

HEARING EXHIBIT LIST

IN THE MATTER OF APPLICATION)
 FOR TRANSFER NO. 72572 (CHANGES)
 TO WATER RIGHT NOS. 29-91B, 29-93B,)
 29-107B, 29-10327, 29-10329, 29-10330,)
 29-10331, 29-13231, 29-13232 IN THE)
 NAME OF KENNETH D. ANDRUS,)
 COLLEEN LLOYD ANDRUS, AND)
 JIM ANDRUS)

October 3, 2006

Hearing Officer: Gary Spackman

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
1	Order of Partial Decrees Subcases 29-10331 and 29-10332	✓	✓
2	Transfer Application 72572	✓	✓
3a	Adjudication Layout 375 acrey POU	✓	✓
4	List of Topone Creek Water rights 11 x 14	✓	✓
5A	IDWR Tim Luke letter to Andrus Oct 31, 2003	✓	✓
5B	IDWR Tim Luke letter 3/14/05 to King Ok, Redford, Andrus	✓	✓
6	Preliminary Order for 12/15/05 King Ok Grazing Hearing	✓	✓
3b	Color Map POU Locations	✓	✓
	Protestant		
	Protestant exhibits		
A	Topographic Map of Portland area. (Color)	✓	✓
B	Copy of topo map.	✓	✓

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 7 / 2005	
By _____	Clerk
_____	Deputy Clerk

**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

ORDER OF PARTIAL DECREES

SUBCASES: 29-10331 and 29-10332

On May 17, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED July 7, 2005.


 JOHN M. MELANSON
 Presiding Judge
 Snake River Basin Adjudication



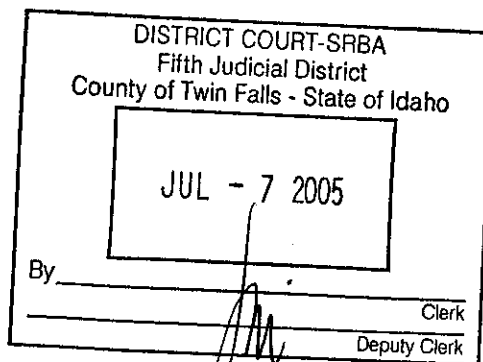
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-10331



NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

3.144 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.144 CFS. COMBINED RIGHT NOS.:
29-10331 AND 29-10332.

PRIORITY DATE:

07/06/1868

POINT OF DIVERSION:

T06S R38E S34 SENESW Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
3.144 CFS

PLACE OF USE:

Irrigation		Within Caribou County	
T06S R38E S26 LOT 11 (NESW)	20.0	LOT 12 (NWSW)	37.0
LOT 13 (SWSW)	39.0		
S35 LOT 1 (NENE)	40.0	LOT 2 (NWNE)	41.0
LOT 3 (NENW)	41.0	LOT 4 (NWNW)	40.0
S36 LOT 2 (NWNE)	39.0	LOT 3 (NENW)	39.0
LOT 4 (NWNW)	39.0		
375.0 Acres Total			

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-13232, 29-10329, 29-91B, 29-10330, 29-93B, AND 29-10332.

USE OF THIS RIGHT WITH RIGHT NO. 29-10332 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 157.4 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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. I.C. SECTION 42-1412(6).

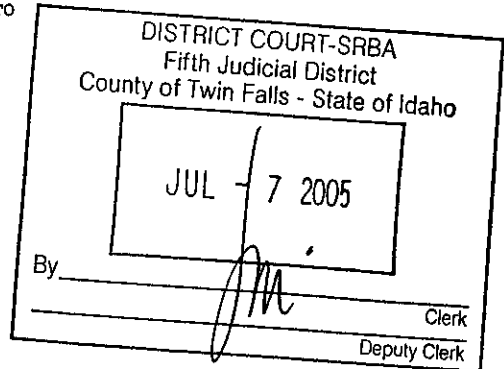
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-10332



NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

UNNAMED STREAM TRIBUTARY: TOPONCE CREEK

QUANTITY:

0.50 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.14 CFS. COMBINED RIGHT NOS.: 29-10331 AND
29-10332

PRIORITY DATE:

07/06/1868

POINT OF DIVERSION:

T06S R38E S35 LOT 1 (NWNENE) Within Caribou County
S36 LOT 2 (SNNWNE)
LOT 3 (SENENW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.50 CFS

PLACE OF USE:

Irrigation

Within Caribou County

T06S R38E S35 LOT 1 (NENE) 8.8
S36 LOT 2 (NWNE) 29.0 LOT 3 (NENW) 27.0
LOT 4 (NWNW) 23.0
87.8 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 157 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331 AND 29-10332.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-91B, 29-93B, 29-107B, 29-10327, 29-10329,
29-10330, 29-10331, 29-10332, 29-13231 AND 29-13232.

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

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. I.C. SECTION 42-1412(6).

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on July 07, 2005, with sufficient first-class postage to the following:

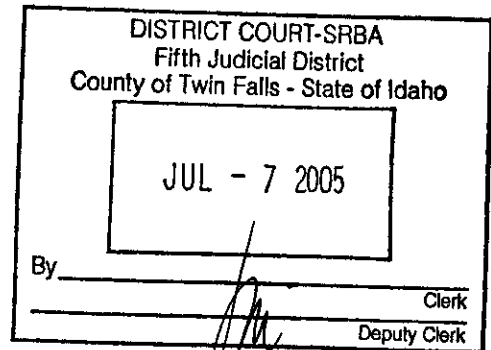
ANDRUS, KENNETH D
ANDRUS, COLLEEN L AND JIM
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5380

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5380

KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5380





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)

ORDER OF PARTIAL DECREES

SUBCASES: See Attached Exhibit A
(29-91B, ET AL.)

On May 17, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED July 1, 2005.

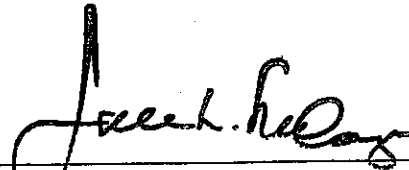

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - 29-91B, ET AL.

Subcase Nos:

29-00091B
29-00093B
29-00107B
29-10327
29-10329
29-10330
29-13231
29-13232

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 29-00091B

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 7 2005

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.48 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
RATE OF 7.56 CFS. COMBINED RIGHT NOS.: 29-10331, 29-107B,
29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B
AND 29-10332.

PRIORITY DATE: 07/01/1909

POINT OF DIVERSION: T06S R38E S34 LOT 11 (SENESEW) Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.48 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Caribou County
	T06S R38E S26 LOT 11 (NESW) 20.0	LOT 12 (NWSW) 37.0
	LOT 13 (SWSW) 39.0	
	S35 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 41.0
	LOT 3 (NENW) 41.0	LOT 4 (NWNW) 40.0
	S36 LOT 2 (NWNE) 39.0	LOT 3 (NENW) 39.0
	LOT 4 (NWNW) 39.0	
	375.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-13232, 29-10329, 29-91B, 29-10330, 29-93B, AND 29-10332.

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

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. I.C. SECTION 42-1412(6).

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 29-00093B

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 7 2005

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

0.095 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.56 CFS. COMBINED RIGHT NOS.:
29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329,
29-91B, 29-10330, 29-93B, AND 29-10332.

PRIORITY DATE:

07/01/1913

POINT OF DIVERSION:

T06S R38E S34 LOT 11 (SENESEW) Within Caribou County
S35 LOT 12 (NENSW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 09-15

QUANTITY
0.095 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation

Within Caribou County

T06S R38E S26 LOT 11 (NESW) 20.0	LOT 12 (NWSW) 37.0
LOT 13 (SWSW) 39.0	
S35 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 41.0
LOT 3 (NENW) 41.0	LOT 4 (NWNW) 40.0
S36 LOT 2 (NWNE) 39.0	LOT 3 (NENW) 39.0
LOT 4 (NWNW) 39.0	
375.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-13232, 29-10329, 29-91B, 29-10330, 29-93B, AND 29-10332.

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

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. I.C. SECTION 42-1412(6).

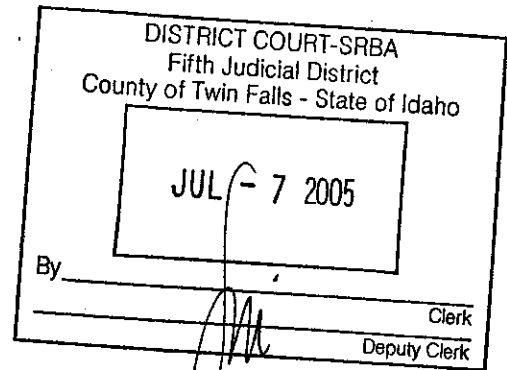
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-00107B



NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

0.60 CFS

PRIORITY DATE:

06/17/1902

THIS PRIORITY DATE IS MORE ACCURATELY DESCRIBED AS 6/17/1902
NOON.

POINT OF DIVERSION:

T06S R38E S34 LOT 11 (SENESEW) Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 09-15

QUANTITY
0.60 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation	Within Caribou County
T06S R38E S26 LOT 11 (NESW) 20.0	LOT 12 (NWSW) 37.0
LOT 13 (SWSW) 39.0	
S35 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 41.0
LOT 3 (NENW) 41.0	LOT 4 (NWNW) 40.0
S36 LOT 2 (NWNE) 39.0	LOT 3 (NENW) 39.0
LOT 4 (NWNW) 39.0	
375.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 41 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-91B, 29-93B, 29-107B, 29-10327, 29-10329,
29-10330, 29-10331, 29-10332, 29-13231, AND 29-13232.

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

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. I.C. SECTION 42-1412(6).

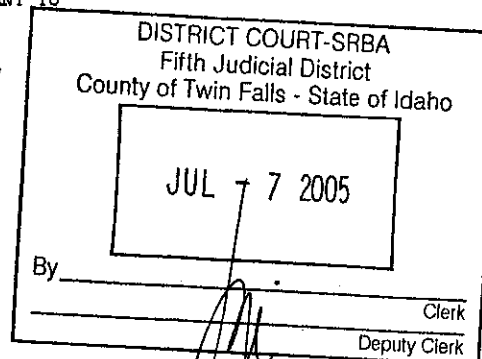
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-10327



NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

2.99 CFS

PRIORITY DATE:

06/18/1902

POINT OF DIVERSION:

T06S R38E S34 LOT 11 (SENESEW) Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 09-15

QUANTITY
2.99 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation	Within Caribou County
T06S R38E S26 LOT 11 (NESW)20.0	LOT 12 (NWSW)37.0
LOT 13 (SWSW)39.0	
S35 LOT 1 (NENE)40.0	LOT 2 (NWNE)41.0
LOT 3 (NENW)41.0	LOT 4 (NWNW)40.0
S36 LOT 2 (NWNE)39.0	LOT 3 (NENW)39.0
LOT 4 (NWNW)39.0	
375.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 135 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-13232, 29-10329, 29-91B, 29-10330, 29-93B, AND 29-10332.

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

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. I.C. SECTION 42-1412(6).

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 29-10329

NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

0.30 CFS

PRIORITY DATE:

07/01/1908

POINT OF DIVERSION:

T06S R38E S34 LOT 11 (SENESEW) Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 09-15

QUANTITY
0.30 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

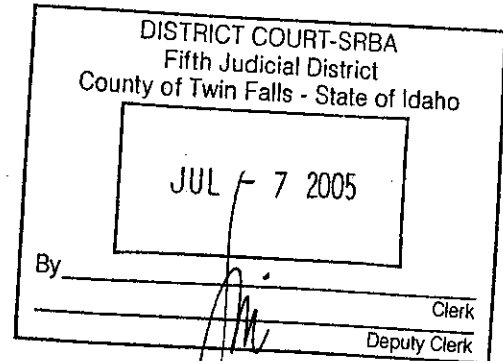
PLACE OF USE:

Irrigation	Within Caribou County
T06S R38E S26 LOT 11 (NESW) 20.0	LOT 12 (NWSW) 37.0
LOT 13 (SWSW) 39.0	
S35 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 41.0
LOT 3 (NENW) 41.0	LOT 4 (NWNW) 40.0
S36 LOT 2 (NWNE) 39.0	LOT 3 (NENW) 39.0
LOT 4 (NWNW) 39.0	
375.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-10332, 29-10329, 29-91B, 29-10330, 29-93B, AND 29-10332.

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

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. I.C. SECTION 42-1412(6).

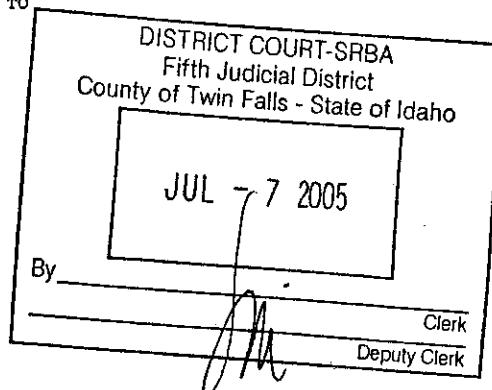


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-10330.



NAME AND ADDRESS: COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.145 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.56 CFS. COMBINED RIGHT NOS.:
29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329,
29-91B, 29-10330, 29-93B, AND 29-10332.

PRIORITY DATE: 07/01/1910

POINT OF DIVERSION: T06S R38E S34 LOT 11 (SENESE) Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.145 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Caribou County
	T06S R38E S26 LOT 11 (NESW)20.0	LOT 12 (NWSW)37.0
	LOT 13 (SWSW)39.0	
	S35 LOT 1 (NENE)40.0	LOT 2 (NWNE)41.0
	LOT 3 (NENW)41.0	LOT 4 (NWNW)40.0
	S36 LOT 2 (NWNE)39.0	LOT 3 (NENW)39.0
	LOT 4 (NWNW)39.0	
	375.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-13232, 29-10329, 29-91B, 29-10330, 29-93B, AND 29-10332.

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

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. I.C. SECTION 42-1412(6).

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 29-13231

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 7 2005	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

0.07 CFS

PRIORITY DATE:

07/01/1906

POINT OF DIVERSION:

T06S R38E S34 LOT 11 (SENESEW) Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 09-15

QUANTITY
0.07 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation	Within Caribou County
T06S R38E S26 LOT 11 (NESW) 20.0	LOT 12 (NWSW) 37.0
LOT 13 (SWSW) 39.0	
S35 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 41.0
LOT 3 (NENW) 41.0	LOT 4 (NWNW) 40.0
S36 LOT 2 (NWNE) 39.0	LOT 3 (NENW) 39.0
LOT 4 (NWNW) 39.0	
375.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, AND
29-10332.

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

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. I.C. SECTION 42-1412(6).

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 29-13232

NAME AND ADDRESS:

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

TOPONCE CREEK: TRIBUTARY: PORTNEUF RIVER

QUANTITY:

0.11 CFS

PRIORITY DATE:

07/01/1907

POINT OF DIVERSION:

T06S R38E S34 LOT 11 (SENESEW) Within Caribou County
S35 LOT 12 (NENWSW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 09-15

QUANTITY
0.11 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

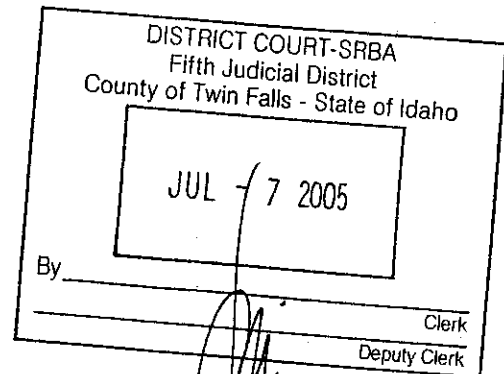
PLACE OF USE:

Irrigation	Within Caribou County
T06S R38E S26 LOT 11 (NESW) 20.0	LOT 12 (NWSW) 37.0
LOT 13 (SWSW) 39.0	
S35 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 41.0
LOT 3 (NENW) 41.0	LOT 4 (NWNW) 40.0
S36 LOT 2 (NWNE) 39.0	LOT 3 (NENW) 39.0
LOT 4 (NWNW) 39.0	
375.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 375 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331, 29-107B, 29-10327, 29-13231,
29-13232, 29-10329, 29-91B, 29-10330, 29-93B, AND 29-10332.

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

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. I.C. SECTION 42-1412(6).



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on July 07, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5380

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

Transfer No. 72572

Name of Applicant Kenneth D Andrews Coileen Lloyd Andrews Jim Andrews Phone 776-5380

Post Office address 6948 East Old Oregon Trail Rd., Lava Hot Springs, Idaho 83246

RECEIVED

MAR 06 2006

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

Department of Water Resources
Eastern Region

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

2. Describe the reason for the proposed changes Put water in pipeline to avoid shrink and gain gravity pressure to obtain more beneficial use

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
------------------------	-----------------	---------------------------	----------------------	----------------------

See Attachment "A" _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 7.80 ^{7.56 cfs} cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Toponce Creek tributary to Portneuf River

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]**EXHIBIT**

Total Acres _____

72572

6. General Information:

a. Description of diversion system Added point of diversion is pipeline (gravity). Other points of diversion are ditches

b. 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.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Would transfer a portion of water to be transferred from point of diversion to land to be irrigated with no shrink incurred
More efficient use

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

72572

SCANNED
FEB 2 4 2009

Attachment "A"

page 3 of 23

72572

<u>RIGHT NO.</u>	<u>PRIORITY</u>	<u>AMOUNT(CFS)</u>	<u>NATURE OF USE</u>	<u>PERIOD</u>
29-10327	6/18/1902	2.99	Irrigation	4/15 to 9/15
29-93B	7/01/1913	0.10	Irrigation	4/15 to 9/15
29-91B	7/01/1909	0.48	Irrigation	4/15 to 9/15
29-107B	6/17/1902	0.60	Irrigation	4/15 to 9/15
29-10330	7/01/1910	0.15	Irrigation	4/15 to 9/15
29-10329	7/01/1908	0.30	Irrigation	4/15 to 9/15
29-13231	7/01/1906	0.07	Irrigation	4/15 to 9/15
29-13232	7/01/1907	0.11	Irrigation	4/15 to 9/15
29-10331	7/06/1868	3.00	Irrigation	4/01 to 10/31

SCANNED

7/20 4:00 PM

72572

page 4 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-10327

Priority Date: 06/18/1902
Origin: Water Right
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	2.99 CFS		
Total Diversion		2.99 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S 38E	34	CARIBOU
TOPONCE CREEK	L12 (NEN SW)	06S 38E	35	CARIBOU

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-87 AND 29-102.
2. 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.
3. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 135 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED
11/17/2006

72572

page 5 of 23

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-10327

6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
8. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

SCANNED

4/10 11:20AM

72572

Page 6 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-93B

Priority Date: 07/01/1913
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.10 CFS		
Total Diversion		0.10 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENW SW)	06S	38E	35	CARIBOU

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED

72572

Page 7 of 23

Page 2

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-93B

4. 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.
5. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
6. Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

72572

SCANNED

1/12/2011 1:00 PM

Page 8 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-91B

Priority Date: 07/01/1909
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.48 CFS		
Total Diversion		0.48 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENW SW)	06S	38E	35	CARIBOU

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	26									20.0	37.0	39.0						96.0
											L 11	L 12	L 13						
06S	38E	35	40.0	41.0			41.0	40.0											162.0
			L 1	L 2			L 3	L 4											
06S	38E	36		39.0			39.0	39.0											117.0
				L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
- 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.

SCANNED

FOR FILING

72572

page 9 of 23

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-91B

5. Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
6. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
7. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Documentation of Ownership of the Current Place of Use

Warrenty deed included

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

yes

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

No change, will continue to water ground

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

no

72572

Received Time Feb. 6. 1:36PM

RECEIVED
FEB 6 2006

Page 10 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-107B

Priority Date: 06/17/1902
Origin: Water Right
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.60 CFS		
Total Diversion		0.60 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L12 (NENWSW)	06S	38E	35	CARIBOU
TOPONCE CREEK	L11 (SENESW)	06S	38E	34	CARIBOU

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. This priority date is more accurately described as 6/17/1902 NOON.

SCANNED

10/1/2005

72572

Page 11 of 23

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-107B

5. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10331, 29-10332, 29-13231 and 29-13232.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 41 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. 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.
8. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

SCANNED
11/12/2011 1:29PM

72572

Page 12 of 23

Page 1

Transfer No. 72572
Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 29-10330

Priority Date: 07/01/1910

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.15 CFS		
Total Diversion		0.15 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S 38E	34	CARIBOU
TOPONCE CREEK	L12 (NEN SW)	06S 38E	35	CARIBOU

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
- THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-92.
- Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.

SCANNED
2008-10-08

72572

page 13 of 23

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. 12572
Receipt No. _____

Current Water Right No. 29-10330

5. 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.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
8. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

12572

SCANNED
11/11/11

page 14 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-10329

Priority Date: 07/01/1908
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.30 CFS		
Total Diversion		0.30 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENW SW)	06S	38E	35	CARIBOU

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-90.
4. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

SCANNED

72572

page 15 of 23

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-10329

5. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

SCANNED

12/1/2011

72572

page 16 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-13231

Priority Date: 07/01/1906

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.07 CFS		
Total Diversion		0.07 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S 38E 34	CARIBOU
TOPONCE CREEK	L12 (NEN SW)	06S 38E 35	CARIBOU

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-88.
4. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

72572

page 17 of 23

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-13231

5. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

SCANNED

10/1/2018

72572

Page 18 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-13232

Priority Date: 07/01/1907
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.11 CFS		
Total Diversion		0.11 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENESEW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENWSW)	06S	38E	35	CARIBOU

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	26									20.0	37.0	39.0						96.0
											L 11	L 12	L 13						
06S	38E	35	40.0	41.0			41.0	40.0											162.0
			L 1	L 2			L 3	L 4											
06S	38E	36		39.0			39.0	39.0											117.0
				L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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.
- THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

RECEIVED

APR 15 2008

72572

page 19 of 23

Page 2

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-13232

4. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-89.
7. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

RECEIVED
JUL 11 1988

72572

Page 20 of 23

Page 1

Transfer No. 72572
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 29-10331

Priority Date: 07/06/1868
Origin: Water Right
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	3.14 CFS		
Total Diversion		3.14 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	SENE SW	06S 38E	34	CARIBOU
TOPONCE CREEK	L12 (NENWSW)	06S 38E	35	CARIBOU

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
- THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-234 AND 29-252.
- THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
- Use of the rights listed below is limited to a total combined diversion rate of 3.144 cfs. Combined Right Nos.: 29-10331 and 29-10332

RECEIVED

DATE

72572

Page 21 of 23

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-10331

6. Use of this right with Right No. 29-10332 is limited to the irrigation of a combined total of 157.4 acres in a single irrigation season.
7. 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.
8. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

SCANNED

11/12/11 11:11 AM

72572

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCEAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

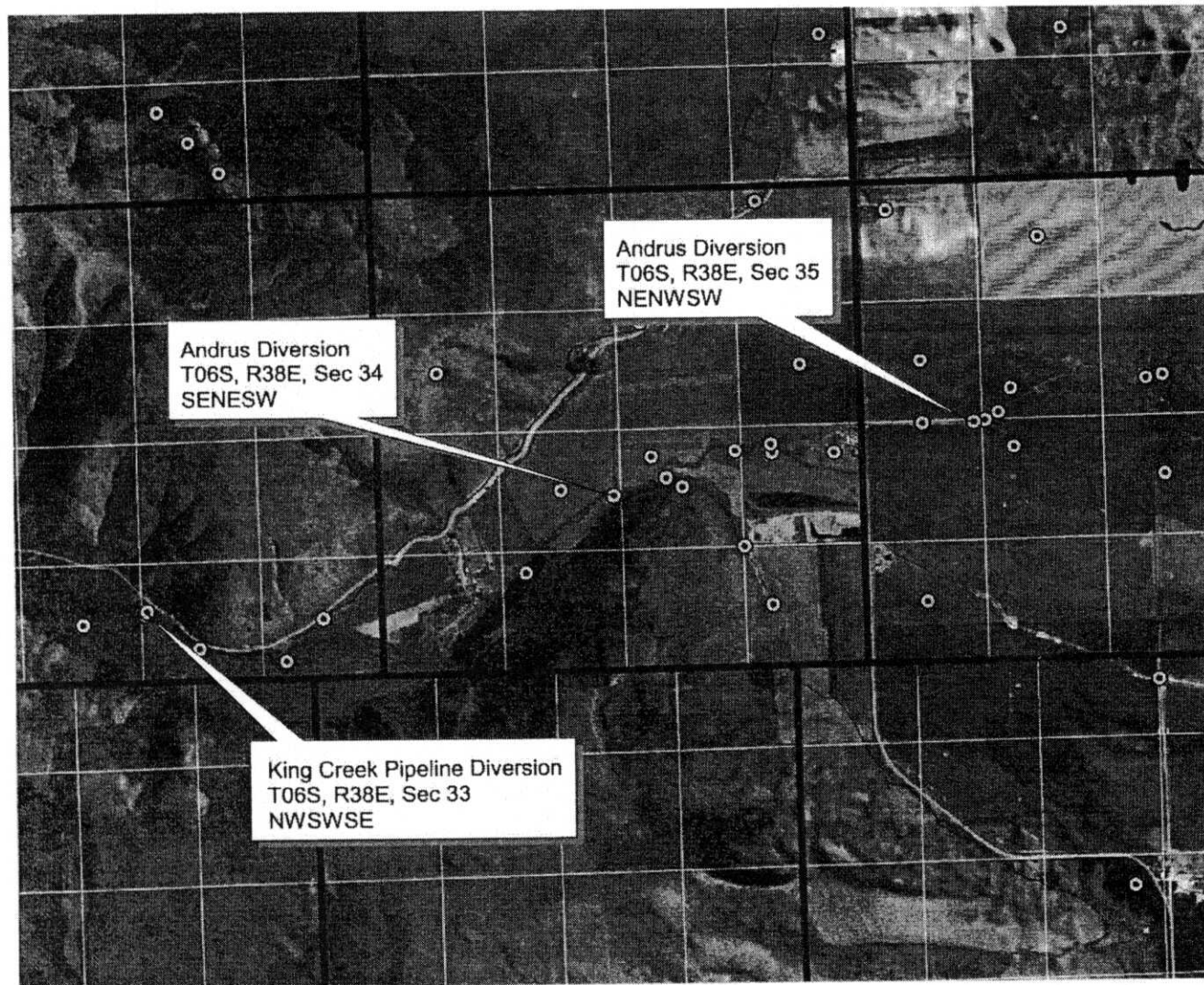
No Changes In Place
of Use

Scale: 2 inches equal 1 mile. Draw plan in ink.

SOA/INTD
10/10/00

72572

Andrus Proposed PODs T72572

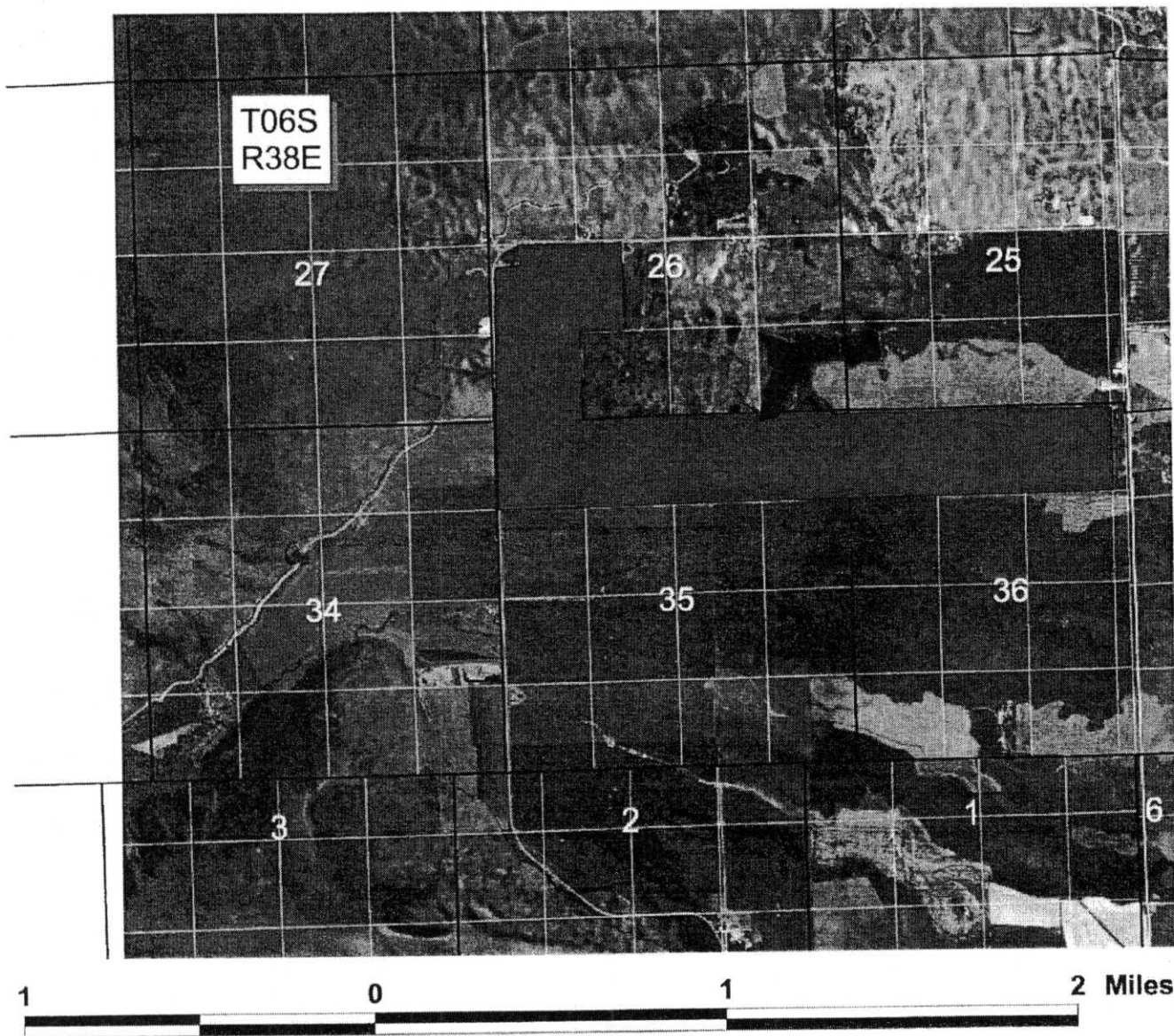


⊙ Right POD
□ Sections
QQ

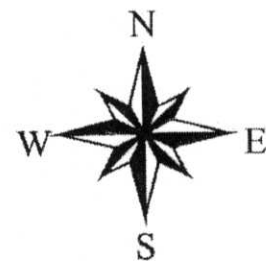


0.9 0 0.9 1.8 Miles

Andrus T 72572



 29-91b.shp
 Sections
QQ



Andrus T72572



○ Right POD
□ Sections
QQ



PART 3

E. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>No Change</u>			to _____ to _____
2. Quantity and quality of return flows and location of discharge:
N/A
3. Describe effects on other water uses resulting from the proposed change:
Based on priority date there would be no 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.



Kenneth Andrew Jim Andrew Colleen Andrew
(Signature of Applicant)
Subscribed and sworn to before me this 26th day of January, 2004.
Gerri Wellard
(Notary Public)

My commission expires January 2005

FOR DEPARTMENT USE ONLY

Transfer contains 23 pages and 2 attachments
 Received by K. Payer/Werner Date 1/26/2004 Protest filed by _____
 Prelim. Check by _____ Fee \$530.00
 Receipted by KPK Date 1/26/04 E029490
 Published in Carbon County Sun 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 _____

SCANNED

1/26/2004

72572

WARRANTY DEED

For Value Received

KIM J. and MARCIE B. ANDRUS

the grantors, do hereby grant, bargain, sell and convey unto

KENNETH D. ANDRUS, COLLEEN L. ANDRUS and JIM ANDRUS

whose current address is 6948 E. OLD OREGON TRAIL ROAD, LAVA HOT SPRINGS, ID 83246

the grantees, the following described premises, in CARIBOU County Idaho, to wit:

TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian:

SECTION 26: $W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, ALSO a tract in the $NW\frac{1}{4}$, more particularly described as follows: Beginning at the center of said Section 26, and running thence West 2640 feet; thence North 1440 feet; thence East 2150 feet, more or less, to the Westerly bank of the Portneuf Marsh Valley Feeder Canal; thence Northeasterly along the said canal bank 450 feet, more or less, to the East line of $NW\frac{1}{4}$ of the said Section 26; thence South 1750 feet, more or less, to the point of beginning.

SECTION 35: $N\frac{1}{2}N\frac{1}{2}$.

SECTION 36: $N\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}$.

Together with the right of ingress and egress to and from the property in SECTION 36, over and across LOT 17, in SECTION 36, TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian, to an existing County road.

Subject to a mortgage executed by RUSSELL A. and SARAH B. HEDDON and subsequently assumed by KIM J. and MARCIE B. ANDRUS, to the Federal Land Bank of Spokane, a corporation, to secure the payment of \$331,000.00, together with interest and any other obligations secured thereby; dated March 26, 1979, recorded April 2, 1979, under Instrument # 99822, in the Microfilm records of Caribou County, Idaho. The present balance of said mortgage is \$156,392.19, which parties of the second part assume and agree to pay in accordance with the terms thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances except matters of public record.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 26, 1990

Kim J. Andrus

KIM J. ANDRUS

Marcie B. Andrus

MARCIE B. ANDRUS

STATE OF IDAHO, COUNTY OF BANNOCK
On this 26th day of JANUARY, 19 90,
before me, a notary public in and for said State, personally
appeared

KIM J. and MARCIE B. ANDRUS

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

Sam Welland
Notary Public
Residing at LAVA HOT SPRINGS

STATE OF IDAHO } 63 138283
County of Caribou

I Heroby certify that this instrument was filed

at the request of Kim J. Andrus

at 1:20 o'clock P M on

January, 1990

recorded in Microfilm Record

Book 138283

Page 1

Ex-Officio Recorder

ATTACHMENT

T 72572
1 OF 2

Furnished by the AMERICAN LAND

REAL ESTATE PURCHASE AND SALE AGREEMENT

KENNETH D. ANDRUS, COLLEEN L. ANDRUS and JIM ANDRUS, hereinafter called "BUYER" agrees to purchase, and the undersigned agrees to sell the following described real estate hereinafter referred to as "premises" located in CARIBOU COUNTY, IDAHO. The legal description of said "premises" is as follows: TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian: SECTION 26: $W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, ALSO a tract in the $NW\frac{1}{4}$, more particularly described as follows: Beginning at the center of said SECTION 26, and running thence West 2640 feet; thence North 1440 feet; thence East 2150 feet, more or less, to the Westerly bank of the Portneuf Marsh Valley Feeder Canal; thence Northeasterly along the said canal bank 450 feet, more or less, to the East line of $NW\frac{1}{4}$ or the said SECTION 26; thence South 1750 feet, more or less, to the point of beginning. SECTION 35: $N\frac{1}{2}N\frac{1}{4}$. SECTION 36: $N\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}$. Together with the right of ingress and egress to and from the property in SECTION 36, over and across LOT 17, in SECTION 36, TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian, to an existing County road.

The total purchase price of said "premises" is TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) payable as follows: BUYER has paid the sum of FORTY THREE THOUSAND SIX HUNDRED SEVEN DOLLARS and EIGHTY-ONE CENTS (\$43,607.81) by personal check and agrees to assume the balance of ONE HUNDRED FIFTY-SIX THOUSAND THREE HUNDRED NINETY-TWO and NINETEEN CENTS (\$156,392.19) mortgage to the Federal Land Bank of Spokane. The undersigned agrees that the mortgage on the "premises" will remain in their name and the BUYERS agrees to make the payments in accordance with the terms of the mortgage.

In addition to the above listed purchase price, the BUYER has paid the undersigned the amount of SEVEN THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$7,970.00) by personal check for stock in the Federal Land Bank of Spokane.

On this 26th day of January, 1990, We hereby approve and accept the sale set forth above and agree to carry out all terms thereof.

Kenneth D. Andrus
KENNETH D. ANDRUS, Buyer

Colleen L. Andrus
COLLEEN L. ANDRUS, Buyer

Jim Andrus
JIM ANDRUS, Buyer

Kim J. Andrus
KIM J. ANDRUS, Seller

Marcie B. Andrus
MARCI B. ANDRUS, Seller

STATE OF IDAHO, COUNTY OF BANNOCK: On this 26th day of January, 1990, before me, the undersigned, a Notary Public in and for said State, personally known to me to be the persons who signed the foregoing instrument as BUYER and SELLER and acknowledged to me that they executed the same.

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

Geri Wellard
GERRI WELLARD, NOTARY PUBLIC
Residing at Lava Hot Springs, Idaho
Commission Expires: February, 1992

STATE OF IDAHO }
County of Caribou }
I hereby certify that this Instru-
ment was signed by the
at the request of Buyer
at 1:20 o'clock P M this
January, 1990
recorded in Microfilm Records
at Boise, Idaho

ATTACHMENT 2 OF 2

SCANNED
4-11-2000

T 72572

3A

Dec 13-2005

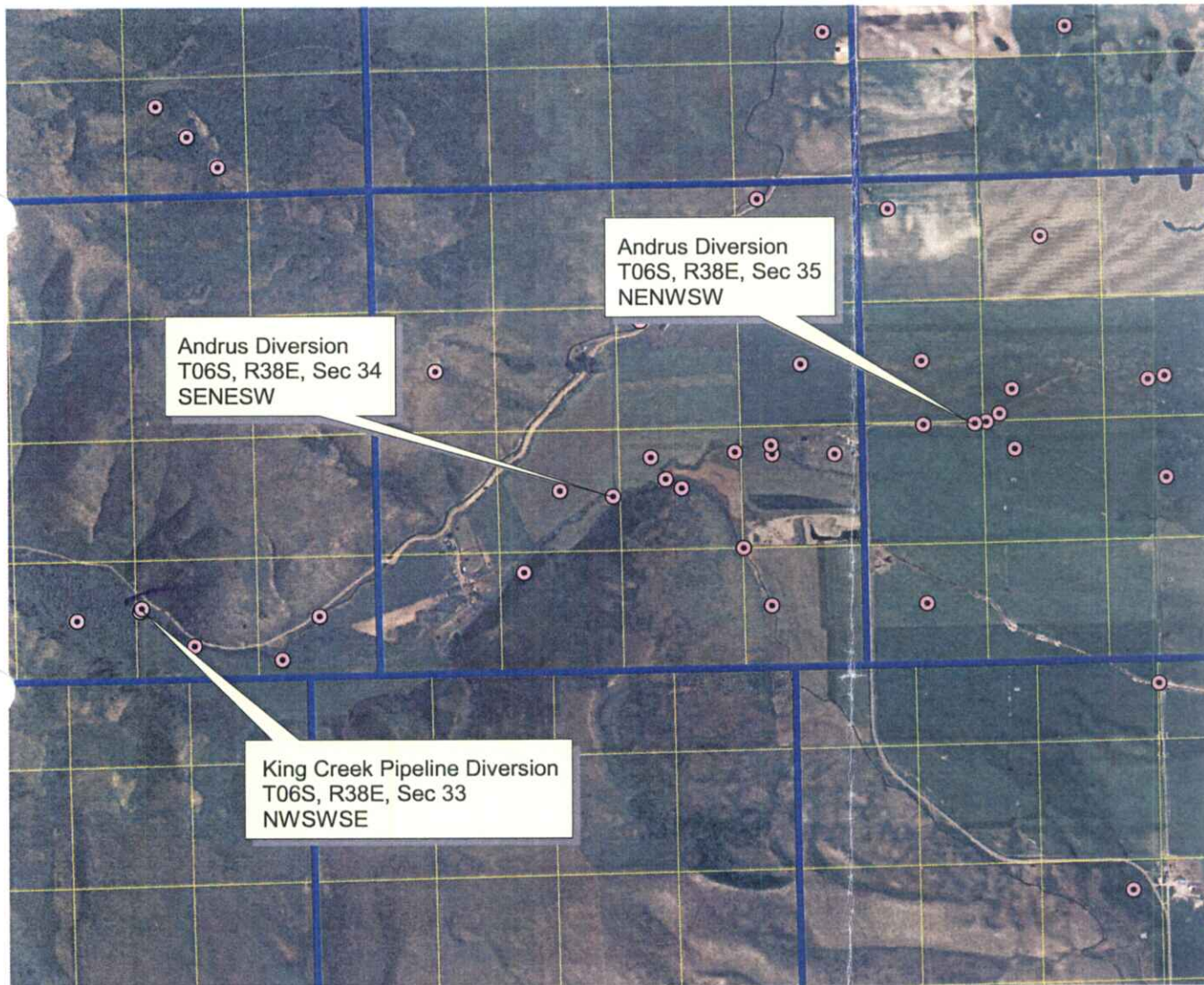
Basin	Sequence	Suffix	Basin	Status	Priority	Date	Rate	Volume	Water Use	Owner	Source Table
29	53		Decreed	Active	7/6/1912	164.43	164.43	16410	TOPONCE CREEK	PORTNEUF MARSH VALLEY CANAL CO LTD (Current)	wrAdjudicationRecommendation
29	90 A		Decreed	Active	7/1/1908	0.3	0.3	16410	TOPONCE CREEK	PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	91 A		Decreed	Active	7/1/1908	0.48	0.48	16410	TOPONCE CREEK	PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	91 B		Decreed	Active	7/1/1908	0.48	0.48	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	92 A		Decreed	Active	7/1/1910	0.15	0.15	16410	TOPONCE CREEK	PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	93 A		Decreed	Active	7/1/1913	0.1	0.1	16410	TOPONCE CREEK	PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	93 B		Decreed	Active	7/1/1913	0.1	0.1	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	94 A		Decreed	Active	6/2/1905	1.04	1.04	16410	TOPONCE CREEK	PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	94 B		Decreed	Active	6/2/1905	2	2	16410	TOPONCE CREEK	BANKS, ERMA M (Current)	wrAdjudicationRecommendation
29	94 C		Decreed	Active	6/2/1905	3.94	3.94	16410	TOPONCE CREEK	JOSEPH & BETH HOLBROOK TRUST (Current)	wrAdjudicationRecommendation
29	100		Decreed	Active	6/18/1902	0.58	0.58	16410	TOPONCE CREEK	HATCH, JERRY W (Current)	wrAdjudicationRecommendation
29	112		Decreed	Active	4/15/1883	0.8	0.8	16410	TOPONCE CREEK	CRANDALL FARMS INC (Current)	wrAdjudicationRecommendation
29	121		Decreed	Active	7/1/1882	0.48	0.48	16410	TOPONCE CREEK	C V CATTLE INC (Current)	wrAdjudicationRecommendation
29	122		Decreed	Active	6/17/1902	0.72	0.72	16410	TOPONCE CREEK	C V CATTLE INC (Current)	wrAdjudicationRecommendation
29	123		Decreed	Active	7/1/1903	1.1	1.1	16410	TOPONCE CREEK	C V CATTLE INC (Current)	wrAdjudicationRecommendation
29	124		Decreed	Active	7/1/1908	2.88	2.88	16410	TOPONCE CREEK	C V CATTLE INC (Current)	wrAdjudicationRecommendation
29	125		Decreed	Active	6/1/1910	1.08	1.08	16410	TOPONCE CREEK	C V CATTLE INC (Current)	wrAdjudicationRecommendation
29	246 B		Decreed	Active	7/6/1888	1.3	1.3	16410	TOPONCE CREEK	CALDWELL, DARWIN (Current); CALDWELL, ELOISE (Current)	wrAdjudicationRecommendation
29	10178		Decreed	Active	6/17/1902	3.3	3.3	16410	TOPONCE CREEK	CRANDALL FARMS INC (Current)	wrAdjudicationRecommendation
29	10215		Decreed	Active	6/17/1902	0.11	0.11	16410	TOPONCE CREEK	HATCH JR, A PAUL (Current); HATCH, AUDREY H (Current)	wrAdjudicationRecommendation
29	10248		Decreed	Active	7/1/1908	0.07	0.07	16410	TOPONCE CREEK	PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	10320		Decreed	Active	7/6/1888	1.17	1.17	16410	TOPONCE CREEK	C V CATTLE INC (Current)	wrAdjudicationRecommendation
29	10327		Decreed	Active	6/18/1902	2.99	2.99	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	10329		Decreed	Active	7/1/1908	0.3	0.3	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	10330		Decreed	Active	7/1/1910	0.15	0.15	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	10331		Decreed	Active	7/6/1888	3.14	3.14	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	13231		Decreed	Active	7/1/1908	0.07	0.07	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	13232		Decreed	Active	7/1/1907	0.11	0.11	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	13248		Decreed	Active	7/1/1907	0.11	0.11	16410	TOPONCE CREEK	PERKINS, WAYNE C (Current)	wrAdjudicationRecommendation
29	13316		Beneficial	Active	10/21/1944	0.04	0.04	16410	TOPONCE CREEK	CHAMBERS, EILEEN M (Current); CHAMBERS, MICHAEL E (Current)	wrAdjudicationRecommendation
29	13472		Decreed	Active	6/17/1902	0.27	0.27	16410	TOPONCE CREEK	HATCH JR, A PAUL (Current); HATCH, AUDREY H (Current)	wrAdjudicationRecommendation
29	13498		Beneficial	Active	4/1/1975	2.37	2.37	16410	TOPONCE CREEK	C V CATTLE INC (Current)	wrAdjudicationRecommendation
29	2		Decreed	Active	7/6/1888	1.4	1.4	16410	TOPONCE CREEK	KWONEA, ALBERT (Current)	wrWaterRight
29	3		Decreed	Active	7/6/1888	1.44	1.44	16410	TOPONCE CREEK	KWONEA, HATTIE (Current)	wrWaterRight
29	86		Decreed	Active	6/18/1902	0.07	0.07	16410	TOPONCE CREEK	CHAMBERS, EILEEN M (Current); CHAMBERS, MICHAEL E (Current)	wrWaterRight
29	94		Decreed	Active	6/2/1905	13.14	13.14	16410	TOPONCE CREEK	WEST SIDE CANAL CO (Current)	wrWaterRight
29	95		Decreed	Active	4/1/1913	3.48	3.48	16410	TOPONCE CREEK	WEST SIDE CANAL CO (Current)	wrWaterRight
29	103		Decreed	Active	6/17/1902	25	25	16410	TOPONCE CREEK	TOPONCE CANAL CO LTD (Current)	wrWaterRight
29	104		Decreed	Active	6/18/1902	4	4	16410	TOPONCE CREEK	TOPONCE CANAL CO LTD (Current)	wrWaterRight
29	105		Decreed	Active	6/20/1902	14	14	16410	TOPONCE CREEK	TOPONCE CANAL CO LTD (Current)	wrWaterRight
29	106		Decreed	Active	6/28/1902	0.53	0.53	16410	TOPONCE CREEK	TOPONCE CANAL CO LTD (Current)	wrWaterRight
29	107 A		Decreed	Active	6/17/1902	1	1	16410	TOPONCE CREEK	CHAMBERS, EILEEN M (Current); CHAMBERS, MICHAEL E (Current)	wrWaterRight
29	107 B		Decreed	Active	6/17/1902	0.6	0.6	16410	TOPONCE CREEK	ANDRUS, COLLEEN L (Current); ANDRUS, JIM (Current); ANDRUS, PERKINS, WAYNE C (Current)	wrWaterRight
29	110 A		Decreed	Active	6/1/1888	2.6	2.6	16410	TOPONCE CREEK	SMITH, DEAN (Current)	wrWaterRight
29	110 B		Decreed	Active	6/1/1888	0.58	0.58	16410	TOPONCE CREEK	HATCH JR, A PAUL (Current); HATCH, AUDREY H (Current)	wrWaterRight

EXHIBIT

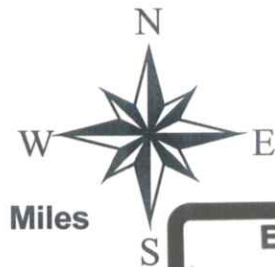
4

29	113 A	Decreed	Active	4/15/1885	2.1	TOPONCE CREEK	IRRIGATION	CRANDALL FARMS INC (Current)	wrWaterRight
29	114 A	Decreed	Active	4/15/1886	0.38	TOPONCE CREEK	IRRIGATION	CRANDALL FARMS INC (Current)	wrWaterRight
29	231	Decreed	Active	7/6/1888	1.59	259.3 TOPONCE CREEK	IRRIGATION	SHOSHONE-BANNOCK TRIBES (Current)	wrWaterRight
29	238	Decreed	Active	7/6/1888	1.73	282.5 TOPONCE CREEK	IRRIGATION	SHOSHONE-BANNOCK TRIBES (Current)	wrWaterRight
29	239	Decreed	Active	7/6/1888	1.88	273.7 TOPONCE CREEK	IRRIGATION	SHOSHONE-BANNOCK TRIBES (Current)	wrWaterRight
29	246 A	Decreed	Active	7/6/1888	0.3	TOPONCE CREEK	IRRIGATION	POOSEAH (Current)	wrWaterRight
29	10121	Decreed	Active	7/6/1888	3.54	619.5 TOPONCE CREEK	IRRIGATION	KING CREEK GRAZING ASSN (Current)	wrWaterRight
29	10122	Decreed	Active	7/6/1888	2	350 TOPONCE CREEK	IRRIGATION	KING CREEK GRAZING ASSN (Current)	wrWaterRight
29	10123	Decreed	Active	6/17/1902	1.8	TOPONCE CREEK	IRRIGATION	KING CREEK GRAZING ASSN (Current)	wrWaterRight
29	10124	Decreed	Active	4/15/1885	0.9	TOPONCE CREEK	IRRIGATION	KING CREEK GRAZING ASSN (Current)	wrWaterRight
29	10125	Decreed	Active	6/17/1902	2.28	TOPONCE CREEK	IRRIGATION	KING CREEK GRAZING ASSN (Current)	wrWaterRight
29	10222	Decreed	Active	7/6/1888	11.93	2565.5 TOPONCE CREEK	IRRIGATION, STOCKWAT	KING CREEK GRAZING ASSN (Current)	wrWaterRight
29	10322	Decreed	Active	6/28/1902	18.53	TOPONCE CREEK	IRRIGATION	TOPONCE CANAL CO LTD (Current)	wrWaterRight
29	12329	Decreed	Active	5/1/1902	0.02	TOPONCE CREEK	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrWaterRight
29	12330	Decreed	Active	5/1/1902	0.02	TOPONCE CREEK S	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrWaterRight
29	12331	Decreed	Active	5/1/1902	0.02	TOPONCE CREEK S	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrWaterRight
29	12863	Decreed	Active	5/19/1905	1.53	TOPONCE CREEK	IRRIGATION	CHAMBERS, EILEEN M (Current); CHAMBERS, MICHAEL E (Current)	wrWaterRight
29	12864	Decreed	Active	7/15/1907	0.28	TOPONCE CREEK	IRRIGATION	CHAMBERS, EILEEN M (Current); CHAMBERS, MICHAEL E (Current)	wrWaterRight
29	12924	Decreed	Active	5/1/1902	0.02	LITTLE TOPONCE C	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrWaterRight
29	12925	Decreed	Active	5/1/1902	0.02	TOPONCE CREEK M	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrWaterRight
29	13249	Decreed	Active	6/18/1902	2.48	TOPONCE CREEK	IRRIGATION	CHAMBERS, EILEEN M (Current); CHAMBERS, MICHAEL E (Current)	wrWaterRight
29	13381	Decreed	Active	7/6/1888	1.83	TOPONCE CREEK	IRRIGATION	CALDWELL, DARWIN (Current); CALDWELL, ELOISE (Current)	wrWaterRight
29	13440	Decreed	Active	8/7/1932	0.02	TOPONCE CREEK	STOCKWATER	CRANDALL FARMS INC (Current)	wrWaterRight
29	13482	Decreed	Active	4/15/1946	1.2	TOPONCE CREEK	IRRIGATION	PERKINS, WAYNE C (Current)	wrWaterRight
29	13483	Decreed	Active	4/15/1888	0.22	TOPONCE CREEK	IRRIGATION	KING CREEK GRAZING ASSN (Current)	wrWaterRight
29	13506	Decreed	Active	4/1/1912	0.02	TOPONCE CREEK	STOCKWATER	KING CREEK GRAZING ASSOC (Current)	wrWaterRight
29	13507	Decreed	Active	4/1/1912	0.02	TOPONCE CREEK	STOCKWATER	KING CREEK GRAZING ASSOC (Current)	wrWaterRight
29	13556	Decreed	Active	4/1/1970	0.7	TOPONCE CREEK	IRRIGATION	C V CATTLE INC (Current)	wrWaterRight

Andrus Proposed PODs T72572



○ Right POD
Sections
QQ



0.9 0 0.9 1.8 Miles

EXHIBIT
3B



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

October 31, 2003

Ken and Jim Andrus
6948 E Old Oregon Trail Rd
Lava Hot Springs, ID 83246

The Thelma Redford Trust
2882 Nipper Rd
Bancroft, ID 83217

Re: Unauthorized Use of King Creek Grazing Pipeline as Point of Diversion for Andrus
and Redford Water Rights from Toponce Creek

Dear Gentlemen,

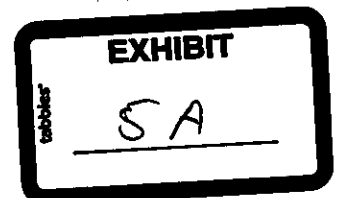
The Department recently received a complaint regarding your use of the King Creek Grazing Association pipeline as a point of diversion for your Toponce Creek water rights. The head of the pipeline is located in the SWSE of Section 33, Township 6 South, Range 38East. I have reviewed your water rights on Toponce Creek, including your Snake River Basin Adjudication claims and recommendations. These rights do not authorize or include the pipeline location as either a valid or claimed point of diversion. The rights owned by King Creek Grazing Association appear to be the only rights on Toponce Creek that authorize use of the pipeline as a valid point of diversion from the Creek. There are also no pending water right transfer applications on file with the Department that propose adding the pipeline as a point of diversion to your water rights.

Since no water rights appear to authorize your diversion of water from Toponce Creek at the King Creek Grazing pipeline, I request your cooperation in:

- 1) Identifying what water right authorizes your diversion of water to the pipeline if our records are not correct.
- 2) Do not continue the diversion of your water rights from Toponce Creek to the pipeline.
- 3) Add the pipeline as a point of diversion to your water rights or change the point of diversion under your water rights to the pipeline by obtaining an approved water right transfer from the Department.

Please respond to our office within 14 days of the date of this letter regarding this matter. Please note that the diversion and use of water in Idaho that is not in

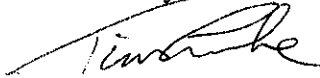
*Keith Wilson
Roger Warner
Dane Carlson*



conformance with a valid water right is illegal pursuant to §42-351, Idaho Code and pursuant to §42-1701B, Idaho Code, civil penalties for illegal water use may be \$300 annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

You may contact me directly at 208-327-7864 to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke", written over a horizontal line.

Tim Luke
Manager, Water Distribution Section

CC: Steve Hebdon, Watermaster, Water District 29
King Creek Grazing Association
Mike and Eileen Chambers
Roger Warner, IDWR Eastern Regional Office
Cindy Bird, IDWR Soda Springs Field Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2005

King Creek Grazing Association
C/O Wilder Hatch
2787 Kelly Toponce Rd
Bancroft, ID 83217

The Thelma Redford Trust
2882 Nipper Rd
Bancroft, ID 83217

Ken and Jim Andrus
6948 E Old Oregon Trail Rd
Lava Hot Springs, ID 83246

Re: Unauthorized Use of King Creek Grazing Pipeline as Point of Diversion for Andrus and Redford Water Rights from Toponce Creek

Dear Gentlemen,

In 2003 and 2004 the Department sent correspondence to you advising that the King Creek Grazing pipeline is not a valid or official point of diversion for certain Toponce Creek water rights owned by Ken and Jim Andrus, and The Thelma Redford Trust. It is the Department's understanding that the King Creek Grazing Association may currently own the Redford Trust rights. Last year IDWR approved a temporary transfer that moved the point of diversion under the Andrus and Redford rights from points downstream on Toponce Creek to the pipeline upstream on Toponce Creek. This temporary change was authorized pursuant to Section 42-222A and on the basis that Caribou County was declared a drought emergency. The temporary change approval expired on December 31, 2004.

Please be advised that there is no current authorization to divert the Andrus and Redford Trust Toponce Creek water rights from the King Creek Grazing pipeline. Authorization to divert the rights from the pipeline can only occur through an approved water right transfer application or another drought temporary change application. There has been no declaration of drought for Caribou County as of this date.

Please contact me directly at 208-287-4959 or our regional office if you have questions concerning this matter.

Sincerely,

Tim Luke
Manager, Water Distribution Section

CC: Mike and Eileen Chambers
Steve Hebdon, Watermaster, Water District 29
Roger Warner, IDWR Eastern Regional Office
Cindy Bird, IDWR Soda Springs Field Office

D:\Data\MS Word 97\WtrDistricts\WD29\Toponce-31505.doc

EXHIBIT

5B

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN AND FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 71551 (WATER RIGHT NOS.
29-10121, 29-10122, 29-10123, 29-10124,
29-10125, AND 29-13483) IN THE NAME OF
KING CREEK GRAZING ASSOCIATION

PRELIMINARY ORDER

On December 15, 2005, the Idaho Department of Water Resources ("IDWR") conducted a hearing regarding protests filed against application for transfer no. 71551 in the name of King Creek Grazing Association ("King Creek"). Randall C. Budge, Attorney at Law, appeared on behalf of King Creek.

Protests against the application were filed by Lynn and Jerry Hatch ("the Hatches"), Michael ("Mike Chambers") and Eileen Chambers ("the Chambers"), and Darwin Caldwell ("Caldwell"). In addition, the Shoshone – Bannock Tribes ("the Tribes") were granted intervenor status and were entitled to full participation as a party in the contested matter. Kent Foster, Attorney at Law, filed a Notice of Appearance for Todd Hatch, Lynn Hatch, Mike Chambers, and Darwin Caldwell. Caldwell subsequently withdrew his protest. At the hearing, Mike Chambers appeared pro se on behalf of Mike and Eileen Chambers. Todd Hatch appeared on behalf of Lynn and Jerry Hatch. Mike Chambers and Todd Hatch stated that Kent Foster had withdrawn his representation of Lynn Hatch and the Chambers. Mike Chambers stated he would represent himself and Eileen Chambers at the hearing. Todd Hatch stated he would speak for the Hatches.

Jeanette Wolfley, Attorney at Law, appeared on behalf of the Tribes. Jeanette Wolfley stated for the record that King Creek and the Tribes had struck an agreement, and the Tribes withdrew their protest on the record. Because of the verbal withdrawal of protest, the Tribes did not participate as a party during the hearing.

Following the hearing, staff at IDWR's Eastern Regional Office discovered an error in the public land survey description of the proposed new point of diversion. The hearing officer returned the application for transfer to the regional office. King Creek corrected the application. Notice of the amended application for transfer was served on all the parties and they were given an opportunity to challenge the amendment. The protestants did not file any response to the notice of the amendment.

EXHIBIT

6

Based on the evidence presented at the hearing, and the information contained in the file for the application for transfer, the hearing officer finds, concludes, and orders as follows:

FINDINGS OF FACT

1. King Creek acquired land owned by the Redford Trust (Redford) in 2004. The land is contiguous with land owned by King Creek, and King Creek farmed/ranched the land for several years prior to its purchase.
2. Six water rights are appurtenant to the Redford property purchased by King Creek. The water rights are 29-10121, 29-10122, 29-10123, 29-10124, 29-10125, and 29-13483. These water rights will be referred to hereafter as the "Redford water rights." All of the water rights presently authorize diversion from Toponce Creek at the same three points of diversion:

T6S	R38E	Section 34	NWNESE ¹
		Section 35	SWSENW
			NWNESW

3. Water right no. 29-10121 is the sole water right authorizing the irrigation of a specific 324 acres. Water right nos. 29-10122, 29-10123, 29-10124, 29-10125, 29-13483 all identically describe another 321 acres as an irrigation place of use. The place of use for the overlapping water rights will be identified once in the following summary of the water rights, and will be incorporated by reference into the other water right summaries.

Water Right no. 29-10121:

Priority Date: July 6, 1868
Flow Rate: 3.536 cfs
Annual Volume: 619.5 acre-feet
Place of Use:

T7S	38E	Section 1	<u>PLS Description</u>	<u>Acres</u>
			Lt. 1 (NENE)	21
			Lt. 2 (NWNE)	26
			SWNE	40
			Lt. 5 (SENE)	32
			Lt. 3 (NENW)	26
			Lt. 4 (NWNW)	27
			SWNW	40
			SEnw	40
			Lt. 6 (NESE)	32
			NWSE	40
			Total Acres	324

(The total acreage irrigated is limited to 177 acres in a single irrigation season.)

¹ In this decision, the public land survey numeric descriptor "1/4" is assumed to follow each two alpha character public land survey locator when the numeric descriptor is missing. For instance, in this example, the full description would be the NW1/4NE1/4SE1/4, Section 34, Township 6 South, Range 38 East, Boise Meridian.

Water Right no. 29-10122:

Priority Date: July 6, 1868
 Flow Rate: 2.00 cfs
 Annual Volume: 350.0 acre-feet

Place of Use:		<u>PLS Description</u>	<u>Acres</u>
T7S R39E	Section 6	Lt. 5 (NWSW)	28
		SWSE	40
		SESE	35
	Section 7	NENE	40
		NWNE	40
		SWNE	40
		Lt. 1 (NENW)	24
		Lt. 2 (SENW)	25
		Lt. 3 (NESW)	25
		Lt. 4 (SESW)	24
		Total Acres	321

(The total acreage irrigated is limited to 100 acres in a single irrigation season.)

Water Right no. 29-10123:

Priority Date: June 17, 1902
 Flow Rate: 1.80 cfs
 Annual Volume: Not specified
 Place of Use: Same as 29-10122

(The total acreage irrigated is limited to 90 acres in a single irrigation season.)

Water Right no. 29-10124:

Priority Date: April 15, 1885
 Flow Rate: 0.90 cfs
 Annual Volume: Not specified
 Place of Use: Same as 29-10122

(The total acreage irrigated is limited to 45 acres in a single irrigation season.)

Water Right no. 29-10125

Priority Date: June 17, 1902
 Flow Rate: 2.28 cfs
 Annual Volume: Not specified
 Place of Use: Same as 29-10122

(The total acreage irrigated is limited to 114 acres in a single irrigation season.)

Water Right no. 29-13483

Priority Date: April 15, 1886
 Flow Rate: 0.22 cfs
 Annual Volume: Not specified
 Place of Use: Same as 29-10122

(The total acreage irrigated is limited to 11 acres in a single irrigation season.)

4. Application for transfer no. 71551 seeks to add a point of diversion to all six water rights, located in the NWSWSE, Section 33, T6S, R38E. The proposed additional point of diversion is located approximately 1.5 miles upstream from the most upstream of the existing point of diversion described by the Redford water rights (Section 34, T6S, R38E) and approximately two miles upstream from the two lower points of diversion described by the Redford water rights (Section 35, T6S, R38E). By adding the upstream point of diversion, King Creek can divert Toponce Creek water authorized by the Redford water rights into a pressurized pipeline.

5. In approximately 1982, King Creek began studying the feasibility of diverting water from Toponce Creek into a pipeline and pressurizing the water for delivery in closed conduits to sprinklers for irrigation. The United States Soil Conservation Service designed a pipeline system for pressurized water deliveries.

6. After the conceptual planning was complete, King Creek approached other water users who held Toponce Creek water rights to determine whether they were interested in having the water diverted pursuant to their water rights delivered through the pipeline, and whether the users would be willing to participate in the cost of constructing the pipeline. Ken Andrus and Redford agreed to participate in the cost of the construction. As a result, the pipeline was enlarged to accommodate flow rates that might be diverted under the Ken Andrus and Redford water rights in addition to the water rights owned by King Creek.

7. In 1992, King Creek filed application for transfer no. 4192 to add the pipeline point of diversion to its water rights. The transfer was approved on July 23, 1993. The approved transfer located the pipeline point of diversion in the SWSE, Section 33, T6S, R38E.

8. In 1994, King Creek finished construction of the pipeline and began diverting its water through the pipeline. In addition, the Redford water rights and water rights held by Ken Andrus were also diverted through the pipeline. Finally, water right no 29-231, held by the Shoshone – Bannock Tribes, and authorizing delivery of water to a parcel of land leased by King Creek known as Grazing Allotment 61, was also diverted in the pipeline. The point of diversion for the King Creek Pipeline was not authorized as a point of diversion for the water rights held by Ken Andrus, Redford, or the Shoshone – Bannock Tribes. Water was diverted illegally into the pipeline under the water rights held by these individuals or entities.

9. In 2003, IDWR ordered cessation of diversion of water into the pipeline under the Redford water rights. In 2004 and 2005, the Redford water rights and the Andrus water rights were diverted into the pipeline after approval of a temporary transfer by IDWR authorizing temporary diversion of water under the rights into the pipeline.

10. The additional point of diversion from Toponce Creek proposed by this application for transfer is located a couple of miles upstream from the presently authorized points of diversion. The protestants argue that diverting the additional water from the new point of diversion will diminish the amount of water available to them for irrigation.

11. Protestants Jerry Hatch holds water right no. 29-100. Some of the water right components are:

Flow rate: 0.58 cfs from Toponce Creek
Beneficial Use: Irrigation of 29 acres
Priority date: June 18, 1902
Point of diversion: NWNWSE, Section 34, T6S, R38E

12. Protestant Lynn Hatch does not hold any water rights authorizing diversion from Toponce Creek.

13. Protestants Mike and Eileen Chambers hold the following water rights:

Right no. 29-86	Priority date: June 18, 1902	Flow rate: 0.07 cfs
Right no. 29-107A	Priority date: June 17, 1902	Flow rate: 1.0 cfs
Right no. 29-13249	Priority date: June 18, 1902	Flow rate: 2.48 cfs

The point of diversion for the Chambers water rights is located in the SWSE, Section 33, T6S, R38E.

14. Water rights bearing priority dates of June 17 and June 18, 1902 are only deliverable during high water. During the four irrigation seasons spanning 2002 through 2005, 1902 priority water rights were not deliverable for the entire irrigation season.

15. Chambers filed an adjudication claim for water right no. 29-10278. The claim asserted the existence of a July 6, 1868 water right authorizing diversion of 3.0 cfs of water from Toponce Creek. Records of IDWR show that claim no. 29-10278 was disallowed by the SRBA Court because there was no lawful appropriation shown and that the 1868 priority water was "decreed and used on other lands. . ."

16. Steve Hebdon, Watermaster for the Portneuf River, testified about water deliveries on Toponce Creek. Prior to the early 1990s, the water users on Toponce Creek rotated the water among themselves and were not subject to delivery calls by other water users downstream. As a result, some of the holders of late priority Toponce Creek water rights received water along with the senior priority water right holders.

17. In approximately 1994, the McCammon Ditch Company, a water user holding a water right(s) bearing a priority date earlier than 1902, demanded stricter delivery of water by the watermaster. As a result of the early priority date of the water right(s) held by McCammon Ditch Company, 1902 priority Toponce Creek water rights were shut-off to satisfy the McCammon Ditch Company water rights.

18. Exhibit no. 3 is a listing of the water rights diverted from Toponce Creek. Approximately 30 cfs of water rights bear a priority date of July 6, 1868. During much of the 2005 irrigation season, there was only sufficient water to satisfy all or a portion of the 1868 priority water rights. During the lowest part of the year, the watermaster could only deliver 10

cfs of the 30 cfs demand under the 1868 water rights. As a result, the water in Toponce Creek was totally apportioned among the 1868 priority water right holders.

19. King Creek has more efficiently used water diverted under its water rights by delivering it through the pipeline. Greater efficiency will increase the supply of water available to other water users.

20. The hearing officer evaluated whether King Creek's proposed addition of a point of diversion upstream to the head of the King Creek Pipeline would injure other water rights by removing water from the channel. If Toponce Creek gains water as it flows downstream, particularly if Toponce Creek gains significant flow between the Hatch diversion or the Chambers diversions and its present points of diversion, addition of an upstream point of diversion could injure other water rights by depriving junior priority right holders of water that could have been delivered to them. If Toponce Creek loses water as it flows downstream, addition of an upstream point of diversion will not injure other water right holders unless a call by King Creek for delivery of its water rights at its present points of diversion were futile, but by adding a point of diversion above, King Creek's water rights could still be delivered.

21. None of the parties presented any evidence to show whether Toponce Creek loses or gains water through the reach from the head of the King Creek Pipeline to King Creek's present points of diversion. Furthermore no parties presented any evidence to show the extent of the losses or gains, and the effect adding an upstream point of diversion would have on other water rights.

22. Steve Hebdon testified that King Creek received its water rights during low flows when all other water rights are curtailed. If Toponce Creek loses water, the losses have not been significant enough to result in a futile call when King Creek has requested delivery of its water.

23. The distance between the Chambers diversion (SWSE, Section 33) and King Creek's current most upstream diversion (NWNSE, Section 34) is less than 1.5 miles. The distance between the Hatch diversion (NWNSE, Section 34) and King Creek's current most upstream diversion (NWNSE, Section 34) is less than one-half mile. The hearing officer does not believe that Toponce Creek gains or loses significant flows of water in these reaches. As a result, King Creek's proposed diversion at the head of the King Creek Pipeline will not diminish the flow of water available for diversion under other water rights.

24. Drought and the additional delivery calls by earlier priority water right holders in the lower Portneuf River reduced the amount of water available for diversion by Hatches and Chambers.

25. Although approval of this transfer will remove water flowing in a reach of Toponce Creek, there is no evidence that the removal will affect fisheries habitat.

25. Elements of other water rights, particularly the 1868 priority water right held by the Shoshone – Bannock Tribes, require that water be left in Toponce Creek for delivery to parcels downstream of the points of diversion for Chambers and Hatches.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 states, in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right. The director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area.

2. The applicant bears the burden of proof for all of the factors listed in Idaho Code § 42-222.

3. Addition of an upstream point of diversion will not reduce the quantity of water available for other water rights. As a result, other water rights will not be injured by the approval of the application for transfer.

4. Adding a point of diversion for the King Creek Pipeline will not result in an enlargement of use of the water rights sought to be transferred.

5. Flexibility in water deliveries and greater efficiencies by delivering water through gravity pressure by King Creek is in the local public interest.

6. Delivery of water through a system pressurized by gravity will result in conservation of the waters of the State of Idaho and conservation of energy.

7. Application for transfer no. 71551 should be approved.

8. Water rights owned by the Shoshone – Bannock Tribes and Ken Andrus should not be diverted through the King Creek Pipeline unless IDWR approves a transfer authorizing the diversion.

ORDER

IT IS HEREBY ORDERED that application for 71551 is **Approved** subject to the following conditions:

Water Right no. 29-10121

This right is limited to the irrigation of 177 acres within the place of use described above in a single irrigation season.

Water Right no. 29-10122

This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

Water Right no. 29-10123

This priority date is more accurately described as June 17, 1902 noon.

This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season

Water Right no. 29-10124

This right is limited to the irrigation of 45 acres within the place of use described above in a single irrigation season

Water Right no. 29-10125

This priority date is more accurately described as June 17, 1902 noon.

This right is limited to the irrigation of 114 acres within the place of use described above in a single irrigation season

Water Right no. 29-13483

This right is limited to the irrigation of 11 acres within the place of use described above in a single irrigation season.

All Water Rights Except 29-10121

Rights 29-10122, 29-10123, 29-10124, 29-10125 and 29-13483 when combined shall not exceed the irrigation of 321 acres at any one time within the place of use described above.

All Water Rights

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29

The period of use for the irrigation described in this approval may be extended to a beginning date of April 1 and an ending date of October 31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before April 15 and after July 1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 30, 2004.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

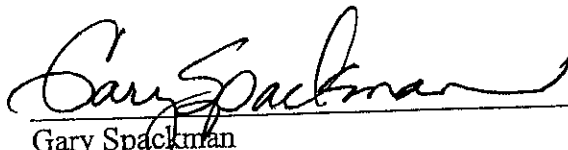
The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

IT IS FURTHER ORDERED that the Shoshone – Bannock Tribes are dismissed as parties as a result of their verbal withdrawal of protest at the hearing.

Dated this 22nd day of May, 2006.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2006, a true and correct copy of the documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to:

Document(s) Served: Preliminary Order, and information sheet titled: Responding to Preliminary Orders issued by the Idaho Department of Water Resources

RANDALL C BUDGE
RACINE OLSON NYE BUDGE &
BAILEY
PO BOX 1391
POCATELLO ID 83204-1391

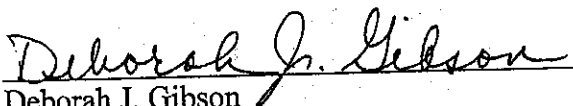
JEANETTE WOLFLEY
ATTORNEY AT LAW
202 N ARTHUR ST
POCATELLO ID 83204

KENT FOSTER
HOLDEN KIDWELL
PO BOX 50130
IDAHO FALLS ID 83405-0130

TIM MUNNS
PRESIDENT
KING CREEK GRAZING
PO BOX 670
SNOWVILLE UT 84336

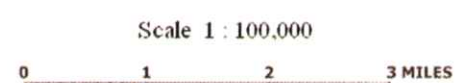
STEVE HEBDON
PORTNEUF RIVER WATERMASTER
1300 NIBAR MOUNTAIN RD
BANCROFT ID 83217

IDWR – EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402


Deborah J. Gibson
Administrative Assistant



This map was printed from a seamless mosaic of detailed USGS maps at the Map Machine National Geographic Holdings, Inc. As with all maps, inaccuracies may exist and conditions may change. User assumes all risk associated with the use of this map.



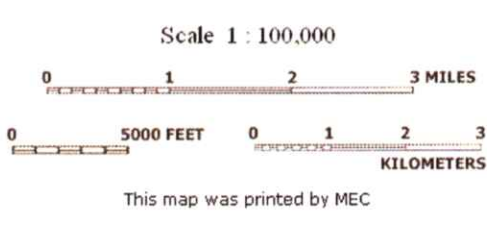
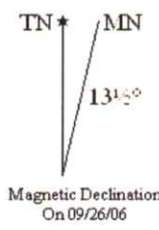
- 1. Blackfoot
- 2. Palisades
- 3. Jackson
- 4. Pocatello
- 5. Soda Springs

NAD83/WGS84
\$ 7.95
EX



This map was printed from a seamless mosaic of detailed USGS maps at the Map Machine National Geographic Holdings, Inc. As with all maps, inaccuracies may exist and conditions may change. User assumes all risk associated with the use of this map.

Enjoy the Map Machine at home with National Geographic TOPO!® CD-ROMS. Please visit <http://maps.nationalgeographic.com/topo> for more information.



- | | | |
|---|---|---|
| 1 | 2 | 3 |
| 4 | 5 | 6 |
| 7 | 8 | 9 |
- Adjoining 100K USGS Maps
1. Blackfoot
 2. Palisades
 3. Jackson
 4. Pocatello
 5. Soda Springs
 6. Arbon
 7. Malad City
 8. Preston
 9. Fontenelle Reservoir

NAD83/WGS84
\$ 7.95
EX
tabbles



USGS maps at the Map Machine
All maps, inaccuracies may exist
associated with the use of this map.

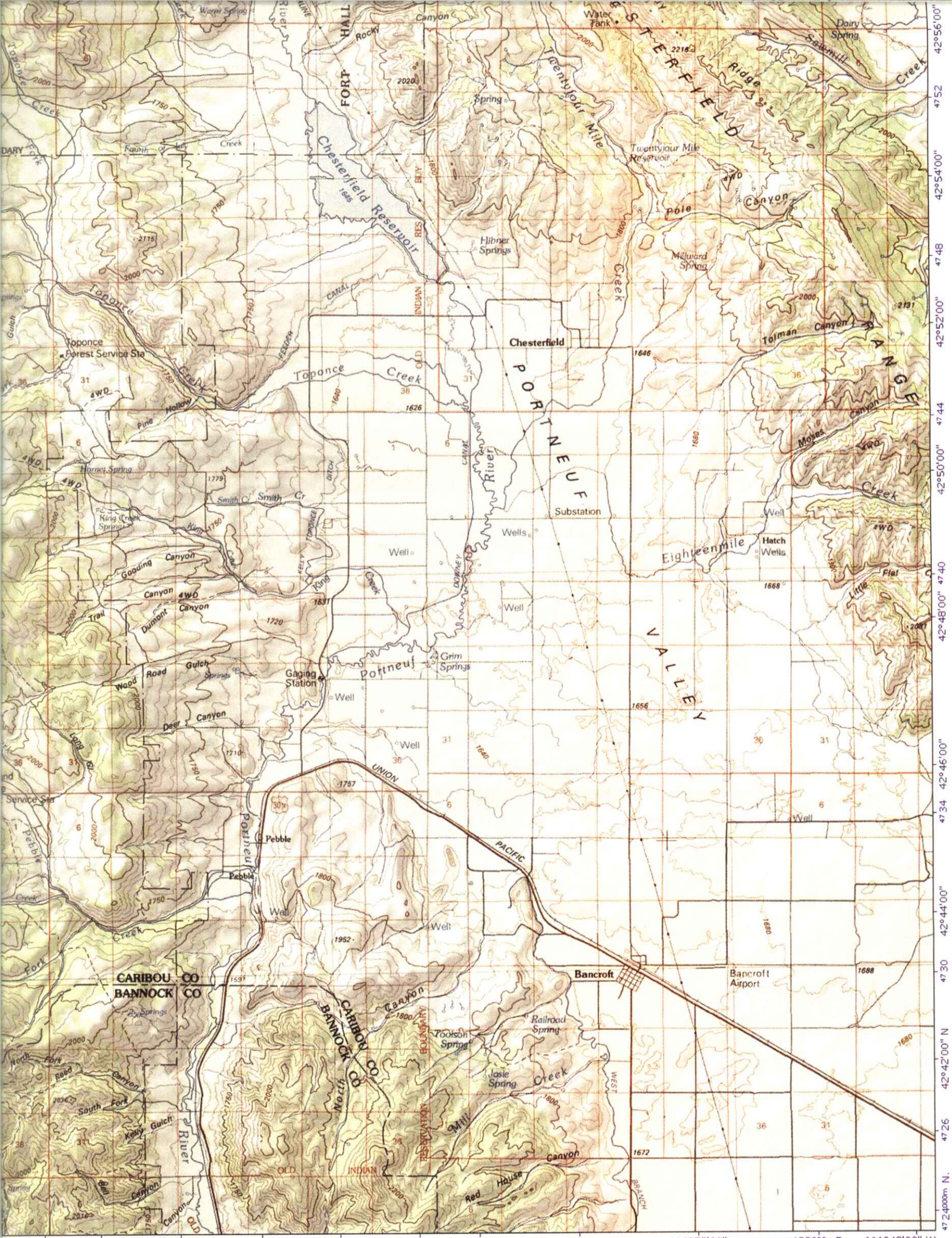
TN
MN
131

Scale 1 : 100,000
0 1 2 3 MILES



- | | | |
|---|---|---|
| 1 | 2 | 3 |
| 4 | 5 | 6 |
- 1. Blackfoot
 - 2. Palisades
 - 3. Jackson
 - 4. Pocatello
 - 5. Soda Springs

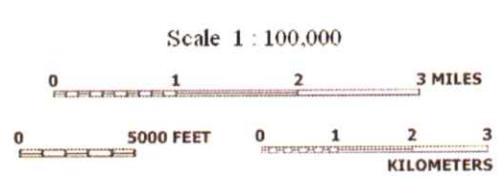
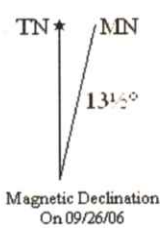
NAD83/WGS84 UTM Zone 12
\$ 7.95
EXHIBIT



USGS maps at the Map Machine
inaccuracies may exist
with the use of this map.

TOPOI® CD-ROMs.
more information.

L
PHIC



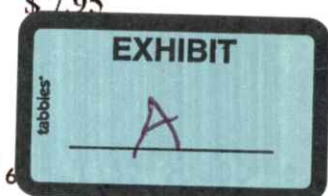
1	2	3
4	5	6
7	8	9

Adjoining 100K
USGS Maps

1. Blackfoot
2. Palisades
3. Jackson
4. Pocatello
5. Soda Springs
6. Arbon
7. Malad City
8. Preston
9. Fontenelle Reservoir

432000mE. 111°48'00" W
NAD83/WGS84 UTM Zone 12

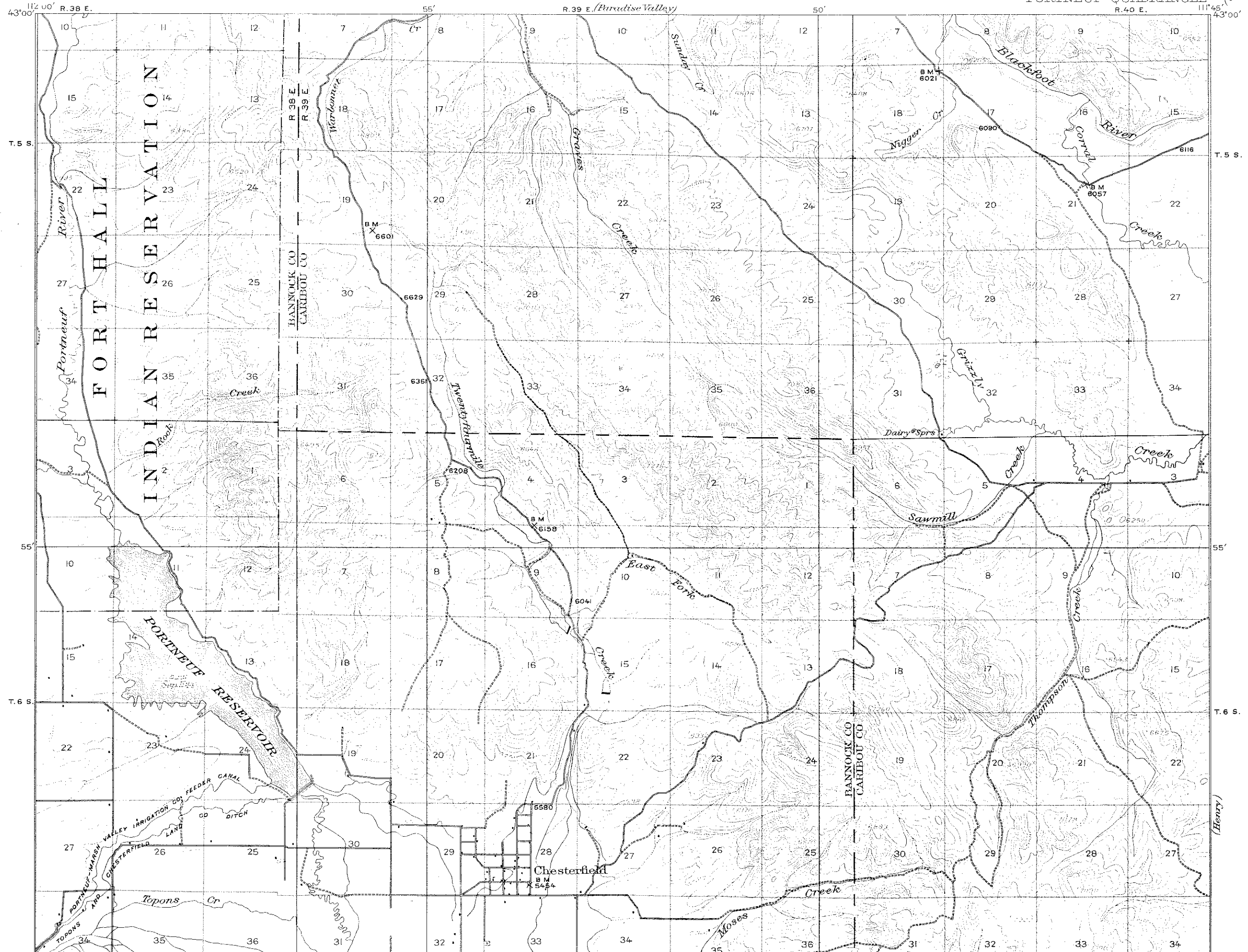
\$ 7.95



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

IDAHO
PORTNEUF QUADRANGLE

111°45' (Crane Flat)



55

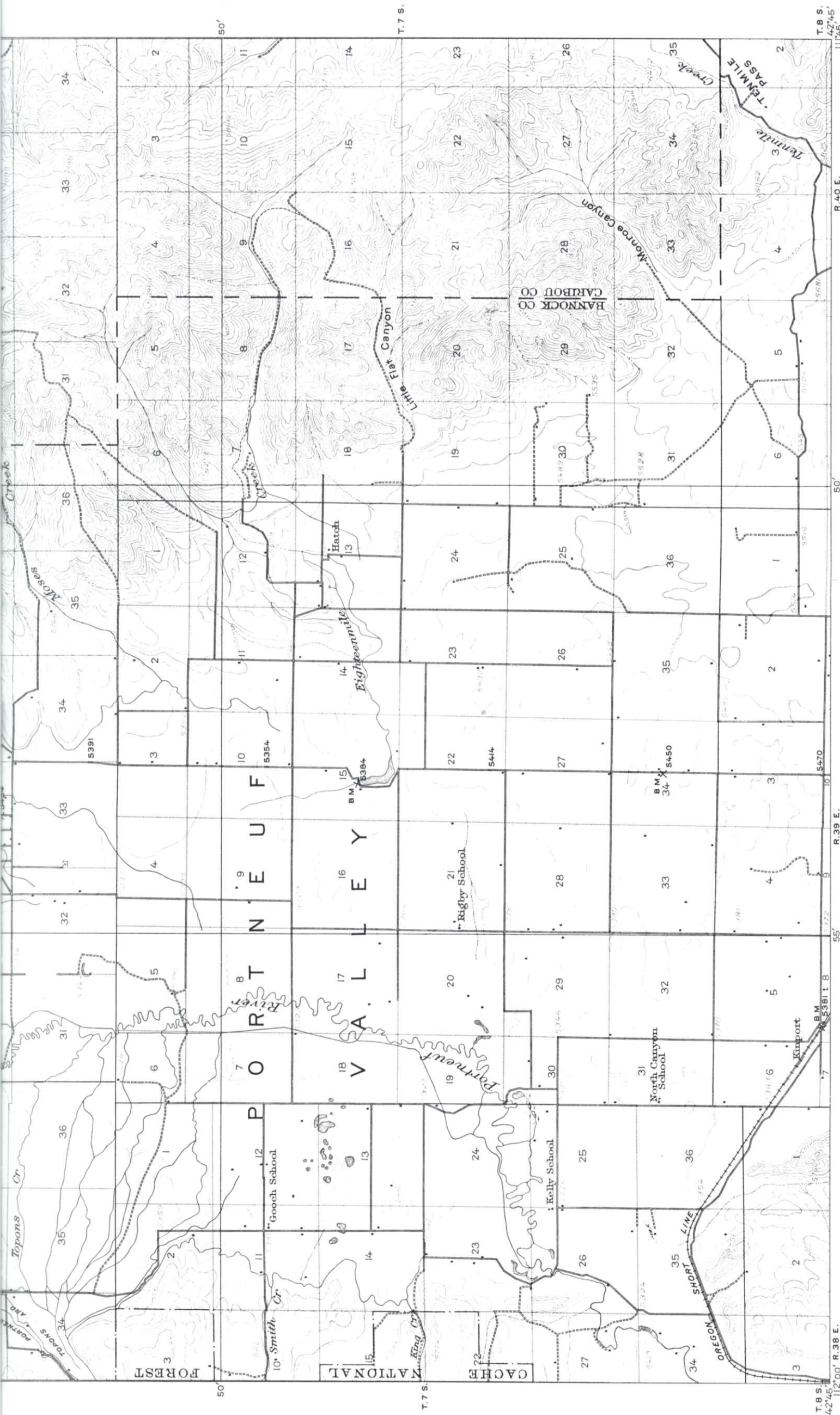
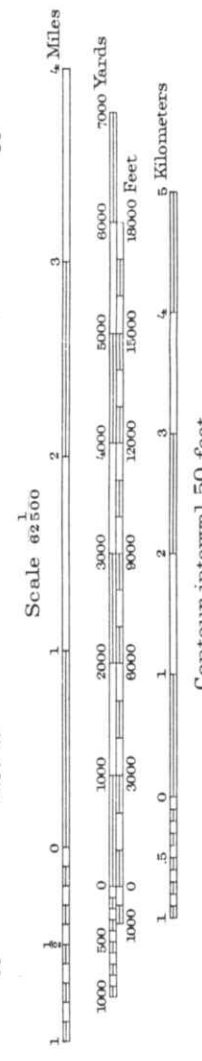


EXHIBIT
B

IDAHO
PORTNEUF
N42°45' W111°45'15"

TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN
DECLINATION 1914



Lewis
Anderson

R.B. Marshall, Chief Geographer.
T.G. Gerding, Geographer in charge.
Topography by C.G. Anderson and J.L. Lewis.
Control by L.F. Biggs and F.L. Whaley.
Surveyed in 1914.

Contour interval 50 feet
Datum is mean sea level

55

55