resources (department) measured the flow of the above referenced well in 1995. Since 1995, you have cooperated with the department or a local groundwater district in providing certain information that allows us to annually estimate the diversion of water from this well. Over the past several years you may have received several reports from either the department or your ground water district that summarize field measurements and annual water use estimates. *Attached to this letter is a copy of a report summarizing water use in 1996.*

In 1995, department staff made a field examination of your ground water diversion and measured the discharge of your well at 5.44 cfs (high flow condition) and 3.95 cfs (low flow condition). You will note from review of the attached report that this diversion rate exceeds the maximum rate of flow authorized by your water rights. There may also be a discrepancy between the number of irrigated acres authorized by your water rights and the actual number of acres irrigated. The SRBA court issued a partial decree for right 36-07157A. This right, as decreed, is limited to a total diversion rate of 3.30 cfs and irrigation of 250 acres. The partial decree appears to agree with the water right information shown on the attached report.

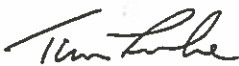
The crop reports that you submitted as part of the water measurement program between 1995 and 1997 consistently show irrigation of between 312 and 332 acres. The estimated volume for 1996 based on field measurements and power consumption records for that year show that the authorized water right volume was exceeded by about 50 acre-feet. Estimated volumes for years 1995, 1997 and 1998 ranged between 837 and 925 acre-feet, all under the 1000 acre-feet water right limit. For your area, these diversion volumes are somewhat higher than average for the 250 acres authorized by the water right. The volumes are more typical for the number of acres you have reported. Although we have not confirmed that you are currently irrigating more than the 250 acres provided under your right, we are concerned about the reported discrepancies and that your water right may not fully identify all the land that you irrigate from the above referenced well.

The purpose of this letter is to provide you notice about certain discrepancies between your water use and the water right(s) referenced in this letter. Specifically, the department is most concerned that you may be irrigating some 60 to 80 acres for which you have no valid water right. It is important that you confirm with the department whether or not your irrigated acreage exceeds the 250 acres authorized under your right 36-07157A. If you can confirm that the irrigated acreage under the rights does not exceed 250 acres, please contact our office immediately.

If you agree that you may have more irrigated acres than authorized by your right or that there is some other discrepancy concerning the place of use under the right, then you must contact our office in writing by October 15, 1999 and advise us of what action you will take to correct any discrepancy regarding the irrigated acres. If you confirm that there are certain discrepancies, then there is a possibility that this matter could be corrected either by a water right transfer or filing of a new water right application. Failure to timely respond to this inquiry may result in the department making a more formal investigation and taking any necessary enforcement actions concerning excessive use under your rights.

If you have specific questions regarding this matter, please contact Tim Luke, Burke Scholer or Cindy Hodges at 327-7900.

Sincerely,



Tim Luke

Cc: Jeff Martin, North Snake Ground Water Dist.
IDWR Southern Region

Enclosure

09/20/99

Idaho Department of Water Resources
Report of 1996 Diversions

TO: AMBROSE, A N

The Idaho Department of Water Resources has published a report of water measurement results in Administrative Basin 36 for 1995 and 1996. The report documents measurements of water diversions, including maximum diversion rate and volume diverted during 1996. Our records show that the diversions listed below are owned and/or managed by you. The water measurement report includes these diversions and the measurements reported for 1996 as shown.

The diversions listed below includes only those that have been found to exceed the rate of diversion and/or volume authorized by your water right(s), and may not be a complete listing of your diversions.

Please carefully review the data provided below. If it is incorrect or inaccurate, your immediate notification is requested. If you have questions, concerns, or comments about this summary, please call either Scott King, Cindy Hodges, Burke Scholer, or Tim Luke at (208) 327-7907.

Name	T	R	S	000	lt	Diversion Name	Measure	-----REPORTED DATA-----			WATER RIGHT DATA		
								Flow Rate	Volume	Authorized	Flow rate	Volume	Authorized
								(cfs)	(Acre-ft)				
AMBROSE, A N	08S	14E	4	SWS	SW	CLIFF HANGER	PCC	5.44	1049.1	3	3.30	1000.0	

Water Right Number(s): 36-07157A

*Qualifier explanation: 3 = Systems with multiple operating conditions, all measured, PCC varied more than ten percent, tracking is required and owner reported percent of time at each condition.

The water right rate of diversion and volume listed above may represent a combined authorized rate of diversion and volume where multiple rights are diverted from one point of diversion.