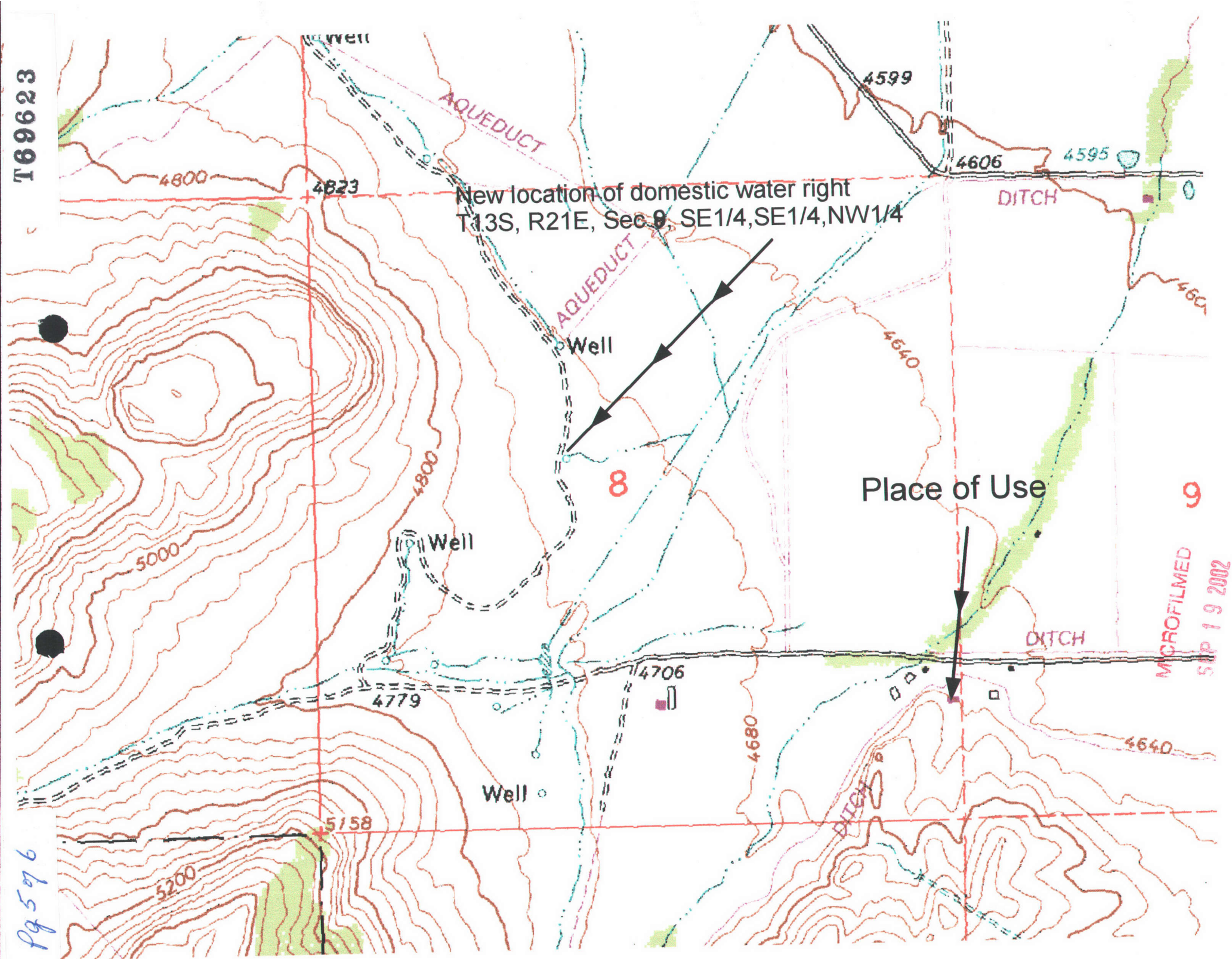


pg 5 of 6



T135, R21E

8

NOTE
NO
DOMESTIC
USE
IN
NESE

ICROFILMED

EP 19 2002

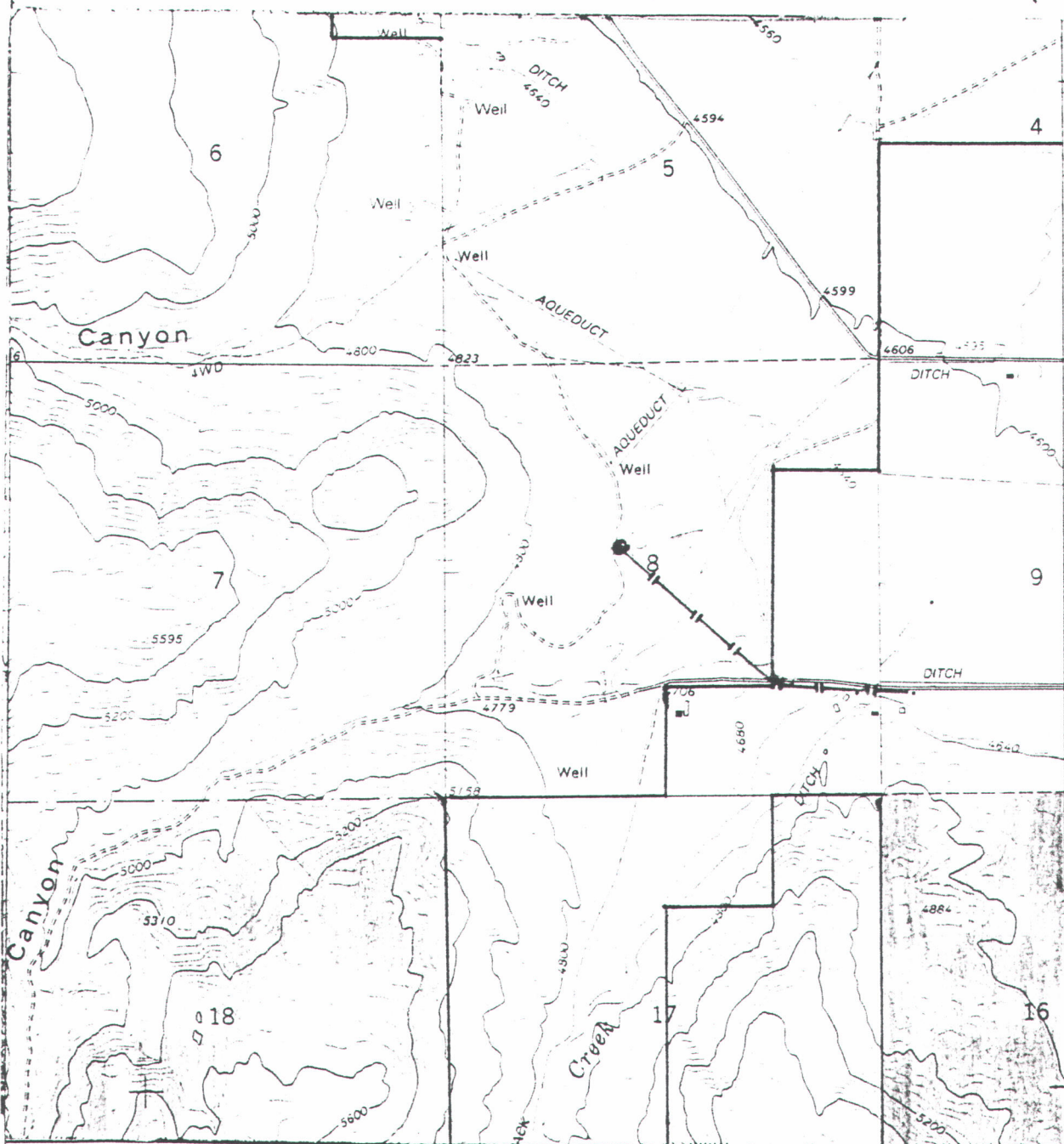
T69623

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number
IDI-33847

Township 13 S. Range 21 E. Meridian Boise Quad Map Name Buckhorn Canyon



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 2000'

	Public Land	●	Existing Well. Proposed Manhole & hook-ups	EXHIBIT "A"
	Private Land	—	Proposed Pipeline	
	State Land			
	~~MICROFILMED~~ National Forest			

SEP 19 2002

November 20, 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69623

This is to certify that: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
(208)334-2920

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
45-10362	WR/Decreed	12/31/1930	0.19 cfs	N/A			GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-10362	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-10362	45-10362	0.19 cfs	12.0 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.19 cfs	12.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of

September, 2002

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

SEP 19 2002

WATER RIGHT NO. 45-10362
As Modified by Transfer No. 69623

In accordance with the approval of Transfer No. 69623, Water Right No. 45-10362 is now described as follows.

Right Holder: STATE OF IDAHO
 DEPT OF FISH & GAME
 PO BOX 25
 BOISE ID 83707

Priority Date: 12/31/1930

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.19 CFS	10.8 AF
DOMESTIC	01/01 to	12/31	0.04 CFS	1.2 AF
			0.19 CFS	12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENW Sec. 8 Twp 13S Rge 21E CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X
13S 21E 8																	

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X
13S 21E 8																	

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stockwater and domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
2. Domestic use is for 1 home.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Approval of Transfer 69623 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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SEP 19 2007

WATER RIGHT NO. 45-10362
As Modified by Transfer No. 69623

CONDITIONS OF APPROVAL

5. Right 45-10588 is also diverted through the point of diversion described above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 19 2002

(Internet)

RECEIVED

APR - 5 2002

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Transfer No. 69623

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

DEC 20 2001

Department of Water Resources
Name of applicant State of Idaho Dept. of Fish and Game Phone (208) 334-2597
Southern Region
Post Office address PO Box 25 Boise, Id 83707

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 Existing domestic well is shallow, contaminated and nearly dry. "Place of use" on water right report was incorrect

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 |
|-----------------|----------|--------------------|--------------------|-----------------------------|
| <u>45-10362</u> | | <u>0.190 CFS</u> | <u>Stock Water</u> | <u>1/01</u> to <u>12/31</u> |
| <u>45-10362</u> | | <u>0.040 CFS</u> | <u>Domestic</u> | <u>1/01</u> to <u>12/31</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.190 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NW	8	13S	21E	Cassia	Existing Well

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	
13S	21E	8																D	
13S	21E	8																S	

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SEP 13 2002

Total acres _____

69623

PART 1

6. General Information:

a. Description of diversion system Pump, pressure tank, & 2" water line

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:

d. Remarks:

Well is located on Bureau of Land Management administered lands. Right
of way permit was granted for use of the well

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 _____

MICROFILMED
 SEP 19 2012

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. 45-10362 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 45-10362 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 ground water tributary to _____

4. Date or priority 12/31/1930

5. Water is used for the following purpose:

amount 0.190CFS for Stock Water purposes from 1/01 to 12/31
(cfs/ac-ft)
amount 0.040 CFS for domestic purposes from 1/01 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.190 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
	NE	NE	SE	8	13S	21E	Cassia	

8. Lands irrigated or place of use:

15. 12-24-2001

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
136	21E	8													S			X	
13S	21E	8													D			X	

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

MICROFILMED
SEP 10 2002

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:

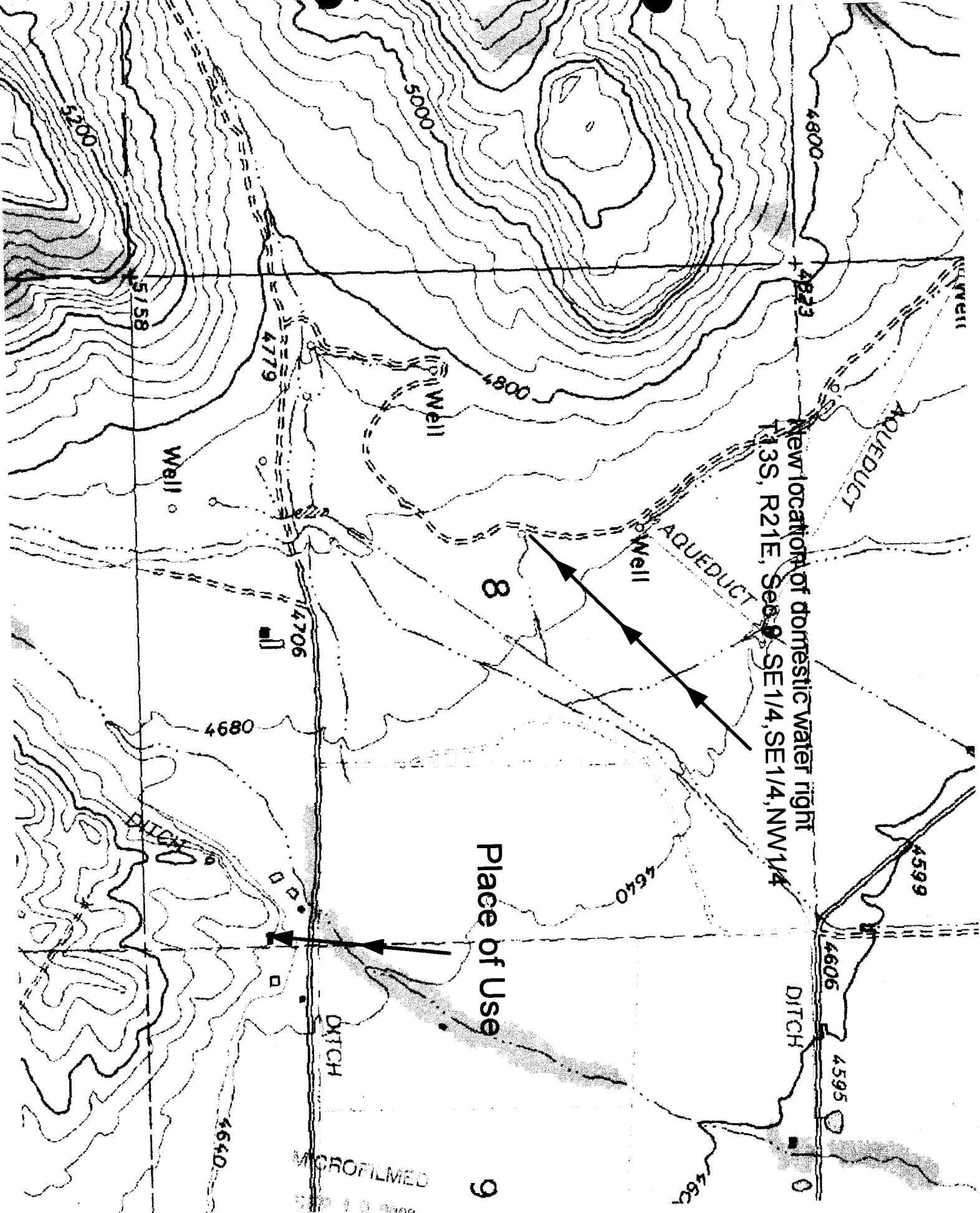
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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 _____

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SEP 19 2002



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

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

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

3. 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.

Subscribed and sworn to before me this 13th day of December, 192001.

David Parish
(Signature of Applicant)

Marcella Mink Gordon
(Notary Public)

My commission expires Oct. 2006

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 3 attachmentsReceived by P. SKINNER Date 12/20/2001Protest filed by NonePrelim. check by P. SKINNER Fee \$100.00 5024493Receipted by P. SKINNER Date 12/20/2001Published in Idaho Press

Copies of protest forwarded by _____

Pub. dates 1/28 & 2/4/02

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☒ approval ☐ denial

_____ rec'd. _____

by AD

Copy of transfer sent to lien holder _____

MICROFILMED
SEP 19 2002

228139

T69623

QUITCLAIM DEED

For Value Received THE CONSERVATION FUND, a Maryland non-profit corporation ("Grantor"), whose address is 1800 North Kent Street, Suite 1120, Arlington, Virginia, 22209 does hereby convey, release, remise and forever quit claim unto the STATE OF IDAHO DEPARTMENT OF FISH AND GAME ("Grantee"), whose address is 600 South Walnut Street, Boise, Idaho, 83707, all water rights, licenses, permits and claims which are part of, associated with or appurtenant to the property in Cassia County, Idaho described in Exhibit "A", which exhibit is attached hereto and made a part hereof, including, but not limited to, those water rights, licenses, permits and claims described in Exhibit "B", a copy of which is attached hereto and made a part hereof.

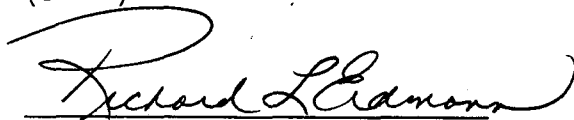
Dated this 10th day of December, 1993.

THE CONVERSATION FUND

By: Richard H. Harris
Its: Vice Pres

ATTEST

(SEAL)



Richard L. Erdmann,
Assistant Secretary

MICROFILMED
SEP 10 2002

STATE OF Virginia)
County of Arlington) ss.

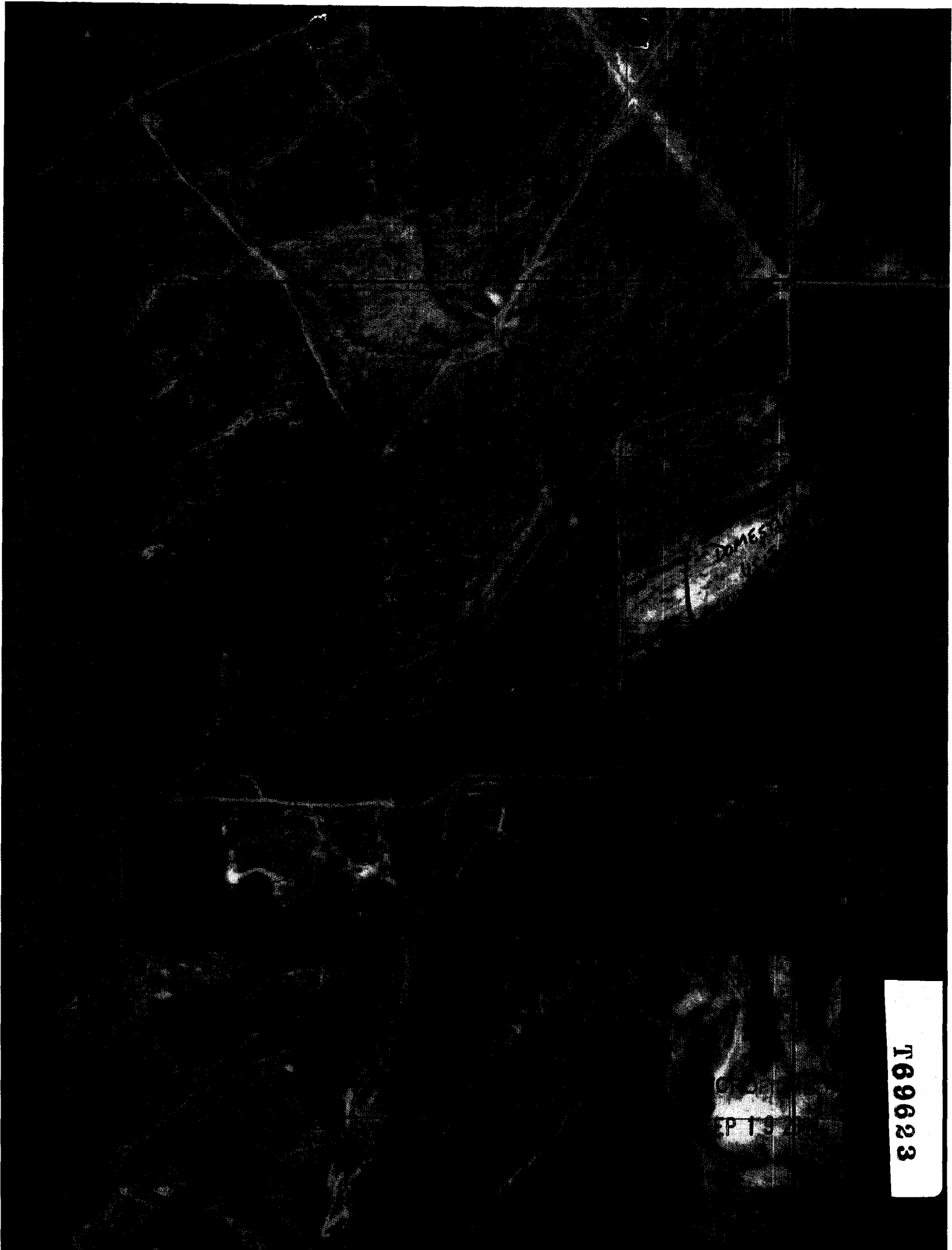
On this 10 day of December, in the year 1993, before me, a Notary Public in and for the State of VA, personally appeared Kiku H. Hanes, and RICHARD L. ERDMANN, known or identified to me to the Vice President and Assistant Secretary of the corporation that executed the instrument or the persons who executed the instrument on behalf of the corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Jennifer L. Pearce
Notary Public for Arlington County, VA
Residing at 2916 Porter St., NW Washington
My commission expires: Nov 30 1996

MICROFILMED

SEP 19 2012



DOMESTIC

EP 19 28

169623

EXHIBIT "A"

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 33: W $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 13 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: W $\frac{1}{2}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$

Sections 19 & 20: A tract of land in said Sections, more particularly described as follows:

Beginning at Corner No. 1, identical with the Southwest corner of Section 17;
Thence North 89°59' East 17 chains to Corner No. 2;
Thence South 29°23' West 41.49 chains to Corner No. 3;
Thence North 89°53' West 13.17 chains to Corner No. 4;
Thence North 24°34' East 39.55 chains to Corner No. 1, the Point of Beginning, also known as H. E. Survey #102.

MICROFILMED

SEP 19 2002

EXHIBIT . B

Water Rights

45-00420
45-00422
45-00426
45-00436
45-00437
45-00438
45-002012

Water Claims

A45-00426
A45-00436 (includes 45-00436 and 45-00438)

A45-00437
A45-12437 (includes 45-00420 and 45-00422)

A45-02012

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
251
1993 DEC 14 P 3:40
CASSI A. J. HARRIS
FINANCIAL RECORDS
RECEIVED
FEE 1200 DEPUTY *LM*
LAND TITLE & ESCROW

228139

MICROFILMED

SEP 19 2002

228138

WARRANTY DEED

FOR VALUE RECEIVED, THE CONSERVATION FUND, a Maryland nonprofit corporation, Grantor, whose address is 1800 North Kent Street, Suite 1120, Arlington, Virginia, 22209, does hereby grant, bargain, sell and convey unto the State of Idaho Department of Fish and Game, Grantee, whose current address is 600 S. Walnut, Boise, Idaho, 83707, the real property in Cassia County, State of Idaho as described on Exhibit "A" which is attached hereto and made a part hereof.

The conveyance hereby made is further subject to the following:

1. The lien for general taxes and all assessments levied for the year 1993, and subsequent years.
2. Reservations, restrictions, dedications, easements, rights-of-way and agreements, if any of record.
3. Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.
4. Easement between the State of Idaho, acting by and through the State Board of Land Commissioners, and Idaho Power Company, dated January 25, 1949 and recorded February 23, 1949 as Instrument No. 164895 in Book 13 of Miscellaneous, Page 568, records of Cassia County, Idaho, over and across a portion of Parcel No. 2.
5. State of Idaho Easement Number 4331 by and between The State of Idaho acting by and through the State Board of Land Commissioners, and Weyley W. Cooper and Mattie Cooper, party of the first part and Cottonwood Water Users Association of Lateral, Inc., as party of the second part dated February 5, 1973 and recorded April 4, 1973 as Instrument No. 69135 on Film No. 81, records of Cassia County, Idaho, over and across the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 13 South, Range 21 East of the Boise Meridian.
6. Easement for Construction and Maintenance of Concrete Ditch, between Harold Cranney and Kerma Cranney, husband and wife, and Cottonwood Water Users Association of Lateral, Inc., dated February 12, 1973 and recorded April 4, 1973 as Instrument No. 69138 on Film No. 81, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 21 East of the Boise Meridian.

MICROFILMED

SEP 19 2002

7. Easement for Construction and Maintenance of Concrete Ditch, between Wiley Cooper, a/k/a Weyley Cooper and Mattie I. Cooper, husband and wife, and Cottonwood Water Users Association of Lateral, Inc., dated June 12, 1973 and recorded June 15, 1973 as Instrument No. 70785 on Film No. 82, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 21 East of the Boise Meridian.
8. Power Line Easement between Harold Cranney and Kerma Cranney, his wife, and Idaho Power Company, a corporation, dated April 10, 1974 and recorded August 6, 1974 as Instrument No. 78168 on Film No. 90, records of Cassia County, Idaho, over and across NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 13 South, Range 21 East of the Boise Meridian.
9. Lack of right of access to and from a portion of the land being described as the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32 and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33 in Township 12 South, Range 21 East, Boise Meridian. Right access to and from the land, if any, is not established of record and assurance of such right of access is excluded from coverage.

TO HAVE AND TO HOLD, subject to the aforesaid provisions, the said property with all the rights and appurtenances thereunto belonging, except for any water rights, licenses, permits or claims which will be conveyed by a separate instrument, unto the said Grantee, its successors and assigns, forever; and the Grantor hereby covenants with the Grantee only that it will warrant and defend the title to said property except as hereinbefore mentioned, unto the Grantee, its successors and assigns, against the lawful claims of all persons claiming by, from or under it, but against none other, and makes no other covenants or warranties whatsoever.

MICROFILMED

SEP 19 2002

IN WITNESS WHEREOF, the Grantor has caused this Warranty Deed to be duly
executed as of the 10th day of DECEMBER, 1993.

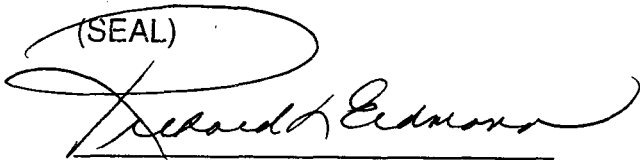
THE CONSERVATION FUND

By: K. Ku H. Haws

Its: Vice Pres

ATTEST:

(SEAL)



Richard L. Erdmann,
Assistant Secretary

MICROFILMED

STATE OF Virginia)
County of Arlington) ss.

On this 10 day of December, in the year 1993, before me, a Notary Public in and for the State of Idaho, personally appeared Kiku H. Hanes, and RICHARD L. ERDMANN, known or identified to me to be the Vice President and Assistant Secretary of the corporation that executed the instrument or the persons who executed the instrument on behalf of the corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Jennifer L. Pierce
Notary Public for Arlington County, VA
Residing at 2916 Porter St, NW Washington
My commission expires: Nov 30, 1996

MICROFILMED

SEP 19 2002

EXHIBIT "A"

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 33: W $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 13 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: W $\frac{1}{2}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$

Sections 19 & 20: A tract of land in said Sections, more particularly described as follows:

Beginning at Corner No. 1, identical with the Southwest corner of Section 17;
Thence North 89°59' East 17 chains to Corner No. 2;
Thence South 29°23' West 41.49 chains to Corner No. 3;
Thence North 89°53' West 13.17 chains to Corner No. 4;
Thence North 24°34' East 39.55 chains to Corner No. 1, the Point of Beginning, also known as H. E. Survey #102.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

251

1993 DEC 14 P 3:39

CASSIA COUNTY, IDAHO
FRANK B. HARRIS
RECORDER

FEE \$500 DEPUTY *LM*

LAND TITLE & ESCROW

228138

Warranty Deed - 5

MICROFILMED
SEP 19 2002

T69623

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
DEC 20 2001
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>45-10362</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Harold Cranney & Sons
Box 53 Oakley, Id 83346
4. New Owner/Claimant(s) State of Idaho Dept. of Fish and Game
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 25
 City, State and ZIP Code Boise, Id 83707
 New Telephone Number (208) 334-2597
5. Date you acquired the property 12-15-93

OWNERSHIP CHANGE
CAN BE ACCOMPLISHED
THROUGH THE
TRANSFER PROCESS.

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6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) David Harris
(include title if applicable) REGIONAL SUPERVISOR

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-10362

NAME AND ADDRESS: HAROLD CRANNEY & SONS
BOX 53
OAKLEY, ID 83346

SOURCE: GROUNDWATER

QUANTITY: 0.19 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1930

POINT OF DIVERSION: T13S R21E S08 NENESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.19 CFS

PLACE OF USE:	Stockwater		Within Cassia County
	T13S R21E S08	NENESE	
	Domestic		Within Cassia County
	T13S R21E S08	NENESE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: Transfer No.: 69623 - Water Right 45-10362 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

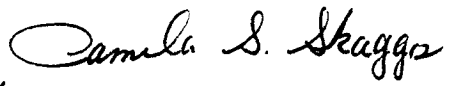
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,


for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

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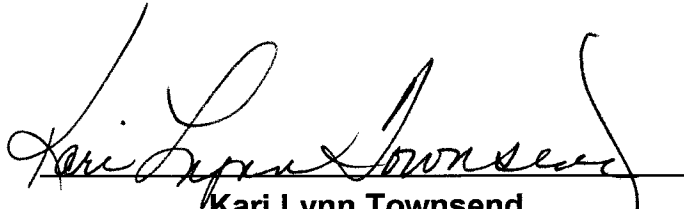
SEP 19 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69623 - WATER RIGHT 45-10362

**STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707**


Kari Lynn Townsend
Secretary

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SEP 19 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

Trans # 69623

Date Reviewed 8-28-2002 28

WR No(s) 45-10362

Split? Y N Y N Y N Y N Y N Y N

AREA OF CONCERN: No Yes West Oakley Fan CGWA

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period
Add p/d Change nature of use
Change p/u

RightID's of From & To records correct? Y N (resolve with State Office personnel)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Y Lien Holder Release per region review

GROUNDWATER:

DRILLING PERMIT

All wells 046 existing
DP upgrade req'd Y N (contact GW personnel)

WMD - North/East/West

≤ 0.24 cfs/5 acres No MD
> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres No MD
> 0.24 cfs/5 acres - 01M or 01Q

Supp irr (irr = only use) - 065-104

Supp irr (+ other uses) - 100-105

SURFACE WATER:

WD - R04 (WD#) WM comments rec'd

≤ 0.20 cfs/others - R02, 01P or No MD

> 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON to (use X61 if extended season)

NA STANDARD VOLUME af/ac

CONSUMPTIVE USE VOLUME af/ac

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)

STOCKWATER - R37 (all BLM/USFS)

MINING - 054-106

FISH PROP - 029(70'S only)-007-122-106

HEAT/COOL - R07 (injection well)

FIRE PROT. - 077

DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106

MUNICIPAL

Restricted area - 022-075 RAFN - 007-109-X64

Irr., GW supp to SW - 102

DOMESTIC

Surface water X01 Home

- WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

>1 in restricted area - 070-071-075 (no parks/common areas, etc)

Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - measure all p/d's (used with WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

X57 - no right-of-way Agreement w/BLM

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N05/08/09-14

X63 - replaces C12

WB4 - + p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one:

T09 - on-going claim in SRBA*

T19 - replaces C18 and used on unchg'd portions in SRBA (Recomm. or PD)

*Edit condition to fit scenario if not ongoing in SRBA process

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated Y Approval form printed Y 9-3-02 28

Special Mailing Instructions (cc's, etc)

No WR updates

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Dept of Fish & Game TRANSFER NO. 69623
1. Right number(s) 45-10362

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: RIGHT BEING TRANSFERRED IS DECREED

"DOMESTIC STOCKWATER" RIGHT FROM SRBA.

PLACE OF USE IS ~~DE~~ DECREED INCORRECTLY ON DECREE

NOTE THAT NO SIGN OF DOMESTIC USE IN NESE 1/4

ACCORDING TO GIS PHOTOS.

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: NONE APPARENT,
DECREED
BUT DIVERSION RATE MAY BE EXCESSIVE

69623

i. X

Existing rights from same source, on land water is being transferred to; right number(s): _____

NONE

j. X

SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) RIGHT ALREADY DECREED

k. X

Comment letters

If yes

Yes X No

Water District #

Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY A. SKINNER
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE 12/24/2001
DATE _____
DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT Yes

2. COMMENT LETTERS

Copy of Pg 1 to AJ Yes 1/28/02

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? Yes No

4. Affidavit of publication received? Yes No

5. Protests received? Yes No; Acknowledgement sent? Yes

6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. Approve

2. Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: 4/2/02

4. By [Signature]

Date 4/2/02

APR - 5 2002

Department of Water Resources

MEMO

FROM: Allen Merritt 

DATE: April 2, 2002

TO: Transfer File No. 69623

In the name of: Idaho Department of Fish and Game

Water Right(s): 45-10362

SUBJECT: Review and Recommendation

This transfer serves three purposes. It changes the ownership from Harold Cranney to F&G, it changes the p/d to a different well since the original well has failed, and it corrects the p/u since the original partial decree was in error as to the location of the domestic and stockwater use.

The proposed p/d is from an existing well located on BLM property currently used by Delroy Mitton for his domestic and stockwater uses recorded under right 45-10588.

Although the BLM initially indicated they might protest the application since it involved their land and the water right was not in their name, they eventually decided not to protest. No protests were filed so the transfer was processed without protest.

Two meetings were held with BLM and F&G to discuss potential issues. It was requested that the relationship of the use of the well be explained or documented. We now understand that the well is located on BLM property and Delroy Mitton has been granted use of the well and easement across BLM property for a pipeline to his property. (See enclosed Right-of-Way Grant) The pipeline also crosses F&G property. F&G has been verbally granted permission to hook on to this pipeline from Mr. Mitton and BLM. We requested that F&G document this somehow but have yet to receive this documentation. I am forwarding this application with condition 04 included with the hopes that eventually F&G will supply further documentation.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

WATER RIGHT NO. 45 10362

- W62 The quantity of water decreed for this water right for stockwater and domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
- W01 Domestic use is for 1 home.
- W36 Right 45-10588 is also diverted through the point of diversion described above.
- 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

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- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 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.
- 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.

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T# 69623

WATER RIGHT NO.

45-10362

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Burley Field Office
15 East 200 South
Burley, Idaho 83318-9501

RECEIVED
MAR 07 2002
Department of Water Resources
Southern Region

In Reply Refer To:
IDI-33847 (077)

March 6, 2002

Idaho Department of Water Resources
Allen D. Merritt, Regional Manager
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Dear Allen:

Enclosed please find a copy of Del Roy Mitton's right-of-way grant, as per our discussion in your office on 2/19/02. Hopefully, the Fish and Game and Mr. Mitton can work things out. Thanks for your help.

Sincerely,

Scott D. Barker
Realty Specialist

Enclosure

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RECEIVED

MAR 07 2002

Department of Water Resources
Southern Region

FORM 2800-14
(August 1985)

Issuing Office:
BURLEY FIELD OFFICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-33847

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

DELROY MITTON
1095 BIG CEDAR ROAD
OAKLEY, ID 83346

receives a right to construct, operate, maintain, and terminate a BURIED
DOMESTIC WATER PIPELINE TO SERVICE HOUSEHOLD
on public lands described as follows:

T. 13 S., R. 21 E., B.M., CASSIA COUNTY
SECTION 08: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

- b. The right-of-way area granted herein is 20.0 feet wide, 2507.0 feet in length, and contains 1.15 acres, more or less.
- c. This instrument shall terminate on DECEMBER 31, 2031, 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

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PAGE 1 OF 5 PAGES

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. The right-of-way herein may be reviewed at any time deemed necessary by the authorized officer. At a minimum, reviews of the grant by the authorized officer must occur at the end of the 20th year and at regular intervals thereafter, not to exceed 10 years.
- d. The map set forth in Exhibit "A", dated November 20, 2001, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. The holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any HazMat, as defined in this paragraph, that will be used, produced, transported or stored on or within the R/W or any of the R/W facilities, or used in the construction, operation, maintenance or termination of the R/w or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of

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hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

- h. The holder of Right-of-Way No. IDI-33847 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- i. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
- j. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
- k. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

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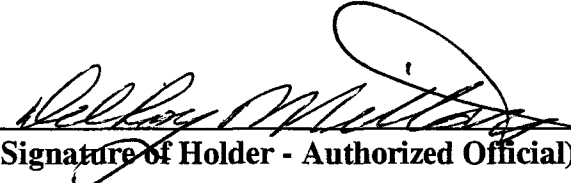
SEP 19 2002

PAGE 3 OF 5 PAGES

- l. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).**
- m. Ninety days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.**
- n. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.**
- o. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.**
- p. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.**
- q. The holder shall drill seed all disturbed areas with 10-12 lbs./ac. of crested wheatgrass. Seed may be broadcast but seeding rates must be doubled. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the first growing season.**
- r. Any large rocks that are turned up during trenching shall be removed from the right-of-way area or buried on site by the holder. Determination of need for rock removal shall be made by the authorized officer.**

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

DELROY MITTON

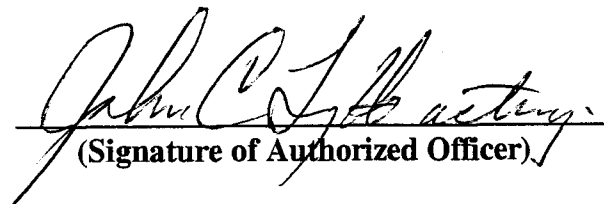

(Signature of Holder - Authorized Official)

DelRoy Mitton
(Typed or Printed Name of Authorized Official)

OWNER
(Title)

November 21, 2001
(Date)

BUREAU OF LAND MANAGEMENT


(Signature of Authorized Officer)

Theresa M. Hanley
(Typed or Printed Name of Authorized Officer)

FIELD MANAGER
(Title)

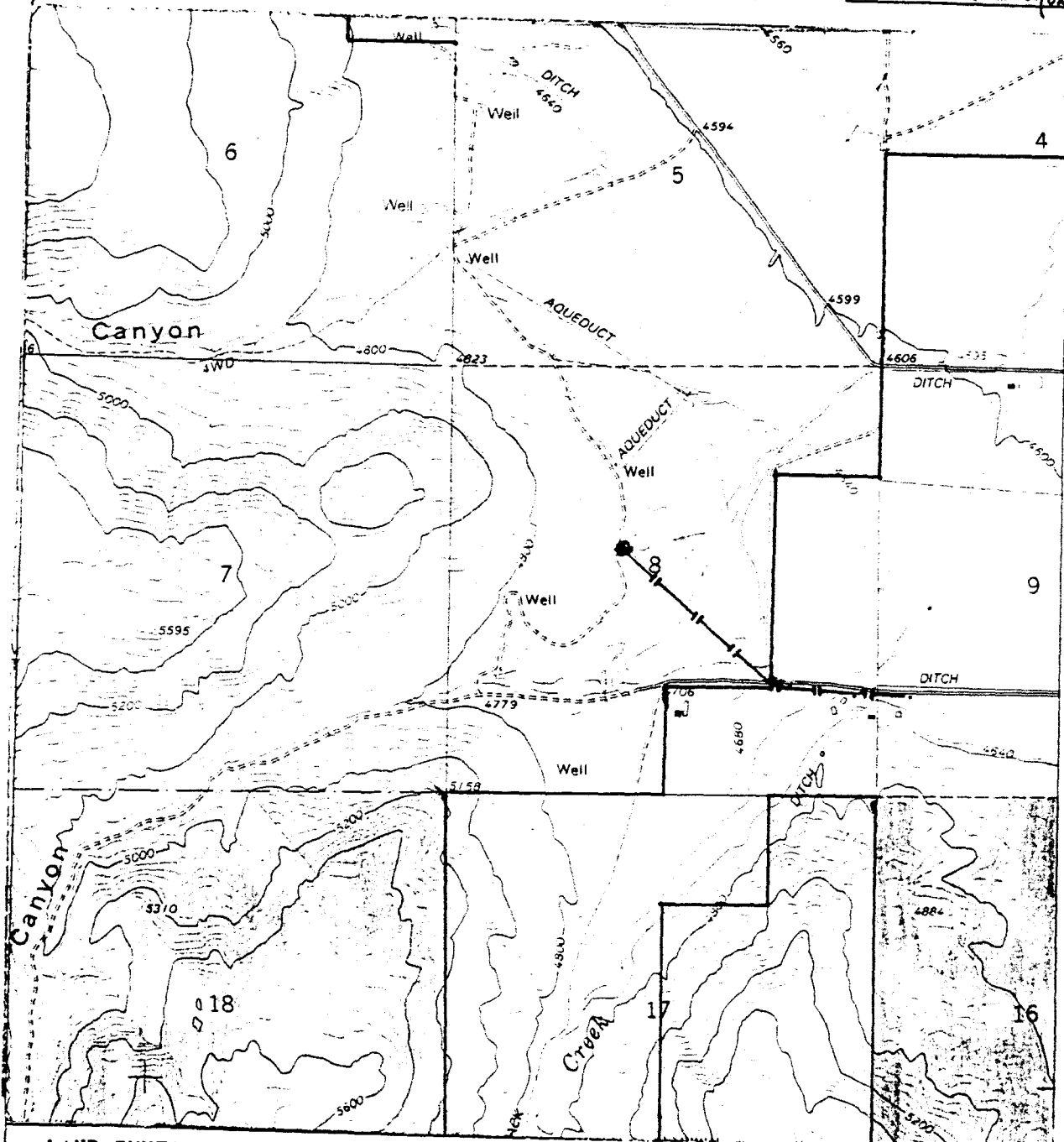
November 21, 2001
(Effective Date of Grant)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number
IDI-33847

Township 13 S. Range 21 E. Meridian Boise Quad Map Name Buckhorn Canyon



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 2000'

	Public Land	●	Existing Well. Proposed Manhole & hook-ups
	Private Land	↖	Proposed Pipeline
	State Land		
	NICOP National Forest		

EXHIBIT
"A"

SEP 13 2002

November 20, 2001

ADM Notes

2/19/02

Met with BLM & F&G,
F&G will work out a document
cessant agreement either with BLM or
Mittan. BLM will send copy of
cessant agreement with Mittan.

Mittan's WR has been partially secured
(45-10588) but not certain if
Recommendation is or secured. Recommendation
includes subject well.

Holt with document, came it from F&G.

324-4359

4/2/02 Called Chuck Wynn & requested some
sort of agreement for use of
pipeline from Mittan or agreement
with BLM.

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SEP 19 2002

**F&G Informal Meeting
Application for Transfer T69623**

PLACE: IDWR Twin Falls Conference Rm

DATE: February 19, 2002 10:00 am

IDWR Staff Present: Allen Merritt

ROSTER OF ATTENDANCE

[illegible]



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 28, 2002

IDAHO DEPARTMENT OF FISH AND GAME
BOX 25
BOISE ID 83707

RE: Application for Transfer No 69623
Water Right No(s) 45-10362

Dear Applicant(s):

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

This office has scheduled advertising the application in the South Idaho Press for 01/28 & 02/04/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (February 15, 2002)

If an application is protested, the applicant 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(s) and will notify the applicant of the outcome of this review.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant

cc:
ATTN DAVID PARRISH
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

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SEP 19 2002

SRBA

SUBCASE SUMMARY REPORT 45-10588

[Return to SRBA Home Page](#)

SRBA
02-19-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 45-10588 FILE#: 00067
CLAIMANT: MITTON, DELROY
 BOX 231OAKLEY ID 83346
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,
ISSUES: POINT(S) OF DIVERSION DESCRIPTION****** PARTIES INVOLVED ******DELROY MITTON C PRO SE
USDI BLM O ATTY: US DEPARTMENT OF JUSTICE
SIDNEE MITTON C PRO SE****** ROA ENTRIES ******

07-02-1998	OBJ 01 F/B USDI BLM	RB	09-01-1998 0001
03-02-1999	NOTICE SETTING INITIAL HEARING	1S	04-06-1999 0345
04-05-1999	STANDARD FORM 5 FILED(RECOMMEND DISALLOWED)		04-05-1999
04-13-1999	MASTER'S REPORT/RECOMMENDATION - DISMISSING	CB	05-28-1999
04-13-1999	NOTICE OF ISSUANCE - MASTERS R&R		
04-13-1999	CERTIFICATE OF MAILING - MASTER R&R		
04-28-1999	MOTION TO ALTER OR AMEND SPECIAL MASTER REPRT	MG	04-28-1999
	ASSIGNED MASTER WAS: 154 WOOD, BARRY		
04-28-1999	AMENDED STANDARD FORM 5 FILED		04-28-1999
	CHANGE TO RECOMMEND WATER RIGHT		
04-29-1999	ORDER GRANTING MOTION TO ALTER OR AMEND AND		
04-29-1999	AMENDED REPORT & RECOMMENDATION OF MASTER	CB	05-28-1999
04-29-1999	NOTICE OF ISSUANCE - MASTERS R&R		
04-29-1999	CERTIFICATE OF MAILING - MASTER R&R		
07-22-1999	ORDER OF PARTIAL DECREE		
07-22-1999	CERTIFICATE OF MAILING - PARTIAL DECREE		
07-22-1999	PARTIAL DECREE FILED		07-22-1999

[Return to SRBA Home Page](#)

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SEP 19 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10588 V1

WATER RIGHT NUMBER: 45-10588 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIDNEE MITTON BOX 231 OAKLEY, ID 83346 (208)862-3645
Current Owner	DELROY MITTON BOX 231 OAKLEY, ID 83346 (208)862-3645

Priority Date: 08/15/1961

Basis: Beneficial Use

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>
STOCKWATER	1/01 to 12/31	0.030 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.070 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SW1/4	Sec. 8, Twp 13S, Rge 21E, B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4NW1/4	Sec. 8, Twp 13S, Rge 21E, B.M.
CASSIA County		
GROUND WATER	NW1/4SW1/4SW1/4	Sec. 9, Twp 13S, Rge 21E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	21E	9												X					

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	21E	9												X					

SEP 19 2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-10588 V1

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. 13S21E096000 STOCKWATER, 100 HOGS AND CATTLE

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

SubCase:

SubCase Number: 4510588
 Class: 1
 SF5 Filed Date: 4/28/1999
 Special Master Recom Signed Date: 4/13/1999
 Attorney Assigned: NICHOLAS B SPENCER
 Date Filed: 7/2/1998 Objection Status: Active

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 SEP 19 2002

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 06 2002

Department of Water Resources
Southern Region

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Anne 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 and that the paper is of general circulation therein. Deponent further states 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 January 28, 2002 and ending with the issue dated February 4, 2002.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 4th day of February in the year of 2002 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

ANN HARPER
NOTARY PUBLIC
STATE OF IDAHO

Ann Harper
Notary Public for Idaho

Residing at: Burley, Idaho

My commission expires: 9-14-2007

Cost of Publication 74.36
Affidavit Fee 5.00
Total Cost 79.36

02-048.

**NOTICE OF PROPOSED CHANGE
TO WATER RIGHTS**

Notice is hereby given that two Applications for Transfer have been filed with the Idaho Department of Water Resources for changes to water rights as listed below:

The IDAHO DEPARTMENT OF FISH AND GAME, BOX 25; BOISE ID 83707 filed Application No. 69623 on 12/20/2001 for diversion of 0.19 cfs from ground water for stockwater (0.19 cfs) and domestic (0.04 cfs) uses. The transfer proposes changing the point of diversion of right 45-10362 to an existing well located 4.5 miles North and 7 miles West of Oakley. Transfer also proposes to more accurately describe the place of use on the applicants property located at the mouth of Big Cottonwood Creek Canyon (4.25 miles North and 6.5 miles West of Oakley); Cassia County.

The CHURCH OF JESUS CHRIST LATTER DAY SAINTS, REAL ESTATE DIVISION, 12TH FLOOR 50 E NORTH TEMPLE STREET; SALT LAKE CITY UT 84150 filed Application No. 69654 on 08/16/2001 for diversion of 10.95 cfs from ground water for irrigation of a 745 acre permissible place of use located 3 1/4 miles North and 1 1/2 - 2 1/2 miles West of Rupert; Minidoka County. Two adjacent farms will be tied together using 4 existing wells as the result of a recent purchase by the applicants.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before February 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the South Idaho Press on
January 28 and February 4, 2002.

Small omission noted.
mb
2/6/02

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SEP 19 2002

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The **CHURCH OF JESUS CHRIST LATTER DAY SAINTS**, REAL ESTATE DIVISION, 12TH FLOOR 50 E NORTH TEMPLE STREET; SALT LAKE CITY UT 84150 filed Application No. 69654 on 08/16/2001 for diversion of 10.95 cfs from ground water for irrigation of a 745 acre permissible place of use located 3 ¼ - 4 ½ miles North and 1 ½ - 2 ½ miles West of Rupert; Minidoka County. Two adjacent farms will be tied together using 4 existing wells as the result of a recent purchase by the applicants.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before February 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 01/28 & 02/04/02.

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SEP 19 2002

K
ADM

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

January 25, 2002

ATTN KAY MOORE
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Dear Ms. Moore:

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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

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SEP 19 2002

Gayle Erikson
Cassia County Treasurer/Tax Collector
1459 Overland
Burley, ID 83318
(208) 878-7202

T69623

February 15, 2001

*Cottonwood WMA
Property*

Idaho Fish & Game
PO Box 25
Boise, ID 83707-0025

RE: FILT payment 2000 year

Per Idaho Code 63-602 please remit to Cassia County Tax Collector before June 20, 2001
\$2,124.64 fee-in-lieu-of-tax for the year 2000.

~~Remit to: Cassia County Tax Collector~~
~~1459 Overland~~
~~Burley, ID 83318~~

Thank you,

Copy

Gayle Erikson
Cassia County Tax Collector

Post-It® Fax Note 7671		Date 12-7-01	# of pages 1
To Mark Fleming		From Gayle Erikson	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # 324-1160		Fax #	

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SEP 19 2002

STAFF ANALYSIS SUPPLEMENT

Dept of Fish & Game

Local Description of new proposed site:

_____ miles N/S and _____ miles E/W of _____

(City or local landmark).

TH 69623



Other:

45-10362

TRANSFER PROPOSES CHANGING THE POINT OF
DIVERSION OF RIGHT 45-10362 TO AN
EXISTING WELL LOCATED 4.5 MILES NORTH AND
7 MILES WEST OF OAKLEY. TRANSFER ALSO
PROPOSES TO MORE ACCURATELY DESCRIBE THE
PLACE OF USE ON THE APPLICANT'S PROPERTY
AT THE MOUTH OF BIG COTTONWOOD CREEK CANYON
(4.25 MILES NORTH AND 6.5 MILES WEST OF
OAKLEY)

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SEP 19 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-10362

WATER RIGHT NUMBER: 45-10362

Owner Type Name and Address
 Current Owner HAROLD CRANNEY & SONS
 BOX 53
 OAKLEY, ID 83346
 (208)862-3417

Priority Date: 12/31/1930

Basis: Decreed

Status: Active

RIGHT
BEING
TRANSFERRED

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.190 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.190 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4SE1/4 Sec. 8, Twp 13S, Rge 21E, B.M.
 CASSIA County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	21E	8													X				

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	21E	8													X				

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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SEP 19 2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-10362

Remarks:

1. Explanatory PARCEL NO. 13S21E081800 STOCKWATER, 800 BEEF & HORSES

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 7/24/1998
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:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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SEP 13 2002