

SOUTH IDAHO PRESS BURLEY, IDAHO AFFIDAVIT OF PUBLICATION

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid. The paper is of general circulation therein. Deponent further deposes that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated October 6 1997, and ending with the issue dated October 13 1997.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 14th day of October in the year of 1997, I, Janet Burns, a Notary Public, personally appeared Ruth Holmes, who is identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, depose that the statements therein are true, and acknowledged to me that she executed the same.

Janet Burns
Notary Public for Idaho
Residing at: Rupert, Idaho
My commission expires: 6-28-2000

Cost of Publication 118.80
Affidavit Fee 5.00
Total Cost 123.80

OK
MB
10/15/97

97-452

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS No. T# 5147

Notice is hereby given that Elquist Ranches, 1425 S 80 W; OAKLEY ID 83346 has applied to the Department of Water Resources for changes to the rights listed below. The purpose of Transfer No. 5147 is to change the place of use due to the sale of land.

PRESENTLY, water is diverted from Land Creek tributary to Goose Creek within parts of Sections 5 and 6, T13S, R23E; Cassia County from 03/01 to 12/15 for irrigation within parts of S36, T12S, R22E; S01, T13S, R22E; Sections 06, and 07, T13S, R23E; Cassia County using the following listed Decreed water rights:

Rt No.	Priority	Amt (cfs)
45-00163A	04/01/1890	0.60
45-00163B	04/01/1890	2.60
45-00700	04/01/1890	2.13
45-00703	04/01/1912	3.20

PRESENTLY, water is diverted from Land Ranch Spring tributary to Land Creek within SE1/4NE1/4, S07, T13S, R23E; Cassia County from 03/01 to 12/15 for irrigation within parts of S36, T12S, R22E; S01, T13S, R22E; Sections 06 and 07, T13S, R23E; Cassia County using the following listed Decreed water rights:

OCT 15 1997

Department of Water Resources
Southern Region



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

October 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

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.

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
Sr. Secretary

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS
No. T# 5147

Notice is hereby given that Elquist Ranches, 1425 S 80 W; OAKLEY ID 83346 has applied to the Department of Water Resources for changes to the rights listed below.

The purpose of Transfer No. 5147 is to change the place of use due to the sale of land.

PRESENTLY, water is diverted from Land Creek tributary to Goose Creek within parts of Sections 5 and 6, T13S, R23E; Cassia County from 03/01 to 12/15 for irrigation within parts of S36, T12S, R22E; S01, T13S, R22E; Sections 06, and 07, T13S, R23E; Cassia County using the following listed Decreed water rights:

<u>Water Right No.</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
45-00163A	04/01/1890	0.60
45-00163B	04/01/1890	2.60
45-00700	04/01/1890	2.13
45-00703	04/01/1912	3.20

PRESENTLY, water is diverted from Land Ranch Spring tributary to Land Creek within SE1/4NE1/4, S07, T13S, R23E; Cassia County from 03/01 to 12/15 for irrigation within parts of S36, T12S, R22E; S01, T13S, R22E; Sections 06 and 07, T13S, R23E; Cassia County using the following listed Decreed water rights:

<u>Water Right No.</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
45-00164	04/01/1870	2.35
45-00698	04/01/1870	0.78

PRESENTLY, water is diverted from groundwater within SE1/4SW1/4, S08, T13S, R23E; Cassia County from 03/01 to 10/31 for irrigation within parts of Sections 25 and 36, T12S, R22E; Sections 6 and 31, T12S, R23E; S01, T13S, R22E; S06, T13S, R23E; Cassia County using the following listed water right:

<u>Water Right No.</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
A45-04013B	Statutory Claim	04/10/1948	0.88
A45-12450	Beneficial Use	05/09/1953	5.90

PROPOSED CHANGES

The applicant wishes to divert a combined total of 18.44 cfs of water using the water rights listed below and these Points of Diversion: Lot 1 (NE1/4NE1/4), S06, T13S, R23E (Land Creek); SE1/4NE1/4, S05, T13S, R23E (groundwater); SE1/4NE1/4, S07, T13S,

R23E (Land Ranch Spring); SE1/4SW1/4, S08, T13S, R23E (groundwater); Cassia County, for irrigation of 891 acres within a permissible place of use located within parts of Sections 25 and 36, T12S, R22E; within parts of S01, T13S, R22E; within parts of S31, T12S, R23E; within parts of S06, T13S, R23E; Cassia County.

<u>Water Right No.</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
45-00163A	04/01/1890	0.60
45-00163B	04/01/1890	2.60
45-00164	04/01/1870	2.35
45-00698	04/01/1870	0.78
45-00700	04/01/1890	2.13
45-00703	04/01/1912	3.20
A45-04013B	04/10/1948	0.88
A45-12450	05/09/1953	5.90

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 October 23, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 10/6 & 10/13/97.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS**

No. T# 5147

Notice is hereby given that Elquist Ranches, 1425 S 80 W; OAKLEY ID 83346 has applied to the Department of Water Resources for changes to the rights listed below. The purpose of Transfer No. 5147 is to change the place of use due to the sale of land.

PRESENTLY, water is diverted from Land Creek tributary to Goose Creek within parts of Sections 5 and 6, T13S, R23E; Cassia County from 03/01 to 12/15 for irrigation within parts of S36, T12S, R22E; S01, T13S, R22E; Sections 06, and 07, T13S, R23E; Cassia County using the following listed Decreed water rights:

<u>Rt No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>
45-00163A	04/01/1890	0.60
45-00163B	04/01/1890	2.60
45-00700	04/01/1890	2.13
45-00703	04/01/1912	3.20

PRESENTLY, water is diverted from Land Ranch Spring tributary to Land Creek within SE1/4NE1/4, S07, T13S, R23E; Cassia County from 03/01 to 12/15 for irrigation within parts of S36, T12S, R22E; S01, T13S, R22E; Sections 06 and 07, T13S, R23E; Cassia County using the following listed Decreed water rights:

<u>Rt No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>
45-00164	04/01/1870	2.35
45-00698	04/01/1870	0.78

PRESENTLY, water is diverted from groundwater within SE1/4SW1/4, S08, T13S, R23E; Cassia County from 03/01 to 10/31 for irrigation within parts of Sections 25 and 36, T12S, R22E; Sections 6 and 31, T12S, R23E; S01, T13S, R22E; S06, T13S, R23E; Cassia County using the following listed water right:

Rt No.*Basis*Priority*Amt (cfs)
A45-04013B*Statutory Claim
*04/10/1948*0.88

A45-12450*Beneficial Use*05/09/1953
*5.90

PROPOSED CHANGES

The applicant wishes to divert a combined total of 18.44 cfs of water using the water rights listed below and these Points of Diversion: Lot 1 (NE1/4NE1/4), S06, T13S, R23E (Land Creek); SE1/4NE1/4, S05, T13S, R23E (groundwater); SE1/4NE1/4, S07, T13S, R23E (Land Ranch Spring); SE1/4SW1/4, S08, T13S, R23E (groundwater); Cassia County, for irrigation of 891 acres within a permissible place of use located within parts of Sections 25 and 36, T12S, R22E; within parts of S01, T13S, R22E;

within parts of S31, T12S, R23E;
within parts of S06, T13S, R23E;
Cassia County.

<u>Rt No.</u>	<u>Priority</u>	<u>Amt(cfs)</u>
45-00163A	04/01/1890	0.60
45-00163B	04/01/1890	2.60
45-00164	04/01/1870	2.35
45-00698	04/01/1870	0.78
45-00700	04/01/1890	2.13
45-00703	04/01/1912	3.20
A45-04013B	04/10/1948	0.88
A45-12450	05/09/1953	5.90

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 October 23, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on
10/6 & 10/13/97.



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

September 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SANDER ELQUIST
ELQUIST RANCHES
1425 S 80 W
OAKLEY ID 83346

Re: Application for Transfer No. 5147 (45-00163 et al)

Dear Mr. Elquist:

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

This office has scheduled advertising the application in The South Idaho Press for 10/6 and 10/13/97.

The advertisement(s) 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 an 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.

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 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,

James E. Stanton
Sr. Water Resource Agent

JS:MB