

of 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70560

\$490

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

PART 1

APPLICANT INFORMATION

Applicant Co/ O SULLIVAN FARMS Darline K Newman Phone 657- 2223

Address 499E 2300N Montevideo ID 83435

POSE OF TRANSFER

- ☐ Add diversion point(s) ☒ Change place of use

- ☐ Change nature of use ☐ Change period of use ☐ Other

1 Change nature of use ☐ Change period of use ☐ Other _____

Describe the reason for the proposed changes Re-arrange ACRES and OQs of the
POU

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

<u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
31-7182A	01/22/1976	6.78	IRR	4/01 to 11/01
				to
				to
				to
				to

Total amount of water being transferred 6.78 cubic feet per second and/or _____ acre-feet per annum
tributary to _____

Total amount of water being _____ tributary to _____
Source of water (GW)

Point(s) of Diversion:

Point(s) of Diversion:						County	Local name for diversion
Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec	Twp	Rge	
	NW	NE	SW	5	-7N	33E	Jefferson

Lands irrigated or place of use:	

[illegible]

Total Acres 468

eral Information:

Description of diversion system WELL/PUMP TO SPRINKLERS

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.

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

IT WILL BE IRRIGATED WITH A DIFFERENT WELL

Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

he said application is hereby _____, subject to the following conditions:

ness my hand this _____ day of _____, 20 _____.

For the Director

14-7-27 M

Page 1

04/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7182A

WATER RIGHT NUMBER: 31-7182A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RANDOLPH H BROWN 6028 W 4000 N REXBURG, ID 83440 (208)356-4550
Current Owner	DARLINE K NEWMAN C/O OSULLIVAN FARMS 499 E 2300 N MONTEVIEW, ID 83435 (208) 657-2223

Priority Date: 01/22/1976

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>Annual Volume</u>
IRRIGATION	4/01 to 11/01	6.780 CFS	1,638.00 AF
	<u>Total Diversion:</u>	6.780 CFS	1,638.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4SW1/4	Sec. 5, Twp 07N, Rge 33E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07N	33E	4	40.0	39.0	38.0	39.0	156.0
07N	33E	5	38.0	39.0	40.0	39.0	312.0

Total Acres: 468

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

page 4 of 5

T70560

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04/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-7182A

Comments:

1. kwalker 7/8/2002 4:00:22 PM Water Right

Comment: This water right record was updated by decree record from old RightID 94618 to new RightID 344993

Dates and Other Information:

Licensed Date:

Decreed Date: 2/22/2002

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

T70560

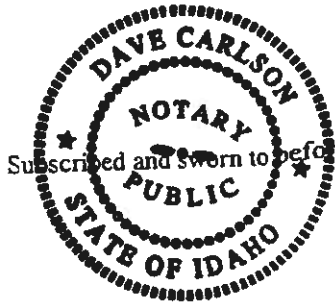
CHANGES IN NATURE OF USE

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

quantity and quality of return flows and location of discharge:

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.



Darlene K. Newman
(Signature of Applicant)

Subscribed and sworn to before me this 23 day of April, 2003

Dave Carlson
(Notary Public)

My commission expires 2/28/2008

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 4 attachments
Received by DC Date 4/23/2003 Protest filed by _____
Prelim. Check by _____ Fee _____
Received by DC Date 4/23/2003 F028697
Published in Jefferson Star Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ by _____
Copy of transfer sent to lien holder _____

West

#5

#1

135ac

POB

SW 1/4

#4

135ac

#2

135ac

SE 1/4

#3

500 F

#2

SW 1/4

#1

East

Dennis
O'Sullivan

2400 N

W 38

1980

31

T 7N
R 33E

A31-02472

35

40

40

39

X Bofrow

18

Before

T 70560
ATTACHMENT 2 OF 4



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

[[Get a certificate of existence for O'SULLIVAN FARMS LIMITED PARTNERSHIP](#)]

O'SULLIVAN FARMS LIMITED PARTNERSHIP

RR 1 BOX 82-A
SALMON, ID 83467

Type of Business: LIMITED PARTNERSHIP

Status: CURRENT 18 Dec 1997

State of Origin: IDAHO

Date of 18 Dec 1997

Origination/Authorization:

Current Registered Agent: SHERY KAY O'SULLIVAN
499 EAST 2300 NORTH
MONTEVIEW, ID 83435

File Number: L3602

Date of Last Annual Report: N/A

Amendments:

Amendment 0 filed **18 Dec 1997** CERTIFICATE OF LP

[View Document Online](#)
[Download \(TIFF format\)](#)

Amendment 1 filed **09 Feb 2001** OTHER - CHANGE RA/RO AND
DELETE PARTNER

[View Document Online](#)
[Download \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

PLEASE RETURN TO: BAS

QUITCLAIM DEED

THIS INDENTURE is made this 15 day of August, 1995 by and between Deloy B. Newman and Darline K. Newman, husband and wife, and Shery Kay O'Sullivan the "Grantor" and the O'Sullivan Limited Liability Company whose mailing address is Rt. 1, Box 82-A, Salmon, Idaho 83467 the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No 100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Jefferson, State of Idaho, to-wit:

TOWNSHIP 7 NORTH, RANGE 33 EAST OF THE BOISE
MERIDIAN, JEFFERSON COUNTY, IDAHO

Section 4: SW ¼
Section 5: Lot 1
SE ¼ NE ¼
E ½ SW ¼
SE ¼

Microfilm No. 277709
24 Day August 1995
At 629 cc
CONNIE M. KELL
Jefferson Co., Recorder
Fee \$ 9.66 sd Deputy
Recorded at Request of
Deloy B. Newman

Excepting therefrom the following described property:

Township 7 North, Range 33 East of the Boise Meridian,
Jefferson County, Idaho Section 5: Commencing at the SE¼
corner thence West 210 feet along the section line thence North
210 feet, thence East 210 feet, thence south 210 feet to the point
of beginning.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

SUBJECT to a mortgage in favor of Northwest Farm Credit Services, ACA, which Grantee assumes and agrees to pay.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

RECEIVED BY
ASSESSOR
For PLATTING
Date 8/25 Time 4:30

Ownership change

Microfilm No. 263209
24 Day March 1992
At 2:00 P M
Jefferson County
Fee \$ 3.00
Recorded at _____
FATS

First American Title
P.O. Box 400
Rigby, Idaho 83436
16-876

WARRANTY DEED

For Value Received

RANDOLPH H. BROWN

hereinafter called the Grantor, does hereby grant, bargain, sell, and convey unto

DELOY R. NEWMAN and DARLINE K. NEWMAN, husband and wife

hereinafter called the Grantee, whose current address is

Route 1, Box 82A
Salmon, ID

the following described premises, to-wit:

TOWNSHIP 7 NORTH, RANGE 33 EAST OF THE BOISE MERIDIAN, JEFFERSON
COUNTY, IDAHO
Section 4: SW 1/4
Section 5: Lot 1
SE 1/4 NE 1/4
E 1/2 SW 1/4
SE 1/4

EXCEPTING THEREFROM: County Road Right-Of-Ways.

SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, RESTRICTIONS,
RESERVATION AS, APPLICABLE BUILDING AND ZONING ORDINANCES AND USE
REGULATIONS AND RESTRICTIONS OF RECORD, AND PAYMENT OF ACCRUING
PRESENT YEAR TAXES AND ASSESSMENTS AS AGREED TO BY PARTIES ABOVE.

TOGETHER WITH ALL MINERAL, WATER AND DITCH RIGHTS.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the
said Grantee, 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 said premises are free from all incumbrances
except as hereinabove set forth and that the Grantor will warrant and defend the
same from all lawful claims whatsoever.
Dated: MARCH 24, 1992

Randolph H. Brown
RANDOLPH H. BROWN

STATE OF IDAHO)
COUNTY OF JEFFERSON)

On This 23RD day of MARCH, in the year 1992, before me, a Notary Public in and
for said State, personally appeared RANDOLPH H. BROWN
known or identified to me to be the person(s) whose name(s)
is/are subscribed to the within Instrument, and acknowledged to me that
he/she/they executed the same.

Ellen Clayton
Notary Public of Idaho
Residing at RIGBY, Idaho
Commission Expires 5-29-93

RECEIVED BY
ASSESSOR
For PLATTING
Date 3-24-92 Time 2:50 P.M.

T 7050
ATTACHMENT 4 OF 4



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 18, 2003

O SULLIVAN FARMS LTD PARTNERSHIP
DENNIS O SULLIVAN AND SHERRY K O SULLIVAN
499 E 2300 N
MONTEVIEW ID 83435

RE: Application for Transfer No 70560 and 70561

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Jefferson Star on June 25 and July 2, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 18, 2003

Legal Notice Department
JEFFERSON COUNTY STAR
PO BOX 37
RIGBY ID 83442

RE: Transfer No. 70560 and 70561

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 14, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
6/18/03
JC

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70560

O SULLIVAN FARMS LTD PARTNERSHIP, DENNIS O SULLIVAN AND SHERRY K O SULLIVAN, 499 E 2300 N
MONTEVIEW ID 83435, has filed applications for changes to the following water rights within JEFFERSON County:

TRANSFER NO 70560

Right No. 31-7182A

Priority 1/22/1976

Source GROUND WATER

Use IRRIGATION (468 acres) 6.78 CFS 1,638.0 AFA

Total Amount 6.78 CFS 1,638.0 AFA

Point(s) of Diversion NWNESW S5 T07N R33E

Place of Use S4 T07N R33E
S5 T07N R33E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is changing the place of use within Sec 4 and 5 T7N R33E, along with transfer 70561 so this well irrigates a continuous 468 acres.

TRANSFER NO. 70561

Right No. 31-11696

Priority 5/22/1953

Source GROUND WATER

Use IRRIGATION (312 acres) 1.83 CFS 476.0 AFA

Total Amount 1.83 CFS 476.0 AFA

Point(s) of Diversion L4 (SWNWNW) S5 T07N R33E

Place of Use S5 T07N R33E

Right No. 31-11692

Priority 3/13/1952

Source GROUND WATER

Use IRRIGATION (312 acres) 3.00 CFS 560.0 AFA

Total Amount 3.00 CFS 560.0 AFA

Point(s) of Diversion L4 (SWNWNW) S5 T07N R33E

Place of Use S5 T07N R33E

Right No. 31-11699

Priority 4/1/1980

Source GROUND WATER

Use IRRIGATION (312 acres) 0.25 CFS 56.0 AFA

Total Amount 0.25 CFS 56.0 AFA

Point(s) of Diversion L4 (SWNWNW) S5 T07N R33E

Place of Use S5 T07N R33E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is changing the place of use within Sec 5 T7N R33E, along with Transfer 70560, so this well irrigates a continuous 312 acres.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 14, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 25 and July 2, 2003

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Terry Carr of The Jefferson Star,
published weekly at Rigby, Jefferson
County, Idaho, do solemnly swear that the

Notice of proposed change
of water right

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on June 25, 2003
and the last publication having been made
on July 2, 2003

Further, that said newspaper is one of gen-
eral circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes;
that it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been continu-
ously and uninterruptedly published in
said county during a period of seventy
eight consecutive weeks prior to the first
publication of the said notice.

Terry Carr

On this 2 day of July
in the year of 2003, before me, a Notary
Public, personally appeared

Terry Carr,

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements there-
in are true, and acknowledged to me that
she executed the same.

Crystal Foster
Notary Public of Idaho
Residing at 1022 N. 10th St., Shelley, ID
My commission expires March 8, 2005

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 70560

O SULLIVAN FARMS LTD PARTNERSHIP, DENNIS O SULLIVAN AND SHER-
RY K O SULLIVAN, 499 E 2300 N MONTEVIEW ID 83435, has filed applica-
tions for changes to the following water rights within JEFFERSON County:
TRANSFER NO 70560

Right No. 31-7182A
Priority 1/22/1978
Source GROUND WATER
Use IRRIGATION (488 acres) 6.78 CFS 1,838.0 AFA
Total Amount 6.78 CFS 1,838.0 AFA
Point(s) of Diversion NWNE-S5 T07N R33E
Place of Use S4 T07N R33E
S5 T07N R33E

The purpose of the transfer is to change a portion of the above rights
as follows:
The applicant is changing the place of use within Sec 4 and 5 T7N R33E,
along with transfer 70561 so this well irrigates a continuous 488 acres.
TRANSFER NO. 70561

Right No. 31-11886
Priority 5/22/1953
Source GROUND WATER
Use IRRIGATION (312 acres) 1.83 CFS 476.0 AFA
Total Amount 1.83 CFS 476.0 AFA
Point(s) of Diversion L4 (SWNWNW) S5 T07N R33E
Place of Use S5 T07N R33E

Right No. 31-11892
Priority 3/13/1952
Source GROUND WATER
Use IRRIGATION (312 acres) 3.00 CFS 560.0 AFA
Total Amount 3.00 CFS 560.0 AFA
Point(s) of Diversion L4 (SWNWNW) S5 T07N R33E
Place of Use S5 T07N R33E

Right No. 31-11889
Priority 4/1/1980
Source GROUND WATER
Use IRRIGATION (312 acres) 0.25 CFS 56.0 AFA
Total Amount 0.25 CFS 56.0 AFA
Point(s) of Diversion L4 (SWNWNW) S5 T07N R33E
Place of Use S5 T07N R33E
The purpose of the transfer is to change a portion of the above rights
as follows:
The applicant is changing the place of use within Sec 5 T7N R33E, along
the Transfer 70560, so this well irrigates a continuous 312 acres.
Protests may be submitted based on the criteria of Sec. 42-222, Idaho
Code.

Any protest against the proposed change must be filed with the
Department of Water Resources, Eastern Region, 900 N. Skyline Dr Ste A,
Idaho Falls ID 83402 together with a protest fee of \$25.00 for each appli-
cation on or before July 14, 2003. The protestant must also send a copy
of the protest to the applicant.

KARL J DREHER, Director

Published in the Jefferson Star, Rigby, Idaho June 25 and July 2, 2003

