

**Application for Transfer and
associated documents
have been re-numbered
due to new Workflow Transfer
database effective
December 2012**

See new transfer # 78293

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 4002

APR 09 1992

Department of Water Resources
Southern Region Office

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Ken Mulberry Enterprises Phone 423-5555
 Post Office address P.O. Box H, Kimberly, ID 83341

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 Water right was purchased without buying the land. Water needs to be legally moved to new land.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
47-02137 4-29-1918 0.60 cfs Irrig. ~~3-15~~ 4-1 to ~~11-15~~ 10-31
A47-2137 " " " " to "
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.60 cubic feet per second and/or 120 acre-feet per annum.
3. Source of water Unnamed Stream tributary to Rock Creek
4. Point(s) of Diversion: (West Fork of Rock Creek)
No Change

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SW	23	11S	18E	Twin Falls	Original P/D
	NW	SE	NW	22	11S	18E	Twin Falls	Rediversion P/D From Rock Creek

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	
11S	18E	22						30											30

Total acres 30

PART 1

6. General Information:

a. Description of diversion system Stream flows into a ditch ^{and into} ~~From~~ Rock Cr. A pump in ~~the~~ a small 30' x 40' pond located adjacent ~~ditch pressurized sprinklers~~ to Rock Creek redverts water under 47-2137 and 47-2502 to a pressurized sprinkler system in the NW/4 & NENW, 11S, 18E, 52R

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:
None except for deep water.

d. Remarks:
Owner Yanke sold land to which water is being transferred to present owner Mulberry and kept ownership of 10 acre parcel to which water was originally licensed. All water rights were sold to Mulberry in the transaction & were to be transferred. Records of which were confirmed.

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. 47-02137 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 UNNAMED STREAM tributary to ROCK CREEK

4. Date or priority 4-29-1918

5. Water is used for the following purpose:

amount .60 cfs for IRRIGATION purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for Domestic purposes from 1-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 160 cubic feet per second and/or 120 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	23	11S	18E	Thin Falls	

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	
11S	18E	22							30										30

Total acres 30

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	

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. _____ issued by the Idaho Department of Water Resources.

c. Claim No. A47-02137 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 Unnamed Stream tributary to Rock Creek

4. Date or priority 4-29-1918

5. Water is used for the following purpose:

amount 0.60 cfs for Irrig. purposes from 3-15 to 11-15
(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 0.60 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
		SE	NW	22	11S	18E	Twin Falls	
	SW	SW	SW	23				

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	
11S	18E	22						30	30										30

Total acres 30

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

8



423-5555 AM

420-1174 Cellular



Louise Ward
Broker



INTERMOUNTAIN PROPERTIES

P.O. Box 176
Murtaugh, Idaho 83344
24 Hr. Phone # 208-432-5251

FARM • RANCH • DAIRY • COMMERCIAL

T#4002
47-02137



15.0 NW

15.0 NW

1 NW
26.7

6 NW
15.7

4 NW
9.2

7 NW
7.6

3 NW
12.6 RW

8 NW
8.7

2 NW
6.6

78 NW
22

T-2799
E-3701
HEL
11.4 NW

T#4002
47-02137

27 26

27

T-2576

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

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

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

Any unused water flows on down Rock Creek.

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

Surrounding irrigated land is owned by applicant.
Aesthetically transporting the water as proposed is providing
some wild life habitat also.

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.

Ken Mulberry Enterprises
by Kenneth A. Mulberry
 (Signature of Applicant)

Subscribed and sworn to before me this 9 day of April, 19 92

Stephanie Phelps
 (Notary Public)

My commission expires March 13, 1997

FOR DEPARTMENT USE ONLY

Transfer contains <u>8</u> pages and <u>3</u> attachments	
Received by <u>RF J.F. Stanton</u> Date <u>4-8-92 16:05</u>	Protest filed by _____
Prelim. check by <u>M+S</u> Fee <u>\$50. 50/4379</u>	
Receipted by <u>JA</u> Date <u>4-13-92</u>	
Published in <u>Times News</u>	Copies of protest forwarded by _____
Pub. dates <u>10/15 + 10/22/92</u>	Hearing held by _____ Date _____
Watermaster recommendation requested on <u>N/A</u>	Recommended for ☐ approval ☐ denial
_____ rec'd. _____	by _____
Copy of transfer sent to lien holder _____	

State of Idaho
License and Certificate of Water Right

Water License No. 18860
Water District No. 80

Amount 0.6 cfs
Priority 4/19/19

THIS IS TO CERTIFY that Alice A. Pope of Kimberly, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 20, 1919; that Permit No. 18860 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.6 second feet, was issued thereunder on April 18, 1919, showing that said works were completed on the 2nd day of April, 1919; and that on the 10th day of May, 1919,

Alice A. Pope, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of an unnamed stream, a tributary of Snake Creek, for the purpose of irrigation and domestic uses, under the Permit No. 18860 of the Commissioner of Reclamation of Idaho, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 8 of Licenses, at page 2487, on the 17th day of October, 1919.

The right hereby confirmed dates from April 20, 1919.

The Point of Diversion is located in the SW 1/4 Sec. 22, Tp. 11 S., R. 18 E., N. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Partly acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	10 N.	22	SW 1/4 NW 1/4	40	20
Total area irrigated:					20

The right to the use of the water aforesaid hereby confirmed is in full compliance with the laws of Idaho and the use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation of Idaho, on the 17th day of October, 1919.

W. O. Swordmann,
Commissioner of Reclamation

(SEAL)

WARRANTY DEED

For Value Received

RONALD C. YANKE and LINDA L. YANKE, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
KEN MULBERRY ENTERPRISES, a partnership composed of Kenneth A.
Mulberry and Jennifer Mulberry
whose address is: Box H, Kimberly, Idaho 83341

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:

Per Exhibit -A- attached hereto and made a part hereof

TOGETHER WITH THE FOLLOWING:

40 shares of stock in the Twin Falls Canal Company

0.78 c.f.s. of water from Rock Creek, License No. 47-2502, formerly
No. 45-2208, priority date 6/4/49.

0.6 c.f.s. of water from West Rock Creek, License No. 47-2137,
priority date 4/29/18.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: December 11, 1989

Ronald C. Yanke
RONALD C. YANKE

Linda L. Yanke
LINDA L. YANKE

STATE OF IDAHO, COUNTY OF Ada
On this 13th day of December, 1989,
before me, a notary public in and for said State, per-
sonally appeared Ronald C. Yanke and
Linda L. Yanke, husband and wife

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Residing at Meridian, Idaho
Comm. Expires July 12, 1995

STATE OF IDAHO, COUNTY OF Twin Falls
I hereby certify that this instrument was filed for record at
the request of TitleFact, Inc.
at 50 minutes past 11:00 o'clock A m.,
this DEC 14 1989 day of
19 , in my office, and duly recorded in Book
of Deeds at page

RICHARD A. PENCE
Ex-Officio Recorder
By [Signature] Deputy.
Fees \$ 6.00
Mall to: Grantee above

INSTRUMENT NO.

961025

Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 22: Part of the NW1/4NW1/4 and part of the NE1/4NW1/4
described as follows:

BEGINNING at the North 1/4 section corner of Section 22 said
corner marked by a 1/2" rebar which shall be the POINT OF
BEGINNING;

THENCE South 0°11'28" West along the 1/4 section line for
1319.45 feet to a 5/8" rebar at the SE corner of the
NE1/4NW1/4;

THENCE North 89°16'37" West along the east line of the
NE1/4NW1/4 for 20.00 feet to a point;

THENCE North 0°11'28" West parallel to the east line of the
NE1/4NW1/4 for 208.71 feet to a point;

THENCE North 89°16'37" West for 208.71 feet to a 1/2" rebar;

THENCE South 0°11'28" East for 199.51 feet to a 1/2" rebar;

THENCE South 0°11'28" East for 9.20 feet to a point on the
south line of the NE1/4NW1/4;

THENCE North 89°16'37" West along the south line of the
NE1/4NW1/4 for 1098.92 feet to a 5/8" rebar at the SW
corner of the NE1/4NW1/4;

THENCE North 0°07'52" West along the west line of the
NE1/4NW1/4 for 199.39 feet to a 1/2" rebar;

THENCE South 80°33'44" West for 535.18 feet to a 1/2" rebar;

THENCE South 88°44'27" West for 799.40 feet to a P.K. Nail on
section line;

THENCE North 0°04'18" West along section line for 1006.61 feet
to a P.K. Nail, said nail lying South 0°04'18" East for
235.00 feet from the NW corner of Section 22;

THENCE South 89°17'15" East for 235.00 feet to a 1/2" rebar;

THENCE North 0°04'18" West for 235.00 feet to a P.K. Nail on
section line;

THENCE South 89°17'15" East along section line for 2417.48 feet
to the POINT OF BEGINNING.

SUBJECT TO: A county road right-of-way along the west and north
sides.

TOGETHER WITH: An easement for ingress and egress described as
follows:

BEGINNING at the north 1/4 section corner of Section 22,
Township 11 South, Range 18 E., B.M. said corner marked by a
1/2" rebar which shall be the POINT OF BEGINNING;

THENCE South 0°11'28" East along the 1/4 section line for
1095.63 feet to a point;

THENCE North 89°16'37" West for 20.00 feet to a point;

THENCE South 0°11'28" East for 208.71 feet to a point on the
south line of the NE1/4NW1/4;

THENCE South 89°16'37" East along the south line of the
NE1/4NW1/4 for 20.00 feet to a 5/8" rebar at the SE corner
of the NE1/4NW1/4;

THENCE South 89°13'44" East along the south line of the
NW1/4NE1/4 for 25.00 feet to a point;

THENCE North 0°11'28" West for 1319.44 feet to a point on
section line;

THENCE North 89°11'58" West along section line for 25.00 feet to
the POINT OF BEGINNING.

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

NOS. 47-02137,
A47-02137

WATER RIGHT NO.
47-02137 &
ADJUDICATION CLAIM
NO. A47-02137 TO BE
CHANGED AS FOLLOWS:

Notice is hereby
given that KEN
MULBERRY ENTERPRISES
of Kimberly, ID has
applied to the
Department of Water
Resources to change
the following
described water
right(s) pursuant to
Section 42-222 of the
IDAHO CODE.

This Application for
Transfer proposes to
change place of use
and delete domestic
use.

WATER RIGHT AS
RECORDED

Water Right No.
47-02137
Priority Date:
4/29/1918
Basis of right:
License
Source: Unnamed
Stream tributary to
Rock Creek
Amount: .60 cfs
Use: irrigation &
domestic
Point(s) of
diversion:
SW1/4SW1/4, S23,
T11S, R18E; Twin
Falls County.
Place of use: 30
acres located within
SW1/4NW1/4, S22,
T11S, R18E; Twin
Falls County.

WATER RIGHT CLAIMED
IN SNAKE RIVER BASIN
ADJUDICATION AND
RECORDED AS FOLLOWS:

Water Right No.
A47-02137
Priority Date:
4/29/1918
Name: Ken Mulberry
Enterprises
Basis of right:
Licensed Right No.
47-02137
Source: Unnamed
Stream tributary to
Rock Creek
Amount: 0.60 cfs
Use: irrigation
Points of Diversion:
SW1/4SW1/4SW1/4, S23,
T11S, R18E; Twin
Falls County.
Place of Use: 30
acres located within
NW1/4NW1/4, S22,
T11S, R18E; Twin
Falls County.

Priority Date:
4/29/1918
Period of Use: 4/1
to 10/31
Water Use:
irrigation
Amount: 0.60 cfs

Total amount being
transferred: 0.60 cfs

Source: Unnamed
Stream (Rock Creek,
West Fork) tributary
to Rock Creek
Point of diversion:
SW1/4SW1/4SW1/4, S23,
T11S, R18E (Original
point of diversion);
NW1/4SE1/4NW1/4, S22,
T11S, R18E
(Re-diversion from
Rock Creek); Twin
Falls County.
Place of use: 30
acres located within
NW1/4NW1/4, S30,
T11S, R18E; Twin
Falls County.

Any protest against
approval of the
application for
transfer must be
filed with the
Department of Water
Resources, 222
Shoshone Street East,
Twin Falls, ID 83301
on or before November
2, 1992.

R. Keith Higginson,
Director

Published in Times
News on 10/15 &
10/22/92.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

06-Oct-1992

R. KEITH HIGGINSON
Director

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

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 time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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
Secretary/Office Coordinator

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 47-02137, A47-02137

Notice is hereby given that KEN MULBERRY ENTERPRISES of Kimberly, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

This Application for Transfer proposes to change place of use and delete domestic use.

WATER RIGHT AS RECORDED

Water Right No. 47-02137
Priority Date: 4/29/1918
Basis of right: License
Source: Unnamed Stream tributary to Rock Creek
Amount: .60 cfs
Use: irrigation & domestic
Point(s) of diversion: SW1/4SW1/4, S23, T11S, R18E; Twin Falls County.
Place of use: 30 acres located within SW1/4NW1/4, S22, T11S, R18E; Twin Falls County.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A47-02137
Priority Date: 4/29/1918
Name: Ken Mulberry Enterprises
Basis of right: Licensed Right No. 47-02137
Source: Unnamed Stream tributary to Rock Creek
Amount: 0.60 cfs
Use: irrigation
Points of Diversion: SW1/4SW1/4SW1/4, S23, T11S, R18E; Twin Falls County.
Place of Use: 30 acres located within NW1/4NW1/4, S22, T11S, R18E; Twin Falls County.

WATER RIGHT NO. 47-02137 & ADJUDICATION CLAIM NO. A47-02137 TO BE CHANGED AS FOLLOWS:

Priority Date: 4/29/1918
Period of Use: 4/1 to 10/31
Water Use: irrigation
Amount: 0.60 cfs

Total amount being transferred: 0.60 cfs

Source: Unnamed Stream (Rock Creek, West Fork) tributary to Rock Creek

Point of diversion: SW1/4SW1/4SW1/4, S23, T11S, R18E (Original point of diversion); NW1/4SE1/4NW1/4, S22, T11S, R18E (Re-diversion from Rock Creek); Twin Falls County.

Place of use: 30 acres located within NW1/4NW1/4, S30, T11S, R18E; Twin Falls County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before November 2, 1992.

R. Keith Higginson, Director

Published in Times News on 10/15 & 10/22/92.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

05-Oct-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

KENNETH A MULBERRY
KEN MULBERRY ENTERPRISES
PO BOX H
KIMBERLY ID 83341

Re: Application for Transfer No. 47-02137, T#4002

Dear Mr. Mulberry:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the Times News on 10/15 & 10/22/92. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you 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.

In order to complete regional review, a list of corporate officers and addresses should be submitted to this office.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB

KEN MULBERRY ENTERPRISES
APPLICATION FOR TRANSFER--SPRINGS NEAR ROCK CREEK

BASIC DATA AND INFORMATION:

1. Field exam was conducted May 18, 1992 by Mel Schulte and Mike Harshberger accompanied by Ken Mulberry.

a. The original diversion system has been altered to allow water to be diverted into Rock Creek and then rediverted from a small pond adjacent to Rock Creek with a pump and pipeline to the new place of use.

b. A 50 Hp pump is used to draw water from the pond and lift it approximately 28' to the place of use.

c. It did not appear irrigation was being applied to the old place of use.

d. A sprinkler head measurement was performed on two wheel lines containing 126 x 3/16" nozzles at the new place of use that indicated a diversion rate of 1.61 cfs.

e. Water right L47-2502 and the proposal under this transfer will both be diverted from the same small pond next to Rock Creek. L47-2502 is a Rock Creek right.

f. Theoretical diversion rate of pond pump:

$$\frac{50 \times 8.8 \times .7}{28' + (2.31 \times 60)} = 1.86 \text{ cfs}$$

2. A grid overlay and dot matrix overlay on an ASCS aerial map both indicated 33 acres as the size of the new place of use.

3. The new place of use proposed is part of a larger field measured at 64 total acres by ASCS.

4. The right subject to this transfer request, L47-2137, has a domestic component that is not addressed in the transfer documents.

5. The diversions from Rock Creek at the rediversion point are too far downstream to be subject to the jurisdiction of the Rock Creek watermaster.

6. There are currently no control measures in place to ensure that the amount diverted from Rock Creek for rights L47-2502 and L47-2137 individually and combined are the correct amounts.

7. The approval of this transfer should include at least the following conditions:

a. A measuring device be installed at the point of

diversion into Rock Creek.

b. The rate of rediversion from Rock Creek subject to this transfer can be no greater than the rate of diversion into Rock Creek at the measuring device mentioned in 7.a above.

c. The rate of diversion for L47-2502 and L47-2137 combined cannot exceed the sum of these two rights as licensed or the sum as determined and defined by the measuring device mentioned in 7.a and 7.b above.

8. Potential injury to downstream rights from Rock Creek exists if measures are not in place to control the amount of water diverted for L47-2137 and L47-2502.

9. The theoretical diversion rate of 1.86 cfs and the measured diversion rate of 1.61 cfs for the pond pump both exceed the combined diversion rate for L47-2502 (.78 cfs) and L47-2137 (.60 cfs).