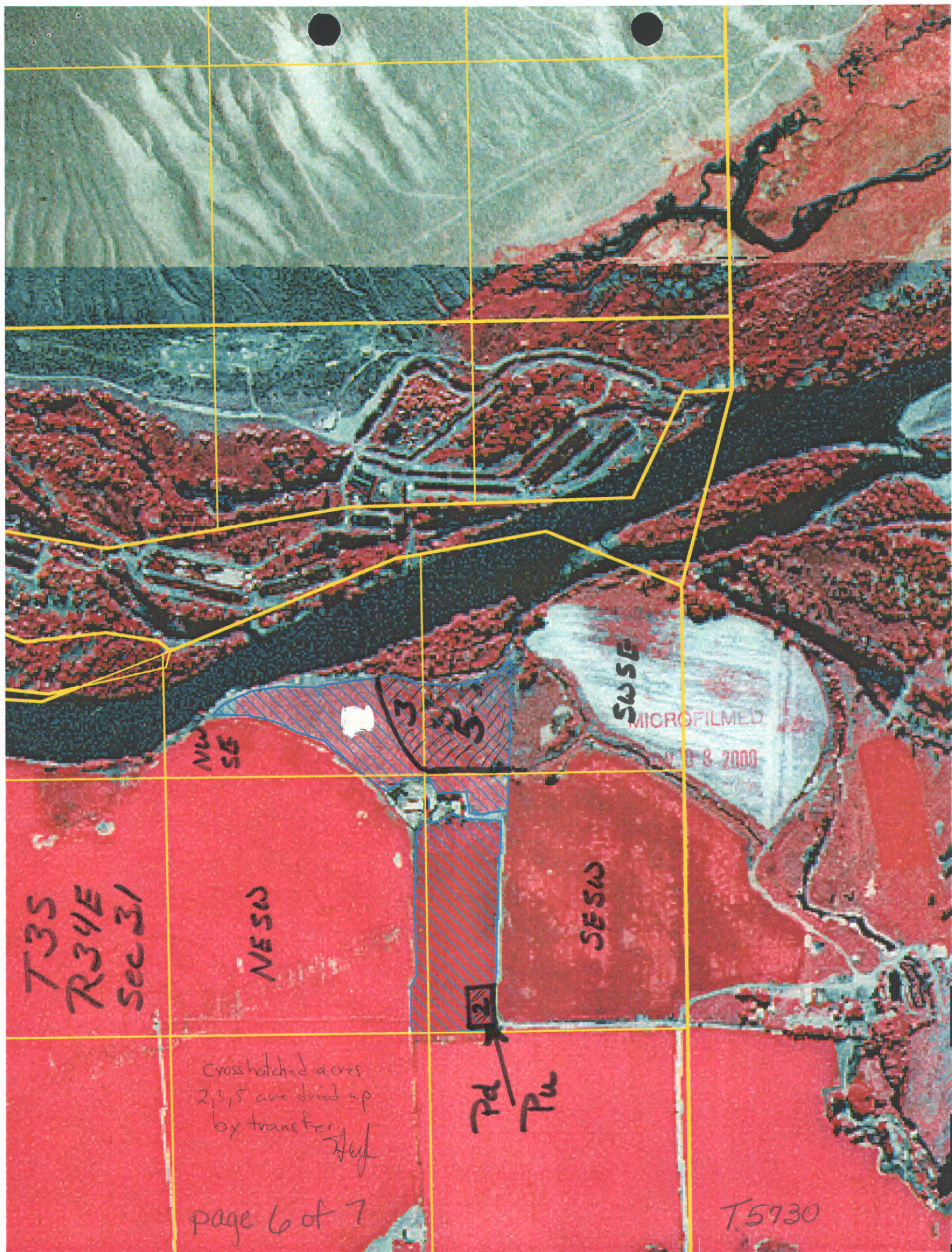




T3S
R34E
Sec 31

NW
SE

NE SW

SE SW

SW SE

MICROFILMED
JUN 8 2000

Pd
Pu

Crosshatched areas
2,3,5 are dried up
by transfer
Huf

page 6 of 7

T5730

TAX MASTER INQUIRY - AUDREY PORTER, TAX COLLECTOR
TX0040
501 N MAPLE #210
BLACKFOOT ID 83221-1700
208-785-8040

9:04:25
4/25/2000

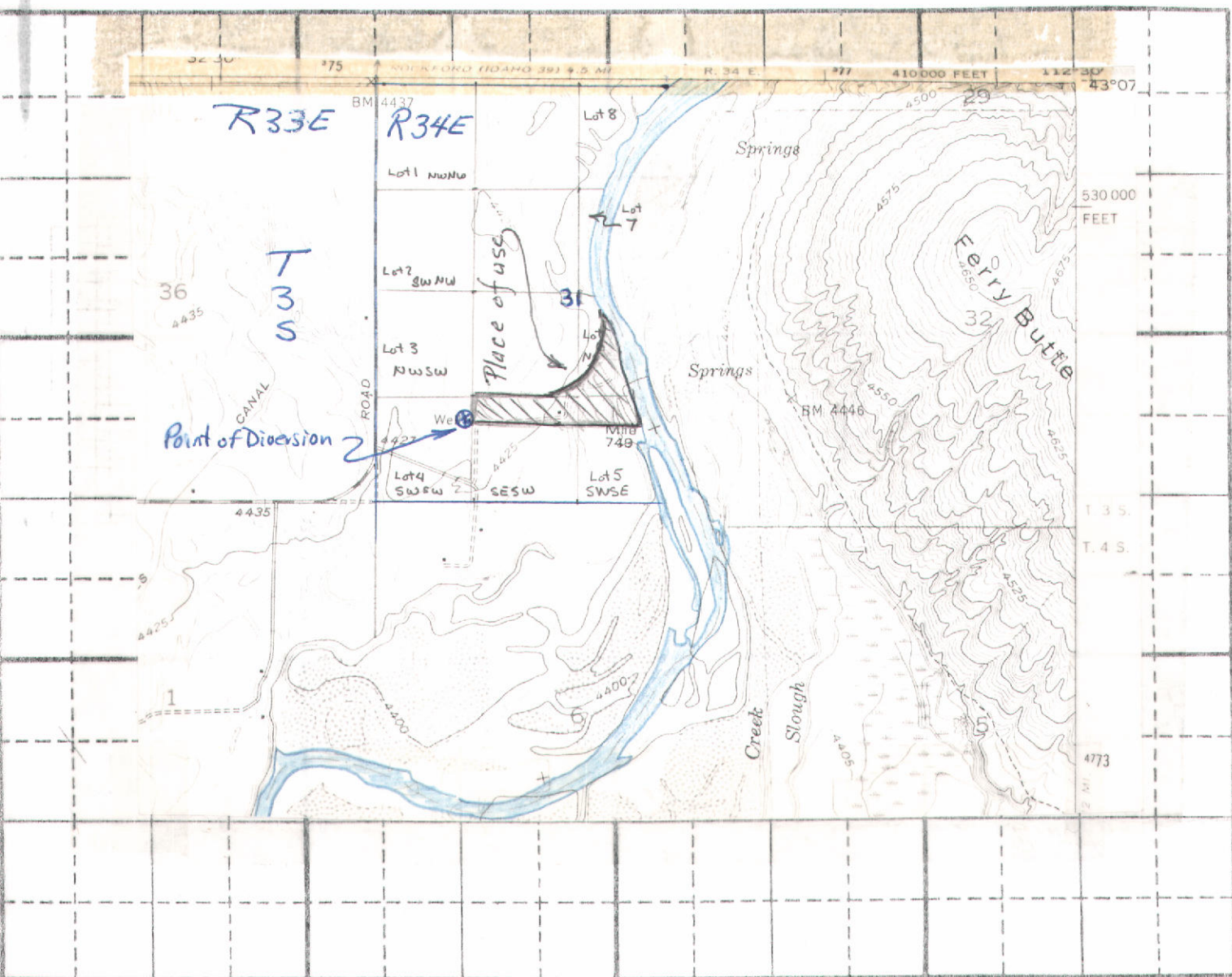
1 PMPKEY: RP 0267102 A YEAR 1999 BILL# 8691
2 TXPKREV: RP0267102 A
3 NAME PRESCOTT, RALPH D / CODE AREA 900 ACCOUNT TYPE
4 BANK FLB OWNER PUP
5
6
7 MARKET VALUE 67,322
8 ADDRESS 1194 W 600 S HARDSHIP
9
10 PINGREE ID 83262 HOMEOWNER 19,097
11 NET MARKET 48,225
12 TAX AMOUNT 746.92
13 LEGAL T3S R34E SEC 31 / LESS: CIRCUIT
14 T-8999 LESS T-8120 T 8462 PLUS: SPECIALS 72.00
15 NET TAX BILLED 818.92
16 TAX PAYMENTS 818.92
17 TAX CANCELLED
18 SPEC CANCELLED
19 REMAINING TAX DUE
20 1194 W 600 S

To: Dennis Dunn Dept of Water Resources
525-7177

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NOV 08 2000

ATTACHMENT T 5730
4 OF 4

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bingham) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Ralph F. Prewitt
(Claimant)

Sworn to before me this 10 day of January, 19 83.

Katherine Simpson
Notary Public
Residing at Blackfoot, Idaho

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>1-12-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KCW</u>	Date <u>1-13-83</u>		claimant by:	
\$20.00 fee received by <u>CW</u>	Date <u>1-13-83</u> #23296			
Published in <u>Blackfoot News</u>				
Dates <u>1/27 & 2/13/83</u>				

35-4139

PRESCOTT, RALPH D.

RT. 1. BOX 173. PINGREE, ID 83262

Source: GROUNDWATER

Priority Date: 01/04/1946

Diversion Pt: SWSW Sec 31 T 03S R 34E

Use: IRRIGATION (0.60 CFS)

In: NESW SESW LOT 06 (NWSE) LOT 05 (SWSE) Sec 31 T 03S R 34E
FOR 30 ACRES

35-4139
PRESCOTT, Ralph D.
Rt. 1, Box 173
Pingree, Id. 83262
Source: GROUNDWATER
Priority Date: 01/04/1946
Diversion Pt.: SWSW, Sec. 31, T.
03S, R. 34E.
Use: IRRIGATION (0.60 CFS)
In: NESW SESW, Lot 06 (NWSE)
Lot 05 (SWSE) Sec. 31, T. 03S, R.
34E, for 30 ACRES.
Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho, 83402.
KEN DUNN
Director
(7604)
Pub. 1-27, 2-3

MICROFILMED

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER 5730)
OF WATER RIGHT NO. 35-04139B)
IN THE NAME OF RALPH D. &)
GLADYS E. PRESCOTT)
_____)

PRELIMINARY ORDER

FINDINGS OF FACT

1. On September 28, 2000, the Department of Water Resources ("Department") approved Application for Transfer No. 5730 ("transfer") submitted in the name of Ralph D. and Gladys E. Prescott ("right holder"). The transfer changed the location of the point of diversion, the nature and season of use under a portion of Right 35-04139 identified as Right 35-04139B.

Transferred Portion of Original Right 35-04139:

Point of diversion: NESWSW Section 31, T3S, R34E, B.M.

Use: Irrigation of 2.0 acres in the SESW, 3.0 acres in Lot 6 (NWSE),
& 5.0 acres in Lot 5 (SWSE), Section 31, T3S, R34E, B.M.

Season: 04-01 to 10-31

Transferred Right 35-04139B:

Point of diversion: SESW Section 31, T3S, R34E, B.M.

Use: Commercial in the SESW, Section 31, T3S, R34E, B.M.

Season: 01-01 to 12-31

2. On March 5, 2001, the right holder asked the department to rescind the transfer approval allowing the point of diversion, nature and season of use to revert to those authorized before the transfer was approved. The right holder described that the reason for the request is that the proposed commercial use will not be developed using this water.

CONCLUSIONS OF LAW

1. The Department is authorized to issue Preliminary Orders changing a prior approval.
2. The right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the September 28, 2000 transfer approval.

MICROFILMED

MAR 29 2001

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer 5730 approved on September 28, 2000 is **RESCINDED** and that the authorized point of diversion, nature and season of use shall revert to the original authorized uses as described above.

Dated this 7th day of March, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
MAR 23 2001

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 09/28/00

TIME: 12:05:18

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
35-04139	PRESCOTT, RALPH D.	C	01/04/1946	S/	GROUNDWATER	IRR	WR
X35-04139A	PRESCOTT, RALPH D	C	04/01/1946	J/	GROUNDWATER	IRR	WR
	PRESCOTT, GLADYS E	C					
X35-04139B	PRESCOTT, RALPH D	C	04/01/1946	J/	GROUNDWATER	COMMER	WR
	PRESCOTT, GLADYS E	C					

35-04139	PRESCOTT, RALPH D	C	04/01/1946	J/	GROUNDWATER	IRR	AJ
	PRESCOTT, GLADYS E	C					
A35-04139	PRESCOTT, RALPH D	C	05/01/1927	S/	GROUNDWATER	IRR	AJ
	PRESCOTT, GLADYS E	C					

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NOV 3 2 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5730
WATER RIGHT NO. 35-04139B

This is to certify that: **RALPH D PRESCOTT**
GLADYS E PRESCOTT
1194 W 600 S
PINGREE ID 83262

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.20 CFS	30.0 AF

SOURCE

GROUNDWATER

Priority: 04/01/1946

LOCATION OF POINT(S) OF DIVERSION:

SESW, Sec. 31, Township 03S, Range 34E
BINGHAM County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

03S 34E 31 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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NOV 3 2 2000

TRANSFER NO. 5730
WATER RIGHT NO. 35-04139B

CONDITIONS OF APPROVAL AND REMARKS

6. The acres which are no longer authorized for irrigation under Right 35-04139A are specifically described as follows: 2.0 acres in the SESW, 3.0 acres in Lot 6 (NWSE), and 5.0 acres in Lot 5 (SWSE), Section 31, T3S, R34E.
7. Commercial use is for a bottling plant.

Dated this 28th day of September, 2000.

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED
NOV 8 8 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5730APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Sandee Prescott and/or Ben Stoddard Phone 208 684 3405Post Office address 1196 West 600 South Panguitch Idaho 83262

A. PURPOSE OF TRANSFER

RECEIVED

JUN 1 2000

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____ Department of Water Resources

2. Describe the reason for the proposed changes To provide water for a bottling plant

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

1. Right Number 35-04139B Priority 4-1-1946 Amount (cfs/ac-ft) .20 cfs - 30 Af Nature of Use Commercial Period of Use 1 Jan to 31 Dec
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred .20 cubic feet per second and/or 30 acre-feet per annum.3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	31	3S	34E	Bingham	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3S	34E	31												C					

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Total Acres _____

NOV 3 2000

T5730

PART 1

6. General Information:

a. Description of diversion system Well and pump with a distribution system to a bottling plant.

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:

The land will be used as pasture for horses

d. Remarks:

The transfer is based on the adjudication claim as recommended to the court.

(260 days X 8 hours X 300 bottles X 60 min X 33 ozs) (1 gallon X 1 Af) = 29.6 Af
year day min hour bottle 128 ozs 325850 gallons year

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

MICROFILMED

NOV 08 2006

PART 2

TRANS NO. 5730

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-04139

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.50 CFS	100.0 AF

SOURCE

GROUNDWATER

Priority: 04/01/1946

LOCATION OF POINT(S) OF DIVERSION:NESWSW , Sec. 31, Township 03S, Range 34E
BINGHAM CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																						
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	:	---
03S	34E	31	:									:									:	02								:							:	25.0
																												TOTAL ACRES	25.0									

CONDITIONS/REMARKS:

- USE OF THIS RIGHT IS COMBINED WITH WATER FROM PEOPLES CANAL & IRRIGATION CO.
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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NOV 08 1988

Page 4 of 7

TRANS NO. 5730

Claim No. 35-04139

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

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NOV 8 1980

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

"B"

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .20/40 AF for irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	SW	SW	31	3S	34E	Bingham	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3S	34E	31												2		3	5		10

Total Acres 10

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount .30/60 AF for irrigation purposes from 04/01 to 10/31 "A"
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	SW	SW	31	3S	34E	Bingham	

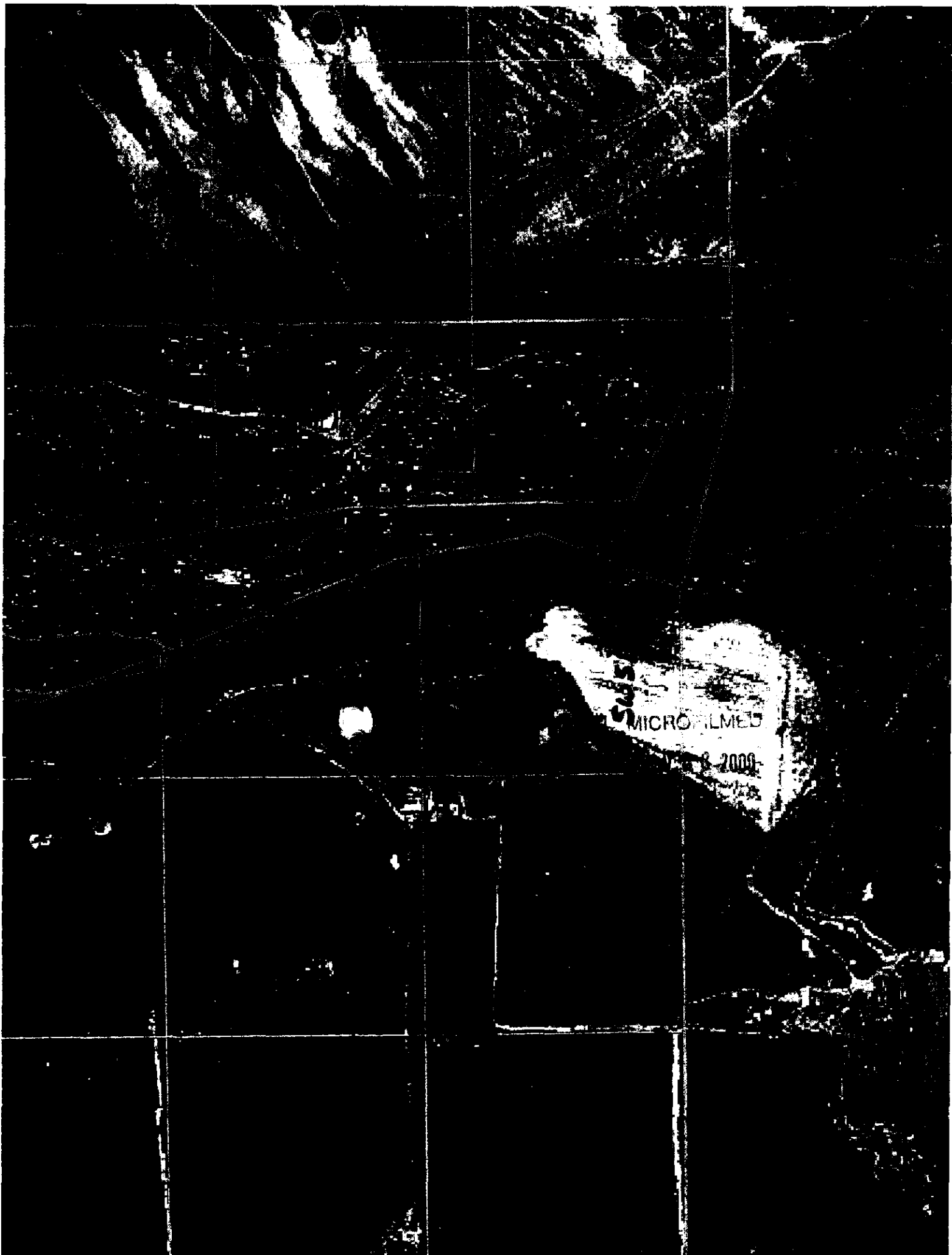
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3S	34E	31									2		8		5				15

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NOV 12 2000

Total Acres 15



PART 3

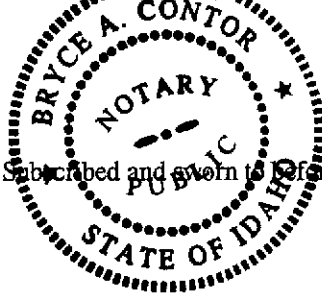
B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Commercial</u>	<u>20 cfs 30 af/A</u>	<u>(8 hrs) (260 days)</u>	<u>Jan-01 to Dec 31</u>
			to _____
2. Quantity and quality of return flows and location of discharge:
NONE
3. Describe effects on other water uses resulting from the proposed change:
NONE
4. Remarks:

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.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 24 day of April, 2000.

[Signature]
(Notary Public)

My commission expires 10/14/2005

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 4 attachments
 Received by Dennis Dunn Date 24 April 2000 Protest filed by _____
 Prelim. Check by _____ Fee _____
 Received by (DD) E 025776 Date 4-24-2000
 Published in Morning News Copies of protest forwarded by _____
 Pub. Dates May 11 & 18, 2000 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial
 _____ received _____ by BDC

Copy of transfer sent to lien holder _____

MICROFILMED

NOV 8 2005

LEASE AGREEMENT

Date: July 1, 2000

On this date, we (Ralph D. & Gladys E. Prescott known as lessors and Sandra K. Prescott & Ben Stoddard known as leasees) agree to lease the following described property: our farm land located in Pingree, Bingham County, Idaho recorded as tax parcel #RP 0267102 described as follows: approximately 22 acres with machinery and irrigation equipment; excluding the main house and yard.

The terms of this lease agreement are as follows: lease sum is \$4,800.00 annually for a period of ten years, then the sum of \$1,200.00 annually until the demise of the lessors at which time Sandra K. Prescott will inherit the leased property.

Signature; Lessors:

Ralph D. Prescott date 04/24/2000

Gladys E. Prescott date 4/24/2000

Signature; Leasees;

Sandra K. Prescott date 4/24/00

Ben Stoddard date 4-24-00

MICHO...

NOV 8 3 2000

T 5730
ATTACHMENT 1 OF 4

2/12/83

WARRANTY DEED

For Value Received
DouglasHARRY B. HUSKEY, Executor of the Estate of Cornelius Huskey, Deceased, and
HARRY DOUGLAS HUSKEY, an individual

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

RALPH D. PRESCOTT and EVERETT H. PRESCOTT

the grantees, whose current address is

Route 1, Box 173, Pingree, Idaho 83262

the following described premises, to-wit:

Lot 6, the NE $\frac{1}{4}$ SW $\frac{1}{4}$, the N. 26 rods of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, the N. 26 rods of Lot 5, E $\frac{1}{2}$ NW $\frac{1}{4}$ and Lot 7, all in Section 31, T. 3 S., R. 34 E. B. M., Bingham County, Idaho, and also Commencing at the NW corner of said Lot 7 and running thence N. 160 rods; thence E. 2 rods; thence S. 80 rods, thence E. 5 rods; thence Southeasterly in a straight line to a point on the Snake River, 30 rods Southwesterly from its intersection with the N. line of Lot 8 in said Section 31, thence Southerly following the meander of the Snake River to the S. line of said Lot 8, thence West to the point of beginning.

TOGETHER WITH a right-of-way for public travel as now used, 3 rods wide, commencing about 20 rods East of the SW corner of the above-described land and running thence Southerly and thence Northwesterly to a public road.

TOGETHER WITH all water and water rights, ditches and ditch rights-of-way thereunto appertaining and belonging, and particularly 100 shares in the Peoples Canal and Irrigation Company.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments for 1973 and subsequent years.

THIS DEED is executed, delivered and recorded to correct the legal description contained in the Deed recorded April 19, 1982, as Instrument No. 291719, records of Bingham County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s, 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 said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 29, 1982

302500

Harry Douglas Huskey
Harry B. Huskey, Executor of the Estate
of Cornelius Huskey, Deceased

Harry Douglas Huskey
Harry Douglas Huskey, individually

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19____,
before me, a notary public in and for said State, personally
appeared _____

known to me to be the person who _____ name
subscribed to the within instrument, and acknowledged to
me that _____ executed the same.

Resi
ComPublic
, Idaho

T 5730

ATTACHMENT 2 OF 4

STATE OF CALIFORNIA, County of Santa Cruz

On this 14 day of February, 1983, before me,
a Notary Public in and for said State, personally
appeared HARRY B. HUSKEY, known to me to be the
person whose name is subscribed to the within
Instrument as Personal Representative of the
Estate of Cornelius Huskey, and acknowledged to
me that he executed the same in his capacity as
Personal Representative of the Estate of
Cornelius Huskey and as Harry Douglas Huskey,
individually.

OFFICIAL SEAL
JEAN M. RITTERHOUSE
NOTARY PUBLIC-CALIFORNIA
Principal Office in Santa Cruz County
My Commission Expires May 19, 1984

Notary Public for State of California
Residing at: Santa Cruz, California

INSTRUMENT No.

QUITCLAIM DEED

302762

For Value Received EVERET H. PRESCOTT

REVENUE STAMPS

do hereby convey, release, remise and forever quit claim unto RALPH D. PRESCOTT

PINGREE, IDAHO 83262

the following described premises, to-wit:

The North 26 rods of the Southeast Quarter of the Southwest Quarter and the North 26 rods of Lot 5; the South 971 feet of the Northeast Quarter of the Southwest Quarter and the South 971 feet of Lot 6 all in Section 31, Township 3 South, Range 34 E. B. M., Bingham County, Idaho.

together with their appurtenances.

Dated:

4-27-73

Everett H. Prescott
Everett H. Prescott

STATE OF IDAHO, COUNTY OF

On this 27 day of April, 1973
before me, a notary public in and for said State, personally
appeared Everett H. Prescott

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

[Signature]
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires March 28, 1975

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
BOOK 46 PAGE 15

'83 MAR 4 AM 11 49

302762

RECORDED AT THE REQUEST OF

Furnished by the GUARDIAN TITLE CO.

MICROFILMED

NOV 8 8 7303

ATTACHMENT T 5730
3 OF 4

> <

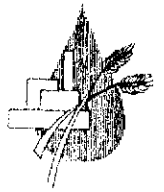
9:04:25
4/25/2000

to: Dennis Dunn Dept of Water Resources
525-7177

ATTACHMENT T 5730
9 OF 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Ralph D. Prescott

(Name of Claimant)

Rt. 1, Box 173, Pingree, Idaho

(Mailing Address)

83262

(Zip Code)

Telephone No. 684-4114

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1/4/1946
- A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Ground water

tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>0.60 cfs</u>		<u>Irrigation</u>		<u>4/1</u>	<u>11/1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 0.60 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SW 1/4, Sec. 31 Twp. 3S Rge. 34E B.M., County of Bingham

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 40' well, pump - lift 20' and pressurize 2200' of 6" mainline for lateral sprinkler application. 560 gpm, 30 hp motor. changed from flood to sprinkler irrigation 1/4/73.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

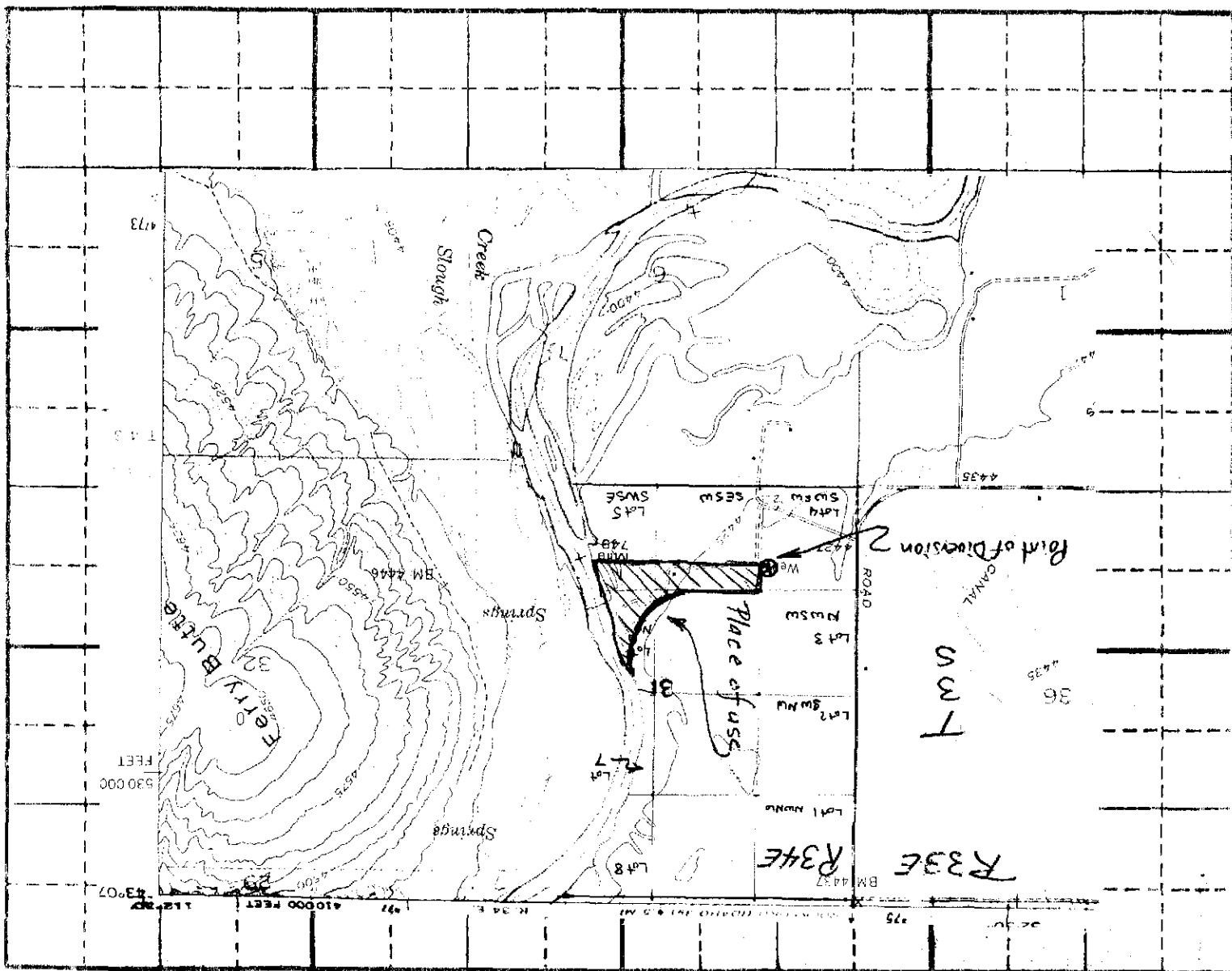
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3S</u>	<u>34E</u>	<u>31</u>									<u>1</u>			<u>13</u>		<u>8</u>	<u>8</u>		<u>30</u>
																<u>not L</u>	<u>not S</u>		

No. of acres 30

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho
County of Bingham
ss. _____

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 16 day of January, 1983
Ralph D. Pincus
(Claimant)
Notary Public
Residing at Blackfoot, Idaho
My commission expires
1/27 & 2/3/83

FOR DEPARTMENT USE ONLY

Received by AW Date 1-12-83 Exception filed by: _____
Prelim. check by KW Date 1-13-83 Forwarded to _____
Published in Blackfoot News Date 1-13-83 #23296 claimant by: _____
Dates 1/27 & 2/3/83

RECEIVED

FEB 10 1983

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS
TO WATER RIGHTS
The following claim(s) have been
filed on water right(s) created by
diversion and beneficial use:

15, Idaho Falls, Idaho, 83402.

KEN DUNN
Director

27-4076
WIKLUND, Dale L.
&/or ELMER J.
Rt. 2, Box 123
Shelley, Id. 83274
Source: GROUNDWATER
Priority Date: 12/01/1981
Diversion Pt.: NENE, Sec. 29, T.
03S, R. 37E.
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.06 CFS)
In: NENE, Sec. 29, T. 02S, R.
37E.

(7604)
Pub. 1-27, 2-3

35-4139
PRESCOTT, Ralph D.
Rt. 1, Box 173
Pinegrove, Id. 83262
Source: GROUNDWATER
Priority Date: 01/04/1946
Diversion Pt.: SWSW, Sec. 31, T.
03S, R. 34E.
Use: IRRIGATION (0.60 CFS)
In: NESW SESW, Lot 06 (NWSE)
Lot 05 (SWSE) Sec. 31, T. 03S, R.
34E, for 30 ACRES.

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, David Mark Brown
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 184 of the Ses-
sions Laws of Idaho of 1933, approved March 11, 1933,
and duly designated, pursuant to law, a particular day of
the week as the day on which legal notices required by
law or by the order of any Court of competent jurisdiction
within the State of Idaho shall be published to-wit: Thursday
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the
27th day of January, 19 83.

and the last publication having been made on the
3rd day of February, 19 83;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 8th

day of February, 19 83.

Sabrina H. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1984

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

150 North Orchard Street, P.O. Box 83720

Boise, Idaho 83720-0098

Return Service Requested

EA

RECEIVED
MAR 15 2000

DEPARTMENT OF WATER RESOURCES

*Mail Receipt c/o Dan Lee Prescott
6196 W 600 S
Piquette Id 83726*

MICROFILMED
MAR 29 2000

PRES194 T032622006 1900 04 03/12/01
PRES194 RETURN TO SENDER
PRES194 TEMPORARILY AWAY
PRES194 RETURN TO SENDER

ADAMS 23262



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

March 8, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RALPH D PRESCOTT
GLADYS E PRESCOTT
1194 W 600 S
PINGREE ID 83262

RE: Preliminary Order for Water Right 35-04139B – Transfer 5730

Dear Mr. & Mrs. Prescott:

Enclosed please find the Preliminary Order issued in the matter of Transfer 5730 of Water Right 35-04139B.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,

Camila S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:kit

Enclosure

cc: SanDee Prescott
Ben Stoddard

MICROFILMED

MAR 29 2001

RECEIVED

MAR 05 2001

Department of Water Resources

February 27, 2001

TO: State of Idaho, Department of Water Resources
Attn: Jeff Peppersack

FROM: Ralph D. and Gladys E. Prescott
1194 W 600 S, Pingree, Idaho 83262

Re: Application # 5730 for a partial transfer of water rights evidenced by the SRBA
recommendation 35-04139

This letter is to request the recinding of application # 5730 for a partial transfer of water
right as referenced above.

As the transfer was for commercial use by SanDee Prescott and Ben Stoddard who have
advised that they no longer have a need for this water, and the ownership was to remain in
our names (Ralph D. and Gladys E. Prescott); we request that the quantity of water
requested to be transferred be returned to the original use designated by the SRBA
recommendation 35-04139.

Sincerely,

Ralph D. Prescott and Gladys E. Prescott

 Gladys E. Prescott

cc; SanDee Prescott
Ben Stoddard

AS

35-13299

13300

WR

MICROFILMED

to A & B

MAR 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RALPH D. PRESCOTT
GLADYS E. PRESCOTT
1194 W 600 S
PINGREE ID 83262

RE: Water Right 35-04139B (Transfer 5730)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5730). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Camela S. Shaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

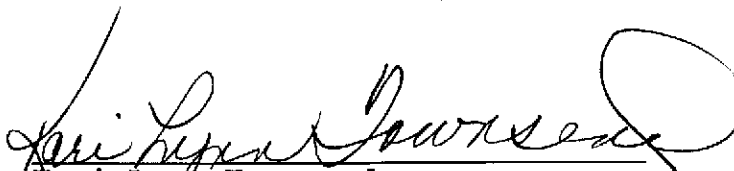
NOV 6 2000

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of **September**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 35-04139B (Transfer 5730)

**RALPH D PRESCOTT
GLADYS E PRESCOTT
1194 W 600 S
PINGREE ID 83262**


**Kari Lynn Townsend
Secretary**

MICROFILMED

NOV 15 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

September 26, 2000

RECEIVED

SEP 28 2000

Department of Water Resources

TO: State of Idaho
Department of Water Resources
Attn: Pamela S. Skaggs

FROM: Ralph D. and Gladys E. Prescott
1194 W 600 S, Pingree, Idaho, 83262

Re: Application # 5730 for a partial transfer of water right evidenced by the SRBA recommendation 35-04139.

This letter is in response to your letter of 9/12/2000 and to document our agreement to the above referenced transfer of 0.20 cfs of water from the 0.50 cfs for irrigation use to commercial use.

Ownership of the transfered water right should remain in our name.

Sincerely,

Ralph D. Prescott

Ralph D. Prescott

Gladys E. Prescott

Gladys E. Prescott

State of Idaho

County of Bingham

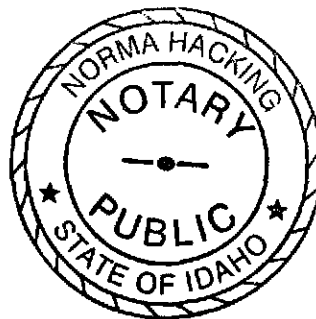
Subscribed and sworn/affirmed before me this 26 day of Sept, 2000

by _____

Notary Public

Norma Hacking
Notary Public

My Commission expires: 1-4-06



MICROFILMED

SEP 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 12, 2000

DIRK KEMPTHORNE
GOVERNOR

San Dee Prescott & Ben Stoddard

1196 W 600 S

Pingree, ID 83262

KARL J. DREHER
DIRECTOR

RE: Application for Transfer 5730
Water Right 35-04139

Dear Applicants:

I have completed review of the above referenced water right and require some additional information before the proposed change may be approved. Thank you for your earlier assistance in clarifying that no canal shares are used on the property.

You have provided clear ownership of the land by Ralph and Gladys Prescott, and the fact that you have leased the property from them. As the property owners, a signed and notarized statement from Ralph and Gladys Prescott agreeing to the change proposed under this transfer is necessary. At the same time, they could clarify rather ownership of the right should be in your names or theirs. It appears that the lease is a family arrangement and the department does not want to misinterpret the current owners intentions.

If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at pskaggs@idwr.state.id.us or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs

Sr. Water Rights Agent

MICROFILMED

NOV 9 8 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5730

Date Reviewed 9-11-2000

Right(s) 35-04139

Q8

☒ WRQ/Split Summary ☒ SRBA Status ☐ Run POU Comparison Report

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

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

☒ Other

H:Change P/D & Add P/D

I:Change P/D & P/U

P/O, Nature, Season

J:Add P/D & Change P/U

Proof of Ownership currently Deed to Ralph D. & Everett H. Prescott, Quitclaim Deed from Everett H. to Ralph D. Prescott. Lease Agreement to Sandra K. Prescott & Ben Stoddard. 9-28-00 letter rec'd. from RD & Gladys agreeing to change N/U transfer & directing rt. remain in their name.

Transfer All of Right ☒ Portion of Right

Resulting Split(s) A+B

A) .30 cfs 15 acres 60 dft
B) .20 " (10 out) 30 afa (Limited to C.U. Vol. 3x10)

Check Transfer Against Recorded Right:

Standard Season 4-1 ^{NA} to 10-31 Standard Volume 4.0 / 3.0

(1) ☒ Priority (2) Use (3) Season/W61 (4) ☒ Rate (5) Volume

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

Bingham GW Dist./East ESPA
(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion*
per SRBA Less Div Vol.

(2) IRR to COMM use - Bottling Plant

(3) Allow yr round use.

(5) Vol. limited to C.U. Vol. 3.0 af/acre x 10 acres = 30.0 af

(7) Change P/D - Split

(8) Split P/U

Peoples Canal old system prior to GW use.
* Supplemental GW use 3 No, per telecon w/applicant (Sandra Prescott) GW sole source.
9-11-00

Transfer Remarks Commercial use for a bottling plant.

W63, WD7
Conditions 041e, 106, T07, T08

Database/Processing Notes

Standard Non-Standard ☒

Copy Approved version to an "X" prefix, delete T, Comment to base W6.

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

Database Updated Following Approval ☒ Memo/Form Files Deleted ☐

9-28-00
Q8

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
TSS 34 S 31																					
A0100147	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
A0100191	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
A0100192	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
A0100259	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
*3504040B	GROUNDWATE	:	:	10	1	:	:	39	34	:	:	:	:	40	:	:	:	:	:		
A3504040B	GROUNDWATE	:	:	10	1	:	:	39	34	:	:	:	:	:	:	:	:	:	:		
R3504040B	GROUNDWATE	:	:	08-10	07-1	:	:	39	01-34	:	:	:	:	:	:	:	:	:	:		
3504077	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	20	:	:	12	:	:		
*3504077	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	26	:	:	05-13	:	:		
A3504077	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	20	:	:	12	:	:		
3504139	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	1	:	:	:	06-8	05-8	:		
*3504139	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	2	:	:	:	06-8	05-5	:		
A3504139	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	1	:	:	:	06-8	05-8	:		
T3504139A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	2	:	:	:	5	:	:		
3507294A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
*3507294A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	04-37	:	:	:	:	:		
A3507294A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	04-38	:	:	:	:	:		
3507296	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	04-37	:	:	:	:	:		
*3507296A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	39	:	:	:	:	:		
A3507296A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	39	:	:	4	:	:		
*3507296B	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	39	:	:	4	:	:		
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3507386	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	14	:	:	06-3	:	:		
*3507386A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	39	:	:	4	:	:		
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*3512139	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	05-13	:	:		
*3513262	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
A3513262	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
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Per telecan with Sandee Prescott, no surface water used on transferred acres,
Gw sole source of water for irrigation. 9-11-2000 Q8

SRBA

SUBCASE SUMMARY REPORT 35-04139

[Return to SRBA Home Page](#)

SRBA
09-11-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 35-04139 FILE#: 01543

CLAIMANT: PRESCOTT, RALPH D

STATUS: ADMIN PROCEED PENDING

WATER SOURCE: GROUNDWATER,

ISSUES: SOURCE OF WATER

QUANTITY OF WATER USED

CONSUMPTIVE USE

WATER RIGHT RECOMMENDATION

**** PARTIES INVOLVED ****

RALPH D PRESCOTT	C ATTY: JEFFREY C. FEREDAY
TWIN FALLS CANAL COMPANY	O ATTY: NORMAN M. SEMANKO
STATE OF IDAHO	R ATTY: PETER J. AMPE
NORTH SIDE CANAL COMPANY L	O ATTY: NORMAN M. SEMANKO
GLADYS E PRESCOTT	C ATTY: JEFFREY C. FEREDAY

**** ROA ENTRIES ****

06-02-1999	OBJ 01 F/B TWIN FALLS CANAL COMPANY	RB	10-04-1999	0001
06-02-1999	OBJ 02 F/B NORTH SIDE CANAL COMPANY LTD			0002
08-10-1999	RESPONSE TO OBJ 0001 F/B STATE OF IDAHO			0001
08-10-1999	RESPONSE TO OBJ 0002 F/B STATE OF IDAHO			0001
08-30-1999	ORDER CONSOLIDATING ISSUES CONCERNING CANAL		08-30-1999	
	COMPANY OBJECTIONS (BASIN 35- PARTS 2 & 3)			
	AND ORDER DESIGNATING LEAD SUBCASE			
	AS 35-07200 SEE FILE #35-379			
06-22-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ	06-01-2001	

[Return to SRBA Home Page](#)

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NOV 28 2000

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
35-04139	PRESCOTT, RALPH D.	C	01/04/1946	S/	GROUNDWATER	IRR	WR
T35-04139A	PRESCOTT, RALPH D	C	04/01/1946	J/	GROUNDWATER	IRR	WR
	PRESCOTT, GLADYS E	C					
T35-04139B	PRESCOTT, SANDEE	C	04/01/1946	J/	GROUNDWATER	COMMER	WR
	STODDARD, BEN	C					

35-04139	PRESCOTT, RALPH D	C	04/01/1946	J/	GROUNDWATER	IRR	AJ
	PRESCOTT, GLADYS E	C					
A35-04139	PRESCOTT, RALPH D	C	05/01/1927	S/	GROUNDWATER	IRR	AJ
	PRESCOTT, GLADYS E	C					

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

4-24-00
T5730

INITIAL REVIEW BY: HWT

1. Right number 35-04139 Applicant Prescott

2. Type of right: ☐ Decree ☐ License ☐ Claim ☒ SRBA Reclamation

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use

☒ Other Change nature of use
Change Period of use

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred. Need 1/4 of 1/4

h. ☒ Check for expansion in use of right. Comments _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NA

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

Copies to)
DEQ-Pky
District Health-Pky

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By RDC Date 6/15/2000

DEPT. OF WATER RESOURCES
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. T5730**

NOTICE IS HEREBY GIVEN that SanDee Prescott and/or Ben Stoddard, 1196 W. 600 S., Pingree, Idaho, 83262, has applied to the Department of Water Resources to change the point of diversion, to change the nature of use and to change the period of use of a groundwater source. The right sought to be changed is evidenced by a SRBA Recommendation and recorded as follows:

SRBA Recommendation: 35-04139
Source: Groundwater
Amount: 0.50 cfs
Priority: 04/01/1946
Point(s) of Diversion: NESWSW, Sec. 31, T03S, R34E, Bingham County.
The water is used for irrigation of 25 acres within Sec. 31, T03S, R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant is drying up 10 acres of this right and using the 0.20 cfs for commercial use to bottle water.

The point of diversion for this operation will be in the SENW, Sec. 31, T03S, R34E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before May 30, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(4622)
Pub.: 5/11, 18

MICROFILMED

NOV 08 2000

Legals
AFFIDAVIT OF PUBLICATION
County of Bingham)

ss

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive Weeks the first publication having been made on the 16th day of May 2000, and the last publication having been made on the 18th day of May 2000; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

Jacqueline Graham

On this 18th day of May, in the year of 2000, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that the executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires
June 19, 2004
Affidavit Processing Fee.....\$5.00

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5730**

Notice is hereby given that SanDee Prescott and/or Ben Stoddard, 1196 W 600 South, Pingree ID 83262, has applied to the Department of Water Resources to change the point of diversion, to change the nature of use and to change the period of use of a groundwater source. The right sought to be changed is evidenced by a SRBA Recommendation and recorded as follows:

SRBA Recommendation: 35-04139 Source: Groundwater
Amount: 0.50 cfs Priority: 04/01/1946
Point(s) of Diversion: NESWSW SEC 31 T03S R34E, BINGHAM COUNTY
The water is used for irrigation of 25 acres within SEC 31 T03S R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant is drying up 10 acres of this right and using the 0.20 cfs for commercial use to bottle water.

The point of diversion for this operation will be in the SENW SEC 31 T03S R34E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 30, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Morning News on May 11 and 18, 2000.

MICROFILMED

NOV 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

May 3, 2000

KARL J. DREHER
DIRECTOR

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before May 30, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED

NOV 08 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SANDEE PRESCOTT AND/OR BEN STODDARD
1196 W 600 SOUTH
PINGREE ID 83262

RE: Application for Transfer #5730

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on May 11 and 18, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

NOV 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DIVISION OF ENVIRONMENTAL QUALITY
224 S ARTHUR
POCATELLO ID 83204

RE: Application for Transfer #5730

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 30, 2000, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

NOV 10 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DISTRICT HEALTH VI
1901 ALVIN RICKEN DR
POCATELLO ID 83201

RE: Application for Transfer #5730

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 30, 2000, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

NOV 03 2000

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 14, 1983

RALPH D. PRESCOTT
RT. 1, BOX 173
PINGREE

ID 83262

RE: Claim No. 35-4139

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
MAR 08 1983

Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith Carlson

Right Number 35 4139

Applicant Ralph D. Prescott

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

Feb. 14, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date Feb 17, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 3/8/83

WATER RIGHT
DATA ENTRY LOG

<u>Initials</u>	<u>Date</u>	<u>Item</u>
BP	1/19/83	Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Key punched by State Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 19, 1983

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 14, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 1/27 & 2/3/83.

35-4139

PRESCOTT, RALPH D.

RT. 1, BOX 173, PINGREE, ID 83262

Source: GROUNDWATER

Priority Date: 01/04/1946

Diversion Pt: SWSW Sec 31 T 03S R 34E

Use: IRRIGATION (0.60 CFS)

In: NESW SESW LOT 06 (NWSE) LOT 05 (SWSE) Sec 31 T 03S R 34E
FOR 30 ACRES

