

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70341

This is to certify that. VICTOR ALBERT HOFER And
ALBERT JOHN HOFER
1155 S 5TH W
MOUNTAIN HOME ID 83647
(208)587-8071

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-10197	WR/Decreed	04/01/1966	3.05 cfs	256 af	155.8	315.0	GROUND WATER
61-10196	WR/Decreed	04/01/1940	3.05 cfs	256 af	150.9	315.0	GROUND WATER
61-11964	WR/Decreed	01/05/1965	1.00 cfs	207 af	69.0	335.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-10197	NO	NO	NO	YES	NO	NO
61-10196	NO	NO	NO	YES	NO	NO
61-11964	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-10197	61-10197	3.05 cfs	256 af	155.8	315.0		N/A	N/A	N/A	N/A
61-10196	61-10196	3.05 cfs	256 af	150.9	315.0		N/A	N/A	N/A	N/A
61-11964	61-11964	1.00 cfs	207 af	69.0	315.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		3.05 cfs	256 af	306.7	315.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of October, 2003


Chief, Water Allocation Bureau

MICROFILMED

OCT 29 2003

WATER RIGHT NO. 61-10196
As Modified by Transfer No. 70341

In accordance with the approval of Transfer No. 70341, Water Right No. 61-10196 is now described as follows.

Right Holder: ALBERT JOHN HOFER And
 VICTOR ALBERT HOFER
 1155 S 5TH W
 MOUNTAIN HOME ID 83647

Priority Date: April 01, 1940

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.03 CFS	1.4 AF
IRRIGATION	04/01	to 10/31	3.02 CFS	254.6 AF
			3.05 CFS	256.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 12 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 12 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 12 Twp 04S Rge 06E	ELMORE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
04S 06E 12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X	X	X	X	X	X	X	X									

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04S 06E 12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	40.0	40.0	38.0	37.0	40.0	40.0	40.0	40.0									315.0

Total Acres: 315

MICROFILMED
 OCT 29 2003

**WATER RIGHT NO. 61-10196
As Modified by Transfer No. 70341**

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 150.9 acres within the place of use described above in a single irrigation season.
2. Irrigation use under rights 61-10196 and 61-10197 when combined shall not exceed a total diversion rate of 3.02 cfs, a total annual maximum diversion volume of 254.6 af at the field headgate, and the irrigation of 306.7 acres.
3. Stockwater use under rights 61-10196 and 61-10197 when combined shall not exceed a total diversion rate of 0.03 cfs and a total annual maximum diversion volume of 1.4.
4. Irrigation use under rights 61-10196, 61-10197, and 11964 when combined shall not exceed a total diversion rate of 4.02 cfs, a total annual maximum diversion volume of 461.6 af at the field headgate, and the irrigation of 315 acres.
5. The total instantaneous diversion of water from all points of diversion under Rights 61-10196 and 61-10197 shall not exceed 3.05 cfs, nor total combined annual volume of 256.0 af for irrigation of 306.7 acres.
6. Rights 61-10196, 61-10197, 61-11964, and 61-10198 when combined shall not exceed the irrigation of 335 acres.
7. Prior to diversion of water from a well described by this water right, the right holder shall submit a proposal to IDWR for measuring and reporting water diversions. Types and models of measuring devices must be included with the proposal. Plans for installation of measuring devices shall be submitted. The measuring devices must determine flow rate and total volume diverted. The volume accumulator of the measuring device must be incapable of being reset, and the measuring device must otherwise conform to Department flow meter specifications and installation requirements for closed conduits. Prior to diversion of water, the flow meter shall be field calibrated by a certified hydrographer or individual approved by the Department, and the meters shall be recalibrated at least every three years after the first calibration. If more than one well will be pumped, a plan to insure that coordinated flow rate and volumetric limitations will not be exceeded shall be submitted. The proposal for measurement and reporting must be expressly approved by IDWR prior to diversion of water.
8. At time intervals established by an approved plan for measurement and reporting, the right holder shall report to the director rates of diversion, depth to ground water from ground surface, volume diverted, and any other information required by the Department according to a plan for reporting as required by these conditions of approval.
9. The right holder and any successor-in-interest shall maintain ownership and control of all shares of water provided by the Mountain Home Irrigation District.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

MICROFILMED

OCT 29 2003

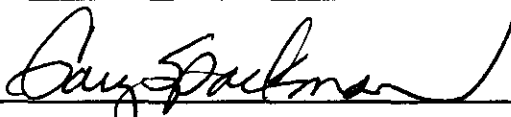
WATER RIGHT NO. 61-10196
As Modified by Transfer No. 70341

CONDITIONS OF APPROVAL

11. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.
16. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
17. Rights 61-10196 will retain its priority date of 4/1/1940 and 61-10197 will retain its priority date of 4/1/1966, relative to actions to distribute water that relate to management of the Mountain Home Groundwater Management Area as a whole, but diversion and use of water is subordinate to all rights to use groundwater existing within the immediate area on the date of approval of this transfer, relative to water management actions related to increased draw downs of the water table or depletion of ground water resulting from this approval.

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

Dated this 6th day of October, 2003



Chief, Water Allocation Bureau

MICROFILMED

OCT 29 2003

WATER RIGHT NO. 61-10197
As Modified by Transfer No. 70341

In accordance with the approval of Transfer No. 70341, Water Right No. 61-10197 is now described as follows.

Right Holder: ALBERT JOHN HOFER And
 VICTOR ALBERT HOFER
 1155 S 5TH W
 MOUNTAIN HOME ID 83647

Priority Date: April 01, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.02 CFS	254.6 AF
STOCKWATER	01/01	to 12/31	0.03 CFS	1.4 AF
			3.05 CFS	256.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 12 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 12 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 12 Twp 04S Rge 06E	ELMORE County

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	
04S 06E 12	40.0	40.0	38.0	37.0	40.0	40.0	40.0	40.0									315.0

Total Acres: 315

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 06E 12	X	X	X	X	X	X	X	X									

MICROFILMED

OCT 29 2003

WATER RIGHT NO. 61-10197
As Modified by Transfer No. 70341

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 155.8 acres within the place of use described above in a single irrigation season.
2. Irrigation use under rights 61-10196 and 61-10197 when combined shall not exceed a total diversion rate of 3.02 cfs, a total annual maximum diversion volume of 254.6 af at the field headgate, and the irrigation of 306.7 acres.
3. Stockwater use under rights 61-10196 and 61-10197 when combined shall not exceed a total diversion rate of 0.03 cfs and a total annual maximum diversion volume of 1.4.
4. Irrigation use under rights 61-10196, 61-10197, and 11964 when combined shall not exceed a total diversion rate of 4.02 cfs, a total annual maximum diversion volume of 461.6 af at the field headgate, and the irrigation of 315 acres.
5. The total instantaneous diversion of water from all points of diversion under Rights 61-10196 and 61-10197 shall not exceed 3.05 cfs, nor total combined annual volume of 256.0 af for irrigation of 306.7 acres.
6. Rights 61-10196, 61-10197, 61-11964, and 61-10198 when combined shall not exceed the irrigation of 335 acres
7. Prior to diversion of water from a well described by this water right, the right holder shall submit a proposal to IDWR for measuring and reporting water diversions. Types and models of measuring devices must be included with the proposal. Plans for installation of measuring devices shall be submitted. The measuring devices must determine flow rate and total volume diverted. The volume accumulator of the measuring device must be incapable of being reset, and the measuring device must otherwise conform to Department flow meter specifications and installation requirements for closed conduits. Prior to diversion of water, the flow meter shall be field calibrated by a certified hydrographer or individual approved by the Department, and the meters shall be recalibrated at least every three years after the first calibration. If more than one well will be pumped, a plan to insure that coordinated flow rate and volumetric limitations will not be exceeded shall be submitted. The proposal for measurement and reporting must be expressly approved by IDWR prior to diversion of water
8. At time intervals established by an approved plan for measurement and reporting, the right holder shall report to the director rates of diversion, depth to ground water from ground surface, volume diverted, and any other information required by the Department according to a plan for reporting as required by these conditions of approval
9. The right holder and any successor-in-interest shall maintain ownership and control of all shares of water provided by the Mountain Home Irrigation District.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

MICROFILM

OCT 29 2003

WATER RIGHT NO. 61-10197
As Modified by Transfer No. 70341

CONDITIONS OF APPROVAL

11. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.
16. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
17. Rights 61-10196 will retain its priority date of 4/1/1940 and 61-10197 will retain its priority date of 4/1/1966, relative to actions to distribute water that relate to management of the Mountain Home Groundwater Management Area as a whole, but diversion and use of water is subordinate to all rights to use groundwater existing within the immediate area on the date of approval of this transfer, relative to water management actions related to increased draw downs of the water table or depletion of ground water resulting from this approval.

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

Dated this 6th day of October, 2003



Chief, Water Allocation Bureau

MICROFILMED

OCT 29 2003

WATER RIGHT NO. 61-11964
As Modified by Transfer No. 70341

In accordance with the approval of Transfer No. 70341, Water Right No. 61-11964 is now described as follows.

Right Holder: ALBERT JOHN HOFER And
 VICTOR ALBERT HOFER
 1155 S 5TH W
 MOUNTAIN HOME ID 83647

Priority Date: January 05, 1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	1.00 CFS	207.0 AF
		1.00 CFS	207.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 12 Twp 04S Rge 06E ELMORE County
GROUND WATER	NENE	Sec. 12 Twp 04S Rge 06E ELMORE County
GROUND WATER	SWNE	Sec. 12 Twp 04S Rge 06E ELMORE County

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	
04S 06E 12	40.0	40.0	38.0	37.0	40.0	40.0	40.0	40.0									315.0

Total Acres: 315

CONDITIONS OF APPROVAL

- 1 This right is limited to the irrigation of 69.0 acres within the place of use described above in a single irrigation season
2. Rights 61-10196, 61-10197, and 11964 when combined shall not exceed a total diversion rate of 4.02 cfs, a total annual maximum diversion volume of 461.6 af at the field headgate, and the irrigation of 315 acres
- 3 Use of water under Right 61-11964 shall not exceed 1.00 cfs nor 207.0 acre feet per year, and when combined with all other rights, shall not exceed 0.02 cfs per acre nor more than 4.0 acre feet per acre per year.

MICROFILMED

OCT 29 2003

WATER RIGHT NO. 61-11964
As Modified by Transfer No. 70341

CONDITIONS OF APPROVAL

4. Rights 61-10196, 61-10197, 61-11964, and 61-10198 when combined shall not exceed the irrigation of 335 acres.
5. Prior to diversion of water from a well described by this water right, the right holder shall submit a proposal to IDWR for measuring and reporting water diversions. Types and models of measuring devices must be included with the proposal. Plans for installation of measuring devices shall be submitted. The measuring devices must determine flow rate and total volume diverted. The volume accumulator of the measuring device must be incapable of being reset, and the measuring device must otherwise conform to Department flow meter specifications and installation requirements for closed conduits. Prior to diversion of water, the flow meter shall be field calibrated by a certified hydrographer or individual approved by the Department, and the meters shall be recalibrated at least every three years after the first calibration. If more than one well will be pumped, a plan to insure that coordinated flow rate and volumetric limitations will not be exceeded shall be submitted. The proposal for measurement and reporting must be expressly approved by IDWR prior to diversion of water.
6. At time intervals established by an approved plan for measurement and reporting, the right holder shall report to the director rates of diversion, depth to ground water from ground surface, volume diverted, and any other information required by the Department according to a plan for reporting as required by these conditions of approval.
7. The right holder and any successor-in-interest shall maintain ownership and control of all shares of water provided by the Mountain Home Irrigation District.
8. Use of Right 61-11964 shall be supplemental to the use of water supplied by the Mountain Home Irrigation District, for use within the place of use approved under Transfer 69688.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

OCT 29 2003

WATER RIGHT NO. 61-11964
As Modified by Transfer No. 70341

CONDITIONS OF APPROVAL

14. 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.
15. Right 61-11964 retains its priority date of January 5, 1965, relative to actions to distribute water that relate to management of the MHGWMA overall, but diversion and use of water is subordinate to all rights to use ground water existing within the immediate area (as described in Conclusion of Law no. 6) on January 26, 2002, relative to water management actions related to increased draw downs of the water table or depletion of ground water resulting from this approval.

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

Dated this 6th day of October, 2003



Chief, Water Allocation Bureau

MICROFILMED

OCT 20 2003

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

RECEIVED

SEP 26 2000

Department of Water Resources

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>A61-10196</u>	<u>AD. 9-26-00</u>	☐			
<u>A61-10197</u>		☐			
<u>A61-10198</u>	<u>AD. 2-25-00</u>	☐			
<u>A61-10195</u>	<u>AD. 1-30-98</u>	☐			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) VICTORIA HOFER
710 S 10 E MTN HOME IDAHO 83647
4. New Owner/Claimant(s) VICTOR HOFER, ALBERT HOFER JR.
Name Connector (Check one) ☐ and, ☒ or, ☐ and/or
- New Mailing Address 590 SAMARIA DR
- City, State and ZIP Code MTN HOME IDAHO 83647
- New Telephone Number (208) 587-8071
5. Date you acquired the property 9-2-00

RECEIVED

SEP 26 2000

MICROFILMED

Department of Water Resources

SEP 26 2000

See file 61-10195 for support documentation

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Albert Hofen

ALBERT HOFEN JR.

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

For Office Use Only

Received by J. Barron

Date 9-26-00

Fee 100.00

Received by J. Barron

Date 9-26-00

Receipt No. CD50569

Processed by _____

AJ

Date _____

MICROFILMED

Date _____

NOV 18 2002

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

IN THE MATTER OF TRANSFER NO.)
4552 OF WATER RIGHT NOS. A61-10196 AND)
A61-10197 IN THE NAME OF VICTORIA HOFER)

FINAL ORDER

FINDINGS OF FACT

1. On February 14, 1996, the Department of Water Resources ("Department") approved Application for Transfer No. 4552 ("transfer") submitted in the name of Victoria Hofer ("right holder"). The transfer changed the location of a point of diversion from 2 shallow groundwater wells in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T4S, R6E, B.M. to a deep well in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sections 12, T4S, R6E, B.M.

2. On April 25, 2001, the right holder asked the department to rescind the transfer approval allowing the point of diversion to revert back to the locations authorized before the transfer was approved. The right holder described that the reason for the request is that drilling of the well in the location identified on the transfer is cost prohibitive due to power costs

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 February 14, 1996 transfer approval.

IT IS THEREFORE HEREBY ORDERED that Transfer 4552 approved on February 14, 1996 is **RESCINDED** and that the authorized points of diversion are from groundwater in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T4S, R6E, B.M.

Dated this 25th day of April, 2001.


KARL J. DREHER
Director

SEE ATTACHMENT "A" ON WELL DRILLING PERMIT

NO. 768684 Tag No D18239

MICROFILMED

NOV 18 2002

MICROFILMED

APR 25 2001

I, Albert Hofer, request that Transfer No. 4552 be rescinded by the Department of Water Resources. The change in the point of diversion described by the transfer is cost prohibitive and we will not be able to accomplish this transfer. I request that the water right be modified back to the original point(s) of diversion.

Dated this 25 day of April, 2001.

Albert Hofer

SEE ATTACHMENT "A" ON WELL DRILLING PERMIT

No. 768684 Tag No. D18239

MICROFILMED
NOV 18 2002

MICROFILMED
APR 26 2001

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-10197

NAME AND ADDRESS: VICTORIA MOFER
710 S 10TH E
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 3.05 CFS
256.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-10196 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.05 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 256 AF.

PRIORITY DATE: 04/01/1966

POINT OF DIVERSION: T04S R06E S12 SWNE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.02 CFS 254.60 AFY
	Stockwater	01-01 TO 12-31	0.03 CFS 1.40 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T04S R06E S12	NENE 40.0	NWNE 40.0
		SWNE 38.0	SENE 37.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	315.0 Acres Total		

Stockwater		Within Elmore County
T04S R06E S12	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW

USE OF THIS RIGHT WITH RIGHT NO. 61-10196 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 306.7 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 61-10196 & 61-10198 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A
SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 155.8 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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).

RULE 54(b) CERTIFICATE

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


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

APR 26 2001

MEMORANDUM

TO: FILE 61-10197

FROM: VAULT

RE: TRANSFER # 70341

DATE: 10.16.03

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 61-10196

MICROFILMED
OCT 29 2003



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 23, 2002

VICTOR HOFER
ALBERT HOFER JR
590 SAMARRA DR
MOUNTAIN HOME ID 83647

RE: Change of Ownership for Water Rights 61-10195, 61-10196, 61-10197, 61-10198

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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 this office if you have any questions regarding this matter.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
NOV 18 2002



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

April 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Re Transfer No. 4552 and Drilling Permit No 768684

Dear Interested Party

Enclosed is a copy of a drilling permit approved yesterday in the name of Albert and Victor Hofer. The drilling permit authorizes the construction of a new well in the NENE of Section 12, T4S, R6E. The purpose of this letter is to inform you of changes regarding the transfer of water rights for the transfer number referenced above.

In 1996, a transfer of water rights (Snake River Basin Adjudication Claims 61-10196 and 61-10197) was approved to change the point of diversion to a new well in the SWNE, S12, T4S, R6E. The transfer approval included conditions to protect other water rights from injury and to ensure that enlargement of the original rights would not occur.

The changes authorized under the transfer were not completed and the approval has been rescinded by the department. The water rights have reverted back to the original descriptions of points of diversion in the SWNE and NENE of Section 12. The well to be drilled under Drilling Permit 768684 will be a replacement well located within the NENE. All of the conditions which had been placed on the water rights via the transfer approval were incorporated into the drilling permit, including the condition prohibiting use of the two original trench wells once the deeper well is drilled.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Jeff Pepperjack, Manager
Water Right Permits Section

Enclosure

Cc Splendid Acres Water & Sewer
205½ Sunrise Dr.
Mtn Home, ID 83647

Charles Olsen
Rt. 1, Box 777E
Mtn Home, ID 83647

Ron Leydet
PO Box 521
Mtn Home, ID 83647

Phillip Miller Esq.
Thompson Ashcroft Burnham
PO Box 506
Mtn Home, ID 83647

RECEIVED

2001

MICROFILMED

NOV 18 2002

Printed 04/25/2001
Ident No. 768684
Well Tag No. D0018239
Well ID # 340677
Receipt # W027486
Approved Date 04/25/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT

Relationship: Applicant
Name: ALBERT HOFER
Address: 1155 S 5TH WEST
MOUNTAIN HOME ID 83647

Phone

Relationship: Owner/Operator
Name: VICTOR HOFFER
Address: 590 SAMARRA DRIVE
MOUNTAIN HOME ID 83647

Phone. (208) 587-8071

Proposed Well Location: Township 04S, Range 06E, Section 12, SW, NE
COUNTY ELMORE

Street Address of Well Site: AQUIRRE ROAD
MOUNTAIN HOME ID

Proposed Use of Well. Irrigation

Well Construction Information

- A. New Well
- B. Proposed Surface Diameter 12 Inches. Proposed Maximum Depth 650 Feet
- C. Anticipated Bottom Hole Temperature 85F and less

Construction Start Date Apr 25 2001

Anticipated Well Drilling Company. HIDDLESTON & SON INC (No. 35)

Applicant's Signature

Albert Hofer

Date 4-25-01

Title:

OWNER

MICROFILMED
APR 26 2001

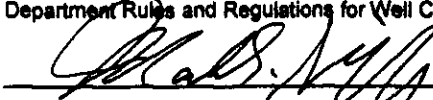
MICROFILMED
NOV 18 2002

Well Tag No. D0018239

ACTION OF THE DEPARTMENT OF WATER RESOURCES

If approved, this permit authorizes the construction or modifications of a well subject to the following conditions
READ CAREFULLY!

- 1 This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100 ft. from any drainfield and 50 ft. from any septic tank. Public Water Supply wells must not be drilled closer than 100 ft. from any drainfield or septic tank.
- 3 The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site
- 4 Approval of this drilling permit does not authorize trespass on the land of another party
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well
- 6 This drilling permit does not represent a right to divert and use the water of the State of Idaho
- 7 If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is &DIG-LINE-NUMBER
- 9 Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 67-5243, Idaho Code.
10. See attachment A for additional conditions of this drilling permit.
11. Pursuant to Section 42-238(4), Idaho Code. All repairs and/or abandonments must meet the requirements of the Department Rules and Regulations for Well Construction Standards.


Signature of Authorized Dept Representative


Title

MICROFILMED
NOV 18 2002
MICROFILMED
APR 26 2001

ATTACHMENT A

Snake River Basin Adjudication Claim Nos 61-10196 and 61-10197 can be used subject to the following conditions and limitations; unless the Snake River Basin Adjudication court determines that the claimant has not established a right, or has established a right different than herein described.

- 1 For land in the NE¼, Section 12, the following shall apply:
 - a) The priority of use shall not be earlier than April 1, 1940.
 - b) The amount of irrigated land shall not exceed 150.9 acres
 - c) The maximum rate of diversion for irrigation purposes when combined with all other water rights for irrigation of the same land shall not exceed a total of 150.9 acres at 0.02 cfs/acre = 3.02 cfs. The maximum authorized rate of diversion for stockwater shall not exceed 0.03 cfs, for a combined irrigation and stockwater rate of 3.05 cfs.
 - d) The maximum annual volume of water which may be diverted for irrigation and stockwater purposes shall not exceed 256 AF. Of this volume, 1.4 AF is for stockwater.
 - e) The authorized season of use for irrigation is April 1 to October 31 each year and for stockwater is year-round
- 2 For land in the NW¼, Section 12, the following shall apply unless the Snake River Basin Adjudication court determines that the claimant has not established a right, or has established a right different than herein described, to use water pursuant to Section 42-1426, Idaho Code.
 - a) The priority of use shall not be earlier than April 1, 1966.
 - b) The amount of irrigated acreage in the NW¼, Section 12 shall not exceed 155.8 acres.
 - c) The rate of diversion when combined with the rate of diversion to the NE¼, Section 12 shall not exceed 3.05 cfs
 - d) The maximum annual volume of water which may be diverted when combined with the volume authorized for diversion to the NE¼, Section 12 shall not exceed a total of 256 AF.
 - e) The season of use for irrigation purposes is April 1 to October 31 each year.
 - f) The NW¼, Section 12, is an authorized place of use for stockwater, however, a rate and volume for stockwater in excess of that described in Condition of Approval No. 1 above is not authorized.
- 3 Upon completion of the drilling of the newly proposed well, the right holder is no longer authorized to divert water from the two (2) original trench wells.
- 4 The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
5. Prior to the diversion and use of water from the newly constructed well, the right holder shall install and maintain a measuring device on the well to measure both the instantaneous rate of diversion and total annual volume of water diverted from the

MICROFILMED MICROFILMED

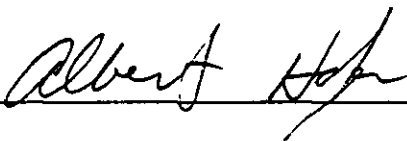
MAY 18 2002 - b 2001

well The right holder shall obtain prior approval from the department relative to the type of device and shall annually report to the department the maximum rate of diversion, the depth to water prior to commencement of pumping each season, the depth to water during the pumping period and the annual volume diverted.

- 6 These rights authorizes stockwater for a total of 100 range cattle.
- 7 The right holder and any successor-in-interest shall maintain ownership and control of all shares of water provided by the Mountain Home Irrigation District for irrigation of the NE¼, Section 12, T4S, R6E, B.M.
- 8 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under these rights and shall only divert groundwater under these rights when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 9 The rate of diversion of water for irrigation under these rights and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land nor more than 4.0 AF per acre per year.
10. Failure of the permit holder of any successor-in-interest to comply with any condition of approval of this permit is cause for the Director to rescind approval of the permit.
11. The drilling permit holder, Albert Hofer, agrees that Transfer No. 4552 is RESCINDED by the Department based upon his request.
12. The drilling permit holder agrees to comply with and be bound by the foregoing conditions for issuance of this Drilling Permit regardless of whether the conditions are incorporated into the decree of Claim Nos. 61-10196 and 61-10197 by the Snake River Basin Adjudication district court.

By signing below, the drilling permit holder agrees to the above stated conditions.

Dated this 25th day of April, 2001



MICROFILMED

NOV 1982/02001

RECEIVED

JAN - 2 2002

WMP2 12/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER MEASUREMENT ANNUAL REPORT

Department of Water Resources

REPORTING YEAR 2001

MEASURING DEVICE METHOD FOR TOTALIZING FLOW METERS

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources, 1301 N. Orchard St. Boise ID 83706, on or before **January 15** of the ensuing year.

A separate reporting form must be submitted for each diversion.

Name:	<u>Albert Hotel / Victor Hotel</u>
Water Source:	<u>Well</u>
Water Right No:	<u>61-10197</u>
Legal Description:	<u>T 04S 06E Sec. 12 SW 3 NE 3 3</u>
Site Tag No:	<u>00018239</u>
Diversion Name:	

SECTION I Water Right Holder/Operator Information

(If there are multiple water right holders on a common ditch or conveyance system, please designate the contact person below)

Current Water Right Owner

Please check for address correction ☐

Name Hefer Albert J
Last, First, MI
Address 1155 South 5th West
City MTN Home ID
State & Zip 83647

Phone 208-587-4520
Fax 587-4520
Mobile 599-1620
e-mail

Operator or Contact Person (if different from owner)

Name Corder Tim
Last, First, MI
Address 5325 South E.
City MTN Home
State & Zip Id. 83647

Phone 208-594-0427
Fax 587-5871
Mobile
e-mail tcorder@velocity.net

Original Owner (if sold within last year)

Name
Last, First, MI
Address
City

Phone
Fax
State & Zip

RECORDED

JAN 9 2002

1/17/02 Copy to
Gary Erickman @
Western IDWR to
Review.

SECTION II Water Level Information

Depth to water. Record the date, if the pump was on or off, or if other nearby pumps were on.

Static Water Level (pump off, water level stable): _____ ft Date _____

Dynamic Water Level (pump on): _____ ft Date _____

SECTION III Rate of flow and volume diverted

Meter information:

Make Sea Metrics Model No. TX101 FT415 Serial No. _____Does the meter totalizer measure in acre-feet or gallons?
(circle one)What is the multiplier? directDoes the meter rate of flow indicator show gpm or cfs?
(circle one)What is the multiplier? directFor meters without rate of flow indicators, check here ☐ and see page 4 for meter information and rate measurement methods.Reading of the meter totalizer, flow rate and discharge pressure should be taken and recorded once each month on or near the same date. Please provide the *actual totalizer reading* and not the total volume since last reading.

Date (date of reading)	Totalizer Reading	Flow Rate circle: cfs or gpm	Discharge Pressure
January ()	-0-		
February ()			
March ()			
April ()			
May ()			
June ()	-0-		
July ()	-0-		
August ()	6265457	1100 gpm	65-70
September ()	6627868	1100 gpm	65-70
October ()			
November ()			
December ()			

Does totalizer and flow readings above include meter multipliers? Yes _____ No _____

Total Acre-feet _____ OR Total Gallons 50,578,268
36,627,868
(there are 325,850 gallons per acre feet)

Calculations or Comments: (If a flowmeter was installed, calibrated, or replaced during this reporting year, please note the date.)

totalizer
 Aug 8 6265457
 15 3240657
 21 306901
 30 2015126

started July 17
 July 17 - Aug 3 used 13,950,400 gal.

Sept 9 3031249
 22 9285716
 28 6627868

MICROFILMED
 JAN 09 2002

SECTION IV Crop information and method of irrigation for land being served by this pump. List each type of crop, the number of acres grown, and the number of acres irrigated under each type of irrigation system.

Crop	Acres	Method of irrigation	
		Sprinkler (pressure)	Surface (gravity)
Beets	71	71	
Hay	160	160	
Total acres			

Number of acres irrigated cropland NOT irrigated this year: N/A

Reason for idled acres _____

SECTION V Modifications made

Describe in the space below any major modifications made to the diversion works or piping system which would affect system capacity or accuracy of the flow measurements during this reporting year. Attach drawings, sketches, photographs, notes or design information if needed.

N/A

SECTION VI Certification

I hereby certify that the above reported information is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Frank Carden

Signature

Title

11-19-01

Date

Each reporting form shall be accompanied by a report processing fee in the amount of **twenty-five dollars (\$25) per diversion** made payable to the Idaho Department of Water Resources (Section 42-701(6), Idaho Code). Report fee is not required if no water was diverted during reporting year.

For Department Use Only

Received by _____	Date _____	Time _____
Fee amount submitted _____	Correct? yes _____ no _____	
Receipted by _____	Receipt No. _____	
Revised by _____	Date _____	
Data entry by _____	Date _____	

MICROFILMED

JAN 09 2002

MEMORANDUM

TO: FILE 61-10197

FROM: VAULT

RE: TRANSFER # 4552

DATE: 4-27-01

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 61-10196

MICROFILMED
APR 26 2001