



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

November 5, 1998

PHILIP E. BATT
GOVERNOR

JOHN D KING
MERLE M KING
HC 60 BOX 280
DARLINGTON ID 83231

KARL J. DREHER
DIRECTOR

RE: Water Rights 34-00426B/34-00427B/34-00554B (Transfer 5256)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5256). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

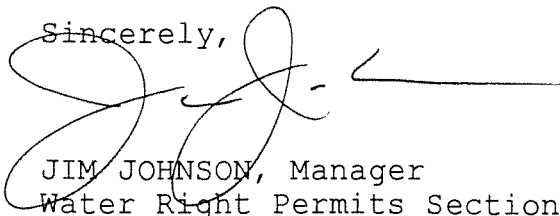
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

NOV 06 1998

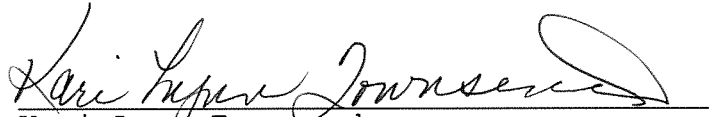
SCANNED
SEP 03 2004

CERTIFICATE OF MAILING

I hereby certify that on the **5th** day of **November, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 34-00426B/34-00427B/34-00554B (Transfer 5256)

**JOHN D KING
MERLE M KING
HC 60 BOX 280
DARLINGTON ID 83231**


Kari Lynn Townsend
Secretary

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

November 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHTS 34-00426B/34-00427B/34-00554B
(Transfer 5256)

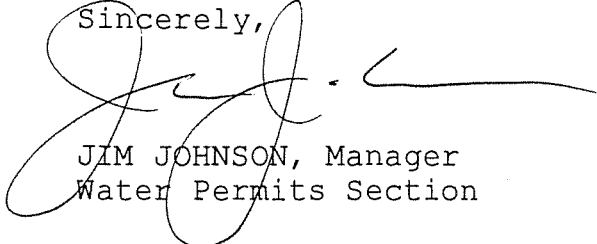
Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5256) in the name of John D. King and Merle M. King.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:klt

Enclosures

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Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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Memorandum
Supplement for
Staff Review of Transfer Applications

Steps for coping AJ Partial Decrees to WR database and for merging AJ files with WR files. Initial each step when completed.

Getting prepared for the change.

1. Check WRQ11 for all splits related to parent right.
2. Determine which water rights should be copied from the AJ Database. Also identify which water right in the WR Database should be replaced or renumbered.
3. Check for location of AJ files affected by the process using the barcode menu. Request AJ files, if the region has not already forwarded the files to Boise.

Done [Signature] 11-3-98

Done [Signature] "

Done [Signature]

Date 11-3-98

Performing the change.

4. Run AJM9 and enter all of the water rights to be copied from AJ Database to WR Database. 34-0426 A E B
5. When merging the AJ files with the WR file insert the yellow SRBA Decree notice on top of the last recorded WR action on both sides of the file.
6. Update the Barcode database using BCM1 to show that the AJ file has been merged with the WR file.

Done [Signature] 11-3-98

Done [Signature] 11-3-98

Done N/A *

Date 11-3-98

Documents or reports to be placed in the WR file.

1. WR Summary Report
2. Print out or copy of Partial Decree ✓
3. Yellow Partial Decree merge notice ✓

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* SRBA FILE REVIEWED AND RETURNED TO SRBA STAFF
T Files updated to SRBA record on WR Database. 11-04-98

MEMORANDUM

TO: Files 34-00426B, 34-00427B & 34-00554B

FROM: Pam Skaggs²²/State Office

SUBJECT: Transfer 5256

DATE: November 2, 1998

Transfer 5256 changes the point of diversion and place of use under Rights 34-00426B, 34-00427B and 34-00554B. These rights were recently decreed in the SRBA with the agreed upon stipulation to transfer the right and remove it from BLM land. BLM has provided a letter of approval and the applicant is transferring the rights to other land.

The season of use is a non-standard irrigation season as decreed. Diversion volume was identified per current standards. The transfer creates a permissible place of use for these rights and combined limits were identified.

Recommended conditions include watermaster control, irrigation overlap, permissible place of use, combined right limits and standard transfer conditions.

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TRANSFER REVIEW SHEET

(07-98)

Transfer # 5256

Date Reviewed 10-30-98

Right(s) 34-00426B

34-00427B

34-00554B

SRBA Deeded Rts.

☒ WRQ/Split Summary ☒ ^{P/D} SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

☒ I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership BLM letter of agreement to transfer dated 5-27-98

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s)

Check Transfer Against Recorded Right

Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume

.04 cts/acre

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 34 Water District (12) Yes Pertinent Conditions (13) NO Expansion
w/ Comment Revd. 5-5-98 Acres Limits

(3) SRBA Deeded season Non-Standard 5-1 instead of 4-15 (167 days)

(5) Standard Vol = 3.5 x 14 = 49 acs < VDR 3.5 x 18.2 = 63.7 acs < VDR 34-00427B

(7) Change P/D 34-00554B limited to VDR (36.4 acs)

(8) Change P/U & create PP/U with Right 34-10124

34-00427B+554B/18.2 Acres w35

Transfer Remarks PP/U 34-00426B/14 Acres All 3 rts 18.2 Acres + 63.7 acs

Conditions R04, R59, T07, T08, T09

Already Deeded

Bring over to WR D'base

Database/Processing Notes

Standard ☒ Non-Standard ☐

T Files (SRBA Flag) Edit Remarks T34-00426B when approved.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

Make sure deeded rts pulled over to WR d'base & copy T-files. Done 11-4-98